



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 16 APRIL, 2014
COMMENCING AT 8.07am
IN THE LESSER HALL, YORK**

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON WEDNESDAY, 16 APRIL 2014, COMMENCING AT
8.07AM IN THE LESSER HALL, YORK

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

1.1 Declaration of Opening

Cr Matthew Reid, Shire President, declared the meeting open at 8.07am.

The Shire President announced that Mr Ray Hooper had tendered his resignation and is not required to serve out his notice. Mr Hooper is no longer in the employ of the Shire.

I would like to acknowledge the Balladong People, the Traditional Owners of the land on which we are gathered and pay my respects to their Elders both past and present.

1.2 Disclaimer

The Shire President advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

1.3 Announcement of Visitors

Mr Gordon Marwick – Freeman of York

1.4 Declarations of Interest that Might Cause a Conflict

Financial Interest

Nil

Disclosure of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

- 2.1 Members
*Cr Matthew Reid, Shire President; Cr Denese Smythe, Cr David Wallace
Cr Pat Hooper, Cr Tony Boyle*
- 2.2 Staff
*Tyhscha Cochrane, Deputy Chief Executive Officer; Graham Lantzke, Manager
Works & Projects; Helen D'Arcy-Walker, Executive Support Officer*
- 2.3 Apologies
Cr Mark Duperouzel – currently on leave
- 2.4 Leave of Absence Previously Approved
Nil
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 43 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Previous Public Questions Taken on Notice
Nil

4. PUBLIC QUESTION TIME

Cr Reid read the following statement at the commencement of Public Question Time:

Statement by the Presiding Member at the Opening of Public Question Time at Ordinary and Special Council Meetings

“Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied. If there is time available in Public Question Time people may be given the opportunity to ask a further two (2) questions at a time.

Procedures

- Questions submitted in writing prior to the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements, opinions and attachments will not be recorded in the minutes.
- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- Questions may be deemed inappropriate because they contain defamatory remarks or offensive language, they question the competency of elected members or staff, they relate to the personal affairs of elected members or staff, they relate to legal processes and confidential matters or they have been responded to previously and these will not be accepted or recorded in the Minutes.
- The minutes may only record a summary of the question asked and the response given.

- Where possible questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.
- Shire of York guidelines for Public Question Time are included on the meeting agenda.”

PRESIDING OFFICER

21 October 2013

4.1 Public Question Time

Public Question Time commenced at 8.11am

The Shire President stated that the Special Council Meeting was for the purpose to authorise the Shire President to advertise and appoint an Acting Chief Executive Officer.

Mrs Tanya Richardson

Question was not relevant to the meeting and was not allowed.

Mr Kim Hack

Question:

Is the final choice of an interim CEO for the York Shire to be made by the Shire President or the Council as a whole?

Response:

The Shire President stated that the appointment would be made by the Shire President with the support of Council. He is seeking Council to allow him to act and empower.

Mr Gordon Marwick

Question:

Now that the York Shire Council have agreed to advertise for a replacement CEO to act in a temporary position, ‘will the Council selection panel require that person to have a strong financial background and a good understanding of Local Government as part of the requirements to fill this position?’

Response:

The Shire President stated that he was keen to employ a qualified accountant with Local Government experience. It would be a temporary appointment while the Council advertised widely to fill the position.

Mr Anthony Robinson

Question:

I endorse Mr Marwick's request for a Shire Clerk to have strong financial credentials but also to have a very strong understanding of running and maintaining the Shire's infrastructure being Shire roads, bridges, pavements, streets and buildings. Would you please ensure that this would be the case?

Response:

To be left in the Shire Presidents hands.

Public Question Time was declared closed by the Shire President at 8.18am

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Council have been through a challenging process in the last few days and months. I have also had discussions with the Minister and Jenni Law from the Department of Local Government. I would like to see York develop strong policies, a strong governance with wide community consultation and a prospering community. Staff are very capable and are concerned regarding future direction, we require to promptly find a CEO with a strong and steady hand.

**RESOLUTION
270414**

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

Hereby endorses and approves the President’s actions in standing down the Chief Executive Officer from duties for the balance of his three months notice period and further, Council authorises the Shire Payroll Officer to forthwith pay the Chief Executive Officer out for his unused leave entitlements and for three months in lieu of notice at the full remuneration package rate.”

CARRIED: 5/0

**RESOLUTION
280414**

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council”

Hereby authorises the President to forthwith place an advertisement on the Shire Notice Board calling for applications from suitably qualified persons for the position of Acting Chief Executive Officer.”

CARRIED: 5/0

**RESOLUTION
290414**

Moved: Cr Smythe

Seconded: Cr Boyle

“That this Special Meeting of Council be adjourned for 10 minutes to allow the President to check whether there are any applications from suitable qualified persons for the position of Acting Chief Executive Officer.”

CARRIED: 5/0

Meeting adjourned at 8.25am

**RESOLUTION
300414**

Moved: Cr Boyle

Seconded: Cr Smythe

“That Council:

Reconvene the Special Council Meeting at 8.48am.

CARRIED: 5/0

**RESOLUTION
310414**

Moved: Cr Reid

Seconded: Cr Boyle

“That Council:

Appoints Mr Michael Keeble to the position of Acting CEO and further, Council authorises the President and Mike Fitz Gerald of Fitz Gerald Strategies to negotiate a remuneration package with Mr Keeble within the scope of Band 3 of the Salaries and Allowances Tribunal scale of remuneration for Local Government Chief Executive Officers, being \$154,045 - \$245,550 per annum.”

CARRIED: 5/0

9. CLOSURE

Cr Reid thanked everyone for their attendance and declared the meeting closed at 8.54am