

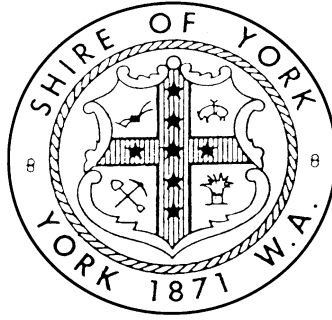
# SHIRE OF YORK

**MINUTES OF THE SPECIAL  
MEETING OF THE COUNCIL  
HELD ON 18 NOVEMBER, 2014  
COMMENCING AT 4.12pm  
IN COUNCIL CHAMBERS,  
YORK TOWN HALL, YORK**



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## SHIRE OF YORK

THE SPECIAL MEETING OF COUNCIL  
HELD ON TUESDAY, 18 NOVEMBER 2014, COMMENCING AT  
4.12PM IN COUNCIL CHAMBERS, YORK TOWN 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 4.12pm.*

#### 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 Suspension of Standing Orders – Clause 3.2 – Order of Business

Not Put

#### 1.4 Announcement of Visitors

*Mr David Morris – Department of Local Government*

#### 1.5 Declarations of Interest that Might Cause a Conflict

##### **Financial Interests**

*Nil*

##### **Disclosure of Interest that May Affect Impartiality**

*Cr Matthew Reid – Item 9.6.2 – Impartial – Mr Graeme Simpson is known to me and is related by marriage.*

## 2. ATTENDANCE

### 2.1 Members

*Cr Matthew Reid, Shire President; Cr Denese Smythe, Deputy Shire President  
Cr Tony Boyle; Cr Pat Hooper, Cr David Wallace*

### 2.2 Staff

*Michael Keeble, Chief Executive Officer; Tyhscha Cochrane, Deputy Chief Executive  
Helen D'Arcy-Walker, Executive Support Officer*

### 2.3 Apologies

*Nil*

### 2.4 Leave of Absence Previously Approved

*Nil*

### 2.5 Number of People in Gallery at Commencement of Meeting

*There were no people in the Gallery at the commencement of the meeting.*

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

*Nil*

## 4. PUBLIC QUESTION TIME

*Cr Reid provided 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

*Public Question Time commenced at 4.14pm*

**4.1 Public Question Time – Written Questions – Current Agenda**

*Nil*

**4.2 Public Question Time – Current Agenda**

*Nil*

*As there was no-one in the Gallery Public Question Time was Closed at 4.14pm*

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil*

**6. PETITIONS / PRESENTATION / DEPUTATIONS**

*Michael Keeble, CEO thanked all Councillors for giving the opportunity for working with you. I will remember the good memories and thank everyone for their kindness and support while being in York.*

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

*Nil*

**8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

*Nil*

**REPORTS**

**9. MATTERS FOR RESOLUTION**

**10. CLOSURE**

9. MATTERS FOR RESOLUTION  
9.6 CONFIDENTIAL REPORTS  
9.6.1 Close the Meeting

FILE NO:  
COUNCIL DATE: 18 November 2014  
REPORT DATE: 18 November 2014  
SENIOR OFFICER: Michael Keeble, CEO  
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION**  
**521114**

Moved: Cr Hooper

Seconded: Cr Smythe

*"That Council:*

*Close the meeting to members of the public and the press to deal with:*

*Matters relating to an employee."*

*The Shire President declared that the Motion was CARRIED: 5/0*

**Voting Requirements:**  
**Simple Majority Required: Yes**

**Statutory Environment:**  
Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees; and*
  - (b) *the personal affairs of any person; and*

Note to this Item:

The doors were Closed at: 4.16pm

## **RESOLUTION**

**531114**

Moved: Cr Smythe

Seconded: Cr Wallace

*“The Council:*

*Request that Standing Orders to be set aside –*

*Rules of Debate –Standing Orders 9.1 to 9.9*

### **Part 9 - Conduct of Members During Debate**

#### **9.1 Members to Rise**

*Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council. When invited by the person presiding to speak, members are to rise and address the Council through the person presiding, provided that where any member of the Council is unable to stand by reason of sickness or disability he or she may sit while speaking.*

#### **9.2 Priority**

*In the event of two or more members of the Council wishing to speak at the same time, the person presiding is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.*

#### **9.3 The Person Presiding to Take Part in Debates**

*Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the person presiding may take part in a discussion of any matter before the Council.*

#### **9.4 Relevance**

*Every member of the Council is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.*

#### **9.5 Limitation of Number of Speeches**

*No member of the Council is to address the Council more than once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a point of order, or in explanation, or to seek specific information or clarification.*

#### **9.6 Limitation of Duration of Speeches**

*All addresses are to be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of a simple majority of members present.*

#### **9.7 Members Not to Speak After Conclusion of Debate**

*No member of the Council is to speak to any question after it has been put by the person presiding.*

#### **9.8 Members Not to Interrupt**

*No member of the Council is to interrupt another member of the Council or committee whilst speaking unless:*

- (a) to raise a point of order;*
- (b) to call attention to the absence of a quorum;*
- (c) to make a personal explanation under clause 10.16; or*
- (d) to move a motion under clause 11(1)(e).*



**9.9 Re-Opening Discussion on Decisions**

*No member of the Council is to re-open discussion on any decision of the Council or committee, except for the purpose of moving that the decision be revoked or changed.*

*CARRIED: 5/0*

9. MATTERS FOR RESOLUTION  
9.6 CONFIDENTIAL REPORTS  
9.6.2 Appointment of an Acting Chief Executive Officer

FILE NO:  
COUNCIL DATE: 18 November 2014  
REPORT DATE: 18 November 2014  
LOCATION/ADDRESS: Shire of York, 1 Joaquina St, York WA  
APPLICANT: Shire President (Matthew Reid)  
AUTHOR: Michael Keeble, CEO  
DISCLOSURE OF INTEREST: Cr Reid – Impartial – Mr G Simpson is known to me and is related by marriage  
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION  
541114**

Moved: Cr Hooper

Seconded: Cr Boyle

*“That Council:*

*Select either:*

*Graeme Simpson*

*Or*

*Peter Bradbrook*

*as Acting Chief Executive Officer for the Shire from Monday 24<sup>th</sup> November 2014 at 9.00am on contractual terms and conditions in accordance with the attached “Acceptance of Placement and Duty of Care” document.*

*The Shire President declared that the Motion was CARRIED: 5/0*

**RESOLUTION  
551114**

Moved: Cr Hooper

Seconded: Cr Boyle

*“That Council:*

*Select Graeme Simpson as the Acting Chief Executive Officer.”*

*The Shire President declared that the Motion was CARRIED: 5/0*

## OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Smythe

*"That Council:*

- 1. Appoint Graeme Simpson as Acting Chief Executive Officer for the Shire from Monday 24<sup>th</sup> November 2014 at 9.00am on contractual terms and conditions in accordance with the attached "Acceptance of Placement and Duty of Care" document.*
- 2. Authorise the Shire President to execute the "Acceptance of Placement and Duty of Care" document between The Shire of York, LoGo Appointments and applicant.*
- 3. Instruct the Deputy Chief Executive Officer, Tyhscha Cochrane, to provide an order for this placement.*

## AMENDMENT

Moved: Cr Hooper

Seconded: Cr Boyle

*"That Council Amend the Officer Recommendation to read:*

- 1. Appoint Graeme Simpson as Acting Chief Executive Officer for the Shire from Monday 24<sup>th</sup> November 2014 at 9.00am on contractual terms and conditions in accordance with the attached "Acceptance of Placement and Duty of Care" document.*
- 2. Authorise the Shire President to execute the "Acceptance of Placement and Duty of Care" document between The Shire of York, LoGo Appointments and applicant.*
- 3. Instruct the Deputy Chief Executive Officer, Tyhscha Cochrane, to provide an order for this placement.*
- 4. Full Council to meet with the Acting Chief Executive Officer within the first two (2) weeks of commencement to agree on KPI's and Statement of Duties.*
- 5. This position will continue until a new permanent Chief Executive Officer commences their duties and will not exceed 12 months."*

*CARRIED: 5/0*

## RESOLUTION

**561114**

Moved: Cr Hooper

Seconded: Cr Boyle

The following is to be the Resolution

*"That Council:*

- 1. Appoint Graeme Simpson as Acting Chief Executive Officer for the Shire from Monday 24<sup>th</sup> November 2014 at 9.00am on contractual terms and conditions in accordance with the attached "Acceptance of Placement and Duty of Care" document.*
- 2. Authorise the Shire President to execute the "Acceptance of Placement and Duty of Care" document between The Shire of York, LoGo Appointments and applicant.*
- 3. Instruct the Deputy Chief Executive Officer, Tyhscha Cochrane, to provide an order for this placement.*
- 4. Full Council to meet with the Acting Chief Executive Officer within the first two (2) weeks of commencement to agree on KPI's and Statement of Duties.*
- 5. This position will continue until a new permanent Chief Executive Officer commences their duties and will not exceed 12 months."*

*The Shire President declared that the Motion was CARRIED: 5/0*

9. MATTERS FOR RESOLUTION  
9.6 CONFIDENTIAL REPORTS  
9.6.3 Open the Meeting

FILE NO:  
COUNCIL DATE: 18 November 2014  
REPORT DATE: 18 November 2014  
SENIOR OFFICER: Michael Keeble, CEO  
REPORT APPROVED BY THE CEO: Michael Keeble

**OFFICER RECOMMENDATION**  
571114

Moved: Cr Hooper

Seconded: Cr Smythe

*"That Council:*

*Open the meeting to members of the public and the press."*

*The Shire President declared that the Motion was CARRIED: 5/0*

**Voting Requirements:**  
**Simple Majority Required: Yes**

**Statutory Environment:**  
Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees; and*
  - (b) *the personal affairs of any person;*

Note to this Item:

The doors were Opened at: 4.45pm

**10. CLOSURE**

*Cr Reid thanked everyone for their attendance and declared the meeting closed at 4.46pm*