



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 22 APRIL 2016
COMMENCING AT 5.40PM
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL HELD ON FRIDAY, 22 APRIL, 2016, COMMENCING AT 5.40PM 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 David Wallace, Shire President, declared the meeting open at 5.40pm.

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 Standing Orders

Clause 9.5 – Limitation of Number of Speeches

Clause 9.6 – Limitation of Duration of Speeches

Clause 9.7 – Members Not to Speak After Conclusion of Debate

RESOLUTION

120416

Moved: Cr Ferro

Seconded: Cr Heaton

"That Council:

Suspend Standing Orders Clause 9.5 - Limitation of Number of Speeches, Clause 9.6 - Limitation of Duration of Speeches and Clause 9.7 - Members Not to Speak After Conclusion of Debate."

CARRIED: 5/0

- 1.4 Announcement of Visitors
Nil

- 1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests
Nil

Disclosure of Interest that May Affect Impartiality
Nil

2. ATTENDANCE

- 2.1 Members
Cr David Wallace, Shire President;
Cr Pam Heaton; Cr Jane Ferro; Cr Trevor Randell; Cr Tricia Walters

- 2.2 Staff
Mark Dacombe, Acting Chief Executive Officer

- 2.3 Apologies
Cr Denese Smythe, Deputy Shire President; Cr Heather Saint

- 2.4 Leave of Absence Previously Approved
Nil

- 2.5 Number of People in Gallery at Commencement of Meeting
There were nil people in the Gallery at the commencement of the meeting

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

G 2.6 – Public Question Time - Policy Statement

- 1.0 “Public Question Time” will be limited to 15 minutes*. The Council may exercise a discretion to extend the time by resolution if required. If there are questions remaining unasked at the expiration of the time allotted members of the public will be asked to submit their questions in writing to the Chief Executive Officer who will provide a written reply with the response placed in the Agenda of the next Ordinary Meeting of the Council.

** A minimum of 15 minutes is provided by Regulation 6(1) of the Local Government (Administration) Regulations 1996 (S.5.24 of the Local Government Act 1995)*

- 2.0 Questions may be asked at the Ordinary Council Meeting and any Committee meeting on any matter affecting the Council and the Shire’s operations. Questions submitted to Special Meetings of the Council will be restricted to the subject matter of the meeting.

- 3.0 Each questioner will be limited to two (2) questions. Statements or long preamble are not permitted.

- 4.0 People wishing to ask questions will be encouraged to put their questions in writing or in a prescribed form and submit them to the Chief Executive Officer prior to 10 am on the day of the meeting. This allows for an informed response to be given at the meeting. Oral questions are permitted.
- 5.0 Priority will be given to questions about matters on the agenda for the meeting and which are submitted in accordance with 4.0 above.
- 6.0 Every person who wishes to ask a question must identify themselves and register with a Council Officer immediately prior to the meeting. Subject to 5.0 above questions will be taken in the order in which people register.
- 7.0 Questions containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.
- 8.0 On receipt of a question the Presiding Member may answer the question or direct it to the Chief Executive Officer to answer. If the question is of a technical nature the Chief Executive Officer may direct the question to a senior technical officer present. If the question requires research it will be taken on notice.
- 9.0 There will be no debate on the answers to questions.
- 10.0 A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.
- 11.0 Public Question Time guidelines incorporating this policy are being prepared and will include information on the other methods of enquiry that are available to members of the public to obtain information from the Shire.

Adopted 21 October 2013
Amended 17 September 2015
Amended 23 November 2015

- 4.1 Written Questions – Current Agenda
Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE
Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS
Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS
Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
Nil

9. OFFICERS' REPORTS

SY041-04/16 - Closing the Meeting to the Public & Press

FILE REFERENCE:

APPLICANT OR PROPOENT(S): Mark Dacombe, A/CEO
AUTHORS NAME & POSITION: Mark Dacombe, A/CEO
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil

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 —*
- (b) the personal affairs of any person; and*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) a matter that if disclosed, would reveal —*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*

Voting Requirements:

Absolute Majority Required: No

RESOLUTION 130416

Moved: Cr Ferro

Seconded: Cr Heaton

“That Council:

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

- the personal affairs of any person; and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person.”***

CARRIED: 5/0

Note to this Item:

The doors were Closed at 5.44pm

SY042-04/16 – Confidential Item – Legacy Issues

RESOLUTION 140416

Moved: Cr Randell

Seconded: Cr Heaton

“That Council:

Receive the report.”

CARRIED: 5/0

RESOLUTION 150416

Moved: Cr Ferro

Seconded: Cr Heaton

That Council:

Authorise the Acting Chief Executive Officer to write to Mr Simon Saint in accordance with the amended draft letter.”

CARRIED: 5/0

SY043-04/16 - Open the Meeting to the Public & Press

FILE REFERENCE:

APPLICANT OR PROPOENT(S): Mark Dacombe, A/CEO
AUTHORS NAME & POSITION: Mark Dacombe, A/CEO
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil

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 —*
- (b) the personal affairs of any person; and*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) a matter that if disclosed, would reveal —*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

160416

Moved: Cr Randell

Seconded: Cr Walters

“That Council:

Open the meeting to members of the public and the press.”

CARRIED: 5/0

Note to this Item:

The doors were Opened at 6.36pm

10.CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 6.36pm.