



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 17 AUGUST 2015
COMMENCING AT 6.32pm
IN THE LESSER HALL,
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON MONDAY, 17TH AUGUST, 2015, COMMENCING
AT 6.32PM IN THE LESSER HALL, 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 6.32pm.

I would like to acknowledge the Ballardong 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 Standing Orders

Clause 3.2 – Order of Business

Motion not put

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 Matthew Reid, Shire President; Cr Denese Smythe, Deputy Shire President;
Cr David Wallace*

2.2 Mentoring/Monitoring Panel

*Andrew Borrett, Department of Local Government & Communities;
Cr Karen Chappel, Shire President – Morawa*

2.3 Staff

Graeme Simpson, Acting Chief Executive Officer; Gail Maziuk, Compliance/Human Resources; Tabitha Bateman, Financial Controller; Helen D'Arcy-Walker, Executive Support Officer

2.4 Apologies

Daniel Simms, CEO City of Wanneroo

2.5 Leave of Absence Previously Approved

Cr Pat Hooper

2.6 Number of People in Gallery at Commencement of Meeting

There were 28 people in the Gallery at the commencement of the meeting

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

The Presiding Member to read the following statement in full 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 Written Questions – Current Agenda

Public Question Time Commenced at 6.34pm

Dr James Plumridge

The Shire President stated he could not accept Dr Plumridges written questions as only questions relating to the topics on the Agenda at a Special Council meeting can be discussed.

Dr Plumridge stated he would defer his questions until the next Ordinary Council Meeting.

Ms Jane Ferro

Question 1:

At the 23 March, 2015 Ordinary Council Meeting, I asked James Best whether he was a consultant, or was he the interim Council for York. James Best advised he has been appointed as a Commissioner with the added skills of a Consultant that could help York move forward. Was James Best in fact being paid as a consultant, either directly or indirectly through Hames Sharley, at the same time he was being paid as Commissioner in York?

Response:

Taken on Notice

Question 2:

At the 22nd June, 2015 Ordinary Council Meeting, I asked James Best what he had been paid for his 6 months acting as York’s Commissioner. My question was taken on notice. The reply sent to me on 23 July, 2015 was \$63,933.72. Is there a consultancy payment or other amount included to arrive at this total? If so, what is the amount?

Response:

Taken on Notice

Ms Darlene Barratt

Question:

As there is no set Agenda can Public Question Time be held after the meeting?

Response:

The Shire President stated he would put the suggestion to Council at the appropriate time.

Mr Bill Cebula

Question:

If the answer is yes, he was employed as a consultant, who certified that he was a consultant when he was a Commissioner.

The Shire President stated for clarity the Acting CEO has requested the question be emailed to the Administration. (This has not been received)

Response:

Taken on Notice

Ms Sandra Paskett

Question:

During a visioning session James Best was asked if he was a Commissioner or Consultant and the answer was not clear?

Ms Paskett asked that we not restrict our consideration just to James Sharley but to include other related parties.

If he was acting in two separate roles, Commissioner and Consultant, was the Acting CEO aware that he was fulfilling both roles?

Response:

The Shire President stated that this will be included in the report prepared by the Acting CEO.

Ms Jane Ferro (Questions read by Shire President)

Question 3:

By virtue of what legislative authority or resolution of Council was James Best employed as a consultant, his obvious role in running the visioning forums?

Response:

Taken on Notice

Question 4:

If James Best was employed as a consultant, what authority did he have to hire PPR, at a cost of over \$30,000 to ratepayers, when he himself should have possessed the skills to facilitate workshops and to write media releases, including the 'Voice of York', articles in the Avon Gazette and other publications?

Response:

Taken on Notice

Public Question Time concluded at 6.46pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS & NOTES OF THE AGENDA SETTLEMENT BRIEFING

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9. PURPOSE OF THE MEETING

- 9.1 Matters relating to the contracting of James Best, BBC Consulting and all related parties to the Shire of York.
- 9.2 By matter of resolution direct the Acting CEO to fulfil all outstanding Council and Mentoring Panel Requests.

MOTION 9.1**RESOLUTION
030815****Moved: Cr Smythe****Seconded: Cr Wallace**

That the CEO provides Council with details related to the Shire's terms of appointment of Mr James Best, BBC Consulting and related parties, related to community engagement, visioning and community strategic planning, including details of any payments made by Council to Mr Best, BBC Consulting and related parties in relation to community engagement.

CARRIED: 3/0**MOTION 9.2****RESOLUTION
040815****Moved: Cr Smythe****Seconded: Cr Wallace**

That Council directs the CEO to complete the following matters related to implementation of Council decisions or provision of information, previously raised by Council as priorities, by 21st August 2015; to include confidential matters listed at the handover meeting held with Council on 6th July 2015. A timeframe to be provided by the CEO, to Council for completion of any of those matters that cannot reasonably be completed by the above date.

These matters are to include:

- Provision of current Acting CEO's contract to Shire President with KPI's
- Copy of draft information leaflets from PPR
- Copy of draft Community Strategic Plan
- Copy of terms of reference for Commissioners Visioning Groups
- Formation of Shire of York Audit Committee
- Provision of Policy Workshops timeframe
- Report to Council outlining what has been achieved in the Community Strategic Planning process, in particular what outcomes have been completed by Hames Sharley as per the letter of engagement from November/December 2014.

CARRIED: 3/0

PUBLIC QUESTION TIME

The Shire President stated that he had a request to re-open Public Question Time.

Moved: Cr Wallace That Public Question Time be Re-Opened

Seconded: Cr Smythe

CARRIED: 3/0

Public Question Time was re-opened at 6.50pm.

Mrs Heather Saint

Question:

Who appointed Castledine and PPR.

Response:

Question was deemed to be outside the scope of the meeting by the Shire President. Question to be deferred until the next Ordinary Council Meeting.

Ms Felicity Ranger

Question 1:

Has Mr Best completed and summarised his community visioning projects – the outcomes and achievements?

Response:

The Shire President stated that he was not in receipt of the information. This information has been requested in Motion 9.2.

Question 2:

How long do we have to wait for it?

Response:

The Shire President replied by the 21st August, 2015, unless the Acting CEO cannot reasonably achieve it.

Dr James Plumridge

Question:

James Best in concert with the CEO promised a briefing paper, in particular the YRCC. We are still waiting on this briefing paper. When will it be presented to the community?

Response:

Question was deemed to be outside the scope of the meeting by the Shire President.

Ms Darlene Barratt

Question 1:

Is Mr James Best, BBC Consulting, still consulting with the Shire of York?

Response:

The Acting CEO replied – No.

Question 2:

Is he part of the Mentoring Panel?

Response:

The Shire President replied Mr Best is not engaged by the Shire of York, he is engaged by the Department of Local Government to the Mentoring Panel. He is an employee of the Department of Local Government.

Public Question Time Concluded at 6.57pm.

10. CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 6.58pm