



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 5 NOVEMBER, 2014
COMMENCING AT 5.04pm
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL HELD ON WEDNESDAY, 5 NOVEMBER 2014, COMMENCING AT 5.04PM 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 5.04pm.

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 –

All Standing Orders

Moved: Cr Wallace

Seconded: Cr Smythe

Carried: 6/0

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

Mr Michael Keeble, CEO – Item 9.6.2 – Impartial – Concerns CEO

2. ATTENDANCE

2.1 Members

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

2.2 Staff

Michael Keeble, Chief Executive Officer; Tyhscha Cochrane, Deputy Chief Executive Officer; Gail Maziuk, Compliance/Human Resources

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 41 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 4.04pm

4.1 Public Question Time – Written Questions – Current Agenda

Nil

4.2 Public Question Time – Current Agenda

Mr Denis Hill

Question:

Will the Council consider deferring question time or having a second question time at the end of the meeting?

Response:

Council will consider.

Ms Patricia Walters

Question:

Local Government Act - Will the notice requesting the Chief Executive Officer to call a Special Council Meeting be made available to the public?

Response:

1/3 of Council can request a meeting. I will request that the administration do so. Cr Reid read the entire notice.

Mrs Tanya Richardson

Question:

Why so vague on what is being discussed?

Response:

The Shire President advised Mrs D'Arcy Walker that he would not sign due to this.

Mrs Darlene Barratt

Question:

How is Council being open and accountable if it is not providing details of what the meeting is concerning.

Response:

The Shire President stated that it was his personal opinion that it is not.

Mr Gordon Marwick

Question was not allowed by the Shire President.

Public Question Time was Closed at 5.18pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATION / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Undated letter received yesterday from Minister Simpson in relation to criminal investigations.

Took one month for him to respond. The letter relates to a staff member so I cannot read any more.

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: 5th November, 2014
REPORT DATE: 4th November, 2014
SENIOR OFFICER: Tybache Cochrane, A/CEO

REPORT APPROVED BY THE A/CEO: *Tyhscha Cochrane*

OFFICER RECOMMENDATION

“That Council:

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

Matters relating to an employee.”

AMENDMENT:

That Mr David Morris from the Department to remain in the room.

CARRIED: 6/0

RESOLUTION

051114

The following is to be the Resolution

- *Close the meeting to members of the public and the press to deal with: Matters relating to an employee.”*
- *That Mr David Morris from the Department to remain in the room.*

The Shire President declared that the Motion was CARRIED: 6/0

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: 5.25pm

9. MATTERS FOR RESOLUTION

9.6 CONFIDENTIAL REPORTS

9.6.2 Vote of Confidence in the Chief Executive Officer

FILE NO:	P236
COUNCIL DATE:	5 November 2014
REPORT DATE:	4 November 2014
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Council
SENIOR OFFICER:	T Cochrane, A/CEO
AUTHOR:	T Cochrane, A/CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Email from David Taylor and attachments
DOCUMENTS TABLED:	Nil
REPORT APPROVED BY THE A/CEO:	Tyhscha Cochrane

Statutory Environment:

Local Government (Administration) Regulations 1996 Part 2 - Regulation 11

Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting; and*
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and*
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and*
- (d) details of each decision made at the meeting; and*
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note*

OFFICER RECOMMENDATION

Moved: Cr Boyle

Seconded: Cr Duperouzel:

"That Council has total confidence in the Chief Executive Officer in his conduct and performance."

AMENDMENT

Moved: Cr Boyle

Seconded: Cr Duperouzel

"That Council Amend the Officer Recommendation to read:

1. *That Council has total confidence in the Chief Executive Officer in his conduct and performance. However it is evident that the relationship between the Shire President and the Chief Executive Officer has irretrievably broken down.*
2. *That two Councillors are to negotiate a separation package with the Chief Executive Officer and/or his representative and table the outcome at the November Ordinary meeting of Council for consideration.*
3. *The Chief Executive Officer is to be suspended immediately on full pay and entitlements pending the resolution of the separation package.*
4. *Appoint an interim Chief Executive Officer.*

5.58pm the Deputy Chief Executive Officer left chambers to get a copy of a Resolution for September Special Meeting, number 2.

6.00pm Cr Smythe requested a 15 minute recess - Seconded by Cr Wallace Carried 6/0

During the recess the Chief Executive Officer became unwell and left the meeting at 6.05pm. The Chief Executive Officer did not return to the meeting.

6.15 pm Recess ended

6.16pm Cr Hooper Moved that a further 10 minute recess be granted-
Seconded: Cr Smythe Carried 6/0

6.21pm Deputy CEO returned to Chambers

6.22pm Meeting Resumed

Re-open the meeting at 6.22pm.

The Shire President declares the motion invalid because it is in contravention to resolution 410914 arising from item Number 10.1.1 of the September Special Council Meeting held on the 25 September 2014.

Advice Note: Due to this being a contravention against the Act the original Officer Recommendation was reverted to.

**RESOLUTION
061114**

Moved: Cr Boyle

Seconded: Cr Duperouzel:

“That Council:

Has total confidence in the Chief Executive Officer in his conduct and performance.”

CARRIED: 5/1

Item 9.6.2.1

**RESOLUTION
071114**

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Authorise the Shire President, Deputy Shire President and Cr Hooper to negotiate the potential appointment of an interim Chief Executive Officer, LO-GO on Thursday 6th November 2014 and to report to the full Council as soon as possible.”

CARRIED: 6/0

9. MATTERS FOR RESOLUTION

9.6 CONFIDENTIAL REPORTS

9.6.3 Open the Meeting

FILE NO:

COUNCIL DATE:

5th November, 2014

REPORT DATE:

4th November, 2014

SENIOR OFFICER:

Tyhscha Cochrane, A/CEO

REPORT APPROVED BY THE A/CEO: *Tyhscha Cochrane*

RESOLUTION

08114

Moved: Cr Smythe

Seconded: Cr Pat Hooper

"That Council:

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

CARRIED 6/0

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: 6.41pm

**RESOLUTION
091114**

Moved: Cr Smythe

Seconded: Cr Wallace

"That Council:

Hold a second Public Question Time."

CARRIED: 6/0

Public Question Time re-commenced at 6.44pm

Mr Denis Hill

Question 1:

What was the purpose of the meeting?

Response:

Deputy Chief Executive Officer read the resolution.

Question 2:

Has any contact been made with a potential new Chief Executive Officer?

Response:

No. The recruitment process has started.

Cr Duperouzel, Cr Hooper and myself to draft advertisement , etc with LO GO, advertising this Saturday and have a new replacement early in the new year, strong local government experience. Some months before we have a new permanent Chief Executive Officer

Mrs Nola Bliss

Question was not allowed by the Shire President.

Mrs Tanya Richardson

Question:

Council resolution stated that the Council fully supports the Chief Executive. What was the vote?

Response:

It was a 5/1 vote.

Public question time closed at 6.54pm

CLOSURE

Cr Reid thanked everyone for their attendance and declared the meeting closed at 6.55pm