



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 5 NOVEMBER, 2015
COMMENCING AT 5.10pm
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

Table of Contents

1.	OPENING	5
	1.1 Declaration of Opening	5
	1.2 Disclaimer.....	5
	1.3 Standing Orders.....	5
	1.4 Announcement of Visitors	5
	1.5 Declarations of Interest that Might Cause a Conflict.....	5
	Financial Interests	5
	Disclosure of Interest that May Affect Impartiality	5
2.	ATTENDANCE	6
	2.1 Members.....	6
	2.2 Mentoring/Monitoring Panel	6
	2.3 Staff.....	6
	2.4 Apologies.....	6
	2.5 Leave of Absence Previously Approved.....	6
	2.6 Number of People in Gallery at Commencement of Meeting.....	6
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
	3.1 Previous Public Questions Taken on Notice.....	6
4.	PUBLIC QUESTION TIME.....	6
	4.1 Written Questions – Current Agenda	7
5.	APPLICATIONS FOR LEAVE OF ABSENCE	7
6.	PETITIONS / PRESENTATIONS / DEPUTATIONS.....	7
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	7
8.	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	7
9.	OFFICER’S REPORTS.....	7
	9.6.1 Close the Meeting	9
	9.6.2 Recruitment of the Chief Executive Officer and Appropriate Interim Arrangements	11
	9.6.3 Open the Meeting	13
10.	CLOSURE	13



SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON THURSDAY, 5TH NOVEMBER, 2015, COMMENCING
AT 5.10PM 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 5.10pm.

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

Ms Davina Hunter, WALGA

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

Mr Mark Dacombe, Item 9.6.2 – Recruitment of the Chief Executive Officer and Appropriate Interim Arrangements – Financial Interest

Disclosure of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

2.1 Members

*Cr David Wallace, Shire President; Cr Denese Smythe, Deputy Shire President;
Cr Heather Saint, Cr Pam Heaton, Cr Jane Ferro, Cr Trevor Randell*

2.2 Mentoring/Monitoring Panel

Ms Jenni Law, Department of Local Government & Communities

2.3 Staff

*Graeme Simpson, Acting Chief Executive Officer; Mark Dacombe, Governance –
Consultant, Director of Localise;*

2.4 Apologies

Nil

2.5 Leave of Absence Previously Approved

Nil

2.6 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

3.1 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
Pubic 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

As there was no-one in the Gallery, Public Question Time did not take place.

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. OFFICER'S REPORTS

9. OFFICER'S REPORTS
9.6 CONFIDENTIAL REPORTS
9.6.1 Close the Meeting

FILE NO:
COUNCIL DATE: 5 November 2015
REPORT DATE: 5 November 2015
LOCATION/ADDRESS: N/A
APPLICANT: N/A

REPORT APPROVED BY THE A/CEO: Graeme Simpson

Summary:

The Shire President to close the meeting to discuss the recruitment of the Chief Executive Officer and appropriate interim arrangements and to take any required actions.

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*

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
011115**

Moved: Cr Randell

Seconded: Cr Saint

“That Council:

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

A matter affecting employees.”

CARRIED: 6/0

Note to this Item: The doors were Closed at 5.14pm

**RESOLUTION
021115**

Moved: Cr Smythe

Seconded: Cr Ferro

“That Council:

Suspend Standing Orders Clause 9.5 – Limitation of Number of Speeches.”

CARRIED: 6/0

9. OFFICER'S REPORTS
9.6 CONFIDENTIAL REPORTS

Disclosure of Interest: *Mr Mark Dacombe, Governance Advisor – Financial Interest*
Mr Mark Dacombe advised he was the prospective appointee as Acting Chief Executive Officer

9.6.2 Recruitment of the Chief Executive Officer and Appropriate Interim Arrangements

FILE NO:
COUNCIL DATE: 5 November 2015
REPORT DATE: 5 November 2015
LOCATION/ADDRESS: Shire of York
APPLICANT: G K Simpson, A/CEO
SENIOR OFFICER: G K Simpson, A/CEO
REPORTING OFFICER: G K Simpson, A/CEO
DISCLOSURE OF INTEREST: Mr Mark Dacombe, Governance Advisor
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

Mr Mark Dacombe declared a Financial Interest and left the room at 5.17pm

RESOLUTION
031115

Moved: Cr Smythe

Seconded: Cr Saint

“That Council:

Terminate the employment of Mr G K Simpson as Acting Chief Executive Officer effective from the close of business on Friday, 13th November, 2015.

Mr Simpson remain in the employ of the Shire of York until 20th November, 2015 to allow for a smooth transition in the role of Chief Executive Officer.”

CARRIED: 6/0

RESOLUTION
041115

Moved: Cr Ferro

Seconded: Cr Randell

“That Council:

Being satisfied that he is a suitably qualified person appoint Mr Mark Dacombe to the position of Acting Chief Executive Officer commencing 16th November, 2015 for a term up to 5 months.”

CARRIED: 6/0

**RESOLUTION
051115**

Moved: Cr Saint

Seconded: Cr Heaton

“That Council:

Approve the contract between the Shire of York and Mr Mark Dacombe as circulated to the Special Meeting of Council on Thursday, 5th November, 2015 subject to the changes made to Clauses 3.3, 5.2, 5.3 and 7a for the total reward package of \$243,781 per annum and with the inclusion of the, to be negotiated, Position Description and Key Result Areas.”

CARRIED: 6/0

NB: The draft Contract document is commercially sensitive and the WA Local Government Association representative collected all copies after the passing of this Resolution.

**RESOLUTION
061115**

Moved: Cr Smythe

Seconded: Cr Heaton

“That Council:

Resume Standing Orders Clause 9.5 – Limitation of Number of Speeches.”

CARRIED: 6/0

Mr Mark Dacombe returned to the room at 7.07pm

9. OFFICER'S REPORTS
9.6 CONFIDENTIAL REPORTS
9.6.3 Open the Meeting

FILE NO:
COUNCIL DATE: 5 November 2015
REPORT DATE: 5 November 2015
LOCATION/ADDRESS: N/A
APPLICANT: N/A

REPORT APPROVED BY THE A/CEO: Graeme Simpson

Summary:

The Shire President to open the meeting after discussing the recruitment of the Chief Executive Officer and appropriate interim arrangements and to take any required actions.

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- (a) *a matter affecting an employee or employees*

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
071115**

Moved: Cr Heaton

Seconded: Cr Ferro

“That Council:

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

CARRIED: 6/0

Note to this Item: The doors were Opened at 7.07pm

10.CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 7.08pm.