



# **CONFIRMED MINUTES**

## **Special Council Meeting Friday, 8 November 2019**

**Date: Friday, 8 November 2019**

**Time: 9.00am**

**Location: Council Chambers, York Town Hall, York**

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**MINUTES OF SHIRE OF YORK  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, YORK TOWN HALL, YORK  
ON FRIDAY, 8 NOVEMBER 2019 AT 9.00AM**

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 Denese Smythe, Shire President, declared the meeting open at 9.00am.*

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

*Nil*

1.4 Announcement of Visitors

*Mr Gordon Marwick, Freeman of the Shire*

1.5 Declarations of Interest that Might Cause a Conflict

*Nil*

1.6 Declaration of Financial Interests

*Nil*

1.7 Disclosure of Interests that May Affect Impartiality

*Nil*

**2 ATTENDANCE**

2.1 Members

*Cr Denese Smythe, Shire President;  
Cr Ashley Garratt; Cr Pam Heaton; Cr Stephen Muhleisen; Cr Kevin Trent*

2.2 Staff

*Allen Cooper, Acting Chief Executive Officer*

### 2.3 Apologies

*Cr Denis Warnick, Deputy Shire President; Cr David Wallace*

### 2.4 Leave of Absence Previously Approved

*Nil*

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

There was one person in the Gallery at the commencement of the meeting.

## 3 PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the Act and Regulations. In addition to this the Shire's Council Meetings Local Law 2016 states –

### 6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
  - (a) a response is given to the member of the public in writing; and
  - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where—
  - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
  - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
  - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have 2 minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.

(11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

Public Question Time Commenced at 9.03am.

3.1 Written Questions – Current Agenda

*Nil*

3.2 Public Question Time

*Nil*

As there were no further questions – Public Question Time concluded at: 9.03am.

**4 APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil*

**5 PRESENTATIONS**

5.1 Petitions

*Nil*

5.2 Presentations

*Nil*

5.3 Deputations

*Nil*

5.4 Delegates' reports

*Nil*

**6 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

*Nil*

**7 MEETING CLOSED TO THE PUBLIC****7.1 Matters for which the Meeting may be closed****RESOLUTION****011119****Moved: Cr Kevin Trent****Seconded: Cr Ashley Garratt**

**That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:**

**SY162-11/19 - Confidential - Appointment of Chief Executive Officer**

**This matter is considered to be confidential under Section 5.23(2) - b and e(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person and a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government.**

***CARRIED: 5/0***

The Gallery left the meeting at 9.05am and the doors were closed.

**SY162-11/19 - CONFIDENTIAL - APPOINTMENT OF CHIEF EXECUTIVE OFFICER**

**MOTION****RESOLUTION****021119****Moved: Cr Kevin Trent****Seconded: Cr Pam Heaton**

**That Council adopt the recommendation contained in the confidential report.**

***CARRIED BY ABSOLUTE MAJORITY: 5/0***

**MOTION**

**RESOLUTION**

**031119**

**Moved: Cr Kevin Trent**

**Seconded: Cr Ashley Garratt**

**That Council opens the meeting to the public at 9.08am.**

**CARRIED: 5/0**

7.2 Public Reading of resolutions to be made public

*The Resolution was not read as there was no-one in the Gallery.*

**8 CLOSURE**

*The Shire President thanked everyone for their attendance and closed the meeting at 9.10am.*

*The minutes were confirmed by the Council as a true and accurate record at the Council Meeting held on 16 December 2019.*

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SHIRE PRESIDENT