

# Minutes of the Ordinary Meeting of Council – Mayoral Election



Held on the 11 November 2020

Olympia, Hawdon & Ibbott Rooms

Level 4, 1 Flintoff Street, Greensborough

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## MINUTES

The Meeting opened at 7.00pm.

### **Presentation of Gifts to Outgoing Mayor and Deputy Mayor**

Gifts of appreciation were presented to the outgoing Mayor and outgoing Deputy Mayor for their commitment and service to the Banyule community over the past 12 months.

### **Acknowledgement of the Traditional Custodians**

The CEO read an acknowledgement of the traditional custodians, the Wurundjeri Woi-wurrung people.

### **Diversity Statement**

The CEO read Banyule's Diversity statement.

### **Present**

Cr Alison Champion, Cr Peter Castaldo, Cr Peter Dimarelos, Cr Mark Di Pasquale, Cr Rick Garotti, Cr Alida McKern, Cr Tom Melican, Cr Fiona Mitsinikos, Cr Elizabeth Nealy

### **Apologies**

Nil

### **Leave of Absence**

Nil

### **Disclosure of Interests**

Under s129(g) of the Local Government Act 2020 and the Local Government (Governance and Integrity) Regulations 2020 the following matters are prescribed to be exempt from conflict of interest requirements:

- a. the nomination or appointment by the Council of a Councillor to a position for which the Councillor will not be remunerated;
- b. the nomination or appointment by the Council of a Councillor to a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils;
- d. the nomination of a Councillor for election to the office of Mayor or Deputy Mayor

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## 6. PARTICIPATION – COMMUNITY INVOLVEMENT IN COMMUNITY LIFE

### 6.1 OATH /AFFIRMATION OF OFFICE

#### EXECUTIVE SUMMARY

A General Election was held on 24 October 2020 and on 6 November 2020, the Victorian Electoral Commission declared the results of the Election:

In the Bakewell Ward: Mark Di Pasquale  
In the Beale Ward: Elizabeth Nealy  
In the Chelsworth Ward: Alida McKern  
In the Griffin Ward: Peter Castaldo  
In the Grimshaw Ward: Rick Garotti  
In the Hawdon Ward: Fiona Mitsinikos  
In the Ibbott Ward: Tom Melican  
In the Sherbourne Ward: Alison Champion  
In the Olympia Ward: Peter Dimarelos

Before being capable of acting as a Councillor, all persons elected to be Councillors must take the oath or affirmation of office. The declaration must be in writing and witnessed by the Chief Executive Officer

The role of a Councillor is to:

- participate in the decision-making of the Council; and
- represent the local community in that decision-making; and
- contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

In performing the role of a Councillor, a Councillor must—

- (a) consider the diversity of interests and needs of the local community; and
- (b) observe principles of good governance and act with integrity; and
- (c) provide civic leadership in relation to the exercise of the various functions and responsibilities of the Council under this Act and other Acts; and
- (d) participate in the responsible allocation of the resources of Council through the annual budget; and
- (e) facilitate effective communication between the Council and the community.

The Councillors were sworn into office on Monday 9 November 2020.

***All Councillors publicly repeated their Oath or Affirmation of Office at the Council Meeting held on 11 November 2020..***

#### **Resolution (CO2020/197)**

That Council note the following Councillors:

Cr Rick Garotti, Cr Mark Di Pasquale, Cr Elizabeth Nealy, Cr Alida McKern, Cr Peter Castaldo, Cr Fiona Mitsinikos, Cr Tom Melican, Cr Alison Champion and Cr Peter Dimarelos made an Oath or Affirmation of Office which was witnessed by the Chief Executive Officer on Monday 9 November 2020.

Moved: Cr Mark Di Pasquale  
Seconded: Cr Alison Champion

CARRIED

## 6.2 MAYORAL TERM

### EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) stipulates that Council must elect a Mayor.

Before a Mayor is elected, the Council must resolve whether the Mayor is to be elected for a 1 year or 2 year term.

Banyule has traditionally elected a Mayor for a one-year term.

In accordance with section 26(3) of the Act, Council is required to determine the Mayoral term. A resolution is required to set the term of the Mayor.

#### **Resolution (CO2020/198)**

That Council resolves to elect the Mayor for a term of one year.

Moved: Cr Alison Champion  
Seconded: Cr Tom Melican

CARRIED

## 6.3 ELECTION OF MAYOR

#### **Resolution (CO2020/199)**

The CEO called for nominations for the position of Mayor of Banyule City Council to be elected for the period which will finish at 6am on 8 November 2021.

Cr Alison Champion nominated Cr Rick Garotti, seconded by Cr Tom Melican

As no other nominations were received, Cr Rick Garotti was declared elected as Mayor of Banyule City Council for the 2020/2021 Mayoral Term.

Moved: Cr Alison Champion  
Seconded: Cr Tom Melican

CARRIED

***Cr Rick Garotti assumed the Chair as Mayor at 7.31pm.***

## 6.4 CONSIDERATION OF NOMINATIONS FOR DEPUTY MAYOR

### EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) outlines that Council may establish an office of Deputy Mayor (s20A) and if an office of Deputy Mayor is established, the legislative requirements of the Deputy Mayor are provided in Sections 21 and 27 of the Act.

Whilst the role wasn't previously recognised in the Local Government Act 1989, traditionally, Banyule Council has appointed a Deputy Mayor to provide support and assistance to the Mayor in undertaking their workload.

Should the Office of the Deputy Mayor be established, the Act states the Deputy Mayor must undertake the role of the Mayor if:

- the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- the office of Mayor is vacant.

Should Council not elect a Deputy Mayor, it must appoint an Acting Mayor in the above circumstances.

The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.

Council is required to determine whether to establish an office of the Deputy Mayor and then call for nominations for a Deputy Mayor for the 2020/2021 Mayoral term should the office be established.

### **Resolution (CO2020/200)**

The Mayor called for nominations for the position of Deputy Mayor of Banyule City Council for the period ending 8 November 2021 at 6am.

Cr Mark Di Pasquale nominated Cr Tom Melican, seconded by Cr Peter Castaldo

As there were no further nominations Cr Tom Melican was declared elected as Deputy Mayor for the 2020/2021 Mayoral term.

Moved: Cr Mark Di Pasquale  
Seconded: Cr Peter Castaldo

CARRIED

**6.5 VOTE OF THANKS TO OUTGOING MAYOR AND DEPUTY MAYOR****EXECUTIVE SUMMARY**

To provide an opportunity for the incoming Councillors to express appreciation to the former Mayor and Deputy Mayor.

**Resolution (CO2020/201)**

That:

1. Cr Alison Champion be congratulated and thanked for her contribution as Mayor of Banyule from November 2019 to October 2020 and;
2. Cr Rick Garotti be congratulated and thanked for his contribution as Deputy Mayor of Banyule from November 2019 to October 2020 .

Moved: Cr Tom Melican

Seconded: Cr Elizabeth Nealy

CARRIED

**6.6 VOTE OF THANKS TO OUTGOING COUNCILLORS****EXECUTIVE SUMMARY**

To provide an opportunity for Council to express its appreciation to outgoing Councillors Wayne Phillips and Craig Langdon.

Former Councillor Wayne Phillips served Council from 2005 to 2020 and previously served on the Shire of Diamond Valley, and former Councillor Craig Langdon served Council from 2011 to 2020 and Heidelberg City Council.

**Resolution (CO2020/202)**

That outgoing Councillors Wayne Phillips and Craig Langdon be thanked and acknowledged for their contribution and service to Banyule City Council.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

**6.7 APPOINTMENT OF COUNCILLORS ON COMMITTEES****EXECUTIVE SUMMARY**

Annually Council appoints Councillor delegates to the Council Advisory Committees and other committees.

The new *Local Government Act 2020* no longer references advisory committees and it is up to each Council to determine what committees it requires. Normally Council makes appointments to the Advisory Committees at the annual Mayoral Election meeting. With the changes to the new Act, new engagement requirements, and a new Council term, it is timely to undertake a review of the advisory committees.

The Advisory Committees Terms of References require updating in early 2021 and to allow the new Council to review the advisory committees, the committees will continue without Councillor appointments.

Council's approval of the Councillor appointments to the various other committees and bodies is still required.

***Councillor Castaldo left the Chamber at 08:24 pm. and was not present for the voting on this item, nor for the conclusion of the meeting.***

**Resolution (CO2020/203)**

That Council:

1. Determine Councillor delegates to Committees and other bodies.

BANYULE COMMITTEES	DELEGATE 2020/21	SUBSTITUTE 2020/21
Audit and Risk Committee	Cr Peter Castaldo Cr Mark Di Pasquale	Cr Peter Dimarelos
Chief Executive Officer (CEO) Employment Matters Committee	All Councillors	-



EXTERNAL COMMITTEES	DELEGATE 2020/21	SUBSTITUTE 2020/21
Darebin Creek Management Committee	Cr Alida McKern	Cr Peter Dimarelos
Metropolitan Transport Forum (MTF)	Cr Tom Melican	Cr Alida McKern
Metropolitan Waste and Resource Recovery Group (MWRRG)	Cr Peter Castaldo	Cr Peter Dimarelos Cr Alida McKern
Northern Alliance for Greenhouse Action (NAGA)	Cr Alida McKern	Cr Peter Castaldo
Northern Council Alliance	Cr Fiona Mitsinikos Cr Tom Melican	Cr Peter Castaldo
Yarra Plenty Regional Library Board	Cr Alison Champion Cr Tom Melican	Cr Elizabeth Nealy
Yarra Plenty Regional Library Audit Committee One YPRL Board Member and 1 proxy	Cr Alison Champion Cr Tom Melican	Cr Elizabeth Nealy

Municipal Association of Victoria – Committees, State Council (MAV)	DELEGATE 2020/21	SUBSTITUTE 2020/21
<b>MAV State Council – Representatives</b> State Council is the MAV governing body. It is made up of representatives from each member council. Members must appoint a representative to attend State Council meetings, exercise their council's vote and provide regular reports to their council on the activities.	Cr Tom Melican	Cr Elizabeth Nealy Cr Peter Dimarelos

2. Advise the Committees and other bodies of the Council appointed representatives.
3. Notes a review of the Advisory Committees is being undertaken and a further report will be present to Council in early 2021.

Moved: Cr Alison Champion  
 Seconded: Cr Fiona Mitsinikos

CARRIED

**Closure of Meeting**

The Meeting was closed at 8.26pm.

DATED: ..... DAY OF ..... 2020

.....  
MAYOR

*The next Ordinary Meeting of Council will be held on Monday, 23 November 2020.*