

# Minutes of the Mayoral Election



Held on the 8 November 2021

Meeting held online

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## MINUTES

The Meeting opened at 7.00pm.

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

The CEO read an acknowledgement of the traditional custodians, the Wurundjeri Woiwurrung people.

### **Diversity Statement**

The CEO read Council's statement on its commitment to diversity and its principles.

### **Present**

Cr Rick Garotti, Cr Peter Castaldo, Cr Alison Champion, Cr Peter Dimarelos, Cr Mark Di Pasquale, 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;
- c. the nomination of a Councillor for election to the office of Mayor or Deputy Mayor

**REPORTS**

*Councillor Dimarelos left the meeting at 7:03pm.*

*Councillor Dimarelos returned to the Meeting at 7:04pm.*

**1 MAYORAL TERM****SUMMARY**

1. The *Local Government Act 2020* (the Act) stipulates that Council must elect a Mayor.
2. Before a Mayor is elected, the Council must resolve whether the Mayor is to be elected for a 1 year or 2 year term.
3. Banyule has traditionally elected a Mayor for a one-year term.
4. 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 (CO2021/218)**

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

Moved: Cr Tom Melican

Seconded: Cr Mark Di Pasquale

CARRIED

## 2 ELECTION OF MAYOR

### SUMMARY

1. The Mayor is responsible for leading the Council and has a number of roles which are both legislative and functional. The legislative requirements are outlined in Division 3 of the *Local Government Act 2020* (the Act).
2. The Act (s18) outlines the role and specific powers of the Mayor to:
  - chair Council meetings; and
  - be the principal spokesperson for the Council; and
  - lead engagement with the municipal community on the development of the Council Plan; and
  - report to the municipal community, at least once each year, on the implementation of the Council Plan; and
  - promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
  - assist Councillors to understand their role; and
  - take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
  - provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
  - perform civic and ceremonial duties on behalf of the Council.
3. In addition to the role outlined above, specific powers of the Mayor (section 19 of the Act) include:
  - to appoint a Councillor to be the chair of a delegated committee;
  - to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;
  - to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.
4. The Mayor's role, however, extends well beyond officiating at Council Meetings or other municipal proceedings. Additional important roles are providing leadership, promoting positive relationships, and modelling good governance.
5. The Mayoral term commences from this meeting and becomes vacant at the time and on the day of the election of the next Mayor.

**Resolution (CO2021/219)**

The CEO called for the nominations for the position of Mayor of Banyule City Council to be elected for the period which will finish at 6am 14 November 2022.

Cr Peter Castaldo nominated Cr Elizabeth Nealy, seconded by Cr Peter Dimarelos.

Cr Fiona Mitsinikos nominated Cr Mark Di Pasquale, seconded by Alison Champion.

The nominations were put to a vote in the order in which they were received, Cr Nealy received an absolute majority and was declared elected as Mayor of Banyule City Council for the 2021-22 Mayoral term.

***Cr Elizabeth Nealy assumed the Chair as Mayor at 7.07pm***

### 3 ELECTION OF DEPUTY MAYOR

#### SUMMARY

1. 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.
2. Should the Office of the Deputy Mayor be established, the Act states the Deputy Mayor must undertake the role of the Mayor if:
  - a. the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
  - b. the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
  - c. the office of Mayor is vacant.
3. Should Council not elect a Deputy Mayor, it must appoint an Acting Mayor in the above circumstances.
4. The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
5. 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 2021/2022 Mayoral term should the office be established.

#### **Resolution** (CO2021/220)

The Mayor called for the nominations for the position of Deputy Mayor of Banyule City Council to be elected for the period which will finish at 6am 14 November 2022.

Cr Peter Dimarelos nominated Cr Alison Champion, seconded by Cr Fiona Mitsinikos.

As no other nominations were received Cr Alison Champion was declared elected a Deputy Mayor of Banyule City Council for the 2021-22 term.

**4 APPOINTMENT OF COUNCILLORS ON COMMITTEES****SUMMARY**

1. Annually Council appoints Councillor delegates to the Council Advisory Committees and other committees.
2. The new *Local Government Act 2020* (the Act) no longer references advisory committees and it is up to each Council to determine what committees it requires.
3. Normally Council makes appointments to the advisory committees at the annual Mayoral Election meeting. Last year, 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.
4. At the Mayoral Election in 2020, Council resolved to appoint Councillors to the Audit & Risk Committee and the CEO Employment Committee as well as external Committees for a term until the 2021 Mayoral Election.
5. A review of those remaining Advisory Committees was undertaken which resulted in new Advisory Committees being formed and Councillor appointments were resolved at a Council Meeting on 24 May 2021.
6. The appointments made at the meeting were for a period of May 2021 to 30 June 2022, creating two term durations for the appointments of different Advisory Committees.
7. It is proposed to include all Committees as part of the appointments at the 2021 Mayoral Election Meeting to realign the memberships to be for the same term.
8. At the first Reconciliation Action Plan (RAP) Advisory Committee on 8 September 2021, the Committee made a recommendation to allocate additional remuneration to acknowledge the work and responsibilities of the Co-Chair.
9. This report includes details of the Advisory Committee's recommendation to Council for a \$120 sitting fee allocation to the Co-chair of the Reconciliation Action Plan (RAP) Advisory Committee.

**Resolution (CO2021/221)**

That:

1. Council endorse Councillor delegates to Committees and other bodies as per the following:

BANYULE COMMITTEES	DELEGATE 2021/22	SUBSTITUTE 2021/22
Audit and Risk Committee	Cr Mark Di Pasquale Cr Peter Dimarelos	Cr Peter Castaldo
Chief Executive Officer (CEO) Employment Matters Committee	All Councillors	-



<b>BANYULE COMMITTEES</b>	<b>DELEGATE 2021/22</b>	<b>SUBSTITUTE 2021/22</b>
<b>ADVISORY COMMITTEES</b>		
Arts and Culture Advisory Committee	Cr Elizabeth Nealy - Chair Cr Peter Dimarelos	Cr Alida McKern
Banyule Environment & Climate Action Advisory Committee	Cr Alida McKern Cr Peter Castaldo	Cr Tom Melican
Inclusive Banyule Advisory Committee	Cr Elizabeth Nealy – Chair Cr Tom Melican	Cr Peter Dimarelos
Reconciliation Action Plan Advisory Committee	Cr Peter Dimarelos – Chair Cr Rick Garotti	Cr Peter Castaldo
<b>INCLUSIVE BANYULE ADVISORY COMMITTEE – SUPPORTING COMMITTEES</b>		
Age-Friendly City Committee	Cr Tom Melican	Cr Elizabeth Nealy
Disability and Inclusion Committee	Cr Rick Garotti	Cr Alison Champion
LGBTIQ+ Committee	Cr Peter Castaldo	Cr Alison Champion
Multicultural Committee	Cr Fiona Mitsinikos	Cr Mark Di Pasquale

<b>EXTERNAL COMMITTEES</b>	<b>DELEGATE 2021/22</b>	<b>SUBSTITUTE 2021/22</b>
Darebin Creek Management Committee	Cr Alida McKern	Cr Peter Dimarelos
Metropolitan Transport Forum (MTF)	Cr Peter Dimarelos	Cr Tom Melican
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 Elizabeth Nealy Cr Peter Dimarelos	Cr Alison Champion
Yarra Plenty Regional Library Board	Cr Elizabeth Nealy Cr Alison Champion	Cr Fiona Mitsinikos
Yarra Plenty Regional Library Audit Committee One YPRL Board Member and 1 proxy	Cr Elizabeth Nealy	Cr Alison Champion

MUNICIPAL ASSOCIATION OF VICTORIA – COMMITTEES, STATE COUNCIL (MAV)	DELEGATE 2021/22	SUBSTITUTE 2021/22
MAV State Council – Representatives	Cr Tom Melican	Cr Elizabeth Nealy

2. The Committees and other bodies be advised accordingly.

Moved: Cr Tom Melican  
 Seconded: Cr Peter Castaldo

CARRIED

### **Resolution (CO2021/222)**

3. Council approves a \$120 sitting fee per meeting be paid to the Co-Chair of the Reconciliation Action Plan (RAP) Advisory Committee, which is double the usual sitting fee of \$60 paid to the other Aboriginal and Torres Strait Islander community members on the Committee, in recognition of the extra work and responsibility of the Co-Chair role.

Moved: Cr Tom Melican  
 Seconded: Cr Peter Castaldo

CARRIED

**Closure of Meeting**

The Meeting was closed at 8.04pm.

DATED: ..... DAY OF ..... 2021

.....  
MAYOR

*The next Ordinary Meeting of Council will be held on Monday, 15 November 2021.*