

Minutes of the Special Meeting of Council



Held on the 7 November 2022

Nellie Ibbott Chambers, Ivanhoe Library and Cultural Hub, 275 Upper
Heidelberg Road, Ivanhoe 3079

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In accordance with s 25(3)(a) The Chief Executive Officer opened the meeting at 7.01pm in the role of Chair and officiated the meeting in accordance with Chapter 2, Part B of Council's Governance Rules.

Acknowledgement of the Traditional Custodians

The Chief Executive Officer read out the acknowledgement of the traditional custodians, the Wurundjeri Woi-wurrung people.

Diversity Statement

The Chief Executive Officer read Council's statement on its commitment to diversity and its principles.

Present

Cr Elizabeth Nealy, 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,

Allison Beckwith – Chief Executive Officer, Natasha Swan – Director City Development
Marc Giglio – Director Corporate Services, Kath Brackett – Director Community Wellbeing,
Darren Bennett – Director Assets & City Services, Gina Burden – Manager Corporate
Governance & Communications, Krysten Forte – Governance Coordinator, Amy Woollcombe
– Council Business Officer

Apologies

Nil

Leave of Absence

Nil

Disclosure of Interests

Nil

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

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.
5. A resolution is required to set the term of the Mayor.

Resolution (CO2022/195)

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

Moved: Cr Rick Garotti

Seconded: Cr Alison Champion

CARRIED

Before the Election of the Mayor took place Cr Elizabeth Nealy was invited to speak in regards to her term as Mayor for the 2021-2022 Mayor Term.

Cr Elizabeth Nealy shared her experience and reflected on her opportunity as Mayor and thanked her Councillor colleagues, Council Officers, the Chief Executive Officer, Directors, her family and the Banyule Community for their support.

Councillors were also invited to give thanks and sentiments of appreciation to Cr Nealy for her leadership and term as Mayor.

Cr Castaldo, Cr Melican, Cr McKern, Cr Garotti, Cr Dimarelos, Cr Champion, and Cr Mitsinikos shared words of acknowledgement and appreciation for the leadership and support Cr Nealy demonstrated as Mayor.

2 ELECTION OF MAYOR

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.

RECOMMENDATION

That nominations be called and the Mayor of Banyule City Council be elected for the period as determined by Council.

The Chief Executive Officer called for nominations for the position of Mayor of Banyule City Council for the period 7 November 2022 to 7 November 2023.

Cr Fiona Mitsinikos nominated Cr Mark Di Pasquale
Cr Mark Di Pasquale accepted the nomination

Cr Alida McKern nominated Cr Peter Castaldo
Cr Peter Castaldo accepted the nomination

The nominations were put to a vote in the order in which they were received

Cr Peter Castaldo received an absolute majority and was declared elected as Mayor of Banyule City Council for the 2022-23 Mayoral term.

At the time that Cr Castaldo was duly elected as Mayor the Chief Executive Officer departed the role as Chairperson and Cr Castaldo assumed the role of Chair.

Cr Castaldo took the opportunity to thank his Councillor colleagues and shared his aspirations for the coming 12 months as Mayor.

Councillors were also invited to congratulate Cr Castaldo in the role as Mayor of Banyule City Council for the 2022-2023.

Cr McKern, Cr Garotti, Cr Melican, Cr Nealy and Cr Dimarelos shared words of congratulations and offered support to Cr Castaldo.

Before the Election of the Deputy Mayor took place Cr Champion was invited to speak in regards to her term as Deputy Mayor.

Cr Champion took the opportunity to thank her Councillor colleagues and shared her reflections as Deputy Mayor over the past 12 months.

Councillors were also invited to give thanks and sentiments of appreciation to Cr Champion for her leadership and term as Deputy Mayor.

Cr McKern, Cr Mitsinikos, Cr Melican, Cr Garotti, Cr Nealy, Cr Dimarelos and Cr Castaldo Cr Champion in her role as Deputy Mayor.

3 ELECTION OF DEPUTY MAYOR

EXECUTIVE 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 2022/2023 Mayoral term should the office be established.

RECOMMENDATION

That

1. Council establish an office of Deputy Mayor for the period as determined by Council.
2. Nominations be called and the Deputy Mayor of Banyule City Council be elected.

The Mayor called for nominations for the position of Deputy Mayor of Banyule City Council to be elected.

Cr Rick Garotti nominated Cr Alida McKern
Cr Alida McKern accepted the nomination

Cr Alison Champion nominated Cr Fiona Mitsinikos
Cr Fiona Mitsinikos accepted the nomination.

The nominations were put to a vote in the order in which they were received

Cr Alida McKern received an absolute majority and was declared elected as Deputy Mayor of Banyule City Council for the 2022-23 Mayoral term.

Cr McKern took the opportunity to thank her Councillor colleagues and shared her aspirations for the coming 12 months as Deputy Mayor.

Councillors were also invited to congratulate Cr McKern in the role as Deputy Mayor Banyule City Council for the 2022-2023.

Cr Melican, Cr Garotti, Cr Nealy, Cr Dimarelos and Cr Castaldo shared words of congratulations and offered support to Cr McKern.

4 APPOINTMENT OF COUNCILLORS ON COMMITTEES

SUMMARY

1. Annually Council appoints Councillor delegates to the Council Advisory Committees, Population and other external committees.
2. Attached to this Report is a summary of the current Councillor Committees – advisory, population, and external committees; and the 2022 councillor appointment/ delegates.
3. The nomination and adoption of Councillor delegates to relevant committees occurs annually after the election of the Deputy Mayor.
4. The *Local Government Act 2020* does not reference advisory committees, and it is up to each council to determine the type of committee it wishes to establish (aside from the Audit and Risk Committee which is a legislative requirement under s 66 of the Act 2020).
5. Advisory Committees as defined by Council are committees that meet and work to a term of reference or similar and provide advice in the form of recommendations to Council on key matters or issues affecting the municipality. Membership is determined in each respective terms of reference.
6. 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.
7. A review of those remaining Advisory Committees was undertaken which resulted in the establishment of Advisory Committees being formed and appointments made at the meeting were for a period of May 2021 to 30 June 2023 for the following Committees:
 - Reconciliation Action Plan (RAP) Advisory Committee
 - Inclusive Banyule Advisory Committee
 - Arts and Culture Advisory Committee
 - Banyule Environment & Climate Action Advisory Committee (BECAAC); and established the following committees that support the Inclusive Banyule Advisory Committee being:
 - Disability and Inclusion Committee
 - Multicultural Committee
 - Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQA+) Committee
 - Age-friendly City Committee, creating two term durations for the appointments of different Advisory Committees.
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. At the Statutory meeting on the 8 November 2021 the Council approved 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.

10. Attached to this Report is a document detailing the current Committees, current Councillor Delegates, a column to make notations on delegates for 2022-2023 and the responsible oversight officer and title of terms of reference or similar.

RECOMMENDATION

That Council:

1. Resolves to determine Councillor delegates to each respective Committees as detailed in **Attachment 1** to this report and as annex to the meeting minutes;
2. Ensure that the Committee is notified of the newly determined Councillor delegates accordingly; and
3. Ensure any paid membership agreements with advisory committee representatives remains, unless otherwise resolved by Council.

Moved: Cr Rick Garotti

Seconded: Cr Alida McKern

CARRIED

APPENDIX 1

| Committee Name | Councillor Delegate | Councillor Delegate | Substitute |
|--|---------------------|---------------------|---------------------|
| Audit and Risk | Cr Elizabeth Nealy | Cr Peter Dimarelos | Cr Rick Garotti |
| Chief Executive Officer (CEO) Employment Matters | All Councillors | | |
| Arts and Culture | Cr Elizabeth Nealy | Cr Peter Dimarelos | Cr Alida McKern |
| Banyule Environment & Climate Action | Cr Alida McKern | Cr Peter Castaldo | Cr Tom Melican |
| Inclusive Banyule | Cr Peter Castaldo | Cr Tom Melican | Cr Peter Dimarelos |
| Reconciliation Action Plan | Cr Peter Dimarelos | Cr Elizabeth Nealy | Cr Peter Castaldo |
| Age-Friendly City | Cr Tom Melican | | Cr Elizabeth Nealy |
| Disability and Inclusion | Cr Peter Castaldo | Cr Alison Champion | |
| LGBTIQA+ | Cr Peter Castaldo | Cr Alison Champion | |
| Multicultural | Cr Fiona Mitsinikos | Cr Mark Di Pasquale | |
| External Committee | | | |
| Darebin Creek Management | Cr Alida McKern | Cr Peter Dimarelos | |
| Metropolitan Transport Forum (MTF) | Cr Tom Melican | | Cr Mark Di Pasquale |
| Northern Alliance for Greenhouse Action (NAGA) | Cr Alida McKern | Cr Peter Castaldo | |

| | | | |
|--|--------------------|--------------------|--------------------|
| Northern Council Alliance | Cr Peter Castaldo | | Cr Alida McKern |
| Yarra Plenty Regional Library Board | Cr Alison Champion | Cr Rick Garotti | Cr Elizabeth Nealy |
| Yarra Plenty Regional Library Audit Committee One YPRL Board Member and 1 proxy | Cr Rick Garotti | Cr Alison Champion | Cr Elizabeth Nealy |
| Municipal Association Victoria (MAV) Committee, State Council | Cr Tom Melican | | Cr Elizabeth Nealy |

Closure of Meeting

The Meeting was closed at 8.22pm.

DATED: DAY OF 2020

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MAYOR

The next Ordinary Meeting of Council will be held on Monday, 14 November 2022