

Minutes of the Special Meeting of Council



Held on the 13 November 2023

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

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MINUTES

In accordance with s 25(3)(a) The Chief Executive Officer (CEO) opened the meeting at 7.00pm 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 an 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 Peter Castaldo, Cr. Elizabeth Nealy, Cr Rick Garotti, Cr Alison Champion, Cr Peter Dimarelos, Cr Mark Di Pasquale, Cr Tom Melican,

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, Krysten Forte – Manager Governance & Integrity, Linda Chapple – Coordinator Governance & Integrity, Fletcher Coburn – Councillor Request Management Officer, Sukhpreet Sidhu – I.T Technical Analyst, David Lelis – I.T Contractor Live Stream, Alain Behar – I.T Contractor Live Stream

Apologies

Cr Alida McKern, Cr Fiona Mitsinikos

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 MAYOR & DEPUTY MAYOR TERM**SUMMARY**

1. The *Local Government Act 2020* (the Act) stipulates that Council must elect a Mayor.
2. The Act also allows for Council to elect a Deputy Mayor if they are so inclined.
3. Before a Mayor is elected, the Council must resolve whether the Mayor is to be elected for a one (1) or two (2) year term in accordance with section 26(3) of the Act.

4. The term of the Deputy Mayor is to be identical to the determined term of the Mayor as resolved by Council.
5. Being the fourth and final year of the four (4) year councillor term, only a one (1) year Mayoral term is available.
6. The purpose of this report is for Council to set the term of the Mayor in accordance with s 26(3) of the Act.

Resolution (CO2023/204)

That Council:

1. Resolves to elect the Mayor and Deputy Mayor for a term of one (1) year in accordance with s 26(3) of the *Local Government Act 2020*.

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

Before the Election of the Mayor occurred Councillors were invited to thank and reflect on Councillor Peter Castaldo's Mayoral Term and some of the Councillors provided words of appreciation and reflections.

Cr Peter Castaldo was also invited to speak on his term and shared his experience reflecting on his opportunity as Mayor, thanking his Councillor colleagues, Council Officers, the Chief Executive Officer, Directors, his family and the Banyule Community for their support.

2 MAYORAL ELECTION

SUMMARY

1. The *Local Government Act 2020* (the Act) details the legislative obligations of the Mayor which are also enshrined in Councils Councillor Code of Conduct.
2. The Mayor is responsible for leading the Council and has a number of roles which are both legislative and functional.
3. Should the Mayor be elected on 13 November 2023 the Deputy Mayor Term would commence on Monday 13 November 2023 and would end at 6:00am on 26 October 2024.
4. Further, in line with s 29 of the Act, and due to the upcoming 2024 Victorian General Election, the Office of the Mayor would become vacant at 6:00am 26 October 2024.
5. The Chief Executive Officer will conduct the Election of the Mayor in accordance with Chapter 2 Part B of the Banyule City Council Governance Rules.

The Chief Executive Officer called for nominations for the position of Mayor of Banyule City Council for the period 13 November 2023 to 26 October 2024

Cr Rick Garotti nominated **Cr Tom Melican**

Cr Peter Castaldo seconded the nomination

Cr Tom Melican accepted the nomination

Cr Mark Di Pasquale nominated **Cr Peter Dimarelos**

Cr Elizabeth Nealy seconded the nomination

Cr Peter Dimarelos accepted the nomination

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

The following Councillors voted for Councillor Melican's nomination to the role of Mayor:

Cr Allison Champion, Cr Rick Garotti, Cr Peter Castaldo, Cr Elizabeth Nealy, Cr Tom Melican.

The following Councillors voted against Councillor Melican's appointment as Mayor:

Cr Peter Dimarelos, Cr Mark Di Pasquale.

Cr Tom Melican received an absolute majority and was declared elected as Mayor of Banyule City Council for the 2023-24 Mayoral term.

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

That Council resolves that Councillor Tom Melican be elected to the role of Mayor of Banyule City Council the period 13 November 2023 up until 6:00am 26 October 2024.

Resolution (CO2023/205)

That Council resolves that Councillor Tom Melican be elected to the role of Mayor of Banyule City Council the period 13 November 2023 up until 6:00am 26 October 2024.

Moved: Cr Rick Garotti

Seconded: Cr Peter Castaldo

CARRIED

Councillors were invited to speak and congratulate the incoming Mayor. Some of the Councillors took this opportunity to congratulate and share sentiments regarding Cr Melican's appointment.

Cr Melican took the opportunity to thank his Councillor colleagues and shared his aspirations for the coming Mayoral term.

Before the Election of the Deputy Mayor occurred Councillors were invited to speak and reflect on Cr Alida McKern's term as Deputy Mayor and some of the Councillors provided words of appreciation and reflections..

3 DEPUTY MAYOR ELECTION

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:
 - 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.
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. Should the Deputy Mayor be elected on 13 November 2023 the Deputy Mayor Term would commence on Monday 13 November 2023 and end at 6:00am on 26 October 2024.

The Mayor called for nominations for the position of Deputy Mayor of Banyule City Council for the period from 13 November 2023 to 26 October 2024.

Cr Peter Castaldo nominated **Cr Rick Garotti**

Cr Elizabeth Nealy seconded the nomination

Cr Rick Garotti accepted the nomination

Cr Peter Dimarelos nominated **Cr Mark Di Pasquale**

Cr Mark Di Pasquale seconded and accepted the nomination

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

The following Councillors voted for Cr Galotti's nomination to the role of Deputy Mayor:

Cr Tom Melican, Cr Peter Castaldo, Cr Elizabeth Nealy, Cr Alison Champion, Cr Rick Garotti.

Cr Rick Garotti received an absolute majority and was declared elected as Deputy Mayor of Banyule City Council for the 2023-24 Mayoral term.

Resolution (CO2023/206)

That Council resolves that Councillor Cr Rick Garotti be elected to the role of Deputy Mayor of Banyule City Council the period 13 November 2023 up until 6:00 am 26 October 2024.

Moved: Cr Peter Castaldo

Seconded: Cr Elizabeth Nealy

CARRIED

Councillors were invited to speak and congratulate the incoming Deputy Mayor. Some of the Councillors took this opportunity to congratulate and share sentiments regarding Cr Garotti's appointment.

Cr Garotti took the opportunity to thank his Councillor colleagues and shared his aspirations for the coming term as Deputy Mayor.

4 APPOINTMENT OF COUNCILLOR DELEGATES TO 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 2022/2023 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. The Audit and Risk Committee operates to an Audit and Risk Committee Charter and workplan as required under the *Local Government Act 2020*. The Committees membership includes three (3) independent committee members.
6. Advisory Committees as defined by Banyule Council as committees that meet and work to an adopted Terms of Reference or similar and provide advice in the form of recommendations to Council on key matters or issues affecting the municipality.
7. Membership is determined in each respective Terms of Reference.
8. Council has established a CEO Employment Matters Committee which is responsible for managing the Chief Executive Officer employment life cycle including performance, remuneration, contract reviews and the Committee is also responsible for making recommendations to Council on the recruitment and reappointment process of the Chief Executive Officer.
9. The CEO Employment Matters Committee operate to an adopted Terms of Reference and a CEO Employment and Remuneration Policy.
10. The CEO Employment Matters Committee is made up of all 9 Councillors and is chaired by an Independent Committee Member.
11. The established Banyule Advisory & Population Committees are detailed below:
 - 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, Queer and Asexual (LGBTIQ+) Committee
- Age-friendly City Committee.

12. At the Ordinary Meeting of Council on 7 August 2023 Council resolved to extend the eight (8) established population and advisory committee's membership terms from 30 June 2023 to 20 September 2024, a period of fifteen months. Resolution (CO2023/141).

13. Attached to this Report is a document detailing the current Committees, current Councillor Delegates, a column to make notations on delegates for 2023-2024 and the responsible oversight officer and title of terms of reference or similar.

Resolution (CO2023/207)

That Council:

1. Resolves to determine Councillor delegates to each respective Committees as detailed in **Attachment 1** to this report and as annexed to the meeting minutes;
2. Ensure that each 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.
4. Note that Council's Advisory & Population Committees terms remain as per Council's previous Council resolution from 7 August 2023 from 30 June 2023 to 20 September 2024, a period of fifteen months.

Moved: Cr Alison Champion

Seconded: Cr Peter Castaldo

CARRIED

2023-24 Advisory, Population and External Committee Appointments

Term: 13 November 2023 – 20 September 2024

Internal Committees

Committee	Overview of Committees	Delegates and Substitute 2022/2023 (Current)	Delegates and Substitute for 2023/2024
Audit and Risk Committee (ARC)	The role of the Audit and Risk Committee is to assist Council in fulfilling its governance responsibilities by overseeing compliance with laws and regulations, accountability requirements, ensuring sound ethical standards are practiced and the necessary systems controls are in place to manage risks.	Councillor delegate: Cr Elizabeth Nealy Councillor delegate: Cr Peter Dimarelos Councillor substitute: Cr Rick Garotti	Councillor delegate: Cr Elizabeth Nealy Councillor delegate: Cr Rick Garotti Councillor substitute: Cr Alison Champion
Chief Executive Officer (CEO) Employment Matters Committee	The purpose of the Chief Executive Officer Employment Matters Committee (the Committee), to be headed by an independent chairperson, is to advise the Council on all contractual matters relating to the CEO's employment.	All Councillors	All Councillors

Committee	Overview of Committees	Delegates and Substitute 2022/2023 (Current)	Delegates and Substitute for 2023/2024
Banyule Arts and Culture Advisory Committee	<p>The purpose of the Committee is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the strategic development of arts, culture and heritage planning, policy and development.</p> <p>The Committee was first established in 2009 and has assisted Council in the development of various policies and strategies including the Public Art Policy, Gallery Feasibility Study, Arts Plan 2013 – 2017, Arts and Culture Strategic Plan 2017 – 2021 and the Ivanhoe Library & Cultural Hub Programming & Activation Framework.</p> <p>The Committee has also participated in forums, workshops and sub-groups to aid the development of specific projects.</p>	<p>Councillor delegate: Cr Elizabeth Nealy</p> <p>Councillor delegate: Cr Peter Dimarelos</p> <p>Councillor substitute: Cr Alida McKern</p>	<p>Councillor delegate: Cr Elizabeth Nealy</p> <p>Councillor delegate: Cr Peter Castaldo</p> <p>Councillor substitute: Cr Alison Champion</p>

Committee	Overview of Committees	Delegates and Substitute 2022/2023 (Current)	Delegates and Substitute for 2023/2024
Banyule Environment & Climate Action Advisory Committee (BECAAC)	<p>The priority of the Committee is to be a conjoint between the community and Council. BECAAC members are representatives of the diverse Banyule community and are appointed to work constructively with Council to input into environmental and climate action strategy. BECAAC (Formally BEAC) was established in December 1995 as a formal Council advisory committee to provide on-going community input to Council from residents committed to and concerned about a sustainable environment, particularly in relation to the development and implementation of strategic environmental documents and programs.</p>	<p>Councillor delegate: Cr Alida McKern</p> <p>Councillor delegate: Cr Peter Castaldo</p> <p>Councillor substitute: Cr Tom Melican</p>	<p>Councillor delegate: Cr Alida McKern</p> <p>Councillor substitute: Cr Tom Melican</p>

Committee	Overview of Committees	Delegates and Substitute 2022/2023 (Current)	Delegates and Substitute for 2023/2024
Inclusive Banyule Advisory Committee	<p>The role of the Committee is to provide a formal mechanism for Council to consult and engage with key stakeholders, seek specialist advice, enable community participation in advocacy, partnership and strategic advice to oversee Inclusive Banyule, Council's social justice, employment, health and wellbeing and inclusive framework.</p> <p>Inclusive Banyule is a strategic advisory committee to assist with advocacy, partnership and strategic advice to oversee Inclusive Banyule, Council's social justice, employment, health and wellbeing and inclusive framework. Inclusive Banyule also links to the following population specific consultative groups:</p> <p>Multicultural Committee Disability and Inclusion Committee LGBTIQ+ Committee Aged Friendly City Committee.</p>	<p>Councillor delegate: Cr Peter Castaldo</p> <p>Councillor delegate: Cr Tom Melican</p> <p>Councillor substitute: Cr Peter Dimarelos</p>	<p>Councillor delegate: Mayor</p> <p>Councillor delegate: Cr Peter Castaldo</p> <p>Councillor substitute: Cr Alison Champion</p>

Committee	Overview of Committees	Delegates and Substitute 2022/2023 (Current)	Delegates and Substitute for 2023/2024
Reconciliation Action Plan Advisory Committee (RAP)	The aim of Reconciliation Action Plan (RAP) Advisory Committee is to provide Council with advice and information on Inclusion, Access and Equity issues facing Aboriginal and Torres Strait Islander communities and to oversee the development of Council's Innovate RAP between September 2020 and September 2022.	Councillor delegate: Cr Peter Dimarelos Councillor delegate: Cr Elizabeth Nealy Councillor substitute: Cr Peter Castaldo	Councillor delegate: Cr Elizabeth Nealy Councillor delegate: Cr Peter Castaldo Councillor substitute: Cr Peter Dimarelos
Age-Friendly City Committee	The role of the Committee is to provide Council with advice on older adult issues and ageing well in Banyule. The Age-friendly Committee will oversee the relevant strategic plan and Council's involvement in the World Health Organisations Global Network of Age-friendly Cities.	Councillor delegate: Cr Tom Melican Councillor substitute: Cr Elizabeth Nealy	Councillor delegate: Cr Peter Castaldo Councillor substitute: Cr Tom Melican
Disability and Inclusion Committee	The role of the Committee is to provide Council with Disability, Inclusion, Access, Equity and Human Rights advice and information on the evolving context of disability, and on the issues, barriers and challenges facing, the opportunities available to, and the aspirations of, people with disabilities in Banyule.	Councillor delegate: Cr Peter Castaldo Councillor substitute: Cr Alison Champion	Councillor delegate: Mayor Councillor substitute: Cr Alison Champion

Committee	Overview of Committees	Delegates and Substitute 2022/2023 (Current)	Delegates and Substitute for 2023/2024
LGBTIQ+ Committee	The role of the Committee is to provide Council with advice and information on inclusion, access and equity issues facing the LGBTIQ+ community, and on the implementation and review of Council's LGBTIQ+ Plan.	Councillor delegate: Cr Peter Castaldo Councillor substitute: Cr Alison Champion	Councillor delegate: Cr Alison Champion Councillor substitute: Cr Elizabeth Nealy
Multicultural Committee	The role of the Committee is to provide Council with advice and information on the evolving context of multiculturalism, and on inclusion, access, equity and human rights issues, barriers and challenges facing, the opportunities available to, and the aspirations of, multicultural communities in Banyule.	Councillor delegate: Cr Fiona Mitsinikos Councillor substitute: Cr Mark Di Pasquale	Councillor delegate: Cr Peter Castaldo Councillor substitute: Cr Fiona Mitsinikos

External Committees

External Committee	Overview of Committees	Delegates 2022/2023 (Current)	Delegates and Substitutes 2023/2024
Metropolitan Transport Forum (MTF)	The Metropolitan Transport Forum (MTF) is an advocacy group comprising members from Melbourne metropolitan local government, associate members representing transport companies, and participants from the State Government and environment groups.	Councillor delegate: Cr Tom Melican Councillor substitute: Cr Mark Di Pasquale	Councillor delegate: Cr Tom Melican Councillor substitute: Cr Peter Dimarelos

External Committee	Overview of Committees	Delegates 2022/2023 (Current)	Delegates and Substitutes 2023/2024
Northern Alliance for Greenhouse Action (NAGA)	Investigates, develops, and coordinates energy saving and greenhouse gas emissions abatement projects within the NAGA region.	Councillor delegate: Cr Alida McKern Councillor substitute: Cr Peter Castaldo	Councillor delegate: Cr Alida McKern Councillor substitute: Cr Tom Melican
Northern Council Alliance (NCA)	<p>The Northern Councils Alliance represents and works collectively for residents across seven municipalities including Banyule City Council, City of Darebin, Hume City Council, Mitchell Shire Council, Moreland City Council, Nillumbik Shire Council and the City of Whittlesea.</p> <p>As a group of Councils, the Alliance is committed to working to deliver and advocate for ongoing improvements to the economic, social, health and wellbeing for its residents and businesses both current and future.</p> <p>A Memorandum of Understanding (the Charter) provides for voting on issues.</p>	Councillor delegate: Cr Peter Castaldo Councillor substitute: Cr Alida McKern	Councillor delegate: Mayor Councillor substitute: Deputy Mayor
Yarra Plenty Regional Library Board	The Board consists of two representatives of the three municipalities (Banyule, Nillumbik, Whittlesea) that constitute the service. Its role is to set policy and direction for the regional library service.	Councillor delegate: Cr Alison Champion Councillor delegate: Cr Rick Garotti Councillor substitute: Cr Elizabeth Nealy	Councillor delegate: Cr Alison Champion Councillor delegate: Cr Rick Garotti Councillor substitute: Cr Elizabeth Nealy

External Committee	Overview of Committees	Delegates 2022/2023 (Current)	Delegates and Substitutes 2023/2024
Yarra Plenty Regional Library Audit Committee One YPRL Board Member and 1 proxy	A sub-committee of the Yarra Plenty Regional Library Board which advises on financial and risk management issues.	Councillor delegate: Cr Rick Garotti Councillor delegate: Cr Alison Champion Councillor substitute: Cr Elizabeth Nealy	Councillor delegate & substitute <i>As determined by the Board</i>
Municipal Association Victoria (MAV) Committee, State Council	State Council is the MAV governing body. It consists 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.	Councillor delegate: Cr Tom Melican Councillor substitute: Cr Elizabeth Nealy	Councillor delegate: Cr Elizabeth Nealy Councillor substitute: Cr Tom Melican

Closure of Meeting

The Meeting was closed at 7.51pm.

DATED: DAY OF 2023

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MAYOR

The next Ordinary Meeting of Council will be held on Monday, 20 November 2023.