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MINUTES OF THE COUNCIL MEETING

Held on Tuesday 23 June 2015

Released to the public on Friday 26 June 2015

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**MINUTES OF THE SPECIAL MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON TUESDAY 23 JUNE 2015**

THE MEETING COMMENCED AT 7 PM

Public Notice – Special meeting 28 May 2015

A Special Council meeting on 23 June 2015, insufficient lead time was available to provide the required 7 days at least public notice before the meeting (Section 89 (4) of the Local Government Act 1989), public notice having been given in 'The Age' newspaper (and published on Council's website) on 17 June 2015 following the meeting being called on 15 June 2015.

Notwithstanding the above requirement involving 7 days at least public notice, Section 89 (4A) of the Act provides that if urgent or extraordinary circumstances prevent compliance with this requirement, Council must give public notice as is practicable and specify in the minutes the urgent or extraordinary circumstances which prevented compliance.

1. PRESENT

Councillors

Cr. Steven Tsitas (Mayor) (Chairperson)
Cr. Vince Fontana
Cr. Gaetano Greco
Cr. Tim Laurence
Cr. Bo Li
Cr. Trent McCarthy
Cr. Angela Villella
Cr. Oliver Walsh (Deputy Mayor)
Cr. Julie Williams

Council Officers

Steve Hamilton – Director Assets and Business Services

2. APOLOGIES

Nil

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. O. Walsh

THAT the meeting go in camera for discussion regarding the following item.

CARRIED UNANIMOUSLY

The meeting was closed to the members of the public at 7.01 pm

RE-OPENING OF MEETING

MOVED: Cr. T. McCarthy
SECONDED: Cr. B. Li

THAT the meeting be re-opened to the members of the public.

CARRIED

The meeting was re-opened to the members of the public at 7.32 pm.

4. CONSIDERATION OF REPORTS

4.1 FORMAL PROCEDURE – LEGAL ADVICE

MINUTE NO. 341

AUTHOR: Coordinator Governance

REVIEWED BY: Manager Governance and Performance

SUMMARY

At its Special Council meeting on 28 May 2015 there was no formal procedural motion to include an additional item into the Agenda ie. to seek legal advice in accordance with section 84(4) of the *Local Government Act 1989*.

CONSULTATION

Nil

RECOMMENDATION

THAT Council resolve to obtain independent legal advice through a legal firm on the Victorian Government Legal Services Panel relating to

COUNCIL RESOLUTION

MOVED: Cr. A. Villella
SECONDED: Cr. T. McCarthy

THAT:

- (1) Council note that Council will seek further legal advice to ensure its compliance to the Local Government Act.
- (2) The Mayor updates the Minister at the appropriate time.

CARRIED UNANIMOUSLY

REPORT**INTRODUCTION AND BACKGROUND**

It is Council's practice when seeking to admit an additional item onto the meeting agenda, in accordance with s84(4) of the *Local Government Act 1989*, it is done by a formal motion that is voted on.

At its Special meeting of 28 May 2015 council admitted an additional agenda item based on voices rather than a formal motion.

Further, the final resolution made at the meeting of 28 May 2015 was not specific enough in relation to the legal advice Council was requesting.

ISSUES AND DISCUSSION

In line with the *Local Government Act* an advertisement was placed on Council's website and in the Age Newspaper on Wednesday 17 June 2015 giving notice of the special meeting.

POLICY IMPLICATIONS**Environmental Sustainability**

Nil

Human Rights, Equity and Inclusion

Nil

Economic Development

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONCLUSION

To comply with the *Local Government Act 1989* this meeting was called on 16 June 2015 as there was no formal motion to include an additional item into the Agenda ie. to seek legal advice in accordance with section 84(4) of the *Local Government Act 1989* at its special meeting on 28 May 2015.

FUTURE ACTIONS

Nil

DISCLOSURE OF INTERESTS

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

Council Meeting Minutes – 28 May 2015.

Cr. Walsh temporarily left the meeting during discussion of the above item at 7.15 pm and returned at 7.16 pm.

5. CLOSE OF MEETING

The meeting closed at 7.33 pm.