



the place  
to live

# MINUTES OF THE COUNCIL MEETING

Held on Thursday 28 May 2015

Released to the public on Tuesday 2 June 2015

# Table of Contents

---

<b>Item Number</b>		<b>Page Number</b>
1.	<b>PRESENT</b> .....	1
2.	<b>APOLOGIES</b> .....	1
3.	<b>DISCLOSURES OF CONFLICTS OF INTEREST</b> .....	2
4.	<b>CONSIDERATION OF REPORTS</b> .....	2
	4.1 REQUEST FROM FOUR COUNCILLORS FOR A RESPONSE FROM THE MAYOR.....	6
5.	<b>CLOSE OF MEETING</b> .....	8

---

**MINUTES OF THE SPECIAL MEETING OF THE  
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,  
350 HIGH ST, PRESTON ON THURSDAY 28 MAY 2015**

---

**THE MEETING OPENED AT 7.02 PM**

**Public Notice – Special meeting 28 May 2015**

*A Special Council meeting on 28 May 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 on 24 May 2015 (and published on Council's website on 22 May 2015), following the meeting being called on 22 May 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 (7.08 pm)

***Municipal Monitor***

Peter Lewinsky

***Council Officers***

Rasiah Dev – Chief Executive  
Steve Hamilton – Director Assets and Business Services  
Dave Bell – Senior Media Advisor  
Jacinta Stevens – Manager Corporate Governance and Performance  
Katia Croce – Coordinator Council Business

**2. APOLOGIES**

Nil.

### 3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

### 4. CONSIDERATION OF REPORTS

*Cr. Williams entered the meeting at 7.08 pm*

<b>COUNCIL RESOLUTION</b>
---------------------------

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

**THAT** the Mayor provides copies of the letter provided to the Minister to all Councillors to read.

**CARRIED UNANIMOUSLY**

### ADJOURNMENT – 7.10 PM

The Chairperson, Cr. Tsitas adjourned the meeting for a 10 minute break to allow Councillors to get a copy and read the letter.

The meeting resumed at 7.29 pm

*Rasiah Dev, Chief Executive stated should any discussions take place regarding his salary or contract he would have two reasons to disclose a conflict of interest, the first being the discussions in relation to his contract and the second being he currently has a legal dispute with a councillor and does not want to prejudice one from the other and would have to leave chamber.*

*Rasiah Dev, Chief Executive requested that Councillors refrain from asking the Manager Corporate Governance and Performance, Jacinta Stevens any questions concerning the letter as she informed Mr Dev upon reading the letter on the night that she believes there are incorrect statements made about her, hence she will not be entertaining any questions regarding the matter.*

*Cr. Tsitas requested it be put on the record that he can be forgiven for feeling that the leaking of the Minister's letter was done by Councillors considering the last three weeks.*

*Cr. McCarthy expressed his view that the answer to the question (seek a response from the Mayor as to if he fully complied with all aspects of Council resolution dated 15 December 2014) is in fact a matter for Council to acquit itself of because the consequence to Council could be considerable. Cr. McCarthy was disappointed that Council cannot get a simple yes or no answer in relation to that question. Cr. McCarthy does not believe it prejudices Cr. Tsitas' position at any investigation or inspectorate if he were to answer the question as suggested by Cr. Tsitas. The answer to that question is actively a matter for Council and Council's position because it is about Council's capacity and positioning on a legal front and also other fronts.*

**COUNCIL RESOLUTION**

**MOVED:** Cr. O. Walsh  
**SECONDED:** Cr. V. Fontana

**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 7.48 pm

*Peter Lewinsky, Municipal Monitor, Jacinta Stevens, Manager Corporate Governance and Performance and Dave Bell Senior Media Advisor left the meeting 7.48 pm.*

**ADJOURNMENT – 7.48 PM**

The Chairperson, Cr. Tsitas adjourned the meeting for a 5 minute break.

**RE-OPENING OF MEETING**

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

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

**CARRIED**

The meeting was reopened to the members of the public at 9.07 pm

**ADJOURNMENT – 9.07 PM**

**COUNCIL RESOLUTION**

**MOVED:** Cr. O. Walsh  
**SECONDED:** Cr. V. Fontana

**THAT** Council adjourn the meeting for a 10 minute break.

**CARRIED**

The meeting resumed at 9.26 pm

**CLOSE OF MEETING**

**MOVED: Cr. B. Li**  
**SECONDED: Cr. G. Greco**

**THAT** the meeting be closed to the members of the public.

**CARRIED**

The meeting was closed to members of the public at 9.26 pm.

**RE-OPENING OF MEETING**

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

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

**CARRIED**

The meeting was reopened to members of the public at 9.56 pm.

**EXTENSION OF TIME – 9.58 PM**

<b>COUNCIL RESOLUTION</b>
---------------------------

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

**THAT** the Council meeting continue after 10.00 pm for 30 minutes.

**CARRIED**

**CLOSE OF MEETING**

**MOVED: Cr. O. Walsh**  
**SECONDED: Cr. G. Greco**

**THAT** the meeting be closed to the members of the public.

**CARRIED**

The meeting was closed to members of the public at 9.58 pm.

**RE-OPENING OF MEETING**

**MOVED:** Cr. T. Laurence  
**SECONDED:** Cr. T. McCarthy

**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 10.15 pm

**ADJOURNMENT – 10.19 PM**

The Chairperson, Cr. Tsitas adjourned the meeting for a 5 minute break.

The meeting resumed at 10.27pm.

Cr. Walsh (deputy Mayor) assumed the Chair as Acting Chairperson in Cr. Tsitas' absence.

**EXTENSION OF TIME – 10.27 PM**

<b>COUNCIL RESOLUTION</b>
---------------------------

**MOVED:** Cr. B. Li  
**SECONDED:** Cr. J. Williams

**THAT** the Council meeting continue after 10.30 pm for 30 minutes.

**CARRIED**

**ADJOURNMENT – 10.28 PM**

The Acting Chairperson, Cr. Walsh adjourned the meeting for a further 5 minute break.

The meeting resumed at 10.34 pm. (All councillors present)

**4.1 REQUEST FROM FOUR COUNCILLORS FOR A RESPONSE FROM THE MAYOR****MINUTE NO. 282****AUTHOR: Coordinator Governance****REVIEWED BY: Manager Governance and Performance****SUMMARY**

This report is in relation to a Special Meeting called by Cr. McCarthy, Cr. Li, Cr. Greco and Cr. Villella.

**CONSULTATION**

Nil

**RECOMMENDATION**

**THAT** Council note the Mayor's response.

**COUNCIL RESOLUTION**

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

**THAT:**

- (1) Council notes the Mayor's response.
- (2) Council notes Council will seek further legal advice to ensure its compliance to the Local Government Act.
- (3) The Mayor updates the Minister at the appropriate time.

**CARRIED UNANIMOUSLY****REPORT****INTRODUCTION AND BACKGROUND**

On 22 May 2015, an email was received from Cr. Bo Li on behalf of all four Councillors (Cr. Villella, Cr. Greco, Cr. McCarthy) requesting a Special Meeting be convened on Thursday 28 May 2015 at 7pm to seek a response from the Mayor as to if he fully complied with all aspects of council resolution dated 15 December 2014.



**ISSUES AND DISCUSSION**

In line with the *Local Government Act* an advertisement was placed on Council's website on Friday 22 May 2015 and in the Age Newspaper on Sunday 23 May 2015 giving notice of the meeting.

**POLICY IMPLICATIONS****Environmental Sustainability**

Nil

**Human Rights, Equity and Inclusion**

Nil

**Economic Development**

Nil

**Other**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

**CONCLUSION**

Council note Mayor's response.

**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**

Confidential Council Meeting Minutes from 15 December 2014.

**5. CLOSE OF MEETING**

The meeting closed at 10.35 pm.