



City of
Whittlesea

MINUTES

OF SPECIAL COUNCIL MEETING

HELD ON

TUESDAY 8 MAY 2018

AT 6.30PM

**IN COUNCIL CHAMBER, 25 FERRES
BOULEVARD, SOUTH MORANG**

COUNCILLORS

KRIS PAVLIDIS MAYOR, SOUTH WEST WARD

LAWRIE COX SOUTH WEST WARD

STEVAN KOZMEVSKI SOUTH WEST WARD

CAZ MONTELEONE SOUTH WEST WARD

EMILIA LISA STERJOVA DEPUTY MAYOR, NORTH WARD

TOM JOSEPH NORTH WARD

RICKY KIRKHAM NORTH WARD

SAM ALESSI SOUTH EAST WARD

ALAHNA DESIATO SOUTH EAST WARD

NORM KELLY SOUTH EAST WARD

MARY LALIOS SOUTH EAST WARD

SENIOR OFFICERS

SIMON OVERLAND

CHIEF EXECUTIVE OFFICER

RUSSELL HOPKINS

DIRECTOR COMMUNITY SERVICES

STEVE O'BRIEN

DIRECTOR PLANNING AND MAJOR PROJECTS

NICK MANN

DIRECTOR CITY TRANSPORT & PRESENTATION

HELEN SUI

DIRECTOR CORPORATE SERVICES

LIANA THOMPSON

DIRECTOR PARTNERSHIPS & ENGAGEMENT

MICHAEL TONTA

MANAGER GOVERNANCE

ORDER OF BUSINESS

The Chief Executive Officer submits the following business:

1.	OPENING	7
	1.1 MEETING OPENING AND PRAYER	7
	1.2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS STATEMENT	7
	1.3 PRESENT	7
2.	APOLOGIES	8
3.	DECLARATIONS OF INTEREST	8
4.	REPORT	9
	4.1 REQUEST APPOINTMENT OF A MUNICIPAL MONITOR	9
5.	CLOSURE	19

Note:

In these Minutes, Resolutions adopted by Council are indicated in bold text.

1. OPENING**1.1 MEETING OPENING AND PRAYER**

The Chief Executive Officer opened the meeting with a prayer at 6.30pm.

1.2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS STATEMENT

On behalf of the City of Whittlesea the Mayor recognised the rich Aboriginal heritage of this country and acknowledged the Wurundjeri Willam Clan as the Traditional Owners of this place.

1.3 PRESENT**Members:**

Cr Kris Pavlidis	Mayor (South West Ward)
Cr Lawrie Cox	Councillor (South West Ward)
Cr Stevan Kozmevski	Councillor (South West Ward)
Cr Caz Monteleone	Councillor (South West Ward)
Cr Emilia Lisa Sterjova	Deputy Mayor (North Ward)
Cr Tom Joseph	Councillor (North Ward)
Cr Ricky Kirkham	Councillor (North Ward)
Cr Norm Kelly	Councillor (South East Ward)
Cr Sam Alessi	Councillor (South East Ward)
Cr Alahna Desiato	Councillor (South East Ward)

Officers:

Mr Simon Overland	Chief Executive Officer
Mr Steve O'Brien	Director Planning and Major Projects
Mr Russell Hopkins	Director Community Services
Mr Nick Mann	Director City Transport & Presentation
Ms Helen Sui	Director Corporate Services
Ms Liana Thompson	Director Partnerships & Engagement
Mr Michael Tonta	Manager Governance

2. APOLOGIES**APOLOGY**

An apology was received on behalf of Councillor Lalios for this meeting.

COUNCIL RESOLUTION

MOVED: *Cr Kelly*
SECONDED: *Cr Kirkham*

THAT Councillor Lalios' apology be accepted.

CARRIED

DIVISION

Immediately after the motion was voted on, Cr Kirkham called for a division which resulted in the following votes being recorded.

For	Against	Abstained
Cr Pavlidis	Nil	Cr Cox
Cr Kozmevski		
Cr Kirkham		
Cr Alessi		
Cr Kelly		
Cr Monteleone		
Cr Desiato		
Cr Sterjova		
Cr Joseph		

Based on the votes cast during the Division, the motion was carried.

CARRIED

3. DECLARATIONS OF INTEREST

NIL

4. REPORT**4.1 REQUEST APPOINTMENT OF A MUNICIPAL MONITOR**

Author: Cr Alahna Desiato, Cr Ricky Kirkham and Cr Monteleone

Councillors Desiato, Kirkham and Monteleone have given notice under section 84(1) of the *Local Government Act 1989* that a Special Meeting of Council has been called for 6:30pm on Tuesday 8 May 2018 to consider an item of business relating to a request to appoint a municipal monitor.

PREAMBLE

A Municipal Monitor is requested to assist Whittlesea City Council over the coming 18 months in improving governance and transparency.

Recent media reporting of Council's performance undermines public confidence in our ability to effectively govern.

As a growing municipality, Whittlesea City Council, Councillors and Staff must focus on meeting the strategic challenges facing our community in the short and long term.

The leadership provided by Council must be inclusive and respectful of the principles of democracy – whilst promoting an environment where a range of views are respected and tolerated.

Councillors must work collectively in shaping decisions that restore our reputation as a policy and strategic leader in the local government sector.

Without the appointment of a Municipal Monitor, Whittlesea City Council is at risk of becoming increasingly dysfunctional and unworkable.

MOTION

THAT Council resolve to request the Minister for Local Government to appoint a Municipal Monitor for a period of 18 months.

The Monitor is requested to review and report on the following areas:

- a) Council governance processes and practices; and
- b) Provide advice to Whittlesea City Council about governance improvements Council should make.

MOTION

MOVED: Cr Monteleone

SECONDED: Cr Kirkham

THAT Council resolve to request the Minister for Local Government to appoint a Municipal Monitor for a period of 18 months.

The Monitor is requested to review and report on the following areas:

- a) Council governance processes and practices; and
- b) Provide advice to Whittlesea City Council about governance improvements Council should make.

AMENDMENT

MOVED: Cr Cox
SECONDED: Cr Alessi

THAT Council resolve to amend the motion as follows:

Insert a new Section 1 as follows;

1. Note the following:

- a) Despite several procedural resolutions in attempt to delay implementation of council operations council business has progressed normally;
- b) Despite the unruly behavioural changes that have occurred since the 2017 Mayoral election, Council has been able to implement policies and decisions;
- c) These include and are not limited to proposed changes to Procedural Matters Local Law which is currently out for public comment;
- d) The 2018/19 Budget and the Council Action Plan also out for public input;
- e) A Council retreat to improve Councillor relationships and behaviours;
- f) A number of ejections from Council meetings following refusal to withdraw comments or failure to adhere to direction from the chair;
- g) A number of failures to adhere to Code of Conduct;
- h) Recent introduction of new Council/staff protocol following allegations of inappropriate councillor behaviour;
- i) Use of media statements to portray Council as non-operational;
- j) The failure of Councillors to attend meetings on 12 December 2017 and 1 May 2018 despite being appropriately summonsed in accord with the Local Government Act.

Insert a new section 2a to modify the time period so that the section would read:

2. a) Request the Minister for Local Government to appoint a Municipal Monitor for a period of 6 months.

Insert a new section 2b to read as follows;

2. b) The Monitor, if appointed, is requested to review and report on the following areas:

Insert a new sub section to point (2b) which incorporate points (a) and (b) of the original motion as follows;

- i. Council governance processes and practices. Noting the constant interjections under Point of Order to continue debating;

- ii. The failure of individual Councillors to follow direction from the chair;
- iii. The failure to withdraw inappropriate comments when directed by the chair;
- iv. Review the outcomes and application of the principles from the Council retreat related to meeting procedures and behaviours; and
- v. Provide appropriate advice to Whittlesea City Council about governance improvements that can be made.

After the above amendments are incorporated, the amended motion reads as follows;

AMENDED MOTION

THAT Council resolve to:

1. Note the following:

- a) Despite several procedural resolutions in attempt to delay implementation of council operations council business has progressed normally;
- b) Despite the unruly behavioural changes that have occurred since the 2017 Mayoral election, Council has been able to implement policies and decisions;
- c) These include and are not limited to proposed changes to Procedural Matters Local Law which is currently out for public comment;
- d) The 2018/19 Budget and the Council Action Plan also out for public input;
- e) A Council retreat to improve Councillor relationships and behaviours;
- f) A number of ejections from Council meetings following refusal to withdraw comments or failure to adhere to direction from the chair;
- g) A number of failures to adhere to Code of Conduct;
- h) Recent introduction of new Council/staff protocol following allegations of inappropriate councillor behaviour;
- i) Use of media statements to portray Council as non-operational;
- j) The failure of Councillors to attend meetings on 12 December 2017 and 1 May 2018 despite being appropriately summonsed in accord with the Local Government Act.

- 2. a) Request the Minister for Local Government to appoint a Municipal Monitor for a period of 6 months.
- b) The Monitor, if appointed, is requested to review and report on the following areas:
 - i) Council governance processes and practices. Noting the constant interjections under Point of Order to continue debating;

- ii) The failure of individual Councillors to follow direction from the chair;
- iii) The failure to withdraw inappropriate comments when directed by the chair;
- iv) Review the outcomes and application of the principles from the Council retreat related to meeting procedures and behaviours; and
- v) Provide appropriate advice to Whittlesea City Council about governance improvements that can be made.

EXTENSION OF SPEAKING TIME

MOVED: *Cr Sterjova*

SECONDED: *Cr Kirkham*

THAT Council resolve to extend the speaking time for Cr Cox for a further two minutes.

CARRIED

EXTENSION OF SPEAKING TIME

MOVED: *Cr Kelly*

SECONDED: *Cr Desiato*

THAT Council resolve to extend the speaking time for Cr Kirkham for a further two minutes.

CARRIED

EXTENSION OF SPEAKING TIME

MOVED: *Cr Kirkham*

SECONDED: *Cr Desiato*

THAT Council resolve to extend the speaking time for Cr Kelly for a further two minutes.

CARRIED

EXTENSION OF SPEAKING TIME

MOVED: *Cr Cox*

SECONDED: *Cr Kozmevski*

THAT Council resolve to extend the speaking time for Cr Alessi for a further two minutes.

CARRIED

VOTE ON AMENDMENT

MOVED: Cr Cox
SECONDED: Cr Alessi

THAT Council resolve to amend the motion as follows:

1. Note the following:

- a) Despite several procedural resolutions in attempt to delay implementation of council operations council business has progressed normally;
 - b) Despite the unruly behavioural changes that have occurred since the 2017 Mayoral election, Council has been able to implement policies and decisions;
 - c) These include and are not limited to proposed changes to Procedural Matters Local Law which is currently out for public comment;
 - d) The 2018/19 Budget and the Council Action Plan also out for public input;
 - e) A Council retreat to improve Councillor relationships and behaviours;
 - f) A number of ejections from Council meetings following refusal to withdraw comments or failure to adhere to direction from the chair;
 - g) A number of failures to adhere to Code of Conduct;
 - h) Recent introduction of new Council/staff protocol following allegations of inappropriate councillor behaviour;
 - i) Use of media statements to portray Council as non-operational;
 - j) The failure of Councillors to attend meetings on 12 December 2017 and 1 May 2018 despite being appropriately summonsed in accord with the Local Government Act.
2. a) Request the Minister for Local Government to appoint a Municipal Monitor for a period of 6 months.
- b) The Monitor, if appointed, is requested to review and report on the following areas:
- i. Council governance processes and practices. Noting the constant interjections under Point of Order to continue debating;
 - ii. The failure of individual Councillors to follow direction from the chair;
 - iii. The failure to withdraw inappropriate comments when directed by the chair;
 - iv. Review the outcomes and application of the principles from the Council retreat related to meeting procedures and behaviours; and
 - v. Provide appropriate advice to Whittlesea City Council about governance improvements that can be made.

The amendment was put and carried and became the substantive motion.

CARRIED

DIVISION

Immediately after the substantive motion was voted on, Cr Kirkham called for a division which resulted in the following votes being recorded.

For	Against	Abstained
Cr Pavlidis	Cr Kirkham	Nil
Cr Kozmevski	Cr Kelly	
Cr Alessi	Cr Monteleone	
Cr Cox	Cr Desiato	
Cr Sterjova		
Cr Joseph		

Based on the votes cast during the Division, the substantive motion was carried.

CARRIED

FURTHER AMENDMENT

MOVED: *Cr Kelly*
SECONDED: *Cr Kirkham*

THAT Council resolve to include the following to part 1 of the substantive motion;

- k) Inconsistencies in the Mayor's chairing and rulings**
- l) Processes surrounding the assurance audit in relation to the departure of the previous Chief Executive Officer (CEO) Michael Wootten.**
- m) Inconsistencies and inaccuracies of Council Minutes since November 2017**
- n) Closure of the 6 February 2018 Council Meeting**
- o) Abuse of power by the chairperson in exercising her legislative and local law meeting procedure.**
- p) To review the Monitors finding at the end of the six month term.**

EXTENSION OF SPEAKING TIME

MOVED: *Cr Kirkham*
SECONDED: *Cr Monteleone*

THAT Council resolve to extend the speaking time for Cr Kirkham for a further two minutes.

LOST

EXTENSION OF SPEAKING TIME

MOVED: *Cr Cox*
SECONDED: *Cr Sterjova*

THAT Council resolve to extend the speaking time for Cr Alessi for a further two minutes.

CARRIED

VOTE ON FURTHER AMENDMENT

MOVED: *Cr Kelly*
SECONDED: *Cr Kirkham*

THAT Council resolve to include the following to the substantive motion;

- k) Inconsistencies in the Mayor's chairing and rulings
- l) Processes surrounding the assurance audit in relation to the departure of the previous Chief Executive Officer (CEO) Michael Wootten.
- m) Inconsistencies and inaccuracies of Council Minutes since November 2017
- n) Closure of the 6 February 2018 Council Meeting
- o) Abuse of power by the chairperson in exercising her legislative and local law meeting procedure.
- p) To review the Monitors finding at the end of the six month term.

LOST

DIVISION

Immediately after the further amendment was voted on, Cr Kirkham called for a division which resulted in the following votes being recorded.

For	Against	Abstained
Cr Kirkham	Cr Pavlidis	Nil
Cr Kelly	Cr Kozmevski	
Cr Monteleone	Cr Alessi	
Cr Desiato	Cr Cox	
	Cr Sterjova	
	Cr Joseph	

Based on the votes cast during the Division, the further amendment was lost.

LOST

EXTENSION OF SPEAKING TIME

MOVED: *Cr Kirkham*
SECONDED: *Cr Sterjova*

THAT Council resolve to extend the speaking time for Cr Desiato for a further two minutes.

CARRIED

EXTENSION OF SPEAKING TIME

MOVED: *Cr Joseph*
SECONDED: *Cr Cox*

THAT Council resolve to extend the speaking time for Cr Alessi for a further two minutes.

CARRIED

EXTENSION OF SPEAKING TIME

MOVED: *Cr Sterjova*
SECONDED: *Cr Alessi*

THAT Council resolve to extend the speaking time for Cr Cox for a further two minutes.

CARRIED

EXTENSION OF SPEAKING TIME

MOVED: *Cr Kirkham*
SECONDED: *Cr Monteleone*

THAT Council resolve to extend the speaking time for Cr Kirkham for a further two minutes.

LOST

DIVISION

Immediately after the motion for an extension of speaking time was voted on, Cr Kirkham called for a division which resulted in the following votes being recorded.

For	Against	Abstained
Cr Kirkham	Nil	Cr Pavlidis
Cr Kelly		Cr Kozmevski
Cr Monteleone		Cr Alessi
Cr Desiato		Cr Cox
		Cr Sterjova
		Cr Joseph

Based on the votes cast during the Division, the motion was lost.

LOST

COUNCIL RESOLUTION

MOVED: *Cr Monteleone*
SECONDED: *Cr Kirkham*

THAT Council resolve to:

1. Note the following:

- a) Despite several procedural resolutions in attempt to delay implementation of council operations council business has progressed normally;
- b) Despite the unruly behavioural changes that have occurred since the 2017 Mayoral election, Council has been able to implement policies and decisions;
- c) These include and are not limited to proposed changes to Procedural Matters Local Law which is currently out for public comment;
- d) The 2018/19 Budget and the Council Action Plan also out for public input;
- e) A Council retreat to improve Councillor relationships and behaviours;
- f) A number of ejections from Council meetings following refusal to withdraw comments or failure to adhere to direction from the chair;
- g) A number of failures to adhere to Code of Conduct;
- h) Recent introduction of new Council/staff protocol following allegations of inappropriate councillor behaviour;
- i) Use of media statements to portray Council as non-operational;
- j) The failure of Councillors to attend meetings on 12 December 2017 and 1 May 2018 despite being appropriately summonsed in accord with the Local Government Act.

- 2. a) Request the Minister for Local Government to appoint a Municipal Monitor for a period of 6 months.**
- b) The Monitor, if appointed, is requested to review and report on the following areas:**
- i) Council governance processes and practices. Noting the constant interjections under Point of Order to continue debating;
 - ii) The failure of individual Councillors to follow direction from the chair;
 - iii) The failure to withdraw inappropriate comments when directed by the chair;
 - iv) Review the outcomes and application of the principles from the Council retreat related to meeting procedures and behaviours; and
 - v) Provide appropriate advice to Whittlesea City Council about governance improvements that can be made.

The substantive motion was put and carried.

CARRIED

DIVISION

Immediately after the motion was voted on, Cr Kirkham called for a division which resulted in the following votes being recorded.

For	Against	Abstained
Cr Pavlidis	Cr Kirkham	Nil
Cr Kozmevski	Cr Kelly	
Cr Alessi	Cr Monteleone	
Cr Cox	Cr Desiato	
Cr Sterjova		
Cr Joseph		

Based on the votes cast during the Division, the motion was carried.

CARRIED

5. CLOSURE

**THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING
CLOSED AT 8.33PM**

CONFIRMED THIS 5 JUNE 2018

**CR KRIS PAVLIDIS
MAYOR**