

Special Council Meeting

Agenda

Monday 3 October 2022

**Commencing at the conclusion of the Town Planning
Committee Meeting**

**Council Chambers
20 Siding Avenue, Officer
Victoria**

Special Council Meeting

Monday 3 October 2022 at 7:00 PM.

Members:	Cr Jeff Springfield	Mayor
	Cr Tammy Radford	Deputy Mayor
	Cr Kaye Cameron	
	Cr Stephanie Davies	
	Cr Jack Kowarzik	
	Cr Graeme Moore	
	Cr Collin Ross	
	Cr Brett Owen	
	Cr Carol Ryan	
Officers:	Carol Jeffs	Chief Executive Officer
	Peter Benazic	General Manager Infrastructure and Environment
	Lili Rosic	General Manager Liveable Communities
	Deb Tyson	General Manager Governance, Facilities and Economy
	Jenny Scicluna	General Manager Customer, People and Performance
	Doug Evans	Manager Governance
	Jack Coogan	Governance Officer

Dear Councillor,

You are advised that the Acting Chief Executive Officer has called a Special Council meeting to be held in the **Council Chambers, Cardinia Shire Council Civic Centre, 20 Siding Avenue, Officer** on **Monday 3 October 2022** commencing at the conclusion of the Town Planning Committee Meeting **7:00 PM**.

Peter Benazic
ACTING CHIEF EXECUTIVE OFFICER

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1 Opening And Prayer

I would also ask those gathered to join us now for a few moments of silence as we reflect on our roles in this chamber. Please use this opportunity for reflection, Prayer or thought, to focus on our shared intention to work respectfully together for the well-being of our whole community.

2 Acknowledgements

Cardinia Shire Council acknowledges that we are on the traditional land of the Bunurong and Wurundjeri people and pay our respects to their elders past, present and emerging.

3 Apologies

5 Declaration Of Interests

6 Ordinary Business

6.1.1 Transition of Library services from Casey Cardinia Libraries (CCL) to Myli, My Community Libraries Ltd

Responsible GM: Debbie Tyson
Author: Debbie Tyson

Recommendation(s)

That Council:

- Reaffirms Council position to transition Cardinia Shires Libraries services from Casey Cardinia Libraries (CCL) to Myli, My Community Libraries Ltd; and
- Appoint Councillor Springfield as delegate of Cardinia Shire Council on the Myli Board; and
- Acknowledge the resignation of Councillor Springfield from the CCL Board and appoint Councillor Kowarzik on to the CCL Board until a time that a delegate from Cardinia Shire Council is no longer required on the CCL Board.

Attachments

Nil

Executive Summary

The below resolution was adopted by Council at the August Ordinary Council Meeting, which was heard *in camera* as the matter was considered necessary to keep confidential as the information would prejudice the Councils position in commercial negotiations if prematurely released.

Cardinia to withdraw from Casey Cardinia Regional Library Agreement

1. That Council endorses the extension of the date for the dissolution of the Regional Library (as that term is defined in the Casey Cardinia Regional Library Agreement), including the Casey-Cardinia Library Corporation, to on or before 6 April 2030, or at such other date agreed to in writing by all parties.
2. That Council endorses the extension of the date for the termination of the Casey Cardinia Libraries Agreement to on or before 6 April 2030, or at such other date agreed to in writing by all parties.
3. That Council endorses a motion to the Board of the Casey-Cardinia Library Corporation that Cardinia Shire Council may give less than twelve months' notice of its intention to withdraw from the Casey Cardinia Libraries Agreement.
4. That Council endorses the withdrawal of Cardinia Shire Council from the Casey Cardinia Libraries Agreement on 30 November 2022

Cardinia becoming a member of Myli – My Community Library Ltd

5. That, pursuant to section 110(1) and section 111 of the Local Government Act 2020 (Vic) (LG Act) and having assessed the total investment involved and total risk exposure and ensured the total risk exposure does not exceed the total investment and that risk management frameworks are in place, Council:
 - 5.1 participate in the community library beneficial enterprise undertaken by Myli; and
 - 5.2 apply to become a member of Myli in accordance with the Myli constitution, provided that Council continues to comply with section 111 of the LG Act in relation to Council's involvement in Myli as a beneficial enterprise.
6. That, subject to Myli accepting Council's application to become a member of Myli, with effect from that acceptance, Council will appoint an Ordinary Member Appointed Director on the Myli Board pursuant to section 110(2) and (3) of the LG Act and clause 6.2.1 of the Myli Constitution prior to 30 November 2022
7. That the Chief Executive Officer of the Council be delegated responsibility to negotiate, finalise and execute all matters set out in paragraph 7 to complete the transition to Myli
 1. That Council enter into a deed of accession (**Accession Deed**) in relation to the Myli Library Agreement as novated and varied, presently between Myli, Bass Coast Shire Council, Baw Baw Shire Council and South Gippsland Shire Council, and that the Accession Deed take effect from 11:59pm on 30 November 2022
 2. That, pursuant to section 10 of the LG Act, Council enters into a gift and transfer deed between Council, Myli, and Casey-Cardinia Library Corporation, and which provides in general terms, that with effect at 11:59pm on 30 November 2022
 - 7.2.1 Council is one of the owners of Casey-Cardinia Library Corporation;
 - 7.2.2 Council has decided to withdraw from the Casey-Cardinia Library Corporation in accordance with the Casey Cardinia Regional Library Agreement and is entitled to a portion of Casey-Cardinia Library Corporation's business, operations, assets, and liabilities in accordance with the Casey Cardinia Regional Library Agreement;
 - 7.2.3 Council wishes to gift its portion of Casey-Cardinia Library Corporation's business, operations, assets and liabilities described in paragraph 8.2 (Selected Interests), which shall exclude land, leases and their associated buildings, mobile library vehicles and motor vehicles (Excluded Interests), to Myli;
 - 7.2.4 so as to give effect to Council's gift, Council directs and authorises Casey-Cardinia Library Corporation to transfer Council's portion of the Selected Interests to Myli pursuant to sections 196(4)(d) and (e) of the LG Act and any other power enabling Casey-Cardinia Library Corporation to do so: and
 - 7.2.5 if Casey-Cardinia Library Corporation is unwilling to be a party to the gift and transfer deed, then upon Council taking ownership of the Selected Interests, Council agrees to gift and transfer the Selected Interests to Myli in accordance with the terms of the gift and transfer deed.

Background

The City of Casey and Cardinia Shire Council jointly determined to dissolve the Casey Cardinia Library Corporation (CCL) on 31 December 2022. The joint decision was made due to several contributing factors, most notably the significant growth and change in demographics of both communities, along with new legislation in the Local Government Act 2020 that requires the

current regional library model be changed in the coming decade and the timely need for a review of the existing model of delivery of our library services.

Over the past 25 years, CCL has grown to Victoria's largest public library service with the population across the two municipalities growing to almost half a million people and is planned to reach 750,000 by 2041. With this growth comes increased diversity and changing needs of our communities and has led the Councils to pursue a fit for purpose, financially sustainable service model that connects with our community in delivering contemporary library services, aligned with the Council's vision and plan for the future.

A tender process was undertaken to realise a fit for purpose library service model that connects with the community in delivering a contemporary library service. The REOI closed on 22 December 2021, Myli was favourably evaluated by a Panel which included two independent consultants. A Council procurement risk assessment was undertaken to identify risks and mitigation opportunities to support a successful tender process and outcome.

Myli is considered a strong fit service provider for Cardinia with its library services from a demographic perspective and has experience in delivering library services across the West Gippsland Region.

Casey Cardinia Libraries (CCL) formally begun Staff consultation on the 5th September 2022 for a period of 2 weeks, ending 18th September 2022. A Special Board Meeting of the CCL has been called on the 29th September, where the Executive of CCL presented to the Board the outcome of the consultation.

This report and recommendation is to formally reaffirm Cardinia Shire's intention to transition to Myli on 30th November 2022 and to nominate a delegate of Council to represent Cardinia on the Myli Board.

The recommendation is to appoint Councillor Jeff Springfield as delegate on the Myli Board due to his most recent past experience on the CCL Board. As part of this recommendation, to ensure there is no perceived Conflict of Interest, it is recommended that Cr Springfield resigns from his position on the CCL Board and appoint Councillor Jack Kowarzik on the CCL Board until a representative from Cardinia is no longer required as per the transition from CCL.

Policy Implications

There are no policy implications as part of this report

Climate Emergency Consideration

There are no climate emergency considerations associated with this report

Consultation/Communication

This report required no community or internal consultation

Financial and Resource Implications

There are no financial impacts as part of this report

Conclusion

It is respectfully requested that Councillors reaffirm Councils position to transition from CCL to Myli and the Cr Springfield resigns from his position on the CCL Board and be appointed as

Council representative on the Myli Board. Following Cr Kowarzik to be appointed onto the CCL Board until such time a representative of Cardinia is no longer required on the Board.

Meeting Closure