



Willoughby City Council

EXTRAORDINARY COUNCIL

AGENDA

NOTICE IS HEREBY GIVEN that an

Ordinary Meeting of the Council
will be held at Council Chamber
Level 6, 31 Victor Street, Chatswood

on 30 March 2020

commencing at 6:00pm

The Meeting will be webcast live, but is closed to the public due to public health order to limit risk of Covid-19 virus

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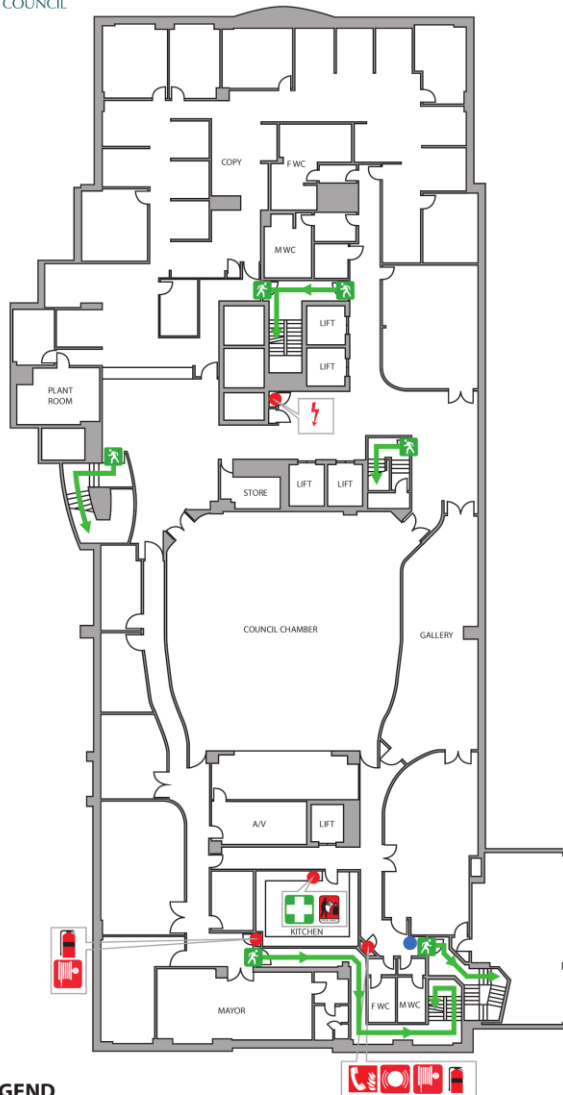
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WILLOUGHBY CITY COUNCIL

Level 6 Floor Plan



EVACUATION DIAGRAM | COUNCIL CHAMBERS



000 EMERGENCY Dial 000 for all emergency services
 Address: 31 Victor St, Chatswood
 Nearest Cross: Albert Ave

IN THE EVENT OF AN EMERGENCY
Remove any person from danger
Alert staff and others
Confine smoke/fire and close doors
Extinguish fire, if safe to do so - If not, assist others and move to the Emergency Assembly Area.

EVACUATION PROCEDURES

ALERT BEEEP..BEEEP..BEEEP.
 If you hear this sound you must be prepared to evacuate. Listen carefully to any instructions provided by Wardens and Staff.

EVACUATE WOOP..WOOP..WOOP.
 When you hear this sound you MUST evacuate using the nearest Fire Exit. Do not run and do not use any Lifts. If you need assistance to evacuate advise the nearest Staff member.

Listen carefully to any instructions provided by Wardens and Staff.

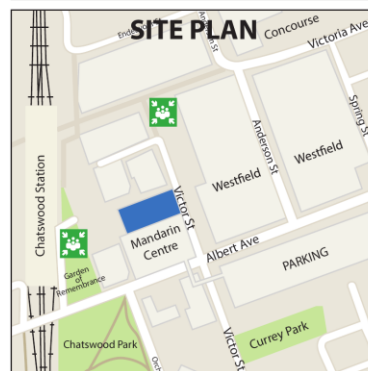
This diagram identifies the nearest Exit and the alternate Fire Exit as well. You must proceed to the Emergency Assembly Area and wait for further instruction.

DO NOT PANIC

LEGEND

	FIRE EXIT		EMERGENCY ASSEMBLY POINT
	STAIRS		EMERGENCY EXIT ROUTE
	YOU ARE HERE		FIRST AID KIT
	ELECTRICAL DISTRIBUTION BOARD		FIRE BLANKET
	FIRE HYDRANT		FIRE INDICATOR PANEL
	FIRE HOSE REEL		BREAK GLASS ALARM
	WARDEN INTERCOM POINT		CO2 FIRE EXTINGUISHER

LEVEL 6
Assembly Area 1:
 Chatswood Mall, near Victor Street
Assembly Area 2:
 Garden of Remembrance



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 NOT DRAWN TO SCALE



COUNCIL CHAMBERS

GOVERNANCE MEETING ADMINISTRATION OFFICER	GOVERNANCE OFFICER	GOVERNANCE, RISK & CORPORATE PLANNING MANAGER	MAYOR	CHIEF EXECUTIVE OFFICER
P Sheldrake	V Grepl	S Charlton	Clr G Giles-Gidney	D Just

Clr S Coppock

Clr C Tuon

Clr N Wright

Clr D Fernandez

Clr B Zhu

Clr H Eriksson

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Clr Rozos

Clr W Norton

Clr J Rutherford

Clr T Mustaca

Clr L Saville

Clr C Campbell
Deputy Mayor

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Council
Staff



Council Chamber Protocol

Ordinary Council Meetings are held on the second Monday of the month.

All meetings are open to the public except for items that, in the Council's opinion, are confidential, in accordance with Section 10A of the *Local Government Act 1993*.

- The Council meeting is in progress once the Mayor declares the meeting open and until the Mayor declares the meeting closed. Members of the public are asked to remain silent when the Council meeting is in progress.
- Members of the public can request that an item be discussed early in the meeting by approaching a Council Officer or Councillor prior to the meeting commencing. The decision to bring forward an item rests with the Mayor. Members of the public are not permitted to approach Councillors while the Council meeting is in progress. Having a matter brought forward in the Council meeting does not give a person the right to address Council on that matter.
- You may address Council at a Council meeting in one of two ways:
 - **Open Forum** – allows people to address Council for up to three (3) minutes on any topic relating to Council's activities or Willoughby generally. Members of the public cannot use the Open Forum to speak about an item on the agenda. Requests to speak at Open Forum can be made by completing the on-line form on Council's website before noon on the day of the meeting.
 - **Public Forum** – allows people to address Council for up to three (3) minutes in relation to a specific matter on the agenda. People wishing to address must complete the on-line form on Council's website before noon on the day of the meeting. The decision as to whether or not the person will be heard rests with the Council.
- You are able to distribute additional papers to Councillors prior to a Council meeting via the on-line Request to Address Council Meetings form or via email, post or delivered to Council chambers by noon on the day of the meeting. No additional papers can be distributed to Councillors after 5:00pm on the evening of the Council meeting except in exceptional circumstances agreed by the Chief Executive Officer and the Mayor.
- Please ensure that all mobile phones are turned **off** whilst you are in the Council Chamber. Note that mobile phones or any other recording device are not to be used to record any part of the Council Meeting.
- **Guidelines for Speakers** – When addressing the Council, please remember to be courteous. Comments made by participants in any Council meeting, which are derogatory or damaging to any person's character or reputation, including any Councillor, employee of the Council, or member of the public, may be defamatory and may subject the participant to an action for defamation. Comments made during the course of a Council meeting are not protected by the defence of absolute privilege under the *Defamation Act 2005*, and may not attract any other defences available under that Act or the common law. Every Council meeting is recorded and applications to access such recordings can be made under the *Government Information (Public Access) Act 2009 (GIPA Act)*.
- **Webcasting** – The proceedings of all Council meetings in open session, including all debate and addresses by the public, are recorded and webcast live on Council's website for the purpose of facilitating community access. Webcast archives are stored and available to the public on Council's website for two years, after which time the recordings may be disclosed under the provision of the *GIPA Act*.

Members of the public attending a Council meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for two years. By attending a Council meeting, whether by addressing the Council or as an observer or other interested party, members of the public consent to this use of their image, voice and personal information.

1 PRESENT

2 DISCLOSURES OF INTERESTS

**3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE
BY COUNCILLORS**

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5 REPORTS FROM THE OFFICERS

5.1 COUNCIL RESPONSE TO THE BUSINESS AND COMMUNITY IMPACTS OF COVID-19 VIRUS

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	30 MARCH 2020

1. PURPOSE OF REPORT

To inform the Council of measures undertaken to mitigate the impact of COVID-19 on our community, customers, Councillors and staff.

2. OFFICER'S RECOMMENDATION

That Council note the measures undertaken to mitigate the impact of COVID-19 on the community, our customers and staff.

3. BACKGROUND

The government has announced a raft of measures to address the spread of COVID-19. These include limitations of both essential and non-essential gatherings and services. Non-essential indoor gatherings have been limited to 100 people, while essential indoor gatherings are subject to social distancing and good hygiene practices. Additionally, the government has advised of the closure of some non-essential services.

This report outlines Council's responses to date to promote good health practices and support for the community.

4. DISCUSSION

On 23 March 2020, Minister for Health and Medical Research, the Hon. Brad Hazzard MP, made the *Public Health (COVID-19 Places of Social Gathering) Order 2020*. This was followed by the *Public Health (COVID-19 Gatherings) Order (No 2) 2020* on the 25 March 2020. These orders were made to address the public health risk of COVID-19 and have resulted in the closure of certain non-essential venues to members of the public. In response to these announcements and other guidelines issued by the government, measures have been undertaken to ensure the safety of the community, customers, Councillors and staff. Council will continue to provide essential services that support our community, with additional hygiene and social distancing in place.

4.1 State Emergency Operations Centre (SEOC)

SEOC status has changed to OPERATIONAL as at 17 March 2020 and is currently operating out of the joint Health/SEOC Operations established at the RFS State Operations Centre in Homebush. NSW Health has developed and exercised a range of procedures for case finding, diagnosis, and contact tracing for high consequence infectious diseases should they occur in NSW. These procedures are being used to identify contacts to confirmed cases of novel coronavirus in NSW. The OLG also has representatives working at the SEOC to ensure local government matters are addressed in a coordinated approach with other state agencies. Council is providing daily updates to the OLG.

4.2 Activation of Council's Business Continuity Plan

Council has activated its Business Continuity Plan to ensure that essential services and operations are maintained throughout the duration of the pandemic. The Crisis Management Team which includes the CEO, Directors and other key roles, is meeting daily to coordinate Council's response to the government guidelines and legislated changes. Given the fluidity of the situation these meetings are essential in ensuring the implementation of measures which assure the safety of the community and staff.

4.3 Update – recent NSW legislation and National Cabinet decisions

The *COVID-19 Legislation Amendment (Emergency Measures) Bill* passed through State Parliament on Tuesday 24 March 2020. Some of the main provisions in the Bill include:

- *Local Government Act* has been amended to allow councils to hold official meetings remotely, rather than on-site. This amendment also allows for the live-streaming of Council meetings in lieu of attendance by members of the public at meetings. Staff are working hard to implement 'virtual' Council meetings by 20 April 2020. The September council elections have been postponed for 12 months, with a possible further extension to 31 December 2021. The current Council remains in place.
- *Environmental Planning and Assessment Act* has been amended to enable developments that protect the health, welfare and safety of the community during the pandemic to proceed outside the normal development approval process.
- Health orders that empower police to take immediate action on suspected breaches of COVID-19 public health orders, have been put in place.
- Amendments have been made to allow supermarkets to stock their shelves and trade throughout the Easter long weekend and ANZAC Day this year, ensuring food and other essential items are available at standard retail prices.
- Justice amendments aimed to ensure NSW courts can continue to deliver justice with fewer people required to physically attend court have been implemented.
- Amendments to create a power for the Governor to make Regulations determining a class of offenders for potential conditional release on parole, only to be used to respond to the threat of COVID-19.

The National Cabinet met on 24 March 2020 and listed additional prohibited activities and venues to apply from 25 March 2020, including:

- Play centres (indoor and outdoor)
- Community and recreation centres
- Social sporting-based activities
- Indoor swimming pools
- Gyms
- Libraries, community centres, and youth centres
- Local government non-essential facilities and services (such as libraries)
- Community facilities (such as community halls, clubs, RSLs).
- Markets, except those that primarily sell food

4.4 Update – Council’s action on recommendations from Federal and State Governments

In keeping with the guidance provided by the government, a number of Council facilities have been closed. Events greater than 500 people have been banned, accordingly Vivid at Chatswood has been cancelled for this year. A limit of 100 people at indoor gatherings has been imposed, with 1.5 metre separation distance and a density of one person per 4 square metre. Council has also introduced this measure into all facilities, including our workplace. Cleaning regimes have been increased and notices posted regarding hygiene etiquette.

Services that have been closed as a result of the health orders and government directives include:

- Willoughby Leisure Centre
- Willoughby Libraries – Chatswood and all branches
- MOSAIC
- All sportsground pavilions
- Art Space on the Concourse
- Incinerator Art Space
- Dougherty Centre
- Dougherty Café (Blend)
- Chatswood Youth Centre
- Willoughby Park Centre
- Zenith Theatre
- Unstaffed Community Facilities (West Chatswood, Naremburn, Castle Cove and Artarmon)
- Joe Ciantar Music Rehearsal Studio
- The Concourse

Additionally, sporting groups which utilise Council facilities have been contacted regarding arrangements for ground hire, and more importantly have ceased scheduled seasons and games. All sports grounds and outdoor spaces remain available for community use noting that social distancing still needs to be observed.

Council has suspended public forums. This includes the suspension of meetings of Advisory Committees, management committees, and our monthly Community Information Seminar.

Council is following advice from the NSW Government, including that provided at a webinar organised by the Office of Local Government (OLG) on Monday 23 March with the Minister for Health and NSW Chief Health Officer. That advice included:

- Child care centres are asked to follow advice on infectious diseases and to remain open.
- Deliveries to supermarkets and other retail outlets have been allowed 24/7.
- Increase cleansing regimes, with priority on indoor touch points by hands. Council is also increasing cleansing of playground and outdoor gym equipment, noting that UV light and rain does reduce the risks for these surfaces compared to indoor surfaces.
- Conduct as much business as possible by phone and email.
- Display and use of NSW Health’s posters and brochures.

4.5 Support for elderly and vulnerable members of our community

At Home with Willoughby Aged Services, Dougherty Community Centre

The At Home with Willoughby Team have commenced 'wellness checks' on clients. This is a phone service where staff call clients daily for a friendly chat. If staff have concerns in regards to a client's welfare, they will contact the client's emergency contacts and/or provide a list of support services.

Council has been approached by both the Royal North Shore Hospital Mental Health Team and the Mater Hospital, requesting our assistance to conduct wellness checks on patients over the age of 65 being discharged from hospital back into the local government area. This service has commenced and is being well received by community members and the Hospitals.

Meals on Wheels

Meals on Wheels is continuing to deliver meals daily. As of Monday 30 March 2020, an additional service will commence with the delivery of two weeks supply of bulk frozen meals. Hot meals will continue to be delivered on a daily basis to those clients who are not in a position to heat their own meals due to illness or mobility issues. Staff are working with our clients' emergency contact person to ascertain if a family member can aid with the preparation of hot meals.

These new measures are designed to reduce the amount of contact between the most vulnerable population, staff members and volunteers, as well as assisting to reduce the people resources required to provide this service so that it is more sustainable.

At Home with Willoughby staff have been phoning all Meals on Wheels clients to advise them of these changes. They are also contacting clients' emergency contacts to ensure they are aware of the changes in service delivery.

Linen Service

In order to reduce the amount of contact with Linen Service clients, Council has moved to a model of providing clean sheets and towels on a fortnightly basis and will no longer make up the beds. All clients have been contacted and are happy with this arrangement. Staff have communicated with clients' emergency contacts, with the majority of them willing to aid with bed making until services return to normal.

Shopping Services

At Home with Willoughby staff will continue to provide the Shop by List service (Coles Home Delivery Service) on a weekly basis for those clients who have no access to the shops or a family member who can assist them. We are currently working with Coles to ensure that we are allocated timeslots for all our clients so they receive a fortnightly delivery of groceries. Council has also offered, and in some cases, moved clients from our Companion Shopping service (due to the decrease in volunteers) on to either Meals on Wheels or Shop by List service to ensure they have access to food.

In addition, and as a sign of the times, Meals and Wheels NSW have partnered with Woolworths to supply a four pack of toilet rolls to all Meals on Wheels clients.

Out and About

This service continues to operate Tuesday to Friday. However, Council is currently staggering bookings to reduce the contact between clients. The first priority will be given to clients who need to access medical appointments. The demand for this service has dropped dramatically as a direct result of concerns regarding the COVID-19.

Library Services

Library items can now be borrowed for six weeks. The e-resources catalogue has been expanded and will continue to be expanded in the coming weeks. The Kanopy movie streaming services is also available to library members. Items can still be returned via the chute at Chatwood Library

Willoughby Leisure Centre

The Willoughby Leisure Centre is providing regular updates to their members via e-blasts, including the addition of free online fitness sessions that change daily. Aquatics Staff have been re-assigned to Northbridge Baths to ensure that social distancing requirements are being adhered to.

Community Grants

Willoughby City Council's small grants program is available to non-profit community organisations that provide services to the Willoughby Local Government Area. The 2019/20 budget for The Community Grants Scheme is \$70,000. Council has allocated \$61,130 in the 2020 financial year, with \$8,870 of funds remaining. These funds can be allocated for applications received as a result of COVID-19.

Council officers are currently identifying funding sources available to community organisations to assist with the COVID-19 response. These sources will be a combination of government and philanthropic funding and will be listed on Council's website as these are finalised.

Venue Hirers

Based on government health advice, Council venues are closed and unavailable to hirers. The community with the possibility of some facilities remaining available for the purpose of hosting essential services, however they will not provide a space for people to gather.

Residential Leases

Council provides 34 affordable housing units let to very low income households. Under Council's affordable housing program, rent for these units is capped at 30% of household income. Affordable housing is appropriate for the needs of low to moderate income households and priced so families are able to meet other basic living costs such as food, clothing, transport, medical care and education.

In the event that COVID -19 impacts the household income of an affordable housing program tenant, an adjustment to rent will be made to ensure the amount does not exceed 30% of household income.

Council's Community Housing Provider had received and approved one rental reduction request. This request was for a temporary rent reduction due to a period of mandatory self-isolation and was granted. As affected household incomes increase post COVID-19, rent is able to be adjusted back to the usual rate capped at 30% of household income.

4.6 Health and Wellbeing of Staff

Daily communications are being provided to Council staff on measures that are being implemented to address the impact of COVID-19 and to keep them well informed. The Crisis Management Team is working with relevant managers to assess and take appropriate actions to ensure that work activities are conducted in a manner consistent with public health orders.

Council is progressing work from home arrangements for staff and is honouring industrial relations provisions. Council is seeking to be compassionate while being cognisant of Council's financial capacity.

5. CONCLUSION

Council will continue to monitor and be guided by Governments to ensure the health and wellbeing of members of our community, customers and staff during the COVID-19 pandemic.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.2 – Demonstrate leadership and advocacy for local priorities
Business Plan Objectives, Outcomes/ Services	The subject matter of this report is relevant to all Directorates in Council.
Policy	Not applicable.
Consultation	Consultation has been undertaken with relevant stakeholders and units within Council.
Resource	Existing resources are being utilised to facilitate actions as outlined in the report.
Risk	The measures undertaken to date are consistent with guidance provided by the government and the Public Health Orders.
Legal	Council compliance with the Public Health Orders
Legislation	<i>Public Health (COVID-19 Places of Social Gathering) Order 2020, Public Health (COVID-19 Gatherings) Order (No 2) 2020</i>
Budget/Financial	Budget impacts will be reported to Council as part of its financial and planning processes.

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5.2 INSTRUMENT OF DELEGATION TO MAYOR AND CHIEF EXECUTIVE OFFICER

ATTACHMENTS:	1. IMPLICATIONS 2. DELEGATIONS IN RESPONSE TO COVID-19 FROM GEORGES RIVER AND RYDE COUNCIL 3. DELEGATIONS FROM GEORGES RIVER COUNCIL AND RYDE COUNCIL
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	30 MARCH 2020

1. PURPOSE OF REPORT

To seek Council's delegation of authority to the Mayor and the Chief Executive Officer (and their alternates) to facilitate urgent decision making in circumstances where a quorum cannot be achieved at a meeting of the Council due to the impacts of COVID-19 or in the circumstances where an urgent decision of Council is required to address matters arising from COVID-19.

2. OFFICER'S RECOMMENDATION

That Council:

1. Pursuant to section 377 of the *Local Government Act 1993* delegate jointly to:
 - (i) the Mayor, or the Deputy Mayor if the Mayor is not available; and
 - (ii) the Chief Executive Officer (including any person who has been appointed to act in that position)

all of the functions, powers, duties, and authorities of the Council that it may lawfully delegate under the NSW *Local Government Act 1993*, and any other Act, Regulation, Rule or similar instrument (other than those functions referred to in section 377(1) of the *Local Government Act 1993* as functions which may not be delegated by Council) subject to the following conditions:

- a) The delegation may only be exercised whilst a Public Health Order under the NSW *Public Health Act 2010* to address COVID-19 is in force;
- b) The Mayor (or Deputy Mayor if applicable) and the Chief Executive Officer are to concur and jointly use this delegation to make decisions in circumstances where a quorum cannot be achieved at a meeting of the Council due to the impacts of COVID-19 or in the circumstances where an urgent decision of Council is required to address matters arising from COVID-19.

- c) The Chief Executive Officer is to prepare a list at the end of each week of the functions exercised and matters dealt with under this delegation and provide the list to Council by way of email to all Councillors as soon as practicable.
2. Pursuant to Section 351 of the *Local Government Act 1993*, temporarily appoint to the position of Chief Executive Officer the person holding the position of Customer and Corporate Director if the Chief Executive Officer is absent from work for a period of two consecutive business days during the period in which the delegation made in paragraph one is in force.
3. Note that in regard to the delegation outlined in point 1 of the recommendation:
1. A reference in this delegation to the Chief Executive Officer is a reference to the person who has been appointed as the General Manager of Willoughby City Council under section 334 of the *Local Government Act 1993*.
 2. This delegation does not revoke any existing delegations. All existing delegations continue unchanged.
 3. This delegation operates in addition to the existing delegations to the Mayor and the Chief Executive Officer and is to allow the Mayor and the Chief Executive Officer to jointly, decide to deal with matters that are excluded from their current delegations.
 4. This delegation is limited to the COVID-19 period which is the period during which any Public Health Order under the NSW *Public Health Act 2010* to address COVID- 19 remains in force.
 5. This delegation is also limited dealing with urgent and necessary matters that arise from COVID-19.

3. BACKGROUND

The Federal and State Governments have implemented a series of measures to curtail the congregation of people in an attempt to slow the spread of the novel coronavirus COVID-19 in the community and prevent the dire health impacts COVID-19 has caused in a number of overseas countries.

These restrictions have been made law by the issuing of a series of Public Health Orders under the NSW Public Health Act, 2010, including the *Public Health (COVID-19 Gatherings) Order 2020* and the Public Health (COVID-19 Places of Social Gathering) Order made on 20 and 23 March 2020 respectively. Further orders and restrictions are anticipated over the coming days and weeks. Circumstances have been changing rapidly and urgent daily responses have been required by the administration.

4. DISCUSSION

The restrictions imposed by the Public Health Orders, as well as the potential impact of the spread of the COVID-19 virus itself, have created a scenario where Council may not be able to meet to conduct the business of Council due to a lack of quorum or for other unforeseen reasons. This may be the case notwithstanding that the NSW Parliament passed the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020* on 24 March 2020. This Bill will commence as soon as it has the Governor's assent and will address a broad range of matters to enable better management of the impact of COVID-19 including enabling Council meetings to proceed remotely using audio visual links or other methods approved by the Minister if audio visual links are not reasonably available.

The proposed delegation to the Mayor and the Chief Executive Officer is consistent with Council's current practice of delegating authority to the Mayor and the Chief Executive Officer to deal with matters during the Council recess period. The proposed delegation will enable the Mayor and the Chief Executive Officer to concur and jointly make decisions in circumstances where a quorum cannot be achieved at a Meeting of the Council due to the impacts of COVID-19 or in the circumstances where an urgent decision of Council is required to address mattering arising from COVID-19 between Council meetings.

The proposed delegation is consistent with actions of other Councils who have resolved to delegate to their Mayors or Mayors and General Managers, and General Managers authority to enable them to respond to urgent matters. Attachment 2 contains the examples of these delegations by the City of Ryde and Georges River Council. These examples must be read in context of current delegations to the respective Mayors and Chief Executive Officers, which are also contained in Attachment 3.

It is proposed that Councillors be provided a weekly report of the functions exercised and matters dealt with under this increased joint delegation. This will be provided to Councillors by way of an email. Non-urgent matters will be presented to Council for decision.

5. CONCLUSION

Maintaining a proactive approach to contingency planning and risk mitigation for COVID-19 is vital as part of the ongoing program to serve and protect the interests of Council and the community.



ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	Due to the impact of the current Novel Coronavirus (COVID-19) pandemic to Council's services Business Continuity Plans and delegations are being reviewed.
Policy	Business Continuity Plan.
Consultation	Not applicable.
Resource	Contingency arrangements to ensure delivery of core services.
Risk	Risks identified in Risk Management Framework.
Legal	<i>Local Government Act 1993 s377(1)</i>
Legislation	Not applicable.
Budget/Financial	Not applicable.

MOTION:

- (a) That Council adopt the Instrument of Delegation to the Mayor dated 23 March 2020 as detailed in Attachment 1 to this Mayoral Minute.
- (b) That the General Manager provide a consolidated report once a month to all Councillors specifying any actions taken under this delegation as adopted by Council.
- (c) Once activation of the current Business Continuity Plan ceases, a consolidated report to the first available meeting of Council will be submitted which lists all decisions made under this delegation.

MM009-20

ATTACHMENTSAttachment   Georges River Council - Instrument of Delegation to Mayor

Georges River Council

Instrument of Delegation to Mayor

Local Government Act 1993, s377(1)

Georges River Council:

- (a) in recognition of the significant economic and social disruption in the Council's area that is being, and for the foreseeable future will continue to be, caused by the Novel Coronavirus (COVID-19) pandemic in NSW, and
 - (b) in order to ensure, so far as is practicable, that the Council is able to continue to provide goods, services and facilities, and carry out activities, appropriate to the current and future needs within its local community and the wider public in an effective manner,
- pursuant to s377 of the *Local Government Act 1993* and a resolution passed at a duly convened meeting of the Council held on 23 March 2020:
- (c) revokes all previous delegations conferred or imposed on the person for the time being holding the office of Mayor, and
 - (d) delegates to the person for the time being holding the office of Mayor the functions specified or described in Schedule 1, for the period or in a circumstance specified in Schedule 2, subject to the conditions or limitations specified or described in Schedule 3.

This instrument is subject to any Act or regulation or any proclamation, direction, order, notice or the like of the Minister administering the *Local Government Act 1993* made or given after the date of this Instrument.

Signed on behalf of the Governing Body of the Council (pursuant to Council Resolution Mayoral Minute MM009-20):

 (Mayor)

Dated: 23 March 2020

MM009-20 Attachment 1

Schedule 1**Functions Delegated to Mayor**

All of the functions of the Council that are not the subject of the delegations from the Council to the General Manager given by resolution of the Council on 24 September 2018 and which are capable of being lawfully delegated pursuant to s377 of the *Local Government Act 1993*.

Schedule 2**Period / Circumstance When Functions May be Exercised**

1. Any period during which the holding of meetings of the Governing Body of the Council are suspended, postponed or otherwise unable to occur by reason of the Novel Coronavirus (COVID-19) pandemic in NSW.
2. Where, in cases of necessity between meetings of the Council, the Mayor considers that it is in the interests of the local community or the wider public or the effective functioning of the Council that a function is exercised.

Schedule 3**Conditions & Limitations**

A function delegated by this Instrument of Delegation may not be exercised in any particular case unless the Mayor has consulted with the General Manager about the proposed exercise of the function and has considered any representations made by the General Manager in that regard.

RESOLUTION: (Moved by Councillors Purcell and Pedersen)

Note: Councillor Zhou left the meeting at 9.22pm and was not present for voting on this Item.

- (a) That Council pursuant to Section 226(d) and Section 377 of the Local Government Act 1993, delegate authority to the Mayor and the General Manager (or their delegates) jointly to exercise any functions of Council that may lawfully be delegated under Section 377 of the Local Government Act. This should be enacted in the event that the need arises which would limit the orderly operations of Council in regards to the operation of the governing body of elected members, including the ability to convene Ordinary and Extraordinary meetings and subject to the restrictions outlined in point (b) and point (c) below.
- (b) That a list of any matters considered under such delegated authority be submitted for Council's information via BoardVantage as soon as possible following the execution of such delegation and be formally reported to the next available scheduled Ordinary Meeting of Council.
- (c) That this temporary delegation of authority only be put into effect if the elected Council is unable to meet because of a lack of a quorum from Councillors being affected by the virus. Further that this temporary delegation be put into effect if Council is unable to conduct ordinary meetings of Council due to restrictions imposed by relevant authorities and if no reasonable alternative or provision is made through the Office of Local Government in relation to the conduct of meetings i.e. via the use of technology.
- (d) That this temporary delegation also apply in light of any legislative change, direction or advice arising as a direct result of the COVID-19 situation.
- (e) That further, to ensure continuity of the role of the General Manager and pursuant to Section 351 of the Act, that Council endorse the following.
 1. That on and from the date of this resolution, until 30 September 2020, if the appointed General Manager is sick or otherwise absent from work for a period of 2 consecutive business days, the person holding the position of Director - Corporate Services be temporarily appointed to the position of General Manager, on and from the following day, such appointment being subject to:
 - (a) the maximum period of appointment being the period so specified by Section 351(2) of the Local Government Act,
 - (b) the appointment terminating on the day prior to the day that the General Manager returns to work;
 - (c) the person not being unable or unwilling to be so appointed.

Minutes of the Extraordinary Council Meeting No. 4/20, dated 17 March 2020.

2. That if the person specified in paragraph 1 is unable or unwilling to act as General Manager, the person holding the position of Director - City Planning and Environment be appointed, subject to paragraph 1, as alternate.
3. That if the person specified in paragraph 2 is unable or unwilling to act as General Manager, the person holding the position of Director - City Works be appointed, subject to paragraph 1, as alternate.
4. That if the person specified in paragraph 3 is unable or unwilling to act as General Manager, the person holding the position of Director - Customer and Community Services be appointed, subject to paragraph 1, as alternate.

That a person temporarily appointed as General Manager in accordance with this resolution to have, during that period, all the delegations of the General Manager given by the Council.

- (f) That the Mayor, Councillor Laxale write to the Premier and the Minister for Local Government advocating for temporary changes to the Code of Meeting Practice and/or the Local Government Act to allow Council's to meet and/or pass Resolutions remotely.

Minutes of the Extraordinary Council Meeting No. 4/20, dated 17 March 2020.



**GENERAL MANAGER'S DELEGATION
(Instrument of Delegations)**

Pursuant to section 377 of the *Local Government Act 1993* and a resolution of the Council at its meeting held on 24 September 2018, Georges River Council:

1. revokes all delegations granted to the General Manager by the Administrator on the 6 June 2016; and
2. delegates to the General Manager, or to the person who acts in that position, all of the functions, powers, duties and authorities of the Council that it may lawfully delegate under the *Local Government Act 1993*, any other Act, regulation, instrument, rule or the like (including any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like):
 - I. other than those functions prescribed in section 377(1) of the *Local Government Act 1993* as functions which may not be delegated; and
subject to:
 - II. the Restrictions set out in Column 2 of Schedule 1 of this Instrument in respect of those functions listed in Column 1 of Schedule 1 of this Instrument, and
 - III. compliance with any applicable resolution of the Council.

SCHEDULE 1

	Column 1	Column 2
	Function	Restriction
1	<p>Financial Assistance: Contribute money or otherwise grant financial assistance to persons under section 356 of the Local Government Act 1993</p>	<p>The function can only be exercised in the circumstances set out in s377(1A) of the <i>Local Government Act 1993</i> and in accordance with any applicable adopted Council policy</p>
2	<p>Property management: Negotiating and executing licence and lease agreements and any variations to such licence and lease agreements for the occupation of land owned by or vested in Council, or land for which Council is <i>Crown land manager</i>, within the meaning of the <i>Crown Land Management Act 2016 (CLM Act)</i> or land in respect of which Council was the manager of a reserve trust where that reserve trust is the <i>Crown land manager</i> under the CLM Act.</p>	<p>The General Manager can only grant leases and licenses not exceeding a period of 21 years.</p>

Instrument of Delegation

The City of Ryde pursuant to a resolution made on 24 October 2017:

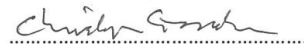
1. revokes any previous delegation or sub-delegation of the functions of the Council to the General Manager of the Council;
2. delegates to the General Manager of the Council all of its functions except for those functions which must not be delegated pursuant to section 377(1) of the *Local Government Act 1993 (NSW)*; and
3. sub-delegates to the General Manager of the Council all functions delegated to the Council except as provided in the relevant instrument of delegation to the Council.

This instrument of delegation shall take effect on

On *21st November* 2017
the common seal of the Council of City
of Ryde was affixed hereto, pursuant
to a resolution of Council made on 24
October 2017, in the presence of:



Jerome Laxale
MAYOR

Christopher Gordon
DEPUTY MAYOR

Linda Smith

.....
Witness's name



.....
Witness's signature

22/45 Trafalgar St Amendale

.....
Witness's address

ITEM 6 (continued)

ATTACHMENT 3

Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor including Mayor's Roles and Responsibilities

Scope

This policy governs the appropriate interface between the Mayor of the City of Ryde and the General Manager in keeping with the *Guidelines for the Appointment and Oversight of the General Manager* (Office of Local Government – July 2011) and other related policies and guidelines.

The relationship between the General Manager and the Mayor of the City of Ryde is a critical interface required to ensure that the Mayor's role in the day to day management of the General Manager is transparent and appropriately delegated by Council. Constructive professional relationships between the Mayor and the General Manager are essential to enable the effective executive management of the Council.

This policy also addresses the Roles and Responsibilities of the Mayor in accordance with the *Local Government Act 1993*, relevant guidelines and Council Policies.

The Policy aims to provide, as far as practicable, a single source of information regarding the Interface between the Mayor and General Manager, as well as the Mayor's Roles and Responsibilities. As a result, there are a number of references to legislation, existing Council Policies and resolutions of Council.

Purpose

The aim of the policy is to strengthen the executive management of the Council by detailing the relationship, the appropriate interface and the day to day oversight by the Mayor of the General Manager and aims to ensure that there is a clear understanding between the General Manager and the Mayor of the day. It will ensure that expectations and transparency of the interface between the Mayor and General Manager is consistently applied to strengthen and maintain a positive working relationship between both parties.

This document also aims to provide clarity and transparency regarding the role and responsibilities of the Mayor in accordance with Section 226 of the *Local Government Act, 1993*, which includes that statement, to "exercise any such functions of the Council as the Council determines".

Legislative Provisions

Role of the Mayor

Section 226 of the *Local Government Act 1993* sets out the role of Mayor as follows:

~~to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council~~

DRAFT Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor including Mayor's Roles and Responsibilities		
Owner: Risk, Audit and Governance	Accountability: Mayor and Councillor Support Service	Policy Number: CSG009
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ATTACHMENT 3

**Policy for the Interface and
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- ~~to exercise such other functions of the council as the council determines~~
- ~~to preside at meetings of the council~~
- ~~to carry out the civic and ceremonial functions of the mayoral office.~~
- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

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Role of the Deputy Mayor

Section 231, clause 3 of the *Local Government Act 1993* describes the role of the Deputy Mayor as follows:

The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

Functions of the General Manager

Section 335 of the *Local Government Act, 1993* sets out the functions of General Manager as follows:

- (1) ~~The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.~~
- (2) ~~The general manager has the following particular functions:~~
- ~~• to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report~~
 - ~~• the day to day management of the council~~
 - ~~• to exercise such of the functions of the council as are delegated by the council to the general manager~~
 - ~~• to appoint staff in accordance with an organisation structure and resources approved by the council~~
 - ~~• to direct and dismiss staff~~
 - ~~• to implement the council's equal employment opportunity management plan.~~
- (3) ~~The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.~~
- (a) ~~to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,~~
- (b) ~~to implement, without undue delay, lawful decisions of the council,~~

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Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor including Mayor's Roles and Responsibilities

- (c) *to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,*
- (d) *to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,*
- (e) *to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,*
- (f) *to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,*
- (g) *to exercise any of the functions of the council that are delegated by the council to the general manager,*
- (h) *to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,*
- (i) *to direct and dismiss staff,*
- (j) *to implement the council's workforce management strategy,*
- (k) *any other functions that are conferred or imposed on the general manager by or under this or any other Act.*

Guidelines / Procedures

This policy is drafted to ensure compliance with appropriate legislative requirements, existing Council policies and is supported by the attached Guidelines.

References – Legislation and City of Ryde Policies

- *The Local Government Act 1993 and Regulations*
- *Public Interest Disclosures Act 1994*
- *Anti-Corruption Safeguards and the NSW Planning System – ICAC 2012*
- *Guidelines for the Appointment and Oversight of General Managers (Office of Local Government July 2011)*
- *City of Ryde Code of Conduct*
- *City of Ryde Code of Meeting Practice*
- *City of Ryde Media Policy*
- *City of Ryde Expenses Relating to The General Manager and Senior Staff Policy*

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ATTACHMENT 3

**Policy for the Interface and
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- City of Ryde Corporate Credit Card Policy
- City of Ryde Gifts and Benefits Policy
- City of Ryde Training and Career Development Policy
- City of Ryde Public Interest Disclosures Internal Reporting Policy
- City of Ryde Policy on Ethical Lobbying
- City of Ryde Policy on the Expenses and Facilities for the Mayor and Other Councillors
- City of Ryde Guideline on the Interaction between Councillors and Staff

Review Process and Endorsement

This Policy should be reviewed each term of Council and endorsed by the Council.

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Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor, including Mayor's Roles and Responsibilities

1. The General Manager's Appointment

The Mayor will establish and chair a selection panel for the purpose of selecting the General Manager in accordance with the *Guidelines for the Appointment and Oversight of General Managers* (Office of Local Government, July 2011).

~~In 2009, the process for the appointment of a recruiter and subsequent selection of a General Manager provided for the participation of all Councillors.~~

Council's practice has been that this process has been coordinated by the Manager Human Resources in liaison with the Mayor. The recruitment process has then been reported to Council, in closed session.

This process includes the appointment of a recruiting organisation that would assist Council in the advertising and selection process, including Council determining the selection panel for the position of General Manager.

Following the selection of a General Manager, the recruiting organisation would assist Council in the formulation of a performance plan and then facilitate the annual performance review of the General Manager.

2. Management of the General Manager's Performance including the Mayor's Responsibilities

The General Manager's performance management process will be conducted annually in accordance with the *Guidelines for the Appointment and Oversight of General Managers* (Office of Local Government, July 2011).

The Mayor will chair the Performance Review Panel and oversee the appointment of an external facilitator to assist with the process of performance appraisal and the development of performance plans.

The Office of Local Government's (OLG) Guidelines set out the following actions that are to be taken as part of this process. The Mayor, as chair of the Performance Review Panel, is responsible for these actions:

- Ensuring all Councillors not on the panel can contribute to the process by providing feedback to the Mayor on the General Manager's performance.
- Ensuring all Councillors are notified of relevant dates in the performance review cycle.
- Ensuring all Councillors are kept advised of the Panel's findings and recommendations.
- Reporting to Council in closed session the findings and recommendations of the Review Panel.

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3. Audit of the General Manager's Accountabilities

If the Mayor is a member of the City of Ryde Audit and Risk Committee, the Mayor will participate in setting the priorities and the program of the audit of Council's operations, to ensure independent oversight of the risk and compliance environment of the General Manager's accountabilities.

The Mayor will also be briefed annually by Council's external auditors to ensure robust financial reporting is in place.

4. The General Manager's Leave Applications

The Mayor will be the approval authority for all leave applications made by the General Manager in accordance with Council's Leave policies.

5. The General Manager's Expense Claims

The Mayor will be the approval authority for all expense claims relating to the General Manager's out-of-pocket expenses and use of Council's Corporate Credit Card in keeping with the General Manager's Terms of Engagement, Council's *Policy on Expenses Relating to the General Manager and Senior Staff*, and Council's *Corporate Credit Card Policy*.

6. The General Manager's Gifts and Benefits Claims

The Mayor will be the acknowledging authority for all Gifts and Benefits Disclosure Forms completed by the General Manager in keeping with the General Manager's Terms of Engagement, and Council's *Gifts and Benefits Policy*.

7. Training and Development – Applications by the General Manager

It is recognised that the General Manager is required to keep abreast of local government issues, industry best practice and to keep his/her knowledge and skills relevant. To this end, the General Manager will attend industry seminars conferences and forums such as those provided by the Local Government Professionals Australia, the Chief Officers' Group of Australasia, the Local Government NSW conference, and the National General Assembly of Local Government.

When deemed that attendance at an industry forum/conference is appropriate, the General Manager will seek the Mayor's approval to attend.

Should the General Manager seek to attend formal training or education relating to advancing his/her knowledge and skills and in accordance with Council's policies on Tertiary

Education, Conferences and Training, the General Manager will seek the Mayor's approval to do so.

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Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor, including Mayor's Roles and Responsibilities

8. Presiding at Council Meetings Including the Mayor's Responsibilities

Under Section 228 of the *Local Government Act 1993*, the Mayor presides at meetings of the Council.

Setting the Agenda for Council or Committee Meetings

The Agenda must be set in accordance with Section 240 of the *Local Government (General) Regulation 2005*, which provides that:

- (1) *The general manager must ensure that the agenda for a meeting of the council states:*
- (a) *all matters to be dealt with arising out of the proceedings of former meetings of the council, and*
 - (b) *if the mayor is the chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and*
 - (c) *subject to subclause (2), any business of which due notice has been given.*
- (2) *The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.*

Once the agenda has been set, the General Manager or his/her nominee may meet with the Mayor to discuss the matters on the agenda of either a Council or Committee meeting prior to the meeting being convened. To ensure that the independence of advice to the Council is maintained, the Mayor cannot direct the General Manager or his/her staff to either prepare or remove reports set on an existing or future agenda.

Clause 240 of the Regulation also stipulates that the General Manager must cause the agenda for a meeting of Council or a Committee of the Council to be prepared as soon as practicable before the meeting. This supplements the *Local Government Act 1993* requirement (s367) that

"the general manager of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting."

Clause 240 of the Regulation also specifies that for meetings where the Mayor is the Chairperson, the Agenda is to include "any matter or topic that the Mayor proposes at the time when the Agenda is prepared". This is to be done in accordance with Council's adopted Code of Meeting Practice.

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Calling Extraordinary or Special Meetings

In accordance with Council's Code of Meeting Practice, the Mayor does not have the authority, in their own right, to call an Extraordinary or Special Council Meeting.

The Mayor, following a written request signed by at least two Councillors, must call an extraordinary Council meeting. The Mayor can be one of the two Councillors, but the Mayor cannot call extraordinary meetings by him or herself without having a written request with another Councillor's signature. The Mayor must then 'call' the meeting, which is to be held as soon as practical but within fourteen (14) days after the request is made (OLG Meeting Practice Note 1.1.2 and s.368 of the *Local Government Act, 1993*). However, "notice of less than 3 days may be given of an extraordinary meeting called in an emergency." (s367(2) of the *Local Government Act, 1993*).

The General Manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting (s242 of the Regulation).

9. Conducting Meetings with Ministers and Members of Parliament

The Mayor will from time to time have reason to meet with Ministers and Members of Parliament to discuss issues of importance to the City of Ryde and the implementation of its *Community Strategic Plan* and Council resolutions.

These meetings are to be included in the Councillors' Information Bulletin Calendar including who the meeting is with, and the topic to be discussed. Where practicable, Councillors are to be consulted in advance of the meeting to ensure all relevant information and issues are gathered.

As per Council's resolution of 22 November 2011, the General Manager and/or his/her nominee will accompany the Mayor to any meeting with a State Minister or Member of Parliament at which Council business will be discussed.

In accordance with this resolution, "a report of the meeting is to be presented to Councillors through the Councillors' Information Bulletin, and if appropriate, through the Council business papers (and) that the report include all matters raised, any advice or commitments given by either side and other relevant information to ensure that Council remains fully informed."

These actions will ensure appropriate briefings can be given relating to Council's policies, operational matters or strategic impacts relating to the discussions, and to ensure that the follow up of agreed actions at the meeting will take place.

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Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor, including Mayor's Roles and Responsibilities

10. Conducting Meetings with Constituents and those wishing to make representations to the Mayor

It is acknowledged that the Mayor will meet with constituents relating to a range of matters and may request the presence of the General Manager. In some instances, the General Manager may delegate attendance to the relevant Director or staff member.

▪ *General Matters*

From time to time the Mayor will request that the General Manager attend meetings with constituents or other parties. Adequate notice (where practicable, no less than three working days) and background information will be given to the General Manager to ensure that the General Manager is able to prepare for the meeting in advance. Meetings will be held in the Mayoral suite during business hours and secretarial support will be provided for meetings that occur to ensure that records are kept detailing the agenda and minutes of the meeting.

▪ *Meetings relating to Complaints*

The Mayor may receive complaints about the level of service provided by the Council's staff. These complaints will be referred to the General Manager prior to any meeting between the complainant, the Mayor and the General Manager taking place. This will ensure that appropriate preparations can be made and will be dealt with in accordance with the Council's *Customer Feedback Policy*. Meetings will be convened as outlined above in General Matters.

Should the complaint relate to a development matter the procedure outlined below will be followed.

▪ *Matters relating to Proposed Development Matters (either Planning Proposals or proposed major Development Applications).*

No meetings will take place with any developer or their representative unless a detailed agenda item is prepared prior to the meeting. Council's *Ethical Lobbying Policy* will apply to meetings attended by those lobbying on behalf of their client. At such meetings the Director, City Planning and Development (or his/her nominee) is also to be in attendance. Meetings will be convened as outlined above under General Matters and will be minuted by the Mayor's Executive Assistant or an appropriate Planning staff member.

In accordance with Council's resolution of 27 September 2005, "... in the interest of transparency, all significant meetings held by the Mayor, or by the Mayor's nominee, with parties participating or seeking to participate in development or other activities in the City of Ryde, (are to) be reported to all Councillors via the Councillors Information Bulletin papers on a fortnightly basis."

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It is inappropriate for the Mayor to attempt to influence the independent advice of Planning staff on any planning proposal or development assessment report. No meetings will be held on matters where a development application assessment process is already underway, to ensure there can be no perception of inappropriate influence.

11. Public Relations Management

The General Manager will ensure that the Mayor is provided with adequate resources to meet his/her requirements for public relations management. Public relations management relates to the provision of advice and preparation of:

- press releases
- issues management
- speeches
- Mayoral pieces in Council publications – for example the Annual Report
- *social media monitoring*
- opinion pieces for journals etc.

In accordance with Council's *Media Policy*, both the Mayor and the General Manager can make comments to the media on policy matters. When doing so, the Mayor and General Manager will communicate with members of the press through Council's media advisor to ensure consistency of message. All articles and speeches etc relating to or quoting the Mayor will be approved by the Mayor prior to their release.

The General Manager will comment on administration issues in accordance with the *Media Policy*.

The General Manager will ensure that Council staff provide necessary public relations support for all non-political issues relating to Council's operations and the adopted resolutions of Council. Should the Mayor wish to make commentary that in the opinion of the General Manager is of a political nature and does not relate to matters of Council policy, business or resolution etc, Council's media staff will not be used to draft or place such statements.

12. Mayor's Responsibilities with respect to Council's Media Policy

In accordance with Council's *Media Policy* the Mayor and the General Manager are Council's official spokespersons on all matters. The Mayor may nominate another Councillor to speak on a particular matter.

Council's Media Officer is responsible for the coordinating media liaison and issuing press releases. All media enquiries should be directed to the Media Officer.

It should be noted that in accordance with the City of Ryde Media Policy, the Mayor is an Authorised signatory for Letters to the Editor on policy issues, and the General Manager is an authorised signatory for Letters to the Editor on policy, administration and operations issues.

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In addition:

1. Every Councillor has a right to express a private opinion on any issue, whether or not that opinion reflects Council's official position, but Councillors must carefully identify the role in which they speak or write.
2. Whenever Councillors publicly express their own opinions they must make it clear they are speaking for themselves, unless delegated by the Mayor, and not for Council, unless they are supporting a Council position.
3. When Councillors speak "for the Council" when delegated by the Mayor, they must express and support Council's entire policy on the issue at hand.

13. Managing Complaints about the General Manager

All complaints about the General Manager's conduct will be referred to the Mayor and will be managed in accordance with Council's *Customer Feedback Policy*, Council's *Code of Conduct* and if necessary, the *Public Interest Disclosures Act 1994* and Council's *Public Interest Disclosures Internal Reporting Policy*. The Mayor may seek the independent assistance of the Manager – Risk, Audit and Governance, external experts and Council's General Counsel should she/he so require, when undertaking investigations or seeking advice. The procurement of external experts will be managed by Council's Manager – Risk, Audit and Governance

All Code of Conduct complaints relating to Councillors made by the General Manager will be made to the Mayor, and managed in accordance with Council's *Code of Conduct* and if necessary the *Public Interest Disclosures Act 1994* and Council's *Public Interest Disclosures Internal Reporting Policy*.

Part 14 of these Guidelines sets out the Mayor's role with regard to Code of Conduct complaints, and Part 15 sets out the Mayor's role with regard to Public Interest Disclosure reporting.

14. Mayor's Responsibilities with respect to Council's Code of Conduct

In accordance with Council's *Code of Conduct*, the Mayor is responsible for receiving written Code of Conduct complaints about the General Manager. Where the complaint cannot be made in writing, the Mayor is to confirm the complaint in writing as soon as possible after the receipt of the complaint.

The Mayor must give consideration to the complainant's preferences in deciding how to deal with the complaint.

Where the Mayor becomes aware of a possible breach of the *Code of Conduct* by the General Manager, they may initiate the process for the consideration of the matter in accordance with the *Code of Conduct* without a written complaint. The Mayor also has senior staff available to assist in such matters including Council's Director Corporate and

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Organisational Support Services, General Counsel or the Manager Risk, Audit and Governance.

The specific provisions regarding Code of Conduct complaints about the General Manager are set out below:

How are code of conduct complaints about the General Manager to be dealt with?
Code of Conduct Complaints Procedure 5.21 – 5.25

The Mayor must refer the following code of conduct complaints about the general manager to the Office of Local Government:

- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
- b) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- c) complaints the subject of a special complaints management arrangement with the Office under clause 5.40.

Where the Mayor refers a complaint to the Office under clause 5.21, the Mayor must notify the complainant of the referral in writing.

Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.25.

The Mayor must advise all Councillors in writing that a complaint about the General Manager has been received and, where appropriate, the nature of the complaint. The Mayor is to advise all Councillors of the intended course of action, and subsequently report the complaint handling plan to Council as a confidential Mayoral minute.

Where the Mayor resolves a code of conduct complaint under clause 5.23 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

The Mayor must refer all code of conduct complaints about the general manager other than those referred to the Office under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.

In addition, when there are complaints about the General Manager, the Mayor is to advise all Councillors of the intended course of action and subsequently report the complaint handling plan to Council as a confidential Mayoral Minute.

The detailed procedure for complaint management is set out in the *Code of Conduct – Complaints Procedure*.

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15. Mayor's Responsibilities with respect to Public Interest Disclosures

The provisions for the reporting of Public Interest Disclosures are set out in Council's adopted *Internal Reporting Policy – Public Interest Disclosures* which aligns to the *Public Interest Disclosures Act, NSW, 1994*.

The Mayor is identified as a Public Interest Disclosure Officer and as such is able to receive complaints regarding Councillors or the General Manager.

In this role the Mayor is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.
- dealing with disclosures made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures

The Mayor must make sure there are systems in place in the City of Ryde to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

To support the Mayor in this role, training will be provided regarding the management and handling of public interest disclosures. This training will also be offered to the Deputy Mayor where possible. The Mayor also has senior staff available to assist in such matters including Council's Disclosures Coordinator, General Counsel or the Manager, Risk, Audit and Governance.

16. Civic Events, Ceremonies, Conferences and Forums

It is acknowledged that both the Mayor and the General Manager will represent Council at Civic Events, Ceremonies and professional forums etc. When both the Mayor and General Manager are speaking at an event the Mayor will always speak first. Media staff will coordinate the content of each speech to ensure consistency of message and avoid duplication.

When the General Manager is speaking at a forum or conference, he/she will advise the Mayor of the topic of address. The Mayor will respect the independence of the content and the format of the presentation to enable the General Manager to provide his/her professional views. The General Manager must make it clear when doing so if they are not the views of Council or its policies.

When speaking about the City of Ryde Council, Council's policies and views will always be clearly stated by the Mayor and General Manager.

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17. Civic and Ceremonial Functions of the Mayoral Office

In accordance with the provisions of the *Local Government Act 1993*, the Mayor will undertake the civic and ceremonial functions of the Mayoral Office.

The Mayoral chains and robes are generally only to be worn at official Council functions. Should the Mayor identify another event or occasion where it would be appropriate for the ceremonial clothing to be worn, this would be at the discretion of the Mayor.

In accordance with the Policy on the Expenses and Facilities for the Mayor and other Councillors, Council shall meet the cost of providing refreshments and associated expenses for civic receptions hosted by the Mayor at Council premises, subject to funds being available within the appropriate allocation in the Mayor's Office Budget.

18. Exercise of Policy Making Functions

Where in cases of necessity, the Mayor exercises the policy-making functions of the Council in between Council meetings, in accordance with Section 226 of the *Local Government Act 1993*, this is to be communicated to all Councillors and the General Manager as soon as possible. Any action that is taken is to be reported to the next available Council Meeting by way of a Mayoral Minute.

It is recommended that the Mayor liaise and seek guidance from the General Manager, and communicate the intent to exercise such functions to Councillors, prior to the taking of any action.

19. Role of the Deputy Mayor

As provided by Section 231 of the Act, the Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function of the Office of the Mayor, or if there is a casual vacancy in the office of Mayor.

Mayoral Leave of Absence

The *Local Government Act, 1993* deals with an endorsed Leave of Absence in relation to attendance at Council Meetings only.

Where the Mayor applies for and is granted a Leave of Absence, the Mayor must specifically state as part of the application whether this leave applies only to Council Meetings or whether the Deputy Mayor is to assume the Mayoral duties in accordance with the Act and this document. This will also require a resolution of Council with regard to the payment of any fee to the Deputy Mayor from the Mayor's fee to undertake these duties.

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Where the Mayor is on an endorsed Leave of Absence, the Deputy Mayor by resolution of Council will undertake the roles and responsibilities of the Mayor in accordance with this document, legislation and relevant Council policies.

Where the Mayor is not present at a Council Meeting, the Deputy Mayor will preside at that meeting without the requirement of a resolution of Council.

20. Updating Relevant Information

Both the Mayor and General Manager will use their best endeavours to keep each other apprised of relevant issues relating to Council's operations and the local government industry. Whilst this should take place on an 'as needs' basis, a more formal regular update meeting may take place between the Mayor and the General Manager and his/her executive team as agreed by both parties.

The Mayor may call fortnightly meetings with the General Manager and the Executive Team. At the Council meeting held 27 August 2013, it was confirmed that any minutes of meetings that the Mayor conducts with the Executive Team were to be provided to all Councillors for their information.

Additionally on 12 February 2013, Council resolved the following with regard to the fortnightly Executive Team meetings:

That the Mayor or his nominated representative attend Council fortnightly Executive Team Meetings noting that some parts of the meeting may be closed sessions due to operational issues (with reasons provided). That the meetings be minuted and copies be provided to all Councillors.

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6 CONFIDENTIAL MATTERS

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the Chief Executive Officer, the following business is confidential as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

6.1 CONFIDENTIAL - COVID-19 BUSINESS SUPPORT PLAN

ATTACHMENTS:	1. IMPLICATIONS 2. EXPECTED MONTHLY COST OF RENT ASSISTANCE
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	30 MARCH 2020

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

This report requires confidentiality as it considers commercial information of businesses who are Council's tenants. The report also contains information on leasing amounts that if disclosed would disadvantage Council in future commercial leasing negotiations.

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6.2 CONFIDENTIAL - COVID-19 FINANCIAL IMPACTS AND STRATEGY

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN - CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	30 MARCH 2020

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

The report needs to be confidential as it discloses sensitive financial information that could place Council at a disadvantage in future commercial negotiations.

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