

26 APRIL 2017

LATE ITEMS

**Ordinary Meeting of Council Meeting No. 3/17
WEDNESDAY 26 APRIL 2017**

**Council Chambers, Level 1A
1 Pope Street, Ryde - 7.00pm**

English

If you do not understand this letter, please come to the 1 Pope Street, Ryde (within Top Ryde Shopping Centre), Ryde, to discuss it with Council Staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact you. Council's phone number is 9952 8222. Council office hours are 8:30am to 5:00pm, Monday to Friday.

Arabic

إذا لم تفهم محتوى هذه الرسالة، يرجى الحضور إلى 1 Pope Street، Ryde (في Top Ryde Shopping Centre)، Ryde، لمناقشتها مع موظفي المجلس الذين سوف يرتبون للاستعانة بمترجم شفهي. أو قد يمكنك الاتصال بخدمة الترجمة التحريرية والشفهية على الرقم 131 450 لتتطلب من المترجم الاتصال بك. رقم هاتف المجلس هو 9952 8222. ساعات عمل المجلس هي 8:30 صباحاً حتى 5:00 مساءً، من الاثنين إلى الجمعة.

Armenian

Եթե դուք չեք հասկանում սույն նամակի բովանդակությունը, խնդրում ենք այցելել 1 Pope Street, Ryde (որը գտնվում է Top Ryde Shopping Centre-ի մեջ), Ryde, քննարկելու այն Քաղաքային Խորհրդի անձնակազմի հետ, ովքեր ձեզ համար կապահովեն թարգմանչական ծառայություն: Կամ կարող եք զանգահարել Թարգմանչական Ծառայություն 131 450 հեռախոսահամարով և խնդրել, որ թարգմանիչը ձեզ զանգահարի: Խորհրդի հեռախոսահամարն է 9952 8222: Խորհրդի աշխատանքային ժամերն են առավոտյան ժամը 8:30-ից մինչև երեկոյան ժամը 5:00, երկուշաբթիից մինչև ուրբաթ:

Chinese

如果你不明白这封信的内容，敬请前往1 Pope Street, Ryde（位于Top Ryde Shopping Centre内），向市政府工作人员咨询，他们会为您安排口译服务。此外，您也可以拨打131 450联络翻译和口译服务，要求口译员与您联系。市政府电话号码为9952 8222。市政府办公时间为周一至周五上午8:30至下午5:00。

Farsi

لطفاً اگر نمی توانید مندرجات این نامه را درک کنید، به نشانی 1 Pope Street، Ryde (در Top Ryde Shopping Centre)، Ryde مراجعه کنید تا با استفاده از یک مترجم دراین باره با یکی از کارکنان شورای شهر گفتگو کنید. یا آنکه می توانید با خدمات ترجمه کتبی و شفاهی به شماره 131 450 تماس گرفته و بخواهید که به یک مترجم ارتباط داده شوید. شماره تماس شورای شهر 9952 8222 و ساعات کاری آن از 8:30 صبح تا 5:00 بعد از ظهر روزهای دوشنبه تا جمعه است.

Italian

Se avete difficoltà a comprendere questa lettera, venite in 1 Pope Street, Ryde (dentro al Top Ryde Shopping Centre), Ryde, per discutere con il personale del Comune che organizzerà un servizio di interpretariato. Potete anche contattare il Servizio di Traduzione e Interpretariato al 131 450 per chiedere a un interprete di contattarvi. Il numero di telefono del Comune è il 9952 8222. Gli orari di ufficio del Comune sono dalle 8.30 alle 17 dal lunedì al venerdì.

Korean

이 서신을 이해할 수 없을 경우, 1 Pope Street, Ryde (Top Ryde Shopping Centre 내)에 오셔서 통역사 서비스를 주선할 시의회 직원과 논의하십시오. 혹은 통번역서비스에 131 450으로 전화하셔서 통역사가 여러분에게 연락하도록 요청하십시오. 시의회의 전화번호는 9952 8222입니다. 시의회 사무실 업무시간은 월요일에서 금요일, 오전 8시 30분에서 오후 5시까지입니다.

Meeting Date: Wednesday 26 April 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

NOTICE OF BUSINESS

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LATE ITEMS

10 COUNCIL'S STANDING AND ADVISORY COMMITTEE MEMBERSHIP - DISQUALIFICATION OF FORMER COUNCILLOR ARTIN ETMEKDJIAN

Report prepared by: Manager - Risk, Audit and Governance
File No.: GRP/09/7/11 - BP17/425

REPORT SUMMARY

Council is aware that former Councillor, Artin Etmekdjian was disqualified from holding public office as a Councillor at the City of Ryde, effective 20 April 2017.

This report advises Council on the impact that the vacancy has created, on the ongoing operations of Council in terms of its Standing and Advisory Committees where the former Councillor was a member.

This report recommends that Council fill the position of Chairperson on the Economic Development and Advisory Committee ('EDAC').

RECOMMENDATION:

- (a) That Council note and endorse the proposed approach to be undertaken in relation to its Standing and Advisory Committees in respect of this matter.
- (b) That Council call nominations and determine at least one Councillor to represent Council as Chairperson, on the Economic Development and Advisory Committee.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

John Schanz
Manager - Risk, Audit and Governance

Report Approved By:

Roy Newsome
Acting General Manager

ITEM 10 (continued)

Discussion

Council is aware that former Councillor, Artin Etmekdjian was disqualified from holding public office as a Councillor at the City of Ryde, effective 11 April 2017.

This report advises that there is minimal impact on Council's Standing and Advisory Committees as a result of the vacancy. In a number of cases, the former Councillor held the position of Chairperson or Deputy Chairperson of various Committees and in others he was a member of the Committee.

It is required to seek nominations to the Economic Development and Advisory Committee ('EDAC') due to the fact that former Councillor Etmekdjian was the only Councillor on this Committee. He was also the Chairperson of this Committee. The Terms of Reference for this Committee call for no less than one (1) Councillor to be appointed annually.

Council Standing Committees

It is proposed that the following approach be undertaken by Council in relation to its Standing and Advisory Committees impacted by the disqualification.

Given the current vacancy, it is proposed that Council not conduct any elections for the positions held by former Councillor Etmekdjian in regards to the following Standing Committees;

(a) Finance and Governance Committee

Former Councillor Etmekdjian was previously appointed as Chairperson. It is proposed that the Deputy Chairperson will chair the remaining meetings.

(b) Planning and Environment

Former Councillor Etmekdjian was previously appointed as Deputy Chairperson. It is proposed that in the case that the chair is unable to preside at a meeting, then an acting chair is to be elected at the commencement of the meeting.

(c) Works and Community and Ryde Civic Hub

Former Councillor Etmekdjian was a member of both of these committees. There is no action proposed as there is sufficient coverage of existing Councillors.

ITEM 10 (continued)

The above approach is outlined for the following reasons;

- This approach is in accordance with Council's Code of Meeting Practice and regulations.

Council's Code of Meeting Practice and Regulation 267 of the Local Government (General) Regulation 2005 state the following;

(4) The chairperson is to preside at a meeting of a committee of a council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

According to the above, the vacancy can either be filled by the Deputy Chair (In relation to Finance and Governance). If neither the Chairperson or Deputy Chairperson is available, an acting chair is to be elected at the commencement of the meeting.

- The proximity to Council Elections (9 September 2017)

There are only a few Standing Committee meetings remaining until the next election and there is sufficient coverage maintained by the current Councillors to make suitable arrangements for the position of Chairperson / Deputy Chairperson, as required.

It is therefore recommended that no further action be taken in regards to the composition of Council's Standing Committees.

Advisory Committees

In regards to Council's Advisory Committees, former Councillor Etmekdjian held a number of roles including the role of Chairperson of 3 Advisory Committees (Eastwood and West Ryde Events, Economic Development and Advisory Committee and Macquarie Park Forum).

He was a member of a further 2 committees (Audit and Risk Committee and Community Harmony Reference Group) and was also an alternate representative on the Sydney North Planning Panel.

In relation to Council's Advisory Committees, it is noted that the standard terms of reference include action to be taken in the case that there is a casual vacancy occurring. This states the following;

"Where a vacancy occurs within 9 months of the end of the term, the vacancy will not be filled".

ITEM 10 (continued)

It is proposed that this vacancy not be filled with the convenors of these Advisory Committees to undertake the following actions;

- In relation to the Eastwood and West Ryde Events Committee and the Macquarie Park Forum, to seek a nomination from the remaining Councillors at their next meeting, to undertake the role of Chairperson;
- In relation to the Audit and Risk Committee and the Sydney North Planning Panel to call upon the alternate members as nominated previously by Council;
- In relation to the Community Harmony Reference Group, to take no further action as there is sufficient Councillor Members on this Group.

However, it is required to seek nominations for the Economic Development and Advisory Committee ('EDAC') due to the fact that this disqualification has resulted in this Committee having no Councillor representation. The Terms of Reference for this Committee call for no less than one (1) Councillor to be appointed annually.

It should be noted that there are currently a further 2 meetings of this Committee scheduled before the elections in September 2017. These meetings are scheduled for 17 May 2017 and 23 August 2017.

Financial Implications

Adoption of the recommendation will have no financial impact.

11 DISQUALIFICATION OF FORMER COUNCILLOR ETMEKDJIAN - VACANCY IN CIVIC OFFICE

Report prepared by: Manager - Risk, Audit and Governance
File No.: GRP/09/7/11 - BP17/427

REPORT SUMMARY

Council would be aware that former Councillor Etmekdjian was disqualified from holding public office as a Councillor at the City of Ryde effective 20 April 2017. This means that there is currently a vacancy in West Ward.

Council is required in accordance with Section 292 of the Local Government Act 1993 (The Act), to hold a By-Election for the vacancy in the Ward, within a three (3) month period. However, Section 294 of the Act provides for Councils to apply to the Minister for Local Government for a vacancy not to be filled, where the vacancy is less than 18 months from the next ordinary election of Councillors. As the date for the next ordinary election of Council has been gazetted as Saturday 9 September 2017 it is recommended that Council write to the Minister to seek approval not to fill this vacancy in Council's West Ward.

This action will also save Council the cost of the by-election which is estimated at \$150,000, (based on the 2015 East Ward By-Election costs of \$130,000).

RECOMMENDATION:

That Council endorse applying to the Minister for Local Government, in accordance with Section 294 of the Local Government Act, 1993 to not fill the vacancy in the West Ward as the vacancy is within 18 months before the next ordinary election of Councillors.

ATTACHMENTS

- 1 Section 294 - Dispensing with By-Elections

Report Prepared By:

John Schanz
Manager - Risk, Audit and Governance

Report Approved By:

Roy Newsome
Acting General Manager

ITEM 11 (continued)

Discussion

Council would be aware that former Councillor Etmekdjian was disqualified from holding public office as a Councillor at the City of Ryde, effective 11 April 2017. This effectively means that there is currently a vacancy in West Ward.

Council is required in accordance with Section 292 of the Local Government Act 1993 (The Act), to hold a By-Election for the vacancy in the West Ward, within a three (3) month period.

However, Section 294 of the Act provides for Councils to apply to the Minister for Local Government ('Minister') for a vacancy not to be filled, where the vacancy is less than 18 months from the next ordinary election of Councillors. It is recommended that Council proceed to apply to the Minister for the following reasons;

- Close Proximity to Ordinary Elections

The date for the next ordinary election of Council has been gazetted as Saturday 9 September 2017. Discussions held with the New South Wales Electoral Commission have indicated that given its current workload and logistics involved, that it would take a minimum of two months' notice for it to conduct a by-election. If Council were to proceed to a by-election, this would effectively mean that the successful candidate occupant could potentially only be elected for a small period of time prior to the next ordinary election, which would be further reduced by the caretaker period. The caretaker period operates during the period 4 weeks preceding an ordinary election.

- Cost to Council of conducting a by-election

Council would incur substantial costs if it decided to conduct a by-election. The direct cost of conducting the 2015 East Ward by-election was \$130,760, excluding Council's staff costs. If Council was to proceed to a by-election at this time, it is estimated that the cost would be in the vicinity of \$150,000 based on the 2015 by-election and allowing for additional advertising.

- Community Confusion / Criticism

Council may attract criticism and cause confusion of the community, if it were to proceed to a by election at this time due to the close proximity of the ordinary elections and the cost incurred in conducting a by-election.

Other Requirements

As required under Section 285(b) of the Local Government General Regulation, the Acting General Manager has advised the Office of Local Government and is currently in the process of advising the NSW Electoral Commission and Local Government NSW of this vacancy.

ITEM 11 (continued)

Financial Implications

Adoption of the recommendation will have no financial impact.

Options

Council could consider holding a By-election in the West Ward at an approximate direct cost of \$150,000 (based on the direct costs of the 2015 By-Election). Under Section 292 of the Act, this election would have to be held within three months of the vacancy occurring.

This option is not recommended for the reasons outlined in the report.

ITEM 11 (continued)

ATTACHMENT 1

LOCAL GOVERNMENT ACT 1993

294 Dispensing with by-elections

- (1) This section applies if a casual vacancy occurs in the office of a councillor, including a mayor elected by the electors of an area, within 18 months before the date specified for the next ordinary election of the councillors for the area.
- (2) If such a casual vacancy occurs in the office of a councillor (but not the office of a mayor elected by the electors), the Minister may, on the application of the council:
 - (a) order that the vacancy not be filled, or
 - (b) order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a).
- (3) If such a casual vacancy occurs in the office of a mayor elected by the electors, the casual vacancy is to be filled by the Governor appointing to the vacant office a councillor nominated by the council.
- (4) If the council does not nominate a councillor for the purposes of subsection (3), the Governor may appoint one of the councillors to the vacant office.