

Relevant Information for Council

FILE: X109863 and X101731 **DATE:** 13 December 2024

TO: Lord Mayor and Councillors

FROM: Kirsten Morrin, Executive Director Legal and Governance

THROUGH: Monica Barone PSM, Chief Executive Officer

SUBJECT: Information Relevant To Item 6.4 - Delegations of Authority to the Lord Mayor and Chief Executive Officer

Alternative Recommendation

It is resolved that:

- (A) Council approve the Delegations to the Lord Mayor, as shown at Attachment C to the subject report;
- (B) Council approve the Delegations to the Chief Executive Officer, as shown at Attachment D to the subject report, ***subject to the following amendment to limitation 10 as follows:***
 - The CEO cannot grant approvals to occupy and use public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council where:***
 - (a) The annual rental or fee exceeds \$1,000,000 excluding GST; or***
 - (b) For land classified as community land, the term (including options) exceeds 10 years; or***
 - (c) For all other land, the term (including options) exceeds 15 years.***
- (C) Council revoke the existing Delegations to the Lord Mayor dated 22 August 2022 and Delegations to the Chief Executive Officer dated 22 August 2022 as shown at Attachments A and B to the subject report;

Purpose

This memo is to provide information in response to questions asked at the meeting of the Corporate, Properties, Finance and Tenders Committee on 9 December 2024.

Background

At the meeting of the Corporate, Finance, Properties and Tenders Committee on 9 December 2024, Councillors asked for confirmation that all contract variations approved under delegation following endorsement by the Tender Review Group would be included in the CEO Update. It is confirmed that, following adoption of the delegations of authority, all such variations will be included in the CEO Update.

In response to matters raised by Councillors regarding the leasing of community land, it is suggested that limitation 10 of the CEO delegations could be amended to include a limitation on leasing of community land under delegation of 10 years (including options). This effectively maintains the current delegation which enables leasing under delegation for 5 years with options of up to 5 years. Maintaining this timeframe recognises the difference between community land and other land held and leased by Council for commercial or strategic purposes.

Councillors also suggested that consideration be given to including a limitation on delegation requiring the CEO to table some Expressions of Interest and/or Tenders prior to their public release. It is not recommended that Council introduce such a limitation as it creates probity and timing challenges. For example, while tenders are in the market it is not appropriate for public comment to be made on those tenders as those comments may not be consistent with the content of the request for tender documentation. This may impact tender award or result in disputes.

Staff have commenced work on the Sourcing Framework requested by resolution in November 2024 and consider that the process which will be established in that policy will address concerns raised by councillors. The framework will provide Councillors with advance notice of the staff recommended procurement approach in relation to specific services, and Councillors will be able to make decisions at that point.

Memo from Kirsten Morrin, Executive Director Legal and Governance

Prepared by: Kirsten Morrin, Executive Director Legal and Governance

Approved

P. M. Barone

MONICA BARONE PSM

Chief Executive Officer