

Attachment C

Delegations to the Lord Mayor



Resolution of Council []

Delegations to the Lord Mayor

Interpretation of delegations

- A. This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993.
- B. References to the Chief Executive Officer are references to the general manager appointed under the Local Government Act 1993. References to the Lord Mayor are references to the mayor elected under the Local Government Act 1993.
- C. References to the decisions of Council are references to decisions made by Council from time to time.
- D. References to policies of the Council are references to policies adopted by Council from time to time.
- E. These delegations are not intended to limit the Lord Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Lord Mayor under the Local Government Act 1993 or the City of Sydney Act 1988.

Role of Lord Mayor

The role of the Lord Mayor under section 226 of the Local Government Act 1993 is:

- (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.

Delegation of other functions

Council delegates to the Lord Mayor, on an ongoing basis, the following other powers, authorities, duties and functions which are to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time, pursuant to sections 226 (o) and 377 of the Local Government Act 1993.

General and Policy Direction

1. To direct the Chief Executive Officer.

Management of Council meetings and business

2. To call and schedule meetings of Council Committees, briefings of Councillors and inspections by Councillors.
3. To request the Chief Executive Officer include items on the agendas for all meetings of Council and Council Committees, provided that if the Council has by resolution determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution.

Expenditure

4. With the prior consultation of the Chief Executive Officer, approve all expenditure from contingency funds, other than the Chief Executive Officer's contingency fund, provided it is within the terms of the budget adopted by Council.
5. To approve:
 - a. all reasonable international travel by staff for Council related business; and
 - b. all reasonable associated expenses with any such travel,noting that any such approved expenses are to be reported in the annual report and the quarterly performance reports to Council.

External Relations and Representations

6. To approve all media statements and publications issued on behalf of Council, unless Council determines otherwise on a specific issue.
7. To determine who should represent Council on external organisations and committees and inter-agency working parties, provided that where a staff member is proposed to represent Council, the Lord Mayor must first consult with the Chief Executive Officer.
8. To determine who should represent Council at civic, ceremonial and social functions where:
 - a. the Lord Mayor is unable to attend; and
 - b. Council has not determined its representative;provided that where a staff member is proposed to represent Council, the Lord Mayor must first consult with the Chief Executive Officer.
9. To grant civic awards and honours such as keys to the City.
10. To approve civic and ceremonial events.
11. To determine other matters of protocol where required from time to time.

Appointment and Performance Management of Chief Executive Officer

12. To negotiate and settle terms of a contract of employment with the Chief Executive Officer (CEO Contract) including determining the appropriate remunerations and inform Councillors accordingly.
13. To vary the terms and conditions of the CEO Contract (in consultation with Councillors in respect of material variations).
14. To administer the CEO Contract in accordance with the requirements of the Act, including, but not limited to, approving annual leave and exercising suspension and termination clauses.
15. To appoint an Executive Director (M2) to act as Chief Executive Officer due to the absence of the Chief Executive Officer for any reason, other than the taking of annual leave, with such appointment to be considered by Council at the earliest opportunity.

Organisational Accountability

16. To obtain direct and independent advice relevant to Council functions, with all such cases to be reported to Council.

Authority to Obtain Legal Services

17. To instruct Council's legal representatives in matters commenced as a result of a decision of Council or the Lord Mayor. Such instructions may be given directly or through the Chief Executive Officer or General Counsel. Instructions must be consistent with relevant Council policies or decisions unless the Lord Mayor has been advised by the General Counsel or the Chief Executive Officer or external counsel that it is not in the Council's interest to do so.

18. To instruct Council's legal representatives to commence legal proceedings, including an appeal;

- a. in consultation with the Chief Executive Officer and the General Counsel; or
- b. in consultation with at least two Councillors if the legal proceedings involve the Chief Executive Officer or the General Counsel.

Any such instructions given are to be reported in the next CEO Update issued to Councillors

Mayoral and Civic Role

19. In consultation with the Chief Executive Officer, and in accordance with relevant policies and procedures, in respect of the Office of the Lord Mayor:

- a. determine the structure of the Unit;
- b. allocate expenditure within the Unit, not exceeding the global budget of the Unit approved annually by Council;
- c. determine the number and description of all staff positions;
- d. be fully and formally consulted in respect of the appointment and dismissal of all staff;
- e. direct staff within the Unit and allocate tasks.

General Authority of Council During Recesses

- 20.** To exercise those powers, authorities, duties and functions of Council capable of being exercised without a formal resolution under the Local Government Act 1993 but not delegated to the CEO during the period:
- a. commencing at midnight on the day of the Council meeting held immediately before a recess period as approved by Council; and
 - b. ending at the time of commencement of the first Committee meeting held immediately after the end of a recess period as approved by Council, provided:
 - c. reports or other business papers in a form similar to those normally submitted to Council or a Council Committee are provided to the Lord Mayor and Councillors at least three business days prior to the Lord Mayor exercising any powers, authorities, duties and functions of Council under this delegation; and
 - d. the Lord Mayor does not receive written objections by three or more Councillors on an item stating relevant reasons as to why the Lord Mayor should not exercise any powers, authorities, duties and functions of Council in relation to that item, under this delegation; and
 - e. any powers, authorities, duties and functions of Council exercised by the Lord Mayor pursuant to this delegation are to be reported to Councillors on a weekly basis in the CEO's Update.

