

Attachment D

Delegations to the Chief Executive Officer



Resolution of Council []

Delegations to the Chief Executive Officer

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.
- 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 Chief Executive Officer'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 Chief Executive Officer under the Local Government Act 1993.

Role of the Chief Executive Officer

The Chief Executive Officer has the following functions under section 335 of the Local Government Act 1993:

- (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,
- (c) to advise the lord 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 Lord 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 Lord 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 Lord 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 Chief Executive Officer,
- (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 Chief Executive Officer by or under this or any other Act.

Delegation of functions to the Chief Executive Officer

Council delegates to the person holding the position of Chief Executive Officer on an ongoing basis its functions under the Local Government Act 1993 and any other legislation conferring functions on the Council, except for the powers, authorities, duties and functions which are:

- reserved to Council by Section 377 of the Local Government Act 1993
- required by any legislation or instrument to be performed by resolution of Council
- delegated exclusively to the Lord Mayor by Council resolution from time to time
- set out in the *Limitations to the CEO Delegations* outlined below.

These delegations are to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time.

Table of Limitations

<u>Budget and Resource Allocation</u>	<u>6</u>
1. Acceptance of tenders	6
2. Variations to contracts originally under \$5 million	6
3. Variations to contracts – contracts approved by Council	6
4. Contingency	6
5. Operational plan	6
6. Concept designs for capital works	6
7. Capital contingency funds	6
8. Writing off bad debts	7
<u>Legal Proceedings</u>	<u>7</u>
9. Commencement of legal proceedings	7
<u>Property, Land Use and Related Matters</u>	<u>7</u>
10. Approvals to occupy land	7
11. Approvals to occupy land – Hoardings and temporary occupation	7
12. Plans of management for community land	7
<u>Grants Programs</u>	<u>7</u>
13. Grant implementation	7
<u>Policy and procedure</u>	<u>8</u>
14. Make or amend Council policy	8
15. Public exhibition and comment	8
<u>Council Operations and Services</u>	<u>8</u>
16. New services	8
17. Variation of existing Council services	8
<u>Cultural</u>	<u>8</u>
18. Relationships with other cities	8
19. Civic and ceremonial events	8
20. Civic honours	8
<u>Planning and Development</u>	<u>8</u>
21. Heritage floor space	8

Limitations to the CEO Delegations

Budget and Resource Allocation

1. Acceptance of tenders

The CEO cannot approve the acceptance of tenders involving an estimated expenditure or receipt of an amount of more than \$5 million including GST.

2. Variations to contracts originally under \$5 million

The CEO cannot approve variations of any contract sum or contract contingency following a tender process such that the total value of the contract exceeds \$5 million including GST for the initial term and any extensions of the contract.

3. Variations to contracts – contracts approved by Council

The CEO cannot approve variations of any contract sum or contract contingency exceeding the total expenditure previously approved by Council for any variations that are cumulatively more than 10% of the total expenditure (including GST) previously approved by Council.

4. Contingency

The CEO cannot authorise any expenditure from operational contingency funds (other than CEO's contingency fund) within the annual budget without the prior consultation of the Lord Mayor (consultation not required for the Chief Executive Officer's contingency fund).

5. Operational plan

The CEO cannot authorise expenditure that unfavourably impacts on the net operating result approved by Council in the adopted Operational Plan.

6. Concept designs for capital works

The CEO cannot approve concept designs for major capital works projects.

7. Capital contingency funds

The CEO cannot authorise any expenditure greater than \$500,000 excluding GST per project from the capital contingency funds.

8. Writing off bad debts

The CEO cannot write off individual bad debts for amounts greater than \$100,000 excluding GST.

Legal Proceedings

9. Commencement of legal proceedings

The CEO cannot give instructions to Council's legal representatives to commence legal proceedings in the NSW Supreme or Federal Courts without prior consultation with the Lord Mayor.

Property, Land Use and Related Matters

10. Approvals to occupy land

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 is \$1,000,000 excluding GST; or
- b. the term (including options) exceeds 15 years

11. Approvals to occupy land – Hoardings and temporary occupation

The CEO cannot grant approvals to occupy public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council which:

- a. involve the erection of a hoarding for a period 5 years or more; or
- b. relate to a temporary occupation of public land or crown land (including parks and open spaces) exceeding 40 days.

12. Plans of management for community land

The CEO cannot adopt a plan of management for community land.

Grants Programs

13. Grant implementation

The CEO cannot determine grants, with the exception of determinations for the purpose of implementing the Quick Response Grant, Creative Spaces Grant, Short Term Empty Properties Grant, Venue Hire Support Grants and Sponsorship and Street Banner Sponsorship programs in accordance with the Grants and Sponsorship Policy criteria and monetary limits as amended by Council from time to time.

Policy and procedure

14. Make or amend Council policy

The CEO cannot make or amend Council policy.

15. Public exhibition and comment

The CEO cannot release for public exhibition and comment any plan or policy which is required by legislation to be exhibited.

Council Operations and Services

16. New services

The CEO cannot carry out new services not already approved by Council

17. Variation of existing Council services

The CEO cannot authorise any significant variation of any existing Council service that would have ongoing implications for Council in terms of cost or service delivery.

Cultural

18. Relationships with other cities

The CEO cannot develop or form relationships with other cities, including sister city agreements.

19. Civic and ceremonial events

The CEO cannot approve civic and ceremonial events.

20. Civic honours

The CEO cannot grant civic honours.

Planning and Development

21. Heritage floor space

The CEO cannot award Heritage Floor Space where the applicant is the Council or a government agency.

