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GE315	Temporary Change to Chief Executive Officer Delegation	47

Moved Cr Karen Sherry, **Seconded** Cr Ann Potter

That Council:

- 2.1 in accordance with section 98(1) of the *Local Government Act 1989*, amends its instrument of delegation to the Chief Executive Officer for the period of 17 December 2018 to 4 February 2019 for a temporary increase in the current limitation on the power delegated to the CEO – to award a contract not exceeding the value of \$1.5 million (including GST), and
- 2.2 receive a further report on the use of the delegation and reinstatement of the contract awarding limit of \$500,000 at the Council meeting of 11 February 2019.

CARRIED

12. PETITIONS AND JOINT LETTERS

Nil.

13. DEPUTATIONS

Nil.

14. URGENT BUSINESS

Nil.

15. DELEGATES REPORTS

Councillor Leigh Johnson returned to the meeting during the Delegates Reports, the time being 7:52pm.

DEL087 FRIENDS OF AILEU FRIENDSHIP GROUP

Councillor Karen Sherry provided a Delegates Report on the Friends of Aileu Friendship Group, of which Hume City Council is a sponsor of.

Cr Sherry advised that she and Cr Haweil had recently attended the final meeting with the Friends of Aileu Friendship Group for 2018 and that in 2020 the Friends of Aileu will be celebrating the 20th Anniversary following the commencement of a partnership in May 2000 between Hume City Council and Moreland in joining with the province of Aileu.

Cr Sherry iterated how important it is for the community to be involved, and for councils to provide administrative support as it enables funds to be raised by various groups to assist with providing services such as permaculture, community health and dental health.

Cr Sherry advised that thanks to events such as the Aileu trivia night and the Annual Melbourne East Timor Association dinner, since Hume City Council and Moreland Council have been involved, Aileu has seen great progression. The support that has been provided has progressed secondary education and aspirations for tertiary education in Aileu, thanks to the scholarship funds provided by these councils.

REPORT NO:	GE315
REPORT TITLE:	Temporary Change to Chief Executive Officer Delegation
SOURCE:	Daryl Whitfort, Director Corporate Services
DIVISION:	Corporate Services
FILE NO:	HCC14/405
POLICY:	-
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENTS:	Nil

1. SUMMARY OF REPORT:

- 1.1 Under section 98(1) of the *Local Government Act 1989* (the Act), Council has created an instrument of delegation to the Chief Executive Officer (CEO) of its powers, duties or functions.
- 1.2 The purpose of this report is to recommend a temporary increase in the current limitation on the power delegated to the CEO – to award a contract not exceeding the value of \$500,000 (including GST). It is proposed that during the period 17 December 2018 to 4 February 2019 to increase this power to a value of \$1.5 million (including GST).

2. RECOMMENDATION:

That Council:

- 2.1 **in accordance with section 98(1) of the *Local Government Act 1989*, amends its instrument of delegation to the Chief Executive Officer for the period of 17 December 2018 to 4 February 2019 for a temporary increase in the current limitation on the power delegated to the CEO – to award a contract not exceeding the value of \$1.5 million (including GST), and**
- 2.2 **receive a further report on the use of the delegation and reinstatement of the contract awarding limit of \$500,000 at the Council meeting of 11 February 2019.**

3. LEGISLATIVE POWERS:

Council is given the power to delegate any of its powers, duties and functions, other than for stipulated exceptions, under the Act as specified in section 9 of this report.

4. FINANCIAL IMPLICATIONS:

Nil

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

Environmental Sustainability has been considered and the recommendations of this report give no rise to any matters.

6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

There are no considerations that impact on climate change adaptation as a result of this report

7. CHARTER OF HUMAN RIGHTS APPLICATION:

The Charter of Human Rights and Responsibilities has been considered and the recommendations of this report give no rise to any matters.

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8. COMMUNITY CONSULTATION:

Not applicable.

9. DISCUSSION:

9.1 The effective functioning of local government at an operational level is achieved by Council delegating to staff the powers that are conferred to it through various pieces of legislation and regulations. In many cases there are conditions and limitations placed on Council officers in the exercising of a delegated power.

9.2 The decision of a delegate of Council is deemed to be a decision by Council.

9.3 Long-standing practice at Hume City Council is that Council delegates all of its powers to the CEO via its Instrument of Delegation from Council to the CEO, except for:

9.3.1 those powers that cannot by legislation be delegated to the CEO;

9.3.2 those powers that Council have chosen not to delegate to the CEO;

9.3.3 those powers that must be delegated directly to Council officers.

9.4 Council at all times retains the ability to exercise a power that has been delegated to the CEO and/or to a member of Council staff.

9.5 Under section 98(1) of the Act, Council can, by instruments of delegation, delegate to members of Council staff any of its powers, duties or functions other than:

(a) the power of delegation;

(b) the power to declare a rate or charge;

(c) the power to borrow money;

(d) the power to approve any expenditure not contained in a budget approved by the Council;

(e) any power, duty or function of the Council under section 223 (right to make a submission); and

(f) any prescribed power.

9.6 Other powers that Council cannot delegate are:

(a) making a local law under Part 5 of the Act;

(b) adoption of the Council Plan under section 125 of the Act;

(c) adoption of the Strategic Resources Plan under section 126 of the Act;

(d) preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;

(e) adoption of the Auditor's report and Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;

(f) determining pursuant to section 37 of the Act that an extraordinary vacancy on Council not be filled;

(g) exempting a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;

(h) appointment of councillor or community delegates or representatives to external organisations;

(i) the return of the general valuation and any supplementary valuations.

9.7 A current limitation on the powers delegated to the CEO is that the CEO cannot award a contract exceeding the value of \$500,000 (including GST). The primary purpose for the temporary increase in this limited delegation is to ensure that contracts for Capital Works projects are able to be awarded promptly over the seven week period of 17

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December to 4 February 2019. During this period, it is also possible that Service contracts may also be awarded up to the increased value.

- 9.8 Whilst it is not possible to identify all tenders sought during this period, the following projects are expected to require awarding over this period:

Project	Project No.
Sunbury BMX Pavilion	PJ 600460
Bolinda Road Resource Recovery	PJ 600220
Spavin Lake Drainage Upgrade	PJ 601930
Sunbury Skate Park extension	PJ 500140
Konagaderra Road Black Spot upgrade	PJ 602860

- 9.9 These projects have estimated values ranging from \$500,000 to \$1,000,000.

10. CONCLUSION:

As provided by section 98(1) of the Act, Council may delegate certain powers, duties or functions through an Instrument of Delegation to the Chief Executive Officer and this report recommends a temporary change to that Instrument.