

REPORT NO:	9.8
REPORT TITLE:	Temporary Change to the Chief Executive Officer's Delegation 19 December 2023 to 11 February 2024
SOURCE:	Fadi Srour, Chief Financial Officer
DIVISION:	Finance & Governance
FILE NO:	HCC14/405
POLICY:	-
STRATEGIC OBJECTIVE:	3.2: Deliver responsible and transparent governance, services and sustainable assets that respond to community needs
ATTACHMENT:	1. <i>Recommendation 2.2 - Estimated Contract Values - Confidential</i>

1. SUMMARY OF REPORT:

- 1.1 This report recommends a temporary increase in the current limitation on the power delegated to the CEO – to award a contract not exceeding the value of \$1 million (including GST).
- 1.2 It is proposed that this variation is for the period 19 December 2023 to 11 February 2024.

2. RECOMMENDATION:

- 2.1 That in accordance with section 11(1) of the Local Government Act 2020, Council amends its instrument of delegation to the Chief Executive Officer for the period 19 December 2023 to 11 February 2024 for a temporary increase in the current limitation on the power delegated to the CEO not exceeding \$3 million (including GST).
- 2.2 That in accordance with section 11(1) of the Local Government Act 2020, Council amends its instrument of delegation to the Chief Executive Officer for the period 19 December 2023 to 11 February 2024 for a temporary increase in the current limitation on the power delegated to the CEO to award the following contracts, which may exceed the \$3 million (including GST) temporary delegation requested in recommendation 2.1:

Contract No.	Contract Name
30 22 3335	Fairways - Remediation Works at Lake Reserve
30 23 3459	Construction of Kinder Expansion at Merrifield South and Kalkallo North Community Centre
30 23 3460	Provision of Minor Civil Works for Hume City Council
30 23 3461	Provision of Concreted Indented Parking Bays and Kerb & Channel Rehabilitation
30 23 3462	Provision of Stormwater Rehabilitation for Hume City Council
30 23 3478	Ligar Street, Sunbury - Road Reconstruction
30 23 3493	Road Reconstruction - Geach Street, Dallas

REPORT NO: 9.8 (cont.)

3. LEGISLATIVE POWERS:

3.1 *Local Government Act 2020* – Section 11.

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:

This Report recommends a temporary increase of the CEO financial delegations to ensure that key tenders can be awarded over the Christmas Holiday period when there is a large break between Council Meetings.

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 Community Consultation.

8. COMMUNITY CONSULTATION:

Community consultation is not required in relation to this Report.

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 A current limitation on the powers delegated to the CEO is that the CEO cannot award a contract exceeding the value of \$1 million (including GST).

9.4 The primary purpose for this proposed temporary change to the Chief Executive Officer’s Delegation from 19 December 2023 to 11 February 2024 is to ensure that contracts for capital works projects can be awarded promptly over that period, until the first briefing session prior to the Council meeting of 12 February 2024. During this period, it is also possible that service contracts may also be awarded up to the increased value.

10. CONCLUSION:

As provided by section 11(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 through the resolution of this report.

Report No.	Report	Page in Agenda
9.8	Temporary Change to the Chief Executive Officer's Delegation 19 December 2023 to 11 February 2024	109

Moved Cr Karen Sherry, **Seconded** Cr Chris Hollow

- 2.1 That in accordance with section 11(1) of the Local Government Act 2020, Council amends its instrument of delegation to the Chief Executive Officer for the period 19 December 2023 to 11 February 2024 for a temporary increase in the current limitation on the power delegated to the CEO not exceeding \$3 million (including GST).
- 2.2 That in accordance with section 11(1) of the Local Government Act 2020, Council amends its instrument of delegation to the Chief Executive Officer for the period 19 December 2023 to 11 February 2024 for a temporary increase in the current limitation on the power delegated to the CEO to award the following contracts, which may exceed the \$3 million (including GST) temporary delegation requested in recommendation 2.1:

Contract No.	Contract Name
30 22 3335	Fairways – Remediation Works at Lake Reserve
30 23 3459	Construction of Kinder Expansion at Merrifield South and Kalkallo North Community Centre
30 23 3460	Provision of Minor Civil Works for Hume City Council
30 23 3461	Provision of Concreted Indented Parking Bays and Kerb & Channel Rehabilitation
30 23 3462	Provision of Stormwater Rehabilitation for Hume City Council
30 23 3478	Ligar Street, Sunbury - Road Reconstruction
30 23 3493	Road Reconstruction - Geach Street, Dallas

Amendment

Moved Cr Carly Moore, **Seconded** Cr Trevor Dance

That contract no. 33 22 3335 Fairways – Remediation Works at Lake Reserve is removed from this table

CARRIED

The substantive motion was then put

- 2.1 That in accordance with section 11(1) of the Local Government Act 2020, Council amends its instrument of delegation to the Chief Executive Officer for the period 19 December 2023 to 11 February 2024 for a temporary increase in the current limitation on the power delegated to the CEO not exceeding \$3 million (including GST).
- 2.2 That in accordance with section 11(1) of the Local Government Act 2020, Council amends its instrument of delegation to the Chief Executive Officer for the period 19 December 2023 to 11 February 2024 for a temporary increase in the current limitation on the power delegated to

the CEO to award the following contracts, which may exceed the \$3 million (including GST) temporary delegation requested in recommendation 2.1:

Contract No.	Contract Name
30 23 3459	Construction of Kinder Expansion at Merrifield South and Kalkallo North Community Centre
30 23 3460	Provision of Minor Civil Works for Hume City Council
30 23 3461	Provision of Concreted Indented Parking Bays and Kerb & Channel Rehabilitation
30 23 3462	Provision of Stormwater Rehabilitation for Hume City Council
30 23 3478	Ligar Street, Sunbury - Road Reconstruction
30 23 3493	Road Reconstruction - Geach Street, Dallas

CARRIED