

Manningham City Council

Instrument of Delegation

to

The Chief Executive Officer



Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, Manningham City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 29 June 2021;
2. the delegation
 - 2.1 comes into force on 1 July 2021;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.

THE COMMON SEAL of
MANNINGHAM CITY COUNCIL
was hereunto affixed in the presence of:

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.....
Mayor/Councillor

.....
Chief Executive Officer

Dated

6 JULY 21

SCHEDULE

1. The power to
 - 1.1 determine any issue;
 - 1.2 take any action; or
 - 1.3 do any act or thingarising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.
2. Without limiting the above, this includes the power to:
 - 2.1 negotiate the sale of Council properties;
 - 2.2 affix the common seal to:
 - 2.2.1 documents that are of a routine administrative nature incidental to a decision made by Council or a duly authorised Council delegate;
 - 2.2.2 applications for funding grants;
 - 2.2.3 documents which are consequential to conditions applicable to a planning permit; and
 - 2.2.4 documents which are consequential to a decision of a tribunal or similar body;
 - 2.3 negotiate the sale of easements and laneways or of land identified under the Planning Scheme to be acquired by public authorities, upon the recommendation of the City Valuer as a Qualified Valuer and after all statutory requirements have been met; and
 - 2.4 negotiate the purchase of land following an in principle decision by Council to purchase the property and in accordance with any conditions approved by Council including the price range.

Conditions and Limitations

- A. The delegate must not determine the issue, take the action or do the act or thing:
 1. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 1.1 awarding a contract or making an expenditure exceeding the value of \$5,000,000 not contained in a budget approved by Council;
 - 1.2 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.3 appointing an Acting Chief Executive Officer without consulting the Mayor;
 - 1.4 electing a Mayor or Deputy Mayor;
 - 1.5 granting a reasonable request for leave under section 35 of the Act;

- 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
- 1.7 approving or amending the Council Plan;
- 1.8 adopting or amending any policy that Council is required to adopt under the Act;
- 1.9 adopting or amending the Governance Rules;
- 1.10 appointing the chair or members to a delegated committee;
- 1.11 making, amending or revoking a local law;
- 1.12 approving the Budget or Revised Budget;
- 1.13 approving the borrowing of money;
- 1.14 appointing Councillor or community delegates or representatives to external organisations;
- 1.15 approving resort and recreation payments and "cash-in-lieu" of car parking payments which are inconsistent with Council policy;
- 1.16 approving liquor licensing or gaming licence applications contrary to Council policy;
- 1.17 adopting a Council Policy other than a policy relevant to the day to day administration of Council;
- 1.18 subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
4. determine an issue, take action or do an act or thing which would or would be likely to involve a decision which is inconsistent with a:
 - 4.1 policy; or
 - 4.2 strategy
 adopted by Council.
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

B. The delegate may only negotiate the sale of a Council property below the reserve previously set by Council where such reserve was not reached at public auction, subject to:

- the sale price being no more than 10 per cent below the reserve set by Council;
- the delegate consulting the Mayor; and
- the delegate acting upon the recommendation of a Qualified Valuer.

