

S5 Instrument of Delegation to Chief Executive Officer

Greater Bendigo City Council

Instrument of Delegation

to

The Chief Executive Officer

Instrument of Delegation

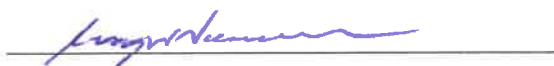
In exercise of the power conferred by section 11(1) of the *Local Government Act 2020* (**the Act**) and all other powers enabling it, the Greater Bendigo City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the 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 19 August 2020.
2. the delegation:
 - 2.1 comes into force immediately upon the common seal of Council being affixed to this Instrument of Delegation;
 - 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.

Dated this 21st day of August 2020

The Common Seal of **Greater Bendigo**
City Council was hereunto affixed in the
presence of:)
)
)



Chief Executive Officer



SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing,

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

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 and executing a contract which exceeds the value of \$1.65 million (inclusive of GST), for fixed deliverables and \$1.65 million per annum for schedule of rates and provided that any contract awarded following a public tender process is reported to Council within 2 ordinary Council meetings following the finalisation of the tender process;
 - 1.2 awarding and executing fixed deliverable contract variations which exceed 30% of the original contract sum in the aggregate, or \$495,000 (inclusive of GST) individually, whichever is the lesser.
 - 1.3 awarding and executing schedule of rates contract variations which exceed 30% of the original contract sum in the aggregate per annum, or \$495,000 (inclusive of GST), whichever is the lesser.
 - 1.4 executing a variation of contract which exceeds 30% of the original contract sum in the aggregate, or \$495,000 individually (inclusive of GST), whichever is the lesser, in accordance with Council policy;
 - 1.5 acquiring an option to purchase property for strategic municipal purposes where the option fee exceeds \$100,000 (exclusive of GST) and provided that Council is advised of the acquisition of the option within 2 ordinary Council meetings following the finalisation of the option acquisition;
 - 1.6 initiating or continuing legal proceedings under section 232 of the Act if the proceedings may:
 - 1.6.1 raise substantial issues of controversy in the community;
 - 1.6.2 affect the City's/ relationship with other bodies; or
 - 1.6.3 require substantial financial commitment from the City,unless, in the delegate's reasonable opinion, due to the urgency of the matter the decision cannot be referred to a meeting of Council for a decision and:
 - 1.6.4 the delegate has first consulted with the Mayor; and
 - 1.6.5 arrangements are put in place to report the matter to Council at the first opportunity;

- 1.7 initiating or continuing legal proceedings, if the proceedings are likely (in the opinion of the delegate) to:
 - 1.7.1 raise substantial issues of controversy in the community; or
 - 1.7.2 require substantial financial commitment from the City,

unless, due to the urgency of the matter the decision cannot be referred to a meeting of Council for a decision and:

 - 1.7.3 the delegate has first consulted with the Mayor; and
 - 1.7.4 arrangements are put in place to report the matter to Council at the first opportunity;
- 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
- 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 the 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; or
- 1.15 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. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
 - 4.1 policy; or
 - 4.2 strategy,

adopted by Council; or

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 section 11(2)(a)-(n) (inclusive) of the Act or otherwise.