

Delegations to the Lord Mayor

Resolution of Council: 29 June 2020

Responsibility:
Legal & Governance



COUNCIL OF THE CITY OF SYDNEY
DELEGATIONS TO THE LORD MAYOR

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 Lord Mayor'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 Lord Mayor under the Local Government Act 1993 or the City of Sydney Act 1988.

DELEGATIONS

Subject to the powers, authorities, duties and functions of Council:

- 1. reserved to the Council by Section 377 and Section 379 of the Local Government Act 1993;
- 2. which are required by any legislation or instrument to be performed by the Council;
- 3. delegated to the Chief Executive Officer by Council resolution from time to time;

Council delegates to the Lord Mayor, on an ongoing basis, the following powers, authorities, duties and functions which are to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time:

General and Policy Direction

- 1. to direct the Chief Executive Officer;

Management of Council meetings and business

- 2. the authority to call and schedule meetings of Council Committees, briefings of Councillors and inspections by Councillors;
- 3. to request the Chief Executive Officer include items on the agendas for all meetings of Council and Council Committees, provided that if the Council has by resolution determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution;
- 4. and any other chairperson, for the purposes of:
 - a) subsection 10(2) of the Local Government Act 1993; and

- b) clause 258(b) of the Local Government (General) Regulation 2005,
the power to expel a person or persons from the following meetings:
- c) a Council meeting; and
- d) a meeting of a Council Committee of which all members are Councillors;

Expenditure

- 5. with the prior consultation of the Chief Executive Officer, approve all expenditure from contingency funds, other than the Chief Executive Officer's contingency fund, provided it is within the terms of the budget adopted by Council;
- 6. to approve:
 - a) all reasonable international travel by staff for Council related business; and
 - b) all reasonable associated expenses with any such travel,noting that any such approved expenses are to be reported in the annual report and the quarterly performance reports to Council;

External relations and representations

- 7. to approve all media statements and publications issued on behalf of Council, unless Council determines otherwise on a specific issue;
- 8. to determine who should represent Council on external organisations and committees and inter-agency working parties, provided that where a staff member is proposed to represent Council, the Lord Mayor must first consult with the Chief Executive Officer;
- 9. to determine who should represent Council at civic, ceremonial and social functions where:
 - a) the Lord Mayor is unable to attend; and
 - b) Council has not determined its representative;provided that where a staff member is proposed to represent Council, the Lord Mayor must first consult with the Chief Executive Officer;
- 10. to determine who Civic awards and honours such as keys to the city should be presented;

Performance Management of Chief Executive Officer

- 11. to negotiate and settle terms of a contract of employment with the Chief Executive Officer (**CEO Contract**) including determining the appropriate remunerations and inform Councillors accordingly;
- 12. in consultation with the Councillors in respect of material variations, to vary the terms and conditions of the CEO Contract;
- 13. to administer the CEO Contract including, but not limited to, approving annual leave and settling performance standards;

14. to extend the term of the CEO Contract for a period of up to three months, provided the CEO Contract allows for this extension;
15. to accept the resignation of the Chief Executive Officer;
16. to suspend the Chief Executive Officer at short notice and, only in accordance with a resolution of Council, terminate the Chief Executive Officer's employment;
17. to negotiate and settle termination arrangements with the Chief Executive Officer in accordance with the CEO contract;
18. to appoint a Director (M2) to act as Chief Executive Officer from time to time, due to the absence of the Chief Executive Officer for any reason, other than the taking of annual leave, such appointment is to be considered by Council at the earliest opportunity;

Organisational Accountability

19. to review, approve and implement governance and accountability structures and processes for the performance of the organisation;
20. to oversee, through the Chief Executive Officer, the performance of the organisation and program areas within the organisation;
21. to direct Council's internal auditor to carry out a review or audit of the organisation;
22. to obtain direct and independent advice relevant to Council functions, all such cases to be reported to Council;
23. to make minor changes to the structure of the organisation;

Authority to Obtain Legal Services

24. to instruct Council's legal representatives, directly or through the Chief Executive Officer or General Counsel, noting that if the instructions are not consistent with Council policies or decisions (such as to settle court proceedings where Council's prospects are poor) the Lord Mayor has been advised by the General Counsel or the Chief Executive Officer or external counsel that it is in Council's interest to do so;
25. to instruct Council's legal representatives to commence legal proceedings, including an appeal:
 - a) in consultation with the Chief Executive Officer and the General Counsel; or
 - b) in consultation with at least two Councillors if the legal proceedings involve the Chief Executive Officer or the General Counsel,

noting that any such instructions given are to be reported to Council at the first meeting to occur after the instructions are given;

Mayoral and Civic Role

26. in consultation with the Chief Executive Officer, and in accordance with relevant policies and procedures, in respect of the Office of the Lord Mayor:
 - a) determine the structure of the Unit;

- b) allocate expenditure within the Unit, not exceeding the global budget of the Unit approved annually by Council;
- c) determine the number and description of all staff positions;
- d) be fully and formally consulted in respect of the appointment and dismissal of all staff;
- e) direct staff within the Unit and allocate tasks;

General authority of Council during recesses

27. to exercise the powers, authorities, duties and functions of Council during the period:

- a) commencing at midnight on the day of the Council meeting held immediately before a recess period as approved by Council; and
- b) ending at the time of commencement of the first Committee meeting held immediately after the end of a recess period as approved by Council,

provided:

- c) reports or other business papers in a form similar to those normally submitted to Council or a Council Committee are provided to the Lord Mayor and Councillors at least three business days prior to the Lord Mayor exercising any powers, authorities, duties and functions of Council under this delegation; and
- d) the Lord Mayor does not receive written objections by three or more Councillors on an item stating relevant reasons as to why the Lord Mayor should not exercise any powers, authorities, duties and functions of Council in relation to that item, under this delegation; and
- e) any powers, authorities, duties and functions of Council exercised by the Lord Mayor pursuant to this delegation are to be reported to Councillors on a weekly basis in the CEO's Update.