

Item: COVID-19: Instrument of Delegation to the Mayor (Emergency Administrative Provisions)**Mayor:** The Mayor, C Mr Pearce**BACKGROUND**

The current Novel Coronavirus (COVID-19) pandemic is continuing to rapidly escalate in the face of best endeavours to mitigate its spread and impacts. Contingent administrative arrangements need to be strengthened in order to protect the interests of Uralla Shire Council and the community as best as reasonably possible under the circumstances.

COVID-19 has given rise to a humanitarian and economic crisis on a massive scale the like of which has not been seen for the best part of a century or more. Its far reaching impacts are being felt by billions of people and organisations around the globe. These are being well documented daily by other spheres of government and the media.

Uralla Shire Council has already demonstrated excellent leadership within its community and the local government industry with its responses to date to the challenges of COVID-19. The very high levels of seriousness, urgency and growth in risks and related disruptions require constant reassessment. Agility in dealing with critical decisions around securing and deploying resources is paramount in the current environment.

Council is now facing increased risks around civic governance and resource decision making that are central to ensuring delivery of core services without seriously compromising the health and wellbeing of the community and staff. The business as usual approach to civic governance may quickly fail if it is not safe enough or otherwise impractical for Council to convene ordinary or extraordinary meetings in the coming months as a result of COVID-19.

Immediate contingency arrangements should be in place or strengthened to protect the interests of the Council and the community as best as reasonably possible under the circumstances. While Council awaits a response from the State Government on a range of administrative and legislative barriers to this that are under its control, it is prudent to grant emergency powers to the Mayor for a limited duration to cover critical contingencies that may arise.

PROPOSAL

It is recommended that a contingency arrangement for decision making **outside of meetings of Council** be put in place until such time as the pandemic has ended, unless terminated by Council before that date.

Attached is a proposed Instrument of Delegation to the Mayor which would enable the Mayor to make decisions of Council in emergency situations after consultation with the General Manager.

Should the Mayor need to exercise this delegation, the General Manager will provide a consolidated report once a month to all Councillors specifying any actions taken under the delegation adopted by Council. Additionally, once activation of the current Business Continuity Plan ceases, a consolidated report to the first available meeting of Council will be submitted which lists all decisions made under this delegation.

Maintaining a proactive approach to contingency planning and risk mitigation for COVID-19 is vital as part of the ongoing program to serve and protect the interests of Council and the community.

MOTION:

(a) That Council adopt the Instrument of Delegation to the Mayor dated 24 March 2020 as detailed in

Attachment 1 to this Mayoral Minute.

- (b) That the General Manager provide a consolidated report once a month to all Councillors specifying any actions taken under this delegation as adopted by Council.
- (c) Once activation of the current Business Continuity Plan ceases, a consolidated report to the first available meeting of Council will be submitted which lists all decisions made under this delegation.

ATTACHMENTS

Attachment 1 Uralla Shire Council - Instrument of Delegation to Mayor

Instrument of Delegation to Mayor

Local Government Act 1993, s377(1)

Uralla Shire Council

- (a) in recognition of the significant economic and social disruption in the Council's area that is being, and for the foreseeable future will continue to be, caused by the Novel Coronavirus (COVID-19) pandemic in NSW, and
- (b) in order to ensure, so far as is practicable, that the Council is able to continue to provide goods, services and facilities, and carry out activities, appropriate to the current and future needs within its local community and the wider public in an effective manner, pursuant to s377 of the *Local Government Act 1993* and a resolution passed at a duly convened meeting of the Council held on 23 March 2020:
- (c) revokes all previous delegations conferred or imposed on the person for the time being holding the office of Mayor, and
- (d) delegates to the person for the time being holding the office of Mayor the functions specified or described in Schedule 1, for the period or in a circumstance specified in Schedule 2, subject to the conditions or limitations specified or described in Schedule 3.

This instrument is subject to any Act or regulation or any proclamation, direction, order, notice or the like of the Minister administering the *Local Government Act 1993* made or given after the date of this Instrument.

Signed on behalf of the Governing Body of the Council (pursuant to Council Resolution Mayoral Minute MM009-20):

(Mayor)

Dated: 23 March 2020

Schedule 1

Functions Delegated to Mayor

All of the functions of the Council that are not the subject of the delegations from the Council to the General Manager given by resolution of the Council on 24 September 2018 and which are capable of being lawfully delegated pursuant to s377 of the *Local Government Act 1993*.

Schedule 2

Period / Circumstance When Functions May be Exercised

1. Any period during which the holding of meetings of the Governing Body of the Council are suspended, postponed or otherwise unable to occur by reason of the Novel Coronavirus (COVID-19) pandemic in NSW.
2. Where, in cases of necessity between meetings of the Council, the Mayor considers that it is in the interests of the local community or the wider public or the effective functioning of the Council that a function is exercised.

Schedule 3

Conditions & Limitations

A function delegated by this Instrument of Delegation may not be exercised in any particular case unless the Mayor has consulted with the General Manager about the proposed exercise of the function and has considered any representations made by the General Manager in that regard.
