



## URGENT MOTION

### 11. Urgent Business

That Council consider an urgent motion to delegate the Functions of Council to an Acting General Manager in the absence of the General Manager.

#### Urgent Motion

##### That Council:

1. **Note resolution 12.08/16 that in accordance with Section 377 of the Local Government Act 1993, delegates the functions of Council identified in the Report to Council titled 'Item 2 General Manager Delegations – Mr A Hopkins' from the 22 August 2016 Business Paper, contained at Attachment A.**
2. **In the absence of the General Manager and in accordance with Section 377 of the Local Government Act 1993, delegate the Functions and Authorities of Council as the Functions and Authorities of the General Manager (identified in Attachment A), to the General Manager's nominee as the Acting General Manager for the period of the General Manager's absence.**

Prepared by staff member:

Director of Community & Governance

TRIM Reference Number:

UINT/18/5999

Approved/Reviewed by Manager:

Trish Kirkland

Department:

Community and Governance

Attachments:

Attachment A – Item 2 General Manager Delegations – Mr A Hopkins, Business Paper for Ordinary Meeting held 22 August 2016.

<b>Department:</b>	<b>General Manager's Office</b>
<b>Submitted by:</b>	General Manager
<b>Reference:</b>	<b>Item 2</b>
<b>Subject:</b>	General Manager Delegations – Mr A Hopkins

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## LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

<b>Objective:</b>	4.2 an effective and efficient organisation.
<b>Strategy:</b>	4.2.7 Ensure compliance with regulatory and statutory requirements
<b>Action:</b>	4.3.1 resource the organisation of Council adequately to provide the services and support functions required to deliver the goals and strategies detailed in the community strategic plan. .

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## SUMMARY:

The purpose of this report is to seek a resolution of the Council under section 377 of the Local Government Act 1993 to delegate functions of the Council to the recently appointed General Manager, Mr Andrew Hopkins.

## OFFICER'S RECOMMENDATION

1. That in accordance with Section 377 of the Local Government Act 1993 Council Delegate the Functions of Council identified below to the General Manager, Mr Andrew Hopkins, on and from 22 August 2016.

## REPORT:

The new General Manager, Mr Andrew Hopkins will commence his role with Uralla Shire Council on Monday, 22 August 2016. This report recommends the passing of a resolution of the Council to confer certain and specific functions of the Council held by the previous General Manager, Mr George Cowan upon the take up of the position by Mr Hopkins on and as from 22 August 2016 so as to ensure a seamless transfer of discharge of Council functions to the continuing position of General Manager.

The functions of the Council delegated to the General Manager are extensive, comprehensive and provide for the effective and efficient functioning of the Council, without undue delay and in accordance with adopted Council management plans, strategies and policy. The functions delegated to the General Manager, in some instances, provide for conditions and limitations and are exercised in good faith, with due diligence, probity and accountability.

The General Manager has authority under the Act to delegate any of the functions delegated by the Council, other than the power of delegation, to any person or body (including another employee of the council).

The Council Functions proposed to be delegated to Mr Andrew Hopkins as from 22 August 2016 are as follows:

## **FUNCTIONS OF THE GENERAL MANAGER**

The function of the General Manager, as determined by Section 335 of the Local Government Act, is:

- (1) The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.
- (2) The general manager has the following particular functions:
  - to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report
  - the day-to-day management of the council
  - to exercise such of the functions of the council as are delegated by the council to the general manager
  - to appoint staff in accordance with an organisation structure and resources approved by the council
  - to direct and dismiss staff
  - to implement the council's equal employment opportunity management plan.
- (3) The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.

Council confirms the roles and duties of the General Manager as set out in the current employment contract.

## **DELEGATIONS OF AUTHORITY TO GENERAL MANAGER**

In accordance with the provisions of Sections 377, 378, 379 and 381 of the Local Government Act 1993, as amended, Council delegates to the General Manager the following functions:

1. To carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of the Council. To authorise variations of expenditure on individual line items and jobs which make up voted project/program items in Council's adopted budget, subject to the total voted expenditure in the project/program items not being exceeded.
2. To exercise and implement the powers, authorities, duties and functions of the Council under the Local Government Act and any other Act of Parliament or any rule, regulation, ordinance or by-law under or pursuant to any such Act but subject to Section 377 of the Local Government Act.

## **COUNCIL IMPLICATIONS:**

1. **Community Engagement/ Communication (per engagement strategy)**  
N/A
2. **Policy and Regulation**  
N/A

- 3. Financial (LTFP)**  
N/A
- 4. Asset Management (AMS)**  
N/A
- 5. Workforce (WMS)**  
N/A
- 6. Legal and Risk Management**  
N/A
- 7. Performance Measures**  
N/A
- 8. Project Management**  
N/A

Prepared by staff member: George Cowan  
TRIM Reference Number:  
Approved/Reviewed by Manager: General Manager