



Yarra Ranges Shire Council

Instrument of Delegation

to

The Chief Executive Officer

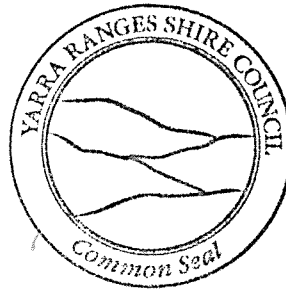
Instrument of Delegation

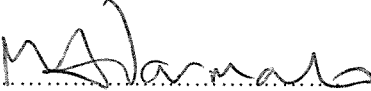
In exercise of the power conferred by s 98(1) of the *Local Government Act 1989* (**the Act**) and all other powers enabling it, Yarra Ranges Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer; the powers, duties 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 31 March 2020;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is 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; and
3. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by s 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The COMMON SEAL of YARRA
RANGES SHIRE COUNCIL was)
hereto affixed on 31 / 03 / 2020)
in accordance with the Meeting)
Procedures and Use of Common Seal)
Local Law 2015 in the presence of)
Mark Varmalis, Acting Chief Executive Officer.)




Mark Varmalis
Acting Chief Executive Officer

SCHEDULE

The power to

- 1.1 determine any issue;
- 1.2 take any action; or
- 1.3 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

- A. Only if there is a state of emergency declared under the *Public Health and Wellbeing Act 2008* and the delegate forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum may, following consultation with the Mayor (or in his absence or unavailability the Deputy Mayor) and with their agreement, the delegate:
1. award a contract exceeding the value of \$1,000,000;
 2. make a local law under Part 5 of the Act;
 3. approve the Council Plan under s 125 of the Act;
 4. adopt the Strategic Resource Plan under s 126 of the Act;
 5. prepare or adopt the Budget or a Revised Budget under Part 6 of the Act;
 6. adopt the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 7. determine pursuant to s 37 of the Act that an extraordinary vacancy on Council not be filled;
 8. exempt a member of a special committee who is not a Councillor from submitting a return under s 81 of the Act;
 9. appoint councillor or community delegates or representatives to external organisations; or
 10. return the general valuation and any supplementary valuations; and
 11. 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:
 - 11.1 policy; or
 - 11.2 strategyadopted by Council.
- B. 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 is required by law to be done by Council resolution;

2. 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;
3. 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 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
4. 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.