



muswellbrook shire council

DELEGATION OF AUTHORITY

SECTION 377, LOCAL GOVERNMENT ACT, 1993

Mayor

Muswellbrook Shire Council, in order to provide for the expedient exercise and performance of Council's powers and duties and the efficient management of Council's business and responsibilities hereby delegates, under Section 377 of the Local Government Act, 1993 to **Councillor Steven Reynolds** holding the position of **MAYOR** and to the person holding the aforementioned position in an acting capacity the exercise of Council's functions which includes its powers, duties and authorities, contained in legislation and matters specified in Schedule 1 subject to the limitations specified in Schedule 2. Under Section 226 of the Local Government Act, the role of the Mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- to exercise such other functions of the council as the council determines
- to preside at meetings of the council
- to carry out the civic and ceremonial functions of the mayoral office.

This delegation revokes all previous delegations. This delegation shall commence on 11 January, 2022 and remain in force until specifically altered or revoked in writing.

SCHEDULE 1

Subject to the requirements of the Act, and Regulations thereunder, and any expressed policy or direction of the Council, the Council, pursuant to the provision of Section 377 of the Act and every other enabling statutory power, delegates to the person who occupies the position of Mayor to exercise or perform, on behalf of the Council, the following powers, authorities, duties or functions:

1. General Manager

The mayor's role in the day-to-day management of the general manager should include without limitation:

- approving leave
- approving expenses incurred
- managing complaints about the general manager.

and ensure that copies of authorisation of leave be placed in Council's record system

2. Between Meeting Recess

To exercise the policy-making functions of the governing body of the council between meetings of the council provided that:

- a) The exercise of a function is not inconsistent with a policy or resolution of the Governing Body of the Council;
- b) Before exercising a policy making function, the Mayor considers any advice provided by the General Manager to Councillors;
- c) The Mayor provides each councillor notice in writing, where possible, of his/her intention to exercise the policy making function of the Council and provides each Councillor with an opportunity for comment -- (such comments should be provided in writing); and
- d) The Mayor reports the exercise of the policy making function at the next Ordinary Council Meeting.

3. Power of Expulsion

The Mayor presiding at any meeting of Council or a Committee of Council may expel any person not entitled to be present in accordance with Section 10(2)(b) of the Act.

4. Councillors

To nominate Councillor Representatives to attend functions on behalf of Council and to determine who should represent Council at civic, ceremonial and social functions where the Mayor is unable to attend and Council has not determined its representatives.

5. Legal

To authorise legal advice or legal representation in any matter in which the Council is already or likely to become involved.

6. Conveyancing

To negotiate and execute (with the General Manager) the purchase or sale of land in accordance with the minimum sales price or maximum purchase price adopted by Council and subject to any other conditions the Council may require where Council has resolved to purchase or sell land.

7. Payment of Accounts

To authorise or confirm payments made in accordance with the Local Government Act.

8. Entry and Inspection

To enter upon any land or building to make inspection, of the premises, matter or thing, in accordance with the provisions of Section 191 of the Act, or Section 118A(1) of the Environmental Planning and Assessment Act.

9. Conferences, Seminars and Meetings

To approve the attendance of Councillors at any seminar, conference, meeting or training course, subject to sufficient funds, provided that such delegation shall not be exercised if there is a Policy and Planning Committee meeting prior to the closing date for registration.

10. Media Relations

To undertake the roles provided in Council Policy P45/1 – Public Comment on Council Matters.

11. Correspondence

To sign outgoing correspondence, including letter head, facsimile and electronic mail on behalf of the Council.

12. Use of Council Chambers

To approve use of the Council Chambers and Councillors' Rooms by other persons.

13. Common Seal

To affix the Common Seal in accordance with the Local Government (General) Regulation 2021, Council's Policy and guidelines.

Note:

- *A Council Seal can be affixed to a document only after the Council has resolved that the seal be affixed.*
- *The power to authorise the affixing of the seal can only be exercised by the Council. It cannot be delegated to a Committee or employee (see S:377 LGA Act1993).*
- *The seal cannot be used on staff references or congratulatory letters to members of the community.*

END OF DELEGATION

Muswellbrook Shire Council

By Resolution: 191

Date: 11 January 2022