

DELEGATIONS TO POSITIONS POLICY

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Who is responsible: Group Manager - Democracy and Planning

Delegations to Positions Policy

PURPOSE AND SCOPE

1. Part of Council's strategic and governance role is to ensure that its statutory responsibilities, duties and powers are carried out at the most effective and efficient levels. This Policy sets out the delegations from Council to specified elected members and officers.
2. Matters outside the scope of this Policy are:
 - a) Delegations from Council to Committees, which are specified in the Governance Structure¹; and
 - b) Delegations from the Chief Executive to subordinate officers through management policies or by way of a specific delegation.

DEFINITIONS

Term	Definition
Committee	A committee or subcommittee of Council, as listed in the Governance Structure.
Delegated Financial Authority	The financial limit delegated to: <ol style="list-style-type: none">a. the Chief Executive or a specified Officer under this Policy; orb. an officer under the relevant management policy or a specific delegation from the Chief Executive; orc. the Chief Executive or a specified officer under a specific delegation from Council.
Governance Structure	The Council's Governance Structure document, including the terms of reference and delegations for Council and Committees, for the current triennium.
Officer	A Council staff member (including contractors) who is for the time being the holder of a specified office.

¹ Under development

PRINCIPLES

1. Where local authority activities do not contain a governance component and are not limited by statutory restrictions then they should be delegated to the Chief Executive, who may sub-delegate to officers.
2. To be effective and of legal standing, all delegations from Council must be precise and in writing (i.e. via this Policy or by Council resolution).
3. The delegate is acting in their own name on behalf of the Council when exercising delegated authority. In so doing, the delegate will ensure they act in accordance with any:
 - a) binding statutory authority (in relation to each delegation, relevant sections of legislation will be identified); and
 - b) relevant Council policy or process, including delegated financial authority and reporting requirements.
4. Council retains ultimate responsibility for its governance, statutory and financial responsibilities, duties and powers at all times. No delegation relieves Council of the liability or responsibility for the performance of the delegated responsibility, duty or power.
5. Those with responsibility for a delegated task or function should always have the authority to carry it out effectively.
6. Those with authority to perform a delegated responsibility, duty or power should always be responsible for the performance of the delegation in a full, fair and objective manner. To this end, it is open to the person delegated a responsibility, duty or power to consider whether or not to exercise that delegated responsibility, duty or power, or to refer the matter back to Council or the relevant Committee.
7. Subject to any legislative restrictions, a responsibility, duty or power delegated to an officer is also delegated to all officers in a direct line of authority above that officer and is also delegated to any officer who is in an acting capacity for that officer.
8. Any delegation made includes any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
9. Unless specifically restricted by law or expressed to be for a defined period, a delegation continues in force until expressly revoked or varied by either the Chief Executive or by resolution of Council. A delegation will survive any change in the person occupying the office to which the delegation was made.
10. Unless otherwise expressly stated in the Policy:
 - a) all financial values stated in this Policy are GST exclusive; and
 - b) all references to a repealed enactment should read as a reference to its replacement.
11. Where any currently adopted delegation to Council staff refers to a position title and the name of the position title has subsequently changed without substantial changes being made to the position-holder's job description (in respect of the function to which the delegation relates), any delegations in the name of the previous position title are and shall be effective for the position-holder of the new position title.

POLICY

The meaning of delegation

1. For the purpose of this Policy, delegation means the transfer of a responsibility, duty or power from Council to specified Elected Members, the Chief Executive or other specified officers, together with the authority to carry out that responsibility, duty or power or complete the action delegated.
2. General delegation means the granting of authority to determine a range of matters of a similar kind as and when they arise over a period of time without further reference to the delegator.
3. From time to time the Council may delegate authority by resolution to determine a specific issue. This specific delegation will exist only so long as that matter is unresolved and will then lapse at a specified time.
4. General delegations will be updated in this Policy as they are confirmed. Specific delegations may not necessarily be recorded in this Policy due to the fact that they would be largely historical by the time they are recorded.

Legal basis

5. The delegations in this Policy are made in accordance with the Local Government Act 2002 and any other legislation permitting delegation.
6. Council cannot delegate the power to:
 - a) make a rate; or
 - b) make a bylaw; or
 - c) borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan or otherwise as expressly covered in this Policy; or
 - d) adopt a long-term plan, annual plan, or annual report; or
 - e) appoint a Chief Executive; or
 - f) adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement; or
 - g) adopt a remuneration and employment policy.
(Local Government Act 2002 - Schedule 7, Clause 32(1))
7. Council may reserve other matters for its sole decision, these will be recorded in the Governance Structure.
8. The Chief Executive and other specified officers may further delegate one or more of their delegations to any other officer, subject to certain restrictions.
(Local Government Act 2002 – Schedule 7, clause 32B)

Delegations by the Council to Elected Members

9. Delegations from Council to specified Elected Members are detailed in Schedule 1.

Delegations by the Council to Chief Executive and Specified Officers

10. Delegations from Council to the Chief Executive and specified officers (including Financial Delegations) are detailed in Schedules 2 and 3.
11. This Policy is to be read alongside the Rangitikei District Council delegation register that records the specific delegations from the Chief Executive to subordinate officers. Although inherently linked to this Policy and governed by the same general principles, the delegation register is a separate document, and the delegations may be changed or updated at any time by the Chief Executive.

REVIEW OF POLICY

1. This Policy shall remain in effect until such time as it is varied or revoked by resolution of the Council. It is intended that this Policy will be reviewed and updated from time to time; and at the start of each triennium, as a minimum.

SCHEDULE 1 - DELEGATIONS BY THE COUNCIL TO ELECTED MEMBERS

Position	General Delegations
Mayor	<p>The Mayor is elected by residents of the Rangitikei District as a whole and as one of the elected members shares the same responsibilities as other members of Council.</p> <p>Authorities</p> <ul style="list-style-type: none"> • Lead the development of Council’s plans (including the long-term plan and the annual plan), policies and budgets for consideration by the Council.* • To appoint the Deputy Mayor.* • To establish committees of the Council.* • To appoint the chairperson of each committee.* • Act as a Justice of the Peace. • Requisition a meeting of Council. • Declare a local Civil Defence emergency. • Authority of a chairperson of a Council meeting under Standing Orders. • In relation to the Chief Executive’s employment contract, has delegated authority to manage routine employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions. <p><i>*Note: Subject to the provisions of Section 41A of the Local Government Act 2002.</i></p>

Position	General Delegations
Deputy Mayor	<p>Authorities</p> <ul style="list-style-type: none"> • All the authorities of the Mayor when the Mayor is not available and including, in relation to the Chief Executive’s employment contract, the delegated authority to manage routine employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions, and the Mayor’s powers under section 41A(3) of the Local Government Act 2002.

SCHEDULE 2 - DELEGATIONS BY THE COUNCIL TO THE CHIEF EXECUTIVE AND SPECIFIED OFFICERS

Where any currently adopted delegations to Council staff refer to a position title and the name of the position title has subsequently changed without substantial changes being made to the position holder's job description (in respect of the function to which the delegation relates), that any current delegations in the name of the previous position title are and shall be effective for the position holder of the new position title.

Position	General Delegations
<p>Chief Executive Officer</p>	<p>In accordance with clause 32 of Schedule 7 of the Local Government Act 2002, the Chief Executive is hereby delegated all Council's responsibilities, duties and powers to act on any matter, subject to the Exclusions, Conditions and Notes below.</p> <p>In accordance with clause 32(3) of Schedule 7 of the Local Government Act 2002 the Chief Executive may choose to delegate those responsibilities, duties and powers to Officers, unless delegation is specifically restricted by statute or the terms of the Chief Executive's delegation. Every delegation by the Chief Executive will be recorded in writing and captured in the delegations register.</p> <p>To the extent that they are relevant, the following Exclusions, Conditions and Notes below also apply to the Financial Delegations section in this Schedule.</p> <p>Exclusions:</p> <ul style="list-style-type: none"> • Any responsibilities, duties and powers that the Council is prohibited by legislation or operation of law from delegating to officers, including those set out in the Legal Basis section - paragraph 6 of this Policy (page 3). • Any responsibilities, duties and powers conferred on Council by an external entity that the entity has prohibited the Council from delegating to officers. • Any matter that can only be given effect to by a resolution of the Council. • Any responsibilities, duties and powers that have been delegated by Council to a Committee, unless sub delegated to the Chief Executive by resolution of that Committee. • Any matter that is above the limits of the Chief Executive's delegated financial authority (refer to Schedule 3 of this document). • In relation to the Resource Management Act 1991 ('RMA'): <ul style="list-style-type: none"> • Sub-delegation by the Chief Executive (section 34A(1)) • Approval of a Proposed District Plan (section 34A(1)(a)) • Notification of a Proposed District Plan • Rejection of a private plan change request • Hearing and determining objections to officer-declined resource consent applications (delegated to independent hearings commissioners). <p>Conditions:</p> <ul style="list-style-type: none"> • The Council's delegations to the Chief Executive do not preclude the Chief Executive from referring any matter to the Council or a Committee for decision if the matter is particularly significant; of political importance or sensitivity; of special community interest or for any other reasons the Chief Executive determines.

	<p>Notes:</p> <ul style="list-style-type: none"> • The Chief Executive shall exercise this delegation in accordance with any plans, policies (including Council’s Procurement Policy), and procedures and bylaws adopted by Council and with any specific directives given by way of resolution of the Council or a Committee. • For the purposes of the Trespass Act 1980, the Chief Executive is the person in lawful occupation of land owned, occupied or controlled by the Council. • For clarity, the Chief Executive has the Council’s general authority to exercise all of the Ministerial powers that have been delegated to the Council under the Reserves Act 1977. • The Chief Executive has the Council’s general authority to delegate to any officer any of the Chief Executive’s functions, powers and duties under the Sale and Supply of Alcohol Act 2012, other than the general power of delegation.
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Position	Signing and Sealing of Warrants
Chief Executive Officer	<p>Pursuant to Clause 32A, Schedule 7 of the Local Government Act 2002 Council delegates to the Chief Executive and to the Group Manager Regulatory authority to sign and apply the Council seal on any warrant of appointment required by law to be signed under seal.</p> <ul style="list-style-type: none"> • Note: Council has delegated the power to issue warrants under Council Seal to enforcement officers pursuant to Clause 32A, Schedule 7 to the Local Government Act 2002 to the Chief Executive and the Group Manager Regulatory. <p>Note:</p> <p>Where a document does not need to be executed under Council seal it may be signed by:</p> <ul style="list-style-type: none"> • the Chief Executive • his / her nominee • or any other officer who is authorised under delegated authority, whether under this Policy or otherwise, to approve the transaction involved.

Position	General Delegations
Acting Chief Executive	<p>Unless specifically excluded the Acting Chief Executive is delegated all the responsibilities, duties and powers of the Chief Executive and may act for the Chief Executive in:</p> <ul style="list-style-type: none"> • the formal and recorded absence of the Chief Executive; or • an emergency where the Chief Executive cannot be contacted.

<p>Group Managers</p>	<p>Group Managers are delegated the following responsibilities, duties and powers within their respective areas of responsibility, where that is permitted by law, in accordance with any Council policy (as appropriate) and subject to any condition, limitation or prohibition imposed by Council or any statutory limitation:</p> <ul style="list-style-type: none"> • The responsibilities, powers and duties delegated to them from the Chief Executive, as are recorded in management policies or specific written delegations, from time to time. • The power to commit Council to financial transactions subject to their delegated financial authority (as outlined in Schedule 3). • The power to sub-delegate, unless expressly restricted by law or the terms of Council's delegation to the Group Manager. All such sub-delegations must be recorded in writing on the central register. • The power to undertake their specific delegations without further reference (though some may require to be reported). • The power to act for the Chief Executive in an emergency where the Chief Executive and the Acting Chief Executive cannot be contacted, provided this is done through prior consultation with the Executive Leadership Team.
<p>Group Manager - Community</p>	<p>The Group Manager – Community may exercise the following specific powers where that is permitted by law, in accordance with any Council policy (as appropriate) and subject to any condition, limitation or prohibition imposed from time to time by Council or any statutory limitation:</p> <ul style="list-style-type: none"> • All the powers and functions Council may exercise as an administering body under the Reserves Act 1977.
<p>Group Manager - People and Performance</p>	<p>The Group Manager – People and Performance is appointed Privacy Officer for the Council pursuant to section 201 of the Privacy Act 2020 and is delegated the associated responsibilities of this position. The Group Manager – People and Performance may sub-delegate such responsibilities, duties and powers to other officers, except for the power to delegate under that Act.</p>
<p>Group Manager – Corporate Services</p>	<p>The Group Manager – Corporate Services is specifically delegated the responsibility to approve and pay:</p> <ul style="list-style-type: none"> • all Council tax returns to the Inland Revenue Department; and • regular sums for utilities such as power, phone, rates, insurance etc. <p>In addition, the Group Manager – Corporate Services is specifically delegated the responsibility to:</p> <ul style="list-style-type: none"> • amend any entries in the district valuation roll (under section 14 of the Rating Valuations Act 1998) or the rating information database (under section 40 of the Local Government (Rating) Act 2002) which are the result of an error or which are no longer correct as a result of changed circumstances. • Approve and apply remissions and postponements to rates in accordance with Council's Rates Remissions and Postponements Policy. <p>Note:</p> <ul style="list-style-type: none"> • The functions, powers or duties under the Local Government (Rating) Act 2002 and the Rating Valuations Act 1998 delegated by the Council to the above specified officers, including the Chief Executive, may not be sub-delegated. <p>Exclusion:</p> <ul style="list-style-type: none"> • Neither Council nor the Delegates in 1. Above shall delegate to any officer: <ul style="list-style-type: none"> a) the power to delegate in 1. above; or b) a function, power or duty conferred by subpart 2, Part 1 or subpart 1, Part 5 of the Local Government (Rating) Act 2002.

SCHEDULE 3 – FINANCIAL DELEGATIONS TO THE CHIEF EXECUTIVE

1. Approve expenditure, including for any multi-year contracts, of authorised works or services which have been budgeted for in Council's Long Term Plan and/or Annual Plan.
2. Authority (whether in relation to statutory, discretionary statutory, operational or general delegations) to approve either capital or operational expenditure up to a total value or total project value of one million dollars (\$1,000,000) excluding GST, subject to meeting the following criteria:
 - The expenditure is for authorised works or services for which provision has been made in Council's approved budget;
 - Negotiate terms and interest rates for loans, which have been agreed by Council;
 - Council's purchasing, tendering and contract tendering procedures are followed and complied with.
3. To open, to operate and to close the Council's bank accounts in conjunction with the Group Manager - Corporate Services
4. To exempt the calling of tenders over Fifty Thousand Dollars (\$50,000) (GST inclusive) in accordance with an approved budget, and in accordance with Council's Procurement Policy.
5. To certify and authorise the payment of progress payments in relation to contracts entered into by the Council.
6. To write off unrecoverable debts up to a maximum of fifteen thousand dollars (\$15,000) in any one case.
7. Jointly with the Group Manager - Corporate Services, to issue and monitor the use of Credit Cards.
8. To ensure that material unbudgeted expenditure is reported to the Finance / Performance Committee.
9. Authority, in conjunction with the Group Manager - Corporate Services, to authorise and approve any expenditure in an emergency, in accordance with Council's Procurement Policy.
10. Authority to enter into Developer Agreements, where appropriate, which is a contract with a developer for a new subdivision or development (noting Council's policy is not to require development contributions).
11. In respect to the Local Government Rating Act 2002, to perform the functions of the Council as specified in the Act, in particular:
 - Section 54 - Not Collecting Small amounts (less than \$2,000)
 - Sections 63-68 - Recovery of rates
 - Section 77 - Sale of abandoned land
12. In respect to the Local Government Rating Act 2002, to perform the functions of the Council as specified in the Act, except:
 - Section 13-23 - Setting Rates
 - Section 55 - Policy for early payment
 - Section 56 - Policy for payment of rates for subsequent year
 - Section 57 - Penalty for unpaid rates
 - Section 58 - Imposition of penalty
 - Sections 117B-D - Lump sum contributions
 - Section 119 - Setting rates again
13. In conjunction with the Group Manager – Corporate Services, to enter into arrangements with ratepayers for the settlement of outstanding rates and remit penalties on amounts under consideration or for current rates that are being paid by regular payment and where a conflict between payment date and penalty date occurs.

14. In conjunction with the Group Manager – Corporate Services, to waive up to \$2,000 of the cost of excess water usage due to a leak on private property beyond the Council’s meter. Any waiver and amount are recorded and available for audit purposes and reported to the Finance / Performance Committee on a quarterly basis.
15. In conjunction with the Group Manager – Corporate Services, to waive up to \$2,000 for requests for fee waivers relating to building consents; liquor licensing fees; hireage of Councils facilities (parks, halls); or similar minor requests. Any waiver and amount are recorded and available for audit purposes and reported to the Finance / Performance Committee on a quarterly basis.

Financial Delegations to Group Managers

16. Approve expenditure of authorised works or services which have been budgeted for in Council’s Long Term Plan and/ or Annual Plan.
17. Authority (whether in relation to statutory, discretionary statutory, operational or general delegations) to approve either capital or operational expenditure up to a total value or total project value of:
 - Group Manager – Corporate Services – \$100,000 excluding GST
 - Group Manager – Community - \$50,000 excluding GST
 - Group Manager – Regulatory - \$50,000 excluding GST
 - Group Manager – Democracy & Planning - \$50,000 excluding GST
 - Group Manager – Infrastructure / Chief Operating Officer - \$50,000 excluding GST
 - Group Manager – People and Performance - \$50,000 excluding GST
 - Group Manager – Capital Projects- \$100,000 excluding GST

Subject to meeting the following criteria:

- The expenditure is for authorised works or services for which provision has been made in Council’s approved budget;
- Council’s purchasing, tendering and contract tendering procedures are followed and complied with.