



WAITAKERE CITY

DELEGATIONS TO CHIEF EXECUTIVE AND STATUTORY APPOINTMENTS REGISTER

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CHIEF EXECUTIVE

The Chief Executive is appointed by the Council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council.

In terms of section 42 the Chief Executive is responsible for:

- implementing the decisions of the Council;
- providing advice to the Council;
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised;
- managing the activities of the Council effectively and efficiently;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council;
- providing leadership for the staff of the Council;
- employing staff on behalf of the Council (including negotiation of the terms of employment for the staff of the Council).

COUNCIL RESPONSIBILITY AND ACCOUNTABILITY

The Council has overall responsibility and accountability for the proper direction and control of the Council's activities in pursuit of community outcomes. This responsibility includes:

- Formulating the City's strategic direction in conjunction with the community - now the Long Term Council Community Plan (LTCCP);
- Determining the services and activities to be undertaken;
- Managing principal risks;
- Administering various regulations and up-holding the law;
- Monitoring the delivery of the LTCCP and Annual Plan;
- Ensuring the integrity of management control systems;
- Safeguarding the public interest;
- Ensuring effective succession of Elected Members;
- Reporting to ratepayers.

A key to the efficient running of any council is that there is a clear division between the role of Elected Members and that of management. The Local Government Act 2002 sets out a series of governance policies that support the principles of local government. The Council has adopted a Local Governance Statement. Those statements clarify the governance and the management responsibilities, the governance role and expected conduct of Elected Members, describe the effective, open and transparent processes used by Council.

While many of the Council's functions may be delegated, the overall responsibility for maintaining effective systems of internal control ultimately rests with the Council. Internal control includes the policies, systems and procedures established to provide measurable assurance that specific objectives will be achieved.

No delegation relieves the Council, Elected Member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.

The Council is elected to make the hard decisions and carries that mantle for three years.

Clause 32 of Schedule 7 of the Local Government Act 2002 (the "Act"), authorises the Council to delegate to the Chief Executive, and, subject to any conditions, limitations, or prohibitions imposed by the Council, gives the Chief Executive the authority to sub delegate.

The Chief Executive is accountable to the council, council committees, sub-committees or individual councillors for the actions of all staff and contractors. Individual staff are accountable to the Chief Executive and are not directly accountable to the council, council committees, sub-committees or individual councillors.

Delegation to the Chief Executive

The Council delegates to the Chief Executive all powers and authority to act on any matter in respect of which the Council is empowered or directed by law to exercise or undertake, except those powers or authorities in respect of which delegation is prohibited by the Act, any by other statute or regulation, or expressly excluded from this delegation. This delegation does not preclude the Chief Executive from referring any such matter to the Council, or a Committee of the Council for a decision if the matter is particularly difficult, is of particular political importance or sensitivity or there is special community interest in it.

The Act prohibits the delegation of the following:

- the power to make a rate; or
- the power to make a bylaw; or
- the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or
- the power to adopt a long-term council community plan, annual plan, or annual report; or
- the power to appoint a chief executive; or
- the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term council community plan or developed for the purpose of the local governance statement; or

In addition the Council has not delegated the following powers or authorities to the Chief Executive:

- the power to compulsorily acquire land under the Public Works Act 1981;
- the power to set strategic policy direction;
- the power to enter into contracts for the supply of goods and services to a value exceeding \$500,000
- the power to enter into unconditional contracts for the sale or purchase of land or an interest in land;
- the power to enter into unconditional leases whether as landlord or tenant for a term of 2 years or more,
- the hearing of notified resources consents, designations and Heritage Order applications;
- any matter not permitted to be delegated by any other Act (for example the approval of a policy statement or plan under the Resource Management Act 1991 or the granting of special exemptions under s.6 of the Fencing of Swimming Pools Act 1987);
- any matter that can only be given effect by a Council resolution.

For the purposes of this delegation "unconditional" means "without a condition requiring an approval to be given by resolution of the Council, or Committee of the Council with authority to give that approval"

APPOINTMENT OF ENFORCEMENT OFFICERS

The delegation to the Chief Executive includes a delegation of the power to warrant enforcement officers. The Council has determined that there are no circumstances in which the Council wishes to:

- (a) limit or restrict the exercise of the power; or
- (b) impose conditions on the exercise of the power; or
- (c) prohibit, in specified circumstances, the exercise of the power;

on the basis that the Chief Executive will continue to implement auditable processes for the investigation of the background of officers prior to the granting of a warrant.

Sub-Delegations

All sub-delegations must be given by the Chief Executive in writing.

STATUTORY APPOINTMENTS

CIVIL DEFENCE EMERGENCY MANAGEMENT APPOINTMENTS

LOCAL CONTROLLER OF CIVIL DEFENCE

(A statutory appointment under Section 40(1) of the Civil Defence Act 1983, as read with Section 119 of the Civil Defence Emergency Management Act 2002.)

Ross McLeod Director: Corporate and Civic Services is appointed to this position.

The Council also appoints the following persons pursuant to Section 40(2) of the Civil Defence Act 1983 as alternate Local Controller and in terms of Section 40(3) of that Act, as read with Section 119 of the Civil Defence Emergency Management Act 2002, has set the following order of precedence of alternates:

- 1st Alternate Darryl Griffin, Group Manager: Democracy and Support Services
- 2nd Alternate Phillip Brown, Group Manager: Planning and Community Services
- 3rd Alternate Bill Morley, Manager Emergency Management

(Note: The Council has also resolved that these appointments be recommended to the Regional Civil Defence Emergency Management Group for appointment in terms of Section 27 of the Civil Defence Emergency Management Act 2002.)

PERSONS WHO MAY DECLARE STATE OF LOCAL EMERGENCY

Mayor Bob Harvey is appointed to this position. The Council also appoints the following persons pursuant to Section 25 of the Civil Defence Emergency Management Act 2002,. They are able to declare a local emergency in terms of the Civil Defence Emergency Management Act 2002:

- 1st Alternate Deputy Mayor
- 2nd Alternate Chairperson: Emergency Services Special Committee
- 3rd Alternate Councillor Ross Dallow - Alternate Representative, Civil Defence Emergency Management Group

(Note: These appointments will come into effect once the first Auckland Regional Civil Defence Emergency Management Plan becomes operative. Until that eventuality, this responsibility, will in terms of Section 52 of the Civil Defence Act 1983, as read with section 2 of that Act and Section 119 of the Civil Defence Emergency Management Act 2002 vest in the Mayor, and in the absence of the Mayor on the Deputy Mayor, and in the absence of the Deputy Mayor, on the Local Controller of Civil Defence.)

RECOVERY MANAGERS

That the following persons are appointed Recovery Manager:

Recovery Manager - John Dragicevich, Director: City Services.

Deputy Recovery Manager and First Alternate - Tony Miguel, Group Manager: Asset Management.

Second Alternate Recovery Manager - Alan Tresadern, Group Manager: Project Services.

Statutory Powers

These include those set out in Section 41, Civil Defence Act 1983, or the provisions of any successor legislation.

Statutory Delegations

These delegations are made in terms of Section 42 Civil Defence Act 1983 (as read with Section 119 of the Civil Defence Emergency Management Act 2002).

(Note: The persons to whom powers are delegated have no power to sub-delegate).

1. Authority to exercise the functions and powers of the Council under Sections 43, 58, and 60-64 inclusive of the Civil Defence Act 1983, or the provisions of any successor legislation.
2. Authority to exercise the functions and powers of the Council under the Waitakere City Civil Defence Plan.

(Note: The above powers continue to be effective under the transitional provisions of the Civil Defence Emergency Management Act 2002 (Sections 118 and 119)).

STATUTORY APPOINTMENTS

ELECTORAL OFFICER

(A statutory appointment under Section 12 of the Local Electoral Act 2001)

The Council appoints Darryl Griffin, Group Manager: Democracy and Support Services, as the Electoral Officer, pursuant to Section 12 of the Local Electoral Act 2001.

Statutory Powers and Duties

These are set out in the Local Electoral Act 2001 and the Local Electoral Regulations 2001 and the Local Government Act 2002.

Statutory Delegations

Authority to initiate, conduct, compromise and conclude any action in the District Court in respect of alleged offences against the Local Electoral Act 2001 and associated legislation.

STATUTORY OFFICERS

PRINCIPAL RURAL FIRE OFFICER

(A statutory appointment under Section 13 of the Forest and Rural Fires Act 1977)

The Council appoints Mr Peter Barber as the Principal Rural Fire Officer, pursuant to Section 13 of the Forest and Rural Fires Act 1977.

Note: The alternates in the event of the unavailability of the appointed Principal Rural Fire Officer are:

- 1 Bill Morley (as the Council's Manager: Emergency Management)
- 2 Ross McLeod, Director: Corporate and Civic Services
- 3 Harry O'Rourke, Chief Executive

Statutory Powers

To exercise the powers, duties and functions of the Principal Fire Officer or Fire Officer as prescribed by the Forest and Rural Fires Act 1977 and the Forest and Rural Fires Regulations Act 1979, for the Waitakere Rural Fire District.

Statutory Delegations

1. To carry out the duties of the Council in its capacity as Fire Authority prescribed by Section 12(1) and 12(4) of the Forest and Rural Fires Act 1977 Section 13(5).
2. To enforce any bylaws made by the Council in its capacity as Fire Authority, Section 12 Forest and Rural Fires Act 1997.
3. Authority to initiate, conduct, compromise and conclude any action at the District Court in respect of alleged offences against the Forest and Rural Fires Act 1977 Section 61.