

Central Hawke's Bay District Council – Report

TO: Councillors
FROM: Corporate Services Manager
DATE: 26 March 2009
FILE REF: Policy
SUBJECT: DELEGATIONS REGISTER

1.0 SUMMARY

Under the Local Government Act 2002, Council can delegate its decision making authority to the Chief Executive, senior management and staff, to enable it to operate effectively and administer the Acts and Regulations for which it is responsible.

Information about these delegations must be contained in Council's Governance Statement prepared following each triennial election.

The full Delegations register was last updated in 2008, but has been updated in part as changes to Acts and staffing have occurred.

Council are asked to approve the current updated Delegations Register.

2.0 RECOMMENDATION

THAT

Council approve the updated Delegations Register as at 26 March 2009.

3.0 BACKGROUND

The Council is responsible for administering a great number of Acts and Regulations. The Council, the body of elected members chaired by Her Worship the Mayor, is authorised by statute to make decisions covering a huge variety of activities ranging from rural fire to borrowing money. To enable the Council to operate effectively and not get bogged down in minor issues Council has the power to delegate its decision-making authority.

In most cases these delegations are made to committees of Council or senior management of Council staff, but they may also include other organisations and individuals outside of Council's direct employment.

Under the Local Government Act 1974, local authorities were required to keep a delegations register. The Local Government Act 2002 retains this provision for authority to delegate and requires Council to provide information about its delegations in its Governance Statement which must be prepared following each triennial election.

With the passage of the Local Government Act 2002, many of the council's powers and functions that in the past were covered by specific statutory provisions are no longer referred to. These powers and functions are now authorised under section 12 of the Local Government Act 2002, which is commonly described as granting the council a "power of general competence". Where, in this delegations register, no specific statutory source is given for a power or function, then it should be assumed that the source is section 12 of the Local Government Act 2002.

Three main considerations guide the making of delegations:

- It makes sense to delegate to the lowest possible level, while making sure that decision making is effective and efficient.
- Where a delegation has been acted on by a committee, subcommittee, or nominated person, that decision cannot be overturned by the Council. Refer to Standing Orders. Decisions made by committees or officers within this Delegations Register legally bind the full Council.
- A committee, subcommittee, or staff member can choose not to make a decision and to recommend the decision be made by the next level of decision-making or by the full Council.

The purpose of making delegations is to provide a legal structure for the efficient and effective operation of the Council. The various sections of the Delegations Register are complimentary – they are to be read in conjunction with each other as each section provides different limits on the particular decisions that an individual may make. Any decision or the exercise of any power or duty can only be made or undertaken if all of the tests of statutory and financial and management (or governance or contractor) delegations can be met.

4.0 OPTIONS

Option 1

Council approve the updated Delegations Register as at 26 March 2009.

Option 2

Council approve the Delegations Register as at 26 March 2009, with additional amendments.

5.0 STATUTORY IMPLICATIONS

Local Government Act 2002

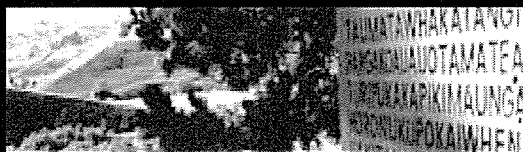
6.0 STRATEGIC LINKS

Governance Statement

Kevin Brown
Corporate Services Manager



CENTRAL HAWKE'S BAY
DISTRICT COUNCIL



DELEGATIONS REGISTER

March 2009

TO BE REVIEWED AUGUST 2009

CENTRAL HAWKE'S BAY DISTRICT COUNCIL***MISSION STATEMENT***

The Central Hawke's Bay District Council will be accountable to its citizens for the good management of the public assets of the District and will provide open Local Government at minimum economic cost, with the least possible intervention in the private lives of residents.

First adopted 1 November 1989

Amended and adopted 30 April 1992

Amended to 25 September 1995

Amended and adopted 21 October 1998

Amended and adopted 16 December 2004

Amended and adopted 11 May 2006

Amended and adopted 14 February 2008

Amended and adopted 26 March 2009

TO BE REVIEWED AUGUST 2009

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DELEGATIONS REGISTER

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INTRODUCTION

Council is responsible for administering a great number of Acts and Regulations. Council, the body of elected members chaired by Her Worship the Mayor, is authorised by statute to make decisions covering a huge variety of activities ranging from rural fire to borrowing money. To enable Council to operate effectively and not get bogged down in minor issues Council has the power to delegate its decision-making authority.

In most cases these delegations are made to committees of Council or Senior Management of Council staff, but they may also include other organisations and individuals outside of Council's direct employment.

Under the Local Government Act 1974, local authorities were required to keep a Delegations Register. The Local Government Act 2002 retains this provision for authority to delegate and requires Council to provide information about its delegations in its Governance Statement which must be prepared following each triennial election.

With the passage of the Local Government Act 2002, many of Council's powers and functions that in the past were covered by specific statutory provisions are no longer referred to. These powers and functions are now authorised under Section 12 of the Local Government Act 2002, which is commonly described as granting Council a "power of general competence". Where, in this Delegations Register, no specific statutory source is given for a power or function, then it should be assumed that the source is Section 12 of the Local Government Act 2002.

Three main considerations guide the making of delegations:

- It makes sense to delegate to the lowest possible level, while making sure that decision making is effective and efficient.
- Where a delegation has been acted on by a Committee, sub committee, or nominated person, that decision cannot be overturned by Council. *Refer to Standing Orders*. Decisions made by committees or officers within this Delegations Register legally bind the full Council.
- A committee, sub committee, or staff member can choose not to make a decision and to recommend the decision be made by the next level of decision-making or by the full Council.

The purpose of making delegations is to provide a legal structure for the efficient and effective operation of Council. The various sections of the Delegations Register are complimentary - they are to be read in conjunction with each other as each section provides different limits on the particular decisions that an individual may make. Any decision or the exercise of any power or duty can only be made or undertaken if all of the tests of statutory and financial and management (or governance or contractor) delegations can be met.

The Register is structured into the following parts:

1. STATUTORY DELEGATIONS

This section sets out those delegations required under various Acts and Regulations.

2. MANAGEMENT DELEGATIONS

This section of the register sets out the delegations made to Council management to facilitate the effective and efficient operation of Council administration.

3. FINANCIAL DELEGATIONS

The delegation of financial powers enables the works and service objectives of Council as set out in the Long-Term Council Community Plan and Annual Plan to be achieved. This section of the register sets out the limits of financial delegations to officers and relevant powers.

4. WARRANTS

This final part of the register sets out the warrants of powers issued to individual officers of Council and employees of contractors.

1. STATUTORY DELEGATIONS

CIVIL DEFENCE EMERGENCY MANAGEMENT

The following Council officers have been appointed as Local Civil Defence Controllers pursuant to Section 27 of the Civil Defence Emergency Management Act 2002 and as per Section 10.6.2 of the Hawke's Bay Civil Defence Emergency Management Group Plan:

Chief Executive

Regulatory Services Manager

Technical Services Manager

Roading Manager

Emergency Management Officer

Adopted 27 September 1990, amended 21 October 1998, amended and confirmed 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009

NOTE: Section 27 of the Civil Defence Emergency Management Act 2002 states that a Civil Defence Emergency Management Group may appoint one (1) or more persons to be a Local Controller and direct that person or persons to carry out any of the functions and duties of the Group Controller and to exercise the powers of Controllers in the area for which the Group Controller is appointed including, but not limited to, the powers in Sections 86 to 94 of the Act. However, the Local Controller must follow any directions given by the Group Controller during an emergency.

CLOSURE OF ROADS

That pursuant to Section 32(1), Schedule 7 of the Local Government Act 2002 the Central Hawke's Bay District Council delegates to the **Chief Executive** such powers, duties and discretions as are necessary for the consideration and approval of applications for the closure of roads pursuant to the Transport [Vehicular Traffic Road Closure] Regulations 1965.

Adopted 29 March 1990, amended and confirmed 21 October 1998, confirmed 14 February 2008, confirmed date 26 March 2009.

That pursuant to Section 12, Schedule 10 of the Local Government Act 1974 the Central Hawke's Bay District Council delegates to the Chief Executive such powers, duties and discretions as are necessary for the consideration and approval of applications for the closure of roads pursuant to Schedule 10 of the Local Government Act 1974.

Adopted 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

DELEGATION UNDER THE RESOURCE MANAGEMENT ACT

That, subject to the provisions of Section 34 of the Resource Management Act 1991;

- 1] Council delegate to the **Hearings Committee** all powers, duties and discretions to consider and decide on any resource consent application or other application under the Resource Management Act made to Council.
- 2] Council authorise the Hearings Committee to sub-delegate all powers, duties and discretions to consider and decide on all non-notified resource consent applications in accordance with Sections 93 and 94 of the Resource Management Act as follows:

- a) To the **Chief Executive** all powers, duties, and discretions to consider and decide on all non-notified resource consent applications in accordance with Sections 93 and 94 of the Resource Management Act.
- b) To the **Chief Executive** all powers, duties, and discretions to consider and decide on resource consent applications that have been agreed to by all parties at a pre-hearing meeting.
- c) To the **Regulatory Services Manager** all powers, duties, and discretions to consider and decide on all non-notified resource consent applications in relation to side and rear yard boundary dispensations and dispensations from the height control planes where all affected parties have agreed in writing to the proposal.

Any decision of an officer with delegated authority shall be referred to a hearing by the Regulatory Committee at the request of any interested party pursuant to Section 357(2) of the Resource Management Act 1991.

Adopted 31 October 1991, reconfirmed 15 October 1992, amended 21 October 1998, amended and confirmed 11 May 2006, amended and confirmed 14 February 2008, confirmed date 26 March 2009

FIRE AUTHORITIES

Council delegates to the **Principal Rural Fire Officer** the calling of a restricted or prohibited fire season and/or its removal.

Adopted 1 July 1990, confirmed 21 October 1998, confirmed 14 February 2008, confirmed date 26 March 2009.

GIVING OF NOTICE UNDER THE RESOURCE MANAGEMENT ACT

That pursuant to the provisions of Section 34A of the Resource Management Act 1991, the Hearings Committee delegates to the **Regulatory Services Manager**, all of its functions, powers, and duties under the Resource Management Act 1991, or any regulations in force under that Act, in anyway relating to:

- the giving of notice
- the service of documents
- the persons or classes of persons on whom copies of applications and other documents are to be served
- the payment of deposits of money
- the requiring of applicants to supply further information, plans, documents and reports.

Adopted 31 October 1991, amended 21 October 1998, amended and confirmed 11 May 2006, amended and confirmed 14 February 2008, confirmed date 26 March 2009.

INDEPENDENT QUALIFIED PERSONS

- 1] That Council adopts a regional screening process for the approval of Independent Qualified Persons under the Building Act 1991 in the interests of establishing a uniform, regional approach.
- 2] That authority be delegated to **Allen Charles Vickress** to accept and register Independent Qualified Persons under Section 44(9) of the Building Act 1991 (under the transitional provisions specified in Section 438(2) of the Building Act 2004 independently qualified people accepted by the authority are regarded as licensed building practitioners up to 30 November 2009).

- 3] That the delegation be limited to accepting and registering Independent Qualified Persons that have been screened and accepted by the Hawke's Bay Screening Authority.

Adopted 11 March 1993, confirmed 21 October 1998, amended and confirmed 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

SALE OF OFFICAL INFORMATION

Subject to the provisions of the Local Government Official Information and Meetings Act 1987, the **Chief Executive** be authorised to sell to the public, official information of Council when:

- 1] The information requires some research, compiling of data, Council materials or staff time; or
- 2] It is official information of a general nature such as copies of returns, reports, lists and computer print outs and will be used for commercial purposes.

That the charge be actual and reasonable cost plus 20%, whichever is the higher.

That information directly related to the person's own property or interests will attract no charge.

Adopted 24 April 1991, confirmed 21 October 1998, amended and confirmed 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

SALE OF LIQUOR ACT

- 1] That Council delegate its powers, duties and discretions under the Sale of Liquor Act 1989 to the **Hearings Committee**, pursuant to Section 104(1) of that Act.
- 2] That Council authorise the Hearings Committee to sub-delegate to the Secretary or to any sub committee such of the powers, duties and discretions as relate to any matter that is subject to an application made under the Act.
- 3] That Council delegate to the Hearings Committee or to a **sub committee**;
 - a) Powers to determine all applications for liquor licences where objections have been received.
- 4] That the Hearings Committee delegate to the **Secretary of the District Licensing Agency**;
 - a) Powers to determine all applications for liquor licences where no objections have been received.
 - b) Powers to determine applications for the renewal of On, Off and Club Licences, the renewal of General and Club Manager's Certificates where no objections have been received.

Adopted 27 April 1990, amended 24 April 1991, amended and confirmed 21 October 1998, amended and confirmed 14 February 2008, confirmed date 26 March 2009.

TRANSFER OF RESPONSIBILITIES - HAWKE'S BAY REGIONAL COUNCIL

That the Central Hawke's Bay District Council agree in principle to the transfer of powers from the Hawke's Bay Regional Council in respect of:

- The consideration and granting of building permits under the Building Act 1991 for new structures located within the coastal marine area*; and
- The control of the emission of noise and the mitigation of the effects of noise within the coastal marine area (under Section 30(1)(d)(vi) of the Resource Management Act 1991).

Adopted 30 September 1993, amended 21 October 1998, confirmed 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

**This delegation is a Council Resolution authorising Council to proceed with the transfer of responsibilities, which was concluded with an agreement dated 15 July 1994. With the advent of the Building Act 2004, territorial authorities have been given the duty of providing building control functions in the coastal marine area. Council will still carry out delegated authority of the Regional Council to control noise in the coastal marine area under Section 30(1)(d)(vi) of the Resource Management Act 1991.*

2. MANAGEMENT DELEGATIONS

ALLOCATION OF RETIREMENT HOUSING

That Council delegate to the **Community Properties Manager** the allocation of Retirement Housing.

Adopted 1 July 1990, confirmed 28 January 1992, amended 21 October 1998, amended and confirmed 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

ALLOCATION OF SHOP DAYS

That no restrictions be placed on national fund raising annual appeals.

In the case of shop days or local raffle promotions etc, applicants will be encouraged to set up on Fridays and Saturdays. Only two shop days are permitted in any month.

That shop days etc be limited to two (2) per group per town annually and not to be held on consecutive days.

Public Notice inviting applications to be called from time to time and any vacant days to be allocated as requests are received.

Council delegate the allocation of shop days to the **Corporate Services Manager** in line with the above.

Adopted 1 July 1990, confirmed 21 October 1998, amended and adopted 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

APPLICATIONS FOR USE OF COUNCIL FACILITIES

That the **Community Properties Manager** is authorised to negotiate fees and charges payable for the use of Council property and facilities.

Adopted 16 December 2004, amended and confirmed 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

CLASS 4 GAMBLING VENUE AND BOARD VENUE APPLICATIONS

That Council delegates to the **Chief Executive** the duty under Section 100 of the Gaming Act 2003 to consider applications for new gambling venues or increases in the number of gambling machines at existing venues in accordance with the Central Hawke's Bay District Council Class 4 Gambling Venue and Board (TAB) Venue Policy in force at the time.

Those applications meeting the policy requirements will be approved, while those applications that do not meet the policy requirements will be declined. Applicants will be advised of the outcome in writing by the Chief Executive within 30 days of the application being received.

Adopted 16 December 2004, amended and confirmed 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

COLLECTION OF OUTSTANDING DOG REGISTRATION FEES

That the **Regulatory Services Manager** be delegated full powers to collect outstanding dog registration fees of the Central Hawke's Bay District Council.

That the Regulatory Services Manager be authorised to enter into arrangements with these debtors and providing such arrangements are satisfactorily maintained, no legal action be initiated.

Adopted 27 February 1992, confirmed 21 October 1998, amended and confirmed 14 February 2008, confirmed date 26 March 2009.

COLLECTION OF OUTSTANDING RATES

That the **Corporate Services Manager** be delegated full powers of the Local Government (Rating) Act 2002 to collect outstanding rates of the Central Hawke's Bay District Council pursuant to Section 132 of that Act.

That the Corporate Services Manager be authorised to enter into arrangements with Rate Debtors and providing such arrangements are satisfactorily maintained, no legal action be initiated.

That in all cases where legal action brings Council to the point of Rating Sales all such instances shall be referred to Council for authorisation.

Adopted 16 November 1989, confirmed 21 October 1998, amended and confirmed 11 May 2006, amended and confirmed 14 February 2008, confirmed date 26 March 2009.

COMMUNITY VOLUNTARY ORGANISATION SUPPORT FUND

Council delegate to the **Chief Executive** the distribution of the Community Voluntary Organisation Support (CVOS) Fund subject to the Community Voluntary Organisation Support Fund Policy last adopted 18 December 2008.

Confirmed 14 February 2008, amended and confirmed date 26 March 2009.

CREATIVE NEW ZEALAND LOCAL ARTS FUNDING SCHEME

That Council delegate to the **Chief Executive** the distribution of the Creative New Zealand Local Arts Funding.

Funds will be disbursed in accordance with the ruling guidelines of Creative New Zealand.

Adopted 21 October 1998, amended and confirmed 11 May 2006, amended and confirmed 14 February 2008, confirmed date 26 March 2009.

SPARC RURAL TRAVEL FUND SCHEME

That Council delegate to the **Chief Executive** the distribution of the Sport and Recreation New Zealand (SPARC) Rural Travel Fund.

Funds will be disbursed in accordance with the ruling guidelines of the Sport and Recreation New Zealand (SPARC).

Adopted 11 May 2006, amended and confirmed 14 February 2008, confirmed date 26 March 2009.

DEBTORS/COUNCIL FUNDS/LEGAL ACTION

That pursuant to Section 32 Schedule 7 of the Local Government Act 2002, power is hereby delegated to the **Chief Executive** to:

1] **Abandonment/Write-Off of Claims and Dues**

Abandonment claims and dues as follows:

- a) Abandonment of claims up to \$500.
- b) Abandonment of claims involving legal action if the legal circumstances of a case make it necessary or desirable up to \$1,000.

2] **Authority for Advance of Salary/Wages**

Making of advances of salary/wages up to a maximum of one pay period for exceptional/special circumstances.

3] **Shortfall of Cash**

Write off of up to \$20 in exceptional circumstances.

4] **Transfer of Unclaimed Deposits to Miscellaneous Revenue**

Transfer any deposit which is unclaimed for a period of one year after having become payable to the depositors or other person entitled thereto, to Miscellaneous Revenue, subject to the provisions of the Unclaimed Money Act 1971.

5] **Legal Action**

Refer to a Debt Collection Agency for collection all dues outstanding for more than three months.

6] **Action on Outstanding Debtors**

- a) That the **Corporate Services Manager** be authorised to enter into arrangements with debtors and, providing such arrangements are satisfactorily maintained, no legal action be initiated.
- b) That the Corporate Services Manager initiate any actions that are available pursuant to agreements or legislation in the instances of mortgages.

Adopted 29 March 1990, amended 16 December 2004, amended and confirmed 11 May 2006, amended and confirmed 14 February 2008, confirmed date 26 March 2009.

DISPENSATIONS ON ADDITIONAL CHARGES
--

That Council delegate to the **Services Committee** authority to decide on applications for dispensations from additional charges.

That the Services Committee delegate to the **Corporate Services Manager** authority to decide on applications for dispensations from additional charges in accordance with Council's Remission of Additional Charges Policy.

The authority enables the Corporate Services Manager to remit an additional charge with respect to any particular ratepayer or ratepayers, if in the circumstances it would be just and equitable to do so, in accordance with the conditions and criteria specified in the Remissions of Additional Charges Policy.

Adopted 1 July 1990, Adopted 28 March 1991, amended 21 October 1998, amended and confirmed 11 May 2006, amended and confirmed 14 February 2008, confirmed date 26 March 2009.

DISPOSAL OF ASSETS

That power be delegated to the **Chief Executive** to dispose of assets subject to the following:

Plant, equipment, office furniture, office equipment, survey equipment, small tools, computer hardware, computer software or assets of a similar nature where such assets are, in the opinion of the Chief Executive surplus to requirements or part of a replacement or rationalisation programme approved by Council.

A list of contracts made for the disposal of assets shall be referred to Council or Services Committee at the meeting following the making of such contracts.

The disposal of Council land or buildings shall be carried out in accordance with Council policy.

Adopted 29 March 1990, amended 16 December 2004, amended and confirmed 11 May 2006, amended and confirmed 14 February 2008, confirmed date 26 March 2009.

ENGINEER

That the following Council Officers be appointed by Council as the Engineer as stated in applicable Central Hawke's Bay District Bylaws and for the purpose of contracts for works and services.

Technical Services Manager

Senior Civil Engineer

Civil Engineer

Planning Engineer

Roading Manager

Utilities Manager

Adopted 16 December 2004, amended and confirmed 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

CHIEF EXECUTIVE

That, as a matter of policy the Central Hawke's Bay District Council delegate to the **Chief Executive** all of its powers and authorities necessary to the limits prescribed in legislation to enable the Chief Executive to effectively and efficiently manage the affairs of Council and such delegation will include the power of further delegation including the power of delegation itself.

This delegation does not preclude the Chief Executive from referring any such matter to Council, or a Committee of 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.

Council delegates to the Chief Executive all powers and authority to act on any matter in respect of which 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, by any other statute or regulation, or expressly excluded from this delegation.

The Local Government Act 2002 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.

Adopted 29 March 1990, amended 16 December 2004, amended and confirmed 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

NATIONAL LAND TRANSPORT PROGRAMME AGREEMENT

That the **Roading Manager** be delegated authority on behalf of Council to negotiate and enter into agreement with New Zealand Transport Agency regarding funding arrangements and performance requirements for Council's component of the National Land Transport Programme.

Adopted 16 December 2004, amended and confirmed 11 May 2006, amended and confirmed 14 February 2008, amended and confirmed date 26 March 2009.

OVERDRAFT FACILITIES

That Council delegate to the **Chief Executive** the ability to make use of an overdraft of a sum not greater than \$200,000.

Adopted 16 November 1989, confirmed 21 October 1998, amended and confirmed 11 May 2006, confirmed 14 February 2008, amended and confirmed date 26 March 2009.

RELEASE OF STATUTORY LAND CHARGES

That Council delegate to the **Chief Executive** the power to approve and release statutory land charges under Sections 6(1) and 7(2) of the Statutory Land Charges Registration Act 1928.

Adopted 1 July 1990, confirmed 16 December 2004, amended and confirmed 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

SOLID WASTE APPROVALS

That the **Utilities Manager** has authority to approve or decline acceptance of wastes in accordance with the Landfill Management Plan.

Adopted 16 December 2004, amended and confirmed 11 May 2006, confirmed 14 February 2008, amended and confirmed date 26 March 2009.

TRADE WASTE AGREEMENTS

That the **Waters Operations Manager** is authorised to enter into agreements with trade waste generators for acceptance and cost recovery of trade waste disposed through Council's wastewater systems.

Adopted 16 December 2004, amended and confirmed 11 May 2006, confirmed 14 February 2008, amended and confirmed date 26 March 2009.

VEHICLE CROSSING APPROVALS

That the **Roading Manager** be authorised to approve or decline applications for new or replacement vehicle crossings with or without any conditions.

Adopted 16 December 2004, amended and confirmed 11 May 2006, confirmed 14 February 2008, confirmed date 26 March 2009.

WATER RESTRICTIONS

Council delegates to the **Waters Operations Manager** the imposition of water restrictions pursuant to the Central Hawke's Bay District Council Water Supply Bylaw (Part 7) 2008.

Adopted 1 July 1990, amended 16 December 2004, amended and confirmed 11 May 2006, confirmed 14 February 2008, amended and confirmed date 26 March 2009.

3. FINANCIAL DELEGATIONS

BANK AND FINANCIAL DOCUMENT SIGNING AUTHORITIES

- 1] That the **Chief Executive** be authorised to open and operate bank accounts in the name of the Central Hawke's Bay District Council.
- 2] That the Central Hawke's Bay District Council instruct its Bankers that the following Authorities shall operate on all accounts operated in the name of Central Hawke's Bay District Council.
 - 2.1 That all cheques be signed by one of the following;
 - Technical Services Manager**
 - Regulatory Services Manager**
 and countersigned in all cases by either;
 - Chief Executive** or
 - Corporate Services Manager**
 - 2.2 Documents authorising Debits to the accounts (such as Direct Debit Authorities, Automatic Funds, Transfers and the like) shall also be authorised as in 2.1 above.
 - 2.3 That the Form of Authority and specimen signature schedules shall meet the needs of 2.1 and 2.2 above and shall remain the authority until the Central Hawke's Bay District Council advises its Bankers to the contrary.
- 3] That all financial and securities documents be affixed in accordance with Standing Orders NZS 9202:2003.
 - 3.1 That in the absence of the Mayor, the Deputy Mayor be authorised to witness the affixing of the seal to financial and securities transfer documents
 - 3.2 That in the absence of the Chief Executive, the Corporate Services Manager be authorised to witness the affixing of the seal to financial and securities transfer documents.
- 4] That any monies invested shall comply with Council's Investment Policy. All transfers made to effect such investments be authorised as per 2.1 above.
- 5] That any Trust Account established under the authority of the Central Hawke's Bay District Council shall be subject to authorising resolution of Council or Trustees prior to the debiting of monies but at all times shall be subject to signing authorities as in 2 above.
- 6] That the Chief Executive be authorised to appoint Council officers to sign for and collect Paid Cheques, Statements and any other financial documents.
- 7] That any transaction or authorisation which is completed by electronic means shall comply at all times with 2.1 above.
- 8] That copies of this policy and authorised signatories be forwarded to all Financial Institutions with which Council does business and shall remain in force until advised to the contrary.

INVESTMENTS

That the **Chief Executive** be delegated full powers to determine and complete transactions on behalf of Council within the terms of Council's Investment Policy.

Adopted 16 November 1989, amended 16 December 2004, amended and confirmed 11 May 2006, confirmed 14 February 2008, amended and confirmed date 26 March 2009.

LOAN RAISING

- 1] That Council borrow such amounts and enter into such incidental arrangements on such terms and conditions (including, without limitation, the provision of any security granted by Council) as the Authorised Persons named in Resolution 4 below may determine from time to time.
- 2] Every borrowing or incidental arrangement incurred or entered into by Council on the terms and conditions determined by any of the Authorised Persons shall:
 - 2.1 Be for a purpose or purposes specified in the Long-Term Council Community Plan, as it may be amended or supplemented by Council from time to time, or for general working capital purposes of Council, subject, in each case, to the financial limitations contained in the Liability Management Policy;
 - 2.2 Be secured and have the benefit of a Deed of Charge, creating a charge over the special rate deemed to be made by Council on the date each loan is raised;
- 3] Council considers that financial limitations contained in the Long-Term Council Community Plan and the Liability Management Policy (as the same may be amended from time to time by Council) address the risks and benefits of the proposed borrowings and incidental arrangements to be undertaken by Council, and that no borrowing or incidental arrangement should be incurred or entered into by Council if such borrowing or incidental arrangement would exceed those financial limitations, without, in each case, specific authorisation at a full meeting of Council.
- 4] The persons from time to time holding the following offices with Council (or such other office with Council, howsoever designated, as may from time to time replace or succeed any such office), namely:
 - 4.1 The Chief Executive and the Corporate Services Manager of Council be designated as "Authorised Persons".
- 5] The Authorised Persons are hereby authorised, empowered and appointed, on behalf of Council, while acting jointly (but subject to Resolutions 1 and 2 above) to:
 - 5.1 Investigate, consider, negotiate, agree and approve the specific terms and conditions of each borrowing and or incidental arrangement entered into by Council from time to time, in accordance with, and for the purpose of implementing, the capital and operating expenditure programmes set out in the Long-Term Council Community Plan and otherwise in accordance with the financial limitations contained in the Liability Management Policy;
 - 5.2 Negotiate, agree, enter into, execute and deliver such documents and take all actions and make all decisions as the Authorised Persons may consider necessary or desirable for the purpose of giving effect to any borrowing or incidental arrangement and any security which may be given in respect thereof; and
 - 5.3 Sign, dispatch, give or make, any letter, acknowledgement, notice, certificate, demand, authority, undertaking, approval, payment instruction or other document on behalf of Council as the Authorised Persons may consider necessary or desirable in

connection with, or incidental to, the matters referred to or authorised in paragraphs 5.1 or 5.2 above.

- 6] All further actions, documents, agreements, deeds, resolutions, powers of attorney, authorities, letters, payments, undertakings, approvals or notices required under or in connection with the matters approved and authorised by these Resolutions be from time to time undertaken executed, entered into, made or given by or on behalf of Council by the Authorised Persons; such further matters to be in the form and/or on the terms and conditions approved by the Authorised Persons (appointed pursuant to these Resolutions) and the execution of any document(s) relating to such matters by the Authorised Persons shall be conclusive evidence of the agreement to and authorisation, approval and confirmation of that matter by Council and the Authorised Persons.
- 7] The authorisations set out in Resolution 4 to 6 above;
- 7.1 Shall remain in force and effect until they are revoked by resolution of Council, provided that any person dealing with the Authorised Persons shall be entitled to assume that the authorisations have not been revoked and remain in force and effect and, in so assuming, shall be protected unless and until actual notice of revocation has been given; and
- 7.2 Shall be exercisable by the Authorised Persons without, and be valid and effective to bind Council notwithstanding the absence of, notice to or approval by Council, but shall not operate to the exclusion of Council powers in respect of the matters referred to therein, to the effect that Council may continue to exercise those powers themselves notwithstanding the authorisations.

Adopted by Council 24 September 1998, confirmed 16 December 2004, amended and confirmed 11 May 2006, amended and confirmed 14 February 2008, confirmed date 26 March 2009.

STAFF PURCHASING AUTHORITIES

1. That the Central Hawke's Bay District Council hereby delegates to the **Chief Executive** the power to enter into contracts subject to the limits as to the amount specified in the Long-Term Council Community Plan/Annual Plan. This power includes the power to delegate.

2. The Chief Executive delegates to the following officers expenditure relating to their departments to the level of the estimates:

Technical Services Manager

Corporate Services Manager

Regulatory Services Manager

Utilities Manager

Roading Manager

3. The Chief Executive delegates to the following Officers for the expenditure to the stated value, relating to their job:

Roading Services Officer	\$3,000
Road Safety and Asset Officer	\$3,000
Senior Civil Engineer	\$10,000
Civil Engineer	\$10,000
Waters Operations Manager	\$10,000
Waters Officer	\$1,000
Community Properties Manager	\$5,000
Technical Secretary	\$1,000
Utilities Officer	\$1,000

4. The Chief Executive delegates to the following Officers for the expenditure to the stated value, relating to their job:

Building Team Leader	\$5,000
Regulatory Administration Officer	\$1,000
Animal Control Officer	\$1,000
Senior Planner	\$1,000
Civil Defence Officer	\$5,000

5. The Chief Executive delegates to the following Officers for the expenditure to the stated value, relating to their job:

Executive Assistant	\$2,000
Computer Systems Administrator	\$3,000
Financial Services Officer Waipukurau Service Centre	\$500
Library Manager	\$3,000

Adopted 16 November 1989, amended 16 December 2004, amended and confirmed 11 May 2006, amended and confirmed 14 February 2008, amended and confirmed date 26 March 2009.

4. WARRANTS

WARRANTS

Pursuant to Section 32A Schedule 7 of the Local Government Act 2002.

ENFORCEMENT OFFICERS

(Under Section 177 of the Local Government Act 2002)

The following persons are authorised pursuant to Section 177 of the Local Government Act 2002 to carry out all or any functions and powers of the Central Hawke's Bay District Council as an Enforcement Officer under the Act including, but not limited to:

- Seize property in accordance with Section 164 - 166 of the Act;
- Enter upon private property under Sections 171 - 173 of the Act;
- Enforce offences against the Act;
- Enforce offences against bylaws made under the Act.

Stephen James Thrush

Peter Frank Eastwood

Percy Shawn McKinley

Karen Ann Bothwell

Bobbi Jane Orr

Peter Richard Sagggers

Bruce Alan Kitto

Allen Charles Vickress

David William George Stiles

John Alan Carter

TeArohanui Ritihia Cook

Tony Allan Masemann

Gordon Fergus Hyde

Lisa Michelle Poynton

Ethna Marie Katrina Renner

John Howard Turnbull

ENFORCEMENT OFFICERS

(Under Section 38 of the Resource Management Act 1991)

Allen Charles Vickress

Bruce Alan Kitto

John Alan Carter

TeArohanui Ritihia Cook

Tony Allan Masemann

David William George Stiles

Lisa Michelle Poynton

Gordon Fergus Hyde

John Howard Turnbull

Bobbi Jane Orr

POWERS OF ENTRY FOR INSPECTION AND MONITORING

(Under Sections 332 and 333 of the Resource Management Act 1991)

Bruce Alan Kitto

Allen Charles Vickress

John Alan Carter

Tony Allan Masemann

Bobbi Jane Orr

TeArohanui Ritihia Cook

Lisa Michelle Poynton

Gordon Fergus Hyde

John Howard Turnbull

EXECUTION OF WARRANT*(Under Section 335 of the Resource Management Act 1991)***Allen Charles Vickress****Lisa Michelle Poynton****TeArohanui Ritihia Cook****John Howard Turnbull****John Bowes Freeman****Bobbi Jane Orr****ISSUE OF NOISE DIRECTION AND SEIZURE OF EXCESSIVE NOISE EQUIPMENT***(Under Sections 38(2), 327 and 328 of the Resource Management Act 1991)***David William George Stiles**Tracy Trim (**Triko Security** employee)**Lisa Michelle Poynton**David Trim (**Triko Security** employee)**Bruce Alan Kitto**Andrew Trim (**Triko Security** employee)**Bobbi Jane Orr**Hayley Jarrett (**Triko Security** employee)Casey Jarrett (**Triko Security** employee)Phillip Lawn (**Triko Security** employee)Charles Bennett (**Triko Security** employee)**AUTHORISED OFFICERS AND ENFORCEMENT OFFICERS***(Under Sections 222, 229 and 232 of the Building Act 2004)*

The following persons are authorised by the Central Hawke's Bay District Council to carry out the functions of Council acting as a building consent authority including those set out in Section 12 of the Building Act 2004, EXCLUDING the issuing of Certificates of Acceptance, the issuing of Project Information Memoranda, and the acceptance of Producer Statements.

Allen Charles Vickress**TeArohanui Ritihia Cook****Bruce Alan Kitto****Tony Allan Masemann****John Alan Carter****Gordon Fergus Hyde****Bobbi Jane Orr**

That **Allen Charles Vickress**, Building Team Leader, Central Hawke's Bay District Council have delegated authority under the Building Act 2004 under Sections 33, 34, 36, 37, 48, 49, 50, 51, 52, 67, 71, 72, 74, 75, 77, 83, 93, 94, 95, 96, 98, 102, 106, 107, 109, 112, 115, 116, 124, 126 and 220, 129, 164, 167, 219, 221, 363, 364-369, 371, 372, 375, 377.

That **John Alan Carter**, **Tony Allan Masemann** and **Gordon Fergus Hyde**, Building Control Officers, Central Hawke's Bay District Council have delegated authority under the Building Act 2004 under Sections 33, 34, 36, 37, 48, 49, 51, 71, 72, 95, 115, 116, 124, 129, 164, 167, 219, 372, 377.

That the **Building Administration Officer**, Central Hawke's Bay District Council have delegated authority under the Building Act 2004 under Sections 34, 36, 37, 51, 95, 102, 219.

That **Bobbi Jane Orr**, Environmental Health Officer, Central Hawke's Bay District Council have delegated authority under the Health Act 1956 under Sections 28, 42 and 128.

ISSUING OF CERTIFICATES OF ACCEPTANCE, ISSUING OF PROJECT INFORMATION MEMORANDA AND ACCEPTANCE OF PRODUCER STATEMENTS*(Under Section 34 and 99 of the Building Act 2004)***TeArohanui Ritihia Cook****Allen Charles Vickress**

RURAL FIRE OFFICERS*(Under Section 13 of the Forest and Rural Fires Act 1977)***Bruce Alan Kitto****David William George Stiles****Allen Charles Vickress**

Henry Maxwell Birdsall

Francis Daniel Anthony Butler

Colin Trevor Russell

Robert James Macaulay

George Ronald Bell

Bryce Owen Wright

Richard James Barrett

Timothy Paul Simcox

Rodney Grant Hansen

Donald Stanley Scott

PRINCIPAL RURAL FIRE OFFICER*(Under Section 13(1) of the Forest and Rural Fires Act 1977)***TeArohanui Ritihia Cook****DEPUTY PRINCIPAL RURAL FIRE OFFICER***(Under Section 13 of the Forest and Rural Fires Act 1977)***Bruce Alan Kitto****DOG CONTROL OFFICERS***(Under Sections 11*, 14, 15, 16, 17, 19 and 19A of the Dog Control Act 1996)***David William George Stiles****Bruce Alan Kitto****John Alan Carter****TeArohanui Ritihia Cook****Allen Charles Vickress**

**NOTE: Section 11(2) of the Dog Control Act 1996 states: "No person shall be appointed as a dog control officer unless the territorial authority is satisfied, having regard to the education and experience of the person to be appointed, that that person is competent to perform the duties and exercise the powers of a dog control officer under this Act."*

DOG RANGERS [Honorary]*(Under Section 12 of the Dog Control Act 1996)*

Nil

POUNDKEEPERS*(Under Section 8 of the Impounding Act 1955)***David William George Stiles****Bruce Alan Kitto****Allen Charles Vickress****LITTER CONTROL OFFICERS***(Under Section 5 of the Litter Act 1979)***Bruce Alan Kitto****David William George Stiles****John Alan Carter****Allen Charles Vickress****TeArohanui Ritihia Cook****Bekitemba Ncomanzi****Bobbi Jane Orr**

ACCEPTANCE OF INDEPENDENTLY QUALIFIED PERSONS/LICENSED BUILDING PRACTITIONERS

*(Under Section 44(9) of the Building Act 1991/Sections 438, 282A & 285 of the Building Act 2004)
Inspection and Reporting on Compliance Schedules*

Allen Charles Vickress

SALE OF LIQUOR INSPECTORS

(Under Section 103 of the Sale of Liquor Act 1989)

Bobbi Jane Orr

Bruce Alan Kitto

TeArohanui Ritihia Cook

Allen Charles Vickress

GENERAL BYLAWS

(Inspectors of CHBDC Bylaws - Under Section 177 of the Local Government Act 2002)

Bruce Alan Kitto

Tony Allan Masemann

TeArohanui Ritihia Cook

Peter Richard Saggars

Allen Charles Vickress

Gordon Fergus Hyde

Bobbi Jane Orr

Karen Ann Bothwell

David William George Stiles

John Howard Turnbull

John Alan Carter

Lisa Michelle Poynton

Parking Wardens

(Under Section 7 of the Transport Act 1962)

Bruce Alan Kitto

Allen Charles Vickress

David William George Stiles

Electoral Officer

(Under Section 12 of the Local Electoral Act 2001)

Judy Mullan

Deputy Electoral Officer

(Under Section 13 of the Local Electoral Act 2001)

Donna Cherie Moorcock

Fencing of Swimming Pools

(Under Section 11 of the Fencing of Swimming Pools Act 1987)

Allen Charles Vickress

John Alan Carter

Bruce Alan Kitto

Tony Allan Masemann

David William George Stiles

Gordon Fergus Hyde

Bobbi Jane Orr