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## 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 Structure; and
  - b. Delegations from the Chief Executive to subordinate officers through management policies or by way of a specific delegation.

### Definitions

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

### Principles

3. 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.

4. 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).
5. 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.
6. 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.
7. Those with responsibility for a delegated task or function should always have the authority to carry it out effectively.
8. 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.
9. 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.
10. Any delegation made includes any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
11. Unless specifically restricted by law or expressed to be for a defined period, a delegation continues in force until expressly revoked or varied by resolution of Council. A delegation will survive any change in the person occupying the office to which the delegation was made.
12. 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.
13. 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

14. 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.
15. 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.
16. 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.

17. 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

18. The delegations in this Policy are made in accordance with the Local Government Act 2002 and any other legislation permitting delegation.

19. **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))*

Council has reserved other matters for its sole decision, which are recorded in the Governance Structure.

20. The **Chief Executive and other specified officers** can further delegate 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

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

### Delegations by the Council to Chief Executive and Specified Officers

22. Delegations from Council to the Chief Executive and specified officers (including Financial Delegations) are detailed in Schedule 2.

23. This Policy is to be read alongside the Hamilton City Council management policies that record the delegations from the Chief Executive to subordinate officers. The Policies, read together, record compliance with the statutory norm allowing only one sub-delegation. Although inherently linked to this Policy and governed by the same general principles, the management policies are separate documents, and the delegations in those management policies may be changed or updated at any time by the Chief Executive, as necessary.

### Review of Policy

24. 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; at the start of each triennium as a minimum.

## Schedule 1 - Delegations by the Council to Elected Members

Position	General Delegations
<b>Mayor</b>	<p>The Mayor is elected by Hamilton City as a whole and as one of the elected members shares the same responsibilities as other members of Council.</p> <p><b>Authorities</b></p> <ul style="list-style-type: none"><li>• Lead the development of Council's plans (including the long-term plan and the annual plan), policies and budgets for consideration by the Council.*</li><li>• To appoint the Deputy Mayor.*</li><li>• To establish committees of the Council.*</li><li>• To appoint the chairperson of each committee.*</li><li>• Act as a Justice of the Peace.</li><li>• Requisition a meeting of Council.</li><li>• Declare a local Civil Defence emergency.</li><li>• Authority of a chairperson of a Council meeting under Standing Orders.</li><li>• In relation to the Chief Executive's employment contract, has delegated authority to manage <u>routine</u> employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions.</li></ul> <p><b>*Note:</b> Subject to the provisions of Section 41A of the Local Government Act 2002.</p>
<b>Deputy Mayor</b>	<p><b>Authorities</b></p> <ul style="list-style-type: none"><li>• 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 <u>routine</u> 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.</li></ul>
<b>Elected Members</b>	<p><b>Authorities</b></p> <ul style="list-style-type: none"><li>• The Mayor, Deputy Mayor, or any other two elected members acting at the specific request of the Mayor or Chief Executive, are authorised to sign any document required by law to be signed under seal, provided those documents have been:<ol style="list-style-type: none"><li>a) approved by the Council or a Committee (in accordance with its delegations); or</li><li>b) authorised by an officer (including the Chief Executive) under delegated authority.</li></ol></li></ul> <p><b>Note:</b> Where a document does not need to be executed under Council seal it may instead be signed by the Chief Executive or any other officer who is authorised under delegated authority, whether under this Policy or otherwise, to approve the transaction involved.</p>

**Note:** Council has delegated the power to issue warrants under Council Seal to enforcement officers pursuant to Clause 32A, Schedule 7 of the Local Government Act 2002 to the Chief Executive, General Manager Community and General Manager Growth.

## Schedule 2 - Delegations by the Council to the Chief Executive and Specified Officers

### Position Chief Executive Officer

### General Delegations

In accordance with clause 32(1) 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.

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.

To the extent that they are relevant, the following Exclusions, Conditions and Notes below also apply to the Financial Delegations section in this Schedule.

#### Exclusions:

- 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 paragraph 19 of this Policy.
- 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 [below](#)).
- In relation to the Resource Management Act 1991 ('RMA'):
  - 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).

#### Conditions:

- 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.

- The Chief Executive shall exercise this delegation in accordance with any plans, policies, and procedures and bylaws adopted by Council and with any specific directives given by way of resolution of the Council or a Committee.

**Notes:**

- 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. This differs from the specific delegation to the General Manager Community in this Policy.
- 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.
- The Council may from time to time appoint the Chief Executive (or other senior officers) to act in Council’s interests as director or shareholder representative with associate organisations. Any such appointment should be considered a specific delegation and to be fulfilled in terms of the requirements of each specified appointment rather than as a general delegation as provided by this Policy.

<i><b>Position</b></i>	<i><b>Signing and Sealing of Warrants</b></i>
<i><b>Chief Executive Officer, General Manager - Community and General Manager - Growth</b></i>	Pursuant to Clause 32A, Schedule 7 to the Local Government Act 2002 Council delegates to the Chief Executive, General Manager - Community and General Manager - Growth authority to sign and apply the Council seal on any warrant of appointment required by law to be signed under seal.

<b>Position</b>	<b>General Delegations</b>
<b>Acting Chief Executive</b>	<p>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"> <li>• the formal and recorded absence of the Chief Executive; or</li> <li>• an emergency where the Chief Executive cannot be contacted.</li> </ul>
<b>General Managers and Executive Directors</b>	<p>General Managers and Executive Directors 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"> <li>• 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.</li> <li>• The power to enter into contracts subject to their delegated financial authority.<sup>1</sup></li> <li>• The power to sub-delegate, unless expressly restricted by law or the terms of Council’s delegation to the General Manager or Executive Director. All such sub-delegations must be recorded in writing.</li> <li>• The power to undertake their specific delegations without further reference (though some may require to be reported).</li> <li>• The power to establish staff committees or working groups.</li> <li>• The power to act for the Chief Executive in an emergency where the Chief Executive and the Deputy Chief Executive cannot be contacted, provided this is done through prior consultation with the Executive Leadership Team.</li> </ul>
<b>General Manager - Community</b>	<p>The General Manager 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"> <li>• All the powers and functions of the Council, as an administering body under the Reserves Act 1977, to the extent that the Reserves Act affects reserves held by or under the control of Council.</li> </ul>

<sup>1</sup> Refer to the Council Management Policy – *Financial Delegations to Officers*  
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<p><b>Governance &amp; Assurance Manager</b></p>	<p>The Governance &amp; Assurance Manager is appointed Privacy Officer for the Council pursuant to <a href="#">section 201</a> of the Privacy Act 2020 and is delegated the associated responsibilities of this position. The Governance &amp; Assurance Manager may sub-delegate such responsibilities, duties and powers to other officers, except for the power to delegate under that Act.</p> <p>The Governance &amp; Assurance Manager may exercise the powers of the Council under Parts 2 to 5 of the Local Government Official Information and Meetings Act 1987, except any powers specified in <a href="#">section 32</a> of that Act; such delegation to be exercised in accordance with any condition, limitation or prohibition imposed from time to time by Council. The Governance &amp; Assurance Manager may sub-delegate such powers to other officers, except for the power to delegate under that Act.</p>
<p><b>Finance Director</b></p>	<p>The Finance Director is specifically delegated the responsibility to approve and pay:</p> <ul style="list-style-type: none"> <li>• all Council tax returns to the Inland Revenue Department; and</li> <li>• regular sums for utilities such as power, phone, rates etc.</li> </ul>
<p><b>Rates Administration Officers</b></p>	<p>The responsibility for exercising the functions, powers or duties and administering the provisions under the Local Government (Rating) Act 2002 are delegated to the following officers:</p> <ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• General Manager People &amp; Organisational Performance</li> <li>• Finance Director</li> <li>• Financial Support Services Manager</li> <li>• Rates Manager</li> </ul> <p>In addition, the Rates Manager is specifically delegated the responsibility to:</p> <ul style="list-style-type: none"> <li>• make decisions as to the allocation of rating units to differential rating categories in terms of <a href="#">section 27(5)(a)</a> of the Local Government (Rating) Act 2002; and</li> <li>• amend any entries in the district valuation roll (under <a href="#">section 14</a> of the Rating Valuations Act 1998) or the rating information database (under <a href="#">section 40</a> 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.</li> <li>• Approve and apply remissions and postponements to rates in accordance with Council’s Rates Remissions and Postponements Policy.</li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><b>Exclusion:</b></p> <ul style="list-style-type: none"> <li>• Council must not delegate to any officer, including the Chief Executive: <ul style="list-style-type: none"> <li>a) the power to delegate; or</li> </ul> </li> </ul>



b) a function, power or duty conferred by subpart 2, Part 1 or subpart 1, Part 5 of the Local Government (Rating) Act 2002.

**Local Civil  
Defence  
Controller**

The Local Civil Defence Controller ('the Controller') and the Civil Defence Emergency Management Group (CDEMG) for the Waikato Region during a State of Local Civil Defence Emergency shall have the powers vested as described in the Civil Defence Emergency Management Act 2002 ('CDEM Act').

Authority has been delegated by Council to the CDEMG/Controller under the CDEM Act. A summary of the powers and obligations of the Controller are contained in the [Waikato CDEM Group Plan](#).

Under [section 94](#) of the CDEM Act, the CDEMG/Controller and Alternate Controllers for Hamilton City Council and the CDEMG for the Waikato Region Emergency Operating Area are authorised to enter into urgent contracts on behalf of Hamilton City Council for the purposes of the Act as outlined in the Waikato CDEM Group Plan.

Under the Waikato CDEM Group Plan, when formally placed in control of an event by the relevant local authority CE in writing, councils must provide Local and Group Controllers with uncapped financial delegations to manage emergency events (as defined in the Act), declared or otherwise, within their area. This delegation should apply to all Tier 1 and 2 Controllers and specific Tier 3 Controllers in the case of a council where they exist.

To ensure appropriate oversight of the ability to enter into urgent contracts and the uncapped financial delegation in emergency events, the Controller is required to present the following incremental reporting to the Chief Executive and Group Controller:

- for every \$500,000 of expenditure incurred in a declared emergency; and
- for every \$250,000 of expenditure incurred in a non-declared emergency.

**Note:** A non-declared emergency is an emergency, as defined under the CDEM Act, where a formal declaration of state of local emergency has not been made pursuant to [section 68](#) of that Act.

## Financial Delegations

- The limits of the specified sum(s) applicable to various financial transactions delegated to the Chief Executive (and other specified officers, as applicable) under this Policy or otherwise, are as follows<sup>2</sup>:

### Expenditure Type – Refer to Terms of Delegation below

Unexpended Budget - (Operating and Capital)	Overspends/ Unbudgeted (Operating and Capital)	Capex B/Fwd	Contracts	Purchase/ Sale of Land	Debt Write-off	Legal Proceedings	Financial Operations (Admin disbursements)	Development Contributions	Reprioritisation Budget – Renewals and Compliance Programme
Limited to the approved budget	\$250,000	\$500,000	\$3,000,000  For contracts not being procured through an open competitive process: \$500,000 (and \$3,000,000 where the protocol set out in the notes below at (b) or (c) is complied with)	\$3,000,000	\$10,000	\$500,000 for weather-tight and defective building claims  \$250,000 for all other legal proceedings	Limited to the approved budget	\$1,500,000	\$1,000,000 (Within years 1-3 of any approved 10-Year Plan)  For individual movement of budget between capital projects and activity classed and timing (subject to terms of delegation below).

### Notes:

- There is a cumulative cap of \$1,000,000 per financial year for the aggregate total (whole of Council) of all unbudgeted items, overspends and operational expenditure (Opex) brought forward and approved under delegated authority during that financial year. Any significant overspends or underspends will be recorded and reported to the Finance and Monitoring Committee on a quarterly basis, for noting purposes.
- The delegated financial limit for contracts not being procured through an open competitive process shall not apply in the following situations:
  - For Private Developer Agreements, which is a contract with a developer to upsize or deliver infrastructure on behalf of the Council in a new subdivision or development that will eventually vest in the Council;
  - For appointment of utility service providers to relocate, connect or alter utility services for the purpose of capital works budgeted within the applicable Long Term Plan, where a provider is the only possible supplier by virtue of being the owner of, or otherwise being legally responsible for, the relevant utility infrastructure. Examples of such utility service providers include, but is not limited to, Transpower, WEL Networks and Kiwirail.

The Chief Executive must ensure that appropriate mechanisms are in place and implemented to ensure, as far as is reasonably possible, the Council obtains Best Value from any appointed utility service provider.

<sup>2</sup> The delegated financial authority limits specific to General Managers, Executive Directors and officers are set out in the Council's Management Policy - *Financial Delegations to Officers*.

- iii. For secondary procurement, where Council is purchasing under a collaborative contract such as an All-of-Government contract or a syndicated contract where the original arrangement was established through an open competitive process.

The Chief Executive's general delegated authority limit of \$3,000,000) shall apply for contracts under 1(b)(i), 1(b)(ii) and 1(b)(iii) above.

- c. The Chief Executive's delegated authority limit for contracts that have not been procured through an open competitive process is \$500,000 (subject to the exclusions at (1.b) above). However, the Chief Executive, Mayor (or Deputy Mayor), Chair of the Finance Committee and Chair of the Infrastructure Operations Committee are jointly delegated authority to approve, by majority, contracts that have not been procured through an open competitive process exceeding the Chief Executive's limit of \$500,000 and up to a value of \$3,000,000 for a term not exceeding five years (including renewals). Where the full group listed above is unable to meet, then the delegation may be jointly exercised by two of the abovenamed Elected Members and the Chief Executive. Exercise of this delegation must be reported by the Chief Executive to the relevant committee for noting on a quarterly basis. This exemption should only be used in exceptional circumstances and in consultation with relevant Elected Members.

## Expenditure Types – Terms of Delegation

### Unexpended Budget

2. Operating and capital expenditure including deferred capital expenditure (approved by Council resolution) that has been budgeted in the applicable Long-Term Plan/Annual Plan and not yet spent. All expenditure must comply with the requirements of Council's Procurement Policy.

### Overspend and Unbudgeted

3. Any expenditure on an item that exceeds the amount budgeted for that item in the applicable Long Term Plan/Annual Plan or is not budgeted but required to deliver the level of service and outcomes outlined in the applicable Long Term Plan/Annual Plan e.g. contract or project cost over-run.
4. A Local Civil Defence Controller has an uncapped delegated financial authority in the event of a declared or non-declared emergency, subject to the conditions and reporting provisions in this Policy (See: *Local Civil Defence Controller* [above](#)).

### Capex – Capital Expenditure Brought Forward

5. Capital expenditure occurring in financial periods in advance of the planned expenditure timeframe in the applicable Long-Term Plan. This delegation is to the Chief Executive, General Managers and Executive Directors only (limits apply to officers in accordance with the Hamilton City Council Management Policy - *Financial Delegations to Officers*) and cannot be further delegated.

### Contracts

6. The delegated financial authority limit for contracts applies on a 'per contract' basis.
7. A contract is any agreement in writing which purports to be legally binding upon Council, including memoranda of understanding, letters of agreement, purchase orders, guarantees, leases (as lessor or lessee), licences (as licensor or licensee) and deeds. A contract includes any subsequent extensions, renewals or variations to the agreement. For clarity, the delegated financial authority limits apply to contracts involving revenues receivable by Council, including contracts and agreements with promoters and organisers of events.
8. The value of the contract for the purposes of this Policy is referred to as the "Approved Contract Sum". The Approved Contract Sum is, as at the date of approval, the aggregate of all amounts

most likely to be paid to the other party (including retentions made, or to be made in respect of a contract), or amounts received from the other party (as applicable), for that contract, over the life of the relevant contract. Disaggregation of supplies or contractual arrangements in order to comply with this requirement is expressly prohibited.

9. For the purposes of determining whether a specified officer has the necessary delegated financial authority in relation to a contract that involves both; (a) expenditure (payable by Council) and (b) revenue (receivable by Council), the Approved Contract Sum for that contract is the greater of either the expenditure or revenue in that contract. That is, there must be no offset of expenditure and revenues.
10. The Chief Executive may approve variations that result in an increase to the total value of the contract that exceeds the Approved Contract Sum, provided that the total value approved (inclusive of the original Approved Contract Sum) does not exceed their delegated financial authority limit for contracts.
11. If a contract has been approved by Council resolution, the Chief Executive, or relevant General Manager or Executive Director (as appropriate), has delegated authority to:
  - a. execute the contract (other than those contracts required to be signed under the Council's seal);
  - b. authorise payments up to the Approved Contract Sum or delegate the authorisation of payments to a nominated position; or
  - c. (if applicable) correct and re-issue invoices, issue credit notes or refunds up to the Approved Contract Sum, in relation to revenue receivable by Council under an approved contract;
  - d. approve a variation that results in the Approved Contract Sum being exceeded by no more than 5%, up to a maximum of \$250,000, provided the new Approved Contract Sum remains within budget. Any exercise of this delegation will be reported to the appropriate Committee.
12. If a contract has been approved under this Policy or by management delegation:
  - a. the payment/s or any correction to invoices (as applicable) must be authorised by an officer with the correct financial delegated authority for that payment or invoice<sup>3</sup>;
  - b. a brief summary of such contracts are to be reported quarterly to Elected Members.

For clarity, no reporting is required under section 12(b) above for contracts approved by Council or a Committee.
13. All contracts approved by the Chief Executive or management under delegated authority in sections (1.b) and (1.c) are to be reported to the relevant committee for noting on a quarterly basis.

#### *Purchase/Sale of Land*

14. The delegated authority to enter into any transaction occurring in respect to the purchase and sale of land only applies where the purchase or sale is provided for in the applicable Long Term Plan/Annual Plan either separately or as an integral part of a project, or authorised by a resolution of Council. For clarity, the purchase and sale of land includes the acquisition or disposal of land under the provisions of the Public Works Act 1981.
15. In exercising this delegation, the Chief Executive is permitted to negotiate the sale and purchase of land to the delegated financial authority limit specified in this Policy, where appropriate:

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<sup>3</sup> For management delegations, refer to Council's Management Policy - Financial *Delegations to Officers*.

- a. **Sale of Land:** at not less than 10% below of the estimated market value determined by a registered valuer;
- b. **Purchase of Land:** for not more than 10% above the estimated market value determined by a registered valuer.

#### *Debt Write-off*

16. The delegated financial authority limit applies on a 'per debtor' basis.
17. Irrespective that the Chief Executive, General Managers, Executive Directors and Financial Controller may have delegated authority to write-off bad debts<sup>4</sup>, all such debts written off must be reported to the next Finance and Monitoring Committee meeting, for noting purposes, on an aggregate basis for each Group.

#### *Legal Proceedings*

18. The delegated financial authority is determined on a per proceeding basis.
19. Includes commencing or defending, negotiating, settling or withdrawing from legal proceedings (including prosecutions and claims) on the Council's behalf in any New Zealand court or tribunal. The Chief Executive is also delegated the authority to take all steps necessary to enforce any court or tribunal judgment in favour of the Council, and to recover debts owing to the Council, subject to the delegated financial authority limit.
20. All legal claims or other proceedings undertaken by, or on behalf of, the Chief Executive, for an amount in excess of \$100,000 are to be reported to the next meeting of Council or the relevant Committee for noting.

#### *Financial Operation*

21. Subject to any Council or management policies, the Chief Executive, General Manager People & Operational Performance and Finance Director are each delegated the authority to operate (including opening and closing accounts) all of the Council's bank accounts, investment accounts, sinking funds, loan accounts, special funds, tax related matters, and other financial matters including exercising signing authority where appropriate.

#### *Reprioritised budget – Renewals and Compliance programme*

22. The Renewals and Compliance Programme will be managed and reported as a programme against 3-year periods being 2021-24, 2024-27 etc. The Chief Executive has the authority to approve budget reprioritisation for the programme, which may be:
  - a) between projects and / or activity classes (e.g. stormwater)
  - b) related to timing of expenditure on a project (e.g. reprioritised from year 2 to year 1).
23. Any reprioritisation of budgets should be reported to the relevant Council Committee following use of this delegation. Reporting should include:
  - a) programme expenditure to demonstrate that the 3-year funding provision is not exceeded
  - b) providing assurance that the limits in the Financial strategy are not breached by any expenditure changes from the Long Term Plan Renewal and Compliance budgets
  - c) reporting by Long Term Plan activity (and group of activity) to give assurance that the Renewals and Compliance expenditure for the 3-year period is spread appropriately across Councils services.

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<sup>4</sup> Refer to the Management Policy – *Financial Delegations to Officers*

### *Development Contributions*

24. Subject to the development contributions provisions in the Local Government Act 2002 and the provisions of the Council's Development Contributions Policy, the Chief Executive is delegated authority to approve a remission, postponement, or refund of a development contribution levied on a developer to the delegated financial authority limit specified in this Policy. All remissions, postponements or refunds are to be reported, for noting purposes, at the next relevant Committee meeting.
25. For clarity, Council will not delegate to the Chief Executive any powers in relation to hardship related remissions or remissions not provided for in the Development Contributions Policy.

### *Waiver of Council Fees & Charges*

26. Subject to any specific waiver policies adopted by Council, the Chief Executive, General Managers and Executive Directors are each delegated authority to waive fees and charges for their respective areas of responsibility **provided:**
  - a. the waiver and the amount are recorded and available for audit purposes;
  - b. the circumstances of the specific waiver will not create a precedent;
  - c. the act of waiving such fees and charges reflects 'good citizen' conduct;
  - d. any waivers in excess of \$10,000 (calculated on an aggregate basis per Group) are to be reported to the next Finance and Monitoring Committee meeting.

For clarity, development contributions are not within the scope of the delegated authority detailed in this section 26.