

## Delegation from Council to the Chief Executive, David Benham

### 1. General delegation

For the purpose of achieving:

- efficiency and effectiveness
- separation of governance and management
- accountability

the Wellington Regional Council delegates all its powers, functions and duties to the Chief Executive, David Benham, **except** for those that:

- the Council cannot delegate under statute, and
- the Council retains the sole right to exercise, or
- the Council delegates to a committee or subcommittee.

### 2. Delegation to implement the Annual Plan

The Wellington Regional Council specifically delegates to the Chief Executive, David Benham, the authority to implement the Annual Plan and supporting divisional business plans. This includes the power to make arrangements and enter into contracts that are in line with the requirements in the Annual Plan relating to operational and capital expenditure, fees and charges, service levels and specific projects.

The delegation to implement the Annual Plan does not include the power to re-allocate budgets to new work programmes, unless:

- The re-allocation has been approved by Council in the six month review

OR

- In circumstances where timing imperatives preclude approval by Council in the six month review, approval has been obtained from the Council Chairperson and the relevant Committee Chairperson or Chairpersons.

All approvals under the latter provision must be reported to Council.

### 3. Conditions of delegation

The general delegation and the specific delegation to implement the Annual Plan set out in 1 and 2 above are subject to the following conditions and exceptions:

#### **Specific condition**

*Emergency delegation*

Where emergency work must be undertaken and no Council meeting is scheduled within the required timeframe, the Chief Executive, David Benham, is authorised to spend the amount that she deems necessary to maintain essential services. If the expenditure is in excess of \$200,000, she must make every endeavour to consult the Council Chairperson, or Deputy Chairperson or relevant Committee Chairperson before making the decision to commit to the expenditure.

As soon as possible after the event, a report must be submitted to the Council to advise it of any emergency expenditure.

### **General conditions**

- Delegated decisions are a decision of Council and are binding on Council.
- In making a decision or carrying out a duty under delegated authority, the delegatee must make themselves aware of and have regard to:
  - Council's Long-term Council Community Plan and other relevant Council or committee approved plans, policies and strategies
  - the political context in which they are working
  - any statutory requirements
  - possible conflicts of interest
  - the materiality of the decision to be made
  - short and/or long-term ramifications of the decision/choice to be made
  - relative risk to the organisation of the decision/choice to be made.
- The delegatee shall abide by the Council's *Guidelines on Decision-Making*.
- Where a decision is politically sensitive, the delegatee shall seek the input from a higher organisational level, or a committee or the Council, whichever is the most appropriate.
- Major decisions made under delegated authority must be reported in writing to the Council or relevant committee.
- This delegation lapses when the delegatee changes their position, or leaves the organisation, or is advised in writing by the Council that it is revoked.
- The delegatee must act within the law, Council policy (as approved by Council from time to time) and the Annual Plan.

#### **4. The power of sub-delegation**

The Chief Executive, David Benham, is able to sub-delegate any of her powers, functions and duties to any officer or person, subject to the conditions set out in this delegation.

The Chief Executive cannot, however, sub-delegate to any individual Divisional Manager<sup>1</sup> or other officer or person the power to approve expenditure<sup>2</sup> over \$200,000 in respect of any single item. She must specify that Divisional Managers must obtain the approval of the Chief Financial Officer when approving expenditure that exceeds \$200,000 but is not greater than \$500,000. If the Chief Financial Officer is not available then the approval of another Divisional Manager must be obtained. There are two exceptions to these financial limits:

- a) The Chief Financial Officer can exceed these limits where:
  - the Council's Treasury Management Policy provides for it
  - any Council-approved tax loss sharing agreement provides for it
  - approving the fortnightly/monthly payments for existing bus operator and Trans Metro Wellington contracts in conjunction with the Divisional Manager, Transport.
- b) The Divisional Manager, Transport, can exceed these limits for bus operator contract payments and Trans Metro Wellington contract payments.

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<sup>1</sup> For the avoidance of doubt, the term "Divisional Manager" includes the Chief Financial Officer, the Council Secretary and the Corporate Policy Manager

<sup>2</sup> Expenditure includes contracts and contract payments