

Delegations Register update August 2020

Meeting: Kaipara District Council
Date of meeting: 26 August 2020
Reporting officer: Louise Miller, Chief Executive

Purpose/Ngā whāinga

To update some statutory functions of the Chief Executive to delegated authorities within Kaipara District Council.

Executive summary/Whakarāpopototanga

This report seeks Council approval to amend the Delegations Register for the following reasons:

- 1 Reflecting restructured operational team job titles - reflecting the job description title changes to the Delegations Register under RMA Delegations, CE Delegations, and CE Financial Delegations.
- 2 The Resource Consents Manager is empowered to consider RMA objections, and act accordingly.
- 3 Increased financial authority on infrastructure spend utilising the Professional Services Panel to \$100k; GM Infrastructure Services \$499k.
- 4 Allow the Professional Services Panel to make direct appointments to \$100k and closed competition within the panel for up to \$500k.
- 5 Increased CE financial authority from \$499k to \$750k due to the increase of infrastructure projects and financial authority of GM Infrastructure Services.
- 6 Contract variations on projects can be approved by the CE or General Manager if the value falls within the Council approved project budget.
- 7 Budget managers are redefined based on the Activity Responsibility Table.

Recommendation/Ngā tūtohunga

That the Kaipara District Council

- a) Approves the revisions to the Delegation Register as specified in the appendix of this report.

Context/Horopaki

Delegations ensure Council is operating in a compliant, timely and effective manner when undertaking business as usual operations.

The Chief Executive holds ultimate responsibility for the decision-making delegated.

The Delegations in the current form were first adopted by Council on 28 October 2014. An Officer Delegations Policy and Delegations Register was approved by Council at that time.

The Delegations Register details the ability of the Chief Executive to undertake day to day matters relating to Council with reference to statutory provisions and/or functions efficiently. Any and all amendments, additions or deletions to the statutes or functions undertaken by the Chief Executive under delegation must be authorised by Council resolution.

Council delegations were last updated in December 2019 when changes were made to several job titles, delegated expenditure of the GM Infrastructure Services and Digital Manager, and signatory.

The changes do not affect current processes which include:

- All procurement will give effect to the approved Kaipara Procurement Strategy.
- Specific Procurement Strategies (formally Business Cases) will be brought to Council for all projects, packages or programmes over \$500k for approval.
- Contract award above the CE delegation will be brought to Council for approval.

All procurement and contract activity will be reported in the exceptions report.

Discussion/Ngā kōrerorero

Options

Firstly, to note on items 3 – 6 below:

- All procurement will give effect to the approved Kaipara Procurement Strategy.
- Specific Procurement Strategies (formally Business Cases) will be brought to Council for all projects, packages or programmes over \$500k for approval.
- Contract awards under \$750k will be reported in the exceptions report.
- Contracts over \$750k will be brought to Council for approval.

In all cases below the recommended decision-making option is ‘option 1’.

1 Reflecting restructured operational team job titles. See appendix 1a.

Option 1: Approve delegations for restructured titles

Option 2: Status quo. If item 1 is not approved, many of our CE delegated authorities will not be able to authorise or act on legislative requirements for work purposes on the basis of their job title being incorrect.

2 The Resource Consents Manager is empowered to consider RMA objections, and act accordingly.

‘Authority to consider any objection (pursuant to this section) to an officer’s decision where the objection can be dismissed, upheld in whole or in part or in the case of an objection under section 357B(a), as it relates to an additional charge under section 36(3), remit the whole or any part of the additional charge over which the objection was made’.

Current delegation includes General Manager Engagement & Transformation, General Manager Sustainable Growth & Investment, General Manager Customer Experience, Monitoring & Compliance Services Team Leader

Option 1: Approve delegation

Option 2: Status quo which requires the Resource Consents Manager to seek approval from the General Manager Sustainable Growth & Investment.

3 Increased financial authority on infrastructure spend utilising the Professional Services Panel to \$100k; GM Infrastructure Services \$499k. See appendix 1b.

The Professional Services Panel for Water and Parks was competitively tendered in 2019. It provides a stronger basis for allocating work more directly as it provides mechanisms for performance evaluation and maintaining quality. With significant capital projects and PGF projects funded by MBIE, the quality management of contractor engagement through the Professional Services Panel is greatly enhanced.

Option 1: Approve new/increased financial delegations

Option 2: Status quo which requires more smaller project contract administration of contracts by GM Infrastructure Services and Chief Executive.

- 4 To authorise the Professional Services Panel to make direct appointments to \$100k and closed competition within the panel for up to \$500k. This ensures projects, especially ‘shovel ready’, are initiated quickly. See appendix 1b.**

Enabling the GM Infrastructure \$499k approval, three tender proposals are required from within the KDC Professional Services Panel to ensure best value, and the best contractor to achieve the project outcomes.

Option 1: Approve new financial delegations

Option 2: Status quo which requires more smaller project contract administration of contracts by GM Infrastructure Services and Chief Executive.

- 5 Increased CE financial authority from \$499k to \$750k due to the increase of infrastructure projects and financial authority of GM Infrastructure Services. See appendix 1b.**

The refreshed procurement strategy enables a more quality controlled and efficient method for identity costs requirements, utilisation of panel selected contractors. This would also create efficiencies with projects starting earlier, rather than waiting until the next Council meeting.

Option 1: Approve increased financial delegation

Option 2: Status quo which requires project contracts of values \$500k plus to be presented at the next Council meeting.

- 6 Contract price variations on projects can be approved by the CE or General Manager if the variation value falls within the Council approved project budget and is within the authorising persons delegated financial authority.**

This is a change to the current Delegations Register described here:

‘Authority to approve contract price variations of up to 20% of the contract price, subject to a maximum of \$100,000, provided that it is fiscally neutral and is either within budget or a substitution can be made.’

Option 1: Approve the change on the value criteria of contract variations.

Option 2: Status quo which limits the variation value to 20% of the contract price, or to a maximum of \$100,000, either within the approved budget.

- 7 Budget managers are redefined based on the Activity Responsibility Table. This is matching the LTP activity budget with the authorised delegation. See appendix 1c.**

Option 1: Approve delegations for restructured titles and/or changed budget managers.

Option 2: Status quo. If item 5 is not approved, many of our budget managers will not be able to authorise or sign off expenses or business processes for work purposes on the basis of their job title being incorrect or change in position responsibility.

Policy and planning implications

The enablement of our Resource Consents Team is implicated if they are unable to issue Resource Consents and make empowered decisions around District planning if the RMA legislation delegations weren't updated to the correct job titles.

In preparation for the IANZ BCA accreditation audit in September the relevant job titles needs to be updated in the risk register.

Financial implications

There is no direct financial impact to Council as a result of approving the updates of internal processes associated with these delegations. All budgets associated with any operational and capital spending are approved through the Annual Planning, Long Term Planning or

approved forecasting and is undertaken in compliance with the Procurement and Contract Management Manual.

Risks and mitigations

The Delegations Register is essentially a risk register therefore updates to this register mitigate risk ahead.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

Next steps/E whaiake nei

When approved, these changes will be formally updated in the Delegation Register and distributed to the Executive Team for continued compliance and review. Where required, the Procurement Manual and Guideline will be updated to reflect changes.

Attachments/Ngā tapiritanga

Appendices 1a, 1b, 1c below on pages 4 – 7.

Items in red are changes to the existing Delegations Register.

Appendices

1a

Job description names changes applied to Delegations Register – effective 10 August 2020

Regulatory Manager	Monitoring & Compliance Services Manager
Monitoring & Compliance Services Team Leader	Monitoring & Compliance Services Team Leader
Team Leader Regulatory	
Planning Manager	Resource Consents Manager
Building Control Manager	Building Services Manager
Building Control Team Leader	Building Services Team Leader
Senior Building Control Officer	Senior Building Services Officer
Building Control Officer	Building Services Officer
Planning Team Leader	Resource Consents Team Leader
HR Business Partner	People & Capability Business Partner
Financial and Corporate Planning Manager	Financial Planning Lead
New position	Finance & Risk Manager
Property and Commercial Advisor	Property, Procurement & Commercial Manager
Waters & Waste Manager	Waste & Water Manager
Infrastructure Technical Officer	Waste Minimisation Lead
Customer Services Manager	Customer Support Manager
Regulatory Officer Consent	Post Approval Officer
Removed	Property Officer

1b Financial Delegations - tier limitations

Schedule 1

Provided that the expenditure is included in the Council's current approved Long-term Plan and budgeted for the year it is to be spent, or in an approved forecast or otherwise authorised by Council, the delegations set out in the following table apply.

Expenditure Range Within Budget	Procurement Requirements	CE delegation to:	Updated expenditure Range Within Budget
Less than \$50,000	For purchases up to \$50,000, oral quotations are permitted.	Budget Holder* or Budget Holder's General Manager or Delegated Project Manager	Less than \$50,000
\$50,000 - \$100,000	Three quotations are required, unless an exemption has been authorised by the General Manager.	General Manager	\$50,000 - \$100,000
	Direct appointments within the KDC Professional Services Panel are permitted up to 100k, unless authorised by the Chief Executive	General Manager Infrastructure Services / Professional Services Panel	Up to \$100,000
	Direct appointments within the KDC Professional Services Panel are permitted up to \$500k for closed competition by tendering three proposals, unless authorised by the Chief Executive	General Manager Infrastructure Services / Professional Services Panel	For infrastructure contracts only - Up to \$500,000

\$100,000 - \$300,000	Infrastructure works with a value of over \$100,000 are to be competitively tendered, unless an exemption has been authorised by the Chief Executive.	General Manager Infrastructure Services	\$100,000 - \$499,000
\$100,001 - \$499,000	Potential contracts with a value of over \$100,000, are to be competitively tendered, unless an exemption has been authorised by the Chief Executive.	N/A, with exception of delegation to General Manager Infrastructure Services as described above	\$100,001 - \$750,000
Expenditure Range Exceeds Budget	Council		Expenditure Range Exceeds Budget

1c

Current Budget Managers

- ♦ Chief Executive
- ♦ General Manager Sustainable Growth and Investment
- ♦ General Manager Engagement and Transformation
- ♦ General Manager People and Capability
- ♦ General Manager Customer Experience
- ♦ General Manager Infrastructure Services
- ♦ Water & Waste Manager
- ♦ Parks and Recreation Manager
- ♦ Property and Commercial Advisor
- ♦ Capital Works & Procurement Manager, NTA
- ♦ Iwi Relations Manager
- ♦ Communications and Engagement Manager
- ♦ Community Relationships Manager
- ♦ PGF Projects Manager
- ♦ Policy Manager
- ♦ PMO Manager
- ♦ Strategy and Governance Manager
- ♦ Administration Manager (Authorises spending for Cafeteria supplies, Postage courier, Stationery, Town Hall, Council Office maintenance, electricity, and cleaning both Dargaville and Mangawhai)
- ♦ Planning Manager
- ♦ Major Projects Lead
- ♦ Building Control Manager
- ♦ Quality Assurance Manager
- ♦ Financial Services Manager
- ♦ Revenue Manager
- ♦ Financial and Corporate Planning Manager
- ♦ Customer Services Manager
- ♦ Library Manager
- ♦ IT Manager (Authorises spending for IT software, hardware and telecommunications including consultancy)
- ♦ Regulatory Manager

New Budget Manager

- Chief Executive
- General Manager Customer Experience
- General Manager Engagement & Transformation
- General Manager Infrastructure Services
- General Manager People & Capability
- General Manager Sustainable Growth & Investment
- Communications, Community & Engagement Manager
- Administration Manager
- Building Services Manager
- Customer Support Manager
- Digital Services Manager
- Executive Assistant
- Finance & Risk Manager
- Health and Safety Advisor
- Library Manager
- Monitoring & Compliance Services Manager
- P&C Business Partner
- Parks and Recreation Manager
- PMO Manager
- Property, Procurement & Commercial Manager
- Resource Consents Manager
- Revenue Manager
- Strategy, Policy & Governance Manager
- Transportation Manager
- Waste & Water Manager