

Report No:	RCN12-06-02
File No:	
Date:	1 June 2012
<b>Decision Required</b>	

## REPORT SUMMARY

**Report to:** Full Council  
**Meeting Date:** 21 June 2012  
**Report Author** Lindsay McKenzie, Chief Executive  
**Subject:** **Acting Chief Executive**

### EXECUTIVE SUMMARY

This report recommends a change in process for appointing an Acting Chief Executive for temporary periods while the Chief Executive is away or unavailable. The report recommends that two Departmental Managers be appointed by the Council to the role of Acting Chief Executive, to be enacted as needed.

The Chief Executive will request in writing one of the Acting Chief Executives to exercise any or all of the powers of the Chief Executive when he is on leave or working out of the District.

### RECOMMENDATION

That the Tasman District Council approves the change in process as described and appoints two Departmental Managers to the role of Acting Chief Executive.

### DRAFT RESOLUTION

**THAT the Tasman District Council receives the Report RCN12-06-02 and;**  
**appoints Murray Staite, Corporate Services Manager as Acting Chief Executive for the period 1 July 2012 to 30 June 2013; and**  
**appoints Dennis Bush-King, Environment and Planning Manager as an 'alternate' Acting Chief Executive for the same period, should Murray Staite be unavailable.**

Report No:	RCN12-06-02
File No:	
Report Date:	1 June 2012
<b>Decision Required</b>	

**Report to:** Full Council  
**Meeting Date:** 21 June 2012  
**Report Author** Lindsay McKenzie, Chief Executive  
**Subject:** **Acting Chief Executive**

## **1. Purpose**

- 1.1 To make recommendations for a change in process for the appointment of an Acting Chief Executive for temporary periods while the Chief Executive is away or unavailable. To recommend that two Departmental Managers be appointed by the Council to the role of Acting Chief Executive.

## **2. Background**

- 2.1 In the previous history of the Tasman District Council, whenever the Chief Executive has been on leave or out of the district on Council business and unable to carry out his/her role, the Chief Executive has appointed, in writing, an Acting Chief Executive to exercise all the powers of the Chief Executive.

## **3. Present Situation/Matters to be Considered**

- 3.1 The Local Government Act 2002 (the Act) Section 42 states that a local authority must appoint a Chief Executive (see Appendix One).
- 3.2 Following the intent of this legislation, staff consider it to be appropriate that the Council also appoints the Acting Chief Executive to carry out all of the functions and responsibilities of the Chief Executive, as outlined in the Act.
- 3.3 It is recommended that the Council appoints specific persons to this role for the term of one year, to have and exercise any or all of the powers of the Chief Executive when the Chief Executive is on leave or out of the district on Council business.
- 3.4 It is recommended that the authorisation of the appointment to act for the period that the Chief Executive is absent shall be made in writing by the Chief Executive prior to his or her departure.

- 3.5 The convention would be for the role to be undertaken when the Chief Executive is absent for a period of three days or more, however the role could be undertaken during any period of leave or absence from the district when the Chief Executive is not available to carry out his/her role.
- 3.6 If the recommendation is agreed to, the Tasman District Council delegations register will need to be changed to reflect this change in delegation. This change to the Register is covered in another report on this agenda.

#### **4. Significance**

- 4.1 This is not a significant decision according to the Council's Significance Policy

#### **5. Next steps**

- 5.1 If the changes are approved, the revised Delegations Register will be published to Council staff and made available to the public on the Tasman District Council website.

#### **6. Recommendation**

- 6.1 It is recommended that Murray Staite, Corporate Services Manager, be appointed as Acting Chief Executive for the period 1 July 2012 to 30 June 2013. It is also recommended that Dennis Bush-King, Environment and Planning Manager be appointed as an 'alternate' Acting Chief Executive for the same period, should Murray Staite be unavailable.

#### **7. Draft Resolution**

**THAT the Tasman District Council receives the Report RCN12-06-02 and;**

**appoints Murray Staite, Corporate Services Manager as Acting Chief Executive for the period 1 July 2012 to 30 June 2013; and**

**appoints Dennis Bush-King, Environment and Planning Manager as an 'alternate' Acting Chief Executive for the same period, should Murray Staite be unavailable.**

#### **Appendices:**

Appendix One – Section 42, Local Government Act 2002

## Appendix One

### Section 42 Local Government Act 2002

#### Chief executive

(1) A local authority must, in accordance with [clauses 33](#) and [34](#) of Schedule 7, appoint a chief executive.

(2) A chief executive appointed under subsection (1) is responsible to his or her local authority for—

- (a) implementing the decisions of the local authority; and
- (b) providing advice to members of the local authority and to its community boards, if any; and
- (c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and
- (d) ensuring the effective and efficient management of the activities of the local authority; and
- (e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
- (f) providing leadership for the staff of the local authority; and
- (g) employing, on behalf of the local authority, the staff of the local authority; and
- (h) negotiating the terms of employment of the staff of the local authority.

(3) A chief executive appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority—

- (a) reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and
- (b) is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.

(4) For the purposes of any other Act, a chief executive appointed under this section is the principal administrative officer of the local authority.

Compare: 1974 No 66 [ss 119C](#), [119D](#)