

**MINUTES OF A MEETING OF THE FINANCE AND OPERATIONAL PERFORMANCE  
COMMITTEE HELD IN THE COUNCIL CHAMBER AT WAITAKERE CENTRAL,  
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON MONDAY,  
8 JUNE 2009 COMMENCING AT 9.38 AM**

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<b><u>PRESENT:</u></b>	Councillors	JM	Clews, QSO, JP (Deputy Chairman) (presiding)
		DQ	Battersby, QSM, JP (from 9.40 am) (until 10.41 am)
		BA	Brady, JP
		MFP	Chan, JP
		AK	Corban, OBE, JP
		RP	Dallow, QPM, JP (from 9.42 am)
		WW	Flaunty, QSM, JP
		PA	Hulse (from 9.45 am)
		PG	Mitchell
		VS	Neeson, JP

**IN ATTENDANCE:** Director: Finance  
Director: Corporate and Business Services  
Deputy Director: Finance  
Group Manager: Democracy & Support Services  
Group Manager: Funds Management  
Group Manager: Rates and Financial Transactions  
Manager: Financial Planning & Reporting  
Manager: Assurance Services  
Manager: Financial Processes  
Management Accountant  
Community Grants Officer  
Committee Secretary: C Fernandes

**PART A - OPENING OF MEETING**

**1 APOLOGIES**

899/2009

MOVED by Cr Neeson, seconded Cr Mitchell:

That apologies from Crs Clow, Cooper, Jolley and Lawley for absence, Cr Hulse for lateness and Cr Battersby for early departure, be received and sustained.

**CARRIED**

**2 URGENT BUSINESS**

There was no Urgent Business.

**3 CONFLICTS OF INTEREST**

Elected Members were reminded via the agenda, of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have.

9.42 am Cr Dallow entered the meeting.

#### **4 CONFIRMATION OF MINUTES**

900/2009

MOVED by Cr Neeson, seconded Cr Flaunty:

The Finance and Operational Performance Committee resolved to:

**Receive** the minutes of the meeting of the Finance and Operational Performance Committee held on Monday, 11 May 2009, as circulated, and that they be taken as read and now be confirmed.

**CARRIED**

9.45 am Cr Hulse entered the meeting.

### **PART B - LEGAL AND CONSTITUTIONAL**

#### **5 AFFIXATION OF COMMON SEAL**

901/2009

MOVED by Cr Neeson, seconded Cr Chan:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Affixation Of Common Seal report.
2. **Agree** that the action taken in affixing the Common Seal on the documents as set out in the agenda report be adopted.

**CARRIED**

#### **PRECEDENCE OF BUSINESS**

902/2009

MOVED by Cr Mitchell, seconded Cr Brady:

That Item 11: Governance Review Update - Implications Of Governance Of Auckland Proposals And Statement Of Intent and Item 10: Waitakere Properties Limited Statement Of Intent For The Three Years Commencing 1 July 2009, be accorded precedence at this time.

**CARRIED**

11 **GOVERNANCE REVIEW UPDATE - IMPLICATIONS OF GOVERNANCE OF AUCKLAND PROPOSALS AND STATEMENT OF INTENT**

903/2009

MOVED by Cr Neeson, seconded Cr Flaunty:

The Finance and Operational Performance Committee resolved to:

1. **Receive** The Governance Review Update - Implications Of Governance Of Auckland Proposals And Statement Of Intent Report.
2. **Receive** The Peer Review of Proposed Waitakere Holding Company Structure.
3. **Agree** to the establishment of a new Waitakere City Holdings Limited Board with effect from 1 July 2009, comprising three Independent Directors, one of whom shall be appointed Chairman by the Council, and two Councillor Directors, but postpone the appointment of two additional Independent Directors during the Transition Period.
4. **Agree** that a revised policy on the "Appointment and Remuneration of Directors" be brought back for consideration to the meeting of the Finance and Operational Performance Committee scheduled for 6 July 2009.
5. **Agree** that the Council not proceed with the separate tax review of Waitakere City Holdings Limited at this time.
6. **Agree** to accept the resignations of R W Jewell and H V O'Rourke from Waitakere City Holdings Limited and thank them for the considerable contribution to the governance of Council entities.
7. **Approve** the Statement of Intent for Waitakere City Holdings Limited for the three years commencing 1 July 2009.
8. **Agree** that as the decisions relate to section 31 (l, m and n) of the Local Government (Tamaki Makaurau Reorganisation) Act 2009 the Chief Executive is required to seek confirmation from the Auckland Transition Agency before implementation.

**CARRIED**

10 **WAITAKERE PROPERTIES LIMITED STATEMENT OF INTENT FOR THE THREE YEARS COMMENCING 1 JULY 2009**

904/2009

MOVED by Cr Corban, seconded Cr Mitchell:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Waitakere Properties Limited Statement Of Intent For The Three Years Commencing 1 July 2009 report.
2. **Approve** the Waitakere Properties Limited Statement Of Intent for the three years commencing 1 July 2009.
3. **Approve** that Council officers carry out a review of the most efficient use of council's investment in Waitakere Properties Limited and report back to the Finance and Operational Performance Committee by the 31 December 2009 on the findings of this review and options available for the Finance and Operational Performance Committee to consider.

4. **Approve** for Council officers to review the best use of land held under trust as part of the review of trust land development objectives that will be jointly carried out with Waitakere Properties Limited and Council and a report be brought back to the Finance and Operational Performance Committee by 30 June 2010 on the findings of the review and options available for the Finance and Operational Performance Committee to consider.
5. **Agree** that as the decisions relate to Section 31(n) of the Local Government (Tamaki Makaurau Reorganisation) Act 2009 the Chief Executive is required to seek confirmation from the Auckland Transition Agency before implementation.

**CARRIED**

The Order of Business resumed at Item 6: Operating and Capital Expenditure Summary.

### **PART C - FINANCE**

#### **6 OPERATING AND CAPITAL EXPENDITURE SUMMARY**

905/2009

MOVED by Cr Mitchell, seconded Cr Chan:

The Finance and Operational Performance Committee resolved to:

**Receive** the Operating And Capital Expenditure Summary report.

**CARRIED**

#### **7 STATUS OF SPECIAL FUNDS**

906/2009

MOVED by Cr Mitchell, seconded Cr Dallow:

The Finance and Operational Performance Committee resolved to:

**Receive** the Status Of Special Funds report.

**CARRIED**

#### **8 BORROWING AND INVESTMENT REPORT**

907/2009

MOVED by Cr Corban, seconded Cr Chan:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Borrowing And Investment Report.
2. **Approve** the Borrowing And Investment Report.

**CARRIED**

9 **PAYMENTS APPROVED**

10.41 am Cr Battersby left the meeting.

908/2009

MOVED by Cr Mitchell, seconded Cr Flaunty:

The Finance and Operational Performance Committee resolved to:

**Receive** the Payments Approved report.

**CARRIED**

**PART D - GENERAL**

10 **WAITAKERE PROPERTIES LIMITED STATEMENT OF INTENT FOR THE THREE YEARS COMMENCING 1 JULY 2009**

This item was considered following Item 11: Governance Review Update - Implications Of Governance Of Auckland Proposals And Statement Of Intent.

11 **GOVERNANCE REVIEW UPDATE - IMPLICATIONS OF GOVERNANCE OF AUCKLAND PROPOSALS AND STATEMENT OF INTENT**

This item was considered following Item 5: Affixation Of Common Seal.

12 **COMMUNITY ASSISTANCE FUND SUBCOMMITTEE - APPOINTMENT TO SUBCOMMITTEE**

909/2009

MOVED by Cr Corban, seconded Cr Hulse:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Community Assistance Fund - Appointment To Subcommittee report.
2. **Agree** that the Chairman of the Finance and Operational Performance Committee be appointed to be Chairman of the Community Assistance Fund Subcommittee.
3. **Agree** that the Deputy Chairman of the Finance and Operational Performance Committee be appointed as an alternate if the appointed representative is unavailable and in that case the alternate Member shall Chair the Community Assistance Fund Subcommittee.

**CARRIED**

**PART E - REPORTS FROM THE SUBCOMMITTEE**

**13 TENDERS SUBCOMMITTEE**

910/2009

MOVED by Cr Clews, seconded Cr Flaunty:

The Finance and Operational Performance Committee resolved to:

**Receive** the meeting reports of the Tenders Subcommittee held on Friday, 1 May 2009 and Friday, 15 May 2009, and reconvened on Friday, 22 May 2009.

**CARRIED**

**PART F - PUBLIC EXCLUDED MATTER**

**14 RECOMMENDATION FROM COUNCIL**

**NEW LYNN INFRASTRUCTURE FUNDING WITHIN THE PLAN CHANGE 17 AREA**

911/2009

MOVED by Cr Dallow, seconded Cr Mitchell:

The Finance and Operational Performance Committee resolved to:

That the public be excluded from the following part of the proceedings of this meeting, Recommendation from Council - New Lynn Infrastructure Funding Within The Plan Change 17 Area.

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation of the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of the matter to be considered.	Reason for passing this resolution in relation to each of the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"><li>Recommendation from Council - New Lynn Infrastructure Funding Within The Plan Change 17 Area</li></ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"><li>enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li></ul>	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7(2)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- The recommendation contains information which if released could affect Council's negotiations.*

**CARRIED**

10.46 am The public were excluded.

Minute Number 907/2009 is recorded in the Confidential Section of these Minutes.

10.49 am The public were readmitted.

**RESTATEMENT**

**Recommendation from Council - New Lynn Infrastructure Funding Within The Plan Change 17 Area**

The Finance and Operational Performance Committee resolved while the public were excluded:

(Moved by Cr Dallow, seconded Cr Croban) (resolution 912/2009, no. 2) ***“Agree that the Recommendation From Council - New Lynn Infrastructure Funding Within The Plan Change 17 Area remain confidential until such time as the reasons for confidentiality no longer exist”.***

10.50 am

The Chairman thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT A MEETING OF THE FINANCE  
AND OPERATIONAL PERFORMANCE  
COMMITTEE HELD ON

**DATE:**.....

**CHAIRMAN:**.....