

**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, 6 JULY 2009, COMMENCING AT 9.30 AM**

TABLE OF CONTENTS

<u>ITEM</u>	<u>PAGE NO.</u>
<u>PART A - OPENING OF MEETING</u>	1
1 APOLOGIES	1
2 URGENT BUSINESS	1
3 CONFLICTS OF INTEREST	2
4 CONFIRMATION OF MINUTES	2
<u>PART B - LEGAL AND CONSTITUTIONAL</u>	2
5 AFFIXATION OF COMMON SEAL	2
<u>PART D - GENERAL</u>	
9 WAITAKERE ENTERPRISE CONTRACT DOCUMENTS 2009/2010	2
<u>PART C - FINANCE</u>	3
6 OPERATING AND CAPITAL EXPENDITURE SUMMARY	3
7 STATUS OF SPECIAL FUNDS	3
8 BORROWING AND INVESTMENT REPORT	3
<u>PART D - GENERAL</u>	4
10 WATERCARE SERVICES LIMITED FINAL STATEMENT OF CORPORATE INTENT 2009	4
11 RENEWAL OF SUB-LEASE FOR VEHICLE TESTING NEW ZEALAND (TRAINING FACILITY) AT THE WAITAKERE VEHICLE TESTING STATION, 19 WAIPAREIRA AVENUE, HENDERSON	4
12 ROAD STOPPING AND EXCHANGE OF LAND AND DECLARING LAND TO BE HELD FOR THE USE AND CONVENIENCE OF A ROAD AT MANUI PLACE AND SEYMOUR ROAD, SUNNYVALE	4
13 AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED UPDATE	5
14 HENDERSON STATION BILLBOARD ARTS PROJECT, DEED OF SUB-LICENSE WITH APN OUTDOOR LIMITED	6
15 POLICY ON APPOINTMENT AND REMUNERATION OF DIRECTORS TO COUNCIL ORGANISATIONS REPORT	6
16 ELECTED MEMBERS REMUNERATION - REMUNERATION AUTHORITY PROPOSAL FOR 2009/2010	7
<u>PART E - REPORTS FROM THE SUBCOMMITTEES</u>	8
17 TENDERS SUBCOMMITTEE	8

**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, 6 JULY 2009, COMMENCING AT 9.30 AM**

PRESENT: Councillors RI Clow (Chairman) (until 10.13 am) (from 10.26 am)
JM Clews, QSO, JP (Deputy Chairman) (presiding from
10.13 am to 10.26 am)
DQ Battersby, QSM, JP
MFP Chan, JP
LA Cooper, JP
WW Flaunty, QSM, JP
MM Jolley
JP Lawley, JP
PG Mitchell
VS Neeson, JP

IN ATTENDANCE: Group Manager: Service Management
Director: Corporate and Business Services
Deputy Director: Finance
Group Manager: Democracy and Support Services
Group Manager: Funds Management
Manager: Economic Development
Manager: Assurance Services
Senior Property Manager: Tenancy
Manager: Arts
Solicitor: Legal Services: M Hieatt
Environmental Advisor: Ecowater
Committee Secretary: C Fernandes

**ALSO IN
ATTENDANCE:** J Wadsworth, Chief Executive, Waitakere Enterprise

PART A - OPENING OF MEETING

1 APOLOGIES

1159/2009

MOVED by Cr Cooper, seconded Cr Flaunty:

That apologies from Crs Brady, Corban, Dallow and Hulse for absence, 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.

4 CONFIRMATION OF MINUTES

1160/2009

MOVED by Cr Cooper, seconded Cr Neeson:

The Finance and Operational Performance Committee resolved to:

Receive the minutes of the meeting of the Finance and Operational Performance Committee held on Monday, 8 June 2009, as circulated, and that they be taken as read and now be confirmed.

CARRIED

PART B - LEGAL AND CONSTITUTIONAL

5 AFFIXATION OF COMMON SEAL

1161/2009

MOVED by Cr Cooper, seconded Cr Flaunty:

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

1162/2009

MOVED by Cr Neeson, seconded Cr Jolley:

That Part D: General, Item 9: Waitakere Enterprise Contract Documents 2009/2010 be accorded precedence at this time.

CARRIED

PART D - GENERAL

9 WAITAKERE ENTERPRISE CONTRACT DOCUMENTS 2009/2010

1163/2009

MOVED by Cr Clews, seconded Cr Mitchell:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Waitakere Enterprise Contract Documents 2009/2010 report.

2. **Approve** the Waitakere Enterprise Statement of Intent 2009/2010.
3. **Approve** the Waitakere Enterprise Funding and Service Agreement 2009/2010.
4. **Agree** that the Director: Strategic Planning finalise Council's feedback on the Waitakere Enterprise Activity Plan 2009/2010, and the submission be approved by the Chairman and Deputy Chairman of the Finance and Operational Performance Committee.
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

The Chairman, with the consent of the meeting, deferred Item 6: Operating and Capital Expenditure Summary for presentation at the next Finance and Operational Performance Committee meeting scheduled to be held on Monday, 10 August 2009.

7 STATUS OF SPECIAL FUNDS

1164/2009

MOVED by Cr Clews, seconded Cr Neeson:

The Finance and Operational Performance Committee resolved to:

Receive the Status Of Special Funds report.

CARRIED

8 BORROWING AND INVESTMENT REPORT

1165/2009

MOVED by Cr Clews, seconded Cr Cooper:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Borrowing And Investment Report.
2. **Approve** the Borrowing And Investment Report.
3. **Note** that, due to constraints imposed on the Council by the legislation affecting the transition to the proposed Auckland Council, this Council has been unable to actively manage its interest rate exposures and has consequently incurred greater costs than provided for in the Long Term Council Community Plan.

CARRIED

PART D - GENERAL

9 WAITAKERE ENTERPRISE CONTRACT DOCUMENTS 2009/2010

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

10 WATERCARE SERVICES LIMITED FINAL STATEMENT OF CORPORATE INTENT 2009

1166/2009

MOVED by Cr Clews, seconded Cr Lawley:

The Finance and Operational Performance Committee resolved to:

Receive the Watercare Services Limited Final Statement Of Corporate Intent 2009 report.

CARRIED

11 RENEWAL OF SUB-LEASE FOR VEHICLE TESTING NEW ZEALAND (TRAINING FACILITY) AT THE WAITAKERE VEHICLE TESTING STATION, 19 WAIPAREIRA AVENUE, HENDERSON

1167/2009

MOVED by Cr Mitchell, seconded Cr Flaunty:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Renewal Of Sub-lease For Vehicle Testing New Zealand (Training Facility) At The Waitakere Vehicle Testing Station, 19 Waipareira Avenue, Henderson report.
2. **Approve** on behalf of the Council, the extension of the existing sub-lease of the Training Facility space at the Waitakere Vehicle Testing Station, 19 Waipareira Avenue, Henderson from 1 June 2008 to 29 June 2011, and to affix Council's Common Seal.

CARRIED

12 ROAD STOPPING AND EXCHANGE OF LAND AND DECLARING LAND TO BE HELD FOR THE USE AND CONVENIENCE OF A ROAD AT MANUI PLACE AND SEYMOUR ROAD, SUNNYVALE

1168/2009

MOVED by Cr Mitchell, seconded Cr Jolley:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Road Stopping And Exchange Of Land And Declaring Land To Be Held For The Use And Convenience Of A Road At Manui Place And Seymour Road, Sunnyvale report.
2. **Invite** the approval of the Minister of Lands to stop those parts of Seymour Road marked Sections 2 and 3 on the plan attached at page A94 of the agenda pursuant to section 116 of the Public Works Act 1981.

3. **Note** that subject to the completion of the road stopping:
 - (a) Transfer Section 2 of the diagram attached at page A94 of the agenda to the owners of the adjacent property at 1 Manui Place, Sunnyvale subject to the requirement that the land be amalgamated with the owner's adjoining land in Computer Interest Register NA1614/50 pursuant to section 345(2) of the Local Government Act 1974.
 - (b) Accept in exchange, a transfer of the land shown as Section 1 on the diagram attached at page A94 of the agenda for the purposes of stormwater management plus the sum of \$10,000.
 - (c) Declare Section 3 on the plan attached at page A94 of the agenda as land held for the use and convenience of a road.
4. **Agree** that the resolution in 3(a) and 3(b) above is subject to final confirmation by the Auckland Transition Agency.
5. **Agree** to delegate to the Chief Executive Officer authority to do everything necessary to give effect to these resolutions.

CARRIED

13 **AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED UPDATE**

1169/2009

MOVED by Cr Clews, seconded Cr Cooper:

The Finance And Operational Performance Committee resolved to:

1. **Receive** the Auckland Regional Transport Network Limited Update report.
2. **Agree** that the Auckland Regional Transport Network Limited Annual Report 2007/2008 be adopted, noting that Auckland Regional Transport Network Limited made an earnings (before interest, tax, depreciation and amortisation) surplus of \$76,000.
3. **Approve** Waitakere City Council to vote as a shareholder in favour of the following resolutions for Auckland Regional Transport Network Limited's 2008 annual shareholders meeting, to be held by way of written resolution in lieu of a physical meeting:
 - i) that the company's and the group's consolidated financial statements for the year ended 30 June 2008 together with the auditor's report and directors' report be received, considered and adopted; and
 - ii) that the Controller and Auditor-General be appointed as auditor of the company and the consolidated group until the conclusion of the next annual meeting and that the directors be authorised to fix the auditor's fees.
4. **Approve** that the Chief Executive Officer be delegated authority to vote on behalf of Waitakere City Council and sign documents required to give effect to the resolutions of Auckland Regional Transport Network Limited's 2008 annual shareholders meeting.

5. **Agree** to waive the requirement that the Shareholders Representative Group of Auckland Regional Transport Network Limited meet to recommend that the shareholders approve Auckland Regional Transport Network Limited's Statement of Intent for the three year period 1 July 2009 to 30 June 2012.
6. **Approve** the Auckland Regional Transport Network Limited's Statement of Intent for the three year period 1 July 2009 to 30 June 2012 in accordance with clause 7.2 of the Shareholders' Agreement and article 2.4.1(a) of Auckland Regional Transport Network Limited's constitution.
7. **Approve** that the Chief Executive Officer be delegated authority to sign the relevant shareholders' resolution approving Auckland Regional Transport Network Limited's Statement of Intent for the three year period 1 July 2009 to 30 June 2012 on behalf of Waitakere City Council and to seek verification of the Auckland Transition Agency if necessary regarding the approval of that Statement of Intent.
8. **Note** that due to the proposed establishment of the Auckland Council it is not appropriate to request Auckland Regional Transport Network Limited to buy back its shares from shareholders.

CARRIED

14 HENDERSON STATION BILLBOARD ARTS PROJECT, DEED OF SUB-LICENSE WITH APN OUTDOOR LIMITED

1170/2009

MOVED by Cr Jolley, seconded Cr Lawley:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Henderson Station Billboard Arts Project, Deed Of Sub-license With APN Outdoor Limited report.
2. **Approve** the Deed of sub-license with APN Outdoor Limited and, that authority be delegated to the Chief Executive Officer to approve the terms and execute the signing of the agreement.

CARRIED

15 POLICY ON APPOINTMENT AND REMUNERATION OF DIRECTORS TO COUNCIL ORGANISATIONS REPORT

DECLARATION OF INTEREST

- 10.13 am Cr Cooper declared an interest and left the room taking no part in the discussion or decision on Item 15: Policy On Appointment And Remuneration Of Directors To Council Organisations Report.
- 10.13 am The Chairman, Cr Clow, declared an interest and asked the Deputy Chairman, Cr Clews, to preside.
- 10.14 am The Chairman, Cr Clow, left the room taking no part in the discussion or decision on Item 15: Policy On Appointment And Remuneration Of Directors To Council Organisations Report and the Deputy Chairman, Cr Clews, assumed the Chair.

1171/2009

MOVED by Cr Flaunty, seconded Cr Battersby:

The Finance and Operational Committee resolved to:

1. **Receive** the Policy On Appointments And Remuneration Of Directors To Council Organisations report.
2. **Approve** the revised Policy on Appointments and Remuneration of Directors to Council Organisations with the inclusion of the following:
 - Council Directors will be entitled to receive normal Director's fees; and
 - The payment of fees is due to this policy being based on all appointments being based on merit and Directors being appointed to act in the interests of the company and not as representatives. It is considered that all Directors on any Board should be treated equally in recognition of the responsibility taken on by all Directors to act in the interest of the company they serve.
3. **Agree** that payments made to the Chairman and Directors of Waitakere City Holdings Limited from 1 July 2009 be as assessed independently by consultants Strategic Pay as follows:
 - Chairman \$32,300 per annum;
 - Independent Directors (if any) \$16,300 per annum; and
 - Councillor Directors (in accordance with 2 above) \$16,300.
4. **Agree** that implementation of the approved Policy on Appointments and Remuneration of Directors to Council Organisations is subject to confirmation by the Auckland Transition Agency.

CARRIED

NOTE: Pursuant to Standing Order 32.12 Cr Chan requested that his vote against resolution no. 1171/2009 no. 2 be recorded.

10.26 am The Chairman, Cr Clow, resumed the Chair and Cr Cooper returned to the meeting.

16 ELECTED MEMBERS REMUNERATION - REMUNERATION AUTHORITY PROPOSAL FOR 2009/2010

1172/2009

MOVED by Cr Clews, seconded Cr Cooper:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Elected Members Remuneration - Remuneration Authority Proposal For 2009/2010 report.
2. **Agree** that the Remuneration Authority be advised that Waitakere City Council does not agree with its proposal to establish a pool of meeting fees to be paid to those Councillors attending meetings about Auckland reorganisation during the year from 1 July 2009 to 30 June 2010 and advise the Council would prefer the indicative increased level of salaries to be paid.

3. **Agree** that, in the event that the Remuneration Authority does include a meeting fees pool in its final determination that the following rules apply to its distribution:
- That a meeting fee of \$233 per half day be paid to the Mayor, Councillors and/or Community Board Members who engage, with the Council's approval, in any meeting, joint meeting, seminar, workshop or other event, called for the purpose of discussing proposed changes to Auckland governance; and
 - That the Council's expenses rules also apply to any meeting, joint meeting, seminar, workshop or other event called for the purpose of discussing proposed changes to Auckland governance.
4. **Agree** that the Remuneration Authority be requested, that if it does establish a pool for meeting fees to be paid to those Councillors attending meetings etc called for the purpose of discussing proposed changes to Auckland reorganisation during the year from 1 July 2009 to 30 June 2010, that the pool be established in the sum of \$61,750 to equate with the reduction in the pool for 'salaries'.

CARRIED

PART E - REPORTS FROM THE SUBCOMMITTEES

17 TENDERS SUBCOMMITTEE

1173/2009

MOVED by Cr Clow, seconded Cr Flaunty:

The Finance and Operational Performance Committee resolved to:

Receive the meeting report of the Tenders Subcommittee held on Friday, 29 May 2009 and Friday, 12 June 2009.

CARRIED

10.38 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:.....