

**MINUTES OF A MEETING OF THE FINANCE AND OPERATIONAL PERFORMANCE
COMMITTEE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON MONDAY, 10 OCTOBER 2005,
COMMENCING AT 9.33 AM.**

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PRESENT: Councillors JM Clews, QSO, JP (Chairperson)
DQ Battersby, JP
PJ Booth, OBE
LA Cooper
AK Corban, OBE, JP
RP Dallow, QPM, JP (from 9.59 am)
DE Gilmour
PA Hulse
JP Lawley (from 9.35 am)
VS Neeson, JP (until 11.44 am)
CA Stone

OBSERVERS: M Te Huia (Deputy Chairperson, Te Taumata Runanga)
EAG Grimmer, MNZM (Chairperson, Henderson Community Board)
GPJ Marshall (New Lynn Community Board)

IN ATTENDANCE: Director: Finance
Director: Corporate & Civic Services
Group Manager: Financial Management
Group Manager: Financial Operations
Group Manager: Asset Management
Group Manager: Service Management
Rates Group Manager
Democracy & Governance Team Manager
Manager: Public Affairs
Manager: Assurance Services
Manager: Quality Assurance
Manager: Solid Waste
Manager: Arts
Treasury Manager
Leisure Services Manager
Principal Transport Engineer Planning
Electoral Officer
Senior Analyst: Governance & Infrastructure
Senior Analyst: Maori Policy
Committee Secretary: N Delamere

ALSO IN ATTENDANCE: Simon Wickham, Chief Executive Officer, The Trusts Stadium
Rudi Tomlinson, Director, Audit New Zealand
Simi Soo, Audit Manager, Audit New Zealand

PART A - OPENING OF MEETING

1 APOLOGIES

1984/2005

MOVED by Cr Neeson, seconded Cr Gilmour:

That Apologies from Crs Chan, Clow and Flaunty for absence and Crs Dallow and Lawley for lateness be received and sustained.

CARRIED

2 URGENT BUSINESS

There was no Urgent Business.

3 CONFIRMATION OF MINUTES

1985/2005

MOVED by Cr Gilmour, seconded Cr Booth:

That the minutes of the Meeting of the Finance and Operational Performance Committee held on Monday, 12 September 2005 and the Hearing of Submissions on the Community Wellbeing Fund Allocation 2005/2006 held on Tuesday, 13 September 2005, as circulated including the Public Excluded Minutes, be taken as read and now be confirmed.

CARRIED

PART B - PROPERTY

4 LEASE OF COMMERCIAL PREMISES AT SHOP 1, 601 TE ATATU ROAD, TE ATATU PENINSULA

With the consent of the Chairperson Item 4: Lease of Commercial Premises at Shop1, 601 Te Atatu Road, Te Atatu Peninsula was withdrawn from the Agenda.

PART C - LEGAL AND CONSTITUTIONAL

5 AFFIXATION OF COMMON SEAL

1986/2005

MOVED by Cr Cooper, seconded Cr Booth:

1. That the Affixation of Common Seal report be received.
2. That the action taken in affixing the Common Seal on the documents as set out in the Agenda report be adopted.

CARRIED

9.35 am Cr Lawley entered the meeting.

PRECEDENCE OF BUSINESS

1987/2005

MOVED by Cr Neeson, seconded Cr Gilmour:

That Item 11: Draft Annual Report 2004/2005 be accorded precedence at this time.

CARRIED

PART D - FINANCE

11 DRAFT ANNUAL REPORT 2004/2005

9.59 am Cr Dallow entered the meeting.

1988/2005

MOVED by Cr Corban, seconded Cr Lawley:

1. That the Draft Annual Report 2004/2005 be received.
2. That it be recommended to Council that the Annual Report for 2004/2005 be approved.
3. That a further report be presented to the November 2005 meeting of the Finance and Operational Performance Committee with options for use of the additional \$2 million year end surplus that has been identified.

CARRIED

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

6 OPERATING AND CAPITAL EXPENDITURE SUMMARIES

1989/2005

MOVED by Cr Dallow, seconded Cr Cooper:

That the Operating and Capital Expenditure Summaries report be received.

CARRIED

7 STATUS OF SPECIAL FUNDS

1990/2005

MOVED by Cr Battersby, seconded Cr Dallow:

That the Status of Special Funds report be received.

CARRIED

8 BORROWING AND INVESTMENT REPORT

1991/2005

MOVED by Cr Battersby, seconded Cr Dallow:

That the Borrowing and Investment report be received.

CARRIED

9 PAYMENTS FOR APPROVAL

1992/2005

MOVED by Cr Dallow, seconded Cr Hulse:

1. That the Payments for Approval report be received.
2. That the contracts let and payments made be approved.

CARRIED

10 TRANSPORT ASSETS BUDGET ADJUSTMENT

1993/2005

MOVED by Cr Dallow, seconded Cr Corban:

1. That the Transport Assets Budget Adjustment report be received.
2. That additional funding of \$210,000 allocated within the 2005/2006 Annual Plan for work on the Henderson Valley Road/Smythe Road intersection project be approved.
3. That additional funding of \$50,000 allocated to seal extensions budget within the 2005/2006 Annual Plan for work on the Opanuku Road seal extension project be approved.
4. That additional funding of \$100,000 allocated to Land Purchase Waipareira Avenue/Woodford Avenue budget within the 2005/2006 Annual Plan for work on the Waipareira Road/Woodford Road Link be approved.
5. That additional funding of \$180,000 allocated to Munroe Bridge Avenue (non-subsidised) budget within the 2005/2006 Annual Plan for work on Munroe Bridge Project be approved.
6. That additional funding of \$50,000 allocated to seal extensions budget within the 2005/2006 Annual Plan for work on the Clearwater Cove seal extension be approved.
7. That additional funding of \$200,000 allocated to Forward Design Capital Expenditure budget within the 2005/2006 Annual Plan for Forward Design work be approved.
8. That the Group Manager: Asset Management be authorised to offset the amounts listed in recommendations 2 to 7 above, against the Whau River Crossing budget allocation of \$615,000 plus \$175,000 from the Hobsonville Road Construction in the 2005/2006 Annual Plan.
9. That the Whau River Crossing Project remain in the 10 year land transport programme and that Council continue to advocate for the project.

CARRIED

11 **DRAFT ANNUAL REPORT 2004/2005**

This item was dealt with after Item 5: Affixation of Common Seal.

PART E - GENERAL

12 **TRIENNIAL REPRESENTATION REVIEW (MAORI WARD/S)**

1994/2005

MOVED by Cr Battersby, seconded Cr Neeson:

That the Triennial Representation Review (Maori Ward/s) report be received.

CARRIED

1995/2005

MOVED by Cr Battersby, seconded Cr Neeson:

That it be recommended to Council that the Council resolve not to introduce Maori Ward/s for the 2007 triennial local authority elections.

CARRIED

NOTE: Pursuant to Standing Order 32.12 Crs Stone and Cooper requested that their vote against the motion be recorded.

1996/2005

MOVED by Cr Stone, seconded Cr Hulse:

That the Council hold a workshop with Members of Te Taumata Runanga to explore ways for Maori to become more involved in Local Government decision-making through Te Taumata Runanga working alongside the Council and to review the capacity of Te Taumata Runanga to become more involved in Council decision making and that the workshop report to the next appropriate Council meeting.

CARRIED

1997/2005

MOVED by Cr Stone, seconded Cr Hulse:

1. That a report on the appointment of two representatives from Te Taumata Runanga to the City Development Committee, Finance and Operational Performance Committee and Planning and Regulatory Committee be presented to the workshop for consideration.
2. That all participants of nga hui be formally advised by the Council of the outcomes of the Triennial Representation Review once these are finalised.

CARRIED

PART F - REPORTS FROM THE SUBCOMMITTEES

13 TENDERS SUBCOMMITTEE

1998/2005

MOVED by Cr Clews, seconded Cr Dallow:

That the Extraordinary Meeting report of the Tenders Subcommittee held on Wednesday, 14 September 2005 be received.

CARRIED

PART G - RECOMMENDATIONS FROM OTHER MEETINGS

14 RECOMMENDATIONS FROM WAITAKERE COMMUNITY BOARD

That the following recommendations from Waitakere Community Board be received:

1999/2005

MOVED by Cr Corban, seconded Cr Booth:

1. That the Laingholm Beach Hall be retained and repaired.
2. That the Chief Executive Officer be delegated authority to negotiate and execute a lease under Section 61 of the Reserves Act 1977 with the Laingholm District and Citizens Association for the footprint of the Laingholm Beach Hall on Western Park, Laingholm.

CARRIED

15 RECOMMENDATION FROM MASSEY COMMUNITY BOARD

That the following recommendation from Massey Community Board be received:

2000/2005

MOVED by Cr Cooper, seconded Cr Dallow:

That the unallocated portion of \$617 of the Massey Ward Community Wellbeing Fund Allocation 2005/2006 be reallocated to the City Wide Fund.

CARRIED

16 RECOMMENDATIONS FROM TE TAUMATA RUNANGA

2001/2005

MOVED by Cr Corban, seconded Cr Hulse:

That the following recommendations from Te Taumata Runanga be received:

1. That the Council introduce Maori Ward/s as part of the review of its system of representation.
2. That the Tahana Report and its recommendations of the outcome of the consultation hui on the Triennial Representation Review be considered in Councils decision making.

CARRIED

ADJOURNMENT

2002/2004

MOVED by Cr Clews, seconded Cr Dallow:

That the meeting stand adjourned until 11.25 am.

CARRIED

11.14 am The meeting adjourned.

11.32 am The meeting reconvened. Cr Corban was not present.

PART H - PUBLIC EXCLUDED MATTERS

17 RECOMMENDATIONS FROM CITY DEVELOPMENT COMMITTEE

18 THE TRUSTS STADIUM CRÈCHE UPDATE

19 THE LOPDELL HOUSE SOCIETY - RENT ARREARS

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

2003/2005

MOVED by Cr Dallow, seconded Cr Cooper:

1. That the public be excluded from the following parts of the proceedings of this meeting, namely Makora Reserve Proposed Land Swap, The Trusts Stadium Crèche Future Report, The Trusts Stadium Crèche Update and The Lopdell House Society - Rent Arrears.

The general subject of the matters to be considered while the public is excluded, the reasons for passing this resolution in relation of the matters, 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 matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> • Makora Reserve Proposed Land Swap • The Trusts Stadium Crèche Future Report 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) 	<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>

<ul style="list-style-type: none"> The Trusts Stadium Crèche Update 	<ul style="list-style-type: none"> protect the privacy of natural persons, including that of deceased natural persons 	<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>
<ul style="list-style-type: none"> The Lopdell House Society - Rent Arrears 	<ul style="list-style-type: none"> enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) 	<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)(a) and (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 reports contain information which if released could affect the Council's ability to conduct negotiations and to protect the privacy of employees of The Trusts Stadium.*

- That Simon Wickham, Chief Executive Officer, The Trusts Stadium be permitted to remain in this meeting for Item 18: The Trusts Stadium Crèche Update because of his knowledge of the matter being discussed. This knowledge, which will be of assistance in relation to the matter being discussed, is relevant to that matter because of background information and advice which will be required by Council when assessing options to it and in explaining any decision to the Community.

CARRIED

11.33 am The public were excluded.

11.33 am Cr Corban returned to the meeting.

DECLARATION OF INTEREST

11.33 am Cr Dallow declared an interest and withdrew from table and took no part in the debate or decision on Item 17: The Trusts Stadium Crèche Future Report and Item 18: The Trusts Stadium Crèche Update Report.

11.35 am Cr Dallow returned to the table.

11.44 am Cr Neeson left the meeting.

Minute Numbers 2004/2005 and 2007/2005 are recorded in the Confidential Section of these Minutes.

12.09 pm The public were re-admitted.

RESTATEMENTS

The Council resolved while the public were excluded:

1. (MOVED by Cr Neeson, seconded Cr Hulse) (Resolution 2004/2005 no. 2) *“That Makora Reserve Proposed Land Swap Resolution 2004/2005 be made available in the public arena and that the Makora Reserve Proposed Land Swap Report and Associated Resolution 1709/2005 that went to the City Development Committee on 8 September 2005 remain confidential until further notice.”*
2. (MOVED by Cr Neeson, seconded Cr Hulse) (Resolution 2005/2005 no. 2) *“That The Trusts Stadium Crèche Future Report resolution 2005/2005 remain confidential until further notice.”*
3. (MOVED by Cr Battersby, seconded Cr Cooper) (Resolution 2006/2005 no. 3) *“That The Trusts Stadium Crèche Update report and associated resolution 2006/2005 remain confidential until further notice.”*
4. (MOVED by Cr Lawley, seconded Cr Dallow) (Resolution 2007/2005 no. 7) *“That The Lopdell House Society - Rent Arrears report and attachments remain confidential, but the associated resolutions be made available in the public arena.”*

17 RECOMMENDATIONS FROM CITY DEVELOPMENT COMMITTEE

1. MAKORA RESERVE PROPOSED LAND SWAP

2004/2005

MOVED by Cr Neeson, seconded Cr Hulse:

1. That funding be allocated in the 2005/2006 year for the provision of initial gravel car park at Makora Reserve to enable the extension of the Waitakere Badminton Hall to proceed in 2005/2006.
2. That Makora Reserve Proposed Land Swap resolution 2004/2005 be made available in the public arena and that the Makora Reserve Proposed Land Swap report and associated resolution 1709/2005 that went to the City Development Committee on 8 September 2005 remain confidential until further notice.

CARRIED

19 THE LOPDELL HOUSE SOCIETY - RENT ARREARS

2007/2005

MOVED by Cr Lawley, seconded Cr Dallow:

1. That the Lopdell House Society - Rent Arrears report be received.
2. That Council provide an increase to the Lopdell House Society's operating grant of \$80,000 for the 2005/2006 financial year, and as a condition of the increased operating grant, the Lopdell House Society provides monthly financial reports to Council officers, and quarterly financial reports to the Council's Finance and Operational Performance Committee and that the source of funds be confirmed at the November 2005 meeting of the Finance and Operational Performance Committee.

3. That Council pay the operating grant to the Lopdell House Society at the beginning of each quarter subject to the satisfaction of the Director: Finance and the Director: Quality Assurance.
4. That Council recover the rent arrears from the Lopdell House Society over eight years, by way of a \$2,250 deduction from quarterly payments but the amount and frequency of payments be reviewed through the Annual Plan process.
5. That Council approve the Lopdell House Society proposed governance review programme.
6. That a further report be brought back to the Finance and Operational Performance Committee upon completion of the Lopdell House Society governance review.
7. That the Lopdell House Society - Rent Arrears Agenda report and attachments remain confidential, but the associated resolutions be made available in the public arena.

CARRIED

12.10 pm

The Chairperson 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:.....

CHAIRPERSON:.....