

**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, 12 JULY 2010,
COMMENCING AT 9.34 AM**

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PRESENT: Councillors JM Clews, QSO, JP (Deputy Chairman) (presiding)
DQ Battersby, QSM, JP
BA Brady, JP
AK Corban, OBE, JP
RP Dallow, QPM, JP
WW Flaunty, QSM, JP
PA Hulse (from 10.07 am)
PG Mitchell
VS Neeson, JP (from 9.35 am)

IN ATTENDANCE: Associate Director of Finance
Director: Corporate and Business Services
Deputy Director: Finance
Group Manager: Funds Management
CCO Advisor
Manager: Arts
Manager: Property Assets
Manager: Parks Planning
Senior Property Manager: Tenancy
Community Arts Co-ordinator: Public Affairs
Committee Secretary: C Fernandes

PART A - OPENING OF MEETING

1 APOLOGIES

951/2010

MOVED by Cr Brady, seconded Cr Corban:

That apologies from Crs Chan, Clow, Cooper, Jolley and Lawley for absence, and Crs Hulse and Neeson for lateness, be received and sustained.

CARRIED

2 URGENT BUSINESS

There was no Urgent Business.

9.35 am Cr Neeson entered the meeting.

3 CONFLICTS OF INTEREST

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

952/2010

MOVED by Cr Dallow, seconded Cr Corban:

The Finance and Operational Performance Committee resolved to:

Receive the minutes of the meeting of the Finance and Operational Performance Committee held on Thursday, 10 June 2010, as circulated, and that they be taken as read and now be confirmed.

CARRIED

PART B - LEGAL AND CONSTITUTIONAL

5 AFFIXATION OF COMMON SEAL

953/2010

MOVED by Cr Mitchell, seconded Cr Dallow:

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

PART C - FINANCE

6 STATUS OF SPECIAL FUNDS

954/2010

MOVED by Cr Corban, seconded Cr Brady:

The Finance and Operational Performance Committee resolved to:

Receive the Status of Special Funds report.

CARRIED

7 BORROWING AND INVESTMENT REPORT

955/2010

MOVED by Cr Mitchell, seconded Cr Dallow:

The Finance and Operational Performance Committee resolved to:

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

CARRIED

PART D - GENERAL

8 COUNCIL CONTROLLED ORGANISATIONS – FINAL STATEMENTS OF INTENT FROM 1 JULY 2010

956/2010

MOVED by Cr Battersby, seconded Cr Corban:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Council Controlled Organisations - Final Statements of Intent from 1 July 2010 report.
2. **Approve**, subject to resolution 4 below, the final Statements of Intent, from 1 July 2010, for Waitakere City Holdings Limited, Waitakere Properties Limited and Waitakere Enterprise.
3. **Approve**, subject to resolution 4 below, the Waitakere Enterprise 2010/2011 Funding and Service Agreement.
4. **Note** that resolutions 2 and 3 above are subject to confirmation by the Auckland Transition Agency.

CARRIED

9 CATHY'S CAFÉ - LEASE OF RATANUI STREET COFFEE KIOSK AT 6 RATANUI STREET, HENDERSON

10.07 am Cr Hulse entered the meeting.

957/2010

MOVED by Cr Brady, seconded Cr Corban:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Cathy's Café - Lease of Ratanui Street Coffee Kiosk at 6 Ratanui Street, Henderson report.
2. **Approve** that a new lease for the coffee kiosk at 6 Ratanui Street, Henderson be granted to Cathy's Café for a term of two years with one right of renewal for a further two years.
3. **Agree** that the Chief Executive Officer be authorised to negotiate and conclude with Cathy's Café a new lease for the coffee kiosk, situated at 6 Ratanui Street, Henderson.

CARRIED

10 **ROBERT DEMETER - LEASE OF RATANUI STREET FOOD KIOSK AT 6 RATANUI STREET, HENDERSON**

958/2010

MOVED by Cr Brady, seconded Cr Corban:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Robert Demeter - Lease of Ratanui Street Food Kiosk at 6 Ratanui Street, Henderson report.
2. **Approve** that a new lease of the food kiosk at 6 Ratanui Street, Henderson be granted to Robert Demeter for an initial term of six months, with a right to two further terms of two years each.
3. **Agree** that the Chief Executive Officer be authorised to negotiate and conclude with Robert Demeter a new lease of the food kiosk, situated at 6 Ratanui Street, Henderson.

CARRIED

11 **CREATIVE COMMUNITIES SCHEME ALLOCATION SUBCOMMITTEE - CHANGES TO MEMBERSHIP**

959/2010

MOVED by Cr Brady, seconded Cr Mitchell:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Creative Communities Scheme Allocation Subcommittee - Changes to Membership report.
2. **Agree** that the number of Waitakere Councillors and Community Board Members on the Creative Communities Scheme Allocation Subcommittee be reduced to a maximum of two to align with Creative New Zealand's Creative Communities Administrator's Guide.
3. **Agree** to appoint rather than nominate new members to the Creative Communities Scheme Allocation Subcommittee.
4. **Agree** that it be recommended to the Council to change the Delegations to Committees for the Creative Communities Scheme Allocation Subcommittee to reflect resolutions 2 and 3 above for the appointment and number of members, to read as follows:

CREATIVE COMMUNITIES SCHEME ALLOCATION SUBCOMMITTEE

(A Subcommittee of the Finance and Operational Performance Committee)

FIELD OF ACTIVITY

Consideration and recommendation to the Finance and Operational Performance Committee of the allocation of funding from the Creative Communities Scheme. This subcommittee is established in accordance with Creative New Zealand's Creative Communities Administrator's Guide.

MEMBERSHIP

- 1 Member of the Finance and Operational Performance Committee appointed by the Council. An alternate may be appointed if the appointed representative is unavailable.
- 1 Member representing the Community Boards (1 person appointed collectively by all four Community Boards).
- 2 Members who are professional artists (1 person appointed by Lopdell House Society and 1 person appointed by the Waitakere Arts and Cultural Development Trust).
- 1 Member appointed by the Waitakere City business sector.
- 1 Member appointed by the Titirangi Community Arts Council.
- 1 Member appointed by the Waitakere Central Community Arts Council.
- 2 Members appointed by Te Taumata Runanga.
- 1 Member appointed by the Waitakere Pacific Board.

Quorum: 5 Members, including at least 1 Councillor or Community Board representative.

The Subcommittee will elect its own Chairman.

DELEGATED POWERS

Responsibility to assess applications for funding in accordance with the Council's eligibility criteria, priorities for support and the Creative Community Scheme and to recommend funding allocations to the Finance and Operational Performance Committee for approval.

- 5 **Agree** that Cr Corban be appointed as the Finance and Operational Performance Committee representative on the Creative Communities Scheme Allocation Subcommittee.

CARRIED

12 **RECOMMENDATION FROM INFRASTRUCTURE AND WORKS COMMITTEE**

960/2010

MOVED by Cr Battersby, seconded Cr Dallow:

The Finance and Operational Performance Committee resolved to:

Receive the recommendation from the Infrastructure and Works Committee and defer the decision to the Finance and Operational Performance Committee meeting to be held on 9 August 2010.

CARRIED

PART E - REPORTS FROM THE SUBCOMMITTEES

13 TENDERS SUBCOMMITTEE

961/2010

MOVED by Cr Clews, seconded Cr Dallow:

The Finance and Operational Performance Committee resolved to:

Receive the meetings reports of the Tenders Subcommittee held on Friday, 4 June 2010 and Friday, 18 June 2010.

CARRIED

PART F - PUBLIC EXCLUDED MATTER

14 TUI GLEN RESERVE LAND PURCHASE

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

962/2010

MOVED by Cr Neeson, seconded Cr Dallow:

That the public be excluded from the following part of the proceedings of this meeting, namely, Tui Glen Reserve Land Purchase.

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to 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 the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Tui Glen Reserve Land Purchase	The withholding of information is necessary in order to: <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).	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.

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:

- *This report contains information which if released could affect Council's negotiations.*

CARRIED

10.35 am The public were excluded.

Minute Number 963/2010 is recorded in the Confidential Section of these Minutes.

10.39 am The public were readmitted.

RESTATEMENT

Tui Glen Reserve Land Purchase

The Finance and Operational Performance Committee resolved while the public were excluded (Moved by Cr Brady, seconded Cr Corban) (resolution 963/2010, no.6) **“Agree that the Tui Glen Reserve Land Purchase report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist.”**

10.40 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:.....