



VISION - We will be a democratically elected, vibrant, safe and clean city focused on economic growth and livability.

MISSION - To provide positive experiences for everyone through the delivery of quality initiatives and services.

CORPORATION OF HAMILTON

FINANCE COMMITTEE

PUBLIC SESSION

Thursday, January 19, 2023, 10:00 am
4th Floor, Works Depot

Present: Councillor Dennis Tucker, MBE, JP, Chairman
Rt. Wor. Charles R. Gosling, JP
Councillor John Harvey, MBE, JP
Councillor Lawrence Scott, JP
Councillor Jenefer Brimmer
CEO/City Secretary - Dwayne A. Caines, JP
CFO/Acting City Secretary – Tanya Iris

Staff: COO/City Engineer - Patrick Cooper
Director of HR/Learning and Development – Lindell Foster
Controller – Siobhan Fubler

1. Confirmation of Notice

The CEO/City Secretary confirmed that the appropriate notices of the meeting were duly given according to the Meeting Guide.

2. Role of Chairman

Councillor Dennis Tucker confirmed his role as the Chairman.

3. Open Meeting

The meeting was called to order at 10.03 am.

4. Apologies

The CEO/City Secretary confirmed that no apologies had been received.

5. Public Participation/Presentation

There was no public participation/presentation.

6. **Correspondence**

There was no correspondence.

7. **Minutes of the Previous Finance Committee Meeting dated 15 December 2022 (Public Session)**

Proposed: Councillor L. Scott

Seconded: Councillor J. Harvey

The Minutes were accepted as read.

8. **Matters Arising from the Previous Finance Committee Meeting dated 15 December 2022 (Public Session)**

8.1 Recovery of Rates Debts

Seek legal advice from a real estate lawyer, to advise the COH of the current process to compensate debtholders such as the Government and others, upon the sale of a property. Also, whether or not the COH should be included and, if not, how can they become included, for instance, via the Bar Associate or Chamber of Commerce. **(CEO/City Secretary)** The CEO/City Secretary would arrange a meeting for himself, the Mayor and Councillor Tucker to meet with a lawyer. The Municipalities Act 1923, Section 26, stated that, in the case of unpaid rates, that there was an automatic lien on such a property, giving rights to the COH to collect unpaid taxes out of the proceeds of a sale. The question is, how does a realtor or lawyer find out whether a property has a COH automatic lien (due to unpaid rates) when doing their "searches"? Does the COH have to register the debt for automatic lien with an entity, and if so, which entity? Action item had not been completed.

Seek legal advice and draft a polite, helpful and firm letter template, which would be sent to rates debtors upon entering their 2nd year of failure to pay. The letter would advise them of the Lien and the impact of having a Lien on their property, as well as advising them that the COH was entitled to obtain a list of their assets and access to their bank accounts in order to do whatever is within the COH's legal remit. The template letter would be included in the Debt Collection Policy. **(CEO/City Secretary)** The Chairman said that the Debt Collection Policy and draft template letter would be discussed after advice on the automatic lien had been received. Action item had not been completed.

8.2 Public Information

Carry out PR to familiarise the public of the laws and ordinances which govern the COH. **(CEO/City Secretary)** The CEO/City Secretary said that a meeting would be arranged with the Public Relations Manager to discuss. Action item had not been completed.

8.3 KPMG Audit

Negotiate the fee increase proposed by KPMG to carry out the 2022 Audit of the COH, prior to approval. The CEO/City Secretary said that a meeting had taken place with KPMG and a reduced amount had been agreed. Action item completed.

RECOMMENDATION:

That the Board approve the reduced fee agreed with the Auditors KPMG, to carry out the 2022 Audit of the COH, of \$91,375.00.

Proposed: Mayor, Charles Gosling

Seconded: Councillor J. Harvey

Unanimous

8.4 Demurrage Extension

Arrange a meeting with Stevedoring Services Limited, Customs and importers to identify the cause of delays in container clearance that was creating the issue, as it relates to the request to extend the deadline for demurrage from five (5) days to ten (10) days. The CEO/City Secretary said that the COH had decided that there would not be an extension to the demurrage deadline. An initial meeting would be arranged with the Customs Department to identify the delays caused by the revised procedures and how they may be resolved. Action item completed.

ACTION:

Arrange an initial meeting with CEO/City Secretary, Councillor Swan, the COO/City Engineer and a representative of the Customs Department, to identify the cause of the delay in container clearance on the Dock and discuss how the delays could be resolved. The COH had decided that there would be no extension to the demurrage deadline of five (5) days. **(CEO/City Secretary)**

9. Resolutions Approved by the Minister

That the Board approve the Rental Rates, to include reversion to pre-Covid rates and new rates, effective from 1 January 2023, as detailed in the accompanying memorandum.

10. Recommendations for Review

There were no Recommendations for review.

11. Status Updates

11.1 Monthly Financial Report - November 2022

The Chairman reviewed the Monthly Financial Report for November 2022.

The CFO/Acting City Secretary said that parking ticket revenue remained low with less than 20% of the tickets being paid. Discussion ensued around the Bermuda Police Service computer system which had been causing delays in sending out summonses to offenders. It was suggested that the COH could make a financial contribution towards updating the system.

The Chairman suggested that the CFO/Acting City Secretary produce a cash flow forecast.

Councillor Harvey left the meeting at 10.59 am.

Councillor Harvey rejoined the meeting at 11.02 am.

ACTION:

Arrange a meeting with Court and Bermuda Police Service representatives, in order to discuss the delays in sending summonses for unpaid parking tickets and propose a financial contribution from the COH towards updating the parking ticket and summonses computer system. **(CEO/City Secretary)**

12. Any Other Business

12.1 US Proceedings

The Mayor had received a request from the US lawyers, for a second mediation session be held with the lawyers and representatives of MIF, in order to bring a pre-trial resolution. The results of the discovery were expected and there had been a change of Judge. Discussion ensued.

Councillor L. Scott left the meeting at 11.24 am.

Councillor L. Scott rejoined the meeting at 11.26 am.

12.2 Committee Chairman Off Island

The Chairman said that both he and Councillor Harvey, Chairman of the Infrastructure Committee, would be off island on the days of the meetings to be held on 15 February 2023 (Infrastructure Committee) and 16 February 2023 (Finance Committee). The Mayor agreed to Chair both meetings in their stead.

12.3 Computer Purchases

The CFO/Acting City Secretary said that the budget for computer purchases had been omitted from Budget. It was agreed that an amount of \$20,000 be added to the 2023 Budget for computer purchases.

13. Motion to Move to Restricted Session

Proposed: Councillor L. Scott

Seconded: Councillor J. Brimmer