



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

STAFF, LEGISLATIVE, GOVERNANCE COMMITTEE

PUBLIC SESSION

Tuesday, May 17, 2022, 10:00 am
Mayor's Parlour, City Hall, Hamilton

Present: Councillor Lawrence Scott, JP, Chairman
Councillor Henry Ming
Councillor RoseAnn Edwards

Apologies: Rt. Wor. Charles R. Gosling, JP
Councillor Nicholas Swan
Councillor George Scott, JP

Staff: CEO/City Secretary - Dwayne A. Caines, JP
COO/City Engineer - Patrick Cooper

Apologies: CFO/Acting City Secretary – Tanya Iris
Director of HR/Learning and Development – Lindell Foster

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 the Chairman

Councillor Lawrence Scott confirmed his role as the Chairman.

3. Open Meeting

The meeting was called to order at 10.00 am.

4. Apologies

The CEO/City Secretary confirmed that apologies had been received from Mayor Charles Gosling, Councillor N. Swan, CFO/Acting City Secretary Tanya Iris and Director of HR/Learning and Development Lindell Foster.

The Chairman apologised that the meeting scheduled for 19 April had been cancelled. He welcomed Councillor R. Edwards after her recent illness. Also, congratulated the COO/City Engineer Patrick Cooper for his sailing successes.

5. Public Participation/Presentation

There was no public participation/presentation.

6. Correspondence

There was no correspondence.

7. Minutes of the Previous Staff, Legislative & Governance Meeting dated 22 March 2022 (Public Session)

The meeting scheduled for 19 April 2022 was cancelled as there was no quorum present.

Proposed: Councillor R. Edwards

Seconded: Councillor L. Scott

The Minutes were accepted as read.

8. Matters Arising from the Previous Staff, Legislative & Governance Meeting dated 22 March 2022 (Public Session)

There were no matters arising.

9. Status Updates

9.1 Current Litigation/Legislation (CEO/City Secretary)

There was no update.

9.2 Wayleave Agreements (CEO/City Secretary and COO/City Engineer)

9.2.1 BELCo Renegotiated

The current Wayleave would be renegotiated to reach an amicable agreement between BELCo and COH, whereby both could take ownership. There would be ratification by the Board to allow phased under-grounding of cables throughout the City, without time limit and a legal document signed by both parties in agreement.

Update: 20 October 2020 - Pricing agreement awaited.

Last update: April 2021 - Recommendation received from Hilco Global on How to Price a Wayleave. An amount would be calculated.

9.2.2 BTC/Digicel - Initiated: Pre-13 April 2018

Update: 17 April 2018

Update: 17 February 2020 - Draft Wayleave received from MDM.

Update: 20 October 2020 - Pricing agreement awaited.

Last update: April 2021 - Recommendation received from Hilco Global on How to Price a Wayleave. An amount would be calculated.

9.2.3 One Communications - Initiated: Pre-18 April 2018

Update: 18 April 2018

Update: 17 February 2020 - Draft Wayleave received from MDM.

Update: 20 October 2020 - Pricing agreement awaited.

Last update: April 2021 - Recommendation received from Hilco Global on How to Price a Wayleave. An amount would be calculated.

9.2.4 Bermuda Water Works - Initiated: Pre-13 April 2018

Update: 18 April 2018

Update: 17 February 2020 - Draft Wayleave received from MDM.

Update: 20 October 2020 - Pricing agreement awaited.

Last update: April 2021 - Recommendation received from Hilco Global on How to Price a Wayleave. An amount would be calculated.

9.3 Waste and Litter Control Act (CEO/City Secretary and COO/City Engineer) - Initiated: 8 August 2018

Update: 26 October 2018

Update: 20 October 2020 - Awaiting Regulations specific to COH.

Update: 15 June 2021 - Following the distribution of wheelie bins throughout the City over the last three (3) years and the COH continue to hold a supply, now a public notice for the mandatory use of wheelie bins would be issued.

Update: 20 July 2021 - PS had been informed of the matter and he had submitted a draft paper to Cabinet in support.

Update: 22 March 2022 - Meeting held with PS and a further document submitted.

Last update: 17 May 2022 - AG's Chamber had been provided with an historical background since 2016 to assist with the drafting of the Regulation.

9.4 Parking Legislation (COO/City Engineer) - Initiated: 2013

Update: 3 November 2015 - Request from COH to validate the 2013 Ordinance.

Update: 22 February 2022 - PS had returned the Ordinance to COH for amendment.

Last update: 22 March 2022 - Final amended Ordinance to PS for validation.

9.5 Anti-Bribery and Corruption Act (ABC) Policy (Controller) - Initiated: 9 July 2019

Update: 17 February 2020. Request to Attorney General.

Update: 27 May 2020. The Minister had approved the Resolution. AG's response was awaited.

Last update: 8 December 2021. Request to Attorney General and response to consult the Ministerial Code of Conduct 2018, The Good Governance Act 2012 and the Bribery Act 2016, as it related to the Government's position on the Anti-Bribery and Corruption Act (ABC) Policy and the COH's application of same.

9.6 Land Swap Procedures (CEO/City Secretary and COO/City Engineer)

9.6.1 Butterfield & Vallis - Initiated: June 2017

Update: 14 May 2019 - PS Azhar checking.

Update: June 2019 - Passed Cabinet. Awaiting Legislature. PS Rochester checking.

Update: 18 August 2020 - PS Rochester - Cabinet papers have been edited to reflect new Minister. Awaiting Minister's approval before going to Cabinet, then to Legislature.

Update: 25 August 2020 - PS Rochester confirmed that the Land Exchange agreement had been passed by the Legislature.

Update: 20 October 2020 - One (1) of two (2) Trusts to be readjusted by Government.

Update: 4 June 2021 - Before the House of Assembly. A decision was awaited.

Update: 20 July 2021 - Approved by the Senate and awaiting Governor's Ascent.

Update: 16 November 2021 - To lawyers for conveyancing.

Last Update: 22 March 2022 - Conveyancing ongoing.

9.6.2 SPA Canal Road - Initiated: 21 March 2018

Update: 23 January 2019 - To be tabled in the House in the next Legislative session.

Update: 18 August 2020 - PS Rochester - Cabinet papers have been edited to reflect new Minister. Await Minister's approval before going to Cabinet, then to Legislature.

Update: 25 August - PS Rochester confirmed that the Land Exchange Agreement had been passed by the Legislature.

Update: 20 October 2020 - Conveyancing documents for Dianthus Trust were being drafted by lawyers.

Update: 4 June 2021 - Before the House of Assembly. A decision was awaited.

Update: 20 July 2021 - Approved by the Senate and awaiting Governor's Ascent.

Last Update: 16 November 2021 - To lawyers for conveyancing.

9.7 Arnold Discount Warehouse - Sale of Land - Initiated: 19 May 2020

Update: 19 May 2020 - Mr. Frank Arnold had instructed his lawyers to proceed with the purchase of the land.

Update: 16 June 2020 - The exchange of the Sale and Purchase Agreements was underway.

Update: 20 October 2020 - The Sale and Purchase Agreements have been signed. Will go to the PS and Minister for approval by the Legislature.

Update: April 2021 - The Sale and Purchase Agreements had been sent to the PS and Minister for forwarding to the Legislature.

Update: 4 June 2021 - Before the House of Assembly. A decision was awaited.

Update: 20 July 2021 - Approved by the Senate and awaiting Governor's Ascent.

Last Update: 16 November 2021 - To lawyers for conveyancing.

10. Resolutions Approved by the Minister

That the Board approve the Disabled Parking Permit Policy, as amended.

That the Board approve the Members Parking Policy.

11. Recommendations for Review

11.1 Policies

COH Policies have been reviewed and will be presented for approval with the new branding and formatting. Any other changes to the policies will be described.

Forwarded from the Board Meeting held on 6 April 2022. The Staff, Legislative & Governance Committee would review all approved and unapproved policies: a) all personal names to be deleted, only job titles to be included; b) all dollar amounts to be removed to a master fee schedule and/or stated on an online application form. Action item completed.

The COO/City Engineer said that he recommended that the dollar amounts would be added as a schedule to the relevant policy in order for the policies to remain unchanged should the dollar amounts change.

11.1.1 Data Protection Individual Rights Policy

A new Policy. Not approved at meeting on 22 March 2022 for further review.

RECOMMENDATION:

That the Board approve the Data Protection Individual Rights Policy.

Tabled

11.1.2 Data Retention Policy

A new policy.

RECOMMENDATION:

That the Board approve the Data Retention Policy.

Tabled

11.1.3 Dock Pass Policy

Not approved at the Staff, Legislative & Governance meeting held on 18 January 2022 or 22 March 2022.

Further amendments to be made - remove the fees to a Fee Schedule; vetting period upon application should be shortened; compare with other entities and write a replacement critique for lost passes.

The Dock Pass Policy was with the COO/City Engineer and the Port Superintendent for revision.

RECOMMENDATION:

That the Board approve the Dock Pass Policy, as amended.

Tabled

12. Any Other Business

12.1 Anti-Bribery and Corruption Act (ABC) Policy

From the meeting held on 22 February 2022. Write an email to the Attorney General's Chambers to inquire what legislated power the COH would have in order to remove elected officials for bribery and corruption. **(Controller)** The Chairman had contacted the AG's Chambers and was advised that no guidance on the matter could be given from the Chambers. Action item completed.

ACTION:

As the Chairman had contacted the AG's Chambers and was advised that no guidance on the matter could be given from the Chambers, discuss the next steps, as it related to the removal of elected officials for bribery and corruption. **(CEO/City Secretary)**

12.2 Protocol for Meetings

Discuss a protocol under what circumstances Members may or may not attend scheduled in-person Board and Committee meetings via zoom.

The CEO/City Secretary said that under the current COH guidelines, a voting Member may attend a meeting via zoom, however any comments would not be taken into account nor would the Member have a voting right. He would encourage Members to attend in person where possible. The COO/City Engineer noted that the trend for meeting invitees who zoom into the meeting, the camera must be on at all times and must be present at the commencement of the particular discussion in order to be able to vote. A request to attend a meeting via zoom must be legitimate and not for personal convenience. Also, there would not be more than 10% of attendances via zoom.

The COO/City Engineer noted that guidelines would pertain to Members only as the Executive or their substitute would be present in-person.

ACTION:

Draft guidelines as it relates to Members requesting to zoom into scheduled Board and Committee Meetings, listing legitimate reasons for doing so and taking into consideration technical malfunctions, quorums and voting rights, for discussion at the next meeting.
(Director of HR/Learning and Development)

13. Motion to Move to Restricted Session

Proposed: Councillor H. Ming

Seconded: Councillor R. Edwards