



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, January 18, 2022, 10:00 am
Online Remote

Present: Councillor Lawrence Scott, JP, Chairman
Rt. Wor. Charles R. Gosling, JP
Councillor RoseAnn Edwards

Apologies: Councillor Nicholas Swan
Councillor Henry Ming
Councillor George Scott, JP

Staff: CEO/City Secretary - Dwayne A. Caines, JP
CFO/Acting City Secretary – Tanya Iris
COO/City Engineer - Patrick Cooper
Director of HR/Learning and Development – Lindell Foster

In Attendance: Ms. Lorna Hayward - Venue & Rentals Co-ordinator

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 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 Staff, Legislative & Governance Meeting dated 21 December 2021 (Public Session)

Proposed: Mayor, Charles Gosling

Seconded: Councillor L. Scott

The Minutes were accepted as read.

8. Matters Arising from the Previous Staff, Legislative & Governance Meeting dated 21 December 2021 (Public Session)

8.1 Parking Legislation

Await a response to the CEO/City Secretary's letter sent to the Permanent Secretary, for the validation of the Parking Legislation 2013 Ordinance which had been outstanding since November 2015. **(CEO/City Secretary)** The CEO/City Secretary had left a message for the Permanent Secretary but had not yet received a response. Action item had not been completed.

8.2 Anti-Bribery and Corruption Act (ABC) Policy

Discuss the response from the Attorney General's Chambers to the Controller's enquiry dated 8 December 2021, which had been 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. **(Controller)** Action item had not been completed.

8.3 Disabled Parking Permits

Draft a Disabled Parking Permit Policy to include extending the validity of the Permits for permanently disabled person from one (1) year to five (5) years up to age 75, at a discounted rate of \$110.00. The Permit would be returned on the death of the Permit Holder and misuse of the Permit would result in prosecution. The Venue & Rental Co-ordinator said that all previous amendments had been made to the Policy. There had been one remaining proposed amendment, namely an additional paragraph stating that persons over the age of 80 would be required to renew their Permit annually. The CFO/Acting City Secretary asked whether a disabled person should be tied in to the Department of Transport Control age requirement for driver license renewals, as the Permit would be issued to a disabled person who may not possess a drivers license. Discussion ensued. It was decided to delete the paragraph and approve the Policy with the previous amendments only. Action item completed.

RECOMMENDATION:

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

Proposed: Mayor, Charles Gosling

Seconded: Councillor L. Scott

Unanimous

9. Status Updates

9.1 Current Litigation/Legislation (CEO/City Secretary)

The Appeals Court ruling on the Constitutionality case was awaited. The Judges were now in receipt of the outstanding documents and a transcript of the sessions would be made available.

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.

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

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

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

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.

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

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 COH Employee Handbook, rebranded and updated.

That the Board approve the COVID-19 Travel Policy (Return to Work).

That the Board approve the Customer Service Policy.

That the Board approve the Data Classification Policy.

That the Board approve the Data Protection 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.

11.1.1 Dock Pass Policy

Formatted. Amendments were required for the next meeting.

The Mayor noted amendments to be made to the Policy in Paragraphs 3 and 4.

RECOMMENDATION:

That the Board approve the Dock Pass Policy.

Tabled

11.1.2 Doctors' Parking Policy

Formatted.

RECOMMENDATION:

That the Board approve the Doctors' Parking Policy, as amended.

Proposed: Mayor, Charles Gosling

Seconded: Councillor L. Scott

Unanimous

11.1.3 Employee Housing Rental Policy

Formatted; changed title to Director of Human Resources, from Human Resources Manager.

RECOMMENDATION:

That the Board approve the Employee Housing Rental Policy, as amended.

Proposed: Mayor, Charles Gosling

Seconded: Councillor L. Scott

Unanimous

11.1.4 Employee Long Service Awards Policy

Formatted.

RECOMMENDATION:

That the Board approve the Employee Long Service Awards Policy.

Proposed: Mayor, Charles Gosling

Seconded: Councillor L. Scott

Unanimous

11.1.5 Fire Emergency Procedure Policy

RECOMMENDATION:

That the Board approve the Fire Emergency Procedure Policy.

Proposed: Mayor, Charles Gosling

Seconded: Councillor L. Scott

Unanimous

12. Any Other Business

There was no other business.

13. Motion to Move to Restricted Session

Proposed: Mayor, Charles Gosling

Seconded: Councillor R. Edwards