



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, July 19, 2022, 10:00 am
Mayor's Parlour, City Hall, Hamilton

Present: Councillor Lawrence Scott, JP, Chairman
Councillor Nicholas Swan
Councillor Henry Ming

Apologies: Rt. Wor. Charles R. Gosling, JP
Councillor RoseAnn Edwards
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

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 and Councillor R. Edwards.

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 June 2022 (Public Session)

Proposed: Councillor H. Ming

Seconded: Councillor N. Swan

The Minutes were accepted as read.

8. Matters Arising from the Previous Staff, Legislative & Governance Meeting dated 21 June 2022 (Public Session)

8.1 Anti-Bribery and Corruption Act (ABC) Policy

Write a letter to the Permanent Secretary outlining the previous contacts with the Government and AG's Chambers, as it related to the Anti-Bribery and Corruption Act (ABC) Policy and the absence of guidance in the Act regarding the removal of elected officials for bribery and corruption. Suggest that the Municipalities Act be amended to incorporate such guidance in alignment with that of the Government. **(CEO/City Secretary)** In progress. Action item had not been completed.

8.2 Protocols for Meeting

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. **(CEO/City Secretary)** The Mayor referred to legislation where attendance at scheduled in person meetings would be required in order for Members to comment, vote, or for quorum. Action item had not been completed.

Discussion ensued.

ACTION:

Discuss guidelines with the Recording Secretary relating to protocols for Committee Members joining scheduled in-person meetings via zoom and whether they should be counted for quorum and voting. **(CEO/City Secretary)**

9. Status Updates

9.1 Current Litigation/Legislation (CEO/City Secretary)

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

Arrange a meeting with each utility company in order to progress the Wayleave Agreements. **(COO/City Engineer)** Action item had not been completed.

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 Data Protection Individual Rights 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 Data Protection Policy

The Director of HR/Learning and Development outlined the amendments.

RECOMMENDATION:

That the Board approve the Data Protection Policy, as amended.

Proposed: Councillor N. Swan

Seconded: Councillor H. Ming

Unanimous

11.1.2 Data Retention Policy

The Director of HR/Learning and Development outlined the amendments.

RECOMMENDATION:

That the Board approve the Data Retention Policy, as amended.

Proposed: Councillor N. Swan

Seconded: Councillor H. Ming

Unanimous

12. Any Other Business

12.1 Policy Binders

Councillor Ming said that, on joining the COH, he was given a binder containing all the COH Policies and requested that the binder be updated since there were new policies and many policies had been amended. The Director of HR/Learning and Development said that eventually all policies would be uploaded onto the COH website. Councillor Ming's binder could be updated.

13. Motion to Move to Restricted Session

Proposed: Councillor N. Swan

Seconded: Councillor H. Ming