



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, December 20, 2022, 10:00 am
4th Floor, Works Depot

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

Apologies: Councillor Nicholas Swan
Councillor George Scott, JP

Staff: CEO/City Secretary - Dwayne A. Caines, JP
Director of HR/Learning and Development – Lindell Foster

Apologies: CFO/Acting City Secretary – Tanya Iris
COO/City Engineer - Patrick Cooper

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 the COO/City Engineer Patrick Cooper.

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 15 November 2022 (Public Session)

Proposed: Mayor, Charles Gosling

Seconded: Councillor H. Ming

The Minutes were accepted as read.

8. Matters Arising from the Previous Staff, Legislative & Governance Meeting dated 15 November 2022 (Public Session)

8.1 Anti-Bribery and Corruption Act (ABC) Policy

Await a response from the Permanent Secretary following his recent letter 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)** Action item had not been approved.

8.2 Resolution of Affirmation for Council and Executive Members

Request advice from the lawyers in the first instance, as it relates to perpetual succession for un-named corporate Mayors and Councillors, since 1923, in accordance with Legislation, which the insurance company would have taken into account when writing the Insurance Policy. Individual names would not be required for legal costs under the insurance policy. If the perpetual succession was relevant, write to the Insurance Company for confirmation of cover for legal costs. **(CEO/City Secretary)** The CEO/City Secretary said that he had written to the lawyers and awaited a response. Action item had not been completed.

9. Status Updates

9.1 Current Litigation/Legislation (CEO/City Secretary)

The CEO/City Secretary tabled an email from Marshall Diel & Myers which gave an update on the US proceedings. An update on the Mortgage proceedings and the Constitutionality proceedings would follow.

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.

Update: 22 March 2022 - Conveyancing ongoing.

Update: 18 October 2022 - BV request for a parking change was under discussion.

Last Update: 5 November 2022 - Infrastructure Committee agreed to an arrangement with B&V, for the COH to accept additional covenanted land, with conditions, to be used as a sidewalk only. Should the land ever be used other than as a sidewalk, the land would revert back to B&V. The Covenant would require conveyancing and could be attached to the land swap Deed.

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.

Update: 16 November 2021 - To lawyers for conveyancing.

Last Update: 15 November 2022 - No update, continue to chase.

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 Temporary Electronic Meeting Policy, as amended.

11. Recommendations for Review

There were no Recommendations for review.

12. Any Other Business

12.1 Mayor's Box

The CEO/City Secretary said that it had come to his notice that the Mayor's Box had been abused over recent months. The Mayor had graciously allowed staff members to book the Mayor's Box as a privilege. It had come to light that guests were being left unattended by the COH staff member and the available refreshments were being abused.

Councillor Edwards noted that the curtain needed to be rehung.

The Committee reviewed the current "Use of Mayor's Box Policy" and consideration was made of the following amendments:

- Remove (in order of Tenure) from the list of Councillors.
- Remove the US Consul.
- Other dignitaries could request to attend accompanied by a COH staff member.
- Six (6) maximum guests.
- No food or drink would be allowed in the Viewing area.
- Food would be allowed in the Lounge and the COH staff member would be responsible for clearing up before leaving.
- Used glasses would be left at the sink and rubbish placed in the bin provided.
- Lights in the Lounge area should be switched off during performances.
- Lights in the Hall/Stairway were on where motion was detected and the hall door should be closed.
- Consider a donation for charitable performances as there was no charge to use the Mayor's Box.
- Upon booking the Mayor's Box, an official response listing the guidelines would be sent with the confirmation of the booking.

ACTION:

Arrange for the curtain to be rehung in the Lounge area of the Mayor's Box. **(Director of HR/Learning and Development)**

13. Motion to Move to Restricted Session

Proposed: Councillor H. Ming

Seconded: Councillor R. Edwards