



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, June 21, 2022, 10:00 am  
Mayor's Parlour, City Hall, Hamilton

Present:	Councillor Lawrence Scott, JP, Chairman Rt. Wor. Charles R. Gosling, JP Councillor Nicholas Swan Councillor Henry Ming
Apologies:	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

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**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. Councillor H. Ming would join the meeting via zoom as an observer.

**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 17 May 2022 (Public Session)**

**Proposed:** Councillor N. Swan

**Seconded:** Mayor, Charles Gosling

The Minutes were accepted as read.

**8. Matters Arising from the Previous Staff, Legislative & Governance Meeting dated 17 May 2022 (Public Session)**

**8.1 Anti-Bribery and Corruption Act (ABC) Policy**

**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.** The CEO/City Secretary said that he was disappointed that the AG's Chambers and the Government could not give the COH guidance on the matter. Action item completed.

**ACTION:**

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)**

**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.

**9. Status Updates**

**9.1 Current Litigation/Legislation (CEO/City Secretary)**

The Mayor said that depositions with the US lawyers had commenced.

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

The COO/City Engineer said that there had been no progress on any of the Wayleave Agreements and that perhaps a legal option could be pursued for each. A Wayleave Agreement would govern the relationship with utility companies, for example, in the event that the COH should accidental damage a utility company's equipment, or utilities equipment needed to be removed or relocated in order for the COH to carry out work, or utilities equipment damage COH roads or property. A Wayleave Agreement would require an annual fee. It was agreed that the COO/City Engineer would arrange a meeting with each of the utility companies in order to progress the Wayleave Agreements. Legal advice may be required.

### **ACTION:**

Arrange a meeting with each utility company in order to progress the Wayleave Agreements. **(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.

The COO/City Engineer said that the request for amendments to the current Parking Legislation included: 1) removal of the cap on the hourly parking charge; and, 2) introduction of charging for loading zones as the Parking Enforcement Officers were unable to ticket vehicles parked in loading zones and there was no way of determining the length of time a vehicle had been parked. The CEO/City Secretary said that discussions were underway with the Prosecutions section to enable better control of parking tickets and summonses. It was suggested that a part time person would be employed, together with an Extra Duty Police Officer, in order to progress the multiple-ticket summonses as a short-term solution, to effect an increase in parking tickets revenue. The COO/City Engineer said that the resolution for the lengthy wait for parking revenue, would be to decriminalise parking tickets.

The Mayor suggested that the public be reminded that non-payment of parking tickets remained a criminal offence and that single-ticket offenders should also be targeted. The CEO/City Secretary said that draft PR had been written to inform the public that non-payment of parking tickets may result in arrest. The revenue for parking tickets issued by the PEOs up until the Government ceased the operation, requiring amendment to legislation, had not been received by the COH but had been collected by the Accountant General. The Bermuda Police Service were considering whether to permit the COH access to its summonses system.

#### **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**

There were no Resolutions approved by the Minister.

## **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 Individual Rights Policy**

**RECOMMENDATION:**

That the Board approve the Data Protection Individual Rights Policy.

**Proposed:** Councillor N. Swan

**Seconded:** Mayor, Charles Gosling

**Unanimous**

**11.1.2 Data Retention Policy**

**RECOMMENDATION:**

That the Board approve the Data Retention Policy.

**Proposed:** Councillor N. Swan

**Seconded:** Mayor, Charles Gosling

**Unanimous**

**12. Any Other Business**

There was no other business.

**13. Motion to Move to Restricted Session**

**Proposed:** Councillor N. Swan

**Seconded:** Mayor, Charles Gosling