



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, March 22, 2022, 10:00 am
Mayor's Parlour, City Hall, Hamilton

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: Venue & Rentals Co-ordinator, Lorna Hayward

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 10.04 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 22 February 2022 (Public Session)

Proposed: Mayor, Charles Gosling

Seconded: Councillor R. Edwards

The Minutes were accepted as read.

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

8.1 Parking Legislation

The Staff, Legislative & Governance Committee would review and amend the Parking Legislation 2013 Ordinance, in accordance with the PS's instructions. The final document would then be presented to the PS for validation. Action item completed.

9. Status Updates

9.1 Current Litigation/Legislation (CEO/City Secretary)

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.

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

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. An additional request by Butterfield & Vallis. B&V purchased three (3) cottages on the hill to the east, had razed the cottages and excavated the hillside down to meet the B&V property. The cottages were served by Brooklyn Lane which B&V had a right of way on. B&V had requested to purchase the section of Brooklyn Lane on the western side. Following a site visit with B&V, the land would be valued to agree a sale. On the property to the eastern side, the owner had a building encroaching onto Brooklyn Lane of 20' x 5'. Lawyers were assessing a peppercorn rent to be charged for the encroachment by B&V, as the conveyancing charge would change for Stamp Duty.

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

Fireworks Policy

Flag Protocol Policy, as amended

Hamilton Dinghy Dock Barr's Bay Park Policy

Hamilton Wharf Pleasure Boat Policy

Media Relations Policy

Municipal Meeting Guide (Updated 22 March 2022)

11. Recommendations for Review

There were no 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

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.

RECOMMENDATION:

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

Tabled

11.1.2 Disabled Parking Permit Policy

As discussed at the Infrastructure Committee Meeting held on 16 February 2022, further amendments would be made to the Policy, including a clause permitting corporate care facilities with vehicles for the transportation of clients, to purchase permits, and temporary permits for pregnant women.

Change wording: doctors note to medical certificate. Returning permits on death: delete after returned (paragraph 8, page 4). Procedures: annual or issued annual or in the case of doctor certified permanent disability, five (5) years.

RECOMMENDATION:

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

Proposed: Councillor L. Scott

Seconded: Councillor R. Edwards

Unanimous

11.1.3 Data Protection Individual Rights Policy

A new policy.

Further review required by the Committee before approval.

RECOMMENDATION:

That the Board approve the Data Protection Individual Rights Policy.

Tabled

11.1.4 Members Parking Policy

Formatted; removed mentions of Alderman.

RECOMMENDATION:

That the Board approve the Members Parking 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: Councillor R. Edwards

Seconded: Mayor, Charles Gosling