



VISION: We will be a vibrant, dependable and clean city where services are delivered innovatively and effectively.
MISSION: To provide effective operations of the city through collaboration of members, management and staff.

Special Corporation of Hamilton Board Meeting, City Hall, Hamilton - 25 January - 3:00pm

Present: Rt. Wor. Charles R. Gosling, JP
Councillor John Harvey
Councillor Dennis Tucker
Councillor Nicholas Swan
Councillor Larry Scott
Councillor George Scott, JP
Councillor Carlton Johnson

In Attendance: The Secretary - Ed Benevides
The Treasurer - Tanya Iris

Apologies: Councillor Henry Ming

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1. **Confirmation of Notice** - the Secretary confirmed that the notices of the meeting and the agenda were posted according to the guidelines.
 2. **Role of the Chairman** - falls to the Mayor unless he is absent due to illness or off Island.
 3. **The Mayor called the meeting to order at 3:00pm.**
 4. **Apologies** - The Secretary confirmed that apologies were received from Councillor Henry Ming. The other technical officers were excused as the agenda was fixed to the Finance Committee.
 5. **Public Participation:** There was no request for public participation.
 6. **Correspondence:** No correspondence had been received.
 7. **Status Update:**

The Mayor advised that any updates will be held over to the next General Council meeting.

8. Recommendations for Review:

(i) Review of the Objections and Recommended Changes to the Hamilton (Rating) Ordinance 2016

A copy of the Ordinance was sent out giving the most recent version of the Hamilton (Rating) Ordinance. There were particular points that the Council wanted to be included in this Ordinance. The Secretary commenced by saying that this Ordinance was approved 2nd December 2015 which assigned an owners' rate to accommodate the total tax for the valuation unit. A suggestion was also put in that owners may charge the occupiers' rate to the occupiers of their unit. There was also the request that certain amendments would go through to the Rating Ordinance which would allow the sending of the billings via email and that the date would be 1 January 2016. The challenge was that the initial response from the AG's Chambers was regarding the decision of the Council to put in the Ordinance an occupiers' rate which would be ultra vires because the Municipalities Act does not contain the legislative language necessary for the CoH to charge the owner and then direct the owner to then seek recompense from the occupier whether it is a "may" of a "shall".

There were a number of iterations done to get around that and in the end the version now before the Council replaces that section, i.e. -

"Upon application by the owner a remission rate will apply to any valuation unit that is unoccupied for all or part during a rating period -

- (a) In the case of residential premises, in the amount of 30% of the rating charge for the unit; and*
- (b) In the case of business premises, in the amount of 50% of the rating charge for the unit."*

The remainder of the Ordinance is the same as was approved and re-formatted by the AG's Chambers. The owners will be charged the full rate and the tier increases would be added. The CoH would provide a refund to owners of properties that had no occupants. Instead of putting in the rate, would put in a % which would calculate to be the same.

The amendments to Paragraph 9 of the 1972 Ordinance also allows:

"by sending it by email addressed to that person (or, in the case of a body corporate, to an officer or employer of the body) at an email address provided by that person, in writing, to the Corporation."

There has been an indication from the Permanent Secretary that the AG's Chambers has not found any reason not to support this iteration at this time. The Secretary is looking for any comments from the Council in either an approval of it in this form and this wording. There was continued discussion.

The Mayor commented that the administrative costs will diminish

When the Ordinance is passed, agreed upon by the AG's Chambers and published there will be a certain amount of confusion from the owner because they will be receiving a bill which is significantly higher than what they are used to receiving. It is suggested that this should be handled the same way as the land tax is handled where in some cases it is split between the owner and the occupier, etc. The PR exercise should be ready for when the billings are ready for mailing.

Councillor Tucker commented on a commercial owners' rate. The Secretary said that this is captioned in Paragraph 3 (1) (b) - *"in the case of business premises, in the amount of 5.2% of the annual rental value of the unit."* The ARV is the same as the Government's but there are a few places within the City that land tax either has not or will not provide a valuation and the CoH has utilised their authority under the Municipalities Act to get a valuation. For example, a particular location on Court Street where the government was the tenant for more than three (3) years and not subject to land tax so Land Valuation did not put any valuation to it. But they are not immune to municipality taxes for the owner.

The Mayor asked if this Ordinance allows for people that have rented out to governments, churches or to other institutions that do not have to pay land tax whether there is a process by which the owner can get a portion of the tax credited. The Secretary said that currently the owner is still liable for the owners' rate of the municipal tax which would mean that the few land owners that have governments as a tenant would have to re-negotiate their tenancy with government. Dialogue continued.

Councillor Johnson queried if there has been any re-consideration for churches paying a municipalities tax even though they do not pay a land tax. The Mayor said the CoH has a policy on charities. The secretary noted that those properties that have been exempted are not being increased. The Mayor said there has to be a church property or charity that is actually owned by a private person or organisation. The Secretary said it does not have any effect in this. There was continued discussion.

RECOMMENDATION: That the Board approve the Hamilton (Rating) Amendment Ordinance 2016.

Proposed: Councillor N. Swan
Motion passed.

Seconded: Councillor L. Scott

9. Motion to move to the Restricted Session.

Proposed: Councillor D. Tucker

Seconded: Councillor L. Scott

The public session adjourned at 3:30pm.

Date

Mayor

Secretary