



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.

City Hall, Hamilton
Staff, Legislative & Governance Committee
14 March 2017
10:00am

Present: Councillor Lawrence Scott (Chair)
Rt. Wor. Charles Gosling, JP

In Attendance: Ed Benevides - The Secretary
Patrick Cooper - City Engineer
Lindell Foster - Human Resources Manager

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1. **Confirmation of Notice:** The Secretary confirmed that the notice periods were met in accordance with the new meeting guidelines.
 2. **Role of the Chairman** - Councillor L. Scott was acknowledged as the Chair.
 3. **Open Meeting** - Councillor L. Scott opened the meeting at 10:00am.
 4. **Apologies** - The Secretary confirmed that no apologies had been received.
 5. **Public Participation:**

The Secretary confirmed there was no public participation.
 6. **Correspondence:**

There was no correspondence for review.
 7. **Minutes of Previous Meeting dated 14 February 2017:**

The Mayor commented on a correction that was made prior to the meeting on Page 2 of 6.

Proposed: Mayor, Charles Gosling

Seconded: Councillor L. Scott

The Minutes were accepted as read.

8. Matters arising from Previous Meeting dated 14 February 2017

(i) Follow-up with the City Engineer regarding the status of the Acceptable Use Policy and Procedure:

The Secretary confirmed that the Acceptable Use Policy and Procedure was distributed. The Policy was approved at the last Council meeting and just waiting on the Minister's approval.

(ii) Check into whether there is reference to handicap, residential and doctors' vehicles being defined in any other legislation. The Secretary will check with Ronnie Myers of MD&M to confirm whether the definitions are needed and if so, to have them inserted from whatever Primary Act:

The Secretary said Ronnie Myers has finished the drafting of the Hamilton Traffic and Parking Ordinance 2017 and it will be presented at the Special Council meeting scheduled for 16 March 2017 for approval. R. Myers has looked at all the CoH's permits, etc. to ensure that the Ordinance is as robust as it can be. The CoH is still trying to clamp on the street for the spaces that are leased, i.e. residential, doctors', commercial and handicapped. Clamping will be done in the car parks. As soon as the Ordinance is approved in the Special meeting, it would then be forwarded to the Minister for his approval. The Minister will need the Attorney General's Chambers (AG) to approve it and then will have to go through the House. There was continued dialogue.

Councillor L. Scott commented on the clamping appeals case held 10 March 2017. The Secretary said even if it was voted that the 2007 Ordinance was valid for that time, it was invalidated in 2013. The main piece would be that the CoH could do Resolutions and be able to do parking regulations by Resolution. Councillor L. Scott remarked on comments from some of his colleagues, the court was favourable. The Secretary said that from the outset there was a significant admission by the AG's Chambers in that they agreed that the CoH could clamp if the proper authority is published. Clamping is no longer the issue, the AG's Chambers is not saying that it is illegal to clamp or that it is unconstitutional, even though it had been implied in their original argument.

9. Status Update:

The Secretary said that he will be issuing a memo to two (2) members of staff to update various activities that have been going on. This would be addressed in the Restricted Session. As soon as he receives the Legal Opinion in that regard, he can send the Memo out.

Councillor L. Scott queried on the to and fro with Graham Nesbitt. The Secretary said nothing has happened, the negotiations stopped as of December, 2016. After the exclamations of the President of the BIU, the CoH team did not see any point in wasting time in having meetings. Matter to be discussed further in the Restricted Session.

10. Recommendations for Review:

RECOMMENDATION: That the Board approve the four (4) changes to the Meeting Guide as presented: (i) **Paragraph 1.5 of the Meeting Guide:** to replace COO with Mayor; (ii) to establish the Mayor as ex-officio of all Committees; (iii) ex-officios will have only a positive impact on quorum requirements of the Committee; and (iv) the Mayor has the right of veto of any Resolution of the Council but can be overridden by a super majority and the motion can be re-tabled no earlier than three (3) months. The changes to be presented to the Minister to approve and change the Meeting Guide. **(Approved by the Staff, Legislative & Governance Committee)**

AMENDED RECOMMENDATION: That the Board approve the three (3) changes to the Meeting Guide as presented: (i) **Paragraph 1.5 of the Meeting Guide:** to replace COO with Mayor; (ii) to establish the Mayor as ex-officio of all Committees; (iii) ex-officios will have only a positive impact on quorum requirements of the Committee. **(Approved in Corporation Board meeting dated 1 March 2017, waiting on approval from the Minister)**

RECOMMENDATION: That the Board approve the Acceptable Use Policy with the amendments.

AMENDED RESOLUTION: That the Board approve the Amendments to the Acceptable Use Policy and Procedure which will go into effect 1st May, 2017. The City Secretary to forward the policy changes to the unions and request that either Union should raise any concerns in writing on any of the amendments so set in the Policy. **(Approved in Corporation Board meeting dated 1 March 2017, waiting on approval from the Minister)**

The Secretary said he was unsure whether the Council said if the unions do have an issue with the Policy that the Recommendation is not approved. His understanding was that the concerns would be shared with the union. The Mayor said a discussion would be had with the unions if it was deemed appropriate and then the CoH would take the proper course.

RECOMMENDATION: That the Board approve the Hamilton Traffic and Parking Ordinance 2017 or in lieu of a final document with the amendments as highlighted. **(Recommendation deferred to the Special Council meeting scheduled for 16 March 2017)**

ACTION: The Secretary to forward a copy of the draft Hamilton Traffic and Parking Ordinance 2017 to all Council members to review for the Special Council meeting.

11. Any Other Business:

(i) **Update on Current Litigation/Legislation:** The Secretary said there has not been many changes. The only changes are that the appeal took place for clamping and the CoH received a default judgment on J2 Chambers. MD&M has written to J2 Chambers to release the files but there has been no response. J2 Chambers did not present a defense and did not show. The Secretary's understanding is that there is a wait period of 5-7 days and then J2 Chambers can be taken to court for contempt.

The Mayor suggested that when the due time is up, that the CoH seize the opportunity immediately to show that they are extremely determined and are not going to sit back in this regard.

12. Motion to Move to a Restricted Session

Proposed: Mayor, Charles Gosling

Seconded: Councillor L. Scott

There was no further business to be discussed.

The public session was adjourned at 10.20am.