



**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**  
**16 August 2016**  
**10:00am**

**Present:** Councillor Larry Scott (Chair)  
Rt. Wor. Charles Gosling, JP  
Councillor Nicholas Swan  
Councillor Henry Ming

**In Attendance:** Ed Benevides - the Secretary  
Lindell Foster - the Human Resources Manager  
Ian Hind - Senior Engineer

**Apologies:** Patrick Cooper - the City Engineer

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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 apologies from the City Engineer, Patrick Cooper.
  5. **Public Participation** - the Secretary confirmed there was no public participation.
  6. **Correspondence:**
    - (i) **IIMC Region XI Director Vacancy** - the Secretary is currently a member of the International Institute of Municipal Clerks which represents persons like himself all over the world. Region XI is everything outside of North America and is the region that Bermuda is a part of. There are Regional Directors for every region, two (2) are elected for a 2-year period. Previously the Secretary was asked to serve as a Regional Director and the previous Council had approved for him to represent.

There are new vacancies coming up and the Secretary did not want to presume that the previous approval still carried. He wanted to know if this Council would also support his candidacy should his name be put forward again.

Councillor Swan joined the meeting at 10:02am.

There are three (3) meetings held per year and one by teleconference making it less than five (5) days total per year. Any expenses for any regional meeting are picked up by the organisation but if attending the general conference then those expenses are borne by the CoH. The Secretary also attends the SLCC which is the UK version of the IIMC. At the moment the Secretary serves on a couple of committees and they meet via teleconference. The next role would be to take the position as a Regional Director which became open this year. The SLCC has an election next year and their representative is coming from IIMC. The SLCC's main focus is what is going on in the UK.

The Senior Engineer joined the meeting at 10:05am.

The IIMC focuses on international more; it used to be more US centric. Region XI is the fastest growing region and they are anticipating signing on in the excess of 3,000 Indian Municipalities in the next 18 months. This is a good training ground for certification and it is a means of getting a succession plan in place for the Secretary's position. Councillor L. Scott asked with the interaction with that huge body, what are the direct benefits? The Secretary said that when looking at a question of what Council members or staff members do, he can ask globally and get feedback, e.g. how other Municipalities protect themselves from the arbitrary actions of Government. A lot of the Municipalities are struggling with businesses. The CoH's view about having the business vote has been unique. When it was introduced in the Brussels Symposium they were very curious on how the election ran. Dialogue continued.

**RECOMMENDATION:** That the Board support the Secretary, Ed Benevides' candidacy for the IIMC Region XI Director Vacancy.

**Proposed:** Councillor N. Swan  
**Unanimous**

**Seconded:** Councillor H. Ming

#### **7. Minutes of Previous Meeting dated 21 June 2016**

**Proposed:** Mayor, Charles Gosling

**Seconded:** Councillor H. Ming

The Minutes were accepted as read.

#### **8. Matters arising from Previous Meeting dated 21 June 2016**

(i) **Follow-up with the Event Project Manager re: Victoria Park being used by a fitness group** - the HR Manager left the meeting to consult with the Event Project Manager in this regard. Item may be deferred to the next Staff, Legislative & Governance Committee meeting.

(ii) **Follow-up re: Further Review of a Broader Sponsorship Policy** - the Secretary said this came about due to the issue of week-long events, e.g. RBYC and their desire to hold two (2) events and the rates that the CoH would charge would be too high. There was no flexibility within the policy to accommodate this. It was suggested that this committee review the policy to see if changes should be made. The CoH changed their policy mid-year and RBYC had not planned or budgeted for the fees in the changed policy. The Secretary does not have any other ideas on how to broaden the policy without finding some other limit. He is looking for feedback from the committee.

The Mayor commented on an exercise group that wanted to use Victoria Park for their exercise programme for the month. Right now Victoria Park is filled with children's day care for the summer period and he can guarantee that not one of them have consulted with the CoH in terms of getting a permit. He is not looking at this as a revenue source but it would be nice if the organisers of these events had some contractual agreement with the CoH where they are going to be taking responsibility for the actions of the children that they are overseeing, etc. These events are low impact but if, for instance, if there are about ten (10) or more student groups in the park at the same time; that would have an impact. He then commented on low impact where in most circumstances would have no manpower demands from the CoH, medium impact where they might need to have a bit of manpower and high impact where staffing, barriers, notices in the paper, etc. would be required. There was continued discussion on sponsorship, fee involvement and organised events. The Mayor suggested changing the definition of organised events which would tie in with sponsorship, waiving of fees, etc.

Councillor Ming said that it needs to be clarified what constitutes sponsorship. If these groups are regularly using the park, the CoH should be receiving in the first instance a request and if necessary some form of payment. If not, then technically the CoH is sponsoring that event. Then there is the issue of liability as well.

The Secretary commented that if a fitness group is going to use the park for exercises, at the minimum, they should sign a waiver in the event that anyone gets hurts. The Sponsorship Policy's criteria are two (2) out of three (3) conditions and the CoH has only been waiving the fees and not the labour.

**ACTION:** The Secretary to take the suggestions given by the Mayor and Councillor Ming and along with the events team come back with some recommendations.

Councillor L. Scott commented on having an appropriate notice that any group should sign a waiver.

**ACTION:** The Secretary to contact the CoH's legal team to ascertain whether groups using Victoria Park should sign a waiver or a notice be placed in the parks.

The HR Manager returned to the meeting and advised that the Event Project Manager had not received any information from the City Engineer in reference to the fitness group in Victoria Park. There was continued discussion on random groups that use Bulls Head car park for a number of different activities.

The Secretary commented on the Ordinance that states "no skateboarding in the City." Councillor Ming asked if the public is aware of the Ordinance. He said it is a question of communication and an official notice should be distributed. Further discussion ensued.

## **9. Status Update:**

(i) **Information re: Conflict of Interest** - the Secretary has started this policy and calling it the Ethnics and Conflicts of Interest Policy. There is a Conflict of Interest Policy already in the Code of Conduct but wanted to see how this organisation was going to deal with conflict of interest. In the research there were a couple of points raised by the committee led by Councillor Swan, i.e. most of this revolves arounds ethics and conflicts of interest as opposed to code of conduct overall.

Councillor Swan said the current policy outlines things well but will probably make a few additions. Around the table, if there is a conflict of interest, how could it be addressed by the Mayor or a Chairperson, colleagues, etc.?

**ACTION:** The Secretary will circulate a draft copy of the policy with the additional information as it relates to Conflict of Interest by the end of this week for a recommendation to the Council.

The Secretary commented on an article that he sent to the committee. The writer was very clear in that the trouble with most people in elected positions is that when you demonstrate or imply to them that they cannot separate their personal needs from their public duty needs, they are offended because they believe that it is a slight on their integrity, etc. The writer points out that it has absolutely nothing to do with the person's character, integrity, etc., it has everything to do with the optics, how the public views who only see the actions of the elected official making the decisions. If the conflict is not put forward, there is no way that they can trust that the organisation and the person doing the public service is acting in an open and transparent manner.

Councillor Swan commented that even with this policy there is no mechanism to enforce compliance, it can only influence behaviour. The Secretary advised that the Minister can enforce compliance as part of the Good Governance documentation that came subsequent to the amendments to the Municipalities Act. The Minister does not have to go back to Parliament to do it. There was further deliberation.

## **10. Recommendations for Review:**

(i) **City of Hamilton Sponsorship Policy** - this was discussed previously in Item 8 (ii).

## **11. Any Other Business**

(i) **Audit Recommendations** - there were a number of recommendations from the auditors one of which does affect governance, in that all members should sign the Code of Conduct and the Register of Members Interest in a timely manner.

There are two (2) members of the current Council who have not submitted their Register of Members Interest. Councillor Swan reiterated the enforcement of compliance. He further commented that with the proposed amendments to the Municipalities Act, these are the matters the sub-committee plans on addressing. The Secretary said the Council needs to deal with the matter, i.e. the Council can acknowledge but are unable to enforce and can publicly say that; speak to the Minister to see if he is prepared to put in a Standards Committee, etc.

Councillor L. Scott suggested not circulating any documentation to those two (2) members. Some members commented that could prove difficult as the members do attend meetings. Councillor Swan commented that he would like to see a wholesale reform of the Act.

The Mayor said the auditors have given very good reasons for going ahead and pursuing the matter. While there is no disciplinary action in place, there is the "Name and Shame". It would certainly be moving into the future whereby the auditors might require an accommodating letter along with the audit. Councillor Swan suggested that the Mayor and Councillor L. Scott (Chair of this committee) meet with the individuals and advise them that their names could be placed in the financials for not signing the Register of Members Interest document.

Councillor L. Scott commented on the meetings that were held on the Municipalities reform which has come to naught. He asked for some guidance in whether they should keep that sub-committee going, making recommendations to the Minister for potential re-drafting of amendments to the Municipalities Act. Councillor Swan said he would rather wait until the situation with the CoH improves, i.e. current court actions, etc., and then they could start focusing on that.

The Mayor said he personally feels that once the CoH is (i) successful in terms of reclaiming some of the monies, i.e. the \$18M and (ii) successful with the ultra vires. That would put the CoH in a good position publicly.

**FYI** - The Secretary advised that there are four (4) Ordinances currently sitting on the list to be approved.

**ACTION:** The Secretary to email the list of the four (4) Ordinances on hold to the members of the Staff, Legislative & Governance Committee.

Councillor L. Scott commented on the meetings that were being held regarding the reform and that they should be held in abeyance for the time being.

## **12. Motion to move to a Restricted Session**

**Proposed:** Councillor H. Ming

**Seconded:** Councillor N. Swan

There was no further business to be discussed.

The public session was adjourned at 10:30am.