



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
20 September 2016
10:00am

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

In Attendance: Ed Benevides - the Secretary
Patrick Cooper - Senior 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** - The Mayor acknowledged as the Chair in Councillor Scott's absence.
 3. **Open Meeting** - The Mayor opened the meeting at 10:00am.
 4. **Apologies** - the Secretary confirmed that that the HR Manager would be a little tardy.
 5. **Public Participation** - the Secretary confirmed there was no public participation.
 6. **Correspondence:**
 - (i) **Letter from the Bermuda Police Service** - the Secretary confirmed that everyone should have received the letter commending two members of staff for their initiative, Mr. Anthony Darrell and Mr. Terry Smith. It may have been outside of normal policy but was for the good of the greater community. The Secretary added that the CoH supplied barriers as needed for safety reasons. He also confirmed that all barriers had been returned.
 7. **Minutes of Previous Meeting dated 16 August 2016**

Proposed: Councillor H. Ming

Seconded: Councillor N. Swan

The Minutes were accepted as read.

8. Matters arising from Previous Meeting dated 16 August 2016

(i) **Take suggestions given by the Mayor and Councillor Ming along with the Events team and come back with some recommendations re: the Sponsorship Policy** – the Secretary stated he has gone over the policy and does not see how to incorporate the various general suggestions. He is coming back to the committee members to see how the policy might be tweaked again. The Mayor noted his traveling schedule and added that he has not had a chance to review the document. He advised carrying the issue forward to the next agenda. Councillor Swan suggested a reminder email go out a week before the next meeting.

(ii) **Contact CoH's legal team to ascertain whether groups using Victoria Park should sign a waiver or a notice to be placed in the park** – the Secretary noted that he has done this and provided the feedback from legal to Engineering. He advised that a sign needs to be installed. The park is a public space and the sign should say something to the effect that any activities undertaken in the park should be done at one's own risk.

(iii) **Circulate a draft copy of the policy with the additional information as it relates to Conflict of Interest for a recommendation to the Council** – the Secretary confirmed that he has done this and received two (2) comments back and has been able to incorporate one of them. He is unsure if the committee needs another period of time to review it or if they can sufficiently recommend it to the Board. He has had no further positive or negative comments. Councillor Swan said as Chair of the sub-committee he is happy with it. The Mayor suggested the item be circulated as a draft on its own to the Board members for comment and that it should be placed on the agenda for the Board's approval at the October 5th Board meeting.

RECOMMENDATION: That the Board approve the draft copy of the policy as it relates to Ethics and Conflicts of Interest.

Proposed: Councillor N. Swan
Motion Passed.

Seconded: Councillor H. Ming

(iv) **Email the list of the four (4) Ordinances that are on hold to the members of the Staff, Legislative & Governance Committee** – The Secretary confirmed these are still on hold and waiting for an update. He made a correction in that the Garbage Ordinance Amendment has had some movement. The City Engineer will be meeting with Mr. Eaton to find a win-win solution. The Secretary added that he has asked the Treasurer to follow up with the Permanent Secretary regarding the Ratings Ordinance as his efforts are all met with silence. He added that the other two (2) Ordinances had money spent on them – the Parking Ordinance Amendment has been submitted but no feedback has been received. He is also waiting on the two (2) land swaps, i.e. Brooklyn Lane and Canal Road. The Traffic Offences Procedures Amendment and Validation Act 2015 still has not been addressed. The Mayor commented that that one is being held up by one senior civil servant.

He added that the Minister was surprised with the Garbage Collection Ordinance that the Secretary had stepped aside and the City Engineer is now the facilitator for any negotiations. The Secretary informed the committee that that is a strategy in that the Chambers takes certain stances when he is a part of the discussion and should the CoH end up in the same result with the City Engineer taking the lead - they at least have tried a different approach. The Minister was assuming that the two (2) persons were at loggerheads. The Mayor noted that one of the CoH's heads has recognised this and has taken himself out of the equation. He added that the Minister will be Acting Attorney General when Mr. Moniz is away so perhaps the CoH may want to take full advantage of that.

The Secretary noted that even if the senior civil servant was not being an impediment, they have some natural impediments to this Act. It was not thought through as far as the actual implementation. He does not think the Police have sufficient equipment. He doesn't think anyone has looked at the interface of the firewall issues. These are actual implementation issues that should have been going on in parallel as the legislation was happening. The Mayor added that there is no movement.

9. Status Update:

(i) **Collective Bargaining Agreement (CBA)** - the Secretary noted that there is no change in the situation with the CoH's Collective Bargaining Agreements. The negotiations for the 2015-16 have concluded as far as the Corporation is concerned, but not as far as the BIU is concerned. The time period to start the 2017-18 negotiations has not started yet. He added that the Union leadership is trying to convince its members that zero is zero for a reason. They have reviewed all of the CoH's financials that were provided. Their members are not accepting this. A meeting that was held last week was poorly attended. They have requested another meeting which has been granted next week at 2:30pm in the cafeteria. The Mayor commented that if the CoH wins the current court case next week on the \$18M guarantee, it will suddenly appear to some people that the CoH is swimming in cash and we need to be prepared for that. The Secretary stated that a percentage has been put in the 2017 budget for staff increases. The Mayor noted that we will be \$1.5Million short in our budget for 2017 after some significant cuts and that was with interest-only payments on the guarantee. The Secretary noted that the CoH will pretty much be balanced. He added that he has provided the application for the grant for the seawall project and have given that to the Treasurer with all of the documentation from Engineering; we are requesting \$1.26Million grant. He stated that one of the arguments used is that the CoH did not receive the last tranche of \$1.5Million. The Mayor added that the Minister is aware that we have a rate payer that is contributing a minimum of \$10Million a year in land taxes. He also said that Government actually pays for all the rate payers' rates in St. George's as well as paying for all service and capital projects. The Fire Station is something we simply can't give away for nothing. He noted that again, a senior civil servant is being blamed for that. He does not think that it is his ministry to take blame; it should be with the Ministry of Works and Engineering.

10. Recommendations for Review:

RECOMMENDATION: That the Board support the Secretary, Edward Benevides' candidacy for the IIMC Region XI Director Vacancy. **(Approved in Corporation Board meeting dated 8 September 2016)**. The Minister reserved his decision.

The Mayor commented that in the meeting held with the Minister, there was no clarity given in this regard.

ACTION: The Mayor to contact the Minister again to discuss further a couple of matters from their meeting that need to be addressed, i.e., e.g. Parking Ordinance, etc., if not resolved, will leave the CoH no other option but to go for judicial review.

11. Any Other Business

- (i) **FYI - Staffing Manpower Counts** - to be discussed in the Restricted Session.
- (ii) **Cell Phone Policy** - to be discussed in the Restricted Session.

Councillor Edwards joined the meeting at 10:20am.

12. Motion to Move to a Restricted Session

Proposed: Councillor N. Swan

There was no further business to be discussed.

The public session was adjourned at 10:20am.