



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.

Corporation of Hamilton Board Meeting, City Hall, Hamilton - 6 June 2018 - 12.30pm

Present: Rt. Wor. Charles R. Gosling, JP, Chairman
Councillor John Harvey, MBE, JP
Councillor Dennis Tucker, JP
Councillor Larry Scott
Councillor Nicholas Swan
Councillor Henry Ming
Councillor George Scott, JP
Councillor RoseAnn Edwards

Staff: Acting Secretary/Treasurer - Tanya iris
City Engineer - Patrick Cooper
HR Manager - Lindell Foster
Deputy Treasurer - Siobhan Fubler
Event Project Manager - Danilee Trott
Communications Manager - Zoe Mulholland

Apologies: Councillor Carlton Johnson

1. Confirmation of Notice:

The Acting Secretary confirmed that the appropriate notices of the meeting were duly given according to the meeting guide.

2. Role of the Chairman:

The Mayor confirmed his role as the Chairman.

3. Open Meeting:

The meeting was called to order at 12.36pm.

4. Apologies:

The Mayor confirmed that he had received apologies from Councillor Carlton Johnson.

5. Public Participation/Presentation:

There was no public participation/presentation.

6. Correspondence:

The Mayor received some correspondence just before the meeting regarding the Newport Bermuda Race making a request for various items. Every two (2) years, the CoH and the Royal Bermuda Yacht Club (RBYC) work out the provisions that would need to be approved. The City Engineer advised that the CoH provides gratis extra garbage collection, extra garbage bins and service the bins twice a day. The Mayor commented that as in previous years, RBYC is also requesting to have the access to Albuoy's Point restricted and make the necessary changes for parking in that area.

Councillor Harvey queried if the CoH would be renting the Bermudiana Building to which the City Engineer advised that the building has been rented and the lease term for the month has started.

7. Minutes of Previous Board Meeting dated 9 May 2018

Proposed: Councillor L. Scott

Seconded: Councillor J. Harvey

The Minutes were accepted as read.

8. Matters arising from the Previous Board Meeting of 9 May 2018:

(i) **Have Note 13 (a) updated indicating that the CoH received the monies from the courts on 8 May 2018:** Action item completed.

(ii) **Provide a report of the properties that are not connected to the City sewage system for the Infrastructure Committee to review and then ascertain what would be the best way forward to accommodate and resolve the issue:** The City Engineer has a list of seven (7) properties that are not connected and will continue to update. He is also seeking advice on the wording on the Sewerage Act 1917 to see whether the CoH has rights to enforce or to allow a variation to being on the sewerage system. He spoke with Dr. Jeff Smith of the Environmental Department who is of the opinion that these few cesspits do not constitute much in terms of the environment and would be happy to waive them if the CoH was able to waive them. The Mayor suggested that a note be placed on the deeds of the property in that regard. The City Engineer said maybe a license could be issued so that there is some documentation relating to this matter. The way in which the Act is written is that within 30 days of being written to by the CoH, there should be a connection made. The question is: if the CoH does not write to the owner of the property asking for them to be connected, could they remain unconnected?

Councillor Harvey commented on grandfathering and spoke about the visit to Angle Street where a resident shared with him that her grandfather built the property which was more than 100 years old. The Mayor then commented on when looking at the survey of the all the buildings in the City of Hamilton, many of them are 100 years old and many of them are still in existence today. Many of them would have had a cesspit and yet, every one of those got connected. The City Engineer said the reason for the Act was to get people connected on to the sewerage system because prior to the Act, sewerage was running down the street and into Hamilton harbour.

Councillor Ming said the issue with grandfathering has a fault, i.e. a building that may have been built 1911, single family may have altered through the years, e.g. an apartment with ten (10) units and should be connected.

The Mayor said that it has been agreed upon by the Council that this matter should now be pursued by the Infrastructure Committee.

ACTION: Pursue the matter as it relates to the seven (7) properties that are not connected to the Corporation of Hamilton's sewerage system and ascertain whether the CoH would have the ability to waive the connection of those properties. **(Infrastructure Committee)**

(iii) **Acquire a report from TBI indicating the number of persons that use the City's WiFi over a certain period of time:** The Acting Secretary reported that the process of getting those details are still being worked on.

ACTION: Look at the agreement between the CoH and TBI in terms of WiFi to see if TBI is in breach of that agreement. **(Acting Secretary)**

9. Resolutions Approved by the Minister:

That the Board approve the Draft Financial Statements with the various amendments which were raised during the Finance Committee meeting dated 12 April 2018 for the year ended 31 December 2017. **(Approved May 23, 2018)**

That the Board is in acceptance in pursuing the RFI proposal with the Minister. **(Approved May 23, 2018)**

That the Board approve to place Mr. Edward Benevides, Secretary/COO of the Corporation of Hamilton on administrative leave with pay effective immediately and to be reviewed at the same time as the cases reappear before the courts. **(Approved May 23, 2018)**

That the Board approve the bid from SAS Protection Services Ltd. in the amount of \$1,430,085.00 for the Docks Security Contract effective 1 June 2018. **(Approved May 24, 2018)**

10. Resolutions Not Approved by the Minister

That the Board support the Secretary to approach Mr. Charles Flint of Blackstone Chambers and ask him for an opinion on the amendments made to the Municipalities Act 2018 and whether they indeed address the issues of ultra vires.

The Mayor asked if the Minister realises the repercussions in terms of the CoH pursuing their fiduciary duties.

The Acting Secretary said that the Minister did not approve the SAS Protection Services bid or the approach to Mr. Charles Flint. She went back to the Minister to ask why the bid Recommendation had not been approved. The City Engineer then provided the information pertaining to the bid process and then the Minister subsequently approved the Recommendation.

ACTION: Determine the reasoning and get clarity as to why the Recommendation relating to approaching Mr. Charles Flint of Blackstone Chambers regarding an opinion on the amendments made to the Municipalities Act 2018 was not approved. **(Acting Secretary)**

There was continued dialogue.

Councillor G. Scott commented that the City Engineer was supposed to check into whether the staff of SAS Protection Services were up-to-date in their training for sterile areas. The City Engineer advised that SAS Protection Services has staff trained to the correct levels but they do have more training to do with additional staff. Councillor G. Scott said this Recommendation should have come to the Infrastructure Committee and not a staff member recommending to the Board. The City Engineer said that the Recommendation was discussed in the Infrastructure Committee meeting; a memo was provided and the Minutes clearly show that the matter was discussed in the Committee meeting and then a Recommendation came out of the Infrastructure Committee which went to the Board and approved by the Board. The City Engineer provided all the information that had been forwarded to the Permanent Secretary, i.e. the Minutes of each one of those meetings showing the outline of what was done, what was recorded and how the process was carried out. After reading the information, it took less than two (2) hours to receive the approval.

The Mayor suggested holding off on this discussion and to take a break in the public session to look at the documentation provided regarding the bid Recommendation.

11. Committees and Recommendations for Review:

(i) Residents Advisory Committee - 10 May 2018

There are no Recommendations for review.

(ii) **Infrastructure Committee - 23 May 2018**

There was a presentation given by the Bermuda Ball Hockey Association. They are looking to have a masters hockey tournament using the facilities at No. 1 Car Park under the tent mainly as a back-up in case of inclement weather.

They are looking for the CoH to waive certain fees and they would re-pave the area for about \$20K. It was felt that the CoH be fully supportive of this event.

RESOLUTION: That the Board agree to accept the proposal presented by the Bermuda Ball Hockey Association in principle subject to the agreement on costs and works to be undertaken by the Bermuda Ball Hockey Association to get the venue in shape for the event.

Proposed: Infrastructure Committee

Unanimous

There was a joint request from Flanagan's and Auto Solutions to be able to use five (5) cycle bays in No. 6 Car Park for their World Cup Promotion. The CoH does not normally receive any revenue from the cycle bays and the joint entities are quite willing to pay a fee of \$20.00 per day. They have been instructed that they cannot display any signage on the vehicle.

RESOLUTION: That the Board approve the proposal from the World Cup Promotion subject to a \$20.00 per day parking fee, with the exception of Sundays.

Proposed: Infrastructure Committee

Unanimous

(iii) **Finance Committee - 17 May 2018**

There was no meeting held - postponed until 14 June 2018.

(iv) **Staff, Legislative & Governance Committee - 22 May 2018**

There were no Recommendations for review.

12. Any Other Business:

Councillor Harvey: commented on the matter regarding the approach to Mr. Charles Flint. He also commented on the Minister meeting with the Council. He advised that the Minister has met with the Corporation of St. George regarding his observations about the Municipalities Act. He queried if the Minister wished to meet with the Council of the Corporation of Hamilton and expressed concern with the stand-off. The Mayor stated that the Minister has been invited at least twice (3) times in writing to meet with the Council but no response has been received to date. The PS had responded to an invite asking if she was included in the invitation as well and it was confirmed that she was indeed invited as well.

Councillor Harvey continued by commenting on a statement from the Minister's that he had read relating to the Minister planning to meet with both Municipalities.

He further stated that the CoH cannot move forward with what could be described as a disharmonious relationship and every effort should be made to find out the reasonings why the Minister has not responded.

Councillor Swan: commented on the RFI for the Waterfront and that the meeting with the Minister was imperative so that discussion could be held in that regard as well as many other outstanding issues. He suggested writing another letter to the Minister for the record showing that the CoH is making the effort to meet with the Minister.

13. Motion to Move to Restricted Session.

Proposed: Councillor L. Scott

The Mayor requested that a break be taken to go over some documents so the Public Session closed for a short period at 1.03pm.

The Public Session resumed at 1:17pm.

The Mayor commented on the documentation as it related to the Bid Recommendation for the Docks Security Contract which had been awarded to SAS Protection Services. His hope was to get some clarity to not being recorded properly. He then spoke on the agenda of the Infrastructure Committee for the Wednesday 11 April 2018. Under point #11: Recommendations for Review is where the confusion comes in the Minutes. This matter has been mentioned before and it has to be looked at again to figure out how this is going to be done properly. There are three (3) Recommendations, two (2) of which are Recommendations that are informing the Committee members that it has gone through the process of going to the Council and the Council has actually approved these matters. The third Recommendation is that the Board approved the bid of SAS Protection Services Limited and has not been approved by the Committee yet. Part of the documentation that came with that agenda was a Memorandum done by the Ports Superintendent to the Infrastructure Committee making the Recommendation from the technical staff.

The Minutes of the meeting shows that it was recommended by the Members, was proposed by Councillor Swan and seconded by Councillor Ming and that the motion was unanimous. The Mayor told Councillor G. Scott that the Minutes were from the meeting of 11 April 2018 and a full copy of those Minutes could be provided to the Councillor if he so wished. Councillor G. Scott that he had probably already the meeting when this Recommendation was brought forward. Councillor Ming stated that the meeting was abruptly adjourned shortly thereafter.

The City Engineer queried on how items should be listed on Committee agendas, e.g. the City Engineer is seeking a recommendation of... There were other suggestions brought forward by Councillor Harvey and Councillor Ming, e.g. that the Infrastructure Committee is recommending...

The Mayor said the confusion that he has had in the past in looking at items on the agenda is that he was sure they had already been discussed and agreed upon. These items would be on the agenda to advise the Members that they had gone through the process and had been approved by the Minister, etc. The City Engineer said the confusion arises in how the items are listed on the agenda for the Committee, i.e. Recommendations under Review state: That the Board approve...

The Mayor reiterated that the issue is how the items are recorded on the agenda. They should be listed so that a Member, if they are about to attend the meeting or unable to attend a meeting, would understand what would be discussed at that meeting.

The City Engineer said that any Recommendations under Review are the items that are being looked at for approval from the Council or the Committee. He suggested that those Recommendations should have the author attached to them.

There was continued discussion.

The City Engineer recapped that SAS Protection Services Limited has ISPS training of the correct levels for certain staff. They do not have the full complement numbers that they would require to run this contract and have additional training needs for additional low-level staff. They have the managerial positions and have some other staff that are of the right level. Unless a company holds this contract, they are not going to have all their staff trained to ISPS because there would be no need. You would have to allow, as has been done with the previous contract holder (PSP), a month to get the training in place and then they would be ready to assume the contract.

Councillor G. Scott stated that the sterile areas are very important not only to the CoH but also to the country.

The Public Session closed at 1:30pm.

Date

Mayor

Acting Secretary