



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 December 2016
10:00am

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

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

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** - No apologies.
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 15 November 2016**

Proposed: Councillor L. Scott

Seconded: Mayor, Charles Gosling

The Minutes were accepted as read.

8. Matters arising from Previous Meeting dated 15 November 2016

(i) Acceptable Use Policy: The Mayor said he thinks it is a good idea to advise staff that their emails do not actually belong to them and if they send an email using a City Hall email address then that sits on the CoH's server and is the property of CoH. Whilst the Corporation is not going to go out and deliberately monitor every email, it should be made clear that the CoH does have the right to access all emails if it so chooses. He went on to say that staff should be advised that they must not put information into emails that they do not wish to share with the entire world.

Councillor L. Scott asked the Mayor whether he was suggesting this should be part of the Policy and the Mayor confirmed that perhaps the Executive would want to have this as a supplement to the Policy and as a general reminder. The Secretary said the wording would sit well somewhere in the first paragraph of the Introduction section of the Policy and that he will include the text and bring it back to the Committee at the next meeting.

ACTION: The Secretary to insert wording regarding staff use of CoH emails into the Acceptable Use Policy.

Both Councillor L. Scott and the Mayor confirmed they are happy with all the other amendments that have been made to the Policy to date.

The Mayor raised the issue of staff use of CoH cellular phones during working hours because he did not see this covered in the document. The City Engineer said that the document everyone is reviewing is missing the section 'Using Electronic Devices at Work'. It was however agreed that the word 'personal' should be inserted before the word 'use'. The City Engineer said he would make this change and provide the correct document for review at the January Committee Meeting.

ACTION: The City Engineer to provide the Committee with a correct version of the Acceptable Use Policy for their review at their January Meeting.

(ii) Sponsorship Policy: The Secretary said he has not had a chance to finalise the Policy.

ACTION: The Secretary to finalise the sponsorship policy and then bring it back to the Committee for approval.

(iii) Draft Policy on Unsolicited Proposals: The Secretary received a comment from Steve Woodward at KPMG. Mr Woodward said he had been unable to get hold of a basis from which to make a comparison but had reviewed the document and thought it was very comprehensive and acceptable.

The Mayor said he has been giving it some thought and one of the reasons the Committee has brought it up right now is because of an issue with somebody trying to use Barr's Bay as an onloading and offloading spot and for boat rentals, etc.

This is just the tip of the iceberg as people start to wake up and see America's Cup approaching and thinking of revenue earning ideas on Corporation property. The Mayor went on to say that whilst he had been the one to bring this item up, he felt that there really just needs to be more transparency when the CoH receives any unsolicited proposals.

The Secretary said there is a decision in the policy to be transparent but would have to weigh up the risk of releasing the intellectual property vs transparency. This particular example is not a good one because it fails the unsolicited policy and it would not have been accepted and would have gone out to tender. He went on to say that there have been and there will be in the future proposals that the CoH has not thought of and unfortunately the CoH is not in a position financially to implement the ideas themselves. The Secretary said if this policy is enacted then it would be much harder than before and the chances of somebody bypassing the process is diminished. Although at some point the CoH will need to publish the policy. As long as CoH's processes are consistent and demonstrate that a set of evaluations has done before going public to balance that risk then the policy should be sufficient. The Secretary said that the Committee will need to ensure they are comfortable with the wording.

The Mayor said that he hopes that what the CoH has right now is a Council which is interested in good governance but if there were to be a Council in the future where good governance was not a priority then perhaps they are opening up the stable doors. The Secretary said that at least this Council has a policy which had not been the case in the past.

RECOMMENDATION: That the draft Policy on Unsolicited Proposals is reviewed by the full Board for approval.

Proposed: Councillor L. Scott
Unanimous

Seconded: Mayor, Charles Gosling

i) **Part-Time Employee Category:** The Secretary said that management had been directed to look at a category by the previous Council although he is now trying to understand what this current Committee is looking for. The City Engineer said the CoH has looked at implementing part-time categories on previous occasions, in particular Sweepers. Although at present the CoH does not have the budget for this so this is just an ongoing exercise until an appropriate budget is in place. Councillor Swan said that although it is not a priority at the moment perhaps it would be useful for management to review it over the next six months or so. The Secretary said that Government uses part-time work categories and perhaps certain seasonal positions could be appropriate for the CoH. Therefore management will continue to review part-time categories although it does not seem appropriate to implement a policy at this time. Councillor L. Scott agreed and said it would be best to review a policy as and when a particular situation arises.

ii) **Review List of Outstanding Resolutions:** After some discussion, it became apparent to the Secretary that a previous Board had in fact resolved for the management team to pursue the creation of a part-time employee category.

He said the Resolution could be amended to say that it will be left with the management team to discern employment levels / part-time categories. Councillor L. Scott said in light of the last discussion, that would be the best course of action.

The Secretary said that unfortunately there were a lot of Resolutions made under the previous Council that got put to one side and many of these Resolutions were also set aside by the Minister and the Secretary is in the process of cleaning up outstanding Resolutions.

RECOMMENDATION: That the Resolution made by the previous Board relating to part-time employee categories is amended to state that the management team should determine which employee categories are required to meet the Corporation's Mission Statement.

Proposed: Councillor L. Scott
Seconded: Councillor H. Ming
Unanimous

The Secretary referred to a Resolution made by the Board on 8th January 2014 when the Board had resolved that the CoH should not speak to Government unless it went through the Council. The motion said that any instructions from Government to any members of staff need to be in writing giving the Council time to confirm and ascertain whether the instruction is legal or not. The Secretary said this is now in direct conflict with current instructions. The Mayor asked whether all three (3) Alderman had been present at the meeting and the Secretary confirmed there had only been two and he himself had not been present. The Mayor said that if there were only two Alderman present, then the Resolution would have failed because one of the Alderman abstained. The Secretary said that he had discussed this with the Mayor on a previous occasion and it had been found to be compliant because there was a majority present and the Resolution was passed.

Councillor L. Scott said that the Resolution needs to be rescinded although the Mayor said that if the original motion failed then the Resolution would not have been passed anyway. It was agreed that the Secretary would review who had been present at the Board Meeting and who had voted.

Councillor Swan said he has a problem with Government intervention. The Secretary said that the Minister can direct the staff and the Council and in fact the Minister has directed them twice in the past month. Councillor Swan asked whether the Minister has to go through The Mayor. The Secretary said that he does not and he can go directly to staff or Council. Unfortunately this is what the previous Council took acceptance to and the legal advice they got was that it flies in the face of the fact they are an elected body and decisions should be made by the CoH's own Board and the Government should not intervene. The Secretary said that it will only start to become an issue if the Minister starts to intervene more and more in CoH policies.

It was then reported by the Secretary that three (3) Alderman had in fact been present at the Board Meeting on 8th January 2014 so the Resolution was legal (although it had in fact been recorded as failed).

The City Engineer commented that even if the motion had failed on that particular occasion then it would have been presented again at a future meeting when the necessary number of voters were present and the motion would have been passed because that is how the previous administration operated.

The Mayor said he still had concerns about the validity of the Resolution and suggested that the list of outstanding Resolutions should be passed again to the Minister to accept or decline. It should also be pointed out that the CoH feels the Resolution made on 8th January 2014 is counter to the Act.

The Mayor went on to say that the CoH is aware that it needs a new Act and should not sit back and let the Minister decide what decisions he is going to make and when he is going to make them. It will be far easier for the Minister to review the outstanding Resolutions instead of the Council looking at every single one on an individual basis as this would be completely unnecessary.

ACTION: The Secretary to send the Minister the list of outstanding Resolutions for his review.

iii) Rescind the Resolution regarding 11 Dundonald Street: The Secretary said this had been dealt with. The Mayor mentioned that the Bermuda Society of Arts has declared an interest in renting the property but has yet to receive an approach from them. The Mayor said that when the Resolution had originally been passed he had asked that a set timeline be included.

9. Status Update:

No status update.

10. Recommendations for Review:

All recommendations had been reviewed earlier in the meeting.

11. Any Other Business:

No further business was discussed.

12. Motion to Move to a Restricted Session

Proposed: Councillor L Scott

Seconded: The Mayor, Charles Gosling

The public session was adjourned at 10.40am.