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**MINUTES OF THE 164<sup>TH</sup> MEETING OF THE TENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 19<sup>TH</sup> SEPTEMBER 2013, AND CONTINUED**  
**ON MONDAY 23<sup>RD</sup> SEPTEMBER**

- PRESENT: Her Excellency the Governor, Ms Christina Scott
- The Honourable Hubert Hughes, Chief Minister and Minister of Finance,  
Economic Development, Investment, Commerce and Tourism and Minister  
of Labour and Immigration and Minister of Social Development and Health
- The Honourable Deputy Governor, Mr Stanley Reid
- The Honourable Jerome Roberts, Minister of Lands, Physical Planning, Human  
Rights, Environment, Gender Affairs and Agriculture and Fisheries and Minister  
of Sports and Education, Library Services, Sports, Youth and Culture
- The Honourable Evan Gumbs, Minister of Infrastructure, Communications,  
Utilities and Housing
- The Honourable Attorney General, Mr James Wood QC
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Dr Wycliffe Fahie, PAS, FIN/Chairman, Procurement Board  
Mr Lynrod Brooks, Health Planner/Acting PS, HSD  
Mr Ambrell Richardson, Director of Health Protection  
Dr Aidan Harrigan, PS, FIN  
Mr Foster Rogers, PS, EDICT  
Mr Patrick Hanley, Personal Assistant to the Hon CM/Minister of Finance  
Hon Haydn Hughes, Parliamentary Secretary  
Mrs Shantelle Richardson, Projects Officer  
Ms Anthea Ipinson, Chief Projects Officer  
Mr Steve McCready, Chief of Staff, Governor's Office  
Mr Ricardo Jeremiah, Bonaire Campus Director in Anguilla  
Mr Ivor Greene, Senior Crown Counsel (Civil)  
Ms Valencia Prentice, Accountant General (Acting)  
Mr Larry Franklin, PS, MICUH  
Mr Rommel Hughes, CEO, Water Corporation of Anguilla  
Mr Gifford Connor, DLS

EX MIN 13/627

**CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 163<sup>rd</sup> Meeting held on Thursday 12<sup>th</sup> September 2013 and the Minutes of a Special Meeting held on Friday 13<sup>th</sup> September 2013.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 13/628

**EX MIN 13/608 WASTE COLLECTION**

Dr Wycliffe Fahie, PAS, FIN/Chairman, Procurement Board, Mr Lynrod Brooks, Health Planner/Acting PS, HSD and Mr Ambrell Richardson, Director of Health Protection joined the Meeting.

The Hon Deputy Governor absented himself from discussion because of his sibling's involvement in waste collection.

With reference to EX MIN 13/608 of 12<sup>th</sup> September 2013, the Chairman of the Procurement Board informed Council that the Procurement Board would be meeting on Friday 20<sup>th</sup> September and that a formal written decision would be presented to the Evaluation Committee on Monday 23<sup>rd</sup> September.

The Acting PS, HSD indicated that a copy of the tender document had been sent to the AG's Chambers and that the relevant personnel would liaise with the Chambers to draw up contracts from the tender document for the various zones. Council requested the Officials to ensure that the GoA gets value for money.

Action: PS, HSD (Acting); PS, FIN; PAS, FIN; PS, EDICT; ACC GEN

EX MIN 13/629

**EX MIN 13/609 PROGRESS ON FFSD LEGISLATION & FFSD:  
CAPITAL EXPENDITURE OPTIONS**

EX MIN 13/609 of 12<sup>th</sup> September 2013 refers.

The following Officials joined the Meeting:-

Dr Aidan Harrigan, PS, FIN  
Mr Foster Rogers, PS, EDICT  
Mr Patrick Hanley, Personal Assistant to the Hon CM/Minister of Finance  
Hon Haydn Hughes, Parliamentary Secretary  
Mrs Shantelle Richardson, Projects Officer  
Ms Anthea Ipinson, Chief Projects Officer  
Mr Steve McCready, Chief of Staff, Governor's Office

Council noted that the draft FFSD Legislation was being reviewed by the Attorney General's Chambers and would be ready for consideration at the next full meeting of Executive Council once the amendments to the legislation had been vetted by

the Attorney General's Chambers. A comprehensive review of the Financial Administration and Audit Act would take place at a later date.

Council further noted the following proposed capital allocations for UKG grants as approved by the House of Assembly in the 2013 budget:-

Equity Investment in Resolution Trust Company	5,000,000.00
Valley Multi-Sport Indoor Facility	490,884.00
Road Development Project	6,000,000.00
Fire Services Development	<u>1,000,000.00</u>
<b>TOTAL</b>	<b><u>12,490,884.00</u></b>

The Governor indicated that, given that these proposals were worked up some time ago, Ministers might want to consider whether these were still the highest project priorities for the UK grant.

The Chief Projects Officer gave an update on the receipt of funds under the European Development Fund stating that the rider request that revised the conditions for 2013 had been approved by the European Commission Headquarters, and it was agreed that this Addendum to the Financing Agreement should be signed and returned to the EU delegation in Barbados. The disbursement request for the second tranche of the EU funds was due for consideration by the European Commission during the month of September 2013.

Action: PS, FIN; PS, EDICT; CPO; ACC GEN

EX MIN 13/630

**EX MIN 13/617 EX MEM 13/290 APPEAL AGAINST PLANNING PERMISSION – ABC SUPPLIES**

Further to EX MIN 13/617 of 12<sup>th</sup> September 2013, Council, following a site visit at the proposed development, agreed that the appeal against planning permission by ABC Supplies to construct a parking lot at the Valley, Anguilla (Block: 48813 B, Parcels 80 and 81) should be allowed. Council made it clear that permission was granted for parking only and not for storage purposes.

Council also agreed that the public footpath would remain.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, MHA/LANDS; PPO; DLS

**Continuation of Meeting of Executive Council**

Council agreed that the Meeting of Executive Council should be adjourned and that it be continued on Friday 20<sup>th</sup> September. Subsequently, the Meeting was postponed and reconvened on Monday 23<sup>rd</sup> September at 9:00 am.

EX MIN 13/631

**EX MEM 13/295 FILLING FOUR VACANT POSTS OF IMMIGRATION OFFICER I**

Council:

- (i) noted that four posts of Immigration Officer I in the Immigration Department became vacant due to resignations from the APS; and
- (ii) agreed that the positions of Immigration Officer I in the Immigration Department be filled with immediate effect.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, MHA/LANDS; PS, PA; PS, FIN; PS, EDICT; BD

EX MIN 13/633

**EX MIN 13/622 EX MEM 13/297 PROVISION OF FUNDS TO THE ANGUILLA TOURIST BOARD FOR SETTLEMENT OF TRIBUNAL AWARD TO MR FITZROY TOMLINSON**

PS, EDICT remained for discussion.

Further to EX MIN 13/622 of 12<sup>th</sup> September 2013, Council:

- (i) noted the total sum of EC\$339,724.32 to settle a Tribunal Award for the dismissal of Festivals Coordinator, Mr Fitzroy Tomlinson;
- (ii) agreed that in light of the financial relationship between the ATB and the GoA that any settlement or judgment would involve the GoA providing funds to the ATB to resolve the matter;
- (iii) agreed that the GoA should contribute EC\$250,000.00 as part settlement with Mr Fitzroy Tomlinson; and
- (iv) agreed that the remaining EC\$89,724.31 be paid by the ATB and that this amount be deducted from the next three (3) subvention payments in equal amounts of EC\$29,908.10.

Council was not pleased with the circumstances surrounding this case. Council expressed the view that rules were needed to address issues surrounding personal business interests and apparent conflict of interests.

Action: PS, EDICT; PS, FIN; ACC GEN

EX MIN 13/634

**EX MIN 13/615 EX MEM 13/298 SURRENDER OF LEASE BY OMOLULU EDUCATIONAL INSTITUTE INC. – APPLICATION FOR NEW LEASE BY ANGUILLA EDUCATIONAL FOUNDATION AND SUBLEASE – PROPERTY DESCRIBED AS REGISTRATION SECTION CAULS POND, BLOCK 68914 B PARCEL 264, CONTAINING 2.00 ACRES OF LAND**

DLS remained for discussion.

Further to EX MIN 13/615 of 12<sup>th</sup> September 2013, Council agreed that the paper should be further deferred to enable to AG's Chambers to examine further whether an Aliens Land Holding Licence is needed.

Action: AG; PS, MHA/LANDS; DLS

EX MIN 13/635

**EX MEM 13/299 ANGUILLA AIR AND SEA PORTS AUTHORITY (AASPA) TARIFF BOOK**

Council approved the Anguilla Air and Sea Ports Authority's Tariff Book by the Minister with responsibility for Ports in accordance with Section 52 of the Anguilla Air and Sea Ports Authority Act, subject to officials reviewing the \$US/EC conversion rate.

Action: PS, MICUH; AIR MAN

EX MIN 13/636

**EX MEM 13/300 TRANSFER OF RESPONSIBILITY FOR THE COLLECTION OF EMBARKATION TAX AND AIRLINE TICKET TAX TO THE ANGUILLA AIR AND SEA PORTS AUTHORITY**

Council agreed that the paper should be deferred for further discussion on staffing matters and that it should be resubmitted to Executive Council on Thursday 3<sup>rd</sup> October for further consideration.

Action: PS, MICUH

EX MIN 13/638

**EX MEM 13/302 ELECTION REPORT RECOMMENDATIONS**

Council:

- (i) approved the start of the process to facilitate the redrawing of the electoral boundaries with a view to the process being concluded in time for the proposed changes to be considered shortly after the general elections scheduled for 2015;
- (ii) agreed that officials draw up a project plan for the implementation of new electoral boundaries and that this be presented to Council in the next six weeks;
- (iii) approved the formulation of the appropriate policy to address party campaign financing and other amendments to electoral laws for the consideration of Executive Council. Subject to future agreement by Council, the policy will be subsequently translated into drafting instructions and ultimately reflected in legislation; and

- (iv) approved the conduct of the assessment by the Caribbean Telecommunications Union at a cost of US\$12,230.00 to determine the feasibility of the proposed National Identification System project.

Action: HON DG; SUP/ELECTIONS; AG; MINS OF GOV'T

EX MIN 13/639

**EX MEM 13/303 DRAFT REGULATIONS FOR ENHANCED AML/CFT COMPLIANCE**

On the 19<sup>th</sup> September Council agreed that the paper should be deferred to ensure that stakeholders had been consulted and were satisfied with the content of the legislation.

On resumption of Executive Council Meeting on 23<sup>rd</sup> September, the Hon AG indicated that he had confirmed that consultations had taken place with stakeholders who were supportive of the regulations.

Council:

- (i) approved the Anti-Money Laundering and Terrorist Financing (Amendment) Regulations 2013; the Externally and Non-Regulated Service Providers Regulations, 2013; and the Administrative Penalties Regulations 2013 for immediate signature by HE the Governor; and
- (ii) authorised the Regulations for gazetting at the earliest possible date.

Action: AG; PS, FIN; PS, EDICT; DIR, FSC

EX MIN 13/640

**EX MEM 13/304 OVERDRAFT FACILITY 2013/2014**

PS, FIN remained for discussion.

On the 19<sup>th</sup> September Council agreed to defer the paper to enable HE the Governor to make the FCO aware of its content. On the 23<sup>rd</sup> September the Governor informed Council that the FCO was happy with the document. Council agreed that:

- (i) an overdraft facility of EC\$20 million should be maintained at the Caribbean Commercial Bank (Anguilla) Ltd at an interest rate of 6.75%, effective 1<sup>st</sup> October 2013 to 30<sup>th</sup> September 2014;
- (ii) a continuing guarantee should be provided by the GoA to Caribbean Commercial Bank (Anguilla) Ltd;
- (iii) the operating accounts relationships established with the original approval of the facility should be maintained by the GoA at Caribbean Commercial (Anguilla) Ltd; and
- (iv) the attached draft overdraft resolution should be submitted to the House of Assembly at its next sitting to give effect to its renewal.

Action: PS FIN; PS, EDICT; ACC GEN; CL, HOA

EX MIN 13/641

**EX MIN 13/607 EX MEM 13/305 REVIEW OF LEASE & MEMORANDUM OF UNDERSTANDING WITH RAVCO INC – REGISTRATION SECTION NORTH CENTRAL, BLOCK 48814 B PARCEL 249 CONTAINING 1.00 ACRE**

Mr Gifford Connor, DLS joined the Meeting.

With reference to EX MIN 13/607 of 12<sup>th</sup> September 2013, and following further discussion with the Hon AG and the DLS, Council:-

- (i) approved the amended Lease Agreement and MoU between RAVCO INC and Crown for property described as Parcel 249 situate in Registration Section North Central, Block 48814 B containing 1.00 acre for further discussion with the developers; and
- (ii) authorised the Hon Chief Minister/Minister of Finance to sign the MoU between the Government of Anguilla and RAVCO INC on behalf of the Government of Anguilla.

Action: AG; DLS; PS, EDICT; PS, MHA/LANDS; COM MAN

**ORAL MENTION**

EX MIN 13/642

**EX MIN 13/621 ST. JAMES MEDICAL SCHOOL: BONAIRE CAMPUS**

In EX MIN 13/621 of 12<sup>th</sup> September 2013, Council noted a request from the St. James Medical School regarding the moving of its Bonaire campus to Anguilla.

The Personal Assistant to the Hon CM/Minister of Finance, the Hon Parliamentary Secretary, PS, HSD (Acting), PS, FIN and PS, EDICT remained for discussion. Messrs Ivor Greene, SCC (Civil) and Ricardo Jeremiah, Campus Director in Anguilla joined the Meeting.

Council was joined via teleconference by:-

Dr Guha, CEO, Bonaire Campus  
Dan Cuckovic, VP Administration  
Raj Mitra, VP Enrollment, and  
Shirsha Guha, Chief Operating Officer

Council received an explanation from representatives of the St. James Medical School of the proposal to make the Bonaire campus a sub-campus of the Anguilla campus, and by the end of 2014 to close the Bonaire Campus and expand the Anguilla campus accordingly. Council discussed important issues pertaining to the possible contractual relationship between the Anguilla and Bonaire campuses,

particularly as it relates to accreditation as well as implications for the St. James Medical School site.

Council, following discussion and clarification of issues, agreed to facilitate this request. Council noted that the deadline date for the Bonaire campus was 1<sup>st</sup> October and agreed that a letter be sent by noon on Monday 23<sup>rd</sup> September setting out the GoA's support to the Bonaire campus becoming a sub-campus of the Anguilla medical school.

The Campus Director in Anguilla indicated that accommodation was being looked at and measures were being put in place for a smooth transition.

Further to the above, Council, in its meeting on Monday 23<sup>rd</sup> September 2013 agreed the letter, which was drafted by the AG's Chambers on behalf of the GoA to be sent to Ms Shirsha Guha.

Action: PS, HSD (Acting); MINS OF GOV'T

EX MIN 13/643

**HOUSING ALLOWANCE: ATTORNEY GENERAL**

The Hon Attorney General absented himself from the meeting. Mr Ivor Greene, SCC (Civil) remained for discussion.

Council, cognizant of the established policy as it relates to contracts, agreed, on the grounds of the need to improve his personal security, that the Hon Attorney General should continue to receive the full housing allowance for the duration of his contract. Council noted that the AG should take steps to improve his own security and should also consider moving to a more secure residence if his current residence could not be made secure.

The Hon Deputy Governor asked Council members to be conscious of the adverse consequences that such decisions could create in relation to management and morale issues in the APS.

Action: PS, FIN; ACC GEN

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