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MINUTES OF THE 223RD MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 8TH JANUARY 2015

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 Hon 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 Education, Library Services, Sports, Youth and Culture

The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing

The Honourable Attorney General, Mr Rupert Jones

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance
Mr Vanroy Hodge, CEO, AASPA
Mr Sherman Williams, Finance Manager, AASPA
Mr Foster Rogers, PS, EDICT
Mr Leslie Hodge, DLS
Ms Marisa Harding-Hodge, TIO

EX MIN 15/04

CONFIRMATION OF THE MINUTES

Council confirmed the Minutes of the 221st and 222nd Meetings held on Tuesday
23rd December 2014 and Friday 2nd January 2015 respectively and the Minutes of a
Special Meeting held on Wednesday 24th December 2014.

MATTERS ARISING FROM THE MINUTES

EX MIN 15/05

EX MIN 14/822 MAINTENANCE OF THE PHOTOCOPIERS

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance joined the Meeting.

Further to EX MIN 14/822 of 23rd December 2014, Council was informed that the PS, MICUH had spoken to DITES concerning the above. Council was advised that Canon photocopiers were the most prominent in Anguilla and that Business Services, a company in St. Maarten was responsible for supplying needed parts and for the maintenance of the machines. Council suggested that Mr Cuthbert Jackson, local Installation & Maintenance Technician should seek accreditation to deal with the photocopiers.

Action: PS, MICUH; DIR, DITES

EX MIN 15/07

EX MEM 15/02 PAYMENT OF DEFERRED SALARY – MS X

[note on publication: name redacted to protect personal health information]

PA to the Hon CM/Finance remained in attendance.

Council agreed that Ms X in the Education Department should be paid her deferred salary of EC\$33,751.16 to assist her in defraying some of the medical costs being incurred as a result of her mother's medical condition.

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

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

EX MIN 15/08

EX MEM 15/03 CONSULTATION WITH THE GOVERNOR IN COUNCIL ON APPOINTMENT OF PUC EXECUTIVE DIRECTOR

PA to the Hon CM/Finance remained for discussion.

Further to EX MIN 14/780 (EX MEM 14/455) of 11th December 2014, Council agreed that Mr Colville Petty, Executive Chairman of the PUC should be invited to Executive Council on Thursday 15th January 2015 to hear first-hand what are the views of Council and to allow for further consideration of views. Council additionally agreed that Mr Petty could bring an associate with him, if he so desired.

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

Action: PS, MICUH; HON MIN, MICUH; PA/HON CM/FIN

EX MIN 15/12

EX MEM 15/07 PROPOSED AMENDMENT TO THE LEGISLATORS PENSIONS ACT

PA to the Hon CM/Finance remained for discussion.

Further to EX MIN 15/02 of 2nd January 2015, Council:-

- (i) noted the comments from the Hon Attorney General on the matter dated 7th January 2015;

- (ii) noted the Ministry of Finance's assessment that if the proposed amendment to the legislation was to be enacted there was the possibility that the costs for payment of gratuities would be EC\$1,161,680.47.
- (iii) noted that Ministers felt that this decision would not be impacting a particular party but would be beneficial to all legislators;
- (iv) noted that Ministers reported that they had held discussions with Members of the Opposition and reported that they unanimously agreed to the proposed amendment to remove the phrase "and has attained the age of 55 years or 60 years, as the case may be", from Section 7(1) of the Legislators Pensions Act; and
- (v) requested the Hon Attorney General to expand his enquiries as to how legislators in the other Caribbean countries were treated and to come back to Executive Council on Thursday 15th January 2015 with his findings for further consideration.

The Hon Deputy Governor noted that in 2004 Government determined that the pension system was not sustainable. The pension legislation applicable to public officers was, therefore, amended to require public officers to retire at age 60 or 65 years rather than 55 years. The amended legislation also provided that public officers would contribute to the Public Service Pension Fund.

The Legislators Pension Act was similarly amended to provide that legislators would receive any benefits (pension or gratuity) at age 60 rather than at 55 years. The Legislators Pension Act, however, does not require that legislators contribute to a pension fund.

The rate at which a public officer's pension would be calculated was also reduced by the 2004 amendment to the Pension Act, effectively reducing the quantum of future pensions for public officers. The same amending legislation provides for public officers, who have served for ten years and therefore have become eligible for pension at retirement age, to resign from the Anguilla Public Service and immediately receive a reduced gratuity. The gratuity payable would be reduced, according to the Act, by a certain percentage depending on the number of years the person resigning has before achieving retirement age. The more years a person has before he/she reaches retirement age the greater the reduction in the gratuity payable.

The DG further noted that to amend the Legislators Pension Act, at this time, would provide for legislators who may not be successful at the upcoming elections to immediately receive a gratuity, without reaching pensionable age or serving for ten years. The amendment would reverse a previous amendment and would be viewed as self-serving.

The Governor reiterated her earlier concerns that the amendment was being proposed without either public consultation, or the benefit of advice from an independent committee. This would add to a perception that legislators were taking decisions in their own interest. In addition, no provision had been made in

the recently agreed Budget for 2015 for this proposal, so if implemented there would be an opportunity cost in terms of other planned spending not proceeding.

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

Action: AG; PS, FIN; PS, EDICT; BD; MINS OF GOV'T

EX MIN 15/13

EX MEM 15/08 APPOINTMENT OF MEMBERS TO THE PROCUREMENT BOARD

PA to the Hon CM/Finance remained for discussion

Further to EX MIN 14/814 of 23rd December 2014, Council:-

- a) approved the appointment of the following persons to the Procurement Board for a two-year period i.e. 2015 – 2016:-
 - i) Mr Bren Romney, as a public officer member;
 - ii) Ms Nashara Webster-Wilkes, as a public officer member;
 - iii) Mr John Harrigan as the private citizen member; and
- b) agreed that the allowances for all Board members would remain as present.

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

Action: PS, FIN; PS, EDICT; PS, PA; CHIEF PROC OFF; CHAIR, PROC BD

EX MIN 15/14

EX MEM 15/09 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

PA to the Hon CM/Finance remained for discussion.

Council agreed that the following persons who would be representing the Eastern Caribbean Central Bank (ECCB) in Anguilla as the Financial Auditors at NBA and CCB should be exempted from the work permit requirement for the period 11th – 31st January 2015 under Section 3 (f) of the Control of Employment Act:-

- 1) Kerson Ray Batchu - Jamaica
- 2) Marika Sherika Hillaire - Grenada
- 3) Nadine Elizabeth Williams - Jamaica
- 4) Sabrina Marie Puckerin - Barbados
- 5) Jabari Anderson Bovell - Barbados
- 6) Davian Omar Durant - Barbados

- 7) Anthony Sylvester Dunbar - Barbados
- 8) Caydion Ezera O'Neil Campbell - Jamaica

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

Action: PS, IMM; PS, FIN; PS, EDICT; LAB COM; CIO

EX MIN 15/15

EX MEM 15/10 THIRD AMENDMENT TO THE MOU BETWEEN THE GOVERNMENT OF ANGUILLA AND SOF-VII-HOTEL II ANGUILLA HOLDINGS LLC AND SIDE LETTER

PA to the Hon CM/Finance remained for discussion. Messrs Foster Rogers, PS, EDICT, Leslie Hodge, DLS and Ms Marisa Harding-Hodge, TIO joined the Meeting.

Further to EX MIN 14/827 of 24th December 2014, Council endorsed the recommendation from the Ministry of Finance and Tourism that a written correspondence be sent to the Solicitors for SOF-VII-HOTEL II ANGUILLA HOLDINGS LLC requesting that:-

- i) GoA is furnished with a full copy of the Purchase and Sale and Supplemental Agreements;
- ii) Foreign Direct Investment (FDI) forms are submitted to the Ministry of Finance, Economic Development, Investment and Commerce; and
- iii) an ALHL application be submitted.

Action: PS, EDICT; TIO; DLS; AG; PS, FIN; PS, MHA/LANDS

ORAL MENTION

EX MIN 15/16

OFFICE ACCOMMODATION FOR ENVIRONMENTAL UNIT

PA to the Hon CM/Finance remained for discussion.

The Hon Minister, MHA told Council that the Environmental Unit was in need of office accommodation. He said that the office presently used by the Disaster Management was identified as possible office space which could be used to accommodate the Environmental Unit. This identification was made on the premise that the building adjacent to the Police Station was initially earmarked to house the Disaster Management Office and that the space set aside in this building for the Emergency Operations Centre was not currently being used.

Council requested the Hon Deputy Governor, PS, MICUH, Director, Disaster Management and PS, MHA/LANDS to have a discussion on the possibility of arranging available office space for the Environmental Unit and to update Executive Council on Thursday 15th January on this.

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

Action: DG; PS, MICUH; DIR, DM; PS, MHA/LANDS

EX MIN 15/17

PROPOSED AIRPORT DEVELOPMENT

PA to the Hon CM/Finance remained for discussion. The following persons joined the Meeting:-

Mr Vanroy Hodge, CEO, AASPA
Mr Sherman Williams, Finance Manager, AASPA

EX MIN 14/790 of 11th December 2014 refers.

The CEO, AASPA gave a comprehensive briefing to Executive Council on the information provided by the consultant on the proposed airport development. He indicated that extensive work had been done to the proposal to bring it to a stage for further consideration. In his view, whilst his strong preference had always been for a full, open and competitive tender process (which is an approach not to be considered by the developers), the latest draft Letter of Intent was amended in such a way that the risk of liability to the GoA was now diminished. However, the CEO, AASPA was of the view that AASPA was concerned primarily with the day to day operations of the ports, and the proposal being made by developers spoke to much longer-term strategic issues about the economic development of Anguilla, and the way in which this should be achieved. As such, he therefore was of the view that he had progressed the discussions with the developer to a point for further consideration, and it was now for Ministers, technical officials and legal advisors in the Government of Anguilla to review the proposals. 'Fresh eyes' were needed on the proposals. He undertook to circulate the latest drafts, which had hitherto not been shared with the Government of Anguilla because the original proposal that was submitted was not sound enough for serious consideration.

The Hon Chief Minister stated that the GoA was seriously interested in having a new airport which should be privatised. He said that the GoA was not going to plunge into any debt or any financial commitments and reiterated that any new airport must be privatised.

Council:-

- i) noted the comprehensive update from the CEO, AASPA; and
- ii) asked that the CEO, AASPA circulate the latest draft documentation provided by the developer so as to allow for a proper consideration of the proposals by the appropriate authorities and experts.

Action: EXCO MEMBERS, PS, MICUH; PS, EDICT; PS, FIN; CEO, AASPA
