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MINUTES OF THE 50TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 26TH MAY 2016

PRESENT: Her Excellency the Governor, Ms Christina Scott

The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism, Lands & Physical Planning

The Honourable Acting Deputy Governor, Mr Perin Bradley

The Honourable Cora Richardson-Hodge, Minister of Home Affairs, Immigration,
Labour, Environment, Human Rights, Gender Affairs, Constitutional Affairs and
Information and Broadcasting

The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture and Fisheries and Information Technology

The Honourable Attorney General, Mr Rupert Jones

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Hon Cardigan Connor, Parliamentary Secretary
Mr Marc Bienvenu, Property Tax Consultant
Mr Foster Rogers, PS, EDICTLP
Mr Leslie Hodge, DLS
Mr Larry Franklin, PS, MICUHAFIT
Mrs Evelyne Apire-Hodge, CEO, Water Corporation of Anguilla
Mr Mark Romney, Deputy Chairman, Water Corporation of Anguilla

ABSENT: The Honourable Evans Rogers, Minister of Health and Social Development

EX MIN 16/300 **CONFIRMATION OF THE MINUTES**

Hon Cardigan Connor, Parliamentary Secretary joined the Meeting.

Council confirmed the Minutes of the 49th Meeting held on Thursday 5th May 2016
and the Minutes of Special Meetings held on Monday 9th May 2016, Tuesday 10th

May 2016, Wednesday 11th May 2016, Monday 16th May 2016 and Wednesday 18th
May 2016.

MATTERS ARISING FROM THE MINUTES

EX MIN 16/301

EX MIN 16/284 EX MEM 16/168 CONSULTATION ON (A) THE JUSTICE PROTECTION ACT; (B) THE ANGUILLA POLICE AMENDMENT ACT

Hon Parliamentary Secretary remained in attendance.

Further to EX MIN 16/284 of 5th May 2016, Council agreed that:-

- (i) the Anguilla Police Amendment Act 2016 should not be published on the GoA website and in the Official Gazette;
- (ii) the Anguilla Police Amendment Act 2016 should be brought back to Executive Council on 2nd June 2016 for further consideration; and
- (iii) consultation on the Justice Protection Act should commence on 1st June 2016.

Action: HON AG; COP; CL, HOA

EX MIN 16/302

EX MEM 16/175 REQUEST UNDER LEASE OF CROWN LAND TO MAKE STRUCTURAL ALTERATIONS/ADDITIONS TO BUILDING – CICELYN CARTY – PROPERTY DESCRIBED AS REGISTRATION SECTION NORTH, BLOCK 58815 B, PARCEL 300, CONTAINING 0.25 ACRE

Hon Parliamentary Secretary remained in attendance. Mr Foster Rogers, PS, EDICTLP joined the Meeting.

Council considered and supported the recommendations as outlined below:-

- (i) Cicelyn Carty has been living at the referenced location for almost twenty (20) years and has made improvements to the property. Even though the current lease is silent on who owns the improvements at the end of the lease, it would be unreasonable and immoral to dispossess the family of property that they constructed over the last twenty (20) years. In light of this, it would be unreasonable for the improvements to be reverted to the lessor;
- (ii) the lease should be calculated on land only;
- (iii) negotiations to be entered into with Cicelyn Carty with a view to entering into a purchase arrangement of some sort, whether on a lease-to-own basis or outright purchase. If Mrs. Carty is willing to purchase, the property should be sold to her at market value; excluding the improvements; and
- (iv) this matter with Cicelyn Carty should not be used to extend the same privileges to other individuals but the Government would need to look at them on a case by case basis and a policy developed to deal with such matters.

Council mandated the PS, EDICTLP to submit a draft policy on Crown leases/Investment in Crown property to Executive Council by the end of July 2016 for consideration.

Action: PS, EDICTLP; DLS

EX MIN 16/303

EX MEM 16/176 APPLICATION FOR RENT REVIEW FOR LEASE – FAIR PLAY MANAGEMENT SERVICES LIMITED – PROPERTY DESCRIBED AS REGISTRATION SECTION NORTH CENTRAL, BLOCK 48814 B, PARCEL 128, CONTAINING 1.50 ACRES (PART OF)

Hon Parliamentary Secretary remained in attendance. PS, EDICTLP remained for discussion.

Council agreed that:-

- (i) a supplementary should be created to the Lease Agreement dated November 16, 1992 between Fair Play Management Services Limited and the Crown to allow for the annual rent payable for the lease period August 1, 2012 to July 31, 2017 to be US\$4,051.04/EC\$10,890.00 and thereafter rent paid by the Lessee should be reviewed upwards only every five (5) years commencing July 31, 2017 until the expiration of the lease; and
- (ii) thereafter the rent should be reviewed upwards only every five (5) years (with the next review scheduled for July 31, 2017) until the expiration of the lease on July 31, 2091.

Action: PS, EDICTLP; DLS; PS, FIN; ACC GEN

EX MIN 16/304

EX MEM 16/177 AMENDMENT TO LEASE AND APPLICATION FOR LEASE OF CROWN LAND – ANGUILLA ELECTRICITY COMPANY LTD. (ANGLEC) – PART OF PROPERTY DESCRIBED AS REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38812 B, PARCEL 88 (NOW PARCEL 131) AND PARCEL 83, CONTAINING 2.94 ACRES AND 1 ACRE, RESPECTIVELY

Hon Parliamentary Secretary remained in attendance. PS, EDICTLP remained for discussion.

Council:-

- (a) noted the decision taken in EX MIN 06/699 of 9th November 2006 as attached;
- (b) agreed new terms as follows:-
 - (i) Anguilla Electricity Company Ltd. (“ANGLEC”) be granted a leasehold interest to hold 2.79 acres of land as delineated on Survey Plan LS16-14;

- (ii) the use of the premises should be for the expansion of the Corito Power Plant to include a warehouse for utility poles;
 - (iii) the term of the lease should be for ninety-nine (99) years commencing November 14, 2006;
 - (iv) the description of the property should be amended to read property described as situated in Registration Section South Central, Block 38812 B, Parcel 131 (part of);
 - (v) the market value of the 2.79 acres of land should be in the amount of US\$334,800.00/EC\$900,009.36 to be payable at the commencement of the lease (retroactive November 14, 2006);
 - (vi) thereafter a nominal annual rent in amount of EC\$100.00 with a review period of 20 years; and
 - (vii) stamp duty payable in the sum of EC\$44,550.46 calculated on the market value in the sum of US\$334,800.00/EC\$900,009.36.
- (c) ANGLEC should be granted a lease on the following terms and conditions:-
- (i) the description of the property being leased is described as one (1) acre of land being part of property described as Registration Section South Central, Block 38812 B, Parcel 83 as delineated on Registry Map;
 - (ii) the use of the premises should be for the expansion of the Corito Power Plant;
 - (iii) the term of the lease should for ninety-nine (99) years commencing November 14, 2006;
 - (iv) an option to renew for ninety-nine (99) years;
 - (v) the market value of the one (1) acre of land in the amount of US\$120,000.00/EC\$322,584.00 to be payable at the commencement of the lease (retroactive November 14, 2006);
 - (vi) thereafter a nominal annual rent in amount of EC\$100.00 with a review period of twenty (20) years; and
 - (vii) stamp duty payable in the sum of EC\$15,967.91 calculated on the market value in the sum of US\$120,000.00/EC\$322,584.00.

Action: PS, EDICTLP; DLS; PS, FIN; ACC GEN; PS, MICUHAFIT

EX MIN 16/305

EX MEM 16/178 SHOAL BAY ROAD ACQUISITION OF RIGHT OF WAY TO THE FOUNTAIN CAVERN

Hon Parliamentary Secretary remained in attendance. PS, EDICTLP remained for discussion.

Council agreed that the paper should be deferred.

Action: PS, EDICTLP; DLS

EX MIN 16/306

EX MEM 16/179 WATER CORPORATION OF ANGUILLA (WCA) – 2016 BUSINESS PLAN

Hon Parliamentary Secretary remained in attendance. Mr Larry Franklin, PS, MICUHAFIT, Mrs Evelyne Apire-Hodge, CEO, Water Corporation of Anguilla and Mr Mark Romney, Deputy Chairman, Water Corporation of Anguilla joined the Meeting.

Council noted the power point presentation on the Water Corporation of Anguilla by Mrs Evelyne Apire-Hodge, CEO, Water Corporation of Anguilla.

Council:

- (a) endorsed the Water Corporation of Anguilla's Business Plan with the following conditions:-
- 1) the WCA makes every effort to collect all of the approved fees, charges and tariffs;
 - 2) the WCA shall not undertake any borrowing during the course of 2016 without dialogue, advice and the explicit approval of the Government of Anguilla;
 - 3) the WCA will make every effort to be self-sustaining, whilst reducing its debt, liabilities and unpaid bills during the course of 2016;
 - 4) the WCA will continue to submit monthly financial reports to MICUHAFIT and MFEDICTLP no more than two weeks after the end of each month. The monthly reports should include appropriate details of all revenue and expenditure items as directed by the Permanent Secretary Finance;
 - 5) the WCA will continue to submit Minutes of Board meetings to the portfolio Ministry, MICUHAFIT no later than one month after each meeting;
 - 6) submission of all outstanding annual reports and audited statements by December 2016. That is, the WCA should aim to be in compliance with sections 20 - 22 of the WCA's Act by December 2016;
 - 7) the WCA shall not undertake any major capital works or expenditure without dialogue, advice and approval from Government;
 - 8) the WCA shall work collaboratively and in accordance with the GoA's medium and long terms plans for the development of the water sector development priorities; and

- 9) the WCA shall remain guided and act in accordance with the Fiscal Responsibility Act and the Framework for Fiscal Sustainability and Development.
- (b) noted that the Minister with responsibility for Water has to consider and approve the AASPA 2016 business in accordance with section 16 of the Water Corporation of Anguilla Act;
- (c) endorsed the 2016 estimates of recurrent and capital expenditure for the WCA and noted that the conditions for the approval of the 2016 Business Plan are applicable to the approval of the estimates and that the Minister with responsibility for Finance has to consider and approve the estimates in accordance with section 64 of the Financial Administration and Audit Act; and
- (d) noted that the Minister with responsibility for Water in accordance with section 64(5) of the Financial Administration and Audit Act has to lay the 2016 estimates for the Water Corporation of Anguilla before the House of Assembly after approval of the estimates by the Minister of Finance and should endeavour to lay the estimates at the next sitting of the House of Assembly or soon thereafter.

Council further noted that the Water Corporation should engage in discussions with the Government of Anguilla with respect to:-

- (i) the submission of detailed proposals for the amendment of the Water Corporation of Anguilla Act;
- (ii) authority being given to undertake investigations pertaining to Water Corporation of Anguilla meters and infrastructure on private property;
- (iii) the transfer and/or lease of remaining land assets pertaining to the former Water Department;
- (iv) consideration of changes to the tariff structure and fees;
- (v) completion of the Water and Wells Regulations; and
- (vi) opportunities to provide water services to medium and large hotel properties.

Council thanked the Officials for a comprehensive presentation, and for their hard work.

Action: PS, MICUHAFIT; CEO, WCA; PS, FIN; PS, EDICTLP; HON AG; MINS
OF GOV'T

EX MIN 16/307

EX MEM 16/181 DUTY EXEMPTION FOR LITTLE HARBOUR ESTATES

Hon Parliamentary Secretary remained in attendance.

Council agreed that the paper should be deferred.

Action: PS, FIN; PAS, FIN; COC; FO

EX MIN 16/308

EX MEM 16/182 FURTHER EXTENSION OF THE SOLID WASTE MANAGEMENT CONTRACTS MAY 2016

Hon Parliamentary Secretary remained in attendance.

Council noted that the Public Procurement and Contract Administration (Amendment) Act was scheduled to have its first reading in the House of Assembly on Tuesday 31st May 2016. It was anticipated that the Act would be passed by the end of July, and that the solid waste procurement process could commence immediately thereafter. Council was hopeful that the new contracts would be awarded by 1st November 2016.

With this in mind, Council approved the extension of all solid waste management contracts to 31st October 2016.

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

Action: PS, HSD; PS, PA; PAS, FIN; CHIEF PROC OFF; PS, FIN; PS, EDICTLP

EX MIN 16/309

EX MEM 16/183 DRAFTING INSTRUCTIONS AND ACTUARIAL ADVICE: INVESTMENT OF THE PUBLIC SERVICE PENSION FUND

Hon Parliamentary Secretary remained in attendance.

Further to EX MIN 16/57 of 28th January 2016, Council agreed that detailed actuarial advice should be submitted to support:-

- (i) the amount of funds to be allocated for such an initiative; and
- (ii) the rate of interest and how it would be determined.

Action: PS, FIN; PS, PA; PS, EDICTLP; ADMIN, PSPF; HON AG; ACC GEN

EX MIN 16/310

EX MEM 16/184 PAYMENT OF DEFERRED SALARY – MR H

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

Hon Parliamentary Secretary remained in attendance.

Council agreed that Mr H, who is employed in the Anguilla Public Service should be paid part of his deferred salary in the sum of EC\$25,000.00 to assist him with costs associated with his mother's medical expenses.

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

Action: PMG; PS, PA; PS, FIN; PS, EDICTLP; ACC GEN

EX MIN 16/311

EX MEM 16/185 PAYMENT OF DEFERRED SALARY – MR G*[note on publication: names redacted to protect personal health information]*

Hon Parliamentary Secretary remained in attendance. The Hon Minister of Home Affairs declared an interest due to familial ties.

Council agreed that Mr G, who is employed by the Anguilla Public Service should be paid his deferred salary of EC\$16,268.53 to assist him with costs associated with father's medical condition.

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

Action: PS, MICUHAFIT; PS, PA; PS, FIN; PS, EDICTLP; ACC GEN

EX MIN 16/312

EX MEM 16/186 PAYMENT OF DEFERRED SALARY – MRS S*[note on publication: names redacted to protect personal health information]*

Hon Parliamentary Secretary remained in attendance.

Council agreed that Mrs S, who is employed by the Anguilla Public Service should be paid her deferred salary of EC\$58,284.59 to assist her with costs associated with expected medical costs associated with her pregnancy.

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

Action: DLS; PS, PA; PS, FIN; PS, EDICTLP; ACC GEN

EX MIN 16/313

EX MEM 16/187 PAYMENT OF DEFERRED SALARY – MRS A AND MS A*[note on publication: names redacted to protect personal health information]*

Hon Parliamentary Secretary remained in attendance.

Council agreed that Mrs A and her daughter Ms A, who both work in the Anguilla Public Service should be paid their deferred salaries of EC\$48,750.71 and EC\$42,302.15 respectively, an overall total of EC\$91,052.86 to help defray costs associated with Mrs A's medical condition.

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

Action: PS, PA; DIR, INT AUD; PS, FIN; PS, EDICTLP; ACC GEN

EX MIN 16/314

EX MEM 16/188 AUTHORIZATION TO FILL ONE SENIOR ANALYST PROGRAMMER AND TWO ANALYST PROGRAMMER POSTS AT THE DEPARTMENT OF INFORMATION TECHNOLOGY AND E-GOVERNMENT SERVICES (DITES)

Hon Parliamentary Secretary remained in attendance. PS, MICUHAFIT remained for discussion.

Council:-

- (i) noted that DITES was seeking to fill the post of Senior Analyst Programmer through promotion;
- (ii) noted that an Analyst Programmer would be resigning from the Anguilla Public service effective July 2016;
- (iii) noted that the views of the Permanent Secretaries had been sought in relation to the filling of the posts and a favourable response given;
- (iv) additionally noted that were sufficient funds in the Personal Emoluments for DITES and MICUHAFIT to cover the filling of these posts in 2016; and
- (v) agreed to the immediate filling of the posts of Senior Analyst Programmer and Analyst Programmer and to the filling of the other vacant Analyst Programmer post in the last quarter of 2016.

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

Action: PS, MICUHAFIT; PS, PA; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 16/316

EX MEM 16/190 GOVERNMENT OF ANGUILLA SIGNING OF LEASE AGREEMENT WITH THE BISHOP OF THE DIOCESE OF ST. JOHN'S – BASSETERRE

Hon Parliamentary Secretary remained in attendance. PS, EDICTLP remained for discussion.

Council noted that a lease agreement between the Government of Anguilla and the Bishop of the Diocese of St. John's - Basseterre would be signed which would enable plans for the development of the Wallblake Plantation Heritage Interpretation Centre as a flagship tourist attraction for Anguilla to be implemented.

Action: PS, EDICTLP; MINS OF GOV'T

EX MIN 16/317

EX MEM 16/191 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Hon Parliamentary Secretary remained in attendance.

Council agreed that the following persons from the Accounting Firm, Grant Thornton, who have been hired by the Eastern Caribbean Central Bank (ECCB) to undertake post Anguilla Bank Resolution work in Anguilla from 30 May 2016 to 19 June 2016 should be granted exemption from the work permit requirement in accordance with Section 3 (f) of the Control of Employment Act:-

- 1) Kathy Maria Hodge- Antigua and Barbuda
- 2) Seymour Cedric S. Jr. Smith- Antigua and Barbuda
- 3) Lisa Maryse Roberts- Antigua and Barbuda
- 4) Latoya Ma' Achah Sonson- St. Lucia
- 5) Danielle Fatima S. Byers- Antigua and Barbuda
- 6) Mark Lyndon Panogan- Philippines

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

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

EX MIN 16/318

EX MEM 16/192 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Hon Parliamentary Secretary remained in attendance.

Council noted that two groups of persons from Tiger Aspect Productions in London and Japan, would be in Anguilla for filming. The Tiger Aspect Productions team would be filming in Anguilla between the months of March and August, and were filming a series on Anguilla for the BBC.

The group of Directors, Film-makers and Freelance Photographers from Japan were intended to film Anguilla as part of a Leeward Islands tour.

Council agreed that the following persons should be granted exemption from the work permit requirement in accordance with Section 3 (g) of the Control of Employment Act:-

1. Deborah Lovett (Tiger Productions)
2. Nicholas Donald Alexander de Taranto (Tiger Productions)
3. Kazahiro Hirakawa (Japan)
4. Masaki Shibuya (Japan)
5. Takehiro Yokoyama (Japan)
6. Masatsugu Tanaka (Japan)
7. Setsuko Yamamoto Walsh (American)

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

Action: PS, IMM; LAB COM; CIO

EX MIN 16/319

EX MEM 16/193 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Hon Parliamentary Secretary remained in attendance.

Council noted that the Valley Community Troupe/Dawg Pound was a non-profit Organisation, who created opportunities for young Anguillians to unify and contribute to the community. As part of this year's celebrations for Anguilla Day, the Troupe invited the Triple Kay Band from Dominica to assist with musical entertainment for the around-the island boat race on 30th May 2016.

Council agreed that the following members of the Triple Kay Band should be exempted from the work permit requirement in accordance with Section 3 (g) of the Control of Employment Act:-

- 1) Daniel Phillip
- 2) Wayne Benjamin
- 3) David George
- 4) Jeoffrey Joseph
- 5) Kendel Laurent
- 6) Jason Joseph
- 7) Lennan Matthew
- 8) Emile DePooter
- 9) Cornell Phillip

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

Action: PS, IMM; LAB COM; CIO

EX MIN 16/320

INF 16/03 INFORMATION NOTE:- PASSING OF TR. AVRIL CARTY OF SANDY GROUND

Hon Parliamentary Secretary remained in attendance.

Council noted the passing of Ms. Avril Carty affectionately known as “Teacher Avril” of Sandy Ground, who served as a Primary School Teacher for many years at the Road Primary and West End Primary Schools. Following her retirement, she operated a pre-school in Sandy Ground. Council noted that the late Tr. Avril Carty was awarded with the Anguilla Badge of Honour and Queen’s Certificate in 2007 for her outstanding contribution to Education and Social Development.

In keeping with the decision taken in EX MIN 15/535 of 23rd September 2015, Council further noted that the Ministry of Home Affairs had begun the process of making arrangements to include:-

- (i) the publication of an official Statement of Condolence from the Government and people of Anguilla on the passing of this outstanding educator; and
- (ii) flags to be flown at Half Mast on the day preceding the funeral and on the day of the funeral until immediately following the funeral ceremony.

Action: PS, MHA; PAS, MHA

ORAL MENTION

EX MIN 16/321

PRESENTATION ON PROPERTY TAX REFORM PROJECT

Hon Parliamentary Secretary remained in attendance. Mr Marc Bienvenu, Property Tax Consultant joined the Meeting.

Further to EX MIN 16/203 of 31st March 2016, Council:-

- (i) noted the presentation by Mr Marc Bienvenu, Property Tax Consultant on the potential tax scenarios; and
- (ii) agreed that the property Tax Consultant should present further versions of the tax scenarios to Executive Council on Thursday 16th June 2016 for consideration.

Action: PS, FIN; CIR; HON AG; PS, EDICTLP; PAS, FIN; BD; DM; DEP; CPO

EX MIN 16/322

OVERSEAS TRAVEL

Council was informed of the following dates of travel:-

- 1) Hon Parliamentary Secretary - 31 May – 12 June 2016, Tourism Ministers Meeting, NY and Taste of the Caribbean, Miami
- 2) Hon Chief Minister - 31 May – 7 June 2016, Tourism Ministers Meeting, NY
7 – 14 June 2016, leave
- 3) Hon Minister, MICUHAFIT - 3 – 5 June 2016, leave

Action: EXCO MEMBERS
