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MINUTES OF THE 9TH MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 10th SEPTEMBER 2020 AT 9.00AM

- PRESENT: His Excellency The Governor, Mr Timothy Foy, OBE
- The Honourable Premier and Minister for Finance and Health,
Dr Ellis Webster
- The Honourable Deputy Governor, Mr Perin Bradley
- The Honourable Minister for Social Development, Cultural Affairs,
Youth Affairs, Gender Affairs, Education and Library Services,
Ms Dee-Ann Kentish-Rogers
- The Honourable Minister for Home Affairs, Immigration, Labour,
Human Rights, Constitutional Affairs, Information and Broadcasting,
Lands and Physical Planning, Mr Kenneth Hodge
- The Honourable Minister for Infrastructure, Communications,
Utilities, Housing and Tourism, Mr Haydn Hughes
- The Honourable Minister for Economic Development, Commerce,
Information Technology, Environment and Natural Resources,
Mr Kyle Hodge
- The Honourable Attorney General, Mr Dwight Horsford
- Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: Hon Parliamentary Secretary for Economic Development,
Mrs Quincia Gumbs-Marie
Hon Special Ministerial Assistant to the Hon Minister for Social
Development/Education, Mr Merrick Richardson
Financial Specialist, Mr Stephen Turnbull

EX MIN 20/372

CONFIRMATION OF THE MINUTES

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council confirmed the Minutes of the Special Meeting of Executive Council held on Monday 31st August 2020.

Council confirmed the Minutes of the 8th Meeting of Executive Council held on Thursday 3rd September 2020.

MATTERS ARISING FROM THE MINUTES

Council noted that:

- 1) not all of the Statutory Bodies had presented the budgets for the remainder of 2020 or credible plans to reduce contingent liabilities by the September 8, 2020 deadline;
- 2) amendments to the Procurement Act requiring statutory bodies to comply with it were currently being drafted;
- 3) steps were in hand to ensure that Persons already working remotely from Anguilla would be captured by the new “digital work permit” category but given the opportunity to regularize their status;
- 4) a total of 394 requests for repatriation remained outstanding. Of these, 317 had been contacted by the Repatriation Team. A number of persons had withdrawn their requests or asked for more time to consider. An update on the timeline for repatriation should be provided to Council on September 17, 2020; and
- 5) the document pertaining to the discontinuance of the Well Road remained to be signed by His Excellency the Governor.

UPDATE ON MOU PROVISIONS – STATUTORY BODY CONTINGENT LIABILITIES REPORT

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Deputy Governor briefed Council on the progress in meeting those MoU provisions with an August 31 2020 deadline:

Review of contingent liabilities of Statutory Bodies

Council noted that:

- 1) the **Anguilla Air and Sea Ports Authority** proposed to unlock EC\$4 million in liquidity based on proposed savings and fee increases. However, Board level and Ministerial approval of the proposals were still required;
- 2) the **Water Corporation** projected increased revenue of approximately \$2 million based on increasing fees and aggressive collection of arrears. However, this meant the WCA would still forecast unfunded deficits;
- 3) the **Anguilla Community College** had liabilities of EC\$9.6 million related to the CDB loan for the new campus and the lease for the existing campus. Their proposed plans showed continued need for a subvention of EC\$3 million per year over the next 5 years with no indication of how expenditure could be reduced;
- 4) the **Anguilla Development Board's** major liability related to an EC\$5 million loan from the CDB;
- 5) the **Anguilla National Trust** has no liabilities but receives a subvention. ANT had reported no scope for further reductions;
- 6) the **Anguilla Social Security Board** reported liabilities of EC\$12 million related to staff pensions and ICT contracts. Their unfunded benefits liability had not been fully assessed;
- 7) the **Anguilla Tourist Board** is terminating unnecessary contracts;

- 8) the **Public Service Pension Fund** reported an unfunded benefits liability of EC\$224 million. The Government of Anguilla is in significant arrears to the fund; and
- 9) the **Health Authority of Anguilla** had not provided a cost reduction plan.

Following discussion Council agreed that:

- 1) Permanent Secretaries and Ministers should work with the Boards for which they are responsible to ensure that:
 - a) subvention requirements for the remainder of 2020 are presented to Council by 17 September; and
 - b) detailed plans to reduce contingent liabilities are presented to Council by 30 September.
- 2) the Deputy Governor should complete the fundamental review of Statutory Bodies requested by the Honourable Premier no later than 30 November.

Action: PS, FIN; PS, EDCITENR; BD; ACC GEN; MINS OF GOV'T

EX MIN 20/374

UPDATE ON HURRICANE PREPAREDNESS

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained. Director of Disaster Management Mr Calvin Samuel joined the meeting.

Council:

- 1) noted the brief from the Director of Disaster Management concerning our state of preparedness for the current hurricane season; and
- 2) thanked the Director and staff of the Department of Disaster Management for work well done and specifically for improving

public understanding and awareness that disaster preparedness is everyone's responsibility.

Action: DIR DDM

EX MIN 20/376

EX MEM 20/174 UTILITY TOKENS EXCHANGE REGULATIONS

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council approved the following draft Regulations:

- 1) Utility Tokens Exchange (Application Process) Regulations, 2020;
- 2) Utility Tokens Exchange (Anti-Money Laundering and Terrorist Financing) Regulations, 2020;
- 3) Utility Tokens Exchange (Levy) Regulations, 2020; and
- 4) Financial Services Enactments (Amendment) Regulations, 2020

Council further requested the Attorney General's Chambers to prepare the Regulations for enactment.

Action: HON, AG; PS, FIN; HON, MIN FIN

EX MIN 20/377

EX MEM 20/175 AMENDMENTS TO THE ANGUILLA UTILITY TOKEN OFFERING REGULATIONS AND THE ANTI-MONEY LAUNDERING AND TERRORIST FINANCING REGULATIONS

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council approved the following draft Regulations:

- 1) Draft Anguilla Utility Token Offering (Application Process) (Amendment) Regulations, 2020;

- 2) Draft Anguilla Utility Token Offering (White paper) (Amendment) Regulations, 2020;
- 3) Draft Anguilla Utility Token Offering (Anti-Money Laundering and Terrorist Financing) Regulations, 2020;
- 4) Draft Anguilla Utility Token Offering (Levy) Regulations, 2020;
- 5) Draft Anguilla Utility Token Offering (Qualified Company) Regulations, 2020; and
- 6) Draft Anti-Money Laundering and Terrorist Financing (Amendment) Regulations, 2020

Council further requested the Attorney General's Chambers to prepare the Regulations for enactment.

Action: HON, AG; PS, FIN; HON, MIN FIN

EX MIN 20/378

EX MEM 20/176 OVERDRAFT FACILITY 2020 – 2021

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council noted that:

- 1) the Government of Anguilla overdraft facility expired on 30 September 2020; and
- 2) an overdraft resolution must be submitted to the House of Assembly at its next sitting to secure the facility in accordance with Section 38 of the Financial Administration and Audit Act 2010.

Council agreed that:

- 1) an overdraft facility of twenty million Eastern Caribbean Dollars be maintained at the National Commercial Bank of Anguilla Ltd, at an interest rate of 5.75 per cent effective 1 October 2020 to 30 September 2021, discussions should take place with the NCBA to ascertain if it would be possible to obtain a reduction to the interest rate;

- 2) a continuing guarantee and promissory note be provided by the Government of Anguilla to the National Commercial Bank of Anguilla Ltd; and
- 3) the draft overdraft resolution be submitted to the House of Assembly at its next sitting to give effect to the renewal of the overdraft facility.

Action: PS, FIN; HON, MIN FIN

EX MIN 20/379

EX MEM 20/177 SPECIAL MEETING OF THE SHAREHOLDERS OF THE ANGUILLA ELECTRICITY COMPANY (ANGLEC) TO BE HELD ON THURSDAY 17TH SEPTEMBER 2020 – AUTHORISATION OF AN OFFICER/PERSON TO VOTE THE SHARES OF THE GOVERNMENT OF ANGUILLA.

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council noted the following documents:

- 1) letter to the Chairman of the Board of Directors of ANGLEC from Hon Minister MICUH&T, dated 11 August 2020;
- 2) Ex Min 20/344 concerning the removal of the members of the present Board of ANGLEC and appointment of a new Board;
- 3) letter requesting a meeting of the shareholders of ANGLEC, dated 24 August 2020;
- 4) Notice of a Special Meeting of the shareholders of ANGLEC to be held on Thursday 17th September 2020, received from the Corporate Secretary for ANGLEC;
- 5) draft letter of authorization to PS, MICUH&T from Hon Minister MICUH&T to vote the Government of Anguilla shares at the 17th September 2020, Special Meeting of ANGLEC shareholders; and
- 6) ANGLEC due Diligence form.

Following discussion Council agreed:

- 1) the nomination (by proxy form) of Permanent Secretary MICUH&T;
- 2) that PS MICUH&T should attend the Special Meeting of the shareholders of ANGLEC to be held on 17 September 2020;
- 3) that PS MICUH&T was authorized to vote the shares of the Government of Anguilla in accordance with Executive Council's directives.

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

Action: PS, MICUH&T; HON, MIN MICUH&T

EX MIN 20/380

EX MEM 20/178 ESTABLISHMENT OF THE SPECIAL ECONOMIC ZONE AUTHORITY

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed that this matter should be deferred until the next meeting of Executive Council.

Action: PS, EDCITENR; HON, MIN EDCITENR

EX MIN 20/381

EX MEM 20/179 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION NORTH, BLOCK 58815 B, PARCEL 344 CONTAINING 0.20 ACRE

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis, property situate in Registration Section North, Block 58815 B, described as Parcel 344 containing 0.20 acres of land,

located at North Side, Anguilla for residential purposes with a dwelling house thereon, subject to the following:

a) payment of the following Stamp Duties:

- | | | |
|------|---|---------------|
| (i) | under the Stamp Act – 5%
of EC\$295,702.00 | EC\$14,785.10 |
| (ii) | under the Aliens Land Holding
Regulation Act – 5%
of EC\$295,702.00 | EC\$14,785.10 |

TOTAL

EC\$29,570.20

b) the Applicant must obtain a Business Licence from the Ministry of Finance in order to rent the said property.

Action: PS, HA; DLS; HON AG; PS, FIN

EX MIN 20/382

EX MEM 20/180 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION NORTH CENTRAL, BLOCK 48714 B, PARCELS 779 & 780 CONTAINING 0.26 & 0.26 OF AN ACRE RESPECTIVELY

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis, property situate in Registration Section North Central, Block 48714 B, described as Parcels 779 & 780 containing 0.26 & 0.26 acres of land respectively, located at Rock Farm, Anguilla for residential purposes to construct a dwelling house thereon, subject to the following:

a) payment of the following Stamp Duties:

- | | | |
|-----|---|---------------|
| (i) | under the Stamp Act – 5%
of EC\$107,528.00 | EC\$ 5,376.40 |
|-----|---|---------------|

(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$107,528.00	EC\$ 6,720.50
(iii)	Refundable Deposit 10% of EC\$107,528.00	<u>Waived</u>
	TOTAL	<u>EC\$12,096.90</u>

- b) that 10% refundable deposit is waived on an exceptional basis;
- c) the construction of the dwelling house is to be completed within thirty (30) months. If said dwelling house is not completed at the end of thirty (30) months, a penalty of EC\$3,500.00 for each calendar month or part thereof that the project remains uncompleted, shall apply to the Refundable Deposit and therefore to accrue as against the Licence of the Applicant. Thereafter, forfeiture proceedings for the property will be commenced by the Government of Anguilla for a period of twenty-four (24) months;
- d) the Applicant must obtain a Business Licence from the Ministry of Finance in order to rent the said property;
- e) the Applicant be granted an exemption from the Government's Policy on restricting purchases by Aliens to no more than half an acre of land, on the grounds that the 0.02 of an acre is reasonable; and
- f) parcels 779 & 780 should be amalgamated within three (3) months of registration.

Action: PS, HA; DLS; HON AG; PS, FIN

EX MIN 20/383

EX MEM 20/181 APPROVAL OF A NATIONAL FUNERAL FOR THE LATE REVEREND DR WYCHERLEY GUMBS

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council noted the sad and untimely passing of Reverend Dr Wycherley Gumbs on Friday 4th September.

Council agreed that the Late Reverend Dr Wycherley Gumbs should be honored with a National Funeral with the following arrangements:

- 1) The conferral of the Anguilla Badge of Honour and Queen's certificate, posthumously;
- 2) The publication of an official Statement of Condolence from the Government and people of Anguilla on the passing of this outstanding Anguillian;
- 3) Flags to be flown at Half Mast on the day preceding the funeral until immediately following the funeral ceremony;
- 4) A Police Guard of Honour to be drawn up at the Church and a contingent of uniformed officers to bear the body in and out of the church and at the graveside. Casket to be covered with the national flag; and
- 5) A contribution of EC\$8,000 towards the cost of the funeral expenses (EC\$5,000 of which is paid in accordance with the directions of the family).

Action: PS, FIN; BD; ACC GEN

EX MIN 20/384

EX MEM 20/182 GOVERNMENT OF ANGUILLA FINANCIAL STOCK TAKE – AUGUST YTD

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained. The following persons joined the meeting:

PS Finance Mrs Kathleen Rogers
 Accountant General Mr Vonlee Harris
 Budget Director Ms Shona Proctor
 Finance Officer Ms Jamila Gumbs

Council noted the report on the financial position to August 31 2020, from the Finance Officer. The overall fiscal position remained challenging:

The overall fiscal position including debt amortization shows a surplus of \$3.47 million at the end of August, 2020.

Recurrent revenue collections for the period are \$162.01 million (inclusive of the \$30.64 million UKG grant), this is \$17.79 million less than the original forecast. Overall percentage impact on recurrent revenue for the major revenue heads as a result of the COVID-19 pandemic are:

- Property tax - 28.88%
- Interim Stabilisation Levy -13.08%
- Taxes on goods and services - 29.57%
- Customs duties and related charges - 36.97%
- Licences -13.59%
- Fines, fees and permits -15.11%

Recurrent expenditure for the period is \$132.81 million, which is \$17.77 million below the forecasted estimate of \$150.58 million. It is anticipated that the underspend will be reversed by the end of the financial year as payments of unpaid bills are facilitated.

Recurrent balance shows a surplus of \$29.2 million (inclusive of the \$30.64 million revenue support UKG grant).

Capital revenue is marginal at \$0.893 million although receipts from EDF11 are anticipated to be received later in the year and capital expenditure at the end of August is \$4.63 million.

Operational bank accounts net to \$1.2 million and the Sinking Fund bank account had a balance of \$4.1 million (with future debt amortisation costs forecast at \$9.7 million).

Expenditure arrears (inclusive of historic expenditure arrears) total \$42.9 million.

Further to discussion Council:

- 1) thanked the Ministry of Finance for work well done; and

- 2) agreed that the Honourable Premier and Minister for Finance should meet with the Anguilla Social Security Board and thereafter present a paper to Council on September 24, 2020 considering the matter of termination of the lease of the property at Cinnamon Reef by the ASSB.

Action: PS, FIN; PS, EDCITENR; BD; ACC GEN; MINS OF GOV'T

EX MIN 20/385

ORAL MENTION

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed that a Special Meeting of Executive Council should be held on Monday 14th September 2020 to discuss a moratorium on approval of Work Permits in the Covid-19 economic and social environment, for a period of six months.
