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MINUTES OF THE 163RD MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 12TH SEPTEMBER 2013

- PRESENT: Her Excellency the Governor, Ms Christina Scott
- 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 Acting Attorney General, Mr Ivor Greene
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Mrs Kathleen Rogers, PS, PA/Deputy Chairman, Procurement Board
Mr Lynrod Brooks, Health Planner/Acting PS, HSD
Mr Ambrell Richardson, Director of Health Protection
Mr Gifford Connor, DLS
Mr Foster Rogers, PS, EDICT
- ABSENT: 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 Attorney General, Mr James Wood QC

EX MIN 13/606 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 162nd Meeting held on Thursday 5th September 2013.

MATTERS ARISING FROM THE MINUTES

EX MIN 13/607 **EX MIN 13/601 EX MEM 13/283 ACTION TAKEN PURSUANT TO EXCO MINUTE 13/593 RE AMENDMENTS TO 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.

In EX MIN 13/601 of 5th September 2013, Council deferred the paper to enable the Hon AG and the DLS to review the lease document and MoU before further consideration in Executive Council.

Council considered the amended documents and agreed that:-

- (i) phase 1 of the project needs to get started;
- (ii) the developers be granted a five-year development period;
- (iii) if there is no development within the five-year period, that the GoA would have the right to terminate the lease; and
- (iv) the language in the lease regarding (ii) and (iii) above should be reflected in the MoU.

Council expressed a desire to progress the matter and agreed that follow up discussions be held with the developers in an effort to have a final draft MoU and lease for consideration at the next Meeting of Executive Council on Thursday 19th September.

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

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

EX MIN 13/608

EX MIN 13/602 WASTE COLLECTION

Mrs Kathleen Rogers, PS, PA/Deputy 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.

Further to EX MIN 13/602 of 5th September, Council noted that the Evaluation Committee (EC) met on Tuesday 10th September and submitted their recommendations to the Procurement Board (PB). The Deputy Chairman indicated that the PB would meet on Monday 16th September to consider the recommendations and to reach a definitive position. Council would be kept informed of the progress.

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

EX MIN 13/609

EX MIN 13/604 PROGRESS ON FFSD LEGISLATION

Mr Foster Rogers, PS, EDICT joined the Meeting.

Council agreed that, in addition to discussion on the FFSD Legislation on Thursday 19th September, that Council should also discuss how the EC\$12 million

to be released to the GoA would be spent. PS, EDICT indicated that vehicles for the RAPF were one of the priority needs.

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

Action: PS, FIN; PS, EDICT

EX MIN 13/610

EX MEM 13/276 APPOINTMENT/REAPPOINTMENT OF MEMBERS OF THE ANGUILLA BUILDING BOARD (ABB)

EX MIN 13/582 of 29th August 2013 refers.

Council noted the advice from the Hon Minister of Infrastructure that a number of persons should be appointed/reappointed to the ABB for a period of two (2) years in accordance with the Building Act.

The Governor undertook to consider the advice provided by the Minister in reaching her decision about who to appoint.

Council further agreed that the monthly allowances that were paid during the period 2011 to 2013 should continue as follows:-

(i)	Chairman	-	EC\$400.00
(ii)	Vice-Chairman	-	EC\$300.00
(iii)	Secretary	-	EC\$350.00
(iv)	Members	-	EC\$300.00

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

EX MIN 13/611

EX MEM 13/284 PROPOSED AMENDMENTS TO THE WATER AND WELLS ACT

Council approved:-

- (i) the proposed amendments to the Water and Wells Act; and
- (ii) the first reading for the Bill for the Water and Wells (Amendment) Act, 2013 at the next sitting of the House of Assembly.

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

Action: PS, MICUH; AG; CL, HOA

EX MIN 13/612

EX MEM 13/285 RATIFICATION OF SERVICE LEVEL AGREEMENT FOR THE AFRS TO PROVIDE ARFF SERVICES TO AASPA

Council:-

- (i) ratified the Service Level Agreement for the Anguilla Fire and Rescue

Service to provide aircraft rescue and fire fighting services to the Anguilla Air and Sea Ports Authority;

- (ii) authorised the Permanent Secretary in the Ministry of Infrastructure, Communications, Utilities and Housing to sign the Service Level Agreement on behalf of the Government of Anguilla; and
- (iii) noted that in 2013 there would be no charge for the aircraft rescue and fire fighting services that would be provided to Anguilla Air and Sea Ports Authority.

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

Action: PS, MICUH; AIR MAN

EX MIN 13/613

EX MEM 13/286 FUEL FOR THE VEHICLES USED BY THE MINISTER OF ICUH AND THE ADVISOR TO THE MINISTERS OF ICUH AND HA

Council agreed that the paper should be deferred and that a general paper be submitted to Executive Council on Thursday, 19th September setting out in fuller details who it was proposed should be the beneficiaries of any change in the current charging regime.

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

Action: PS, MICUH; MINS OF GOV'T

EX MIN 13/614

EX MEM 13/287 FILLING THE POST OF WATER LABORATORY TECHNOLOGIST

Council:-

- (i) noted that the Water Laboratory Technologist in the department of Health Protection had been promoted to the post of Senior Laboratory Technologist; and
- (ii) agreed that the post of Water Laboratory Technologist in the department of Health Protection should be filled.

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

Action: PS, HSD (Ag.); PS, PA; PS, FIN; PS, EDICT; BD

EX MIN 13/615

EX MEM 13/288 SURRENDER OF LEASE BY OMOLOLU 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.

Council agreed that:-

- (i) the paper be deferred;
- (ii) the paper be resubmitted to Executive Council on Thursday 19th September with the lease attached; and
- (iii) clarification is given to Executive Council as to whether the Aliens Land Holding Licence is needed.

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

Action: PS, MHA/LANDS; DLS

EX MIN 13/616

EX MEM 13/289 AMENDMENT OF EXCO MINUTE 13/580 GRANTING AN ALIENS LAND HOLDING LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – NEIL & JANICE ABRAHAMSON (SECTION: WEST END; BLOCK: 17910 B; PARCEL 59 SL 1AW)

Council agreed that EX MIN 13/580 should be amended to reflect the purchase price as EC\$739,255.00.

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

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

EX MIN 13/617

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

Council agreed that the paper should be deferred to the next meeting of Executive Council on Thursday 19th September.

Action: PS, MHA/LANDS

EX MIN 13/618

EX MEM 13/291 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – BRETT DEL FETTEROLF (REGISTRATION SECTION: EAST END; BLOCK: 99415 B; PARCEL 391, CONTAINING 0.30 ACRE)

Council agreed that the paper should be deferred for further discussion with the Hon Chief Minister.

Action: PS, MHA/LANDS; HON CM; HON MIN, LANDS

EX MEM 13/292 APPROVAL TO FILL THE POSITIONS IN THE STATISTICS DEPARTMENT AND THE MINISTRY OF ECONOMIC DEVELOPMENT, INVESTMENT, COMMERCE & TOURISM

PS, EDICT remained for discussion.

Council agreed that the following positions in the Ministry of FEDICT should be filled:-

- 1) Senior Statistical Officer (1)
- 2) Statistical Officer (1)
- 3) Statistical Assistant (2)
- 4) Trade & Investment Officer (1)

Council further agreed that the post of Research Officer should be deferred for further discussion with the Hon CM, PS, EDICT and the Coordinator, Sustainable Tourism Master Plan.

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

Action: PS, EDICT; PS, FIN; PS, PA; BD

EX MEM 13/293 EXTENSION OF CONCESSIONS TO THE ZEMI (FOUNTAIN BEACH RESIDENCES LTD) PROJECT IN CONSIDERATION OF FUNDING ROAD DEVELOPMENT

PS, EDICT remained for discussion.

Council agreed that:-

- (i) the GOA would **not** extend the reduced 2.5% admin fee into the operational phase (June 2020). This is not the practice. The project already had duty free concessions for periodic refurbishing;
- (ii) the GOA would **not** extend the concessions on ALHL and RRAL to 2020. The quantum of the concessions far exceeds the value of the funding for the road;
- (iii) the Attorney General's Chambers be charged with assessing and advising on the draft third addendum to the MOU;
- (iv) recognising that the construction of the road was a separate matter from the MoU, the GoA would be willing to make a contribution of EC\$240,000.00 towards the road construction (comprised of EC\$65,000.00 for marl for sub-base; EC\$25,000.00 for thermoplastic line marking; and EC\$150,000.00 for engineering and technical assistance); and
- (v) the newly constructed road be renamed the Zemi Beach Way in recognition of the fact that the developer had agreed to undertake and finance a major re-development of the road way.

Action: PS, EDICT; PS, FIN; AG; PS, MHA/LANDS; ACC GEN

ORAL MENTION

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

PS, EDICT remained for discussion.

Council noted an email concerning the request from the St. James Medical School regarding the moving of its Bonaire campus to Anguilla. HE undertook to forward the email to Mr Lynrod Brooks, Health Planner/Acting PS, HSD.

Action: PS, HSD (Acting)

EX MIN 13/622 **REQUEST FROM THE ANGUILLA TOURIST BOARD (ATB) FOR THE GOA TO FUND SETTLEMENT WITH MR FITZROY "BRIGGY" TOMLINSON**

PS, EDICT remained for discussion

Council noted a request from the ATB for the GoA to pay EC\$250,000.00 as part settlement with Mr Fitzroy "Briggy" Tomlinson and the remaining EC\$89,000.00 to be paid by the ATB.

Council agreed that:-

- (i) the matter would be reviewed upon return of the Hon Chief Minister/Minister of Finance;
- (ii) authorised the PS, EDICT to write to the ATB informing them of the position and the deferral of the matter for one week.

Action: PS, EDICT

EX MIN 13/623 **PUBLISHING EXCO MINUTES**

HE The Governor enquired about the publishing of Executive Council minutes and how it was normally done. Council would have further discussions on the process going forward.

Action: EXCO MEMBERS

EX MIN 13/624 **OVERSEAS TRAVEL**

The Hon Minister of Infrastructure informed Council that he would be off island from the 14th – 17th September 2103 to attend a CARILEC Meeting in Barbados.
