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MINUTES OF THE 137TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON FRIDAY 1ST FEBRUARY 2013

PRESENT:

His Excellency the Governor, Mr Alistair Harrison

The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism

The Honourable Deputy Governor, Mr Stanley Reid

The Honourable Edison Baird, Minister of Social Development, Health, Sports
and Education

The Honourable Walcott Richardson, Minister of Labour, Immigration, Lands,
Physical Planning, Human Rights, Environment, Gender Affairs and Agriculture
and Fisheries

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

The Honourable Attorney General, Mr James Wood

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE:

Hon Jerome Roberts, Adviser to the Hon CM

Hon Haydn Hughes, Parliamentary Secretary

Ms Mary Clare Haskins, Crown Counsel

Mr Foster Rogers, PS, EDICT

Mr Perin Bradley, TIO

Ms Patricia Harrigan, Tourism Product Development Officer

Ms Shellecia Brooks, Research Officer

Mr Larry Franklin, PS, MICUH

Mr Crefton Niles, DIR, PU

Mr Mark Romney - LIME

Mr John Gidharry - Digicel

Mr John Grey - Caribbean Cable Communications

Mr Kennedy Hodge - Weblinks

Mr John Rickards - NCDS

Ms Shirmaine Lynch-Harrigan - NBA

Mr Cardigan Richardson - NBA

Ms Pamela Herbert - Scotia Bank

Mr James Richardson - ANGLEC

Ms Carlyn Carty - NAGICO Insurance Co. Ltd.

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Mr Timothy Hodge - Anguilla Social Security Board

EX MIN 13/73

CONFIRMATION OF THE MINUTES

Council agreed that the Minutes of the 136th Meeting held on Thursday 24th January 2013 and the Minutes of a Special Meeting held on Friday 25th January 2013 should be confirmed at the meeting of Executive Council to be held on Tuesday 5th February at 10:00 am for the continuation of Council matters.

EX MIN 13/74

EX MEM 13/33 SELECTION OF ANGUILLA'S TOURISM MARKETING REPRESENTATIVE FOR THE NORTH AMERICA

Hon Haydn Hughes, Parliamentary Secretary, Mr Foster Rogers, PS, EDICT, Ms Patricia Harrigan, Tourist Product Development Officer and Ms Shellecia Brooks, Research Officer joined the Meeting.

Council agreed that CAMC/TTMN should be appointed as the Anguilla Tourist Board North American Representative on a two (2) year contract based on their comprehensive response to the RFP and their performance in the interview process.

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

Action: PS, EDICT

EX MIN 13/75

EX MEM 13/34 GOA'S POSITION ON ISSUES RAISED BY THE ANGUILLA CIVIL SERVICE ASSOCIATION (ACSA) WITH REGARD TO THE DEFERRED PAYMENT OF SALARY

Parliamentary Secretary and PS, EDICT remained for discussion.

In EX MIN 13/51 of 21 January 2013, Council tasked PS, EDICT to submit a paper to Executive Council pertaining to the letter of 23rd August 2012 to the Hon Chief Minister from the President, ACSA on the above for consideration.

The recommendations put forward by ACSA and the decisions of Executive Council are as follows:-

- 1) That the position be examined yearly for the next two years instead of after the next two or three years.

Council has already agreed to this in correspondence to ACSA.

- 2) That it be specified in an Executive Council minute that for officers resigning during this period of time that their pensions will be calculated based on the salary structure that was in place immediately before any cuts were made. This would mean that Government would have to continue to pay into the pension

fund based on the salaries that were in place immediately before any cuts were made.

Council has already agreed to this in correspondence to ACSA.

- 3) That there be no further reductions in salary over the next two years.

Council could not agree to this, but agreed that assurances can be given that cutting salaries further will be a last resort.

- 4) Government should seriously consider implementing a new salary structure.

Council did not agree to this at this time. Council agreed that the current salary structure was put in place in 2005/2006 and has served well with few exceptions. The salary increases over the years is what has posed challenges in light of the global economic crisis.

- 5) Civil Servants should be offered voluntary separation where they can negotiate acceptable terms and conditions in order to facilitate their early retirement from the Service should they chose that route.

Council did not agree to this at this time. This would necessitate the GoA paying full benefits without any reduction to civil servants who wish to take up this offer. The cost would be significant. It would only make sense if it is offered to individuals who are over the age of 55 years. Carrying the bar any lower than this would be counterproductive. At this juncture there are 33 civil servants who would fit in this category with an estimated gratuity payout of EC\$6,224,803.98 and an annual pension bill of EC\$1,497,793.04. Additionally, even if these individuals are offered early retirement with full benefits they would have to be replaced by new individuals. This would mean that savings that the GoA would experience from this mechanism may not be significant.

- 6) Now that there is a freeze on salaries, let each civil servant know exactly how much money is owed to him/her.

Council has already agreed to this and calculations are currently being done. This should be confirmed to ACSA.

- 7) If efforts to secure the loan are unsuccessful, we recommend that discussions concerning the way forward be held with the ACSA.

Council agreed that ACSA should be told that all appropriate avenues are being looked at with the view of funding the deferred payment.

- 8) The progression of civil servants within their grades is tied to increments and since increments are not being paid this should no longer be so, as this causes stagnation of hardworking civil servants. This stagnation leaves uncertainty as to where these officers would be placed in their grades, for example, in the next five years should no increments be paid by then. Obviously if as a result of

this measure their progression is halted this would be extremely unfair to these officers. This also has implications as it relates to their salaries when such time comes. We therefore recommend that civil servants be allowed to progress at normal even though increments are not being paid at this time. The ACSA has long contended that there should be no progression from one grade to another and we strongly recommend that this should be abolished.

The progression system was instituted in the 2005 Ray Durant Report “in the absence of a satisfactory method of linking pay to an individual’s performance.” It was designed to help control the paybill, reward experience, and provide a rudimentary mechanism for reward/punishment. GoA should express its willingness to consider this option when salaries are reinstated once it is economically feasible. Officers will be placed at the point in the scale where they would have been if the salaries were not suspended, if it is economically feasible to do so.

- 9) That Government seeks to implement legislation or enters into a collective bargaining agreement that empowers the ACSA to negotiate any salary reductions or increases on behalf of public servants, so as to ensure equity and sustainability.

Council agreed to consider this matter further. Council further agreed that this was a policy decision that the GoA has to take but was unable to commit to it at this time.

Action: PS, EDICT; PS, PA; PS, FIN; PAS, FIN; OTHER PERM SECS; ACC
GEN

ORAL MENTION

EX MIN 13/77

OPPORTUNITY TO EXTEND UNDERSEA FIBRE OPTIC CABLE FROM ST. MARTIN TO ANGUILLA

EX MIN 13/29 of 10 January 2013 refers.

Parliamentary Secretary and PS, EDICT remained for discussion. Mr Ivor Greene, Senior Crown Counsel (Civil) joined the Meeting on behalf of the Hon Attorney General who had to attend to other matters. The following Officials also joined the Meeting:-

Mr Larry Franklin, PS, MICUH
Mr Crefton Niles, DIR, PU
Mr Mark Romney - LIME
Mr John Gidharry - Digicel
Mr John Grey - Caribbean Cable Communications
Mr Kennedy Hodge - Weblinks

Mr John Rickards - NCDS
Ms Shirmaine Lynch-Harrigan - NBA
Mr Cardigan Richardson - NBA
Ms Pamela Herbert - Scotia Bank
Mr James Richardson - ANGLEC
Ms Carlyn Carty - NAGICO Insurance Co. Ltd.
Mr Timothy Hodge - Anguilla Social Security Board

Council invited the Officials to Executive Council to discuss the possibility of connecting Anguilla to a new submarine telecommunications cable being laid in the region. The Officials indicated that they were willing and open to further discussions with regard to the new venture, but would be concerned with such issues as costs and benefits.

Council thanked the invitees for their input and for attending the Meeting and advised them that if they wish to pursue this venture, Council would expect them to deliberate amongst themselves and determine the best way forward.

Action: PS, MICUH; DIR, PU

Mr Ivor Greene, Senior Crown Counsel (Civil) who was sitting in for the Hon Attorney General remained for the duration of the Meeting.

EX MIN 13/79

MEETING OF EXECUTIVE COUNCIL

Council agreed that there should be a Meeting of Executive Council on Tuesday 5th February 2013 at 10:00 am for continuation of remaining matters from the agenda on Friday 1st February.

Action: EXCO MEMBERS

EX MIN 13/80

EX MIN 13/62 PERMISSION TO ADVERTISE POSTS IN THE AG'S CHAMBERS

Further to EX MIN 13/62 of 24 January 2013, Council agreed that the following positions in the AG's Chambers should be filled:-

- 1) Chief Parliamentary Counsel
- 2) Principal Crown Counsel (Crime)
- 3) Senior Parliamentary Counsel

The Hon Chief Minister indicated that he objected to any renewal of the contract for Ms Kellie Bailey, Parliamentary Counsel in the AG's Chambers.

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

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

EX MIN 13/81

EX MIN 13/72 EX MEM 12/446 APPOINTMENT OF THE PROCUREMENT BOARD AND OPERATIONALIZATION OF THE PUBLIC PROCUREMENT AND CONTRACT ADMINISTRATION ACT

Further to EX MIN 13/72 of 25 January 2013, Council confirmed its agreement that Mrs Sandra York-Gumbs and Mr Calvin Ruan should be appointed to serve as members of the Procurement Board.

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

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

EX MIN 13/82

OVERSEAS TRAVEL

The Hon Chief Minister informed Council that he would be off island from the 7 – 17 February 2013 to attend a CPA Meeting in the Falklands Islands.
