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MINUTES OF THE 158TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 1ST AUGUST 2013

- 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 Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing
- The Honourable Acting Deputy Governor, Dr Bonnie Richardson-Lake
- The Honourable Attorney General, Mr James Wood QC
- Mrs Sonia Brooks, Acting Clerk to Executive Council
- ABSENT: 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
- IN ATTENDANCE: Dr Wycliffe Fahie, Chairman, Procurement Board
Ms Dawne Richardson, Member, Procurement Board
Mr Larry Franklin, PS, MICUH
Mr Remington Lake, Acting CEO, Anguilla Air and Sea Ports Authority
Mr Bancroft Battick, Chief Engineer
Mr Rawle Hazell, Director of Housing and Construction
Mr Perin Bradley, Trade and Investment Officer
- EX MIN 13/511 **CONFIRMATION OF THE MINUTES**
- Council confirmed the Minutes of the 157th Meeting held on Thursday 25th July
and the Minutes of the Special Meeting held on Monday 29th July 2013.
- MATTERS ARISING FROM THE MINUTES**
- EX MIN 13/512 **EX MIN 13/489 EX MIN 13/451 EX MEM 13/21 CE BLUE PROJECT MOU**
- Mr Perin Bradley Trade and Investment Officer joined the meeting.

Council noted that Ce Blue had accepted all the changes made and the MOU is ready to be signed.

Action: PS, EDICT

EX MIN 13/513

EX MIN 13/505 MEETING OF ATTORNEYS GENERAL

It was noted that the Hon Attorney General had a discussion with the PS Finance who indicated that funds are extremely limited and it would not be appropriate to expend funds in travelling to the Falklands, given that the same resources would probably cover four regional trips. The Hon Attorney General has agreed to forego the meeting.

EX MIN 13/514

EX MIN 13/509 MID-YEAR FISCAL REPORT

HE the Governor requested that the presenters of the mid-year fiscal report should be reminded to send their presentations by soft copies.

Action: CL, EXCO

EX MIN 13/515

EX MIN 13/510 WASTE COLLECTION

Dr Wycliffe Fahie, Chairman of the Procurement Board and Ms Dawne Richardson, Member of the Procurement Board joined the meeting.

The Chairman of the Procurement Board indicated that the issues raised by the Board with the Procurement Authority/Evaluation Committee for waste collection were of considerable importance which explained why the Procurement Board had not as yet made a decision in relation to the tenders for the waste collection contracts. He pointed out that the Board was concerned with how the process for evaluation of the tenders, which is documented, would be viewed by a third part such as the Audit Department.

More specifically:

- (i) the Board had reviewed the evaluation report from the Procurement Authority, met with the Evaluation team from the Authority, raised and documented questions and concerns, received written responses from the evaluation team and Board members were individually reviewing the answers. A meeting to collectively review the answers was tentatively scheduled for 6th and or 7th August 2013;
- (ii) the Board would need to be satisfied that all bases were covered in terms of consistency with the Procurement Act because this was the first multi-year contract that was being considered since the enactment of the Procurement Act; and

- (iii) the Board wanted to ensure for example that the methodology described by the Evaluation team was used consistently and that scores and the corresponding narrative were in accordance with each other.

The Chairman of the Procurement Board also indicated that the Procurement Board would like a similar meeting with Executive Council concerning the garbage disposal tendering process. The Board had issues and would like to have the air cleared so that a proper decision was made.

Further to EX MIN 13/510 of 29 July 2013, Council agreed to extend the existing contracts for waste collection until August 31, 2013.

Council further agreed to discuss waste collection and disposal on August 15, 2013.

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

EX MIN 13/516

**EX MEM 13/216 APPROVAL AND PUBLICATION OF FINAL REPORT
“SUPPORT TO THE ANGUILLA AIR AND SEA PORTS AUTHORITY”**

Mr Larry Franklin, PS, MICUH joined the meeting.

Council:-

- (i) endorsed in principle the finding and recommendations of the final Report “Support for the Anguilla Air and Sea Ports Authority;
- (ii) approved the release and publication of the final report; and
- (iii) noted that a number of actions will have to be undertaken by the Government of Anguilla and the Anguilla Air and Sea Ports Authority with respect to the implementation of the recommendations in the final report;
- (iv) directed the Ministry of Infrastructure to review and coordinate the implementation of the recommendations pertaining to the Government of Anguilla. However, Executive Council reserves the right to consider and implement each and all of the recommendations on a case by case basis.

Action: PS, MICUH

EX MIN 13/517

**EX MEM 13/236 SEAPORTS FEES REGULATIONS FOR THE
ANGUILLA AIR AND SEA PORTS AUTHORITY ACT**

Mr Larry Franklin, PS, MICUH remained for discussion.

Council:-

- (i) approved the gazetting of the Seaports Fees Regulations; and

- (ii) agreed to the laying of the Seaports Fees Regulations before the House of Assembly.

Action: PS, MICUH; AG

EX MIN 13/518

EX MEM 13/237 BLOWING POINT MEGA YACHT MARINA MOU REASSIGNMENT

Mr Perin Bradley, Trade and Investment Officer remained for discussion.

Council agreed that the paper should be deferred.

Action: PS, EDICT; TIO

EX MIN 13/519

EX MEM 13/238 HARRIGAN TOWN PLAZA LEASE AND MOU

Mr Perin Bradley, Trade and Investment Officer remained for discussion.

Council agreed that:-

- (i) the lease should be amended to start on August 1st 2013, with one year grace period in consideration of rent paid for the fiscal year 2011;
- (ii) all monies paid toward annual rent should be transferred to payment of Stamp Duty; and
- (iii) the developer should be invited to resubmit the MOU for consideration.

Action: PS, EDICT; TIO

EX MIN 13/520

EX MEM 13/239 APPLICATION FOR DUTY EXEMPTION FOR KINGDOM CITIZENS CHURCH

Council agreed that duty exemption should be granted to Kingdom Citizens Church (c/o Pastor Rony Isles-Carty) on chairs.

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

EX MIN 13/521

EX MEM 13/240 PUBLIC HOLIDAY FOR 2014

Council approved the list of Public Holidays for 2014 as follows:-

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|--------------------------|----------------------|
| New Year's Day | Wednesday, 1 January |
| James Ronald Webster Day | Monday, 3 March |
| Good Friday | Friday, 18 April |

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|---|-----------------------|
| Easter Monday | Monday, 21 April |
| Labour Day | Thursday, 1 May |
| Anguilla Day | Friday, 30 May |
| Whit Monday | Monday, 9 June |
| Celebration of the Birthday of Her Majesty The Queen | Monday, 16 June |
| August Monday | Monday, 4 August |
| August Thursday | Thursday, 7 August |
| Constitution Day | Friday, 8 August |
| National Heroes and Heroines Day | Friday, 19 December |
| Christmas Day | Thursday, 25 December |
| Boxing Day | Friday, 26 December |

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

Action: PS, MHA/LANDS; PAS, MHA/LANDS

EX MIN 13/522

**EX MEM 13/241 STRUCTURAL INTEGRITY OF THE ROAD BAY
JETTY**

Mr Larry Franklin, PS, MICUH remained for discussion. Messrs Remington Lake, Acting CEO, Sea Ports Authority, Bancroft Battick, Chief Engineer and Rawle Hazell, Director of Housing and Construction joined the meeting.

Officials of the Ministry of Infrastructure gave a comprehensive briefing of the state of the structural integrity of the Road Bay jetty.

Council agreed that terms of reference for a consultancy to undertake a structural assessment of the jetty should be drawn up and reported back to EXCO on 22 August 2013.

Action: PS, MICUH

EX MIN 13/523

**EX MEM 13/242 ADVERTISING OF A PRISON OFFICER POST DUE TO
RESIGNATION**

Council approved the advertising of a Prison Officer post at HM Prison due to resignation.

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

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

ORAL MENTION

EX MIN 13/524

ANANYA VILLAS MOU

Mr Perin Bradley, Trade and Investment Officer remained for discussion.

Council agreed that the customs administration fee should remain at 5%.

Action: PS, EDICT; TIO

EX MIN 13/525

FUEL STORAGE PROJECT

Mr Perin Bradley, Trade and Investment Officer remained for discussion.

Mr Bradley noted that the developers had requested of the Government of Anguilla the assistance in procuring the necessary parcels of land to complete the project. Given the nature of the request the developers would be asked to contact a reputable real estate agent.

Action: PS, EDICT; TIO

EX MIN 13/526

OVERSEAS TRAVEL

The Hon Minister of Infrastructure informed Council that he would be off island from 12 - 18 August 2013.
