

THIS DOCUMENT IS THE PROPERTY
OF THE GOVERNMENT OF ANGUILLA

Copy No.

MINUTES OF THE 22nd MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 10th DECEMBER 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 20/502

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 21st Meeting of Executive Council held on Thursday 3rd December 2020.

MATTERS ARISING FROM THE MINUTES

Council noted that:

- 1) the Attorney General's Chambers continues to work on amendments to regulations to facilitate hotels remitting arrival fees to the Government of Anguilla on behalf of guests;
- 2) further to EX MIN 20/452, ECCB's response indicated that Anguilla's membership of the ECCU did not prevent adoption of the proposed legislation, therefore the Securities and Investments Bill may proceed to public consultation;
- 3) in relation to EX MIN 20/468, work continues to ensure the transfer of responsibility for the administration of unemployment assistance benefit from the Ministry of Finance to the Ministry of Social Development;
- 4) in relation to EX MIN 20/488, the Hon Premier and the Attorney General's Chambers continue to work on amendment of the regulations; and
- 5) in relation to EX MIN 20/491, the UK will most likely offer Anguilla the Astra Zeneca vaccination. In terms of quarantine enforcement, the AG's Chambers is considering a two-part system whereby: (a) breach of protocols by persons testing negative will result in an immediate penalty fine being levied; and (b) breaches by persons who are aware that they are COVID-19 positive will result in a court process. It should be re-emphasised that businesses are also required to comply with protocols, as well as individuals.

EX MIN 20/505

EX MEM 20/255 FEE STRUCTURE INCREASES FOR LABORATORY, RADIOLOGY, OPERATING THEATER, CONSULTATION, PHARMACEUTICALS, CONSUMABLES AND INTRODUCTION OF DIETARY FEES

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

The Hon Premier briefed Council. Following discussion Council:

- 1) agreed fee increases as follows:
 - Laboratory 40%
 - Radiology 30%
 - Surgery 50%
 - Pharmaceuticals increase from 40% - 60%
 - Maternity (Normal) 25%
 - Consultations 100%
 - Consumables increase from 30% to 50%
 - Dietary to be charged at a cost of EC\$100 a day;
- 2) instructed the Attorney General's Chambers to prepare the Regulations for the fee increases; and
- 3) noted that the proposed increased fees remain below market cost.

Action: PS, HLTH; HON, AG; HON, MIN OF HLTH

EX MIN 20/510

2021 WORK PLANS AND BUDGETS FOR STATUTORY BODIES

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained. Hon Attorney General (acting) Mr Ivor Green joined the meeting.

Council considered the 2021 work plans and budgets of the Statutory Bodies.

Anguilla Air and Sea Ports Authority

Council noted that:

- 1) the board had approved a budget with an unfunded operating deficit of EC\$9.9 million and there was no provision within the MTEFP for subvention to AASPA;
- 2) approval of an insolvent budget was a breach of the board's fiduciary duty;
- 3) without more detailed information it could not verify whether the revenue estimates were accurate or reasonable; and
- 4) despite AASPA's difficult financial situation the budget made provision for significant increases in staff costs.

Council then agreed that:

- 1) it could not agree this budget. The AASPA board should be asked to review it and resubmit for Council's attention no later than 24 December 2020; and
- 2) the resubmitted budget should remove the proposed operating loss by:
 - a) reviewing the estimated revenue forecast to ensure that it reflects the tourism volumes;
 - b) reviewing all port fees and adjusting them to bring them in line with regional averages. This should include consideration of stevedoring charges; and
 - c) reducing costs including deferring additional recruitment.

Water Corporation Anguilla

Council noted that:

- 1) the board had approved a budget with an unfunded operating deficit of EC\$5.2 million significantly higher than the EC\$1 million subvention included within the MTEFP;
- 2) approval of an insolvent budget was a breach of the board's fiduciary duty;
- 3) without more detailed information it could not verify whether the revenue estimates were accurate or reasonable; and
- 4) the proposed increase in water purchase costs to EC\$6.8 million needed to be explained.

Council then agreed that:

- 1) it could not agree this budget. The Water Corporation Board should be asked to review it and resubmit for Council's attention no later than 24 December 2020; and
- 2) the resubmitted budget should remove the proposed operating loss to no more than the EC\$1 million by increasing water charges to the required level and reducing costs.

Anguilla Tourist Board

Council noted that the board had approved a budget with an operating deficit of EC\$156,089 based on a subvention of EC\$8 million consistent with provision within the MTEFP.

Council agreed that the Board be asked to reconsider this budget with a view to reducing the size of the subvention and removing the operating loss. This should be resubmitted for Council's attention no later than 24 December 2020.

Public Utilities Corporation

Council noted that the board had approved a budget with a small operating deficit of EC\$1,600.

Council agreed to approve this budget provided steps were to taken to remove the operating deficit.

The Anguilla Community College

Council noted that the board had approved a budget with an unfunded operating deficit of EC\$168,660 based on a subvention of EC\$3.2 million. The proposed additional EC\$1 million subvention would cover this loss.

Council agreed to approve this budget subject to the inclusion of costs associated with the CDB loan payments by the Government of Anguilla.

Council further urged that continued effort be given to reducing the subvention of EC\$4.2 million.

Health Authority of Anguilla

Council noted that the board had approved a budget with a small operating surplus of EC\$88,238. The budget sought no increased subvention and it was unclear if revenue included the fee increases agreed by Council.

Council agreed that the Board should be asked to reconsider this budget and specifically to ensure that the fee increase revenue was recognized and explain the “other operating expenses” of EC\$2.26 million. The revised budget should be resubmitted for Council’s attention no later than 24 December 2020.

Anguilla Development Board

Council noted that the board had approved a budget with an operating loss of EC\$103,233. It was however unclear from the budget submitted if the income included an assumption of additional subvention.

Council agreed not to approve the ADB’s budget until the underlying assumptions concerning income had been established. The Hon Premier and PS Finance will further review the budget.

Public Service Pension Fund

Council noted that:

- 1) PSPF's board had approved a budget with an EC\$2.81 million deficit – resulting from pensions and payments (EC\$8.78 million) exceeding contributions (EC\$7.04 million); and
- 2) for 2021 this deficit could be funded from reserves but on current trends, reserves would soon be exhausted. Without changes to contribution or benefits the amount of unfunded benefit liabilities would continue to increase. In such circumstances the Government would be obliged to meet the gap.

Council then agreed that:

- 1) it would approve the PSPF's 2021 budget; but
- 2) the board be invited to attend a special Council meeting on 16 December 2020 to agree the urgent steps needed to address unfunded benefit liabilities.

Anguilla Social Security Board

Council noted:

- 1) that the board had not submitted its budget for 2021; and
- 2) serious concern of the risk of the Social Security Fund reserves being depleted and the consequential risk of the ASSB requiring subvention from the Consolidated Fund without correcting actions.

Council then agreed that the board be invited to attend a special Council meeting on Wednesday 16 December 2020 to agree the urgent steps needed to address the issue of unfunded benefit liabilities as identified in their last actuarial review.

Anguilla National Trust

Council noted that the ANT board had approved a budget with a small operating surplus of EC\$509 including an unchanged subvention of EC\$360,000.

Council then agreed to approve this budget but sought clarification of the expiration date of the subvention.

Financial Services Commission

Council noted that the FSC was yet to submit its budget for 2021.

Council agreed that the FSC must submit this for Council's consideration no later than 24 December.

Select Anguilla

Council noted that Select Anguilla is self-sustaining once fees are collected and an operating surplus of \$26,000 was forecasted.

Council consequently agreed this budget.

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

EX MIN 20/512

EX MEM 20/259 AMENDMENTS TO PUBLIC PROCUREMENT AND CONTRACT ADMINISTRATION ACT TO ALLOW FOR E-PROCUREMENT, MICRO PROCUREMENTS AND EXPANDING SCOPE TO COVER STATUTORY BODIES

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

The Principal Assistant Secretary briefed Council on the proposed legislation which would require Statutory Bodies to fully comply with the Government procurement process. In addition, the Act would allow for e-procurement and micro procurements.

Following discussion Council approved the following:

- 1) Public Procurement and Contract Administration (Amendment) Act, 2020; and
- 2) Public Procurement and Contract Administration (Amendment) Regulations, 2020; and
- 3) instructed the Ministry of Finance to share the drafts with Ministries, Departments, Procurement Committees and Statutory Bodies for review and comment for a two-week period.

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