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MINUTES OF THE 136TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 24TH JANUARY 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
Dr Aidan Harrigan, PS, FIN
Ms Dawne Richardson, Parliamentary Counsel
Mr Kenneth Hodge, PAS, MHA/LANDS
Mr Valentine Banks, General Manager, NBA
Mr Walton Fleming, Director, NBA
Mr Andre Iton, Banking Adviser, NBA
Mr Foster Rogers, PS, EDICT
Mrs Shona Proctor, Budget Director
Ms Anthea Ipinson, Chief Projects Officer
Ms Jamila Gumbs, Budget Officer

EX MIN 13/53

CONFIRMATION OF THE MINUTES

Council confirmed the Minutes of the 135th Meeting held on Thursday 17th January 2013 and the Minutes of Special Meetings held on Friday 18th January and Monday 21st January 2013.

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MATTERS ARISING FROM THE MINUTES

EX MIN 13/54

EX MIN 13/40 EX MEM 13/04 APPOINTMENT OF TWO MEMBERS OF THE BOARD OF THE ANGUILLA AIR AND SEA PORTS AUTHORITY

EX MIN 13/40 of 17th January 2013 refers.

Further to the above minute, the Hon Minister of Infrastructure informed Council that Mr Keithley Lake would no longer be the Chairman but a member of the Board of the Anguilla Air and Sea Ports Authority. The Minister indicated that the Ministry was seeking a replacement for the Chairman of the Board and that the information would be brought to Executive Council for consideration.

Action: PS, MICUH; AG

EX MIN 13/55

EX MIN 13/52 EX MEM 12/446 APPOINTMENT OF THE PROCUREMENT BOARD AND OPERATIONALIZATION OF THE PUBLIC PROCUREMENT AND CONTRACT ADMINISTRATION ACT

Further to EX MIN 13/52 of 21st January 2013, Council agreed that a paper be brought to Executive Council on the full membership of the Procurement Board for consideration.

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

EX MIN 13/56

EX MEM 13/23 ANGUILLA TEACHERS' UNION – INDUSTRIAL ACTION

Council confirmed the decision taken by round robin on 17th January 2013 which was agreed in relation to the points raised by the Anguilla Teachers' Union (ATU) as indicated below:-

- (i) Issue a written statement to each teacher outlining the amount of money owed to him or her.

This was agreed. Efforts will be made for this to be completed by 4th February 2013. If it cannot be completed by that date, a target date of 19th February 2013 will be accepted.

- (ii) Put measures in place immediately to ensure that our beneficiaries get the money owed to us in case we die before it is paid.

This was agreed. The Department of Public Administration will be requested to instruct the Attorney General's Chambers to prepare the appropriate documents by 19th February 2013.

- (iii) Give us a written plan on how they plan to pay us monies owed. This plan should include specific dates.

Government will make every effort to begin repayment of monies owed in 2014 and will ensure provision is made to do so in the budget for

that year. If the economic situation is such that this is not feasible, this timeline will be revisited by Government with the ATU.

- (iv) No more salary cuts going forward.

Government will use its utmost efforts to ensure that there are no further salary cuts but is unable to guarantee this.

- (v) Any related legislation must not be discussed or passed without our involvement.

Any matter affecting the civil service will have the input of the teaching profession via the ATU.

- (vi) We do not agree to the January 31, 2013 cut-off date for the “Deferred Salary Mechanism” until all our issues above are satisfactorily addressed.

Agreement on this is conditional on the ATU receiving written communication from Government on the other points agreed.

- (vii) Treat us with respect, recognize our profession as noble. After all we are the backbone of this nation.

This point will be addressed in a separate forum.

Council agreed with the Hon Chief Minister’s request to record his written statement as indicated on the circulated memorandum as follows:-

“all this is acceptable if it does not require increased taxation measures”.

The Hon Minister of Home Affairs and the Hon Minister of Infrastructure concurred with the CM’s position by their written agreement.

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

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

EX MIN 13/57

EX MEM 13/25 FURTHER EXTENSION OF THE SHORT TERM LANDFILL CONTRACT

Council considered the above matter. The Hon Minister of Infrastructure indicated that he did not support a further extension of the short term landfill contract. The Minister further indicated that ample notice should be given with regard to contracts and suggested a time period of six (6) months. The Hon Chief Minister stated that he supported the extension but expressed his concern with long term contracts. The Hon Minister of Home Affairs pointed out that the situation

warranted an extension but he agreed with the Hon Minister of Infrastructure that sufficient notice of at least three (3) months in advance should be given for contracts. Council at this point noted the importance of the Procurement Board being operational.

Council agreed, subject to the views of the Ministers as indicated above, that the short term landfill contract to CLM Trucking & Heavy Equipment to manage the Corito Landfill site should be extended to 28 February 2013 at the cost of EC\$39,262.00 per month.

Mention was made concerning the reoccurrence of flies at the landfill site due to the unavailability of marl to cover the garbage. The Hon Minister of Social Development undertook to look into the situation.

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

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

EX MIN 13/58

EX MEM 13/26 REQUIREMENTS FOR CERTIFICATES OF GOOD STANDING

Council agreed that before any of the following may be granted, a Certificate of Good Standing must be presented:-

- 1) Alien Land Holding Licence
- 2) Exemption from Alien Land Holding Licence
- 3) Work Permit
- 4) Exemption from Work Permit
- 5) Exemption from or reduction of Customs Duty
- 6) Exemption from or reduction of Customs Administrative cost
- 7) Permit of Permanent Residence
- 8) Registration in the Land Register of any instrument for effecting:-
 - a) a transfer or transmission of land
 - b) the registration, transfer or transmission of a lease or charge

The Hon Minister of Social Development expressed the view that someone operating a company which was not in good standing could apply using his/her own name rather than the company's name which to his mind makes a mockery of the Certificate of Good Standing. The Minister requested a legal opinion from the Hon Attorney General on this issue.

Action: AG; PERM SECS

EX MIN 13/59

EX MEM 13/27 FILLING THE VACANT POSTS OF (1) IMMIGRATION OFFICER II AND (1) IMMIGRATION OFFICER I

Council agreed that the positions of one (1) Immigration Officer II and one (1) Immigration Officer I in the Immigration Department should be advertised and filled.

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

Action: PS, MHA/LANDS; PS, PA; CIO; PS, FIN; PS, EDICT; BD

EX MIN 13/60

EX MEM 13/28 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – PATRICIA RUSTEN (SECTION: WEST CENTRAL; BLOCK: 28211B; PARCEL 441)

Council agreed that an Aliens Land Holding Licence should be issued to Patricia Rusten to hold a half share as tenant in common of 0.40 acre of land, on a freehold basis with a dwelling house thereon (Registration Section West Central Block 28211 B Parcel 441), at a valuation of US\$150,000.00/EC\$403,230.00 for private residential purposes, subject to the payment of the following stamp duty:-

| | | |
|------|---|----------------------|
| (i) | under the Stamp Act – 5% of EC\$403,230.00 | EC\$20,161.50 |
| (ii) | under the Aliens Land Holding Regulations Act – 12.5% of EC\$403,230.00 | EC\$50,403.75 |
| | TOTAL | EC\$70,565.25 |

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

EX MIN 13/61

EX MEM 13/29 REFUND FOR MEDICAL INSURANCE FOR PENSIONER, MR J. WHITTINGTON HODGE

Dr Aidan Harrigan, PS, FIN and Mr Foster Rogers, PS, EDICT joined the Meeting.

Council agreed that Mr J. Whittington Hodge should be refunded the sum of EC\$10,335.60 (plus interest at commercial bank rate) for medical insurance payments that were deducted from his pension for the period June 2010 to October 2012.

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

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

ORAL MENTION

EX MIN 13/62

PERMISSION TO ADVERTISE POSTS IN THE AG’S CHAMBERS

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Council noted a request from the Hon Attorney General that the following positions in the Attorney General's Chambers should be advertised:-

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

The Hon Chief Minister requested further discussion with the Hon Attorney General, PS, FIN and himself on the matter.

Action: AG; HON CM

EX MIN 13/63

PERMISSION TO RE-ADVERTISE THE POST OF FINANCIAL ANALYST

Council agreed that the post of Financial Analyst in the RAPF should be filled when the contract of the present holder expires in July 2013.

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

EX MIN 13/64

INFORMATION TO EXECUTIVE COUNCIL

HE the Governor informed Council, in confidence that the process appointing Mr John Benjamin, Attorney, Caribbean Juris Chambers as Queen's Counsel was nearing completion.

Action: EXCO MEMBERS

EX MIN 13/66

SALARIES OWED TO CIVIL SERVANTS

Hon Jerome Roberts, Adviser to the Hon CM, and Dr Aidan Harrigan, PS, FIN remained for discussion. Mr Foster Rogers, PS, EDICT, Ms Dawne Richardson, Parliamentary Counsel, Mrs Shona Proctor, Budget Director, Ms Anthea Ipinson, Chief Projects Officer and Ms Jamila Gumbs, Budget Officer joined the Meeting.

A Power Point presentation of the issue and the latest state of affairs was made to Council.

Council agreed that:-

- (i) the deferred salary mechanism comes to an end effective 28 February 2013;
- (ii) the GoA will make every effort to begin repayment of monies owed in 2014 and will ensure that provision is made to do so in the budget for that year;
- (iii) the last two paragraphs of the letter of 31st December 2012 (cut-off date amended) from the Hon Chief Minister to all civil servants would form the basis for the drafting of legislation as quoted below:-

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“The Government of Anguilla is proposing that the “Deferred Salary Mechanism” come to an end effective 28 February 2013. This will mean that as of 1st March 2013 civil servants will continue to receive their current salary without any expectation of recouping the difference between their current salary and their pre 2009 salary after 28 February 2013. This will result in an end to the increase in debt resulting from the deferment of payment of salaries. The Government intends to reinstate the pre-cut salaries (i.e. 2009 salaries) as soon as it is able to do so and will revisit this situation annually. Please note that any measures taken in relation to members of the Anguilla Public Service will also be applicable to members of the House of Assembly”.

“In terms of Pension Contributions, in July 2009 when the Government of Anguilla decided to reduce salaries as one of the austerity measures, it was also agreed that the 6% contribution would be paid to the pension fund by the Government of Anguilla on the salary before the deduction so that benefits would not be affected. However, when persons resign or retire from the Public Service the 3% employee contribution is recouped by the Government of Anguilla when the deferred salaries are paid. This will also obtain in circumstances where the deferred salaries are paid while persons are still serving in the Anguilla Public Service. As of March 2013 when the decision to discontinue the deferred salary mechanism comes into effect the Government of Anguilla will continue to pay into the fund the employee and employers contribution of 3% each on salaries before the

reduction until salaries are reinstated. This is being done to protect the benefits due to public servants on retirement or resignation. Therefore on retirement or resignation, benefits will be calculated on salary prior to the 2009 reduction”.

- (iv) PS, FIN and PS, PA should work with the draftsman at the AG’s Chambers in the preparation of the necessary legislation to incorporate the above.

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

Action: PS, FIN; PS, PA; AG; PS, EDICT; OTHER PERM SECS

EX MIN 13/67

EX MIN 12/487 EX MEM 12/230 ESTABLISHMENT OF ANGUILLA CONSTITUTIONAL AND ELECTORAL REFORM COMMITTEE (ACERC)

Mr Foster Rogers, PS, EDICT remained for discussion.

Council agreed that EX MIN 12/487 of 12 July 2012 should be amended as follows:-

PS EDICT and Crown Counsel remained for the discussion.

Council agreed to:-

(a) The establishment of a revised committee as follows:-

| | |
|---------------------|----------------------|
| Rev. John A. Gumbs | Chairman |
| Mr Quinson Gumbs | Youth Representative |
| Mr Whaldama Brooks | Member |
| Mr Patrick Hanley | Member |
| Ms Dawne Richardson | Member/AG's Chambers |
| Mr George Hodge | Member |
| Opposition Member | One Representative |

(b) The term of the revised ACERC being for a period of two months. During this time all additional matters must be completed, including consultations and the draft report submitted to the Executive Council.

(c) Clerical support should be assigned to the ACERC. This position is not envisaged to be a full member of the Committee, but the incumbent is expected to attend all Committee Meetings, and attend to all administrative matters of the Committee on a part time basis in addition to regular duties.

(d) allowances payable upon presentation of draft report.

| | |
|-----------|----------------------------------|
| Chairman | \$4,000.00 |
| Members | \$2,000.00 each |
| Secretary | \$ 600.00 (Ms Patricia Harrigan) |

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

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