

(Translation)

Official Bulletin

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Decision of the government commissioner of 15 September 2020 No. 882/GEZ instead of the island council for the adoption of the Ordinance on the island council committee of the public entity Sint Eustatius 2020.

The government commissioner for Sint Eustatius, acting pursuant to article 18 of Sint Eustatius Administrative Provisions (Restoration) Act instead of the island council;

In view of article 17 of the Bonaire, Sint Eustatius and Saba public entities Act;

decides:

To adopt the following

Ordinance on the island council committee of the public entity Sint Eustatius 2020

Chapter 1. General provisions

Chapter 1 Definition of terms

Article 1 Definition of terms

In this ordinance the following is taken to mean:

- a. executive council: executive council as referred to in Chapter III, Section III, of the WolBES;
- b. administrative office: the building where the island council of the public entity meets;
- c. extraordinary member: a citizen, not – island council member, who on nomination of a faction has been appointed by the island council as member of an island council committee;
- d. committee chairman, chairman of an island council committee as referred to in article 117, fourth paragraph, of the WolBES, or his/her substitute;
- e. island registrar: the island registrar as referred to in Chapter III, Section IX, paragraph 3 of the WolBES, or his/her substitute;

- f. island secretary: the island secretary as referred to in Chapter III, Section IX, paragraph 2, of the WolBES, or his/her substitute;
- g. island council committee as referred to in article 117, first paragraph, of the WolBES;
- h. faction: part of the island council of which the members belong to the same political party;
- i. commissioner: island commissioner of the public entity Bonaire, Sint Eustatius and Saba as referred to in article 37 of the WolBES;
- j. island governor: island governor as referred to in Chapter III, Section IV, of the WolBES;
- k. resident: resident as referred to in article 11, second paragraph, of the WolBES;
- l. member or members: the island council member or the island council members upon nomination of a faction appointed as island council committee member or the island council member who replaces him extraordinary member/extraordinary members of an island council committee;
- m. public entity: the public entity Sint Eustatius as referred to in article 3 of the WolBES;
- n. presidium: the presidium of the island council as referred to in article 7, Rules of order for the Island Council of Sint Eustatius;
- o. meeting: meeting of the island council committee;
- p. ordinance: Ordinance on the island council committee of the public entity Sint Eustatius 2020;
- q. WolBES: Bonaire, Sint Eustatius and Saba Public Entities Act.

Article 2 Island council committees establishment

1. The island council establishes the following island council committee: central committee and offers space to set up other council committees and sub-committees.
2. The chairmanship of an island council committee is held by:
The island council member who is a member of the island council committee; his deputy is appointed by the island council from among the island council members.
3. In case a subject concerns several island council committees, the subject is discussed in the separate island council committees, unless the island council committee chairmen decide in consultation that:
a joint meeting of the island council committees is convened, or
the committee that the subject mostly affects, deals with the subject.
4. If a joint meeting of the island council committees is convened, the committee chairman of the island council committee who is mostly affected by the subject functions as chairman of the joint meeting.

Article 3 Tasks

An island council committee:

- a. gives advice to the island council about those subjects directly related to its activities;

- b. can give unsolicited advice to the island council on subjects other than those referred to under a;
- c. may have the task of preparing decision-making by the island council. This preparation aims to provide the island council with sufficient technical information about the proposal or subject, as well as about the opinions that exist with regard to the subject;
- d. conducts consultation with the executive council or the island governor in any case about the information provided and the management conducted with regards to the subjects referred to under a.

Article 4 Composition

1. An island council committee consists of at least one and a maximum of two committee members per faction, in proportion to the number of seats in the island council.
2. The island council committee members are appointed by the island council on the recommendation of the factions.
3. Island council members as well as non-island council members (extraordinary member) can be a member. An extraordinary member must be Dutch national and resident of Sint Eustatius, must have attained the age of eighteen years and not excluded from the right to vote. Articles 11, 12, 13, 14 and 16 of the WolBES apply mutatis mutandis to committee members who are not island council members and must, during their term of office, comply with the code of conduct, integrity for the members of the island government of the public entity Sint Eustatius 2020.
4. To be eligible as a member of an island council committee without prejudice to the provisions of the third paragraph, one must have been placed on the list of candidates of the faction concerned during the last elections of the island council.
5. On the recommendation of the factions, the island council appoints for each island council committee at least one deputy member per faction, who, in the absence of an island council committee member, will be a member of the relevant island council committee.
6. The island council committee can establish and dissolve subcommittees.
7. The island council committee determines the working method of a subcommittee and the subject to be dealt with by it.
8. The meeting of a subcommittee is chaired by an island council committee member appointed by the island council committee. The committee chairman can be present at any meeting of the subcommittee of his committee.
9. The provisions of this ordinance apply mutatis mutandis to the working method of a subcommittee.

Article 5 Appointment of island council committee chairman

1. The island council appoints the island council committee chairman and his deputy on the nomination of a faction from among its members. For each island council committee, at least one deputy member per faction is appointed to sit on an island

council committee in the absence of a member. The deputy member meets the requirements referred to in article 4, paragraphs 3 and 4.

2. The island council committee chairman is charged with:
 - a. conducting the meeting;
 - b. maintaining order;
 - c. enforcing compliance with this regulation;
 - d. whatever this ordinance further orders him to do.

Article 6 Term of office and vacancies

1. The term of office of an island council committee member, chairman and their deputies end in any case with the end of the term of office of the island council.
2. The membership of an island council committee member ends when the requirements set out in article 4, third paragraph, are no longer met.
3. The island council can dismiss an island council committee member on the proposal of the faction that has nominated the member for appointment.
4. The island council can dismiss the island council committee chairman or his deputy. He remains a member of the island council committee, provided that the third paragraph does not apply.
5. An island council committee member, a deputy member and island council committee chairman can resign at any time. They will notify the island council of this in writing. The resignation takes effect one month after the written notification or earlier if their successor has been appointed.
6. If a vacancy arises due to death or dismissal, the island council will decide as soon as possible about the filling thereof, with due observance of article 4 and article 5 of this ordinance.
7. The membership of island council committee members, appointed on the recommendation of a faction that is no longer represented in the island council, will lapse by operation of law.

Article 7 Island registrar

1. The island registrar or his deputy supports the island council committee. The island registrar or his deputy is present at every meeting and, if invited by the chairman, can participate in the deliberations, give advice and information.
2. The island registrar of the island council appoints a civil servant working at the registry or, in consultation with the island secretary, a civil servant not working at the registry as committee registrar to support each meeting of a subcommittee.
3. The island registrar may be present at any meeting of a subcommittee.

Chapter 2 Meetings

Paragraph 1 Preparation and time of the meeting

Article 8 Meeting frequency

1. As a rule, the meetings of an island council committee take place on a day, time and place of the meeting determined by the presidium.

2. In principle, meetings of an island council committee take place in the V. A. Lopes Legislative hall of the administrative office.
3. The island council committee also meets if the presidium deems this necessary or if the island council committee chairman deems this necessary as well as if at least two factions request this in writing, stating the reasons.
4. In special cases, the island council committee chairman can determine a different day or starting time or designate a different meeting place. He consults with the island registrar about this.

Article 9 Notice and agenda

1. At least three days before a meeting the island council committee chairman will send the island council committee members a written notice and the provisional agenda with the accompanying documents.
2. In urgent cases, the island council committee chairman may draw up an additional agenda after sending a written notice. As soon as possible, but no later than 48 hours before the start of the meeting, this agenda and the accompanying documents are sent to the members.
3. Article 11, third paragraph, applies to the documents referred to in the first and second paragraph.
4. The agenda is set by the island council committee at the start of a meeting.
5. If the island council committee considers a topic or proposal to be insufficiently prepared for the deliberation it may request further information or advice from the executive council or the island governor.
6. At the proposal of a member or the chairman of the island council, the island council committee can change the order of handling the agenda items.

Article 10 Making documents available for perusal

1. Documents serving to explain the subjects or proposals on an agenda shall be made available for perusal at the registry at the same time as the written notice is sent. If documents are made available for perusal after the written notice has been sent, this will be communicated to members of the island council committee and, if possible, by means of public notice.
2. Without prejudice to the provisions of the first paragraph, documents can also be made available to everyone electronically.
3. Documents in respect of which on the basis of article 119, first and second paragraph, of the WolBES confidentiality has been imposed, will, in deviation from the first and second paragraph, remain in the trust of the island registrar. He will allow the island council members perusal on request.
4. An original document submitted for perusal shall not be taken outside the office of the registrar.

Article 11 Public notification

1. Island council committee meetings are brought to the public notice by announcement via the Government Information Service and or made public in the manner customary for announcements in the public entity.
2. In urgent cases, public notification can only be made electronically.
3. The public notice states:
 - a. the date, starting time and place, as well as the provisional agenda of the meeting;
 - b. the manner in which and the place where everyone can inspect the agenda of the accompanying documents;
 - c. the possibility of exercising the right to speak as referred to in article 19 of this ordinance.

Paragraph 2 Meeting

Article 12. Attendance list

1. The island registrar is responsible for keeping attendance lists of (sub) island council committee meetings.
2. Upon entering the meeting room, island council committee members sign the attendance list, which is established by signature by the island council committee chairman and the island registrar at the end of each meeting of the (sub) island council committee.

Article 13 Opening meeting and quorum

1. If, according to the attendance list, 15 minutes after the set time more than half of the number of sitting island council members is not present, a meeting will not be opened.
2. If the meeting cannot be opened on the grounds of the first paragraph, the island council committee chairman will convene another meeting at a time that is at least twenty-four hours after the notice has been given.
3. The first paragraph does not apply to a meeting as referred to in the second paragraph. However, an island council committee can only deliberate or decide on matters other than those for which the meeting that was not opened pursuant to the first paragraph, if, according to the attendance list, more than half of the number of sitting island council members is present.

Article 14 Advice, no votes

1. If an island council committee issues an advice to the island council, the members will decide on the content of the advice on the proposal of the island council committee chairman.
2. The advice will include the positions of all factions and the island council committee members who are not island council members.
3. The island council committee chairman sends the advice referred to in the third paragraph to the island council. The presidium ensures that the advice is placed on the agenda of a meeting of the island council as soon as possible.

4. No votes take place in a meeting, with the exception of votes on secrecy and in connection with order.

Article 15 Number of speaking periods

1. Deliberation on subjects or proposals takes place in no more than two terms, unless the island council committee decides otherwise.
2. Speaking terms are closed by the island council committee chairman.
3. Island council committee members do not speak more than once about the same subject or proposal during a term.
4. When determining how many times an island council committee member has spoken on the same subject or proposal, speaking about a proposal of order is not taken into account.

Article 16 Speaking time

An island council committee member can make a proposal about the speaking time of the island council committee members.

Article 17 Deliberation

1. The island council committee may decide on the proposal of the island council committee chairman or an island council committee member, can decide to deliberate separately about one or more parts of a subject or proposal.
2. At the proposal of a member or the island council committee chairman the island council committee may decide to suspend the deliberations for a period of time to be determined by it in order to give the executive council or the members the opportunity to deliberate among themselves. The deliberations will resume after the suspension period has expired.

Article 18 Participation in the deliberation by others

An island council committee may decide that others, among others the island governor, the commissioners may take part in the deliberation. A decision to that effect is taken before the deliberation with regard to the item on the agenda is started.

Article 19 Right to speak by citizens

1. Citizens can speak in a meeting about subjects that are on the agenda.
2. The person who wishes to make use of the right to speak must report this to the island registrar at least 2 days before the start of the meeting, stating his name, address and telephone number and the subject on which he wishes to speak.
3. The committee chairman gives the floor in the order of registration, unless a deviation from that order is in the interest of the order of the meeting.
4. Each speaker is given the floor for a maximum of five minutes. The chairman distributes the speaking time of up to 30 minutes evenly among the speakers if there are more than six speakers. The chairman may also deviate from the maximum length of speaking time in special cases.

5. The guest speaker speaks after the island council committee chairman has granted him this. The island council committee chairman can allow the participants in the meeting to ask the participants a brief, clarifying question. No discussion takes place between a speaker and the meeting participants.
6. When the agenda is established, the order of the agenda is adjusted on the basis of the number of participants per proposal. The first item to be discussed is the agenda item for which the most participants have registered.
7. The island council committee chairman or an island council committee member makes a proposal for the consideration of the contribution of the participant.

Article 20 Maintaining order: suspension

1. The island council committee chairman maintains order in the meeting.
2. A speaker is not disturbed in his speech unless:
 - a. the chairman of the island council committee deems it necessary to remind him of compliance with the provisions of this ordinance;
 - b. a member interrupts him. The island council committee chairman can determine that the speaker will complete his speech without further interruption.
3. He may propose the island council committee to deny further access in the meeting to an island council committee member who, by his conduct, hinders the regular course of affairs. The proposal is not discussed. After its adoption, the island council committee member leaves the meeting immediately. If necessary, the island council committee chairman will have him removed. If his behavior is repeated, the island council committee member can also be denied access to the meeting for a maximum of three months.
4. In order to maintain order, he may suspend the meeting for a time to be determined by him and, if the order is again disrupted after the reopening, close the meeting.
5. He calls speakers to order if they use offensive or indecent expressions, or otherwise disturb the order. Speakers who do not comply with this may be denied the floor on the pending subject.

Article 21 Proposals of order

1. Island council committee members and the island council committee chairman can make an oral proposal regarding the meeting during a meeting, which can be briefly explained. The island council committee will immediately decide on this
2. A proposal of order can only concern the order of the meeting.

Article 22 Report

1. If possible, the draft report of the previous meeting will be sent to the members simultaneously with the written notice for the forthcoming meeting. The draft report is sent at the same time to the other persons who spoke.
2. In the meeting, the report of the previous meeting is adopted.

3. The members, the chairman of the island council committee, the island governor and the island commissioners, have the right, if they have spoken, to make a proposal to amend the report to the island council committee, if the report contains inaccuracies or does not clearly state what has been said. A proposal for amendment has to be submitted in writing to the island registrar before the start of the meeting.
4. The report includes:
 - a. the names of the island council committee chairman, the island registrar, the island governor and the island commissioners and the members, all insofar as present, as well as the names of the remaining persons who have spoken;
 - b. a note of which island council committee members were present;
 - c. a mention of the topics which had been under discussion;
 - d. a business summary of what was said, stating the names of the speakers;
 - e. a summary of the advice to the island council stating the names of the members who have notified their approval or disapproval and the names of the members who have not expressed their opinion;
 - f. for the relevant agenda item the name and capacity of those persons who are permitted by the island council commission to participate in the deliberations pursuant to article 18.
5. The report is prepared under the responsibility of the island registrar.
6. The adopted report is signed by the island council committee chairman and the island registrar. A business summary in the language used is drawn up and sent to the persons referred to in the first paragraph as soon as possible.

Paragraph 3 Closed meetings

Article 23 Application of this ordinance to closed meetings

The provisions of this ordinance apply mutatis mutandis to a private meeting, insofar as these provisions are not inconsistent with the private nature of the meeting.

Article 24 Report of closed meeting

1. Draft reports of closed meetings will not be distributed, but only made available for perusal by the island council members at the island registrar.
2. These reports shall be presented for adoption in a closed meeting as soon as possible. During this meeting, the island council committee takes a decision on whether or not to publish the report.
3. The adopted reports are signed by the island council committee chairman and the island registrar.

Article 25 Confidentiality

Before the end of the closed meeting, the island council committee decides in accordance with article 119, first paragraph, of the WolBES whether the content of the documents and the confidentiality involved will apply. The island council can decide to lift the confidentiality.

Article 26 Removal of confidentiality

If the island council intends to lift the confidentiality on the basis of article 26, third and fourth paragraphs, of the WolBES, this will be discussed in a closed meeting with the island council committee, if the island council committee has imposed such confidentiality.

Paragraph 4. Audience and press; dress code

Article 27 Audience and press

1. Audiences and representatives of the press shall attend public meetings only in the places designated for them.
2. They are forbidden to show signs of approval or disapproval or to disturb the order in any other way.
3. If the order in the meeting is disrupted in any way by an audience, the island council committee chairman is authorized to have them and, if necessary, other listeners leave.
4. The island council committee chairman is authorized to deny admission to audiences who repeatedly disturb the order in the meeting for a maximum of three months.

Article 28 Dress code

1. During the public meetings of the island council committee, the island council members, guests and listeners are required to wear appropriate clothing and footwear.
2. The decision as to whether clothing or footwear is appropriate, rests with the island council committee chairman.

Article 29 Sound and Image recordings

Those who wish to make sound or image recordings of a public meeting must notify the island council members of this via the island registrar and act according to his instructions.

Article 30 Prohibition of use of mobile telephones

In the conference room, including the public gallery, the ringtone of mobile telephones is switched off during the island council committee meeting and telephone calls are not allowed during the meeting. For the public gallery, the use of other means of communication that could violate the order of the meeting without the consent of the island council committee chairman is not permitted.

Article 31 Unforeseen circumstances

1. In cases not provided for by this ordinance or in case of doubt about the application of this ordinance, the island council committee chairman will decide after hearing the island council committee members.

2. In cases of unforeseen matters that arise during a meeting, a decision is taken by the island council committee chairman, headed by the island council committee, during the meeting.

Chapter 3 Concluding provisions

Article 32 Interpretation of the regulation

In cases not provided for by this regulation, the island council committee decides on the proposal of the island council committee chairman.

Article 33 Evaluation after 1 year

No later than one year after its entry into force, this ordinance will be evaluated by the island council and if necessary, amended on the basis of the evaluation.

Article 34 Repeal of old regulation

The regulation on the island council committee of the public entity St. Eustatius is hereby repealed. All decisions made on the basis of the old regulations remain in effect.

Article 35 Official title

This ordinance is cited as: Ordinance on the island council committee of the public entity Sint Eustatius 2020.

Article 36 Entry into force

This ordinance shall enter into force on the day following its publication.

Thus established by the government commissioner
Sint Eustatius, on 15 September 2020

The government commissioner,

Signed: Mr. M. L. A. van Rij, LL.M.

Explanation

Ordinance on the island council committee of the public entity Sint Eustatius 2020

Article by article

Article 3 Tasks

The tasks of the island council committee are laid down in article 117, first paragraph, of the Bonaire, Sint Eustatius and Saba public entities Act (hereinafter: WolBES). The island council committees prepare the decision-making of the island council and consult with the executive council or the island governor. With regard to the implementation of the tasks of the island council committees, an island council committee is mainly focused on preparation and information provision and the political debate and decision-making take place in the island council.

The task of preparing the decision-making of the island council is expressed in the task of issuing advice on a proposal or subject. The island council committee may also issue advice to the island council of its own accord .

This advice may also lead to decision-making in the island council. The tasks of the island council committee are essentially the same as those of the island council, those of a framework-setting, monitoring and representative body.

The island council committee, like the island council, sets its own agenda. This means that it is not the presidium, but (the chairman of) the island council committee who determines whether a proposal is submitted to the island council committee before it is discussed in the island council. The presidium is responsible for the substantive coordination of island council and island council committee meetings. However, it will often be the case that a subject is first discussed in an island council committee. If meetings concern the preparation of decision-making by the island council and the consultation with the executive council or the island governor, this is referred to as an island council committee. Such preparation of the decision-making of the island council is reserved exclusively for the island council committees and cannot be assigned to other committees. In the case of meetings, all requirements that apply to an island council committee must be taken into account, such as balanced representation (article 117, third paragraph, of the WolBes).

Article 4 Composition

The island council determines the composition of the island council committees. Article 117, third paragraph, of the WolBES does, however, prescribe that the island council must ensure a balanced representation of the political parties represented in the island council. In order to achieve this, the first paragraph prescribes that an island council committee consists of a minimum and maximum number of members per faction, in proportion to the number of seats in the island council.

The island council committee members are appointed by the island council, on recommendation of the factions.

This means that it is up to the factions themselves to determine who will represent the relevant faction in the various committees. It is only possible – in accordance with the third paragraph even obliged – to refuse the appointment of a nominated member if it concerns a civilian member who does not meet certain requirements of the law (see further the explanation to the third paragraph).

From the third paragraph it follows that the members of an island council committee need not to be island council member. However, the factions propose the members. According to the third paragraph the island council committee members, as well as island council members, comply with the provisions of articles 11, 12, 13,14 and 16 of the WolBES. This means, among other things, that they must be eighteen years old, have a valid residence permit, must disclose their ancillary positions and must not hold a position as referred to in article 14 of the WolBES.

To assess whether the requirements of the law are met, it is obvious to make use of a credentials search. It is recommended that this research be carried out by the committee that carries out the compulsory credentials search for island council members and commissioners under article V4 of the Elections Act. After all, the requirements to be examined are the same. This investigation precedes the island council decision by which the island council committee members are appointed.

In order to ensure that every faction – including the small factions – are able to participate in the meetings of the island council, the fourth paragraph stipulates that each faction can nominate an alternate member. The same requirements apply to them as to committee members.

Article 5 Appointment of island council committee chairman

The island council appoints the island council committee chairman (first paragraph). Pursuant to article 117, fourth paragraph of the Act, only an island council member can be appointed as chairman of an island council committee.

Article 6. Term of office and vacancies

The term of office of the members and the chairman is the same as the term of office of island council members, in principle four years. The appointment therefore ends by operation of law, the island council does not have to dismiss them.

Membership of an island council committee also ends by operation of law if a member no longer complies with the provisions of article 4, third paragraph (second paragraph) and if a member is appointed on the nomination of a faction that is no longer represented in the island council (seventh paragraph).

The island council can dismiss a member of an island council committee on the proposal of the faction that nominated the member (third paragraph). This situation can arise in the event of a split of a faction. The new faction created is then otherwise entitled to its own member on the basis of paragraph one.

Article 9. Notice and agenda

The first paragraph requires that the island council committee chairman sends the members of his island council committee a written notice, announcing the meeting, and the provisional agenda and the accompanying documents, a set number of days before a meeting (paragraph 1). It is of course possible, if the island council so wishes, not to send the notice and documents by post, but electronically. The notice states the day, time and place of the meeting.

The first paragraph deals with a provisional agenda. In the daily practice of the public entity it will not always be possible to draw up an agenda well in advance of the island council committee meeting, which also has an overview of current affairs. In such a situation, the island council committee chairman can, if necessary, send an additional agenda and documents around after the written notice has been sent (second paragraph).

If secrecy has been imposed on documents on the basis of article 119, first or second paragraph, of the WolBES, these documents will remain in the trust of the island registrar on request, notwithstanding the first and second paragraph. He gives them for perusal to the island council committee member on request. Confidentiality is stated on the documents.

Ultimately, an island council committee sets its own agenda. The role of an island council committee on the agenda is expressed in the fourth paragraph.

The provisional agenda is drawn up by the presidium. The institution and tasks of this island council committee are regulated in the Ordinance on the presidium public entity Sint Eustatius 2020.

Article 10. Making documents available for perusal

Interested parties must be able to view documents. That is why all documents are offered for perusal at the same time as the written notice is sent (first paragraph). In addition to being physically available for perusal at the office of the island registrar, the documents will usually be presented electronically to the island council committee members (second paragraph)

The island registrar fulfills the secretarial function at the service of the island council. That is why documents pertaining to the agenda and proposals of the island council committee meeting and which must remain secret are made available for perusal by

the island registrar. At the request of the island council committee members, the island registrar can grant them access (third paragraph).

Article 11. Public notification

With this article, the regulation of article 117, fifth paragraph, of the WolBES is fulfilled. With regard to the manner of publication, namely by announcement via the Government Information Service and or in the usual manner for announcements in the public entity and if possible by posting of the meeting of the island council committee on the website of the public entity St Eustatius. If the notification takes place exclusively electronically, then there must be a basis. In the second paragraph this basis is created to be able to issue a public notification even in urgent cases (second paragraph).

Article 12 Attendance list

The attendance list and the signature by the island council committee chairman and the island registrar are intended to formally establish that the meeting quorum is present. In addition, the attendance list is important to be able to determine the remuneration of the non-island council members who are members of the island council committee.

Article 13 Opening meeting and quorum

Article 21 of the WolBES regulates the meeting quorum of the island council. There is no such provision in the law for the island council committees. Article 13 provides for this. If more than half of the number of sitting members is present and has signed the attendance list, a meeting can be held (first paragraph).

The third paragraph provides for a regulation for a new meeting if the quorum is not reached, otherwise the absence of members of the island council committee could hinder the progress of the activities. Naturally, at the moment that the island council committee chairman determines the date and time of the new meeting, it is not yet clear when the written notice will be issued. If there are a few days between the two meetings, it may be assumed that it is possible to send a written notice 24 hours in advance (second paragraph). Incidentally, it is logical that the island council committee chairman will consult with the island council committee on the date of a new meeting.

Article 14. Advice. No votes

By using the word “decide” in the first paragraph, the suggestion can be created that real decisions can also be taken in the island council committee meeting. However, this is not the case. An island council committee does not take decisions but prepares the decision-making in the island council and consults with the executive council and the island governor. Only decisions can be taken in the island council meeting. An island council committee can, however, give solicited and unsolicited advice to the island council. For the benefit of the debate in the island council and to

do justice to the opinion of all factions, including minority positions, the positions of all factions are included in the advice. It goes without saying that if a member does not agree with the factions position, this will be reported separately in the advice to the island council.

Article 15. Number of speaking terms

Asking questions should also be seen as a speaking period, a speaking period is concluded by the island council committee chairman. Incidentally, this does not have to change the practice that a portfolio holder answers after the input of the island council members in the first and second term. A request of an island council committee member to still give a short reaction after the end of the second term, the island council committee chairman has not to honor. If the island council committee is of the opinion that further deliberation is necessary after the second term, it can expressly decide to do so (first paragraph).

Article 18. Participation in deliberations by others

This provision is necessary in connection with the immunity regulated in article 23 of the WolBES, which in article 117, fifth paragraph, of the WolBES is declared applicable mutatis mutandis to members of island council committees and other persons who participate in the deliberations. It is of course also possible for an island council committee to determine that a particular official may (always) participate in the deliberation in certain cases. This provision concerns others than the members, the chairman, the island governor and the commissioners. Pursuant to article 22, read in conjunction with article 117, fifth paragraph, of the WolBES, these have the opportunity to participate in the deliberations. For example, the head of the finance department can be invited on the basis of this article. Of course these other speakers do not have the same rights as the members. Another speaker, among other things, has no right to make a proposal about the speaking time or the order of the meeting.

Article 19 Right to speak by citizens

Giving citizens the right to speak is a way of involving citizens more in the decision-making of the island council. Because the island council meeting is the final element of the decision-making process that started long before that (official organization, executive council, island council committees), it was decided to include the right to speak in the Ordinance on the island council committee of the public entity St. Eustatius 2020. In that phase, the factions are still in the process of forming their opinion. An opportunity to speak during the island council meeting is usually less effective (“sham right to speak”)

The right to speak only applies to subjects that are on the agenda of the island council committee (first paragraph). In the public entity there is till now no possibility for a citizens’ initiative. Citizens thus have the instrument of an initiative to put topics on the agenda.

Citizens who wish to speak can report to the island registrar within a reasonable period of time before the meeting. Procedurally, it is useful to maintain a reasonable period of at least 2 days.

In the fourth paragraph it has been opted to give a citizen the floor only once and to allow no discussion to take place. Depending on the local situation, 5 minutes of speaking time per citizen can be used as a guideline. Deviations from this guideline may be made on a proposal from the island council committee chairman, who must in the first instance ensure that the meeting proceeds in an orderly fashion and must therefore be able to sense whether a reduction or extension of speaking time is desirable.

On the basis of article 22, third paragraph, the report is sent to the citizens who have spoken.

Article 20. Maintenance of order and suspension

Article 27 of the WolBES indicates that the chairman is authorized to maintain order in the meeting during an island council meeting. There is no such provision for the island council committee meetings, which is why it has been included in article 20. Pursuant to the first paragraph, the island council committee chairman is charged with maintaining order in the island council meetings. Pursuant to the fourth paragraph all speakers can be called to order and, if necessary, denied the floor on the pending subject. The chairman of the island council committee can also suspend the meeting and close the meeting if the disturbance of the order is repeated (third paragraph). In extreme cases, he can deny a member further stay and have him removed from the meeting. If a member persists in his behavior, he can be denied access to the meeting for a maximum of three months (third paragraph). With regard to maintaining order in the public gallery, reference is made to article 27.

In order to promote that members of island council committees do not feel hindered from expressing their opinion, article 117, fifth paragraph, of the Act also provides that article 23 of the WolBES applies mutatis mutandis to members of island council committees. This means that members of island council committees cannot be prosecuted in court, be addressed or be obliged to give evidence about what they say or submit in writing at the meeting. This applies to both island council members and non-island council members.

Article 21 Proposals of order

Every member always has the right to make a proposal of order. The decision whether there is indeed a proposal of order is up to the island council committee. The island council committee immediately decides on a proposed order, without consultation. In the event of a tie, the proposal is not adopted. A proposal of order concerns, for example, the suspension of the meeting, a (consultation) break or a

proposal about the (limitation of) speaking times of the members and other participants in the island council committee meeting.

Article 23. Application of the ordinance to closed meetings

Provisions that apply mutatis mutandis may include provisions regarding the timely sending of documents, the meeting quorum and proposals of order. However, the provisions of this ordinance shall not apply to the extent that the application of those provisions would conflict with the private nature of the meeting. For instance no image and sound registries for public use can be made.

With regard to the documents pertaining to a closed meeting and the proceedings, an island council committee will have to decide whether secrecy as referred to in article 86 of the Act is imposed or lifted.

Article 24 Report of closed meeting

Pursuant to article 82, fifth paragraph of the Act, article 23 of the Act applies mutatis mutandis. The fourth paragraph of article 23 of the Act prescribes that of a private meeting a separate report is made, that is not made public, unless the island council and, in this case, an island council committee, decides otherwise. In addition to this the first paragraph determines that the report of a private meeting is available for perusal at the island registrar.

Article 26 Removal of confidentiality

The island council can lift the secrecy imposed by an island council committee. However, there is a consultation obligation, which does justice to the principle of hearing both sides.

Article 27 Audience and press

Article 26, first and second paragraph of the Act provide that the chairman of the island council may cause disruptive audience to leave and, if their behavior persists, may deny them entrance. There is no such provision in the Act for island council committees. Paragraph 3 provides for this.

Article 28 Dress code

During the public meetings of the island council committee, the island council members, guests and audience are required to wear appropriate clothing and footwear. The term "appropriate clothing" is still quite useful, this includes what is generally regarded in society as proper clothing. This does not only include the clothing style with jacket and tie, or for women skirt or trousers with blouse/sweater, with jacket, but also the in the Caribbean as tropical clothing style known appropriate clothing. Flip-flops, sandals or bare feet are not permitted.

Appropriate clothing for male visitors, invitees or island council committee members in any case means:

Suit with, or without tie

Guayabera
Safari suit or Nehru suite
All garments with long sleeves and long pants

Appropriate clothing for female visitors, invitees or island council committee members in any case means:

A business suit
A trouser suit
A combination of blouse/sweater with sleeves skirt or long pants
A dress with sleeves
Not a low-cut or see-through blouse or mini skirts

Appropriate footwear does not include slippers or sandals
The decision as to whether clothing or shoes are appropriate rests with the island council committee chairman (second paragraph).

Article 29. Sound and image recordings

Since the meetings of an island council committee are in principle public, radio and TV stations can make sound and image recordings. This is obviously not the case if it concerns a private meeting. These indications cannot go so far as to affect the freedom of the press and to contravene laws and regulations in the field of privacy protection.

Article 33. Evaluation after 1 year

Practice will show to what extent the provisions laid down in this ordinance are satisfactory. It is important that the functioning of this is evaluated by the island council members themselves. To this end, an island council member can submit any comments, bottlenecks and questions to the registry, which forwards them to the designated official in the Legal Affairs Department.

No later than one year after the entry into force of these rules of procedure, the collected points for attention will be worked out by Legal Affairs in collaboration with the registry in a memo, on the basis of which, after discussion by the island council members, an amendment proposal can be drawn up. Of course, the foregoing does not alter the fact that the island council can always revise ordinances by means of an initiative proposal.