

Rules of order for meetings and other activities of the island council of the public entity Sint Eustatius 2020

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Decision of the Government Commissioner of 15 September 2020 No. 881/GEZ instead of the island council for the establishment of the Rules of order for the meetings and other activities of the island council of the public entity Sint Eustatius 2020;

The Government Commissioner for Sint Eustatius, acting pursuant to article 18 of the 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 establish the

Rules of order for meetings and other activities of the island council of the public entity Sint Eustatius 2020

Chapter 1. General provisions

Article 1. Definition of terms

In this regulation the following terms are taken to mean:

- a. WolBES: Bonaire, Sint Eustatius and Saba public entities Act;
- b. public entity: public entity Sint Eustatius as referred to in article 3 of WolBES;
- c. island council: island council as referred to in Chapter III, Section III of the WolBES;
- d. committee: committee as referred to in article 117, first paragraph, of the WolBES, the central committee is the opinion forming meeting of the island council;
- e. registrar: island registrar of the island council or his deputy as referred to in Chapter III, Section IX, paragraph 3 of the WolBES;
- f. chairman: chairman of the island council or his deputy as referred to in article 10 of the WolBES;
- g. island governor: island governor as referred to in Chapter III, Section IV, WolBES;
- h. executive council; executive council as referred to in Chapter III, Section III of the WolBES;
- i. commissioner: commissioner as referred to in article 37, paragraph 1 of the WolBES;
- j. administrative office: the building in which the island council of the public entity Sint Eustatius meets;
- k. regulation: rules of procedure for the meetings and other activities of the island council of the public entity Sint Eustatius 2020;
- l. amendment: proposal of an island council member to amend a draft regulation or draft decision;

- m. sub-amendment: proposal by an island council member to amend a pending amendment in order to be included directly in the amendment to which it relates;
- n. initiative proposal: proposal from an island council member for a regulation or other proposal;
- o. motion: statement expressing an opinion, wish or request;
- p. proposal of order (point of order): proposal concerning the order of the meeting;
- q. point of clarification: request to the chairman to speak on a personal fact, for the correction of an incorrect quotation of what a member has said earlier in the meeting.

Article 2. The chairman

1. The island governor is chairman of the island council and has the right to participate in deliberations in the island council meetings. The island governor has no voting rights.
2. The chairman is charged with:
 - a. conducting the meeting
 - b. maintaining order
 - c. ensuring compliance with this regulation
3. When unable to attend or in absence of the island governor and his deputy as chairman of the island council, the kingdom representative will appoint an acting island governor to act as chairman of the island council.

Article 3 The presidium

1. The island council has a presidium, with as chairman the island governor mentioned in article 2.
2. The presidium consists of the chairman and the faction leaders. The island registrar is present at every meeting of the presidium. The meetings of the presidium are closed.
3. The presidium draws up the provisional agenda of the island council and the island council committees.
4. The presidium draws up a meeting schedule for the meetings of the island council and the island council committees.
5. The chairman may propose to invite the island secretary to the presidium.
6. Each faction leader appoints a member of the island council, who can replace him in the presidium in his absence.
7. In addition to the tasks mentioned in the previous paragraphs and articles 11, 12, 18, 36, 48, 51 and 52 of this regulation, the presidium has the task of making recommendations to the island council regarding the organization of the activities of the island council and of its committees.
8. In the first meeting of the island council, the presidium will make a new composition regarding a fixed day and hour for the meetings of the island council.
9. The presidium consults with the chairmen of the committees at least twice a year.

Article 4. The island registrar

1. The island council appoints the island registrar. The island council is also authorized to suspend and dismiss the island registrar.

2. The island registrar is present at all island council meetings, meetings of the presidium and in the committee meetings of the island council.
3. When unable to attend or in absence the island registrar is replaced by a substitute who has been appointed by the island council.
4. The island registrar can upon invitation of the chairman participate in deliberations in island council meetings.

Article 5. Approval appointment of registry

A decision containing the appointment, promotion, suspension or dismissal of the island registrar and the official working at the registry requires the approval of the kingdom representative. The approval can only be denied when in conflict with the law or the general interest.

Chapter 2. Admission of new members, appointment of deputies, factions.

Article 6. Inspection of credentials, swearing-in

1. When appointing new island council members, the island council appoints a committee consisting of three members of the island council.
2. This examines:
 - a. the notification of the appointment or his authorized representative, as referred to in article 9, that he accepts the appointment, and
 - b. the documents referred to in article 10, being the credentials, articles V2 and V3, Elections Act apply mutatis mutandis.
3. After the credentials have been checked, the committee will report to the island council and makes a proposal for a decision to determine whether the appointee meets the requirements for membership. The report mentions a minority point of view.
4. In accordance with the provisions of Section V4, Elections Act, the island council decides whether the person appointed is admitted as a member of the island council.
5. The investigation of the process report of the central electoral committee takes place in the last island council meeting in the old composition after the island council elections.
6. After an island council election, the chairman calls on the admitted island council members to take the prescribed oath or statement and promise in the first island council meeting in a new composition.
7. In the event of an interim vacancy being filled, the chairman summons a newly appointed island council member to attend the island council meeting in which will be decided on his admission to take the prescribed oath or statement and promise.

Article 7 Appointment of commissioners

1. When appointing a commissioner, the island council appoints a committee consisting of three island council members.
2. This examines whether the candidate meets the requirements laid down in the Bonaire, Sint Eustatius and Saba public entities Act. The committee applies the method described in article 6, second paragraph.
3. The committee then issues advice to the island council on the appointment as commissioner.

4. Before the commencement of each term of office, the chairman can order the candidate commissioners to be subjected to an integrity risk analysis. The chairman reports on the final result to the island council. The risk analysis and the final conclusion are not public.

Article 8 Notice of acceptance of appointment

1. The person appointed shall ensure that no later than on the tenth day or, in the case of an appointment in a place that has fallen vacant after the first meeting of the newly elected island council, the twenty-eighth day after the date of the notification of appointment, the island council will receive from him, respectively his authorized representative notification by letter signed by him or his authorized representative, that he accepts the appointment.
2. If the notification has not been received within that time, he is deemed not to accept the appointment.
3. The chairman shall inform the chairman of the central election office without delay that the person appointed has accepted the appointment or that he is deemed not to accept the appointment.
4. If the appointed does not accept the appointment, he or his authorized representative shall notify the chairman of the central electoral committee by letter within the period referred to in the first paragraph. The latter notifies the island council of this.
5. If it has not yet been decided to admit the appointed, he or his authorized representative may notify the island council by letter signed by the appointed or his authorized representative that he is reverting to the adoption of the appointment. He is then deemed not to have accepted the appointment. The chairman shall immediately notify the chairman of the central electoral committee of the receipt of this notification.

Article 9. Credentials, statement of public relations, functions and ancillary positions

1. Simultaneously with the announcement that he is accepting his appointment, the appointed or his authorized representative shall submit to the island council a declaration signed by the appointed or his authorized representative, stating all public relations, functions and ancillary positions that he holds, in addition to membership of the island council.
2. Unless the appointee was already a member of the island council at the time of appointment, he must also submit a certified copy of his registration as a resident in the basic administration of personal data of the public entity of St. Eustatius. This copy must show his nationality, place of residence, date and place of birth, as well as that the appointed is not excluded from the right to vote, in accordance with article 11, first paragraph, WolBES.
3. The declaration referred to in the first paragraph shall be made public. Publication takes place immediately after appointment as a member of the island council or, always after acceptance of another position, and takes place by making a declaration of the positions available for perusal at the registry of the island council.

Article 10. Factions

1. Island council members who have been declared elected by the central electoral committee on the same list of candidates are considered a faction at the start of the term of office.
2. If a designation was placed above the list of candidates, the faction in the island council uses this designation as its name. If no designation was placed there, the faction will inform the chairman at the first island council meeting which name this faction will use in the island council.
3. The names of the faction leader and his deputy will be communicated to the chairman as soon as possible.
4. If one or more island council members of one or more factions are to act as an independent faction or join another faction, the chairman will be notified in writing as soon as possible. No permission is required from the island council for splitting or forming new factions.
5. The new name of the faction as referred to in paragraph 4 meets the requirements of article G3, fourth paragraph, of the Elections Act and will be used with effect from the next island council meeting after the name has been changed.

Chapter 2. Island council meetings

Paragraph 1. Preparation

Article 11 Frequency of meetings

1. The island council meets as often as the chairman deems necessary or at the request of a fifth of the number of members of the island council.
2. In special cases, the chairman can set a different day and starting time or designate a different meeting place. He consults about this in the presidium, unless there is an urgent situation.

Article 12 Notice and provisional agenda

1. At least seven (7) days before an island council meeting, the chairman of the presidium sends the island council members a written notice and the provisional agenda with the accompanying documents with exception of the documents referred to in article 26, first and second paragraph, of the WolBES.
2. In urgent cases, the 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 island council meeting, it will be sent to the members with the accompanying documents.
3. Article 15, third paragraph, applies to the documents referred to in the first and second paragraph.
4. The agenda is set by the island council at the start of an island council meeting. On the proposal of a member of the island council or the chairman, the island council may add or remove items from the agenda when the agenda is established.
5. Upon proposal of a member of the island council or of the chairman the island council may change the sequence of the handling of the agenda points.

Article 13 Executive council's proposal

1. A proposal of the executive council to the island council which is mentioned on the provisional agenda of the island council meeting, is not retracted without permission of the island council.
2. Should the island council be of the opinion that it is necessary to return a proposal as referred to in the first paragraph for advice to the executive council, the island council determines within which period the proposal will again be placed on the agenda.

Article 14 Extra meeting

1. If at least a fifth of the number of members of the island council so request in writing stating the reasons, the chairman will convene the meeting.
2. If the meeting has been requested by the number of members mentioned in the first paragraph, it will be held within seven (7) days. Article 19 applies mutatis mutandis.
3. With the exception of urgent cases, the written notice shall be sent to the members at least twice 48 hours before the meeting is held. Article 12, paragraph 1 is not applicable.
4. The meeting takes place with due observance of the provisions of this regulation.

Article 15. Making documents available for perusal

1. Documents that serve to clarify the subjects or proposals on an agenda, are made available for perusal at the registry at the same time as the written notice is sent. If documents are made available for inspection after the written notice has been sent, this will be notified to the members of the island council and, if possible, by means of public notification.
2. Documents available electronically will, if possible, be placed on the website of the public entity Sint Eustatius.
3. Documents on which secrecy has been imposed on the basis of article 26, first or second paragraph, of the WolBES, will, in deviation from the first and second paragraphs, remain in the trust of the island registrar, who allows the island council members inspection, upon request.

Article 16. Public notice

1. Island council meetings are brought to the public notice by announcement via the local radio and made public in the manner usual for announcements in the public entity Sint Eustatius and, if possible, by posting on the website of the public entity Sint Eustatius.
2. In urgent cases, public notification can be made by electronic means only.
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 documents pertaining to the meeting.

Section 2. Order of the meeting

Article 17. Attendance list

1. The island registrar is responsible for keeping an attendance list for island council meetings.

2. Upon entering the meeting room, all island council members sign the attendance list, which is signed by the chairman and the Island Registrar at the end of each island council meeting.
3. Members who arrive at the meeting after the meeting has been opened, sign their name below that of the chairman.
4. If a member is present at the island council meeting but has not signed the attendance list, he may only participate in the deliberation and vote after the attendance list has been signed.
5. If a member is unable to attend the meeting, he will notify the chairman, as far as possible before the start of the meeting.
6. Island council members who leave the meeting before it has ended, will notify the chairman thereof.

Article 18 Seating

1. 1. The chairman, the factions and the island registrar have fixed seats, appointed by the chairman after consultation in the presidium, at the start of each new term of office of the island council.
2. If there is reason to do so, the chairman may revise the division after consultation in the presidium.
3. The chairman will provide a seat for the commissioners and other persons invited to the meeting.

Article 19 Opening of the meeting, quorum

1. The chairman opens the meeting at the appointed time if, according to the attendance list, more than half of the number of members in session is present.
2. If the required number of members is not present 15 minutes after the determined time, the chairman will, after reading out the names of the absent members, determine with due consideration of article 21 WolBES a new meeting time that is scheduled at least 24 hours after the delivery of the notice.
3. The first paragraph does not apply to the meeting, as referred to in the second paragraph. The island council can only discuss or decide on other matters than those the meeting was not convened for in accordance with paragraph 1, if, according to the attendance list, more than half the number of sitting members is present.

Article 20. Number of speaking terms

1. Deliberation on subjects or proposals takes place in no more than two terms, unless the island council decides otherwise.
2. Speaking terms are closed by the chairman.
3. Island council members do not speak more than once about the same subject or proposal during a term.
4. The third paragraph does not apply to:
the reporter of a committee and an island council member who has submitted an amendment, a sub-amendment, a motion or an initiative proposal with regard to the deliberation on this.

5. When determining how many times an island council member has spoken on the same subject or proposal, speaking about a proposal of order is not taken into account.
6. In the second round of speaking terms, the chairman will only give the floor to those members who have spoken in the first round.
7. In special cases, the island council may allow a member to speak in deviation from the provisions of the third and sixth paragraph.

Article 21 Speaking time

The chairman can make a proposal about the speaking time of the members and other attendees.

Article 22 Maintaining order, suspension

1. A speaker may not be disturbed in his speech unless:
 - a. the chairman deems it necessary to remind him of the observance of this regulation;
 - a.1 the chairman does not give the floor for a point of clarification until a brief indication of the fact has been given;
 - a.2. the chairman does not permit a member to speak for longer than is strictly necessary to correct an incorrect quotation of what the member has said earlier in the meeting.
 - b. a member interrupts him. The chairman may determine that the speaker will complete his speech without further interruption.
 - c. a member asks for the floor to issue a point of clarification and the chairman allows the member to speak.
2. If a speaker uses demeaning or indecent expressions, deviates from the subject of discussion, repeatedly interrupts another speaker, or otherwise disturbs the order, he shall be called to order by the chairman. If the relevant speaker does not comply with this, the chairman may, during the meeting in which this takes place, deny him the floor on the pending subject.
3. In order to maintain order, the chairman may suspend the meeting for a period of time to be determined by him and - if the order is again disrupted after the reopening – close the meeting.
4. The chairman may propose to the island council to deny a member, who by his conduct, obstructs the regular course of affairs, further stay in the meeting. The proposal is not discussed. After adoption, the member leaves the meeting immediately. If necessary, the chairman will have him removed. If his behavior is repeated, the chairman may propose to the island council to deny the member access to the meetings for a maximum of three months.

Article 23. Deliberation

1. The island council can, on the proposal of the chairman or a member of the island council, decide to deliberate separately on one or more parts of a subject or a proposal.
2. If he so wishes, the chairman will be the first to give his opinion on the subjects to be discussed. If desired, the submitters of a motion speak first to explain the motion or

proposal. If desired, one or more commissioners will first speak about proposals from the executive council.

3. At the request of a member of the island council or on proposal of the chairman, the island council may decide to suspend the deliberations for a period 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 24 Participation in the deliberation by others

1. Without prejudice to article 22, first and second paragraph, of the WolBES, the island council may decide that others may participate in the deliberation.
2. A decision on the provisions of the first paragraph is taken on the proposal of the chairman or one of the members of the island council before the deliberation of the item on the agenda commences.

Article 25 Closure of deliberation

1. The chairman closes the deliberation when he determines that a subject or proposal has been sufficiently explained, unless the island council decides otherwise.
2. The closure of the deliberation may also be proposed by one of the members. This proposal must be supported by at least one other member.

Paragraph 3. Voting

Article 26. Explanation of vote

After the deliberation has closed and before the island council proceeds to a vote, island council members can explain their intended voting behavior.

Article 27. Decision

1. After the deliberation has been closed, after a vote on any amendments, the vote on the proposal, as it then reads, shall take place in its entirety, unless no vote is requested.
2. Before the vote on the proposal in its entirety takes place, the chairman formulates the proposal on the final decision to be taken.

Article 28. Voting; vote by roll call procedure

1. Before discussing the announced topics, the chairman shall announce the order in which votes will be cast. The members vote based on the order in which they have subscribed to the attendance list.
2. The chairman asks the island council members whether they want to vote. If this is not the case, the chairman establishes that the proposal has been adopted without a vote.
3. If a proposal is adopted without a vote, the island council members present in the island council meeting can request a note in the report that they wish to be deemed to have voted against or in accordance with article 20 WolBES to abstain from participating in the vote.

4. If an island council member requests a vote or a vote by roll call, the chairman will notify the island council of this.
5. By a vote by roll call, the chairman or the island registrar calls on the island council members by name to declare their vote.
6. By a vote by roll call, island council members present at the meeting who are not required to abstain from voting pursuant to article 29 of the WolBES, cast their vote by declaring themselves “pro” or “contra”, “for” or “against”, without any addition.
7. An island council member who makes a mistake in casting his vote, can only rectify this mistake until the following island council member has voted. In the event that the island council member only notices his mistake later, then he can request entry of his mistake after the chairman has made the result of the voting known. This does not change the outcome of the vote.
8. The chairman announces the result after the vote and announces the decision taken.

Article 29. Order of voting on amendments and motions

1. If amendments are tabled on a pending proposal, a vote will be taken first on those amendments and then on the proposal as it then reads in its entirety.
2. If a sub-amendment has been tabled, a vote shall be taken first on the sub-amendment and then on the amendment to which it relates.
3. If several amendments or sub-amendments have been submitted to the same part of a pending proposal, the most far-reaching amendment or sub-amendment shall be voted on first, without prejudice to the first and second paragraphs.
4. If a motion has been submitted with regard to a pending proposal, a vote will be taken first on the proposal and then on the motion. The island council can decide to deviate from this order.

Article 30 Proper ballot paper

1. For a decision to be taken by vote, an absolute majority of those who cast a vote is required.
2. In the case of a ballot, casting a vote means handing in a duly completed ballot paper.
3. With due observance of article 31, fifth paragraph, an incomplete ballot paper is understood to include:
 - a blank ballot paper;
 - a signed ballot paper;
 - a ballot paper stating more than one name, unless the vote concerns several vacancies;
 - a ballot paper in which, in the case of nomination, a vote is taken for a person who has not been nominated;
 - a ballot paper voting for a person other than the one to which the vote is limited.

Article 31. Voting on persons

1. In voting on persons for appointments or for drawing up nominations or recommendations, the chairman appoints three island council members as electoral committee.

2. Island council members present who are not required to abstain from voting pursuant to article 29 of the WolBES are obliged to submit a ballot paper issued by the electoral committee.
3. There are as many votings as there are persons to appoint, nominate or recommend. On the proposal of the electoral committee, the island council can decide that certain votes are summarized on one paper.
4. The electoral committee shall investigate whether the number of ballot papers submitted is equal to the number of members who are obliged to submit a ballot paper pursuant to the second paragraph. When the numbers are not equal, the ballot papers are destroyed without opening these and a new vote is held.
5. In order to determine the absolute majority as referred to in article 31, first paragraph, WolBES, those members who have not submitted a proper ballot paper are deemed not to have cast a vote.
6. In case of doubt about the answer to the question whether a ballot paper has been properly submitted or not, the island council will decide, on the proposal of the chairman.
7. Under the supervision of the island registrar, the ballot papers will be destroyed immediately after the result has been determined.

Article 32. Second ballot / Reselection on persons

1. Voting on persons to make appointments, nominations or recommendations is secret.
2. If an absolute majority is not obtained in a first vote on persons to make appointments, nominations or recommendations, a second vote shall be taken.
3. If an absolute majority is not obtained in a second vote on persons to make appointments, nominations or recommendations, a third vote will be taken on the two persons who obtained the most votes in the second vote. If in the second vote the votes are divided among more than two persons, an interim vote will be taken to determine which two persons will be the subject of the third vote.
4. If in the event of an interim vote as referred to in the previous paragraph or in the third vote, the votes are tied, the lot will immediately decide in accordance with the manner described in the fifth paragraph of this article.
5. Decision by lot is made in the following manner:
 - a. the names of the persons on whom the decision must be taken, will be written by the chairman on separate, completely identical, papers.
 - b. after they have been checked by the electoral committee, these papers are similarly folded, deposited in a ballot box and shuffled;
 - c. the chairman takes one of the papers from the ballot box. The person whose name appears on this paper has been chosen.

Article 33 Abstention from voting

1. A member of the island council does not participate in the vote about:
 - a. a matter that directly or indirectly concerns him personally or in which he is involved as a representative;

- b. the determination or approval of the account of a body to which he is accountable or to whose management he belongs.
- 2. In the case of a vote by ballot, participation in the vote means handing in a ballot paper.
- 3. An appointment concerns someone personally if he belongs to the persons to whom the choice is limited by a nomination or a new vote.
- 4. The first paragraph does not apply to the decision regarding the admission of members appointed after periodic election.

Article 34. Invalidity of votes

- 1. A vote is only valid if more than half of the number of members holding a seat and who must not abstain from taking part in the vote have taken part in it.
- 2. If after voting by roll call the chairman determines that the number of members that is required for having a valid meeting is no longer present, he adjourns the meeting.
- 3. If a member submits a procedural motion in this regard, the chairman shall proceed to call a roll call as mentioned in the second paragraph.

Paragraph 4. Reporting: incoming documents

Article 35 Report and list of resolutions

- 1. The island registrar is responsible for reports and decision lists of island council meetings.
- 2. A report will in any case show:
 - a. the names of the chairman, island registrar, the commissioners and the island council members, all insofar as present, as well as of the remaining persons who have spoken;
 - b. a note of which island council members were present;
 - c. a statement of the matters that have been discussed;
 - d. a business summary of what was spoken, stating the names of the speakers;
 - e. an overview of the process of each ballot, stating by roll call the names of the island council members who voted for or against, and noting the names of the island council members who, in accordance with the law of voting have abstained or made a mistake in casting their vote;
 - f. the text of the proposed initiatives submitted at the meeting, proposals of order, motions, amendments and sub-amendments, and
 - g. by the relevant agenda item, the name and capacity of those persons who are permitted by the island council to participate in the deliberations pursuant to article 16.
- 3. A draft report is sent simultaneously to the island council members and the other persons who spoke during the island council meeting to which it pertains. Established reports are signed by the chairman and Island Registrar.
- 4. Insofar as the nature and the contents of the decision-making is not opposed to this, the list of decisions will be made public as soon as possible after the island council meeting in the manner customary in the public entity St. Eustatius.
- 5. Electronically available reports and decisions lists will be placed on the website of the public entity Sint Eustatius.

Article 36 incoming documents

1. Documents received by the island council are placed on a list that is sent to the Island council members and made available for perusal.
2. After the report has been adopted, the island council, on the basis of a proposal from the presidium, or in the event of immediate urgency, the island registrar, determines the manner in which the document received will be settled.

Paragraph 5. Private island council meetings

Article 37. Application of regulations on private meetings

1. This regulation apply mutatis mutandis to private island council meetings insofar as this is not contrary to the private nature of the meeting.
2. Procedural rules “for closing the doors” are included, the way in which a meeting becomes a closed meeting namely:
 - a. the doors will be closed if at least one fifth of the number of members who have signed the attendance list so request or the chairman considers it necessary.
 - b. the island council decides whether a meeting will be held with closed doors.
 - c. the chairman may decide that the meeting will be held in public if he considers this necessary in the context of the public interest.
 - d. a separate report is drawn up of a meeting with closed doors which is not made public unless the island council decides otherwise.
 - e. the island council will publish the list of decisions of its meetings immediately after it has been adopted in the manner customary in the public entity St. Eustatius. The island council will refrain from disclosure insofar as it concerns matters subject to confidentiality or in respect of which disclosure is contrary to the public interest.

Article 38. Report private meeting

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

Article 39. Removal of confidentiality

If the island council intends on the basis of articles 26, third and fourth paragraph, 66, second and third paragraph, of the WolBES to lift or not to ratify the confidentiality, the body that has imposed confidentiality can discuss this in a private island council meeting.

Chapter 3. Powers, instruments of council members

Article 40 Amendments and sub-amendments

1. Island council members submit amendments and sub-amendments to the chairman in writing before closing the deliberation of the proposal to which they relate, unless the chairman considers that oral submission is sufficient.
2. There will only be deliberations on amendments and sub-amendments submitted by island council members who have signed the attendance list.
3. Withdrawal by the submitter of an amendment or sub-amendment is possible until the decision-making process has been completed by the island council.

Article 41 Motions

1. Island council members submit motions in writing to the chairman, unless the chairman is of the opinion that oral submission is sufficient.
2. The handling of a motion takes place at the same time as the deliberation on the subject or proposal to which it relates.
3. A motion on an item not on the agenda will be considered after all items on the agenda have been discussed.
4. Withdrawal by the person submitting a motion is possible until the decision-making process has been completed by the island council.

Article 42. Proposal of order (Point of order)

1. The chairman and every member of the island council can make an oral proposal of order concerning the meeting during an island council meeting, which can be briefly explained.
2. A proposal of order can only concern the order of the meeting.
3. The island council decides on this immediately.

Article 43. Point of clarification

1. Every member of the island council can verbally request a point of clarification from the chairman during an island council meeting.
2. A point of clarification is a request by a member of the island council to the chairman to speak briefly for:
 - a. a brief personal fact
 - b. the correction of an incorrect quotation of what a member said earlier in the meeting.

Article 44. Initiative proposal

1. Island council members submit initiative proposals in writing to the chairman. The latter will bring a submitted proposal to the attention of the executive council at the next meeting.
2. The proposal will be dealt with after all proposals and subjects appearing on the agenda have been discussed, unless the island council deems that:
 - a. in the interest of the order of the meeting, the proposal must be discussed together with another proposal or item on the agenda.
 - b. the proposal must first be dealt with in the island council committee as referred to in article 117, first paragraph, of the WolBES;

- c. the proposal must be sent to the executive council for advice. After the executive council has notified wishes or objections to the island council in writing or has made it known that it will not proceed to do so, the proposal will be placed on the agenda of the next island council meeting. If the written convocation for this has already been sent, the proposal will be placed on the agenda of the subsequent island council meeting.
3. The island council may impose conditions on the submission and processing of a proposal, that is not a proposal for an ordinance.

Article 45 Interpellation

1. A member of the island council submits a request in writing to the chairman to hold an interpellation about a subject that is not mentioned on the agenda referred to in article 12, first paragraph, in order to request information from the executive council or the island governor. The request contains a clear description of the subject on which information is requested and the questions to be asked.
2. The chairman will inform the other island council members and the commissioners of the content of the request as soon as possible. When determining the agenda of the next meeting after submission of the request, the request will be put to a vote. The island council determines at what time the interpellation will be held during the meeting.
3. The request submitted at least 48 hours before the commencement of an island council meeting, or is in the opinion of the chairman an urgent case, will be voted on during the next island council meeting. In other cases, during the subsequent island council meeting.
4. The interpellator (questioner) does not speak more than twice. The other island council members, the island governor and the commissioners no more than once, unless the island council gives them authorization to do so.

Article 46. Written questions

1. Island council members submit written questions to the executive council or the island governor through the island registrar, indicating whether there is a preference for written or oral answers.
2. The island registrar will inform the other island council members and the executive council or the island governor of the questions as soon as possible.
3. Written answers will be given as soon as possible, in any case within fifteen days after the questions have been submitted.
4. Questions submitted at least 48 hours before the request for an island council meeting will be answered orally in the next island council meeting unless the executive council or the island governor informs the island Registrar, with reasons, that this is impossible, and it is also indicated within which period the answer will be given. This message will be treated as a reply.
5. Written answers from the executive council or the island governor will be sent to the island council members by the island registrar.

6. By answering in writing in the next island council meeting and by answering verbally in the same island council meeting, the questioner may request further information about the answer given by the executive council or the island governor, unless the island council decides otherwise.

Article 47. Information

1. Island council members must submit requests for information as referred to in articles 49, third paragraph, and 50, third paragraph, of this regulation in writing to the island registrar.
2. The island registrar shall notify the other island council members and the executive council or the island governor of the content of the request as soon as possible.
3. The requested information will be provided to the island council as soon as possible, in any case at the first meeting or in the following meeting after the request has been submitted.
4. The questions asked and the answers form an agenda point for the meeting, during which the answers will be given.

Article 48 Question Hour

1. One hour prior to each island council meeting there is a question hour, unless no questions have been submitted to the chairman. In special cases, the presidium may determine that question hour is to be held at a different time. The chairman decides when question hour ends.
2. Island council members who wish to ask questions during question hour, report this to the chairman at least 48 hours before the start of question hour, indicating the subject.
3. The chairman determines the order in which registered subjects will be discussed during question hour as well as the speaking time for the questioner, the other island council members, the executive council and the island governor.
4. For each subject, the questioner is given the floor to ask one or more questions to the executive council or island governor and to provide an explanation. After answers have been given, the questioner is given the floor to ask additional questions, if desired.
5. The chairman may give the floor to other island council members to ask either the questioner, the executive council or the island governor questions about the same subject.
6. No motions and interruptions are allowed during question hour.

Article 49. Accountability of the executive council

1. The executive council and each of its members individually are accountable to the island council for the administration conducted by the executive council.
2. They will provide the island council with all information that the island council needs to perform its duties.
3. They provide the island council orally or in writing with the information requested by one or more members unless providing that is in conflict with the public interest.
4. They will provide the island council with information in advance about the execution of the powers referred to in article 168, first paragraph, under e, f, g and h, WolBES, if the

island council so requests or if the execution may have far-reaching consequences for the public entity St. Eustatius. In the latter case, the executive council will not make a decision before the island council has been given the opportunity to notify the executive council of its wishes and objections.

5. If the execution of the power referred to in article 168, first paragraph, section f, WolBES cannot be postponed, they shall as soon as possible, in deviation from the fourth paragraph, provide the island council with information about the execution of this power and the relevant decision taken.

Article 50. Accountability of island governor

1. The island governor is accountable to the island council for the administration conducted by him.
2. He provides the island council with all information which the island council needs for the execution of its task.
3. He provides the island council orally or in writing with the information requested by one or more members unless providing it is in conflict with to the public interest.

Chapter 4. Budget and account

Article 51. Budget procedure

1. In a closed meeting of the island council committee, the desirability budget of the island council will be discussed no later than the 15th of March.
2. The island council adopts the budget in the year preceding the budget year.
3. The procedure for the preparation, discussion and adoption of the budget takes place as follows:
 - a. after approval by the island council committee, the budget is discussed in accordance with the first paragraph and presented to the chairman of the executive council by the island registrar.
 - b. the executive council sends the draft budget for the upcoming year annually to the Council of Financial Supervision, before a date to be determined by the Council of Financial Supervision.
 - c. on ultimately 1 September of the year, prior to the budget year, the executive council offers the draft budget to the members of the island council through the intermediary of the island registrar. This draft budget takes into account the findings and recommendations of the Council of Financial Supervision. Upon receipt, the island council will make it available for perusal by everyone and is generally available. The island registrar will ensure that public notification is made of the perusal and availability.
 - d. the island council will deliberate in public on the draft budget referred to in paragraph 3c no earlier than two weeks after the public notification. Proposals to amend the draft budget are made in accordance with article 18, second paragraph, of the Financial relations Bonaire, Sint Eustatius and Saba Act. The draft budget adopted

by the island council is presented by the island registrar to the executive council through the intervention of the chairman.

- e. the executive council sends the budget adopted by the island council within two weeks after its adoption, but in any case, before 15 November of the year preceding the year for which the budget is intended, to Our Minister for approval, through the intermediary of the Council of Financial Supervision.
4. the preparation, handling and adoption procedure of a decision to amend the budget takes place in accordance with articles 21 and 22 of the Financial relations Bonaire, Sint Eustatius and Saba Act.

Article 52. Procedure for annual accounts

1. The island council adopts the annual accounts, the annual report in the year following the budget year.
2. The procedure for the preparation, handling and adoption of the annual accounts, the annual report and any indemnity decree takes place as follows:
 - a. the executive council annually submits the annual accounts and the annual report to the members of the island council through the intermediary of the island registrar, no later than March 15 of the year following the budget year. Upon receipt, the island council will make it available for perusal by everyone and is generally available. The island registrar ensures that public notification is made of perusal and availability.
 - b. no sooner than two weeks after the public notification, the island council will deliberate on the annual accounts and the annual report referred to in paragraph 2a.
3. If the island council comes to the position that income, expenses or changes in the balance sheet included in the annual accounts, which have not lawfully come about, prevent the adoption of the annual accounts, it shall immediately notify the executive council of this, stating of the concerns raised:
 - a. within two months after receipt of the position stated in the third paragraph, the executive council, through the intermediary of the island registrar, sends a proposal for an indemnity decree, accompanied by a reply to the concerns raised in the island council.
 - b. the annual accounts are only adopted after the island council has taken a decision on the proposal with regard to the indemnity decree.
 - c. Barring irregularities that are later proven in court, the adoption of the annual accounts relieves the members of the executive council of the responsibility for financial management therein.
4. Within two weeks after the adoption by the island council, but no later than July 15 of the year following the budget year, the executive council sends the adopted annual accounts and the annual report, accompanied by the auditor's report and the report of findings to Our Minister for adoption, through the intermediate of the Council of Financial Supervision. If applicable, the executive council will add the decision of the island council on a proposal for an indemnity decree with the reply as referred to in paragraph 3a.
5. If the island council does not or not properly adopt the annual accounts or an indemnity decree, the executive council will send the annual accounts, accompanied by the

auditor's report and the report of findings, or the indemnity decree, respectively, to Our Minister for adoption, through the Council of Financial Supervision.

Chapter 5 Membership of other organizations

Article 53. Report and accountability

1. A member of the island council, a commissioner, the island governor or the island secretary, who has been appointed by the island council as a member of the general management of a cooperative body or in another organization or institution, has the right to give, in addition to the handling of the list of incoming documents or before the close of the meeting, a report on matters that are on the agenda of the general management or joint body. In the event the island council desires to discuss this report, the chairman can refer it to the relevant committee.
2. Each member of the island council may put questions in writing to a person as referred to in the first paragraph. Article 45 of this regulation, in which the procedure for written questions is laid down, applies *mutatis mutandis*.
3. If a member of the island council wishes to a person as referred to in paragraph 1 to give an account for the manner in which he functions, the island council will decide whether to allow this. Articles 48 and 49 of this regulation apply *mutatis mutandis*.

Chapter 6. Audience and press; dress code

Article 54 Audience and press

1. Audience and representatives of the press shall attend public island council meetings only in the places designated for them.
2. They are prohibited from showing signs of approval or disapproval or disturbing the order in any other way.

Article 55 Disturbance of order by audience

1. The chairman ensures that order is maintained in the meeting and is authorized, if that order is disturbed in any way by a member of the audience, to cause the latter and, if necessary, other audience members to leave.
2. He is authorized to deny entrance to the meeting to members of the audience, who repeatedly disturb the order in the meeting, for three months at most.
3. No appeal can be lodged with the island council with regard to the decision taken by the chairman pursuant to the first and second paragraph.

Article 56 Dress code

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

Article 57 Sound and image recordings

Anyone wishing to make sound or image recordings of a public island council meeting must notify the chairman of this and act in accordance with his instructions.

Article 58. Prohibition of the use of mobile telephones

In the meeting room, including the public gallery, the ringtone of mobile phones or other means of communication is turned off during the meeting and telephone calls are not allowed during the meeting. The public gallery is not allowed to use other means of communication and mobile telephones, which may infringe the order of the meeting, without the permission of the chairman.

Chapter 7 Final provisions**Article 59. Explanation of the regulation**

In cases not provided for by this regulation or in case of doubt about the application of the regulation, the island council will decide on the proposal of the chairman.

Article 60. Evaluation after 1 year

This regulation will be evaluated by the island council no later than one year after its entry into force and, if necessary, amended based on the evaluation.

Article 61 Withdrawal of old regulation

All previous regulations of order for the meetings and other activities of the island council of the public entity Sint Eustatius, will be withdrawn upon the entry into force of this ordinance. All decisions made on the basis of the old regulations remain in effect.

Article 62 Short title

This regulation is cited as: Rules of order for meetings and other activities of the island council of the public entity Sint Eustatius 2020.

Article 63. Entering into force

1. This regulation enter into force on the day after announcement.

Thus established by the Government Commissioner.

Sint Eustatius, on 17 September 2020.

The Government Commissioner,
w.s. Mr. M. L. A. van Rij.

Explanation

Rules of order for meetings and other activities of the island council of the public entity Sint Eustatius 2020.

The legal basis of these rules of order is laid down in article 17, of the Bonaire, Sint Eustatius and Saba public entity Act (hereinafter: WolBES). This article prescribes that the island council of Sint Eustatius establishes rules of order for its meetings and other activities.

The dualism aims on the one hand to strengthen the framework-setting and monitoring roles of the island council and, on the other hand, to concentrate administrative powers by the executive council.

The island registrar is the first advisor of the island council and supports the island council with the civil servants working at the registry.

Since the WolBES has undergone some changes and in view of the fact that this regulation must be in line with the actions of the island council, the Rules of order must be adjusted. The content of the ordinance is always in line with the rules laid down in the WolBES for the island council. Within the framework provided by the WolBES, the island council of Sint Eustatius is free to draw up its Rules of order at its own discretion, but always in line with the WolBES.

Article by article

Chapter 1 General Provisions

Article 1 Definitions or terms

Article 1 defines a number of terms from this regulation. These largely speak for themselves.

Article 2 The chairman

With regard to the term chairman, it is stated that the island governor is chairman of the Island Council. Article 10 of the Bonaire, Sint Eustatius and Saba public entities Act (hereinafter WolBES), that the Kingdom Representative is in any case charged with providing for the observation of the island governor if he considers this necessary in the interests of the public entity. Pursuant to article 22 of the WolBES, the island governor has the right to participate in the deliberation in the meeting. However, he is not a member of the island council and therefore does not participate in the voting. As chairman, among other things he takes care of maintaining order in the meeting.

Article 3. The presidium

The island council sets its own agenda and has set up an island council presidium that prepares draft agendas for island council and island council committees. The island council members/faction leaders sitting in the presidium are the only persons entitled to vote, the

governor who is chairman of the presidium pursuant to this article is not entitled to vote. The basic principle is that decisions are taken by consensus as much as possible. The presidium mainly has a general advisory role (recommendations to the island council regarding the organization and functioning of the island council) With regard to the substantive aspects of the island council work, the presidium must fulfill a subordinate role, because otherwise there is a risk that a new administrative body will be created within the island council, which is not in accordance with the law, which explicitly places primacy with the island council.

The presidium as such cannot also act as an employers' committee.

The composition of the presidium can be compared to a senior convention in which confidential announcements can be made or where politically sensitive matters can be discussed. For this reason the meetings of the presidium are closed. The presidium mainly has a procedural role (setting a provisional agenda, inviting external parties, changing meeting times etc.). One could choose to place some internal or organizational matters in the hands of the presidium.

The presidium of the island council is not primarily concerned with political affairs; a substantive political discussion has no place within the presidium. It is important that in the presidium each party has a voice which weighs just as heavy. In this way the position of the minority factions in a dualistic system is strengthened. This can also increase the involvement of all factions at the island council meetings.

The island registrar is present at every meeting of the presidium, because the Island Registrar supports the island council. The island registrar must know what the agenda already looks like and which points will be discussed. The presence of the island secretary may also be desirable, because the island secretary must be able to ask for attention to or give an explanation on subjects that are being prepared by the civil service. In accordance with article two, paragraph 2, the chairman may invite third parties, among which the island secretary.

The presidium fulfills an important (coordinating) role in putting matters on the agenda of the island council committees and the island council. The presidium determines the provisional agenda of the island council committees and the island council. The definite drawing up of the agenda of the island council committees and the island council takes place at the start of the meeting in question.

The presidium has an overview of all subjects that the island council is dealing with and takes care of the planning. Think here of the budget and annual account.

In case the public entity participates in a joint regulation, it is important that the presidium is aware of the meeting cycle of these boards. It may be necessary for the Island Council to provide the representative for the public entity with information or opinions prior to a meeting of the board of the joint regulation. The budget cycle of the joint regulations is also

relevant for the presidium so that the island council can provide the necessary information in a timely manner. It is up to the presidium to fill in the planning but also to monitor it.

The same applies to other organizations in which the public entity may be represented (foundations, companies). These meeting cycles can also be a reason for the presidium to put them on the agenda for an island council or island council committee meeting so that information can be exchanged between the representative of the public entity and the island council.

Pursuant to article 18 of the WolBES, the island council meets as often as it has decided to do so and furthermore if the chairman considers it necessary or if at least one-fifth of the number of members of the island council requests this in writing, stating reasons. The chairman consults with the presidium as much as possible in determining another day and starting time. In this way, the presidium also has influence on the date, time and place of the meeting even at meetings that do not take place at the usual time.

Changing the starting time is of common interest, because island council members often combine island council membership with another (un)paid position. By establishing that the presidium will consult with the chairmen of the committees at least twice a year, a basis can be provided for consultation between the presidium and the chairmen of committees.

Article 4. The island registrar

The island council is obliged to appoint an island registrar (article 130 of the WolBES). The island registrar is primarily responsible for providing assistance to the island council (first paragraph). In principle the island registrar is present at every meeting of the island council (second paragraph). The law requires the island council arranges the replacement of the island registrar (article 133, first paragraph of the WolBES). A provision about this has been included in the third paragraph. In connection with article 23 of the WolBES (right to non-disclosure), the fourth paragraph includes a provision regarding the participation of the island registrar in the deliberation.

Article 5. Approval of the appointment of the registry

This article corresponds to what is written in article 135 of the WolBES. Decisions to appoint, promote, suspend and dismiss civil servants require the approval of the Kingdom Representative. Pursuant to article 168, third paragraph, of the WolBES, this applies to all civil servants appointed by the executive council, but also to civil servants appointed by the island council, namely the Island Registrar and the civil servants working at the registry. Appointment, suspension, promotion and dismissal decisions only acquire legal force once they have been approved by the Kingdom representative.

Article 6. Inspection of credentials and swearing-in island council members

Before a new island council can be installed, a number of procedural steps must be taken. First, the members of the island council must be elected by means of elections. These elections are conducted according to the procedure set out in the Elections Act. After the result of the elections has become known, the chairman of the central electoral committee notifies the elected person in writing. With the credentials, the chairman of the central electoral committee informs the appointed person of his appointment (article V1 of the Elections Act). A model for this appointment decree has been established by ministerial regulation. The appointed person notifies the island council in writing whether he will accept the appointment (article V2 of the Elections Act). At the same time as announcing that he will accept his appointment, he submits documents to the council showing that the appointee meets the requirements for admission as a member of the council. These documents can be found in article V3 of the Elections Act.

The verification of the credentials and the decision on admission must be made in a public meeting. The code of conduct (article 16, third paragraph, article 53, second paragraph, of the WolBES) will also be involved in the investigation. This code includes provisions on whether or not ancillary positions are permitted (article 14, WolBES). The committee that verifies the credentials will report. This can be done orally or in writing. Pursuant to article V4 of the Elections Act, the island council decides on the admission of its members. There is a difference in the procedure for the composition of a new island council or for the filling of an interim vacancy. After the island council elections, the former island council decides in its last meeting on the admission of the newly elected members. The new island council takes office on the day on which the members of the island council in the old composition step down (article 19 of the WolBES).

The wording of the first paragraph emphasizes that the island council, and not the chairman, establishes a committee that carries out the so-called credentials investigation after the chairman of the central electoral committee has appointed new members (first paragraph).

The investigation of the official report (investigation into the course of the election or the determination of the result) is done by the old island council just before the first meeting of the new island council after the island council elections. The investigation of the official report does not extend to the validity of the lists of candidates.

The fifth paragraph refers to the specific task of the island council after the island council elections. After the island council elections, the committee for the investigation of the credential has an extra task, it also advises the island council on the election process (whether this has been done legally) and determining the result (whether it has been determined correctly). It does this on the basis of the official report of the central electoral committee. On the basis of this advice, the island council must take a decision about the election process and the determination of the result. This decision is important because the island council has the authority to decide to recount the votes and even the authority to decide to re-vote, both possibly in a part of the public entity, at one or more specific polling

stations. The official report is the reason for a decision to recount or re-vote. This must contain concrete directions on which the island council can base such a decision.

It is not obvious that the decision will be taken to a recount of which it is clear in advance that it cannot lead to a different composition in the island council. A difference in seats between the provisional result and the final result is also no reason to recount. The fact that a faction has a small number of votes too few to obtain an extra seat is not a valid motivation to proceed with a recount. A valid motivation may be an official report showing that voters objected to the careless way in which the polling station counted the votes after closing.

After an island council election, the admitted island council members must take the oath or affirmation and promise at the first meeting of the island council in a new composition as referred to in article 15 of the WolBES. Taking the oath is constitutive: it is a necessary condition for being able to perform the office. The chairman will call them for this (paragraph 4). The text of the oath or declaration and pledge that an island council member must take upon acceptance of the Island Council membership is laid down in article 15 of the WolBES. Article 15, second paragraph of the WolBES allows that the oath can also be taken in English or Papiamentu. The oath is a combination of the oath of purification and the oath of office (sixth paragraph).

If the vacancy is filled in the interim, the oath or affirmation and promise may take place following the decision of the island council on the admission of the island council member concerned (seventh paragraph).

Article 7 Appointment of Commissioners

Article 7 addresses a gap in the law. The credentials investigation of Island Council members ensues from the Elections Act. Since the commissioner is not an elected representative, this is not regulated in the Elections Act. The law does specify which formal requirements are imposed on a commissioner, but not at what time these are assessed.

It is obvious to also set up a committee for the verification of credentials for the appointment of commissioners (first paragraph). The formal requirements to be appointed as a commissioner are largely comparable to the requirements for island council membership (article 39 of the WolBES). An integrity test will be carried out when a commissioner is appointed. The integrity code of conduct for the members of the island government of the public entity St. Eustatius 2020 plays a role in this. In addition, a certificate of conduct (hereinafter: VOG) is requested. The island council can indicate that it wishes to follow this procedure when appointing commissioners. The VOG has a screening profile for holders of political office. By this profile the integrity of the aspiring administrator is the key element. After the investigation, referred to in the second paragraph, the committee gives advice to the island council about the appointment as a commissioner (third paragraph).

The candidate commissioners can be subjected to an integrity test by order of the island governor before the start of each term of office. The island governor will report the results thereof to the Island Council. The results of the investigation and the report are not public (paragraph 4).

Article 7 also applies if no commissioner from outside, but from the island council, is appointed. After all, the incompatibilities and ancillary positions must be reassessed. An island council member who is appointed as a commissioner may remain an island council member until the credentials of his successor have been approved (article 40, second paragraph, section b, of WOLBES).

Article 8 Notice of acceptance of appointment

Based on article V2 of the Elections Act, the article requires no further explanation.

Article 9 Credentials, declaration of public functions and ancillary positions

Based on article V3 of the Elections Act.

The data included in the certified copy from the personal records database must be stated in this copy without any writing or typing errors or other clerical errors. In connection with the possible conflict of interest disclosure by members of the island council of their principal and secondary position(s) is required. The term position should be interpreted broadly in this context. It concerns all ancillary positions and activities that are performed in addition to membership of the island council.

Article 10 Factions

After the election results have been determined, the first meeting of the new council takes place.

Article 35, second paragraph, of the WolBES does assume the existence of groups represented in the island council (right to faction support). Pursuant to article 35, paragraph 3 of the WolBES, an island ordinance must be established in which the subjects of official assistance (of the members of the island council) and political faction support are also discussed. From the start of the first session of the new island council after the elections, the members on the same list are regarded as one faction. If from a list only one person is elected, then this member is considered as a separate faction (first paragraph).

In the meeting of the island council, the faction uses the designation which it had above the list of candidates. In this way, the relationship between the faction in the island council and the faction on the candidate list is clear to the voter. It can happen that a faction does not have a designation above the list of candidates. In such a case, the political group will announce the designation at the first meeting (second paragraph).

In the course of a parliamentary term, it may happen that members leave the island council. In such a case, a change in the composition of the faction takes place. If this is the case, the group will inform the chairman of this as promptly as possible (paragraph 4). It is also possible that an island council member does not resign his membership but leaves a

faction. He can continue as an independent faction or join an existing faction. Other changes are also possible, for example a merger of two political groups. Another (temporary) change in a political group may be the result of illness or pregnancy of an island council member. For these cases, a replacement scheme has been included in the Elections Act (fourth paragraph).

The basic principle of our electoral system is that representatives of the people are elected and appointed in a personal capacity. The principle is based on article 28 of the WolBES, which stipulates that every binding mandate of a member of the island council is null and void. The representative of the people acts in accordance with his own conviction and is not bound to a mandate when voting.

No other person or body can impose legally binding instructions on him with regard to his voting behavior. It is the individual representative of the people who has received a mandate from the voter. The representative of the people therefore also has the option to change faction in the meantime or to continue independently.

The Elections Act is also not based on political parties. A seat therefore does not “belong” to a party but is linked to the representative of the people, who therefore also has the option to change faction in the meantime or to continue independently. A faction can also decide to change its name. The faction is free to do this. On the basis of these provisions, the island council has no control over changes in the composition, mergers and splits of factions and the names. The island council cannot therefore take a decision on this. A statement to the chairman of the island council is sufficient. The island council is obliged to take the new situation into account with effect from the next meeting after notification thereof.

This also means that:

- candidates who are part of a candidate list and within that list/party make a mutual written (and sometimes notarized) agreement, for example that under certain conditions they will refrain from accepting the island council membership, must realize that such agreements are null and void due to conflict with the law and the Elections Act;
- persons who change parties in the meantime do not lose their island council membership;
- if one leaves a party and continues as a party of his own, the leaving party has no means to ban the island council member from the island council.

Faction splitting and the creation of a new faction can have various practical consequences. Examples include: party facilities, party chairmanship or representation in the presidium, other seats in the island council chamber if necessary, occupation in island council committees and possibly the occupation in the island council committees by civilian island council members.

If the vacancy of an island council member who has split off must be filled, it will be returned to the list on which the person concerned was originally elected (article P19 of the Elections Act).

The faction can decide to change its name. The faction is free to do this. The island council has no say over the name and cannot make a decision about it. A notification to the chairman of the island council or the name change is sufficient. The island council must take the new situation into account with effect from the next meeting after notification thereof. As a rule, an announcement is made twice: by the person himself (if continuing as an independent faction) and by the faction (fifth paragraph).

The name of the political faction must be checked against the grounds for rejection from article G3, fourth paragraph, of the Election Act. This is a logical condition; if a political party wants to register for the first time, this also happens. Pursuant to article G3, fourth paragraph, of the Election Act, the name of the new faction will be refused, among other things, if it is contrary to public order or if it corresponds or closely resembles the name of a political party that has already been registered before the elections, thereby causing confusion, otherwise, the new faction is free to choose a name.

Chapter 2 Island council meetings

Paragraph 1. Preparations

Article 11. Meeting frequency

Pursuant to article 18, first paragraph, WolBES, the plenary island council meets as often as it has decided to do so. The meetings forming a judgment, forming an opinion and making a decision of the island council generally take place on a fixed day of the month chosen by the island council and fixed time. The meetings are held in the meeting room of the administrative office. The presidium makes a recommendation about this to the island council.

The basic principle is that the island council meets as often as it has decided to do so. Now that with the dualization the center of gravity of the administrative burden lies with the executive council, this will affect the meeting frequency of the island council.

The meeting frequency of the island council (decision-making island council) will furthermore be influenced by the possible presence of the island council in special cases that it can determine a different day and starting time or designate a different meeting place. It consults about this in the presidium, unless there are special cases. Of special cases (other than urgent cases such as in articles 12 and 44 of this regulation), this article only refers to calamities such as a major disaster or other unexpected event that causes major damage or injury.

Article 12 Notice and provisional agenda

Article 12, first paragraph, of this regulation stipulates that the chairman of the presidium will invite the members of the island council to the meeting in writing.

The presidium determines what the provisional agenda looks like. The first paragraph requires the chairman to send the members a written notice announcing the meeting and

the provisional agenda with the accompanying documents a number of days before a meeting. It is of course possible, if the island council so wishes, to send the notice and documents by electronic way. The notice mentions the day, the time and the place of the meeting.

In the first paragraph it concerns a provisional agenda. In daily practice of the public entity it will not always be possible to draft an agenda for the meeting amply before the meeting, which also has an overview of current affairs. In such a situation, after the written notice has been sent, the chairman can, if necessary, send around an additional agenda and documents (second paragraph).

If secrecy has been imposed on documents on the basis of article 26, first or second paragraph, of the WolBES, these documents will notwithstanding the first and second paragraph remain in the possession of the island registrar. He gives them upon request for perusal to island council members. Confidentiality is stated on the documents.

The fourth paragraph aims to give the island council a more active role in drawing up the island council agenda on the one hand, individual island council members can propose topics for the agenda through their group chairman in the presidium. On the other hand, however, they can also make a proposal at the start of the island council meeting to add or remove items from the agenda.

In each case, the individual island council member can thus influence the setting of the agenda at two times.

The fifth paragraph provides that the island council can change the order in which the agenda items are dealt with. In case a proposal is made to adjust the agenda, for instance move an agenda point to the next island council meeting, the votes are equally divided, article 33, fourth paragraph, of the WolBES logically does not apply and article 3, fifth paragraph, of the WolBES applies.

Article 13 Proposals of the executive council

Article 13 relates to the right of the island council to put a proposal for an ordinance or another proposal prepared by the executive council on the agenda. If the executive council has prepared the proposal, this does not mean that the executive council can withdraw the proposal they have prepared if the executive council is of the opinion that further consideration of the proposal is not desirable (for example because they want to change a proposal). The island council must give permission for this (first paragraph).

If the island council is of the opinion that a proposal for an ordinance or another proposal has not been sufficiently prepared, the island council may again send the proposal for an ordinance or another proposal to the executive council for advice on the basis of the second paragraph. This provision stems from the obligation of the executive council to provide the island council with sufficient information. The island council can, for example, request the executive council to further substantiate the proposal for an ordinance or other

proposal. The island council can arrange this in the same island council meeting, but the island council can also leave this to the presidium.

Article 14 Extra meeting of the island council

In addition to the regular island council meeting, the chairman of the island council, as well as one fifth of the members of the island council, can request an extra meeting (article 18 paragraph 2 of the WolBES Act).

In urgent cases, the notice will be delivered to the members at least 24 hours in advance. The provisions of this regulation apply to the additional meeting.

Article 15. Making documents available for inspection

Interested parties should be able to view documents explaining topics or proposals on the agenda. That is why all documents are offered for inspection at the same time as the separate notice is sent. In addition, if documents are made available for inspection after the written notice has been sent, this will be communicated to the island council members and, if possible, in a public notification (first paragraph).

In addition to the physical making available at the registry, the documents will usually be presented electronically. This is done via a digital council information system or by posting it on the website of the public entity Sint Eustatius.

A document is a document as defined in the Freedom of information BES Act.

A document means a piece or other material containing data residing within an administrative body. Documents include not only documents or other material created by government bodies, but also all documents coming from outside. Other material intended for government bodies, such as agendas, reports (draft) advice, whether or not in electronic form, will also receive the status of document within the meaning of the Freedom of information BES Act.

The documents as referred to in the third paragraph of this regulation are understood to mean secret documents, including the so-called underlying documents that are mentioned in island council proposals (official advices, explanatory notes, etc.) and with regard to which confidentiality has been imposed. In case of or secret or confidential documents, on which provisional secrecy has been imposed by the governing body that presents the document to the council, this must be clearly indicated on the document. It can also be considered not to have copies made of this, because the danger exists that often copied documents are nevertheless published.

The island registrar fulfills the secretarial function at the service of the island council. That is why documents pertaining to the agenda and the proposals of the island council meeting and which must remain secret are deposited for perusal at the island registrar. At the request of the island council members, the island registrar can grant them access (third paragraph).

Article 16 Public notification

This article gives substance to the provision of article 20, second paragraph, of the WolBES.

The agenda of the meeting and the associated proposals, with the exception of documents that are secret, must be made available for perusal on the basis of article 20, paragraph 1 of the WolBES. The manner of publication is regulated in this article. The first paragraph provides that the meeting is made public by notice in a newspaper and in the manner usual for publication by the public entity Sint Eustatius and/or by posting it on the website of the public entity Sint Eustatius (first paragraph).

It is important that the documents are available for perusal for such a period and in such a place that the resident also has actual access to the documents. From the point of view of efficiency and service to the citizen, electronic availability may be desirable (second paragraph).

The public notice must state the date, starting time and place, as well as the provisional agenda of the meeting. In addition, the manner in which and the place where the documents are available for perusal must be stated.

Paragraph 2. Order of the meeting

Article 17. Attendance list

For that reason, the island registrar takes care of maintaining the attendance list. The obligation for having an attendance list arises from article 21 of the WolBES. In this article the procedure is established (first paragraph).

The island registrar provides the official support that the island council needs. That is why the island registrar, together with the chairman establishes the attendance list and signs this document. To this end this paragraph stipulates that each member must sign the attendance list upon entering the meeting room of the island council. The signatures on the attendance list must ensure that the meeting quorum was present. At the end of every meeting the island registrar establishes this together with the chairman and signs this. (second paragraph).

The list may not serve to determine the voting quorum. For that reason, article 26 of this regulation applies.

If an island council member has not yet signed the attendance list, he is deemed not to be present at the meeting and is not allowed to participate in the deliberation and voting. If the island council member still signs the attendance list, he can participate in the deliberation and, if the voting has not yet started, take part in the vote on the subject. The island registrar immediately informs the chairman of the signing of the attendance list by

the member, only after the chairman has been informed can the member participate in the deliberation and the vote (fourth paragraph).

An island council member can notify the chairman via the island registrar of his/her impediment to attend the meeting and of the premature leaving of the meeting (fifth and sixth paragraphs).

Article 18. Seats

This article fulfils the requirement of article 19 of the WolBES.

The article requires no further explanation.

Article 19. Opening of the meeting: quorum

This article provides that in order to be able to open the meeting, more than half of the number of sitting members of the island council must be present on the basis of article 21, first paragraph of the WolBES, according to the attendance list (first paragraph)

If the quorum is not met, the chairman calls a new meeting. The re-convened meeting does not require the presence of a majority of the sitting members. In that case it is even possible to vote legally (second paragraph).

Article 21, third paragraph, of the WolBES, states that the vote is, however, limited to those matters for which the first meeting was convened. The island council can only deliberate and decide on matters that were not on the agenda for that first meeting if more than half of the number of members are represented (third paragraph).

Article 20. Number of speaking terms

If the island council is of the opinion that further deliberation is necessary after the second term, it can expressly decide to do so (first paragraph).

The second paragraph emphasizes that the chairman closes every speaking period. This does not need to change the practice that a portfolio holder answers after the input of the island council members in the first and second terms.

Asking questions should also be seen as a speaking time. A request from an island council member after the second term to give a short response should not be honored by the chairman.

The deliberation on a motion does not take place in separate terms, but at the same time as the deliberation on the relevant topic on the agenda (article 41 of this regulation) (paragraph 4).

Only members who spoke in the first round of speakers may speak in the second round. In special cases, the island council can make an exception to this (sixth and seventh paragraphs).

Article 21. Speaking time

The article needs no further explanation.

Article 22. Maintaining order; suspension

In order to ensure that members of the island council do not feel hindered from expressing their opinion, article 23 of the WolBES stipulates that they cannot be prosecuted, are held liable or are obliged to give testimony about what they say in the meeting or discuss it in writing. The starting point is a free debate. The members of the executive council cannot be prosecuted in Court (criminal immunity) or be obliged to testify (right of non-disclosure) about what they have said in the meetings of the island council or have submitted it in writing to the island council after all, they should be able to express their views freely in the public debate.

The chairman may determine that the speaker will finish his speech without further interruption. This provision assures the members of the island council that they can speak freely. Interruption is not understood to mean giving signs of good or dislike. These statements are regarded as disturbances of the order. With regard to maintaining order in the public gallery, reference is made to chapter 6 of this regulation.

The second paragraph stipulates that if a speaker disrupts the order, he must be called to order by the chairman. In addition to the members of the island council who speak, the second paragraph also relates to the commissioners, the island registrar or other persons who speak. The chairman can call them to order. If they do not comply, they can be denied to speak, according to the article.

The power given to the chairman in the second paragraph to deny a speaker the floor on a pending subject does not go as far as the possibility offered by article 27 third paragraph of the WolBES to denying access to the meeting to the member that hinders the regular course of affairs. Naturally, the latter's authority of the chairman remains unaffected.

The fourth paragraph gives the island council the power, on the proposal of the chairman, to deny a member further stay in the meeting if this member hinders the regular course of affairs by his conduct. Unlike in the situation before 10-10-10, this authority rests, by analogy with Dutch municipalities, with the island council and not with the chairman, who can (alone) make the proposal. In case of repetition, the island council can decide to deny a member access to the meeting for a maximum of three months. The island council must immediately decide on such a proposal.

Article 23. Deliberation

In order not to extend the duration of the meeting, a proposal that is divided into parts or articles is in principle discussed in its entirety. An exception has been included in the first paragraph. Through the addition "whether a member of the island council" also to members of the island council the right is granted to handle a proposal in parts. This expresses the fact that the island council determines its own method. The right is granted to each individual member (first paragraph).

If he so wishes, the chairman can be the first to give his opinion at the start of the deliberation. In principle, this concerns a further explanation of the subject. Also, if they wish, the submitters of the motion can speak first (or second after the chairman) to explain the motion. Incidentally, the chairman can also give his opinion at another time during the deliberation (second paragraph).

At the request of a member of the island council or on the proposal of the chairman, the island council may decide to suspend the deliberations for a period of time to be determined by him in order to give the executive council or the members the opportunity to further deliberation between themselves. The deliberations will resume after the suspension period has expired. If the suspension takes place at the end of the second term, there are then two options: a vote is taken immediately or a third term is added to the deliberations.

Article 24. Participation in the deliberation by others

This provision is necessary in connection with the immunity regulated in article 22 of the WoIBES.

Pursuant to article 4, paragraph 3, of this regulation, the island council may determine that the island registrar will participate in the deliberations. The island governor and the commissioner(s) have the right (to speak and) to participate in the deliberations on the basis of article 22, first and second paragraph, of the WoIBES.

The island council may, however, determine that other persons besides those mentioned can also participate in the deliberations. It is of course also possible that the island council determines that a certain officer may always participate in the deliberation in certain cases (first paragraph).

The second paragraph stipulates that the decision regarding the participation of the persons referred to in the first paragraph must be taken on the proposal of the chairman or one of the members of the island council. This decision is taken before the deliberations with regard to the item on the agenda have started.

Article 25. Closure of deliberation

This article gives substance to the provision of article 20, second paragraph, of this regulation and article 10 of the WoIBES. The article requires no further explanation.

Paragraph 3. Votes

Article 26. Explanation of vote

Explanations of vote will have to be brief and may not take on the character of a third term, as a final reaction to the previous speaker. Explanations of vote are given before the call of the members for voting by roll call that the voting begins.

Article 27. Decision

The chairman can close the deliberation if he determines that a subject has been sufficiently explained, unless the island council decides otherwise (first paragraph). The chairman then formulates the final decision to be taken (second paragraph). If no vote is requested, the proposal is adopted on the basis of article 32, third paragraph, of the WolBES.

Article 28 Vote: roll-call vote procedure

If an island council member indicates that he wishes to vote by roll call, the vote must take place (first paragraph).

The island council does not have the authority to deviate from this provision of article 32 of the WolBES. If no one requests a vote, the proposal is deemed to have been adopted (second paragraph).

Perhaps unnecessary, it should be noted that a roll-call vote is required when entering into an obligation before the budget is approved. The regulation in the first part of the second paragraph can be applied if the outcome of the vote is clear in advance and only a few island council members would vote against. An island council member can only refrain from participating in a vote on the basis of article 28 of the Act. In all other cases, an island council member is obliged to take a stand and vote. In principle, votes are also public. A people's representative must be clear in his or her role. The openness makes it clear to the constituents (voters) how they are represented.

In the event of a tie, the provisions of article 32 of the Act apply. If the meeting is complete, the proposal is deemed to have been rejected. If the meeting is not complete, the decision about the resolution will be postponed until a subsequent meeting. If then the votes are tied too, the proposal is deemed to have been rejected.

In the public entity, an electronic voting system can be used whereby openness is guaranteed by linking the name of the island council member to the pro or con. This can be read on a screen. The printout is included in the report. This way of voting is possible on the basis of the WolBES.

The fourth paragraph deals with the procedure of roll-call vote. In practical terms, it is recommended to determine the order of votes at the beginning of the meeting; this order then applies to the entire meeting.

In the fifth paragraph, the term 'pronounce' has been replaced by the term 'declare', with which it is beyond doubt that this paragraph also applies to digital voting.

Article 29 Order of voting on amendments and motions

For the sake of clarity, a difference in procedure is indicated here between a motion and an amendment. An amendment aims to change a proposal and is therefore put to the vote

prior to the vote on that proposal. A motion is not intended to change a proposal; a separate decision will be taken on a motion after the decision-making on the pending proposal has been completed. This obviously does not apply to a motion on a separate subject and subsection 4 does not apply. In addition, the island council can decide to deviate from this voting order.

Article 30 Proper ballot paper

In order to determine the absolute majority as referred to in article 31, first paragraph of the WolBES, those members who have not submitted a proper ballot paper are deemed not to have cast any votes. The island council judges if a ballot paper has been completed properly. What should be understood by a (not) properly completed ballot paper is not regulated by law. A blank ballot paper is not regarded as a properly completed ballot paper. In case of a written vote, blank ballot papers are therefore not taken into account. A blank or incorrectly filled in ballot paper does count towards determining the quorum.

For clarification even if the number of members required for the opening of the meeting has been met for the meeting (quorum: see article 19), it may still appear during the vote that, because one or more ballot papers have not been properly completed, there is an invalid vote because the number of valid votes cast did not amount to an absolute majority of the number of sitting members. Afterwards, in that situation the vote is still invalid. In the event of a vote on persons, a revote is possible in accordance with article 32 of this regulation.

Article 31 Voting on persons

Article 32, first paragraph, of the WolBES states that voting on persons must be secret. This article also applies to the vote on the appointment of a commissioner (article 37, first paragraph, of the WolBES). The same applies to the vote on the dismissal of a commissioner in the event that a motion of no confidence doesn't lead to immediate resignation (article 60 of the WolBES).

This is also done in writing and is therefore secret. It is possible to work with electronic voting systems, but the Rules of order for meetings and other activities of the island council of the public entity Sint Eustatius 2020 is still based on a vote by means of properly completed ballot papers. Naturally, an electronic procedure can be introduced by adjusting the regulation.

In the event of an appointment, the island council appoints a specific person to a particular office (member of the island council, commissioner). The name of the person to be appointed (or persons in case of multiple vacancies) is stated on the ballot paper, followed by the options for and against or pro and contra or for and against. Incidentally, this does not concern the appointment as a member of the island council, which is a completely different type of appointment that is regulated (among other things) in article 6 of this regulation.

By nomination is understood to mean the presentation of a person as a candidate for a particular office. A nomination is binding for the island council. The ballot papers must state the name(s) of the nominated person(s) followed by the options 'voor' and 'tegen' or 'pro' and 'contra' or 'for' and 'against'.

In the case of a recommendation, it is proposed to nominate specific persons for a specific office. The island council may deviate from the recommendations. This is a so-called free vote. The names of the recommended persons can be stated on the ballot papers, followed by the options 'voor' and 'tegen' or 'pro' and 'contra' or 'for' and 'against' and a free space where a candidate of the own choice can be entered.

Article 32. Revote on persons

There is a free vote on the appointment of commissioners. This is different from a nomination, where the choice is limited to two or more candidates.

In a free vote, article 29, first paragraph, under a, and third paragraph, of the WolBES does not apply. This stipulates that an Island council member will abstain from voting if he is one of the persons to whom the choice is limited by a nomination or a second vote. As mentioned, this is not the case with the appointment of commissioners. An island council member can enter on the ballot paper the name of each candidate who prefers that of the proposed person(s), or that of someone else. This also applies to island council members who have been nominated themselves, who can vote for themselves if they wish.

Article 33. Abstention from voting

The legislator never intended to influence political relations in the island council by means of a ban on voting by the candidate commissioner. Apart from the formal legal context, the following arguments still argue in favor of the above view:

- a democratically elected representative must not too quickly be deprived of the right to vote. Suppose party X recommends Mr. Janse and Ms. Pieterse as commissioners. If these persons are members of the island council and are not allowed to vote, this means that the party suddenly has two fewer votes in the island council. This is unacceptable in the light of political relations;
- a recommendation is not a nomination. The language often refers to nomination, but nominating a person as a commissioner does not equal a nomination;
- it is conceivable that a candidate commissioner who is recommended for appointment, for moral-political considerations and in order to avoid any appearance of a conflict of interest, will refrain from voting on the appointment of his own initiative. Although the starting point is that very cautious behavior must be exercised in restricting voting rights of elected people's representatives, the law leaves those involved the freedom to make their own decisions.

Article 34. Nullity of votes

A vote is only valid if more than half of the number of members, sitting and not required to abstain from taking part in the vote, has taken part in it according to article 30 first paragraph of the WolBES (first paragraph).

Article 33, second paragraph, of the WolBES requires that every member present at the meeting who is not required to abstain from participating in the vote, must cast his vote voor of tegen, pro or contra, for or against. If the chairman establishes after a roll call that the number of members required to hold a valid meeting is no longer present, he will postpone the meeting (second paragraph).

If a member submits a proposal of order, for a joint call-off (as stated in the second paragraph), the chairman will proceed to holding the joint call-off referred to in the second paragraph (third paragraph).

Paragraph 4. Reporting, received documents

Article 35. Report and list of resolutions

Article 35 regulates the reporting task of the island registrar and the manner in which the report is established. Making a report is not mandatory. The law only refers to the obligation to publish a list of decisions (article 24, sixth paragraph, of the WolBES and Article 35, first and fifth paragraphs of this regulation). The concept report is sent at the same time as the written notice to the members and other persons who have spoken (third paragraph).

The island registrar provides official assistance to the island council. That is why the island registrar has been appointed to draw up the report and sign it together with the chairman (fourth paragraph).

The list of decisions must be published as soon as possible (fifth paragraph).

This can be done before the report has been adopted, as the list of decisions only provides an overview of (all) decisions taken by the island council (so not only decisions, but also, for example, an appointment to pay a working visit). It goes without saying that the report and the list of decisions will also be made accessible on the website of the public entity St. Eustatius (sixth paragraph).

Other forms of reporting are also possible, such as a (audio) recording of the island council meeting and a list of decisions.

Article 36. Received documents

In case incoming documents are addressed to the island council, only proposals are made and decisions of a procedural nature are taken, such as taking cognizance, handling, forwarding to an island council committee or the executive council, etc. If an incoming document leads to substantive discussion and decision making, this should be prepared in the usual manner. In principle, written communications from the executive council to the island council also reach the island council.

The notifications are therefore an incoming document. The island council, on the proposal of the presidium or, in case of immediate urgency, the island registrar, shall determine the manner in which the documents received shall be settled (second paragraph).

Paragraph 5. Closed island council meetings

Article 37. Application regulation on closed meetings

Article 37 provides that the provisions of the Rules of order for meetings and other activities of the island council of the public entity of Sint Eustatius 2020 apply mutatis mutandis to an island council meeting behind closed doors. This may include, among other things, the provisions regarding the timely sending of documents, the right of amendment, the right of motion and the making of the report.

However, the provisions of the Rules of order for meetings and other activities of the island council of the public entity of St. Eustatius 2020 do not apply insofar as the application of the provisions is contrary to the private nature of the meeting. For example, image and sound recordings for public use will not be possible. In view of the documents relating to a closed meeting and the proceedings of the meeting, secrecy as referred to in articles 26 and 66 of the WolBES has been imposed and will be ratified in the meeting until the body had lifted the secrecy on the documents.

Article 38. Report closed meeting

In article 38 the fifth paragraph of article 24 of the WolBES is elaborated.

In accordance with the provision on the report of the island council meeting, the island registrar is also responsible for the report of a closed meeting. This report is available for perusal at the island registrar's office (third paragraph).

Article 39 Removal of confidentiality

In the articles cited in article 39, the island council is given the option to lift the confidentiality of documents; documents that are not necessarily required to be submitted to him. It may therefore (see, for example, article 88, second paragraph, of the WolBES) concern the situation in which the island governor has imposed confidentiality with regard to documents that he has submitted to the island council committee. The island council committee can then request the island council to lift the confidentiality (if the island governor is not prepared to do so). The present article now includes a consultation obligation in this respect, which does justice to the principle of hearing both sides.

Pursuant to article 26, second and third paragraph, of the WolBES, confidentiality can be imposed by the executive council, the island governor and an island council committee, each with regard to documents that they submit to the island council or to members of the island council. The secrecy imposed with regard to the documents submitted to the island council will lapse if the island council does not confirm the order in its next meeting, which, according to the attendance list, has been attended by more than half of the number of sitting members.

If the island council does not intend to ratify the imposed confidentiality, the body that imposed confidentiality, may consult with the island council in a closed meeting. The closed meeting can then deal with the question why the island council wants to lift the confidentiality by not ratifying it (second paragraph).

If the island council cancels or does not confirm an imposed confidentiality, this does not mean that the relevant documents will automatically be open to the public. The Free information BES Act (Wet openbaarheid van bestuur, WobBES) still applies to these documents. When a request for disclosure is made, the request must therefore be tested against the grounds for exception in the WobBES in order to reach a decision on whether or not to disclose the documents in question. Then of course it can appear that in the meantime there is no longer any ground to refuse disclosure.

Chapter 3. Authorities, instruments of council members

Article 40. Amendments, and sub-amendments

Each member of the island council can submit amendments to the executive council's proposal or on initiative proposals for consideration in the island council, the so-called amendments. When an amendment has been submitted, this can be a reason for another island council member to propose another amendment to this amendment. A (sub)amendment can be submitted to a proposed decision that is pending. The deliberation of the (sub)amendment shall take place in no more than two terms. If (in exceptional situations) a submitted amendment requires further deliberation, the island council may decide on a third term. (article 20 of this regulation).

The right of amendment is laid down in article 151 of the WolBES. This article obliges the island council to set further rules. These further rules are contained in article 40 of this regulation. On the basis of article 151, second paragraph, of the WolBES, the island council is obliged to deal with an amendment, in accordance with the rules established by the island council. From the statements of article 11, paragraph 1, of the Act it appears that the right to submit amendments belongs to each individual island council member; threshold support is therefore not required.

It is practical for an island council member to be present for the consideration of his (sub) amendment. This is because usually a (sub) amendment is explained by the submitter. That is why it has been determined that only amendments and sub-amendments that have been submitted by island council members who have signed the attendance list are to be discussed (second paragraph).

Withdrawal by the submitter(s) of the (sub) amendment is possible until the decision-making by the island council has taken place. With regard to the vote on amendments, reference is made to article 29 of this regulation. If adopted, a proposal to split up a proposed decision may entail that one part of a decision is accepted and another part is not (third paragraph).

Article 41. Motions

Article 1 defines the term motion. A motion is a proposal to make a statement. It can express a wish (of a substantive, political or procedural nature) express consent or disapproval of certain developments or to make a request. A motion therefore is not a concrete decision aimed at legal consequences; a motion has no legal but a political meaning. That is why the executive council is not formally bound by a motion or obliged to implement it. However, disregarding a motion by the executive council can lead to a breach of trust between the island council and the executive council and the executive council can then draw its consequences from this.

A specific motion is elaborated in the WolBES, namely in article 60. This concerns the motion of distrust in which the island council declares that it has lost confidence in a commissioner. A commissioner is not allowed to remain on after an adopted motion of distrust. If he does not resign himself, the island council must take action.

With regard to the decision-making procedure regarding a motion, it is noted that a separate decision is taken on a motion. For the deliberation on a motion on a pending topic, this does not take place in separate installments, but at the same time as the deliberation on the topic to which the motion relates (second paragraph).

A decision on a motion on a subject not included on the agenda takes place at the end of the meeting (third paragraph).

Such motions approximate the initiative proposal regulated in article 44. Dualization implies strengthening the representative and controlling function of the island council members. Individual island council members and small factions must also have adequate instruments for this. This means that for an effective use of these instruments it is desirable that the individual island council member also has access to their use without hindrance. The possibility of submitting a motion without threshold support is therefore at the service of effective exercise of the framework and control by the council.

Revocation by the submitter(s) of a motion is possible until the decision-making by the island council has taken place with regard to the vote on motions, reference is made to article 29, paragraph 4, of this regulation.

Article 42 Proposals of procedure

The chairman submits to the island council for a decision as to whether there is indeed a proposal of order. A proposal of order is decided by the island council directly, without deliberation.

A proposal of order concerns, for example, suspending the meeting for a break. If it concerns a proposal that is not on the agenda, the procedure of an initiative proposal must be followed (article 31 of the WolBES) (second paragraph).

In the event of a tie, the proposal is not adopted (because the order proposal relates to the current meeting. Article 33, fourth paragraph, of the Act logically does not apply to this (third paragraph).

Article 43. Point of clarification

The order of the speaker list can be broken when an island council member asks to speak about a personal fact, to make a proposal of order and to ask a question (interpellation). A personal fact exists if, for example, an island council member wishes to complain about treatment given to him, or if a speaker has insulted him or has made incorrect or inappropriate statements.

For there to be a personal fact, it must concern him who wants to speak about it personally and only about himself. The island council member must first indicate the fact that it is about (first and second paragraph).

The chairman then determines whether something constitutes a personal fact or not.

Article 44. Initiative proposal

It is the task of the executive council to make the necessary proposals to the island council, but the island council members can also submit a proposal for an ordinance or decision to be dealt with by the island council. The right of initiative has been granted for this.

This is elaborated in article 150, first paragraph, of the WolBES. Here it is stipulated that a member of the island council can submit an initiative proposal; with this formulation it is expressed that this right belongs to each individual island council member, so threshold support is not required.

The second and third paragraph of article 150 of the WolBES stipulate that the island council regulates the manner in which an initiative proposal for an ordinance or decision is submitted and handled.

The general starting point is that dualizing implies the strengthening of the representative and controlling function of the island council members.

Individual island council members and small factions must also have adequate instruments for this. For an effective use of these instruments it is desirable that the individual island council member also has access to their use without hindrance. The lack of threshold support for the right of initiative serves the purpose of effective exercise of framing and control by the island council. Small factions and individual island council members are thus also enabled to actively participate in the monitoring, representative and budgetary function.

Every island council member can submit an initiative proposal for an ordinance. Such a proposal must be submitted in writing and signed to the chairman.

The further method of treatment must be arranged by the island council itself. The island council must also regulate how and under what conditions other initiative proposals (proposals relating to something other than a regulation) are taken up. This right of initiative is also vested in individual island council members, which means that no thresholds may be raised (first paragraph).

The first paragraph entails that the chairman must place the initiative proposal on the agenda as soon as possible after the executive council has been given the opportunity to inform the island council of its wishes and objections.

The second paragraph sets a term of the next meeting of the executive council to enable the executive council to bring its wishes and objections to the attention of the island council.

In the fourth paragraph of article 150 of the WolBES it is stipulated that the executive council must be given the opportunity to put forward wishes and objections. The executive council must after all carry out the decisions of the island council (article 49, first paragraph, of this regulation). This so-called priority regulation has been processed in the second paragraph of this article. In the first instance, it is up to the submitter to decide what to do with that input, and ultimately the island council decides about the whether or not amended proposal.

However, if the notice for that meeting has already been sent, the chairman will not place it on the agenda of the next, but subsequent island council meeting. This does not affect the possibility for the individual island council member to propose on the basis of article 12, second paragraph, of this regulation, to add the initiative proposal to the agenda anyway. However, as far as the term set in the first paragraph has not expired, it will not be possible to decide on the proposal (article 150 of the WolBES, in conjunction with the second paragraph of article 13 of this regulation). Although this does not prevent it from being discussed in the island council meeting, the chairman of the island council will then have to postpone the vote on the proposal until the executive council has been given the opportunity to notify its wishes and objections to the island council. Further deliberation may also be considered desirable at that time (second paragraph).

The law makes a distinction between initiative proposals for regulations and other initiative proposals. For the rest, it is up to the island council to determine how the initiative proposal will further be dealt with if it is on the agenda. If the wishes or objections of the executive council give cause to do so, the submitter of the proposal can make any changes. He or she is not obliged to do so, however, because the law only states that the executive council should have the opportunity to have a vision of the initiative proposal (third paragraph).

There is no obligation to actually include the wishes or concerns in the proposal.

Article 45 Interpellation

Article 45 of this regulation sets further rules for article 159, second paragraph, of the WolBES. The right of interpellation is an extension of the right on oral questions and is a heavier instrument. This concerns the right of a representative of the people during a meeting to request information from the executive council or the island governor about a subject that is not on the agenda. For that permission of the island council is necessary, because the order of the meeting is disturbed.

Article 46. Written questions

The right to ask questions enables the members of the island council to request information about matters that fall within the competence of the executive council or the island governor (article 49 and article 50 of this regulation). These questions primarily have an informative nature. Pursuant to this provision, an island council member can ask questions in writing to the executive council or the island governor, depending on who is responsible. He must inform the questioner, giving reasons, if the answer cannot be given within the set time limits. Not the chairman, but the executive council or the island governor therefore give the written answer through the intervention of the island registrar. In practice a written answer from the executive council will often be given by the relevant portfolio holder (article 49 of this regulation).

The island council can rule that it is desirable, for example, for the responsible portfolio holder or the island governor to clarify things and answer further questions in the island council meeting. For that reason in the sixth paragraph is added that the island council can take a different decision.

In the procedure indicated here, the questioner will be given the opportunity to ask further information about the answer from the one who gave the answer. If the questioner believes the answer to the questions should lead to a decision of the island council, he can use the right of initiative or interpellation to get the subject or proposal on the agenda of the island council.

Article 47. Information

Article 47 provides a procedural elaboration of the obligation to provide information that the executive council and the island governor have towards the island council.

The passive information obligation as referred to in article 49 and article 50 of this regulation is the classic obligation to provide information that the executive council orders to provide information requested by the island council, unless the public interest opposes this. This right to request information also belongs to individual island council members. This prevents an island council majority from erecting obstacles for political reasons to the request for information by an island council member or minority of the island council. However, the island council can, through the Rules of order for meetings and other activities of the island council of the public entity Sint Eustatius 2020, on the basis of efficiency considerations, introduce a certain order in the way in which the right to

information is exercised. After all, the island council decides on the agenda and the meeting order.

The ground for refusal 'contrary to the public interest', is, as is apparent from the wording of article 49 of this regulation, legally, objective and generally defined. It must then concern compelling interests.

In practice, there are various legal and political figures to communicate as island council and executive council with each other outside the public domain. For example, the public nature of documents and meetings may be temporarily or permanently suspended. Subsequently, the law provides for a general active obligation to provide information. Article 49, subsection 2, of the Act requires the executive council to provide the island council on its own initiative with all information that the island council needs for the performance of its duties. The executive council must constantly check which information the island council requires for proper performance of its duties. There are major political risks here if the island council leaves the executive council in the dark about the nature and event of the desired information. In the event that the island council and executive council are uncertain about the nature and extent of the desired information. In the event that the island council and the executive council do not make agreements about this, there is a good chance that the executive council will overload the island council with paper for safety reasons. There is then little control.

The same risks arise with regard to a second active, more specific information obligation. Article 49, fourth paragraph, of this regulation obliges the executive council to inform the island council in advance about the intended exercise by a public body of a statutory administrative authority as referred to in article 168, first paragraph, under e, f, g and h of the Act, if the use of this can have far-reaching consequences for the public body or if the island council so requests. The executive council may then not take a decision until the island council has been given the opportunity to put forward its wishes and objections. The term 'drastic' is not further defined in the law. The island council and the executive council must come to a definition based on the situation in their own municipality. At the time, the legislator had in mind substantial financial consequences of private law agreements. The island council and the executive council must therefore find a mode in this themselves.

Article 48. Question hour

This provision is an interpretation of article 159, first paragraph, of the Act with regard to the right to ask questions. Article 46 provides further details on this. It is up to the island council to determine whether it considers it desirable to set up Question hour.

Often the questionnaire in the island council meeting functions as an opportunity to ask questions. In a dualistic system, however, it is no longer self-evident that the relevant commissioner is present. For that reason and because it improves the recognizability of the monitoring task of the island council, a separate opportunity can be created for this. The threshold for questioning is lowered and media attention for local politics can be increased.

During Question hour, the island council is given the opportunity to question (members of) the executive council in particular on subjects that have been submitted.

The nature of Question hour therefore differs from the right of interpellation. As an instrument, the right of interpellation has a more serious political character. Members of the island council can request information from the executive council about their management, insofar as this is not discussed in the agenda items.

Island council members thus ask members of the executive council to account for their management. Question hour for example can be held prior to the island council meeting. However, it is advisable to keep Question hour at a fixed time to make it recognizable for citizens.

In the second paragraph, the registration period for questions is included due to the fact that the commissioners must be invited to answer the questions of the island council members.

The chairman briefly explains his refusal, after consultation with the presidium, to raise a topic during Question hour.

Article 49. Accountability of the executive council

The right to information includes all forms in which information can be requested, ranging from asking oral or written questions to conducting an interpellation. The island council can lay down further rules about the way in which this right can be exercised. The information requested from the executive council may only be refused in accordance with article 171 of the WolBES if it is in conflict with the public interest.

The basic principle is that only if very compelling interests are at stake, it is not necessary to comply with the obligation to inform the island council, the highest general representative organ in the public body. In which cases this will be the case cannot be indicated in the abstract. If the executive council is of the opinion that certain information should be refused, it is explicitly necessary to invoke the ground for exception "conflicts with the public interest". The island council will then have to assess whether it accepts this appeal.

Article 50. Responsibility of the island governor

In accordance with article 182 of the WolBES the right to information from the island council applies to the island governor in his capacity as a separate administrative body. The article requires no further explanation.

Chapter 4. Budget and account

Article 51. Budget Procedure

Without prejudice to the provisions of the WolBES and the Financial relations Bonaire, St. Eustatius and Saba Act (hereinafter referred to as FinBES), the preparation, examination,

handling and adoption of the budget takes place in accordance with the procedure referred to in the third paragraph of article 51 of this regulation.

The procedure for discussing the budget follows the provisions of articles 17 until 20 of the FinBES.

Article 52. Procedure annual accounts

Without prejudice to the provisions of the WolBES and FinBES, the preparation and examination of the annual accounts and the annual report, as well as the adoption of the annual accounts and of any indemnity decision, take place in accordance with the procedure referred to in the third paragraph of article 52 of this regulation. The procedure for discussing the annual accounts and annual report and of any indemnity decision follows the provisions of articles 28 until 32 of the FinBES.

Chapter 5 Membership of other organizations

Article 53. Report and accountability

Chapter XI a of the Joint regulations Act includes the possibility of administrative cooperation and the powers to do so of the administrative entities of the public entities of Bonaire, Sint Eustatius and Saba. A public entity can be established under the name of a 'collective working entity'. Members of the island council (or, where appropriate, the island governor, a commissioner or the island secretary) can also be a member of the board of a cooperative entity as referred to in the aforementioned chapter of the Joint regulation Act. They are accountable to the island council that appointed them for the way in which they function in such a board. The first paragraph of this article 53 provides further rules on this.

It is useful to declare the provisions of this article also applicable to other organizations in which the island council has appointed one or more of its members. This also includes legal entities and companies under private law.

Chapter 6. Audience and press; dress code.

Article 54 Audience and press

The first paragraph of article 54 of this regulation states that auditors and representatives of the press may only attend public meetings at the places designated for them. Paragraph two stipulates that giving signs of approval or disapproval or disrupting the order in any other way is prohibited. In the event of disturbance of the order by the audience, the island governor (chairman) can have these removed.

Article 55. Disruption by audience

The provisions set out in article 55 are supplemented with regard to maintaining order by article 27, first and second paragraph, of the WolBES. As chairman of the island council, the island governor is charged with maintaining the order of the meetings of the island council, just as before 10-10-10 (first paragraph).

New compared to the previous situations is the authority of the island governor (chairman) to have the individual(s) removed in the event of disturbance by the audience and to deny notorious disturbers access to the meetings of the island council for a maximum of three months (second paragraph). The chairman has the authority to dismiss any audience who disrupt the order and to deny access if they persist in their behavior.

Article 56. Dress-code

At public meetings of the island council, the same dress requirements are imposed on the invitees and audience as those for the island council members. The term ‘appropriate clothing’ is still useful. This includes what is generally considered “smart clothing” in society. This includes not only the clothing style with jacket and tie, or for women skirt or trousers with blouse/sweater, with jacket, but also the appropriate clothing known in the Caribbean as a tropical clothing style. Flip-flops, sandals or bare feet are not allowed.

Appropriate clothing for male visitors, guests or island council members is in any case understood to mean:

Suit with or without tie

Guayabera,

Safari suit or Nehru suite

All garments with long sleeves and long pants.

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

A suit

A trouser suit

A combination of blouse /sweater with sleeves, with a skirt or long pants.

A dress with sleeves

No long cut or see-through blouse or sweater, or mini skirts

Appropriate footwear is understood to mean, in any case, no flip-flops or sandals.

In cases where there is doubt as to whether the clothing of the visitor, invitee or island council member is appropriate, the chairman decides.

Article 57. Sound and image recordings

Since the meetings of the island council are in principle public, radio and TV stations can make sound and image recordings. This is of course not the case if it concerns a private meeting. However, the privacy of the participants or the public must be taken into account. Island council members, on the other hand, have a public function. It is possible to indicate that public viewing may only be displayed from a certain distance. It may also be an indication that citizens who are speaking may not be filmed, of course in consultations with the speakers. It is possible that they have no objections to image recordings.

With regard to the public meeting, article 54 of this regulation provides a regulation on making sound or image recordings during a public island council meeting. The chairman

must be notified of this. The chairman can give directions. However, these cannot go so far as to affect the freedom of the press.

Incidentally, the public character of the island council meeting will not be affected if, due to a technical malfunction, a media broadcast of the meeting cannot take place, or the press does not attend the island council meeting due to unforeseen circumstances, not due to the responsibility of the island council or the chairman.

Article 58. Prohibition of the use of mobile telephones

This article is about mobile phone traffic. The mobile phone on 'silent' is permitted if compelling reasons make this necessary, but not using the telephone during the meeting. The article also provides that the use of other means of communication that may infringe the order of the meeting is not permitted by the public gallery without the permission of the chairman. The use of other means of communication that might cause a disturbance of infringe the order of the meeting, is not allowed without the permission of the chairman.

Chapter 7 Concluding provisions

Article 59. Explanation of the regulations

This article requires no further explanation.

Article 60 Evaluation after 1 year

Practice will show to what extent the provisions laid down in this regulation are satisfactory. It is important that the functioning of this regulation 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, who forwards them to the employee of the Legal Affairs Department who is designated for this purpose. No later than one year after the entry into force of these Rules of order, the points for attention collected by the Legal Affairs Department, in collaboration with the registry, will be elaborated 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 regulations by means of an initiative proposal.

Article 61. Withdrawal of old regulations

This article requires no further explanation.

Article 62. Short title

This article requires no further explanation.

Article 63. Entry into force

This article requires no further explanation.

