



SINT EUSTATIUS CARIBISCH NEDERLAND

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CARIBBEAN NETHERLANDS

Island Council proposal

Date of the meeting of the island council: 15 April 2021 No. 32/ 2021

Date of proposal Presidium: 7 April 2021

Portfolio holder: M.L.A. van Rij
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Subject:

The amendment of the “Regulation on Official Assistance and faction support Island Council Public Entity Sint Eustatius 2020, adopted by the Government representative on 15 September 2020, No. 885/GEZ.

Proposal

To amend the regulation in such a way that each faction within the municipal council is in principle granted an annual right to financial compensation for expenses and support of the faction up to, calculated on the basis of a calendar year, a maximum of \$ 100.000, to be divided per faction in such a way that both the number of council members within the faction was considered as the total load per faction.

Motive/introduction

On the initiative of the Island Council, the wish to introduce an allowance for factions within the Island Council was recently discussed. The Regulation on Official Assistance and Faction support which has its basis in the WolBES, allows for this.

This proposal gives substance to that wish.

There are limits and conditions attached to the reimbursement of expenses of factions.

Legal basis and policy

WolBes, article 35

Considerations and eventual alternatives

a. Legal basis

The WolBes indicates that the Island Council has the right to official assistance and support. To this end, a regulation should be adopted. The applicable regulation as mentioned above already regulates the official assistance, but the financial support was kept at nil when it was adopted.



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b. Need

The WolBES has a number of means and instruments for council members and the municipal council to perform the role of people's representative, to manage the main issues, to set budgets and to control the Executive Council and the Governor in their execution of the day-to-day management. In order to function properly as factions within the council, a certain reimbursement of expenses of factions is obvious. This is certainly the case on Sint Eustatius because of a number of reasons.

All these reasons lead to the Island Council or the factions functioning within it occupying a special position compared to other small municipalities:

- the special political position of St. Eustatius as a special municipality of the Netherlands;
- the diverse level of facilities (port, airport, National Park, etc.)
- the intensive involvement of and with 9 Central Government departments;
- the general wish to return, after the administrative intervention, to normal administrative relations and a restored local democracy;
- the major policy intensification this entails, which has direct repercussions on the Island Council's tasks in serving general interest.

c. Role of Registry

After the period of acting as quartermaster/acting Registrar, the Registry will be at full strength with 3 fte as from 1 May 2021. The Island Council will be able to rely fully on the quality and continuity that the registry can offer in terms of managerial and technical advice and support to council members/parties and the council.

Because the registry also has to make a new start and catch up, it has been assured of a staff reinforcement by previous decisions of the Island Council. That expansion will take effect on 1 May 2021.

This necessary strengthening, which will certainly benefit the functioning of the Island Council, also entails additional costs that had not been budgeted before. The total additional costs for the registry for the whole year amount to an estimated (rounded off and maximum) \$60,000.00. The gross salary costs for the registry to support and advise the Island Council during the coming three years thus amount to (maximum) approximately \$260,000.00 on an annual basis. The activities of the registry do not extend so far, however, that they can also concern the own activities of a faction, e.g. also towards (groups of) citizens.

d. Role of the Executive Council

An efficient and effectively functioning Island Council is therefore required. An Island Council within which the factions can function optimally and can communicate both internally and externally, and which is capable of giving substance to the role of representative of the people, management by main features, the establishment of budgets



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and the monitoring of the Executive Council and the Governor on the road to the restoration and further development of local democracy.

The Executive Council is the administrative body that governs policies and decisions of the Island Council prepares and executes and is the daily management. For the performance of those tasks, the Executive Council to a large extent themselves contact with residents through information, consultation and participation. It is self-evident that the Island Council will not only respect the assignment of the tasks to other managements (Executive Council and Governor), but – and that is important in this context -shall also (continue to) use it.

e. Amount of expense allowance

In the amendment to the regulation proposed here, an amount has been included on a calendar year basis of \$ 100.000 to be divided per faction, taking into account the proportion of the number of council members within the faction and the total load per faction. Factions receive an advance payment and on the basis of evidence submitted of the actual costs incurred, a (final) settlement takes place after the end of each calendar year through interim assessment of the actual costs incurred, a (final) settlement takes place after the end of each calendar year through interim assessment and ultimately decision-making by the council itself. In case of less expenditure compared to the advance payments given, overpaid advances will be reclaimed. In this way, the council factions also account in public for the use of public financial resources. Provisions for this have been included in the regulation.

Examples of spending purposes:

In all cases it concerns faction costs (no political party activities and costs).

- Personnel support
- Costs due to consultation with residents/ stakeholders,
- Costs due to publicity;
- The factions own meeting costs;
- Course costs, workshops and binding evenings, with or without functioning and other costs incurred by the faction that specifically benefit the functioning of the faction.

f. Alternatives

At the start of offering financial faction support, it is difficult, certainly under these special circumstances, to make a good estimate of the amount required by factions. In September 2021, therefore, through an initial evaluation, the experiences can be used for possible adjustment of the 2022 proposal and onwards via the budget.

Participation and communication



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In view of the council the ordinance which mainly has an internal effect on the island government, needs no preliminary consultation with stakeholders or others.

Financial aspects

Naturally, the amendment to the regulation has financial consequences. This involves an amendment to the 2021 budget. As indicated, the budget amendment involves an amount of (maximum) in total $\frac{2}{3} \times \$ 100.000 = \$ 66.666$. Processing will take place via the progress report in the second quarter of 2021.

Administrative planning

- a. Under the St. Eustatius Administrative Provisions (restoration) Act, the Island Ordinance requires the approval of the Government Commissioner.
- b. Modification of the 2021 budget is a branch that belongs to the Government Commissioner by virtue of the same law.

Appendixes

1. Concept amendment regulation
2. Applicable regulation "Civil service assistance"

Oranjestad, 7 April 2021

The Presidium,

The acting registrar,
J.C.M. van Berkel.

The chairlady (dep),
A. Francis.