

The Virgin Islands Consortium

Legislature Acted Lawfully in Approving Third Terms for VIPA Board Members, Legal Counsel Says

After Sen. Kenneth Gittens argued that approving three third-term appointees to the V.I. Port Authority board would break the law, the Legislature's legal counsel confirmed that VI Code gives lawmakers authority to do so upon finding exceptional service.

Senate / **Published On March 19, 2026 05:19 AM /**

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From left to right, Leona Smith, Willard John, and Celestino White Sr. By. V.I. LEGISLATURE.

The Legislature's legal counsel has confirmed that the action of lawmakers to appoint three individuals to the V.I. Port Authority's board for a third term was not a breach of any

local laws, as suggested by one senator.

The request for clarity came from Senator Alma Francis Heyliger following comments from Senator Kenneth Gittens that he could not support the nominees, as he would be breaking the law.

Local laws allow individuals to sit on VIPA's board for a maximum of two terms. All three, [Willard John, Celestino White, and Leona Smith](#), have already served two terms. The law also states that an individual can be appointed to a third term if they are deemed to have provided exceptional service. It was the task of the Legislature, through the Committee on Rules and Judiciary, to make that decision on February 26th, 2026.

However, during Wednesday's Legislative Session, Senator Kenneth Gittens maintained "that law was put in place for a reason, and we can't be a law-making body here that's going to put things in place, write the law and then don't follow it."

Gittens admitted that he found himself in a "tough position" as he respects and admires the nominees, but "I can't go against what the law states."

He insisted that the governor should have written to the Legislature, explaining the need to reappoint the individuals based on the provision of exceptional service. "That wasn't done, colleagues, and I am going to stick with what the law states," he declared.

Notwithstanding Senator Gittens's adamance, the section of the Code that he referenced places the responsibility squarely in the hands of the Legislature.

[Title 3, Chapter 5, Subsection 65a](#) states that an individual cannot serve for more than two terms "except upon a finding by the Legislature that the person has given exceptional service on such Board or Commission." Therefore, lawmakers were well within their rights to reappoint the VIPA board members.

Mr. Gittens still chose to vote against the nominations of Willard John, Celestino White, and Leona Smith. So too did Senator Clifford Joseph, who had early stated that he was in a "hard place", and Senator Franklin Johnson, who promised to vote his "conscience."

Lawmakers were unanimous on other decisions, including:

- The nomination of [Joseph Donohoo](#) to the VI Board of Contractors, Trades, and Crafts
- [Bill 36-0084](#) An act honoring and commending Alva Alphonse Swan also known as "Coach Tumba" for his significant contributions to the sport of basketball in the Virgin Islands by bestowing upon him the Key to the Territory.
- [Bill 36-0220](#) An act honoring and commending former Senator Lorraine L. Berry posthumously for her decades of outstanding public service by renaming Hull Bay Road located in North Side, St. Thomas, the "Lorraine L. Berry Drive".

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