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Senators Approve Bill to Change Composition of Magens Bay Authority Board During Contentious Hearing

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Aerial view of Magens Bay in St. Thomas, USVI. By. GETTY IMAGES

Senators who make up the Committee on Rules and Judiciary convened on Thursday to vote on four nominations and several bills. Among the measures was Bill No. 33-0374, sponsored by Senator Janelle Sarauw, which seeks to change the composition of the Magens Bay Authority Board and the method of appointing members to its ranks.

The measure intends to reconstruct the board by changing who can serve and who is in charge of appointing members. It further specifies what should be the professional background of four members: one representative should be in the environmental, conservation, agroforestry, or

forestry field; one representative from the hospitality industry; and one representative from the small business community.

The bill calls on the governor to appoint one private citizen, and the other two private citizens, who must be from the St. Thomas/ St. John district, would be appointed by the board through a process. Presently, the Magens Bay Authority Board is composed of seven members who are either native Virgin Islanders or long-term residents who currently work or have worked in the private sector, government, or academia.

The bill further intends to remove the governor as a board member and replace with a senior member of the governor's St. Thomas office. Additionally, the measure seeks to reduce the number of years a member can serve on the board from six years to three, and lastly, it increases the number for a quorum from three to four.

The board's chair, along with its attorney voiced strong opposition to the measure.

"The proposed legislation, at least as we have seen it to date, would violate the Constitution," said Attorney Mark D. Hodge, citing a court case as precedent. "Moreover, it would also make future board members potentially beholden to those in places of political power, rather than following the clear and unambiguous intent of the Magens Bay Authority's original mandate, which is to maintain the Magens Bay Beach park for the enjoyment of all residents of the Virgin Islands, without regard to race, creed, or color and without political influence or frequent changes in board membership following the course of elections."

Katina Coulianos, the Magens Bay Authority chair, said, "The impetus behind the measure stems from a lack of knowledge of the history and operations of the authority and its board, compounded by misinformation, politics, and speculation." Ms. Coulianos further stated that Mr. Arthur Fairchild, the grantor of Magens Bay Beach, "wanted the board to have longevity, continuity and be self-perpetuating."

She added, "He did not want it to be subject to political influence and interference, which is why there is a limit on positions held by government officials and why appointments are not made by politicians."

Perplexed by Ms. Coulianos's and Mr. Hodge's statements, Senator Kurt Vialet questioned the testifiers on how the bill changes the intention of Mr. Fairchild since the bill does not intend to change the beach from being a public park for the use of residents of the Virgin Islands. Mr. Vialet also drew attention to Ms. Coulianos's statement that said Mr. Fairchild did not want the Magens Bay board "subject to political influence," even though most of the board's current members have worked as government officials or are presently working as such, he said.

"To have a political argument is totally irrelevant because your present composition reeks of politics," said Mr. Vialet

During Sen. Sarauw's final remarks on her bill, she said, "If the board was open for change there would be no need for this legislation today."

The bill was supported by the committee and will be heard in the full body for final vetting and approval or failure, before heading to Governor Bryan.

Along with Bill No. 33-0374, the following bills and nominees were unanimously approved by lawmakers and will be sent to the full body for further consideration.

The nominees include:

- Kai A. Nielsen - Virgin Islands Coastal Zone Management Commission - District of St. Croix
- Kai M. Smith - Virgin Islands Coastal Zone Management Commission - District of St. Thomas
- Marvin Pickering - Virgin Islands Casino Control Commission, Chairman - District of St. Croix
- Ronan O. David, Esq.- Division of Gaming Enforcement, Director

The approved bills include:

- Bill No. 33-0303 An Act amending title 32 Virgin Islands Code, Chapter 21, Article XIV, sections 604(d), 607(d) and (e), 610 (a) and (c), 625(a) and (c), 634, 637, and 638 relating to Internet Gaming and Gambling licensing and fees requirements and matters related thereto (Sponsored by Senator Novelle E. Francis, Jr., Senator Kurt A. Vialet)
- Bill No. 33-0439 - An Act establishing an amnesty period until June 30, 2021, for the waiver of penalties for payment of outstanding income taxes and the waiver of interest and penalties for payment of outstanding gross receipt taxes and real property taxes for all tax years and to require the Director of the Virgin Islands Bureau of Internal Revenue to publish information on this amnesty Sponsored by Senator Donna Frett-Gregory
- Bill No. 33-0362 An Act appropriating \$900,000 from the St. John Capital Improvement Fund to the Virgin Islands Port Authority for certain improvements to the Loredon Lorence Boynes Sr. Ferry Terminal at Cruz Bay, St. John (Sponsored by Senator Donna Frett-Gregory, Senator Janelle K. Sarauw, Senator Oakland Benta, Senator Allison L. DeGazon, Senator Athneil Thomas, Senator Marvin Blyden, Senator Dwayne M. DeGraff, Senator Myron D. Jackson, Senator Steven D. Payne, Sr.)
- Bill No. 33-0376 An Act requiring the Department of Agriculture to develop a territorial agriculture plan and providing an appropriation of \$180,000 from the General Fund to the Department of Agriculture to assist with developing the plan (Sponsored by Senator Donna Frett-Gregory, Senator Janelle K. Sarauw, Senator Kurt A. Vialet, Senator Dwayne M. DeGraff, Senator Allison DeGazon, Senator Athneil Thomas)
- Bill No. 33-0041 - An Act amending title 3, chapter 9 of the Virgin Islands Code by adding a new subchapter establishing requirements for the construction and repair of roads and highways within the Territory of the Virgin Islands Sponsored by Senator Steven D. Payne Sr., Senator Oakland Benta
- Bill No. 33-0250 - An Act amending title 3, chapter 9, section 134a, subsection (b) of the Virgin Islands Code, relating to the duties of the Department of Public Works, Division of Capital Improvement in administering and coordinating capital improvement projects, to require that a Front- End Engineering and Design is completed for each capital improvement project of the various departments and agencies of the Government of the Virgin Islands before the procurement of engineering and construction services Sponsored by Senator Alicia Barnes, Senator Marvin Blyden; Co-Sponsored by Senator Allison DeGazon
- Bill No. 33-0351 - An Act providing an amnesty for property owners who have enclosed or have started to enclose the remaining usable space under their houses without submitting building plans to the Department of Planning and Natural Resources for approval or without the issuance of a building permit and the enclosed space or the space to be enclosed does not exceed the boundary of the existing structure Sponsored by Senator Athneil Thomas,

Senator Marvin Blyden

- Bill No. 33-0220 An Act providing for the construction of ramps or walkways at least two beaches in each island district that would allow persons with disabilities access to the beaches (Sponsored by Senator Steven D. Payne, Sr., Senator Oakland Benta, Senator Myron D. Jackson, Senator Marvin -Blyden) was removed from the agenda.

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