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Bryan Administration Moves to Block Implementation of Law Changing Composition of WAPA Board

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Governor Albert Bryan

V.I. Attorney General Denise George announced Thursday what she described as "pending action brought by the Government of the Virgin Islands and Governor Albert Bryan Jr." in the V.I. Superior Court to prevent the implementation of Act No. 8472, which established a "minimum criteria for the Virgin Islands Water and Power Authority Governing Board and changed the number of its members constituting a quorum from five to four."

"This Act relates to the makeup and the removal of members of the V.I. Water and Power Authority Governing Board," stated the D.O.J.'s release.

Ms. George said, "The action is unconstitutional and unlawfully infringes upon the power and authority of the executive branch and chief executive, in violation of the separation of powers doctrine under the Revised Organic Act of 1954 and the Constitution of the United States."

Act No. 8472, which was [overridden by the 34th Legislature](#) after the governor's veto, reduced the number of WAPA Board members from nine to seven "by specifically removing two out of three of the executive cabinet members from the WAPA Board, and specifically appointing the Director of the Virgin Islands Energy Office as the sole cabinet-level member on the board," stated the release. Ms. George said the pending court action filed by her office on Friday, August 27 consists of a complaint and a motion for temporary restraining order, preliminary and permanent injunction.

The complaint asserts that the Legislature's "purposeful restrictions on a governor's intrinsic power of appointment and removal of executive branch board members to the WAPA Board unlawfully restricts and erodes the chief executive's supervision and control of the executive branch of the Government of the Virgin Islands as mandated in the Revised Organic Act of 1954," Ms. George said.

She added, "The court action specifically asks the V.I. Superior Court to enjoin the V.I. Water and Power Authority from implementing or operating under the new law and to declare that Act No. 8472 is unconstitutional and inorganic, therefore void as a matter of law."

Ms. George also said that only a court of law can render a final determination on the constitutionality of a statute.

The law's chief sponsor, Senator Janelle Sarauw, expressed incredulity at the legal action. "I am nauseated by the the lengths the administration is going to go to protect the utility. Through legislation, this body established the utility and its board and we have the right to amend the composition or abolish it altogether if we so choose. It is evident Governor Bryan is tone deaf to the cries of the people and defending WAPA at any costs matter more."

A request for comment from Mr. Bryan had not been returned at time of writing.

Assistant Attorneys General Ariel Smith and Julie Beberman represent the Government and Governor Bryan in the action, according to the release.