

logo not found or type unknown

Taking it to the Limit: Bryan Appeals Superior Court Ruling on Law Changing WAPA Board

Government / **Published On April 01, 2023 05:25 AM /**

Staff Consortium **April 01, 2023**

Image not found or type unknown



Governor Albert Bryan, Jr. By. REEMY-REEMZ PHOTOGRAPHY/VICONSORTIUM

The tussle between Governor Albert Bryan Jr. and the Virgin Islands Legislature over the composition of the Water and Power Authority (WAPA) governing board is not over.

Earlier this month, the Superior Court ruled that a law which eliminated two Cabinet-level positions from the board and imposed qualification requirements for those who can sit on the board, was “a valid exercise of legislative authority” and did not infringe on the governor’s executive powers as was being claimed.

As such, presiding judge Renée Gumbs Carty ordered that the temporary restraining order that went into effect on September 20, 2021 be lifted, clearing the way for the [immediate](#)

[implementation](#) of Act 8472.

Ahead of the WAPA board's Thursday meeting, the body announced that they were now in compliance with the legislation after [removing](#) Bureau of Internal Revenue Director Joel Lee from among its ranks.

That same Thursday, however, Consortium journalists learned that a motion had been filed in the Supreme Court asking to stay Judge Gumbs Carty's order while an appeal of the lower court's decision is heard.

In a memorandum from the Office of the Attorney General in support of the motion for the stay, Assistant AG Ian Clement argues that the Superior Court "misinterpreted" the relevant case law to reach an incorrect conclusion.

Judge Gumbs Carty had found that because WAPA was a creature of statute legislated into existence by the Senate in 1964, that body did have the authority to adjust its governing structure. She noted that previous legislative efforts have done so in the past, and that it was Act 4108 in 1978 which established the current structure of the board that Governor Bryan is now fighting to preserve.

© Viconsortium 2024