

motion 2

DRAFT MOTION

STATEN VAN SINT MAARTEN	
Ingek.	02 JUN 2014
Volgnr.	
Par.	75

The Parliament of Sint Maarten in its meeting of today, June 30th, 2014:

Considering:

- That the former Minister of Justice Mr. Roland Duncan entered into a multi year lease agreement with the Vorst family to lease a parcel of land of approximately 11.129 M2.
- That this lease agreement was conditional to government complying with certain terms and conditions
- That government never complied with these terms and conditions thus making this lease agreement null and void.
- That the Minister of VROMI Mr. Maurice Lake subsequently decided to enter into a sales and purchase agreement with the Vorst family to purchase this property for an amount of US 5.500.000,--
- That this purchase comes out to approximately US \$ 495,-- per M2
- That the purchase was done without the Minister doing the necessary due diligence, to ensure that the agreed upon purchase price can be justified against the current land purchase values on St. Maarten.
- That the two appraisal reports obtained by the Minister shows a land value of respectively US \$ 1.300.000,-- and US \$ 1.600.000,--.
- That there is a huge discrepancy in terms of the M2 price agreed upon in the sales and purchase agreement vs the two appraisal reports
- That the Minister could not justify the agreed upon purchase price with facts and figures
- That the Council of Ministers did not approve of this sales and purchase agreement
- **Resolves:**
 - To strongly condemn the actions taken by Minister Maurice Lake in signing the sales and purchase agreement without exercising the necessary due diligence and caution as should be expected by a responsible Minister
 - That the Parliament does not support the purchase mentioned property for an amount of US\$495 per square meter
 - To request the Minister of General Affairs and the Minister of Finance jointly, to present within 120 days to Parliament, legislation to further define the responsibilities of the Ministers in terms



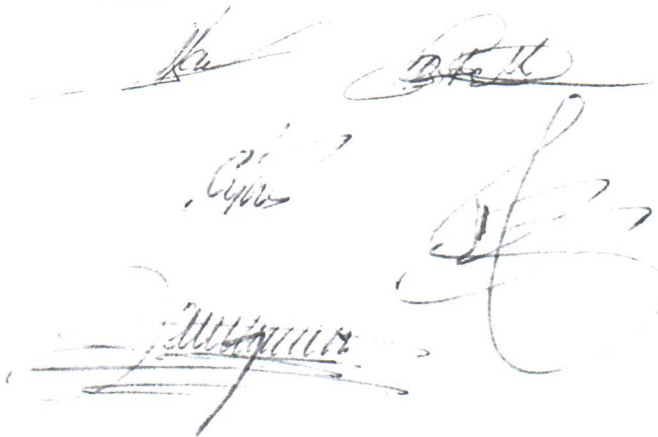
of the authority of a Minister when entering into binding agreements on behalf of government which legislation should not be limited to the process that should be followed by a Minister in exercising all due diligence necessary to enter into an agreement that commits the country on a long term.

- That this legislation should cover areas such as the legal process that should be followed, the further compliance with the Comptability Ordinance, the Kingdom Law on Financial Supervision, the instrument used by Ministers such as the Ministerial Decree vs the "Landsbesluit" and any other such matters to avoid reoccurrence of these types of situations in the future.

And goes over to the order of the day

Copies of this motion to be sent to

The Governor of St. Maarten
The Council of Advice
The General Audit Chamber
The Ombudsman
The Council of Ministers



motion 1

STATEN VAN SINT MAARTEN	
Ingek.	02 JUN 2014
Volgnr.	
Par.	1

DRAFT MOTION

Considering that the County St. Maarten is continuously being faced with court proceedings and court cases for agreements made by respective Ministers which agreements have not at all times being given the necessary due diligence when entering into these agreements

That this matter has been most evident in the cases of the sales and purchase of lands on behalf of Government

That this handling by respective Ministers is putting undue strain on the budget of the country St. Maarten

Resolves

To call on the Minister of Finance to invoke the Comptability Ordinance and specifically article 41. 4 which states " De Minister van Financien kan met betrekking tot uitdrukkelijk door hem aan te geven bedragen die op de begroting zijn toegestaan maar niet behoren tot die welk in het derde en vierde lid bedoeld zijn bepalen dat daarover alleen mag worden beschikt wanneer hij daarvoor toestemming heeft gegeven".

That the Minister of Finance presents his decision on this matter within 30 days.

And goes over to the order of the day

Copies of this motion to be sent to

The Governor of St. Maarten

The Council of Advice

The General Audit Chamber

The Ombudsman

The Council of Ministers

