



Legislature of the Virgin Islands

CAPITOL BUILDING
P.O. BOX 1690, ST. THOMAS
U.S. VIRGIN ISLANDS 00804
PH: (340) 693-3529 • FAX: (340) 693-3698

100 LAGOON COMPLEX, SUITE 2
FREDERIKSTED, ST. CROIX,
U.S. VIRGIN ISLANDS 00840
PH: (340) 712-2300 • FAX: (340) 712-2242

**The Honorable
Neville James**
Senate President, 31st Legislature

February 19, 2015

CHAIRMAN
Committee of the Whole
MEMBER
*Committee on Government Services,
Consumer & Veterans' Affairs*
MEMBER
*Committee on Housing, Public Works
& Waste Management*
MEMBER
*Committee on Rules
& Judiciary*
MEMBER
*Committee on Economic Development,
Agriculture & Planning*

The Honorable Kenneth E. Mapp
Governor of the Virgin Islands
Office of the Governor
No. 5047 Kongens Gade
St. Thomas, Virgin Islands 00802

**RE: Nomination of Shirlene W. Taylor, Hugh Pemberton, and Michael
Watson, to the Board of Governors of the Virgin Islands Port Authority**

Dear Governor Mapp:

This letter is in response to your correspondence of February 17, 2015, submitting nominations to the Board of Governors of the Virgin Islands Port Authority for the Legislature's advice and consent. For the various reasons expressed below, I respectfully request that you withdraw the three nominations you submitted.

For your convenient reference, title 29, section 541, subsection (c) of the Virgin Islands Code provides: "Of the five appointed persons, two shall be residents of the Island of St. Thomas, two shall be residents of the Island of St. Croix, and one shall be a resident of the Island of St. John." The confirmation of the three nominees you submitted would contravene this provision.

In your February 17 letter you stated that Ms. Shirlene W. Taylor is nominated for the island of St. Croix to replace Mr. Manuel Gutierrez, whose term has expired. However, the information I have obtained indicates that Mr. Gutierrez' term does not expire until June 27, 2015. Pursuant to subsection (b) of section 541, the term of office for each board member is three years, and according to our knowledge Mr. Gutierrez has not resigned his seat. Consequently, no vacancy in Mr. Gutierrez' office exists at this time, and if Ms. Taylor is confirmed, the Board of Governors would be unlawfully constituted with respect to the number of St. Croix members.

- Additionally, you have nominated Mr. Hugh Pemberton for the island of St. Croix to replace Mr. Hector Peguero. While it is correct that Mr. Peguero's term has expired, Mr. Peguero's position on the Port Authority Board ironically was filled by Mr. Gutierrez in 2012,

during the 29TH Legislature. Again, the confirmation of Mr. Pemberton would exceed the two-member limit for St. Croix in violation of section 541.

- Finally, the appointment of Mr. Michael Watson for the island of St. John would also violate 29 V.I.C. §541 (c). As you know, section 541 (c) mandates that one member of the Board of Governors must reside on St. John. It is my understanding that Mr. Michael Watson resides on St. Thomas.

- If this assessment is accurate, please withdraw the names of the forgoing nominees and resubmit an appropriate nomination for the island of St. John. I will do all in my power to act on the new nomination expeditiously.

Sincerely,



Neville James

President

- xc: All Senators
Yvonne Tharpes, Chief Legal Counsel
Mr. Iver Stridiron, Executive Director
Hon. Carlton Dowe, Executive Director, VIPA