

ACT NO 7695

BILL NO. 30-0499

THIRTIETH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2014

An Act providing for the conveyance of Plot No. 184 Estate Anna's Hope, Company Quarter, St. Croix, Virgin Islands, consisting of 9.8938 U. S. acres, more or less, as shown on OLG No. 3284, dated October 28, 1976 from the Government of the Virgin Islands to the Enrique Romero Nieves American Legion Post 102, Inc. and providing that the Government allow the Enrique Romero Nieves American Legion Post 102, Inc. to utilize one of the buildings located at Parcel No. 1 Peter's Rest, Queen Quarter St. Croix, Virgin Islands, consisting of 0.465 U.S. acres, more or less, as shown on OLG Map No. 319, on which the St. Croix Majorettes currently uses one of three buildings, until it has completed construction of its permanent facilities at Plot No. 184 Estate Anna's Hope

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Subject to the requirements of title 31 Virgin Islands Code, chapter 21, sections 201 and 205, the Government of the Virgin Islands shall convey to the Enrique Romero Nieves American Legion Post 102, Inc. Plot No. 184 Estate Anna's Hope, Company Quarter, St. Croix, Virgin Islands, consisting of 9.8938 U.S. acres, more or less, as shown on OLG Map No. 3284, dated October 28, 1976, for \$1.00, for the construction of a veterans multi-purpose facility.

SECTION 2. Subject to the requirements of title 31 Virgin Islands Code, chapter 21, sections 201 and 205, the Government of the Virgin Islands shall allow the Enrique Romero Nieves American Legion Post 102, Inc. to occupy through a use permit one of the buildings located at Parcel No. 1 Peter's Rest, Queen Quarter, St. Croix, Virgin Islands, consisting of 0.465 U.S. acres, more or less, as shown on OLG Map No. 319, until it has completed construction of its permanent facility at Plot No. 184 Estate Anna's Hope.

Thus passed by the Legislature of the Virgin Islands on September 26, 2014.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 3rd Day of September, A.D., 2014.



Shawn-Michael Malone
President



Janette Millin Young
Legislative Secretary



Bill No. 30-0499 is hereby approved.

Witness my hand and the Seal of the
Government of the United States
Virgin Islands at Charlotte Amalie,
St. Thomas, this 13th day of October
A.D., 2014.



John P. de Jongh, Jr.
Governor

RESOLUTION NO. 1813

BILL NO. 30-0442

THIRTIETH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2014

A Resolution urging and requesting Governor John P. deJongh Jr., to return the monies improperly used by his administration to upgrade his private residence including a guard house and an iron fence

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WHEREAS, the Revised Organic Act of 1954 in section 11 provides that the Governor shall maintain his "official residence" in the Government House on St. Thomas during his incumbency; and

WHEREAS, Governor John P. deJongh, Jr. chose to reside in his private residence during his incumbency thereby circumventing and ignoring the provisions of the Revised Organic Act of 1954 Section 11; and

WHEREAS, the 24th Legislature passed Act No. 6427 appropriating \$1,305,000 in section 22 for Nadir bridge flood control project, and those monies were never expended for its intended purpose; and

WHEREAS, the 27th Legislature realizing that the \$1,305,000 appropriated in Act 6427 was still available and unexpended, passed Act No. 6917 amending Act No. 6427, section 22 and appropriated the unexpended \$1,305,000 to the Department of Public Works for engineering, designs, construction, repair or the resurfacing of roads; and

WHEREAS, Governor John P. deJongh Jr. in the year 2007 began to utilize the \$1,305,000 appropriated in Act 6917 to upgrade his private residence; the work being completed in the year 2008; and

WHEREAS, after public outcry Governor John P. deJongh, Jr. publicly stated that he relied on an opinion of the Virgin Islands Solicitor General Elliot Davis before utilizing the funds; and

WHEREAS, based on a complaint filed by a member of the 28th Legislature with the United States Department of Interior Office of the Inspector General and the United States Attorney General's Office an investigation was initiated to determine the propriety of the expenditure; and

WHEREAS, a report was generated by the United States Department of Interior Office of the Inspector General after an onsite investigation by federal officials, which determined that portions of the \$1,305,000 were improperly used for security upgrade to the private residence of Governor John P. deJongh, Jr; and

WHEREAS, the report determined that the legal residence of the Governor of the Virgin Islands was Government House on St. Thomas, and the monies should have been used to upgrade the official residence of the governor if it was not suitable for habitation or change the law concerning the official residence of the Governor; and

WHEREAS, on or about November 6, 2009, Governor John P. deJongh, Jr., by his own admission, agreed to pay back a portion of the expenses upon completion of office; and

WHEREAS, one of the recommendations made by the United States Department of Interior Office of the Inspector General was the return of the monies from Act 6917 improperly used for the Governor's security improvements; and

WHEREAS, only the Legislature has the authority to appropriate government monies for public projects and the Legislature never appropriated nor otherwise approved the use of government funds for upgrade to Governor John P. deJongh, Jr's private residence in any manner; and

WHEREAS, title 33 Virgin Islands Code, chapter 113, section 3101 provides that "No officer or employee of the Virgin Islands shall make or authorize an expenditure from, or create or authorize an obligation under any appropriation or fund in excess of the amount available therein; nor shall any such officer or employee involve the government in any contract or obligation for the payment of money for any purpose, in advance of appropriations made for such purpose, unless such contract or obligation is authorized by law"; and

WHEREAS there was no advance appropriation for any contract or obligation authorized by law for any upgrade to the private residence of Governor John P. deJongh, Jr's private residence; and

WHEREAS, title 33 Virgin Islands Code, chapter 113 section 3112 provides that "Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are made, and for no others;" and

WHEREAS, the monies taken from Act 6917 and used to upgrade the private residence of Governor John P. deJongh, Jr. cannot be reconciled with the provisions of section 3112 of title 33 of the Virgin Islands Code, as those funds were appropriated by the legislature to the Department of Public Works for engineering, designs, construction, repair or the resurfacing of roads; Now, Therefore,

Be it resolved by the Legislature of the Virgin Islands:

SECTION 1. It is the consensus of the Legislature of the Virgin Islands that the portion of monies utilized from Act 6917 section 17 to make security upgrades to the private residence of Governor John P. deJongh, Jr. was not authorized by the Legislature and therefore the monies were expended illegally.

SECTION 2. The Legislature of the Virgin Islands, on behalf of the people of the Virgin Islands, respectfully petitions and requests of the Honorable John P. deJongh, Jr. to return the sum of \$490,000 plus interest at the rate of 9.5 %, taken from Act 6917 section 17 to upgrade his private residence and that he should do so by January 5, 2015.

SECTION 3. Copies of this resolution shall be forwarded to the Governor of the Virgin Islands at Government House, St. Thomas Virgin Islands with copies sent to the United States Department of Justice Office of the United States Attorney General, the United States Department of Interior Office of the Inspector General and the Attorney General of the Virgin Islands.

Thus passed by the Legislature of the Virgin Islands on September 25, 2014.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 30th Day of September, A.D., 2014.



Shawn-Michael Malone
President



Janette Millin Young
Legislative Secretary