



August 8, 2019

The Honorable Albert Bryan Jr.
Governor of the US Virgin Islands
Government House
Charlotte Amalie, V.I. 00802

Dear Governor Albert Bryan, Jr.,

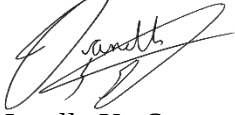
I am writing this letter to express my concern about the State of the Emergency, Executive Order 491-2019, ordered by Acting Governor, Tregenza A. Roach on August 2, 2019. It should be noted that a State of Emergency is a serious matter, and one that should be exercised for the purpose of disasters or tragedies which pose immediate risks to life, property or environment within the Territory. Discretion should be used as to what "emergency" constitutes a "State of Emergency" and the tenets provided under such, per the Virgin Islands code. The failure of the Department of Education to secure supplies and maintain and repair facilities in a timely fashion for the upcoming school year, as such, this does not constitute the kind of emergency which necessitates the declaration of a state of emergency.

Pursuant to Title 23, Chapter 10, Subchapter I. subsection (d), "No state of emergency may continue for longer than 30 unless renewed by the Governor. As declared, this state of emergency is effective immediately from the date signed, August 2, 2019 until September 30, 2019, unless sooner modified. The Executive Order as written for 59 days at the outset violates the law as an executive order can only be for 30 days unless extended. Notwithstanding the noble intent, this declaration of a state of emergency will not address the lack of school maintenance, supplies, etc in time for the start of the upcoming school year. What will address those critical areas of need is a consorted plan and the timely execution of such plan by the leadership of the Department of Education.

It is my recommendation that you invoke the tenets under the public exigency statute. The Department of Education should make a request to the Commissioner of Property & Procurement stating a clear, detailed reason for the need for a public exigency contract. The Commissioner of Property & Procurement would then forward the contract to you for consideration and approval. If approved, the contract would be stamped "public exigency" with safeguards in place. As it stands, there is not enough evidence to support your position of an emergency of public health and welfare to warrant the declaration of a state of emergency.

As always, the Legislature will continue to avail itself in any way possible to assist the Department of Education in their efforts to secure the educational well-being of the students of this Territory.

Regards,

A handwritten signature in black ink, appearing to read 'Janelle K. Sarauw', written in a cursive style.

Janelle K. Sarauw

CC: Mr. Anthony Thomas, Commissioner
Virgin Islands Department of Property & Procurement

Mrs. Racquel Berry-Benjamin, Commissioner
Virgin Islands Department of Education