No.27/1/13

SENATE

Wednesday, 20th March 2019

10:00 A.M.

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ORDERS OF THE DAY

- 1. Prayers.
- 2. Oath of Allegiance or Affirmation.
- 3. Announcements by the President.
- 4. Bills brought from the House of Representatives.
 - 1. Retired Persons (Incentives) (Amendment) Bill, 2018.
 - 2. International Business Companies (Amendment) Bill, 2019.
 - 3. International Financial Services Commission (Amendment) Bill, 2019.

(Leader of Government Business and Minister of Agriculture, Fisheries, Forestry, the Environment, Sustainable Development and Immigration)

- 6. Papers.
 - 56/1/13 Central Bank of Belize Estimates of Revenue and Expenditure for Fiscal Year 2019.
 - 57/1/13 Central Bank of Belize 2017 Annual Report & Statement of Accounts.
 - 58/1/13 Central Bank of Belize 2016 Annual Report & Statement of Accounts.
 - 59/1/13 Coastal Zone Management Authority and Institute Audited Financial Statements for the Year Ended March 31, 2018.

(Leader of Government Business and Minister of Agriculture, Fisheries, Forestry, the Environment, Sustainable Development and Immigration)

13. Motions relating to the Business or Sittings of the Senate.

14. Public Business.

A. GOVERNMENT BUSINESS

I MOTIONS (For Text of Motions see Notice Papers attached)

- 1. Caribbean Development Bank Sixth Road (Coastal Highway Upgrading) Project (US\$36,576,000) Loan Motion, 2019.
- 2. Caribbean Development Bank Second Road Safety Project (US\$5,941,000) Loan Motion, 2019.
- 3. The Kuwait Fund for Arab Economic Development Kuwaiti Dinars 6,000,000 Million Caracol Road Project Phase II Loan Motion, 2019.
- 4. Re-Appointment of Ombudsman Motion, 2019.
- 5. Appointment of Ms. Armead Gabourel as a Member of the Integrity Commission Motion, 2019.
- 6. Appointment of Ms. Lisbeth Delgado as a Member of the Integrity Commission Motion, 2019.
- 7. Appointment of Mr. Wilmot Simmons as a Member of the Integrity Commission Motion, 2019.
- 8. Appointment of Mr. Nestor Vasquez as a Member of the Integrity Commission Motion, 2019.
- 9. Appointment of Ms. Zoe Roberson Zetina as a Member of the Integrity Commission Motion, 2019.
- 10. Appointment of Ms. Claudet Grinage as a Member of the Integrity Commission Motion, 2019.

(Leader of Government Business and Minister of Agriculture, Fisheries, Forestry, the Environment, Sustainable Development and Immigration)

BILLS FOR SECOND READING

COMMITTEE OF THE WHOLE SENATE ON MOTIONS AND BILLS

BILLS FOR THIRD READING

No.27/1/13

SENATE

Wednesday, 20th March 2018

10:00 A.M.

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NOTICES OF QUESTIONS AND MOTIONS

MOTIONS

1. <u>Caribbean Development Bank - Sixth Road (Coastal Highway Upgrading)</u> Project - (US\$36,576,000) - Loan Motion, 2019.

WHEREAS, section 3(1) of the Loans (Caribbean Development Bank) Act, Chapter 74 of the Substantive Laws of Belize, Revised Edition 2011, provides that subject to such conditions as may be agreed between the Government and the Caribbean Development Bank ("the Bank"), the Government may borrow from the Bank from time to time such sums as may be required by the Government;

AND WHEREAS, section 3(2) of the said Act further provides that no agreement in respect of sums borrowed under the powers conferred by section 3(1) shall be executed unless the terms and conditions thereof have been first approved by a Resolution of the House of Representatives to that effect;

AND WHEREAS, section 7(2) of the Finance and Audit (Reform) Act, (No. 12 of 2005), provides that any agreement or contract or instrument effecting such borrowing or loan to the Government of or above the equivalent of ten million dollars Belize currency, shall only be validly entered into pursuant to a resolution of the National Assembly authorizing the Government to raise the loan or borrow the money;

AND WHEREAS, the Board of Directors of the Bank has recently approved a Loan to the Government of Belize in the sum of **US\$36,576,000**;

AND WHEREAS, the Board of Directors of the Bank has recently approved a Grant to the Government of Belize of an amount not exceeding the equivalent of **GBP 25,050,000** (approximately US\$33.4 million) from CDB, acting as Administrator of the UK Caribbean Infrastructure Partnership Fund (CIF) Grant, to assist in financing the Project;

AND WHEREAS, the purpose of the Loan is for the upgrading of 59 km of existing gravel road (Coastal Highway) between the northern and southern districts; the road connects the George Price Highway near Mile 30 and La Democracia Village to the Hummingbird Highway at Mile 9; the loan will also finance the acquisition of eighteen hectares of land necessary for road widening and realignment purposes; another component of the loan is to engage consultancy services to carry out construction Supervision Services; other activities include enhancing the capacity of communities in Gales Point and Mullins River to improve income-generation and economic empowerment and the preparation of a land use plan to inform development of the land resources within the immediate environs of the Coastal Highway;

AND WHEREAS, the primary objectives of the Project is the rehabilitation of approximately 59 km of roadway, including pavement upgrading, safety improvements and climate adaptation works, bridge repairs and bridge replacement and engineering and construction-related services;

AND WHEREAS, the Bank has offered to lend to the Government the sum of **US** \$36,576,000 ("the Loan") to finance the Project on the following terms and conditions:

Ordinary Capital Resources Portion

- (a) US \$32,427,600 Ordinary Capital Resources (OCR) to be repaid in forty-eight (48) equal or approximately equal and consecutive quarterly installments commencing five (5) years after the date of the Loan Agreement;
- **(b) Interest** at the rate of 4.8% per annum to be paid quarterly on the outstanding OCR portion of the loan;
- (c) A Commitment Fee of 1% to be paid quarterly on the un-withdrawn portion of the loan from time to time, to accrue from the sixtieth (60th) day after the date of the Loan Agreement;

Special Funds Resources Portion

- (a) US \$4,148,400 Special Funds Resources (SFR) to be repaid in eighty (80) equal or approximately equal and consecutive quarterly installments commencing five (5) years after the date of the Loan Agreement;
- **Interest** at the rate of 1% per annum to be paid quarterly on the outstanding SFR portion of the loan;

The Loan shall be fully disbursed by June 30, 2023, or such later date as the Bank may specify in writing;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that the Loan proceeds would significantly assist the Government of Belize in its endeavor to rehabilitate approximately 59 km of roadway, including pavement upgrading, safety improvements and climate adaptation works, bridge repairs and bridge replacement and engineering and construction-related services, approves and confirms that the Government may enter into a Loan Agreement with the Caribbean Development Bank on the terms and conditions set out above, and further authorizes the Minister of Finance to execute and deliver the said Agreement and all other documents associated therewith.

2. <u>Caribbean Development Bank - Second Road Safety Project - (US\$5,941,000) - Loan Motion, 2019.</u>

WHEREAS, section 3(1) of the Loans (Caribbean Development Bank) Act, Chapter 74 of the Substantive Laws of Belize, Revised Edition 2011, provides that subject to such conditions as may be agreed between the Government and the Caribbean Development Bank ("the Bank"), the Government may borrow from the Bank from time to time such sums as may be required by the Government;

AND WHEREAS, section 3(2) of the said Act further provides that no agreement in respect of sums borrowed under the powers conferred by section 3(1) shall be executed unless the terms and conditions thereof have been first approved by a Resolution of the House of Representatives to that effect;

AND WHEREAS, section 7(2) of the Finance and Audit (Reform) Act, (No. 12 of 2005), provides that any agreement or contract or instrument effecting such borrowing or loan to the Government of or above the equivalent of ten million dollars Belize currency, shall only be validly entered into pursuant to a resolution of the National Assembly authorizing the Government to raise the loan or borrow the money;

AND WHEREAS, the Board of Directors of the Bank approved a First Loan (Road Safety Project) to the Government of Belize in the sum of **US \$7,248,000** dated **January 30, 2013**; and an Additional Loan (Road Safety Project - Revision in Scope and Additional Loan) in the sum of **US \$4,584,000** dated **February 2, 2015**;

AND WHEREAS, the Board of Directors of the Bank has recently approved a Second Loan (Second Road Safety Project) to the Government of Belize in the sum of **US \$5,941,000**;

AND WHEREAS, the purpose of the Second Loan is to provide funds to the Government of Belize for Institutional Strengthening to support improved road user awareness leading to behavior change, post-crash care and road safety management; provide support services including development of monitoring and evaluation software; pre- and post-project Knowledge, Attitudes and Practices (KAP) Surveys; development of road safety messages; purchase of enforcement equipment, educational toolkits, ambulances, high visibility personnel and vehicle safety equipment; and project management;

AND WHEREAS, the main objective of the Project is to support the continued improvement of the safety of road users, post-crash response and capacity building for agencies involved in road safety management in Belize;

AND WHEREAS, the Bank has offered to lend to the Government the sum of **US** \$5,941,000 ("the Loan") in one part to finance the Project on the following terms and conditions:

Special Funds Resources

- (a) US \$5,941,000 from the Bank's Special Fund Resources (SFR) to be repaid in sixty (60) equal or approximately equal and consecutive quarterly installments on each Due Date commencing on the first Due Date, five (5) years after the Agreement Date;
- **Interest** at the rate of 1% per annum to be paid quarterly on the outstanding balance of the Loan;

The Loan shall be fully disbursed by March 31, 2023, or such later date as the Bank may specify in writing;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that the Project will significantly contribute to the Government's efforts to support the continued improvement of the safety of road users, post-crash response and capacity building for agencies involved in road safety management in Belize, approves and confirms that the Government may enter into a Loan Agreement with the Caribbean Development Bank on the terms and conditions set out above, and further authorizes the Minister of Finance to execute and deliver the said Agreement and all other documents associated therewith.

3. The Kuwait Fund for Arab Economic Development - Kuwaiti Dinars 6,000,000 Million - Caracol Road Project - Phase II - Loan Motion, 2019.

WHEREAS, the Kuwait Fund for Arab Economic Development (hereinafter referred to as "the Kuwait Fund") provides support to Arab and other developing countries by providing concessionary financing and technical assistance for implementation of key development projects and programmes;

AND WHEREAS, the Government of Belize has requested assistance from the Kuwait Fund for partial financing of **Phase II** of the Upgrading of the Caracol Road Project (hereinafter referred to as "the Project");

AND WHEREAS, Phase II of the Project comprises the upgrading of a further 26 miles of the Caracol Road, from a dirt and gravel road to an asphalt road consisting of two lanes, with a width of about 23 feet and shoulders of about 5 feet on each side, and includes improved drainage, the reconstruction of reinforced-concrete bridges, as well as lighting, safety provisions and new signage on the Road;

AND WHEREAS, the Fund has approved an offer of a Loan in the amount of **Six Million Kuwaiti Dinars**, equivalent to approximately **US \$20 Million**, to the Government of Belize to assist in the financing of Phase II of the Project;

AND WHEREAS, the approved funding will be used to finance: 64% of the amount needed for the civil works and 100% of the amount needed for the Technical Assistance and Institutional Support required under Phase II of the Project;

AND WHEREAS, the Government of Belize will cover the remaining 36% of the total costs of the construction works under Phase II, through counterpart contribution and the commitment of a second loan from the OPEC Fund for International Development (OFID), which is funding Phase I of the Project;

AND WHEREAS, the terms and conditions of the Kuwait Fund Loan Offer are as follows:

Lender: The Kuwait Fund for Arab Economic

Development;

Loan Principal Amount: Six Million Kuwaiti Dinars (or

approximately

US\$20

Million);

Disbursement Schedule: Withdrawals shall be made from time to time

up to December 31, 2023;

Loan Term: Twenty (20) years (5 years grace period plus

15 years repayment period);

Grace Period: Five (5) years from effective date of the Loan

Agreement;

Repayment period: Repayment in thirty (30) equal semi-annual

installments of US\$663,570 commencing

October 15, 2023;

Purpose: To rehabilitate an additional 26 miles of the

Caracol Road, under Phase II of the Project, to improve the connectivity and accessibility between the George Price Highway and the

Caracol Archaeological Site;

Rate of Interest: At a rate of Two percent (2.0%) per annum

on the principal amount withdrawn and outstanding and payable semi-annually on

April 15 and October 15 in each year;

Service Charge: At a rate of one half of one percent (1/2%)

per annum on the principal amount of the Loan withdrawn and outstanding payable semi-annually on April 15 and October 15 in

each year;

AND WHEREAS, under the provisions of section 7 of the Finance and Audit (Reform) Act, (No. 12 of 2005), the Government of Belize is required to obtain the authorization of the National Assembly, by way of a Resolution, for such a borrowing;

AND WHEREAS, for scheduling purposes the Loan Agreement with the Kuwait Fund was entered into on January 14, 2019, subject to the affirmation of this Honourable House;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that the loan proceeds would significantly contribute to the economic and social development of the settlements along the Caracol Road in the Cayo District, by improving the accessibility and connectivity to the area, thereby enhancing opportunities for agriculture, trade and business as well as tourism, approves and affirms that the

Government of Belize may enter into a Loan Agreement with the Kuwait Fund for Arab Economic Development on the terms and conditions set out above, and further authorizes the Minister of Finance to execute and deliver the said Loan Agreement and all other documents associated therewith.

4. Re-Appointment of Ombudsman Motion, 2019.

WHEREAS, section 3(2) of the Ombudsman Act, Chapter 5 of the Substantive Laws of Belize, Revised Edition 2011, provides that the Ombudsman shall be appointed by the Governor-General, acting on the recommendations of both Houses of the National Assembly contained in resolutions passed in that behalf;

AND WHEREAS, **MR. LIONEL ARZU** continues to possess the relevant qualifications and fulfils the requirements for appointment to the office of Ombudsman, as contained in the Ombudsman Act;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that **MR. LIONEL ARZU** is a fit and proper person to be re-appointed as Ombudsman, recommends to the Governor-General that **MR. LIONEL ARZU** be re-appointed as Ombudsman for a further period of one (1) year with effect from 1st April 2019, on his existing terms and conditions.

5. <u>Appointment of Ms. Armead Gabourel as a Member of the Integrity Commission Motion, 2019.</u>

WHEREAS, section 3(1) of the Prevention of Corruption Act, Chapter 105 of the Substantive Laws of Belize, Revised Edition 201,1 provides for the establishment of a body to be known as the Integrity Commission, which shall consist of a Chairperson who shall be an attorney-at-law with not less than five years standing, and six other members who shall be persons of integrity and high national standing;

AND WHEREAS, it is further provided by subsection (2) of that section that two members of the Integrity Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition, and the other members of the Integrity Commission, including the Chairperson, shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition;

AND WHEREAS, after consultation with the Leader of the Opposition, the Right Honourable Prime Minister intends to advise the Governor-General to appoint **MS. ARMEAD GABOUREL,** as a member of the Integrity Commission;

AND WHEREAS, MS. ARMEAD GABOUREL is a person of integrity and high national standing;

AND WHEREAS, subsections (2) (c) and (3) of section 61A of the Constitution of Belize provide that a member of the Integrity Commission can only be validly appointed with the prior approval of the Senate;

NOW, THEREFORE, BE IT RESOLVED that this Honourable Senate, having perused the curriculum vitae of **MS. ARMEAD GABOUREL**, and being satisfied that she is a fit and proper person to be appointed as a member of the Integrity Commission, hereby approves the said appointment for a period of **two (2) years** with effect from 1st January 2019.

6. <u>Appointment of Ms. Lisbeth Delgado as a Member of the Integrity Commission Motion, 2019.</u>

WHEREAS, section 3(1) of the Prevention of Corruption Act, Chapter 105 of the Substantive Laws of Belize, Revised Edition 2011, provides for the establishment of a body to be known as the Integrity Commission, which shall consist of a Chairperson who shall be an attorney-at-law with not less than five years standing, and six other members who shall be persons of integrity and high national standing;

AND WHEREAS, it is further provided by subsection (2) of that section that two members of the Integrity Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition, and the other members of the Integrity Commission, including the Chairperson, shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition;

AND WHEREAS, after consultation with the Leader of the Opposition, the Right Honourable Prime Minister intends to advise the Governor-General to appoint **MS. LISBETH DELGADO**, as a member of the Integrity Commission;

AND WHEREAS, MS. LISBETH DELGADO is a person of integrity and high national standing:

AND WHEREAS, subsections (2) (c) and (3) of section 61A of the Constitution of Belize provide that a member of the Integrity Commission can only be validly appointed with the prior approval of the Senate;

NOW, THEREFORE, BE IT RESOLVED that this Honourable Senate, having perused the curriculum vitae of **MS. LISBETH DELGADO**, and being satisfied that she is a fit and proper person to be appointed as a member of the Integrity Commission, hereby approves the said appointment for a period of **two (2) years** with effect from 1st January 2019.

7. <u>Appointment of Mr. Wilmot Simmons as a Member of the Integrity Commission Motion, 2019.</u>

WHEREAS, section 3(1) of the Prevention of Corruption Act, Chapter 105 of the Substantive Laws of Belize, Revised Edition 2011, provides for the establishment of a body to be known as the Integrity Commission, which shall consist of a Chairperson who shall be an attorney-at-law with not less than five years standing, and six other members who shall be persons of integrity and high national standing;

AND WHEREAS, it is further provided by subsection (2) of that section that two members of the Integrity Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition, and the other members of the Integrity Commission, including the Chairperson, shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition;

AND WHEREAS, after consultation with the Leader of the Opposition, the Right Honourable Prime Minister intends to advise the Governor-General to appoint **MR. WILMOT SIMMONS**, as a member of the Integrity Commission;

AND WHEREAS, MR. WILMOT SIMMONS is a person of integrity and high national standing;

AND WHEREAS, subsections (2) (c) and (3) of section 61A of the Constitution of Belize provide that a member of the Integrity Commission can only be validly appointed with the prior approval of the Senate;

NOW, THEREFORE, BE IT RESOLVED that this Honourable Senate, having perused the curriculum vitae of **MR. WILMOT SIMMONS**, and being satisfied that he is a fit and proper person to be appointed as a member of the Integrity Commission, hereby approves the said appointment for a period of **two (2) years** with effect from 1st January 2019.

8. <u>Appointment of Mr. Nestor Vasquez as a Member of the Integrity Commission Motion, 2019.</u>

WHEREAS, section 3(1) of the Prevention of Corruption Act, Chapter 105 of the Substantive Laws of Belize, Revised Edition 2011, provides for the establishment of a body to be known as the Integrity Commission, which shall consist of a Chairperson who shall

be an attorney-at-law with not less than five years standing, and six other members who shall be persons of integrity and high national standing;

AND WHEREAS, it is further provided by subsection (2) of that section that two members of the Integrity Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition, and the other members of the Integrity Commission, including the Chairperson, shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition;

AND WHEREAS, after consultation with the Leader of the Opposition, the Right Honourable Prime Minister intends to advise the Governor-General to appoint **MR. NESTOR VASQUEZ**, as a member of the Integrity Commission;

AND WHEREAS, MR. NESTOR VASQUEZ is a person of integrity and high national standing and is a member of the Institute Chartered Accountants of Belize;

AND WHEREAS, subsections (2) (c) and (3) of section 61A of the Constitution of Belize provide that a member of the Integrity Commission can only be validly appointed with the prior approval of the Senate;

NOW, THEREFORE, BE IT RESOLVED that this Honourable Senate, having perused the curriculum vitae of **MR. NESTOR VASQUEZ**, and being satisfied that he is a fit and proper person to be appointed as a member of the Integrity Commission, hereby approves the said appointment for a period of **two (2) years** with effect from 1st January 2019.

9. <u>Appointment of Ms. Zoe Roberson Zetina as a Member of the Integrity Commission Motion, 2019.</u>

WHEREAS, section 3(1) of the Prevention of Corruption Act, Chapter 105 of the Substantive Laws of Belize, Revised Edition 2011, provides for the establishment of a body to be known as the Integrity Commission, which shall consist of a Chairperson who shall be an attorney-at-law with not less than five years standing, and six other members who shall be persons of integrity and high national standing;

AND WHEREAS, it is further provided by subsection (2) of that section that two members of the Integrity Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition, and the other members of the Integrity Commission, including the Chairperson, shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition;

AND WHEREAS, after consultation with the Leader of the Opposition, the Right Honourable Prime Minister intends to advise the Governor-General to appoint **MS. ZOE ROBERSON ZETINA**, as a member of the Integrity Commission;

AND WHEREAS, MS. ZOE ROBERSON ZETINA is a person of integrity and high national standing;

AND WHEREAS, subsections (2) (c) and (3) of section 61A of the Constitution of Belize provide that a member of the Integrity Commission can only be validly appointed with the prior approval of the Senate;

NOW, THEREFORE, BE IT RESOLVED that this Honourable Senate, having perused the curriculum vitae of **MS. ZOE ROBERSON ZETINA**, and being satisfied that she is a fit and proper person to be appointed as a member of the Integrity Commission, hereby approves the said appointment for a period of **two (2) years** with effect from 1st January 2019.

10. <u>Appointment of Ms. Claudet Grinage as a Member of the Integrity Commission Motion, 2019.</u>

WHEREAS, section 3(1) of the Prevention of Corruption Act, Chapter 105 of the Substantive Laws of Belize, Revised Edition 2011, provides for the establishment of a body to be known as the Integrity Commission, which shall consist of a Chairperson who shall be an attorney-at-law with not less than five years standing, and six other members who shall be persons of integrity and high national standing;

AND WHEREAS, it is further provided by subsection (2) of that section that two members of the Integrity Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition, and the other members of the Integrity Commission, including the Chairperson, shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition;

AND WHEREAS, after consultation with the Leader of the Opposition, the Right Honourable Prime Minister intends to advise the Governor-General to appoint **MS. CLAUDET GRINAGE**, as a member of the Integrity Commission;

AND WHEREAS, MS. CLAUDET GRINAGE is a person of integrity and high national standing;

AND WHEREAS, subsections (2) (c) and (3) of section 61A of the Constitution of Belize provide that a member of the Integrity Commission can only be validly appointed with the prior approval of the Senate;

NOW, THEREFORE, BE IT RESOLVED that this Honourable Senate, having perused the curriculum vitae of **MS. CLAUDET GRINAGE**, and being satisfied that she is a fit and proper person to be appointed as a member of the Integrity Commission, hereby approves the said appointment for a period of **two (2) years** with effect from 1st January 2019.

(Leader of Government Business and Minister of Agriculture, Fisheries, Forestry, the Environment, Sustainable Development and Immigration)

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