



Prime Minister of Sint Maarten  
The Honourable Ms. Silveria E. Jacobs  
Soualuiga Road 1  
Philipsburg, Sint Maarten

Ref. no.: IC-ADV/21.041

Subject: Advice on the establishment of a comprehensive Government Vehicle Management legislative framework

Philipsburg, January 3, 2022

Honourable Minister,

Pursuant to Article 16, first paragraph of the *National Ordinance Integrity Chamber*, the Integrity Chamber is tasked with giving advice and making proposals on policies to generally improve integrity throughout government and its entities.

On October 7, 2021, the Integrity Chamber submitted its first component of the Facility Services Policy Proposal: *Government Housing Management*.

The second component pertains to the *Government Vehicle Management*. The Integrity Chamber hereby submits its advice on the legislative framework regarding Government Vehicle Management. In addition, the Integrity Chamber provides a proposal for a comprehensive policy on Government Vehicle Management.

### Introduction

Based on the request from the Prime Minister on February 23, 2021, to advise on the Facility Services Policy<sup>1</sup> (hereafter: FSP) of the Department of Facility Services, the Integrity Chamber established the following advice and drafted the attached proposal on Government Vehicle Management.

For the purpose of drafting this specific proposal, the Integrity Chamber reviewed the current applicable legislative framework pertaining to Government vehicle management, namely:

- The *Regeling van de Minister van Algemene Zaken van de 16e juli 2013, houdende voorschriften voor het gebruik van dienstvoertuigen door werknemers van de Overheid*

<sup>1</sup> Facilitaire Zaken Beleid en Richtlijnen: *Faciliterend Facilitair Management! Een uniform facilitair management voor de overheid van Sint Maarten, eerste versie (auteur: Rignald Martina)*

*van Sint Maarten* (hereafter: *Regulation Company Vehicles Government Sint Maarten*).

- The Vehicle Use Policy (RM210720).
- Facilitaire Zaken Beleid en Richtlijnen: Faciliterend Facilitair Management: Hoofdstuk 6 Dienstauto's (hereafter: *FSP*).

Upon analysis of the above legislative framework, it was determined that the Government Vehicle Management Policy could be enhanced on several integrity related aspects. These aspects pertain to transparency and accountability within Government vehicle management, determining the way in which the execution of and compliance with the legislative framework should take place and establishing certain processes and procedures for users of the framework, to ensure the minimization and prevention of integrity-related risks and misconducts. The regulations are mainly geared towards those in management or leadership positions within government, as well as all users of Government vehicles.

The FSP, meant to communicate the responsibilities of all stakeholders within Government vehicle management to all employees within the various ministries, was intended to complete the prevailing legislative framework, as well as to extend the current range of the framework to involve all relevant parties. However, due to the draft status of the policy, it is under-utilized. The missing key elements in the framework resulted in the objectives of the FSP not being fully met.

With the submission of this *Government Vehicle Management Policy*, the Integrity Chamber wishes to provide another component to the *Facility Services Policy Proposal*, meant to replace the current chapter on vehicle management in the FSP, with the intention of establishing a more comprehensive framework necessary for the effective and efficient execution of the tasks and objectives of the Department of Facility Services. The *Facility Services Policy Proposal* is also intended to minimize and prevent the misuse of government resources, the occurrence of integrity-related misconduct, and promote the awareness of integrity-related risks, as well as the clarification of the roles, rights and responsibilities of all stakeholders in relation to Government vehicle management.

### **Advice**

Based on the above considerations the Integrity Chamber advises:

1. **To reinforce the existing legislative framework, namely, the Ministerial Regulation Company Vehicles Government Sint Maarten, and the Vehicle Use Policy.**
2. **To complete the legislative framework with the implementation of the Integrity Chamber's Proposal on the *Government Vehicle Management Policy*.**

Within the proposed *Government Vehicle Management Policy*, some of the recommendations of the Integrity Chamber are:

- Assigning a multi-disciplinary workgroup.
- Establishing a Government Fleet Register.
- Determining the procedure for the need and acquisition of government vehicles.
- Determining the procurement procedures for the use of internal and third-party services.

The Integrity Chamber further advises on ensuring that the complete legislative framework is properly embedded into the organisational structure of the administrative body. This can be done by:

- Ensuring accessibility by distributing the legislative framework to all employees and providing new employees with the regulations.
- Organising information sessions for relevant management and ministerial vehicle coordinators in which the content of the regulations and the way they should be enforced is thoroughly communicated. Management and ministerial vehicle coordinators should be guided by the Department of Facility Services on the practicality and enforcement of, and compliance with the regulations.
- Organising information sessions for relevant employees in which the content of the regulations and the conditions for vehicle use. The importance of compliance of all relevant employees and more specifically the expected behaviour of government vehicle users and possible consequences in cases of non-compliance should be clearly communicated to avoid misunderstandings.
- (Retroactively) ensuring that all users of Government company vehicles meet the user conditions and sign the necessary declarations.
- Having regular discussions between the Department of Facility Services and the ministerial coordinators about bottlenecks, expectations, rules, norms, and values, for the purpose of evaluations and amendments to the framework where necessary.

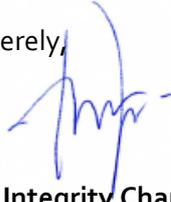
### **Conclusion**

The Integrity Chamber advises to follow the recommended approach for the establishment of a comprehensive Government Vehicle legislative framework. Implementation and embedding of the framework into the organisation, as well as creating awareness and discussing expected behaviours, will help to ensure the appropriate use of government vehicles.

You are requested to provide a motivated response to this advice no later than January 28, 2022. A copy of this advice will be submitted to Parliament, in accordance with Article 18 of the *National Ordinance Integrity Chamber* and published in the National Gazette. The written response to this advice will also be published in the National Gazette.

Follow-up on the implementation of this advice will be carried out by the Integrity Chamber, in accordance with the *National Ordinance Integrity Chamber*.

Sincerely,

A handwritten signature in blue ink, appearing to be 'H.W. Vogels', written over a light blue grid background.

**The Integrity Chamber**

H.W. Vogels, President

R.A. Boasman

H.R. Lodder

CC: Parliament of Sint Maarten