

Public Access to Information Act 2010 (PATI)

Information Statement

Name of Public Authority: Bermuda Land Development Company Limited

Purpose Part 1 [2 (a)-(e)]:

The purpose of the Public Access to Information Act 2010 is to –

- (a) give the public the right to obtain access to information held by public authorities to the greatest extent possible, subject to exceptions that are in the public interest or for the protection of the rights of others;
- (b) increase transparency, and eliminate unnecessary secrecy, with regard to information held by public authorities;
- (c) increase the accountability of public authorities;
- (d) inform the public about the activities of public authorities, including the manner in which they make decisions; and
- (e) have more information placed in the public domain as a matter of routine

The Bermuda Land Development Company Limited (“BLDC”) was established by the Base Lands Development Act, in July 1996. BLDC was incorporated as a local company under the 1981 Companies Act in November 1996 with a mandate to oversee the management of the four former Military Bases – Southside St. David’s, Tudor Hill and Morgan’s Point in Southampton and Daniels Head in Somerset.

Included in the Company’s information statement:

- Governing Legislation
- Structure
- Organization
- Functions
- Powers
- Duties
- Obligations Under PATI
- The Properties
- BLDC Staff
- Utility Infrastructure
- Projects Completed
- Ongoing Projects
- Accessible Records, Exempt Records
- Frequently Asked Questions
- Right of Access to Information
- Information Statement

Section A: Governing Legislation, Structure, Organization [Part 2,s5(1)a]

Legislation: The Bermuda Land Development Company Limited (BLDC) was established by the Base Lands Development Act 1996 (“the Act”) that was passed by the Legislature in July 1996 with an operative date of September 1996. Clause 1 names the Act and ties it to the 1981 Companies Act, a key feature of the Bill. Clause 3 authorizes the Government to form the BLDC by requiring the Government to follow the standard procedures for registering the Company with the Registrar of Companies. This means delivering a Memorandum of Association and Bye-laws of the Company to the Registrar of Companies and registering them under the 1981 Companies Act. Such steps created the Bermuda Land Development Company Limited, as it is named in the clause.

In accordance with section 14 of the Companies Act 1981, the BLDC was incorporated on 12th November, 1996, as a local company, with an authorized and subscribed share capital of \$10 million; \$5 million of which was called and paid. Intrinsic to this provision was the application of commercial practices to achieve financial viability and the adoption of a corporate structure that positioned the BLDC to operate at arm’s length from the Government in a financially viable manner.

The Act authorized the Government of Bermuda to lease four former military bases to the BLDC for a period of 131 years. The BLDC was initially responsible for:

- The former US Naval Air Station at St. David’s, St. George’s – Southside (approx. 430 acres)
- The former US Naval Annex in Southampton – Morgan’s Point (approx. 250 acres)
- The former US Navy operating base in Southampton – Tudor Hill (approx. 25 acres)
- The former Canadian Base, Sandy’s – Daniel’s Head (approx. 17 acres)

Section 6(1) of the Base Lands Development Act 1996 states that the Company shall not be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown. The Company is required to pay all taxes, duties and other charges except those specified by the Act.

Structure: On June 2, 1997, the Government of Bermuda, as Landlord, entered into a lease for a term of one hundred and thirty-one years (131) years with the Tenant, the Bermuda Land Development Company Limited. The Base Lands Development Amendment Act 2010 (2010:57) amends section 9 of the 1996 Act from 131 to 262 years.

The Bermuda Land Development Company Limited’s mandate is established under the Base Lands Development Act 1996 and the general purpose of the Company is to manage, or oversee the management of, the land entrusted to it with a view –

- (a) generally, to the integration of the land into the economic and social fabric;
- (b) in particular, to the creation of opportunities for increased employment now and in the future, in furtherance of the well-being of the present and future generations of Bermudians.

The Bye-laws of the BLDC were passed by the Directors and confirmed by the Members (Shareholders) at a meeting held on 2nd December 1997. The Bye-laws are to be read in conjunction with and subject to the Base Lands Development Act 1996.

Organization: The Shareholders appoint a Board of Directors who are responsible for the strategic direction of the Company. This is done at the annual general meeting of the Company which shall be held in each year other than the year of incorporation at such time and place as the Board shall appoint.

Bye-law 3 states that “In managing the business of the Company, the Board may exercise all such powers of the Company as are not, by statute or by these Bye-laws, required to be exercised by the Company in general meeting subject, nevertheless, to these Bye-laws, the provisions of any statute and to such regulations as may be prescribed by the Company in general meeting.”

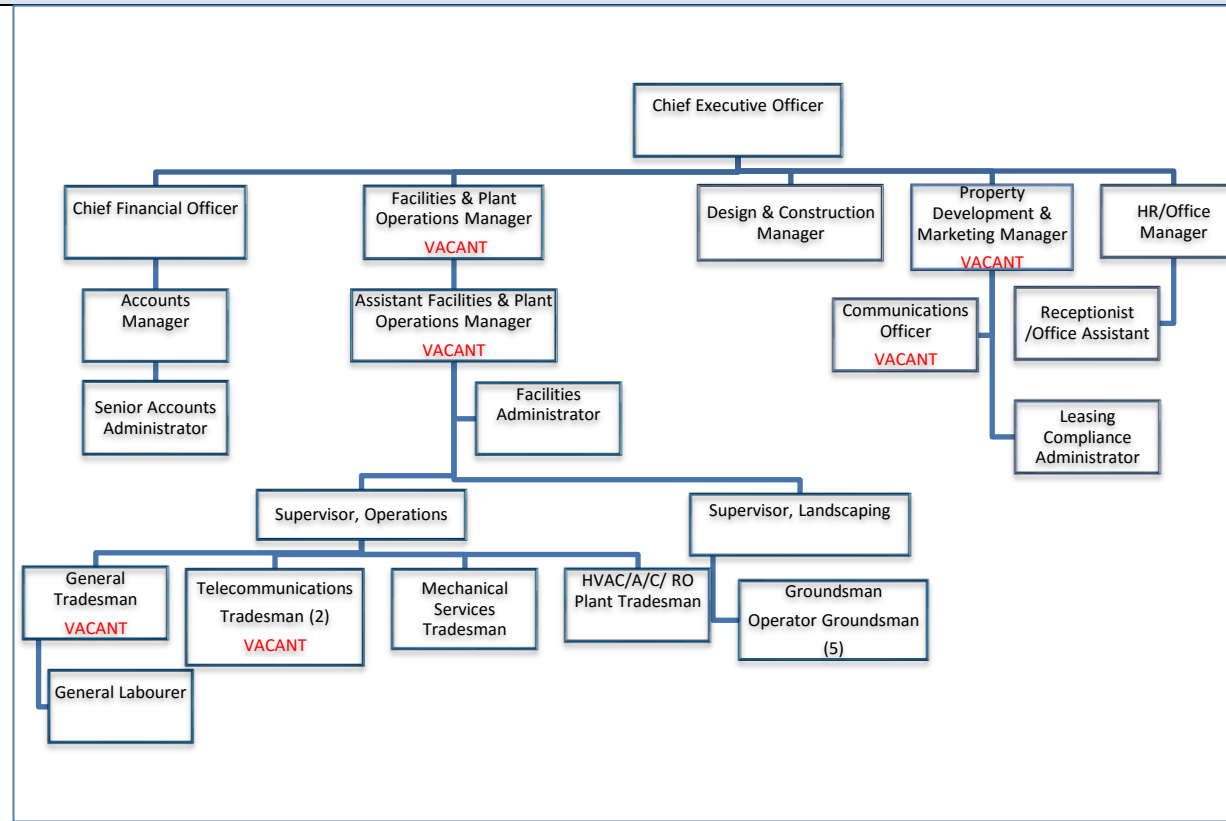
BLDC BOARD OF DIRECTORS

The members of the BLDC Board are as follows:

1. Mr. Keith Battersbee, Chairperson
2. Mrs. Suzann Roberts-Holshouser, JP, MP, Deputy Chair of the Board
3. Mr. Robert Mason
4. Mr. Kai Musson
5. Mr. Philip Perinchief
6. Mr. Donald Dane
7. Mr. Shannon Robinson
8. Capt. John Moore

Bye-law 4 – The Board may from time to time appoint a Chief Executive Officer of the Company who shall, subject to the control of the Board, supervise and administer all of the general business and affairs of the Company and manage the Company’s day to day business and the Board may entrust to and confer upon such Chief Executive Officer such powers and duties as it deems appropriate for the transaction or conduct of such business. In turn, Bye-law 8 – The Chief Executive Officer may appoint, suspend or remove any manager, secretary, clerk, agent or employee of the Company and may fix their remuneration and determine their duties subject to such regulations, guidelines or directions as the Board shall prescribe.

BLDC Organization Chart



BLDC STAFF

BLDC has 26 positions as follows:

ADMINISTRATION

1. Chief Executive Officer
2. HR/Office Manager
3. Receptionist/Office Assistant

ACCOUNTS

4. Chief Financial Officer
5. Accounts Manager
6. Senior Accounts Administrator

FACILITIES

7. Design & Construction Manager
8. Facilities & Plant Operations Manager
9. Assistant Facilities & Plant Operations Manager
10. Supervisor, Operations
11. Supervisor, Landscaping
12. Facilities Administrator
13. Groundsman (5)
15. General Tradesman
16. General Labourer
17. Telecommunications Technician (2)
18. Mechanical Services Technicians (Plumbing)
19. HVAC/A/C Technician

PROPERTY DEVELOPMENT/MARKETING

20. Property Development & Marketing Manager
21. Communications Officer
22. Leasing Compliance Administrator

BLDC Contact Information:

Telephone: (441) 293-5712 Fax: (441) 293-5714
Website: www.bldc.bm

Section B: I) Functions, powers, duties of the BLDC [Part 2, s5(1)b]

Functions: The BLDC aims to move closer to its goal of reintegrating its properties into the social fabric of Bermuda, maximize the value of Government's investment, and make a significant move towards financial self-sufficiency. In order to achieve these goals, the development of the former base lands will continue to be the primary focus of the Company.

BLDC's strategic goal is to be financially self-sufficient and achieve financial results that provide appropriate returns to our shareholders and maximize the value of the properties that have been entrusted to the BLDC. The strategic goals are as follows:

- To provide current financial statements
- To finalize BLDC policies and procedures
- To manage costs
- To upgrade infrastructure
- To identify new revenue opportunities
- To update the Master Plan
- To establish a plan for long term financial sustainability, and
- To sustain a working environment that attracts, retains and develops high-caliber employees

Powers: The Act stipulated that the BLDC be incorporated as a local company under the 1981 Companies Act. Intrinsic to its strategy is to operate at arm's length from the Government, utilizing a corporate structure that promotes efficiency and accountability, and to apply standard commercial practices to achieve financial sustainability.

Duties of the Organization: The BLDC will manage and develop the former base lands in a manner that reintegrates these properties into Bermuda's social and economic fabric and increases employment opportunities for present and future generations of Bermudians. It will do this by creating an environment that helps businesses, residents and communities to grow and prosper.

The structure of the BLDC allows for substantial private sector and commercial practices however appropriate shareholder accountability is retained through:

- submitting the Company's annual business plan, operating and capital budgets, as well as its annual report with financial statements to the Shareholders
- shareholder power to appoint and remove directors, and
- shareholder authority to issue directions in writing to the Company on any matter deemed to be in the public interest

The Government has retained significant powers of direction to ensure the Company operates as an instrument of national policy and the Act requires the Company to communicate fully with the Minister on all matters.

Section B: 2) Obligations under PATI [Part 2, s5(1)b]

To provide an Information Statement for the public and disseminate it.

To provide other information to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:

- General information, e.g. activities of the Authority
 - Log of all information and requests and their outcome [s6(2-4)]
 - Quarterly expenditure (upon request) [s6(5)]
 - Contracts valued at \$50,000 or more. [s6(6)]
- To respond to information requests in a timely manner [Part 3 - s12-1-4]
 - To track information requests, and provide this data to the Information Commissioner
 - To respond to requests from the Information Commissioner
 - To amend personal information held by the Authority that it is incomplete, incorrect or misleading following a written request by the person to whom the information relates [Part 3 -s19]
 - To conduct an internal review if formally requested [Part 5]
 - To give evidence for review by the Information Commissioner [Part 6, 47, or for judicial review [s49], if required
 - To provide an annual written report to the Information Commissioner of the status of information requests [s58 (3)].
 - To do anything else as required under the PATI Act and subsequent Regulations [s59, 60], including:
 - Fees for Requests for information
 - Management and maintenance of records
 - Procedures for administering the Act
 - To train staff and make arrangements so as to facilitate compliance with the Act [s61]
 - To designate one of its officers to be the person to whom requests are directed [s62]

Section C: Services and Ongoing Programmes [Part 2, s5(1)c]

UTILITY INFRASTRUCTURE

BLDC operates and manages the entire infrastructure at Southside including:

- a centralized sewage treatment network - consisting of a sewage treatment plant, a network of pipes and pump stations
- a centralized fresh water distribution network - consisting of a reverse osmosis plant, a network of pipes, pumping stations, water catchments, and numerous holding tanks
- a fire suppression system - consisting of two (2) salt water intake pumping stations, a network of pipes, and fire hydrants
- a centralized telecommunications network including a secure NOCC environment, fibre optic, copper cabling, and duct network
- street and lighting maintenance

When BLDC took over responsibility for the former base lands, the vast majority of the facilities were structurally unsound, in a very poor state of repair, or not suitable for commercial use. As a result, significant expenditures were made and will continue to be required to:

- Demolish facilities that are unsafe or have no long-term value.
- Maintain and protect those assets that have potential future use.
- Improve the infrastructure to allow for sustainable development.
- Renovate existing buildings to make them suitable for commercial, industrial, institutional or residential use.
- Construct new facilities where demand exists.

As is typical of property development, significant up-front costs are needed to develop the properties. The Company continues to seek new development opportunities that will yield significant future economic benefits.

Waste Water Treatment Plant (WWTP)

The BLDC is completing the re-design, build and commission of a new waste water treatment plant that meets regulated air quality standards. This project is scheduled for completion in 2015.

Fresh (Potable) Water Infrastructure

The potable water system at Southside was inherited from the US Navy and the upgrades of the water supply system are ongoing. To date BLDC has saltwater Reverse Osmosis Plants with a total capacity of 120,000 gallons per day.

Fire Suppression System Upgrade

The salt water fire hydrant mains system at Southside was inherited from the US Navy. The system is being upgraded with a new redundant fire pump station at Ruth's Bay. The second phase of this initiative is to rehabilitate the fire hydrants.

Fibre Optic Ring

The Company has a Fibre Optic Ring that serves the Southside campus.

PROJECTS COMPLETED

1. Residential Housing

- 56 homes have been renovated, 54 sold on leasehold, 2 leased
- Seniors' Housing:
 - Southside – the Company leased 1.8 acres to the Bermuda Housing Trust - Ferguson Park Seniors' residence, Southside, St. George's DD03.
 - Morgan's Point - the Company leased 3 acres at Morgan's Point to the Bermuda Housing Trust - Rockaway Seniors Development, Sea Express Lane, Southampton SN 03
- Emergency Housing – Building 550/Gulfstream, 79 Southside Road, St. George's DD03 is leased to and managed by the Bermuda Housing Corporation
- Temporary Housing – Building 632, 26 Tommy Fox Road, St. George's DD03 is leased to and managed by the Bermuda Housing Corporation

2. **Commercial Park** – includes a mix of office space, retail, industrial, commercial, warehouse, now leased to many small businesses

3. **Phase II Carriageway** which provided for a safer more direct route from Southside Road through to Clearwater Middle School and Texas Road

4. **Demolition** – the Company has demolished numerous buildings at Southside that were unsafe, obsolete or dilapidated

5. Installation of playground equipment at Clearwater Beach

6. Managed the renovation of Building 1101 which is now the new Ministry of Education Headquarters, 14 Waller's Point Road, St. George's DD 03

7. Managed and renovated office space in Building 332 East, 11 Waller's Point Road, St. George's DD 03

8. Telecom Duct Network upgrade

ONGOING PROJECTS

- Upgrading of the Fresh (Potable) Water Infrastructure
- Upgrading of the Waste Water Treatment Plant
- Upgrading of the Fire Suppression System
- Building Assessments:
 - a. Demolition of structurally unsound or unsuitable buildings
 - b. Renovation of two cottages
- Asbestos Management

Section D: Classes of Records [Part 2, s5(1)d]

Legal Framework

The Base Land Development Act 1996 and Amendments
 Memorandum of Association
 Certificate of Incorporation

Register of Members
 Register of Directors & Officers

Board

List of current Board Members

Financial

Audited Financial Statements
 Strategic Plan
 Business Plan
 Capital and Operating Budgets
 Report on Operations

Procurement

Current Tenders

Leasing

Rental Listings

Section E: Administration Manuals (used by employees) [Part 2, s5(1)e]

- Employee Manual
- Hurricane Procedures Manual

Section F: Decision-making documents (policies, rules and guidelines) [Part 2, s5(1)f]

- Accounting Policy
- Leasing Policy
- Purchasing Policy
- Safety & Health Policy

Section G: The Information Officer [Part 2, s5(1)g]

RIGHT OF ACCESS:

A request for access to a record under the Act must be made in writing which shall be acknowledged within five working days after receipt of the request. A decision on a request shall be provided to the requester within six (6) weeks on whether to grant or refuse to grant the request in whole or in part. If the request is granted a fee may be payable for the provision of access.

Information Officer

Mrs. Deborah Levine
PATI Information Officer
Bermuda Land Development Company Limited
Triton House
1 Longfield Road
St. George's. DD 03
Bermuda

Direct Line: (441) 278-2071 **Office:** (441) 293-5712 **Fax:** (441) 293-5714 **Email:** dlevine@bldc.bm

Section H: Any Other Information [Part 2, s5(1)h]

FREQUENTLY ASKED QUESTIONS:

1. What is the correct name for this entity?

Bermuda Land Development Company Limited or BLDC, not Bermuda Land Development Corporation as frequently and incorrectly referred.

2. What is the status of the Company?

Sect. 6(1) of the Base Lands Development Act 1996 states that “The Company shall not be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown.

3. Under which Ministry does the BLDC fall?

As per Sect. 7 (1) of the Base Land Development Act 1996, “The initial Members (*or Shareholders*) of the Company shall be the Minister and the Minister of Finance.” “The Minister” is designated by the Premier as the Minister responsible for the Company. The current designated Minister is the Minister of Public Works.

4. Who appoints the Board of BLDC?

The Board is appointed by the two Members (Shareholders).

5. BLDC’s Board is not published in the newspaper at the end of each year, why?

BLDC’s Board is not a Government Board and there is no requirement for the Company to publish its Board in the local media. However, a list of the Board members can be found in this PATI Statement.

6. How long do the Board members’ serve?

Board members are appointed at the Annual General Meeting of the Company or at any Special General Meeting or until their successors are elected or appointed or their office is otherwise vacated.

7. Are Employees of BLDC Civil Servants?

No. BLDC employees are not civil servants. A civil servant is a person appointed by the Public Service Commission and who is employed by the Government of Bermuda in an executive, senior administrative, professional, technical or supervisory capacity.

8. Are BLDC employees members in the Public Service Superannuation Pension Fund and GEHI?

No. BLDC has its own pension and health insurance plans with a private local insurer.

9. Can I purchase a home or land from BLDC?

Yes, leasehold but not freehold and subject to Legislative approval for a lease more than 21 years.

10. How many years are left on the lease?

The Government of Bermuda and BLDC entered into a lease on 2nd June, 1997 for 131 years. This was amended in December 2010 by the Base Lands Development Amendment Act 2010 – “by deleting “131 years” and substituting “262 years”.

11. Does BLDC receive funding from the Government?

The last grant received from the Government of Bermuda was \$2.5 million in 2008 and since that time, BLDC has been financially self-sufficient, meeting one primary strategic goal.

12. What is BLDC’s major source of revenue, if not funded by the Government of Bermuda?

BLDC’s major source of revenue is its rental income.

Section I: Any Other Information To be Provided? [Part 2, s5(1)i]

Directions to BLDC HQ (from Hamilton): BLDC is located in the east end of the island in the parish of St. George's. Drive to the east end via South Road or North Shore Road. Turn off Kindley Field Road onto St. David's Road at the roundabout. Drive along St. David's Road and take first right hand turn onto Southside Road. Turn left onto Southside Road, travel up the hill, past the Harbour View Village housing development and pass the Bowling Alley. BLDC is up ahead, in Triton House (a yellow building) to the right of the roundabout.

Mailing Address: P.O. Box GE 220, St. George's. GE BX Bermuda

Corporate Secretary: Trocan Management Limited

Registered Office: Triton House
1 Longfield Road, St. George's DD 03

Contact Information: Tel: (441) 293-5712 Fax: (441) 293-5714
Website: www.bldc.bm

Ministry: BLDC is currently under the authority of the Ministry of Public Works

Current Minister: The Hon. Craig Cannonier, JP, MP

Chief Executive Officer: Mr. Francis R. Mussenden

BLDC PATI Information Officer: Mrs. Deborah Levine
Tel: (441) 293-5712 Fax: (441) 293-5714
Email: dlevine@bldc.bm

Section J: Information Statement: Copies and Updates [Part 2, s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(1-5), PATI Act]:

Date Information Statement was updated: April 2017

Locations of Information Statement:

- The BLDC Headquarters, Triton House, Southside, St. Georges
- The Bermuda National Library
- The Bermuda Archives
- Electronically upon request
- BLDC website (www.blcd.bm) and
- With the Information Commissioner

Sign and Date:
March 27, 2015

SCHEDULE I (Regulation 3)

Particulars to be set out in the Form of an Application for Access

Name of Public Authority to which the application is being made

Details of requester

Title (Mr., Mrs., Ms., Miss., Other)

Surname (Family Name)

First name

Middle names

Postal address (include Postal code)

Email address

Telephone number

Details request

(Include subject matter of the request and the time frame to which the request refers.

Include dates and any known documents)

If you are making a request for personal information, please include the following:

The full name of the person to whom the information relates

The authority which entitles you to apply on behalf of the above named person (if a third party).

SCHEDULE 2 (Regulation 6)

FORM OF LETTER OF ACKNOWLEDGEMENT

(Reference Number [Insert Number])

Dear [Name]

Thank you for your application dated [insert date of application], received by us on [insert date of receipt].

Your request is being dealt with under the terms of Public Access to Information Act and Regulation.

You will receive a response to your request within twenty-eight days as set out in the Act.

If you have any queries about this letter, please contact me. Please quote your reference number in any future correspondence.

Sincerely,

Information Office

[Name, address, email address, telephone number]

SCHEDULE 3 (Regulation 4)

APPLICATION FOR AMENDMENT OR ANNOTATION OF A RECORD

Applicant's Name:

Applicant's Account Number of File Number:

Applicant's Address:

.....

Date or dates of entry to be amended:

.....

Type of entry to be amended:

.....

.....

Please explain how the entry is incorrect or incomplete. What should the entry say to be more accurate or complete?

.....

.....

.....

Signature of the Applicant

Date of Application

Name and Signature of Information Officer

Schedule to the Government Fees Regulations 1976 [Sect. 13]

Fees - Section 13 (1) - The fees prescribed in the Government Fees Regulations 1976 shall apply.

Head 52A {Public Access to Information Act 2010}

Description	Service	Fee
Photocopy	(a) Black and white copy (all sizes) (b) Colour copy (all sizes)	\$1.00 per page \$2.00 per page
Photographs	(a) Black and white and colour (digital photographic print from digital file, scanned hardcopy or existing negative) (b) Black and white (photocopy or standard print-out) (c) Colour (photocopy or standard print-out)	\$1.00 \$1.00 \$2.00
Video Duplication		Actual Vendor Costs plus 25% administration fee
Conversion of an analogue audio or video record (e.g. tape or reel-to-reel) into digital MP3 or DivX file format		Actual Vendor Costs plus 25% administrative fee
Copy of a microfilm positive reel		\$75.00
Microfilm print-out black and white copy (all sizes)		\$1.00 per page
Provision of a digital record (text or image) in standard PDF, JPEG or TIF file format:	(a) By email (b) Actual cost of digital storage apparatus	No charge No charge
Conversion of a paper record (text or image) into digital PDF, JPEG or TIF file format		Actual costs incurred by the authority, based on hourly rates of staff undertaking the conversion, plus the purchase costs of any digital storage apparatus
Digital text files converted to audio formats for visually impaired		Actual costs incurred by the Computer Services Dept, based on hourly rates of staff undertaking the conversion, plus the purchase costs of any carrier medium
Searching by a public officer for any document or of any register or index (per hour or part of an hour occupied)		\$52.00
Searching by a public officer or a member of the public for any document or of any register or index, where in the opinion of the public authority, the information to be obtained will be for the public benefit		Nil