

**ASSESSMENT OF STATE AGENCIES WITH
RESPONSIBILITIES FOR LANDS AND OTHER REAL
PROPERTIES**

CHAGUARAMAS DEVELOPMENT AUTHORITY

Prepared for

**LAND USE POLICY AND ADMINISTRATION PROJECT
[LUPAP]**

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Introduction

The mandate of the Chaguaramas Development Authority created by Act No. 37 (Ch. 35:02) of 1972, is to manage the development of the North-West Peninsula of Trinidad and Tobago. Under this Act, the Chaguaramas Development Authority (CDA) is empowered to promote the development of the peninsula so as to maximize the returns from the lands under its control. By virtue of a Vesting Order, the Authority has been vested with 4,850 hectares of land, comprising the entire North-West Peninsula of Trinidad. Forests and scrub vegetation make up more than 90% of the area. The major land uses within the area are public and protective services, recreation, agriculture, and institutional, industrial and residential development. The Authority considers itself to be the pre-eminent lessor of real estate in Trinidad and Tobago and its policy is to encourage development by granting leases to private individuals and companies for:

- Eco-tourism and the resort hotel industry;
- Leisure and recreational facilities;
- The marine industry; and
- Knowledge-based industries.

Its range of property management activities includes physical planning and development; estate management including collection of rents and arbitration; and asset valuation. The Tenancy Department performs the lease management functions of the Authority.

Supporting Laws, Regulations and Policies

The governing legislation of the CDA is the **Chaguaramas Development Authority Act No. 37 of 1972** (Ch 35:02). Under this Act, the Authority is empowered to undertake or secure the undertaking of, the laying out and development of lands vested in it (in accordance with the provisions of Part II of the **Town and Country Planning Ordinance, 1960**) and leasing of such lands and /or buildings within its boundaries for periods not exceeding thirty (30) years under terms and conditions determined by the Authority. The Authority is not empowered to alienate the freehold interest in the lands vested in it.

The Authority is also subject to the provisions of the **Exchequer and Audit Ordinance No. 20 of 1959** under which its financial dealings are governed. The Authority is guided by the intent and provisions of the **Environmental Management Authority Act No. 3 of 1995** for the approval and supervision of leases granted under its jurisdiction.

Staff Functions:

The Tenancy Department is responsible for the tenanting of lands designated for the purposes described above. It has the following positions:

- Tenancy Officer (1)
- Clerk Typist (1)

The Department carries out all the activities relevant to the advertising of tenancies available, assessing the proposals made and submission to the Tenancy Assessment Committee for a recommendation to the Board for a decision.

Job Descriptions which detail the expected outputs of the functions guide the staff. The staff has training and / or experience in the following areas:

- Lease administration;
- Real estate valuation and management;
- Reading of cadastral maps and survey plans.

Relationships with Other Agencies

<i>Name of the Other State Agency</i>	<i>Type of Relationship</i>	<i>Method of Communication</i>
Ministry of Tourism	Advice/comments; source data; get approvals; provide data; notify	Memorandum; telephone; fax; meetings
Town and Country Planning Division	Advice/comments; source data; get approvals; provide data	Memorandum; telephone; fax; meetings
Environmental Management Authority	Advice/comments; source data; get approvals; provide data	Memorandum; telephone; fax
Ministry of Agriculture, Land and Marine Resources	Source data; notify	Memorandum; telephone; meetings
TTEC, WASA	Get approvals; notify	Memorandum; telephone; meetings

The Authority does not have a formal data dissemination policy. However, information is provided to other State agencies and private organisations upon request. Neither does the Authority undertake formal R&D activities but it does undertake periodic reviews of its activities to determine where they can be made more efficient.

Policy Integration and Policy Issues

The Tenancy Department discusses policy issues at meetings, and via memoranda within the Authority. There is no formal mechanism for influencing national land policy or land use policy. The Authority does not sit on the Interim National Physical Planning Committee or any other multi-agency committees, but shares ideas informally with colleagues in other State agencies.

Strengths/ Weaknesses of the Tenancy Department of the CDA

The strengths of the Department are seen to lie in a clearly defined Leasing Policy and Operations Manual; the authority to act to manage its leases without dependence on other State agencies; not being governed by Public Service Regulations; and not the least, financial autonomy. The major weakness of the Department in efficient execution of its leases is the requirement to get approvals from the Ministry of Tourism and Cabinet, which occasion delays in the process. The removal of the requirement of Cabinet to approve leases has been proposed as a mechanism to improve the performance of the Department.

Problems facing the Tenancy Department of the CDA

The Division requires an Assistant Tenancy Officer, as well as a Secretary instead of a Clerk Typist.

Recommendations for Improvements to the Leasing Process

Removal of the requirement of Cabinet approval for issuing of leases.

Appendix I

Function-Staff Responsibility Assessment

Agency: _____ Chaguaramas Development Authority _____

Function No. 1. *Processing Applications for Tenancy in the Chaguaramas Peninsula*

1. **Staff Category:** Tenancy Officer

2. **Duties and responsibilities/ tasks/ job descriptions**

Liases with the Tenancy Assessment Committee and the Board for the identification of parcels of land for leasing and leasing options;

Obtains valuations for rental purposes;

Prepares relevant documents for advertising leasing options;

Initiates the processing of applications from issuing Investment Application Packages to assessment by the Tenancy Assessment Committee;

Ensures that cadastral surveys are done and approved;

Ensures that lease documents are prepared and leases executed.

3. **Expected Performance Standards**

All work is given the required priority and performed in accordance with the standards and criteria and time frames indicated by the Board.

4. **Expected Outputs**

The Tenancy Assessment Committee is provided with all relevant information on which to base its recommendations;

Leases are issued efficiently.

5. **If conflicts arose in the performance of these duties and responsibilities, how are these conflicts resolved?**

Discussions between incumbent and the HR Manager

6. **Please provide examples of typical conflicts that may arise:**

(None provided)

Function No. 2. *Management of Leases*

1. **Staff Category:** Tenancy Officer

2. **Duties and responsibilities/ tasks/ job descriptions**

Performs lease surveillance;

Settles disputes;

Obtains valuations for rent reviews three (3) months before a lease expires;

Prepares documents for renewals of leases.

3. **Expected Performance Standards**

(None provided)

4. **Expected Outputs .**

Lease rents are paid up on time;

Breaches of leases are brought to the attention of the lessee and rectified.

5. **If conflicts arose in the performance of these duties and responsibilities, how are these conflicts resolved?**

Discussions between incumbent and the HR Manager.

6. **Please provide examples of typical conflicts that may arise:**

(None provided)

Appendix II

Function-Resource Assessment

Agency: _____ *Chaguaramas Development Authority* _____

Function No. 1. *Processing Applications for Tenancy in the Chaguaramas Peninsula*

1. Provide the following in relation to the staff category employed to perform this function:

Staff Category	Salary Range	Minimum Qualification Required	Skill Type Required	Minimum Years of Experience	Number of Staff Required	Number of Staff Available
Tenancy Officer	Not given	Management training	Knowledge of real estate management; Knowledge of legal requirements;	5	1	1
Asst. Tenancy Officer	Not given	Management training	As above	2	1	0
Data Entry Clerk	Not given	Certificate in Microsoft Access	Data entry	Not given	1	0
Clerk Typist	Not given	Typing training	Word Processing	2	0	1

2. List the physical resources required to perform this function.

Physical Resources	Age or Year of Acquisition
PC with office document software	Not given
Photocopier and Scanner	Not given

3. What is the annual estimated cost attributed to the performance of this function?

Cost Category	Cost (TT\$)
Staffing	Not given
Physical Resources (equipment etc.)	Not given
Consumables	Not given

4. What is the annual estimate of revenue collected due to the performance of this function?

The issuing of leases does not itself attract revenue. Once a lease is issued, then annual or monthly rentals become due.

5. Kindly provide a detailed step-by-step procedure used in the performance of this function.

(See Current CDA Investment Approval Process Chart).

6. In relation to procedure described above, please provide the following information in respect of the data required in the performance of this function.

Data Required	Sources of Data	Cost of data acquisition	Problem Associated with the Data
Valuation data	Private/public Valuators	Cost borne by lessee	None apparent
Cadastral survey data	Private surveyors	Cost borne by lessee	None apparent

7. How many times is this function performed in a year (Volume of work/ Number of requests)?

On going_____

8. Who are the main clients who benefit directly from this function?

Private investors_____

9. How is this function initiated?

- The Board determines the leasing priorities for the Authority and initiates this function.
- The Tenancy Department carries out the necessary activities.

10. How long does it take to perform a particular task from the point of initiation to completion (including waiting time)?

Variable, depending on problems encountered._____

5. **Kindly provide a detailed step-by-step procedure used in the performance of this function.**

_____ See above _____

6. **In relation to procedure described above, please provide the following information in respect of the data required in the performance of this function.**

Data Required	Sources of Data	Cost of data acquisition	Problem Associated with the Data
Parcel & Occupier data	CDA's records	Not given	None given
Valuation data	Private valutors/ Valuations Division	Lessees bear cost of data	None given
Rent data	CDA's records	Not given	None given
Land use approval	Town & Country Planning Division	Not known	Delays

7. **How many times is this function performed in a year (Volume of work/ Number of requests)?**

_____ On going _____

8. **Who are the main clients who benefit directly from this function?**

CDA;

Land Occupants

9. **How is this function initiated?**

CDA Board

10. **How long does it take to perform a particular task from the point of initiation to completion (including waiting time)?**

Variable, depending on complexity of issues and problems _____

APPENDIX III

	INDICATOR	QUANTITY	COMMENTS
1	Total Area Managed (acres)	12,000	Comprising the entire North-West Peninsula of Trinidad
2	Total Land Management Budget \$/yr.	Not given	
3	Number of Leases issued – agricultural	1	To the MALMR’s Chaguaramas Agricultural Development Project. A previous lease was discontinued.
4	Number of Leases issued – non-agricultural	104	Leases issued to private businesses
5	Number of Leases prepared and sent to the Commissioner – agric.	N/A	The Authority executes its own leases through a panel of Attorneys
6	Number of Leases prepared and sent to the Commissioner – non-agricultural	N/A	- do -
7	Rental rate charged – agricultural (specify method of calculation)	400 acres leased to the MALMR at a reduced rent based on 2% of market value	5% of land value set at \$50,000/acre + 10% of the annual rent for provision of security and general maintenance of the area, will be charged to any other lessee.
8	Rental rate charged – residential (specify method of calculation)	N/A	No residential leases given.
9	Rental rate charged – industrial/commercial (specify method of calculation)	\$0.25/sq.ft/mth	+ 10% of the annual rental amount for security and general maintenance
10	Rental rate charged – other (specify method of calculation)	\$US 0.55/sq.ft.	(Helipad, etc.) + 10% of the annual rental amount for security and general maintenance
11	Total Revenue collected, last available year	\$700,000	The Division collects no rents. Revenue dependent on no. of leases issued and rental values ascribed.
12	Total Revenue which should have been collected in that year	\$700,000	The Authority collects all rents due.
13	Months required for lease renewal	3	Three (3) months before a lease is expired the CDA does a rent review based on an up to date valuation and sends notice to the Lessee of the new rental charge. The Authority prepares an Addendum to the Lease specifying the new rent, which is signed by both parties.
14	Months required for lease assignment	N/A	Sub-leasing only permitted with the approval of the Board.
15	Months required for issuance of	2 – 12	Depends on the issues involved – need

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	new lease		for EIA, etc.
16	Months required to complete a sale	N/A	
17	Months required to complete an acquisition	N/A	
18	Number of households squatting on land – 1999 or last available year	N/A	
19	Acres occupied by ag. squatters	Approx. 100	
20	Number of squatter households fully regularized since 1990	N/A	
21	Acres of squatter households fully regularized since 1990	N/A	
22	Number of squatter households in process of regularization	N/A	
23	Acres of squatter households in process of regularization	N/A	Ag, squatters in the Guave Rd. area to be removed
24	Are maps/ plans available for all lands managed by agency	Yes	1:10,000 Cadastral sheets, 1:25,000 topo maps.
25	What authority is vested in the agency, by whom, when, for control over the land	Authority vested by CDA Act No. 37 of 1972	
26	Does the agency have access to land capability for establishing desired use? From whom? Evaluation of use and usefulness of this information	Land & Soil Capability Studies Reports	
27	What are the procedures of the agency for protecting the land resource base to assure sustainable use by future generations?	EIA/ advice from EMA	Evaluation of proposed Programmes of Development for suitability of land use prior to granting leases; monitoring of land use thereafter.
28	Does the agency have capability for assessing the value of the land? If not, from whom, for what purpose?	No	A panel of valuers, including the Valuations Division.
29	Does the agency have capacity for drawing up leases and other use and possession agreements, licences, grants, sales, and acquisitions of land? If not, from whom?	No	CDA uses a panel of Attorneys who draw up lease agreements, which are signed by the Chairman of the Board and the General Manager and the Lessee.
30	Does the agency have the capacity to detect encroachment onto its lands?	Yes	The CDA has a Security Service, which polices its lands. The Tenancy Officer also does surveillance of lessees

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31	What procedures are used to inhibit encroachments and to evict encroachers?	Notices served	Constant serving of notices “interrupts” occupation, thus preventing the acquisition of prescriptive rights.
32	What procedures are used to regularize squatters, including time and costs?	None	The squatters in the Guave Rd. area have not been forcibly removed for “political” reasons. However they are hampered from effectively using the land because of certain restrictions put in place by the CDA, such as gates, etc.