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**National Roads Authority**  
**Minutes of the Two Hundred & Fifty-Sixth E.O. Meeting**  
**of the Board of Directors**  
**held in**  
**NRA Conference Room,**  
**370 North Sound Road, George Town, Grand Cayman**  
**Wednesday 16<sup>th</sup> May 2018 at 10:00 a.m.**

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**In attendance were:**

Donovan Ebanks	Chairman
David Arch	Director
Stanley Panton	Director
Paul Bodden Jr (Andy)	Director
Kenross Connolly	Director
Edward Howard	Dep. Managing Director – NRA
Priscilla Jackson	Executive Secretary – NRA

**Absent :**

Gary Clarke	Deputy Chairman
Paul Parchment	Managing Director – NRA
Tristan Hydes	Director Designate of Chief Officer, Ministry CP&I
Charles Brown	Observer, Ministry CPI

**1. Call to Order**

The Chairman called the meeting to order at 10:10am.

**2. Minutes of previous meetings**

- a) 14<sup>th</sup> March 2018 – for confirmation and sign-off
- b) 18<sup>th</sup> April 2018 - for confirmation and sign-off

**3. Review of Roads Law (2005 Rev) & NRA Law (2016 Rev)**

**2i. Issues Affecting the Roads Law & NRA Law; 08Aug2017; MD**

***Minutes of 27<sup>th</sup> September 2017***

No further discussion.

**2ii. Review of NRA Law & Roads Law; 15Sept2017EH; RevPP19Sept2017**

The MD was invited to speak to the matters set out in the latest document:

## **1. Constitution & Responsibilities of the Board & The Authority**

*Minutes of 27<sup>th</sup> September 2017*

**Issue: Revise relevant sections of Part II of the NRA Law to provide synchronicity with the provisions of the Public Authorities Law, 2017**

**Discussion:** The MD was asked to review PAL and identify any clauses which he felt posed concerns and conflicts relative to the NRA Law.

**Desired Outcome:** Synchronicity of the NRA Law Part II and the Public Authorities Law, 2016.

**Issue: Revise the duties and responsibilities of the Executive Secretary in Section 7(7) of the NRA Law to align with those of 'The Recording Secretary' in the Public Authorities Law, 2017**

**Discussion:** No obvious conflicts were identified.

**Desired Outcome:** Synchronicity of the duties and responsibilities of the Executive Secretary in the NRA Law Part II and the Recording Secretary in the Public Authorities Law, 2016.

**Issue: Remove the ambiguity posed in Section 14(1) of the NRA Law (Power to Employ) by clearly assigning the responsibility for hiring, organizational structure and disciplinary procedures to the Managing Director and not the Board of Directors.**

**Discussion:** Section 12 of the NRA law makes provisions for the Board to delegate authority to the MD to hire and manage staff. Section 14 empowers the Board to engage others who presumably would report directly to the Board and not the MD.

**Desired Outcome:** Clearly distinguish the authority of the Board to authorise the MD to hire and manage staff who in turn report to the MD (currently section 12) *from* the authority of the Board to hire and manage persons and engage services reporting to the Board (currently section 14).

**Issue: Revise Section 11 of the NRA Law to allow for multiple Deputy Managing Directors (DMD's) under terms and conditions as the Board sees fit. (e.g. DMD – Planning; DMD- Finance and Administration; DMD – Engineering & Operations)**

Note from MD: we should consider renaming the senior positions to fall in line with the routinely used nomenclature of the PAL: CEO, COO, CPO, CFO, etc.

**Discussion:** The provision of section 14. (2) for the Board to "determine the executive, management and administrative structure of the Authority" is considered appropriate and adequate. There should no statutory prescription beyond the head (Managing Director).

**Desired Outcome:** Removal of statutory prescription of organisational makeup of the agency save for the head which should remain as is (Managing Director).

***Minutes of 1<sup>st</sup> November 2017***

No further discussion.

**2. Financial Provisions**

***Minutes of 27<sup>th</sup> September 2017***

**Issue: Revision NRA Law Section 19(2) to have the \$10M revenue cap imposed on the two revenue streams either increased or removed all together.**

Expand Section 19 to include other revenue sources (approved by Cabinet) such as: A daily car rental surcharge collected by CIG and transfer to the Roads Fund; A tire tax apportioned based on tire size collected on tire imports by CIG and transferred to the Roads Fund; Vehicle Registration Fees collected

**Discussion:** There was considerable discussion on this issue.

The Board has demonstrated recently in the matter of the post-retirement healthcare benefits the manner in which it wished to see the needs of the NRA quantified and in turn its willingness to seek additional funding based on proper advice and quantification.

The Board is of the view, however, that much needs to be done to better quantify the needs of the agency from the perspectives of maintaining, upgrading and enhancing the road network. The first two areas should be reasonably quantifiable now but will require a strategic effort. The MD indicated that one such strategy to enhance the evaluation of pavements on the main roads would be to consider using non-destructive testing measures such as a falling weight deflectometer to supplement where the current PCI system might be inadequate. He was encouraged to research the cost of the equipment.

The latter (enhancing the road network) will more logically and properly be possible after the Travel Demand Model is operational.

**Desired Outcome:** Pending.

***Minutes of 1<sup>st</sup> November 2017***

No further discussion.

**3. Road Encroachments**

***Minutes of 27<sup>th</sup> September 2017***

**Issues: Rescind current legislation from Section 16 of the Roads Law and create new enhanced legislation under the NRA Law;**

**Expand current legislation to include provisions for the protection of airspace above the surface of a public road for free and unobstructed passage of vehicles and pedestrians lawfully using the road;**

**Strengthen current road encroachment legislation to grant 'policing' powers to the NRA. Introduce public road manager (PRM) concept for effective enforcement of road encroachments.**

**Discussion:** The MD reiterated that section 16 of the Roads Law should be enhanced and subsequently rescinded and transferred to the NRA Law. The enhancements should include for outcomes that will allow the authority or its representative to have stronger enforcement powers such as being able to issue citations for continued non-compliance penalties.

The Board considered sections 16 and 17.(2) of the Roads Law. The Board concluded that the mention sections already gave the NRA the “policing” powers to action any removal of road encroachments. The DMD shared with board samples of legislations in Singapore and other countries. Samples such as giving a timeframe to remove any vehicles that are disabled, if vehicles are not moved within the timeframe it will be at owner’s expense.

The Board concluded that it was necessary to strengthen the provisions and mechanisms to allow the NRA to collect the ‘civil debts’ for removal of encroachments as provided for in s.17.(2)(c) of the Roads Law.

**Desired Outcome:**

Strengthen provisions in respect of recovery of cost (civil debt) while avoiding litigation and transfer the provision to the NRA Law.

***Minutes of 1<sup>st</sup> November 2017***

No further discussion.

**4. Statutory Undertaker Provisions**

***Minutes of 1<sup>st</sup> November 2017***

No further discussion.

**Issue: Inability to properly regulate the installation of equipment and apparatus by statutory undertakers over, on or under any public road and to recoup costs of doing so.**

Comments from NRA Mgmt:

- Rescind current legislation from the Roads Law and add new legislation to the NRA Law exclusively;
- Add legislative provisions that require Statutory Undertakers (SU’s) to maintain apparatus along, over, under the public road to reasonable standards prescribed by the NRA, having regard to safety and convenience of traffic, the structure of the street, and the integrity of the apparatus;
- Legislative provisions by way of regulations/guidelines for reinstatements at standards established by the NRA;
- Legislative provisions that allow NRA (with approval of Cabinet) to restrict major utilities works within the carriageway of primary and secondary arterials. This includes provisions to impose a temporary moratorium on the trenching (breaking open) of public roads in sensitive areas (e.g. West Bay Rd & Central Business District);
- Regulations that allow the NRA to require utilities street works permits and administer and collect associated permitting fees for such;
- Revisit temporary reinstatement requirements for emergency & maintenance works as per s.25.(1);
- Regulations that establish the NRA the knowledgeable owner for private utilities placed within the public ROW

**Discussion :** The Board noted that any new work by a statutory undertaker within the road reserve is subject to the Roads Authority's permission and 'conditions' can be prescribed to the permission. Undertakers are exempt from requiring permission for repairing or maintaining existing installations. In turn, the repair and maintenance work by a statutory undertaker is exempt from conditions.

While 'urgent repair work', such as a broken line/wire, should remain exempt from permission, there should be a requirement for notification of the RA.

The RA should be empowered to prescribe conditions on all work.

Conditions should include matters such as timing, traffic control, specification of sub-pavement materials and their placement, pavement reinstatement, inspections by the RA including for recovery of RA associated costs and remedies for non-compliance.

**Desired Outcome:** To have a statutory frame work within which statutory undertakers who are eligible to place apparatus within the road reserve are only able to do so with the permission to the RA (save for in situations of urgent repair) and are subject to the conditions imposed by the RA.

## **5. Roadway Standards**

### ***Minutes of 27<sup>th</sup> September 2017***

**Issue:** Legislative provisions that prescribe the use of locally or universally adopted road standards and/or codes of practice associated with design, construction, and maintenance of roadways, accesses, site development, and integrated storm water/drainage facilities.

**Discussion:** The MD discussed with the Board his plans for developing current road design guidelines and subdivision streets specifications. He noted that there is nothing in the Law that speaks to what those standards are and our desired outcomes from the revision would be to clearly define those standards in the substantive law our through regulation.

It should be noted that s. 20.(f) of the Roads Law provides that " The Governor, upon recommendation by the Roads Authority, may make regulations prescribing standards for the dimensions, design, maintenance and improvement of private roads".

The Board took note of the MD's suggestion that there should be formally prescribed standards for all roads; not just 'private roads'. The Board took the view that the word 'private' should be deleted. The onus remains on the NRA to develop the standards which the drafting consultant could convert to the form of regulations, preferably under the NRA law.

**Desired Outcome:** To develop regulations prescribing standards to dimensions, design and maintenance of all roads as recommended by the NRA.

### ***Minutes of 1<sup>st</sup> November 2017***

No further discussion.

## **6. Roadway Lighting**

**Issue:** Introduce legislative provisions that require the Statutory Undertakers to adopt and adhere to the NRA's roadway lighting policy that includes considerations such as lighting standards, operational standards, asset management and life cycle planning having regard to the safety benefits of lighting (i.e. crime reduction, reduction in night-time vehicular accidents, etc).

**Discussion:** The MD confirms there is indeed a policy in place; however, it too requires some clear definition with the law.

**Desired Outcome:** *We need to re-visit at next meeting.*

**Minutes of 1<sup>st</sup> November 2017**

No further discussion.

**Minutes of 30<sup>th</sup> November 2017**

No further discussion

**Discussion :** The MD shared with the Board a draft of the policy, reasons and concerns of additional streetlight. He also discussed Section 5(2)(b) of the NRA Law.

**Desired Outcome:** To develop regulations prescribing standards of on-street Illumination (street lighting) that covers the various classifications of roads under the remit of the Authority. Namely: Primary Arterials, Secondary Arterials, Collectors Roads, Access Roads, and public Foot Paths. The NRA Lighting Policy as developed adopts the American National Standards Institute/Illuminating Engineering Society of North America (ANSI/IESNA) Roadway Lighting Standards RP-8-00 2005 Version.

It is to provide the basis for the regulatory provision and should be used as the principle guide for all statutory undertakers.

**No further discussion**

## **7. Storm Water Management (SWM)**

**Issues:**

- **Legislative provisions that allow the NRA to effectively implement the necessary storm water mitigation measures essential to safeguarding public roadway assets**
- **Legislative provisions that allow NRA to establish utility easements over privately owned lands for the purposes of storm water conveyance. This includes the establishment of drainage canals, ditches, swales, culverts, etc.**

**Discussion:** Should powers and responsibilities for storm water management be assigned in legislation? Is the NRA best suited to assume being given these powers and responsibilities, particularly in the absence of any other agency with a more complimentary skillset to assume it? Storm water control over development is currently exercised through Planning prescribing conditions which are vetted by the NRA. Responsibility for storm water management is not prescribed in the Planning law.

Enabling provisions are necessary in law; they would be supplemented by implementing provisions in regulations. NRA has draft ordinance from previous storm water study by engineering consultant and would need to prepare these regulations for consideration by the consultant.

**Desired Outcomes:**

- To effectively implement necessary storm water mitigation measures essential to safeguarding public safety.
- To establish the ability to acquire land, or easements over land, for the purpose of SWM under the NRA Law.

***Minutes of 30<sup>th</sup> November 2017***

The Board reviewed the above and discussed the notes provide by the MD. The Chairman suggested that prior to seeking a statutory remit for storm water management, it would seem appropriate to engage a consultant to:

- review the work that has been done on this subject;
- identify the broad scope of work that needs to be done; and
- identify the resources which would be need, both financially and skills-wise.

The Board shared this view.

**No further discussion**

**8. Transfer/Adoption of privately built subdivision road to public**

**Issues:**

**a) Adoption of newly built private roads**

- Legislative provisions that define a road adoption process where developers legally designate new privately constructed roads as (a road for public use) and hand over legal responsibility for the maintenance to the NRA. Certain minimum standards must be met before NRA agrees to adoption

**b) Adoption of older (existing) private roads**

- Legislative provisions whereby an existing privately built road not meeting the definition of 'private roads' under the Roads Law 2016 Revision, may be declared as a public road at the request of:
  - i. The registered owner(s) of the road parcels, or in the case of a deceased owner;
  - ii. Request of the majority of property owners fronting, adjoining, or abutting the road, or
  - iii. If the road is in such state of disrepair that it poses a serious safety hazard to road users.

**Discussion:**

**Issue a).**

As per item 5 above, all privately owned roads would in future be constructed to NRA standards.

Unless ownership and maintenance arrangements to NRA requirements are in place, roads should vest with Crown<sup>1</sup>.

Where ownership and maintenance arrangements to NRA requirements are in place, there is the need to secure maintenance funds (normally collected on an ongoing basis from owners) from being used for other purposes perhaps by formal, enforceable agreement and requirement of regular audits.

**Issue b).**

There is the need for a mechanism to legally convert existing roads serving multiple properties (sub-divisions) from private ownership to Crown where there are no ownership and maintenance arrangements.

The parcels over which the roads lie have been designated for this use by the legal owner who has in turn been compensated for the land by the purchasers of the adjacent parcels.

The executing authority need not be the Cabinet as in the case of land being acquired under the existing provisions of the Roads Law. The authority could be delegated to the NRA, possibly subject to conditions.

Potential triggers would be:

- If the NRA has already carried maintenance, repair or upgrades to the road;
- If the road is in such state of disrepair that it poses a serious safety hazard to road users;
- If the majority of the owners of adjacent properties request the conversion to Crown ownership;

**Desired Outcomes:**

- Provisions to allow for the oversight of maintenance arrangements for privately owned roads to mitigate the risk of increased liabilities to the NRA by funds collected for maintenance not being unavailable if ownership and maintenance arrangements break down.
- Provision to allow existing privately owned roads serving multiple properties to be converted from private ownership to Crown.

N.B. There is the need for discretion to allow exemptions to farm roads and roads serving family-owned properties (sentimental rather than commercial sub-divisions).

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**No further discussion**

**Key issues of the Roads Law (2005 Revision) and desired outcomes include:**

**1. Review/Redefine Section 8 – “Right to Compensation”**

**Issue: The Roads Law prescribes that settlement of claims for compensation is the responsibility of the Roads Authority. In practice, Cabinet has exercised this responsibility through a ministry.**

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<sup>1</sup> Do we want to set a threshold of some percentage of lots having to be sold before the transfer to Crown can be done?



**Discussion:** The Board considered section 8(1) of the Roads Law. The MD & DMD stated in the past NRA Board took the responsibility to make the decisions and handled all claims as funds were provided for this purpose. In recent years, Cabinet has retained the funding for land compensation and the Ministry the responsibility for payment of claims based on the recommendation from the NRA. The Board has not taken issue with this practise but is cognisant of the fact that it is *ultra vires* the Roads Law. Accordingly, the Board agreed that the Roads Law should be amended to accord with the practice if the Cabinet intends to continue it.

**Desired Outcomes:**

Amend the law to state that compensation is payable by Cabinet upon recommendation of the Roads Authority.

**No further discussion**

**2. Public Consultation (Pre gazette) Procedures**

**Issue:** Legislative provisions to be added to the Roads Law that allows for pre public consultative process for all new road gazettes (Section 3 Gazette). This is in line with Article 1 of the first protocol of the European Convention on Human Rights and Fundamental Freedoms.

**Discussion:** The Board discussed whether this item should be in the SOP or in the law. It was suggested that the NRA should establish the practice of public consultation before amending it to the Law.

**Desired Outcomes:** No legislative action.

**No further discussion**

**3. Time limit provisions and/or falling away of dormant Boundary Plans (S. 3 Gazette)**

**Issue:** Legislative provisions that allow for the 'de-gazettal' of dormant boundary plans (BP's) established under Section 3 of the Roads Law. Time limit provisions is one option – In essence any Boundary Plan that is created and not acted upon in a period of say three (3) years would be deemed through legislation to no longer be valid. Another option is for legislation to be created which allows all or portions of the BP to be rescinded giving consideration to those sections of the BP where land compensation has been finalized.

**Discussion:** The DMD indicated that Land & Survey has recommended a time limit on BP's. The Chairman suggested a provision of a time bar for five (5) years automatically will fall away unless Cabinet upon the recommendation of the NRA for a further period of time.

**Desired Outcomes:**

- **New BP's** : Impose a time limit on gazette (section 3 Boundary Plans) for approximately five (5) years. The inactive BP would automatically "fall away" after five years unless re-authorised by the Cabinet on the recommendation of the NRA.
- **Existing BP's** : Create legislations to allow assertive action by Cabinet to have dormant boundary plans removed or 'de-gazetted' on the recommendation of the NRA.

**No further discussion****4. Expansion of the stakeholder definitions relative to Section 3 Gazettes**

**Issue:** Legislative provisions that expand the definition of stakeholders (i.e. those affected by road gazettes) to include not just landowners but all parties of interest e.g. leaseholders/tenants, etc. This is in line with the European Convention on Human Rights.

**Discussion :** The DMD advised the Board that Lands & Survey only provide notifications to the registered land/property owners and not to the leaseholders/tenants. The Board discussed section 3(1)(b) and section 8(1) of the Roads Law which defines who shall receive notifications. The Board confirmed that section 8(1) is broader than section 3(1)(b).

**Desired Outcomes :** The Board as suggested to amend the law to state the following :

- a) To notify the registered proprietor
- b) To notify the person having a registered interest; and
- c) The owner or the registered proprietor to notify any one he knows by virtue of any form of agreement that also has an interest in the property.

To improve the notification of the effected properties & property owners and improve public access to the information. There should also be a system that will notify a person who is investing in a property will know before purchasing it.

**5. Review of the constitution and duties of the Roads Assessment Committee (RAC)****Issues:**

- **A fundamental review of the RAC on the whole is recommended as case history proves the current constitution is not particularly suited to determination of complex valuation and legal issues. Key concerns include:**
  - i. **Noted issues found with decisions made by the RAC on past cases**
  - ii. **The membership of the RAC needs to be re-evaluated**
  - iii. **Scheduling of hearings takes too long**
  - iv. **There is no land valuation expertise on the RAC likewise it would be difficult to have an non-conflicted land valuation expert on the RAC**
- **Revamp the RAC or replace it with some other legally constituted committee that may render opinions on issues related to roads compensation**

**Discussion :** The Board reviewed and discussed section 7 of the Roads Law.

The DMD shared his communication with David Fawcitt who stated “regulations need to be created setting procedures to be followed by the dispute parties and the Roads Assessment Committee, at the moment there is nothing in accordingly procedure directions given out by RAC chair on a case by case bases.” Ss.7.(4) of the Roads Law makes provision for such regulations to be enacted.

**Desired Outcome:** To enhance the efficiency and effectiveness of the RAC by:

- changing the requirement for the Chair to be a Magistrate to a JP with professional legal experience; and
- enacting regulations to prescribe the practice and procedures of the Committee.

**No further discussion**

#### **6. Right to Compensation in special circumstances where land has not been taken**

**Issues:**

- **Legislative provisions that allow the right to compensation to apply to not just where land has been taken but also in certain clear circumstances to also be applicable to those adversely affected although they have not had any land taken under the road scheme - This is in line with the European Convention on Human Rights.**
- **Legislation that clearly reviews the implications for gazetting under S26 of the Roads Law to reserve future road corridors**

**Discussion:** The Board discussed the issue, Mr. Hydes mentioned to the MD that at this point it is difficult for the NRA to acquire land unless it is strictly used for the road. Does the NRA want to expand the powers of the Road's Law to provide for a broader tool box in order to address certain other impacts of the road scheme or should we continue current practice of some owners claiming on the grounds of injurious affection albeit, injurious affection claims are very subjective and typically based on UK precedent

**Desired Outcome:** To be discussed at the next meeting.

#### **7. Clear establishment of when right to compensation arises (Section 3, Section 6?)**

**Issue:** Legislation that clearly defines the point at which a land-owners right to compensation arises. Does right to compensation arise immediately upon the declaration of Section 3, or when the NRA legally takes possession (Section 6)

**Discussion:** The Board discussed the issue and reviewed S.3 and S.6 of the Roads Law in regards to compensation. The DMD shall provide a copy of the Legal Department opinion on this matter for further discussion at the next meeting.

**Desired Outcome:**

#### **8. Comprehensive Review of the Two Stage Payment Process (Section 11)**

**Issue:** Complete review of the advantages and disadvantages of the two-stage payment option and determine whether to keep it or remove it from the Roads Law. One argument for the removal of the two-stage payments is that it requires CIG makes a first stage payment (75% at the section 3 stage) and a second-stage payment (25% at section 5 stage). This becomes problematic in instances where the road is never built or is not completed for many years hence.

**Discussion:** The DMD mention that L&S does not agree with the two stage payment process. He suggested that we invite Ms. Ruth Massarella to discuss this issue.

#### **9. Legislative provisions detailing process for dealing with old boundary plan declarations BP 9 and BP 12**

**Issue:**

- Legislative provisions that establish older boundary plan declarations (BP 9 and BP 12) as binding.
- Legislation that clearly specifies no compensation due to landowners affected by BP 9 and BP 12 except in certain special circumstances where a fixed boundary survey of the roadside boundaries has been established.
- Legislation to have cautions registered by the Registrar of Lands on all remaining lands being non-compliant with BP 9 & BP 12
- Legislative provisions that prescribe procedures for defining and formalising corridor widths, giving consideration to the following:
  - A notification process to landowners affected by BP 9 & BP 12;
  - NRA's responsibility for 'accommodation works' necessitated by the establishment of the corridor boundaries;

**Discussion:** The DMD mentioned going forward the new law to respect the old BP's established under the 1974 Roads Law. Also, to have it listed on the Registry if BP 9 or BP12 affects the listed property.

**Desired Outcome:** To effectively impact BP 9 and BP 12 as establishments under the 1974 Roads Law.

#### **10. Revise current roadway classification schedule**

**Issue:**

- **Revise current road classification schedule (Roads Law – First Schedule) to add expanded definitions to each road category that includes traffic volume parameters, roadway widths, access restriction designations, etc.**
- **Legislative provisions that support the establishment of roadway numbering classifications (e.g. M-1, A-1, Hwy 1, etc) as well as mile marker designations.**

**Discussion :** The DMD shared with the Board a map showing the Primary, Secondary and Unscheduled roads.

**Desired Outcome:** To amend the Road way classifications schedule to include expanding definitions such as traffic volume parameters and access restrictions.

**E.O. Item**

### ***Minutes from 30<sup>th</sup> November 2017***

Redacted under Section 17(a) of the FOI Law 2015

No further discussion

### **Roundabout Sponsorship Policy**

#### ***Minutes from the 17<sup>th</sup> January 2018***

Marion Pandohie shared with the Board a drafted policy in regards to the sponsorship, maintenance, design and criteria.

The Board discussed and suggested going forward the NRA will need to introduce:

- a 'restoration deposit' to mitigate the risk of a licensee abandoning and agreement which would have to be deposited<sup>2</sup> to meet the cost of restoring the roundabout to a neutral condition in the event a licensee abandoned their agreement and did not restore the roundabout within a prescribed period;
- A 'use of property fee' to stimulate turnover of licensees that is based on the 'value' of the property, perhaps with a declining discount. The MD suggested that we request L&SD to provide value of land as per sq. to determine the levels of the use of property fees.

The Board requested TP Pandohie to:

- provide an estimate of the annual maintenance cost of roundabouts which are not under agreement and maintained by the ; and
- suggest criteria by which sponsorship proposals could be evaluated.

#### ***Minutes from the 14<sup>th</sup> March 2018***

TP Pandohie shared with the Board a revised copy of the Sponsorship Policy and the maintenance of the roundabout. She discussed the priority system (Bidding Criteria) as per weight however, the Board suggested the Safety considerations should be the first priority and should be listed as "pass or fail" rather than a percentage of the criteria.

The Chairman mention the determination of sponsorship, TP stated terminations will be issued if the sponsor does not maintain the upkeep or maintenance of the roundabout. TP Pandohie is to amend and insert a provision for termination to the policy.

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<sup>2</sup> Existing licensees should be notified that this deposit will be required on renewal should their agreement be renewed.

TP Pandohie confirmed CNB & CUC roundabout contracts have expired. The Board agreed for TP to prepare these renewal contracts based on the policy.

The Board continued to review the policy and requested TP Pandohie to add a 5% weighting for occasional decoration to the criteria, amend the “cost of sponsoring” to “sponsoring fee” and restoration fee based on area. The final draft will be circulated by round-robin for approval.

#### ***Minutes from the 18<sup>th</sup> April 2018***

The MD shared with the Board a draft licence for the round-a-bout policy, the draft licence is to be sent to Ms. Dawn Lewis for review. The Chairman mentioned the policy is not the document that should be given to the sponsor; the draft licence should be the agreement between management and the sponsor of the round-a-bout.

The Chairman mentioned that the previous agreement changed from being an agreement with the “National Road’s Authority” to the “Governor of the Cayman Islands with John Doe (“the sponsor”). He explained that it has been his understanding that the (previous) Ministry had passed the arrangements with sponsors over to the NRA. It was against this understanding that the BoD had been trying to arrive at a policy which it could endorse and which the NRA management could be guided by in discharging the responsibility.

The MD confirmed the NRA has always handled all designs, criteria and who will be awarded the roundabout.

Mr. Hydes confirmed he will have to research and provide a date for when the change took place.

The Chairman requested the MD to contact Mr. Allan Jones in regards to the sponsorship agreement / licence.

#### ***Minutes from the 14<sup>th</sup> March 2018***

##### **Presentation on Section 3, 5 and 14 of Roads Law - Chief Surveyor, Mr. Michael Whiteman**

Mr. Whiteman from the Lands & Survey Department attended the meeting along with two of his colleagues; he shared and discussed a presentation on understanding Sections 3, 5 and 14 of the Roads Law.

##### **Relocating a pedestrian public right of way, South Sound – Mr. Tristian Hydes**

Mr. Hydes shared with the Board a letter requesting to relocate a pedestrian public right of way over Block 15E Parcel 325, the Board reviewed and approved the request. The Executive Secretary will provide a letter of authorization to the Ministry.

#### **Notes :**

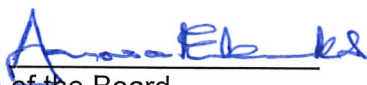
Issues that may arise as a result of the new Laws & Regulations drafted

- Depreciation Fund (or Ring-Fencing within Law)
- Emergency Operating Reserve (3 months)
- Road Construction & Design guidelines - National Standard
- Construction Specs and Sub-division Specs
- Code of Practice (Road Opening Works)
- Provision of Infrastructure for Telecom Statutory Undertakes

### 3. **Date of next meeting**

The next regular meeting is scheduled for 9:30am on 23<sup>rd</sup> May 2018 and an EO meeting on 30<sup>th</sup> May 2018.

This meeting adjourned at 12:35 pm.

Signature   
 Chairman of the Board  
 Confirmation of minutes:  
 Date: 05 Sept, '18

Signature   
 Executive Secretary  
 Seconded: Confirmation of minutes  
 Date: 5 Sept 18

