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**National Roads Authority**  
**Minutes of the Two Hundred & Eight Seventh**  
**Meeting of the Board of Directors**  
**held in NRA Conference Room,**  
**370 North Sound Road, George Town, Grand Cayman**  
**Wednesday, 24<sup>th</sup> April 2019 at 9:30 a.m.**

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**In attendance were:**

Donovan Ebanks	Chairman
Gary Clarke	Deputy Chairman
Stanley Panton	Director
Dane Walton	Director
David Arch	Director
Kenross Connolly	Director
Paul Bodden Jr (Andy)	Director
Edward Howard	Acting Managing Director
Priscilla Jackson	Executive Secretary

**Invited:**

Mark Scotland	Senior Project Manager
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**Absent:**

Tristan Hydes	Representative of Chief Officer, Ministry CPI
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**1. Call to Order**

The Chairman called the meeting to order at 10:12am.

**2. Minutes of Previous Meetings**

- a. Minutes of 27<sup>th</sup> March 2019 –signed off
- b. Minutes of 10th April 2019 - reviewed and changes proposed

**3. Administration**

**3i. Proposed Legislative Review**

***Minutes of the 27<sup>th</sup> March 2019***

The Chairman indicated that he contacted Ms. Neblett and she has confirmed that the draft of the drafting instructions has been completed. Ms. Neblett is to review the draft and forward them to the Chair once she is satisfied with them.

The Chairman mentioned once the drafting instructions have been reviewed and approved by the Board it will then be submitted to the Ministry for their support.

***Minutes of the 10<sup>th</sup> April 2019***

The Chairman mentioned he received a response from Ms. Neblett yesterday (9<sup>th</sup> April 2019) regarding the drafting instructions. Ms. Neblett confirmed she will be providing the

Chairman with a schedule and proposed drafting instructions for the two laws that we can share with the Ministry, subject to the Board's satisfaction. She is to provide these documents by Friday 12<sup>th</sup> April 2019.

The Chairman shared with the Board the two drafting instructions received from Ms. C Neblett related to amendments to the Roads Law and the National Roads Authority Law. The Board was also provided with a copy of its proposals. Members were asked to review the draft instructions relative to the Board's proposals to see whether they reflect the Boards recommend changes.

Once members are satisfied with both documents the Board will submit the necessary documentation to the Ministry for consideration.

### **3ii. Funding – Post-retirement health benefits**

#### ***Minutes of the 27<sup>th</sup> March 2019***

The Chairman noted that it has now been three months since the Board submitted its last proposal to revise the statutory funding of the NRA. While Director Hydes provided updates initially of the consideration of the proposal, there has been no substantive update in recent weeks. He suggested that it was time that the NRA formally ask the Ministry to indicate if the proposal had been accepted and if it had not been, why. Director Hydes asked the Chairman to send him an email requesting why it not considered and Director Hydes will revert to him via email.

#### ***Minutes of the 10<sup>th</sup> April 2019***

The Chairman shared with the Board a draft e-mail to the Ministry regarding the proposal that was presented to the Ministry back on 08<sup>th</sup> November 2018. The draft was requesting the following:

1. If the proposal was approved and if so, when can we expect it to be gazetted,
2. If it is still under consideration and by whom; and
3. If it was rejected and if so what was the reason for rejection.

The Board reviewed the draft and agreed that it be sent to the Ministry.

The Chairman confirmed that he wrote to the Ministry as agreed in the previous meeting but has not received a response.

### **3iii. Financial Report as of 28 February 2019**

#### ***Minutes of the 27<sup>th</sup> March 2019***

CFO Olsen Bush was invited to the meeting at 10:30am.

With regard to AR's, the CFO confirmed the invoices for February 2019 were paid and only the below outstanding:

- Dec 2018 \$ 119,148.73 (NICE Program)
- Dec 2018 \$ 1,265.50 (NICE Program, additional charges)

The CFO presented the financial report as of 28<sup>th</sup> February 2019 to the Board. He reminded the Directors that the 2018-2019 Ownership Agreement was completed a year ago and provided to the Ministry. At the time, the \$1.5M cost per year for the Post-Retirement Health Benefits had been accounted for. However, the Actuarial report recently received reflect an estimated liability of \$1.8m resulting in an additional annual

deficit of \$300k. In addition, the CoLA adjustment implemented last year translates to an additional annual cost of \$250K which also increases the deficit. The Chairman questioned if we need to revise the budget or it is within the \$8.25M, the AMD and CFO will look into this and revert to the Board.

CFO discussed the operational budget and net result to date for this year. The Chairman mentioned he understands the P-rHL and CoLA fall under our budget and would change our remaining working capital to \$8.25M. However, he stressed that overall we cannot exceed the \$10M annual allocation and result in an operational loss.

Dep Chair Clarke mentioned when the Post-retirement came along, the Board considered options and chose a particular one which allowed us to address the liability over a particular time frame. CFO mentioned that the required annual contribution can differ from the agreed contribution as there is an expected rate of return attached to the contribution of \$1.5M.

The Chairman has requested the CFO to:

1. Revise and separate the P-rHL fund to have it listed separately from other cash holdings for the purpose of this report
2. To provide a financial report as of the 1<sup>st</sup> Monday of each month; and
3. To remove NRA photo on the front page of the report and use the space to list his highlights for each report – positive and negative.

The ES followed up with the CFO and he confirmed the invoices for March were submitted to the Ministry for payment, are:

- March 2019 \$ 50,382.76 – (LPH\_
- March 2019 \$ 49,304.39 - (Grand Harbour RAB / Midsummer Dr Traffic Island / Traffic Island South Shore Condos / Additional Bike Lane ETH)
- March 2019 \$ 16,071.37 – Capital Drains Project
- March 2019 \$ 253,943.67 - (Mango Tree to Elgin Ave Connector)
- March 2019 \$ 41,486.14 - (MISC. Asset Road Work)

### ***Minutes of the 10<sup>th</sup> April 2019***

The Chairman mentioned there was no update regarding the financial report however. The CFO has provided the *AS 19R Actuarial Valuation Report - DB Pension Obligation a.o. 31Dec2018 (Draft)* and it was circulated to members for review. The *IAS 19R Actuarial Valuation Report - DB Pension Obligation a.o. 31Dec2018 (Draft)* has also been circulated. The Board will consider these reports at its next meeting.

The AMD mentioned the CFO would like to meet with the Board at the next meeting to discuss the cost increase by CINCIO for health insurance benefits.

The Financial Report as of 01<sup>st</sup> April 2019 was not available. The AMD stated that the CFO was out of office. The Chairman requested to have the CFO circulate the financial report prior to the next scheduled meeting.

**3iv. Budget*****Minutes of the 27<sup>th</sup> March 2019***

No update given.

***Minutes of the 10<sup>th</sup> April 2019***

No update given.

The Chairman questioned the AMD if there were any changes made to the current budget. AMD stated that he was considering decreasing the \$1.2M allotment under NRA6 (District Roads) in order to make up for anticipated shortfalls in the budget due to unexpected increases in the CINICO Health Insurance premiums. The AMD would inform the Board of any budget changes in this regards.

**3vi. NRA vehicle - GPS devices*****Minutes of the 27<sup>th</sup> March 2019***

No update given.

***Minutes of the 10<sup>th</sup> April 2019***

The AMD confirmed he received the requested information from the Asset Manager however; he was not able to review it at this time.

Director Panton expressed his disappointment with the delay of the presentation for pricing and comparison for each company.

The Chairman has requested the AMD to ensure the information is completed and to circulate to the Board prior to the next schedule meeting.

The AMD shared with the Board a spreadsheet with a few devices that are used locally, the monthly cost and what they offer. The two companies that are reasonable in cost and offers the features that we need are:

- Street Eagles is approximately \$25.16 per month for each device and offers the required features as well as extended features if needed. AMD mentioned CUC has been using this device for the past 12 years.
- Rhino is approximately \$15.00 per month for each device and offers only the basic features.

The Board discussed each device and what they offer. AMD suggested that we proceed with Rhino as it is reasonable and offer what we require.

The Chairman mentioned having a person either independently or a senior manager who will oversee the GPS reports and will flag anything that seems out of the ordinary. He also mentioned to the AMD to aim to have the GPS system in effect by 1<sup>st</sup> June 2019.

SMP suggested contacting CUC regarding how they handle the monitoring of the reports.

**3vi. 2019 NRA Objectives and Strategies**

The Chair shared with the Board a revised version of the spread sheet which had been developed by NRA mgmt. The revised format provided for updates to be presented to the Board. He asked that the AMD provided the Board at its next meeting with an update a.o. 01<sup>st</sup> May.

**4. Planning**

**4i. Linford Pierson Hwy widening – legal and compensation settlements**

***Minutes of the 27<sup>th</sup> March 2019***

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

***Minutes of the 10<sup>th</sup> April 2019***

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

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**4ii. Traffic simulation/forecasting model - update**

***Minutes of the 27<sup>th</sup> March 2019***

The Chairman questioned the AMD regarding WRA completing the Traffic Operational Model (VISSIM) by end of April 2019; AMD confirmed WRA is working to have it completed by this requested deadline.

***Minutes of the 10<sup>th</sup> April 2019***

The Chairman requested the AMD to write to WRA for confirmation of the delivery date.

The AMD confirmed he received a formal confirmation that WRA will complete the exercise by April 30<sup>th</sup>. He mentioned he will be scheduling dates with the consultants to deliver the model and conduct a presentation during the first week of May 2019.

#### **4iii. Ministry of Infrastructure – 5YR Project Plan**

##### ***Minutes of the 27<sup>th</sup> March 2019***

Director Hydes mentioned he will email the Chairman regarding the budget that was discussed yesterday at Caucus for the priority work to be completed over the next two years.

He mentioned he will send via email to the Chairman however, here are priority road works to be reviewed either permanently or temporarily:

- Relieving traffic flow from Grand Harbour to Crewe Rd / Tropical Gardens
- Esterley Tibbetts Highway extension to the Airport
- East West Arterial extension
- Third lane from Red Bay to Grand Harbour; and
- Resources such as equipment

##### ***Minutes of the 10<sup>th</sup> April 2019***

No update given.

SPM Scotland shared the updated version of the spread sheet provided by Director Hydes.. SPM mentioned Director Hydes met with the Finance Committee and sent an email on the funds that was approved.

AMD shared the revised 5yr Plan and the increased funding for each project.

SPM mentioned APEC is currently working on the design for the six lane widening, Godfrey Nixon Way, Olympic Way, Shamrock Rd., the ACR Connector and the East West Arterial Extension.

Deputy Chairman suggested with the funding of \$7M to create a programme with a project plan for each job, time required and the required resources needed. The Chair also urged the AMD and SPM to be assertive in identifying any resource inadequacies.

#### **4iv. NRA – Design Projects 2019-2020 – status**

##### ***Minutes of the 27<sup>th</sup> March 2019***

No update given.

##### ***Minutes of the 10<sup>th</sup> April 2019***

No update given.

No update given.

#### **4v. BP's 09 &12 – Legal Advice**

##### ***Minutes of the 27<sup>th</sup> March 2019***

The Chairman questioned if anyone was able to review the legal advice. Unfortunately, no one had reviewed it. He stated he will contact Ms. Ruth Watson and invite her to our next meeting to discuss this matter.

The Board agreed to this.

***Minutes of the 10<sup>th</sup> April 2019***

Mr. Michael Whiteman, Chief Surveyor (CS), L&SD, attended the meeting at 11:35am. He gave apologies for Mrs R. Watson.

The legal advice "Giving the Effect to Boundary Plans of Forty Years Ago" had been previously shared with the Board and Mr Whiteman.

A discussion ensued with the Board and the CS.

The legal opinion summarizes that:

1. BP09 & BP12, issued under section 3 of the Roads Laws 1974, are limited to scheduling the width that the Government proposes that the respective roads should be (30ft and 50ft) but do not have the effect of divesting the then owners of the sections of their property to achieve the scheduled widths.
2. In order to widen any road to achieve its scheduled width, the NRA is obligated to proceed pursuant to the provisions of sections 3, 4, and 6 of the current Roads Law.
3. In this case, the property owners would not be entitled to compensation if their interest in the property in question was acquired after 31<sup>st</sup> January 1977 and that acquisition was not by way of inheritance.

The CS confirmed that he had conferred with ACVO Watson and the advice provided by legal Department is more or less along the lines of how L&SD have operated. The issue of persons purchasing property adjacent to roads subject to BP09 and BP12 without knowledge of existence of the potential impact was raised. The CS acknowledged that the Land Registry currently does not include this information and noted that it would be a substantial exercise to implement it comprehensively.

While the L&SD has not been presented with claims for compensation when giving effect to BP's09&12 at the time of registering fixed boundary surveys, the Chair undertook to seek clarification from Ms Lewis if the same compensation advice would apply to proactive adjustments of boundaries by the L&SD.

The Chairman reiterated that the foresight of policymakers of 40+ years ago should not be wasted. He floated the idea of creating an exercise with the L&SD and the NRA that would take some years to complete, subject to the resources assigned, that would include re-defining the property boundaries, having lot sizes adjusted on the Land Registry and taking possession of the strips of property.

The Chairman mentioned he wrote to Ms. Dawn Lewis regarding a few questions relating to her advice. She is currently out of office he is waiting for a response when she returns.

**5. Operations**

**5i. District Roads – Selkirk Dr. Faye St., & Ann St., N. Sound Estates**

***Minutes of the 27<sup>th</sup> March 2019***

No update given.

***Minutes of the 10<sup>th</sup> April 2019***

**North Sound Estates –**

The Chairman questioned if there was an estimated cost for Selkirk Dr, Fay St & Ann St. SPM Scotland confirmed that the NRA now have a plan for the North Leeward Dr and Faye Street to raising the road to approximately +2.5 to +3. SPM confirmed this project will be funded by District Funds.

The Chairman mentioned Ann St., the corresponding street on the opposite side off Windward Drive. We will need to inform the Ministry of the proposed work of Leeward and Faye Street and to replicate it for the proposed work on Windward Drive and Ann St.

**Selkirk Drive –**

The Chairman noted that some work had been done on the northern end of Selkirk Drive. He suggested that we needed to continue this approach, bringing the elevation of the road to +3.5ft to +4.0 ft to avoid flooding. SPM mentioned the proposed plan was to raise the road to a minimum of +4ft, if we decide to raise only to +3.5ft the design may have to be reviewed.

**Selkirk Drive –**

The Chairman shared photos of flooding along this road in September 2018 and where he thought the road had been raised. He suggested we should raise the remaining sections with a proper crown and with the aim of providing a durable access that is not vulnerable to flooding. SMP mentioned we are supposed to start proposed work on Faye Street this week; he will follow up to the Chairman Board.

**5ii. Capital projects - July – December 2018**

**5ii.a. Esterley Tibbetts Hwy widening – design & construction oversight**

***Minutes of the 27<sup>th</sup> March 2019***

No update given.

***Minutes of the 10<sup>th</sup> April 2019***

SPM Scotland mentioned the lines are painted on ETH, 3ft for cars and 5ft for the bike lane/pedestrians. The Board agreed to have the delineators installed.

No update given.

**5ii.b Crewe Rd/Smith Rd intersection – Signage**

***Minutes of the 27<sup>th</sup> March 2019***

No update given.

***Minutes of the 10<sup>th</sup> April 2019***

No update given.

No update given.

**5ii.c Shamrock Rd/Hirst Rd - Re-alignment, Drainage & Resurfacing**

***Minutes of the 27<sup>th</sup> March 2019***

SPM advised that he emailed Mr. Moxam regarding the curbing and proposed exit that was not on either his or NRA's plan. However, he has not received a response from Mr. Moxam.

Philip Berry was invited to the meeting at 11:45am



Mr. Berry presented to the Board four options of different proposed pedestrian crossings with the bus stop /shelter being installed on the edge of property 28D S.23(1)

S.23(1)

SPM mentioned Clifton Hunter School has also requested to have this reviewed due to the number of students who wait at this location for the school bus.

The Board reviewed the four options. The Board thanked Mr Berry for his proposals and requested that he further revise them in light of the discussions and provide copies by the next schedule meeting.

#### ***Minutes of the 10<sup>th</sup> April 2019***

SPM Scotland confirmed he reverted to Mr. Moxam with the Board's decision to decline his request to not installing the dragon teeth. SPM confirmed since then Mr. Moxam has completed the parking lot, painted a left turn yellow arrow and currently has a yellow caution tape across the proposed exit. SPM believes Mr. Moxam is currently waiting for the final inspection. SPM confirmed he has notified the NRA staff to notify himself, AMD and Denis Thibeault once the inspection requests are submitted. The inspection is to be completed by senior staff and comments/concerns submitted to planning department.

No update given.

#### **5ii.d Mango Tree to Elgin Ave Connector**

##### ***Minutes of the 27<sup>th</sup> March 2019***

Director Hydes mentioned the issue regarding the property at the RAB and Printers Way (14C). He mentioned the representative of this constituency has raised the issues regarding the traffic flow and the property owner unable to reverse from his drive way via social media.

Director Arch mentioned the property owner was notified four years ago of the proposed RAB and extension and he refused to speak to the Board. Director Arch stated he has seen the property owner on the news complaining of the traffic and he is unable to reverse from his drive way. However, he was aware of the proposed extension but he refused to speak to NRA with any concerns.

The Board reviewed the design and discussed the traffic flow. AMD also shared pictures of vehicles traveling along Printers Way and the RAB.

The Chairman questioned acquiring the property. Director Hydes mentioned he has requested L&SD to determine the cost of purchase. However, as they are rentals on the property there is a possibility the cost of purchase may be higher than average.

The Chairman suggested making the property owner an offer for purchase when the valuation is received. If he declines the offer, we should offer to install a guard rail(s) at the corner of the property on Printers Way.

Director Hydes mentioned once he receives the valuation from L&SD he will provide to the Board for review.

#### ***Minutes of the 10<sup>th</sup> April 2019***

Director Panton suggested having an additional lane from Crewe Road on to Mango Tree (North Bound). SMP Scotland mentioned he will have APEC prepare a design for review.

No update given.

**5ii.e Walkers Rd to Olympic Way connector**

***Minutes of the 27<sup>th</sup> March 2019***

Director Hydes raised the issue of notifying the affected property owners before the proposed work is started. SPM confirmed he will be notifying each owner.

The Chairman mentioned as the property owners have not yet been notified of the section 3 notices, we need to verify with L&SD that the notices are actually being sent to the affected property owners.

Director Hydes confirmed he has informed Observer Brown to only notify the affected property owners. However, the property owners are not initially notified but the section 6 it is published to the public of who is affected and the square footage that is acquired. Director Hydes mentioned this is the reason why the property owners should be notified by NRA of the proposed work.

***Minutes of the 10<sup>th</sup> April 2019***

SPM Scotland confirmed the BP was gazetted in March 2019. He confirmed Philip Berry has spoken and notified each affected property owner of the proposed road work. Clearing of land will commence tomorrow, Thursday 11<sup>th</sup> April, and next week Water Authority will install pipe lines. Once WA has completed the pipes lines CUC will commence with their utilities.

No update given.

**5ii.f Funding Injection by Ministry – Projects Update**

**5ii.f.1 Spotts Road**

***Minutes of the 27<sup>th</sup> March 2019***

No update given.

***Minutes of the 10<sup>th</sup> April 2019***

No update given.

No update given.

**6. Other Business**

**6i. Claims for Compensation**

***Minutes of the 27<sup>th</sup> March 2019***

No update given.

***Minutes of the 10<sup>th</sup> April 2019***

No update given.

There were no claims for compensation.

**6ii. Legal action – S.23(1) Block 13D Parcel**

***Minutes of the 13<sup>th</sup> March 2019***

SPM advised that Mr. Uche Obi confirmed he had received the letter and the S.23(1) have accepted the intent of the letter. However, Mr. Obi is now requesting a draft agreement. The Chairman stated that the letter had been issued in accordance with the legal advice received. If the S.23(1) feel that an 'agreement' is necessary, they should be invited to provide a draft for the Board's consideration.

***Minutes of the 27<sup>th</sup> March 2019***

No update given.

***Minutes of the 10<sup>th</sup> April 2019***

No update given.

No update given.

**6iii. Signage – Primary arterials**

***Minutes of the 27<sup>th</sup> March 2019***

No update given.

***Minutes of the 10<sup>th</sup> April 2019***

No update given.

No update given.

**6iv. Board Members**

***Minutes of the 10<sup>th</sup> April 2019***

Director Panton mentioned the cost for the Kaaboo Festival and what was donated by the Department of Tourism. He wondered if the NRA has an estimated value on what we charged or donated based of our resources. He mentioned that the RCIPS has submitted their figures and is currently being reimbursed for their time and resources. AMD is to review and confirm. His view was that the NRA should require payment when assisting for profit activities.

Director Bodden mentioned the section of North Sound Rd along Alista Towers where the asphalt is currently failing. He questioned if the testing results were ever received on local aggregates. AMD confirmed we did receive the results and the failure is a result of excessive asphalt content. AMD mentioned this section of road has been on our list for mill and pave.

The Chairman raised the issue of the vacant MD post. He said that his understanding of the Public Authorities Law (section 25) is that it is mandatory that the Board conduct a recruitment process to fill the vacancy. There is no authority for the Board to make an appointment otherwise and there is no authority vested in anyone to permit the Board to do otherwise. The Acting MD concurred with this assessment.

He also said that he had reviewed the job description for the post and had shared it with Dep Chair Clarke and the Acting MD and received their input as to possible changes; each had suggested minor changes which he had incorporated.

He undertook to share the revised job description with members and said subject to their concurrence with it, the process would now need to start with:

- notification of the Minister and Chief Officer (notwithstanding they currently know); and
- submission of the job description to the Portfolio of the Civil Service for evaluation.

Finally, the Chairman stated at in the interim, the acting appointment of the Deputy MD would need to be extended; he suggested extension for a period of four (4) months.

The Board accepted the Chairman's assessment of the process which had to be undertaken and agreed to an extension of four (4) months to the acting appointment of the Deputy MD.

Shena Ebanks – CHRO – was invited at 12:40pm.

The Chairman invited the CHRO to attend the meeting to discuss the job description for the Managing Director's post. He also referred to the Public Authority's Law regarding the appointment of a new MD under sections 25 to section 28.

The Chairman suggested that the Board should seek the services of a professional HR firm to conduct the recruitment. The firm should report to a team appointed to oversee the exercise. The Board agreed to this approach.

The Chairman shared a drafted letter to the Minister & Chief Officer regarding the vacant position of the Managing Director. The Board reviewed and approved the letter. The Chairman requested the ES to email the letter to the Minister & Chief Officer.

The Chairman also shared a drafted e-mail to Ms. Glory McField who is head of the Portfolio of Civil Services requesting her to:

1. Evaluate the job description;
2. Assign a salary scale for the indicated post; and
3. To indicate whether her office will be able to provide some support in the recruitment process.

The CHRO left the meeting at 1:13pm.

#### **6vi. Miscellaneous**

##### **a. BP 138 - Farm Road – Request for water**

###### ***Minutes of the 27<sup>th</sup> March 2019***

The Chair advised that it was his understanding from Denis Thibeault who had been chasing this that the survey should be gazetted shortly as PCM 325.

###### ***Minutes of the 10<sup>th</sup> April 2019***

No update given.

No update given.

##### **c. Further Road – North Side - Block 53A Parcel [REDACTED]**

###### ***Minutes of the 27<sup>th</sup> March 2019***

No update given.

**Minutes of the 10<sup>th</sup> April 2019**


No update given.

No update given.

**7. Date of next meeting**

The Board will hold regular meetings on 15<sup>th</sup> & 29<sup>th</sup> May 2019 and an extra ordinary meeting will be held on 22<sup>nd</sup> May 2019 if necessary to consider the drafting instructions for the proposed legislative amendments.

There being no further business, the meeting was adjourned at 1:49pm.

Signature   
 Chairman of the Board  
 Confirmation of minutes:  
 Date: 29 May '19

Signature   
 Executive Secretary  
 Seconded: Confirmation of minutes  
 Date: 29 May 2019

