
**National Roads Authority
Minutes of the Two Hundred & Eight Eighth
Meeting of the Board of Directors
held in NRA Conference Room,
370 North Sound Road, George Town, Grand Cayman
Wednesday, 15th May 2019 at 9:30 a.m.**

In attendance were:

Donovan Ebanks	Chair
Gary Clarke	Deputy Chair
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
Charles Brown	Observer, Ministry CPI

Apologies:

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

The Chair called the meeting to order at 9:59am.

2. Minutes of Previous Meetings

- a. Minutes of 10th April 2019 –signed off
- b. Minutes of 24th April 2019 - reviewed and changes proposed

3. Administration

3i. Proposed Legislative Review

Minutes of the 10th April 2019

The Chair mentioned he received a response from Ms. Neblett yesterday (9th April 2019) regarding the drafting instructions. Ms. Neblett confirmed she will be providing the Chair 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 12th April 2019.

Minutes of the 24th April 2019

The Chair 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.

The Chair questioned if members had been able to review the drafting instructions relating to the amendments to the Roads Law and the National Roads Authority Law. Dep Chair Clarke confirmed he started the review but was unable to complete both documents.

The Chair suggested considering the documents at an EO meeting on 22nd May 2019; the Board agreed to this.

The Chair also mentioned that the AMD had shared an Anti-Fraud policy received from the Ministry which the Board was expected to consider adopting. It was agreed that this document would also be considered at the EO meeting.

3ii. Funding – Post-retirement health benefits

Minutes of the 10th April 2019

The Chair shared with the Board a draft e-mail to the Ministry regarding the proposal that was presented to the Ministry back on 08th 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.

Minutes of the 24th April 2019

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

The Chair confirmed as of today's date he has not received a response.

3iii. Financial Report as of 28 February 2019

Minutes of the 10th April 2019

The Chair 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.

Minutes of the 24th April 2019

The Financial Report as of 01st April 2019 was not available. The AMD stated that the CFO was out of office. The Chair requested to have the CFO circulate the financial report prior to the next schedule meeting.

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

- April 2019 - \$7,210.00 (LPH)
- April 2019 - \$85,398.01(Grand Harbour RAB / Midsummer Dr Traffic Island / Traffic Island South Shore Condos / Additional Bike Lane ETH)
- April 2019 - \$12,479.26 (Capital Drains Project)
- April 2019 - \$241,289.77 (Mango Tree to Elgin Ave Connector)
- April 2019 - \$116,730.45 (Misc. Asset Road Work)
- April 2019 - \$81,668.17 (Walker Rd to Olympic Way)

The CFO presented the financial report as of March 31st 2019 to the Board. He pointed out that \$225K additional cash expenditure is required as a result of the 2018 CoLA and \$175K as a result of the increase in policy premiums by CINICO.

The CFO discussed the report showing the Cash Equivalents General Bank account \$2.3M, Payroll account and Med Liab Fund Fixed Deposit at \$2.2M with an approximate total of \$4.8M. He confirmed the breakdown of the Med Liab Fund with \$1M in a Depreciation fund and \$1.4M as Cash (unrestricted).

CFO confirmed that the Cash (unrestricted) has been a bit lower than the past years. He also confirmed that we have been receiving the funding and payment of invoices from the Ministry in a timely manner.

3iv. Budget

Minutes of the 10th April 2019

No update given.

Minutes of the 24th April 2019

The Chair 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.

No update given

3v. NRA vehicle - GPS devices

Minutes of the 10th 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 Chair has requested the AMD to ensure the information is completed and to circulate to the Board prior to the next schedule meeting.

Minutes of the 24th April 2019

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 Chair 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 1st June 2019.

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

The AMD confirmed we have received eighteen GPS devices as the first of two allotments. Installations of these should be completed by the end of the week and the second set of devices should be here by the end of the month.

The Chair questioned if the AMD if he was able to identify the persons who will be able to monitor the reports. AMD confirmed he has not yet found someone but is looking into it.

3vi. 2019 NRA Objectives and Strategies

Minutes of the 24th April 2019

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. 01st May.

The Chair questioned the AMD regarding an update to the revised spread sheet, AMD mentioned he met with the CHRO and she was to update her notes and provide back to him. Once AMD receives it he will then circulate via email to members.

The Chair raised the matter of hiring a Traffic Engineer. AMD confirmed he has met with the CHRO and they have drafted a job description. However, due to the lack of space in the office they did not proceed any further. The Chair mentioned as we are completing the Traffic Models, we will need a Traffic Engineer with experience in the technology. AMD is to seek the space and proceed with recruiting a Traffic Engineer.


4. Planning

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

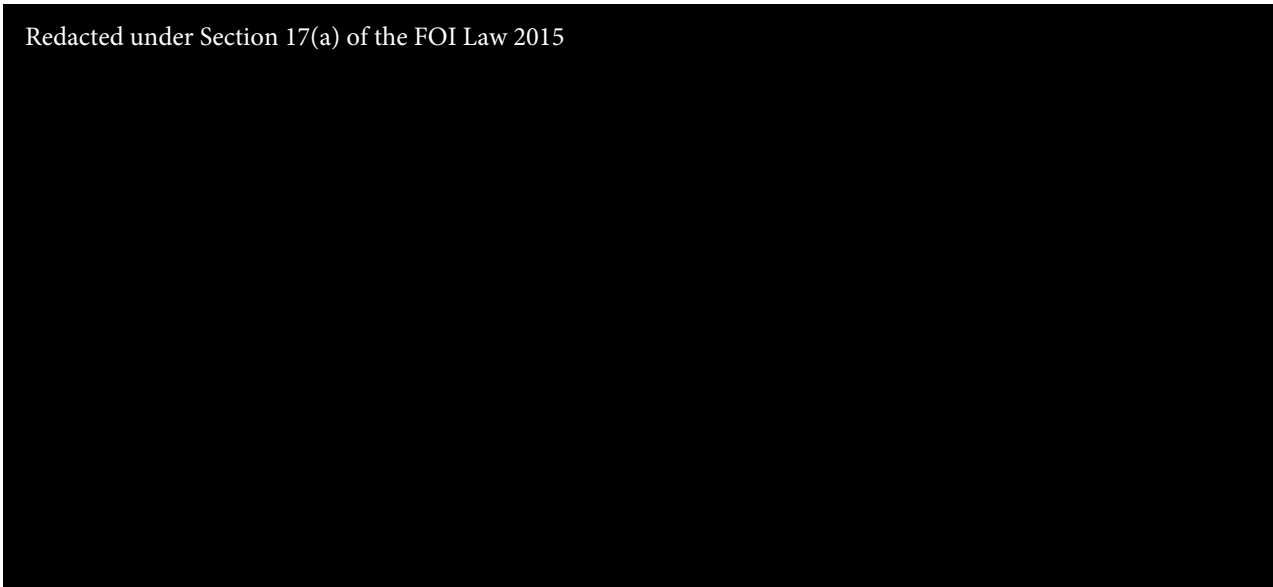
Minutes of the 10th April 2019

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

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



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



4ii. Traffic simulation/forecasting model - update

Minutes of the 10th April 2019

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

Minutes of the 24th April 2019

The AMD confirmed he received a formal confirmation that WRA will complete the exercise by April 30th. 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.

The consultants from WRA were invited to attend the meeting at 11am.

The AMD confirmed they did a presentation to Minister Hew yesterday (14th May) including Director Hydes and Observer Brown. He mentioned that a few scenarios were shared on future congestions and instructions from the Minister are to develop a schedule of 'quick wins' projects that can be done with in the next 2-3years.

The AMD introduced the WRA Project Manager Mr. Scott Thompson-Graves along with his colleagues Jeff Moore, Lindsey Ulizio and Stacy Wang.

The consultants did a presentation comparing Measures of Effectiveness (MOE) of future traffic conditions in 2026 and 2036 versus the 2019 traffic flow conditions.

The consultants advised that the Traffic Operational Model (VISSIM) is now complete and in the possession of the NRA. WRA will continue to provide support to the NRA in the use of both models for the next 6-9 months based on other Government Agencies.

4iii. Ministry of Infrastructure – 5YR Project Plan

Minutes of the 10th April 2019

No update given.

Minutes of the 24th April 2019

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 Chair 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.

Please see 4iv.

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

Minutes of the 10th April 2019

No update given.

Minutes of the 24th April 2019

No update given.

SPM Scotland shared a document listing proposed Design Projects for 2019-2020; he confirmed he will be adding the construction work onto the spreadsheet. SPM mentioned he and the AMD met and agreed to consolidate both Ministry of Infrastructure – 5YR Project Plan and NRA – Design Projects 2019-2020 as a master sheet and to continue to add to it.

4v. BP's 09 & 12 – Legal Advice

Minutes of the 10th 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 31st 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's 09 & 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 Chair 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.

Minutes of the 24th April 2019

The Chair 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.

No update given

5. Operations

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

Minutes of the 10th April 2019

North Sound Estates –

The Chair 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 Chair 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 Chair 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.

Minutes of the 24th April 2019

Selkirk Drive –

The Chair 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 Chair Board.

North Sound Estates –

The Chair shared photos of Windward Rd and Ann St as we have just completed raising the road and preparation for resurfacing. However, the public right-of-way ends prior to two residences which are served by the private section which is badly deteriorated. He had been able to contact the property owner of the road. The property owner confirmed he completed the second phase of the sub-division and have now sold all the lots, and he confirmed he is in support of the upgrade and transferring the road to the Crown.

SPM Scotland suggested paving to the private section and chip and spray the remaining section to house 396. Observer Brown suggested having the property of the private section to transfer the road to the Crown; he will speak to Mr. David Fawcitt regarding this matter.

The Chair undertook to seek to have the owner of the private road confirm in writing his willingness to transfer to the Crown.

5ii. Capital projects - July – December 2018

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

Minutes of the 10th 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.

Minutes of the 24th April 2019

No update given.

No update given.

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

Minutes of the 10th April 2019

No update given.

Minutes of the 24th April 2019

No update given.

No update given.

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

Minutes of the 10th 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.

Minutes of the 24th April 2019

No update given.

Director Connolly questioned the update on Country Corner Ltd and the exit onto Shamrock Rd. He noticed that the exit arrow has now been painted. SPM confirmed it has not been opened as yet. However, the final inspection for the CO (Certificate of Occupancy) should take place within the next 5-6 weeks.

SPM Scotland also confirmed that neither Mr. Moxam or Mr. Rea has acknowledged receipt of the email sent in regard to the reconsideration of the physical traffic control (spike strip/dragon teeth).

5ii.d Mango Tree to Elgin Ave Connector

Minutes of the 10th 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.

Minutes of the 24th April 2019

No update given.

Director Clarke questioned the status to the Mango Tree RAB. SPM confirmed that by today the section along Mango Tree on the eastbound lane will be completed. The section on the west bound is the only section remaining to be completed.

5ii.e Walkers Rd to Olympic Way connector

Minutes of the 10th 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 11th April, and next week Water Authority will install pipe lines. Once WA has completed the pipes lines CUC will commence with their utilities.

Minutes of the 24th April 2019

No update given.

No update given.

5ii.f Funding Injection by Ministry – Projects Update

5ii.f.1 Spotts Road

Minutes of the 10th April 2019

No update given.

Minutes of the 24th April 2019

No update given.

No update given.

6. Other Business

6i. Claims for Compensation

Minutes of the 10th April 2019

No update given.

Minutes of the 24th April 2019

There were no claims for compensation.

A. BP 591-Godfrey Nixon to West Coast Road – Claims received after mandatory 90 day period.

VO Spencer Turner presented to the Board a memo dated 26th April 2019 from L&SD requesting the Board of Directors consideration of whether to accept the claims for compensation for the following, none of whom had communicated their intention to claim within ninety (90) days as required by s.9 of the Roads Law:

- 14CF [REDACTED] Form A was received, via agent, by e-mail on 19 March 2019. The Form A presented is dated 28 February 2019. *This parcel is affected by outright land take.*
- 14BG [REDACTED] Form A was received, via agent, by e-mail on 21 March 2019. The Form A presented is undated. *This parcel is affected by partial land take.*
- 14BG [REDACTED] Form A was received, via agent, by e-mail on 26 March 2019. The Form A presented is dated 26 March 2019. *This parcel is affected by partial land take.*
- 14CF [REDACTED] Forms A were received, via internal mail on 27 March 2019. The Forms A presented are both dated 20 March 2019. No Agent is advised as instructed/appointed on the Forms A. *These parcel are both affected by outright land take.*
- 14BG [REDACTED] Form A and Form B were received 4 April 2019; submitted by [REDACTED] S.23(1). Also a Form A and Form B were received on 12 April 2019, submitted by [REDACTED] S.23(1). There are 3 registered owners for this parcel: [REDACTED] S.23(1)

S.23(1) [REDACTED] Both the parties that have submitted forms live in the USA. Neither party has included an itemized claim. No professional representative has been advised on the presented forms. *This parcel is affected by partial land take.*

The Board reviewed the request and took the decision that the late claims should be entertained.

6ii. Legal action – S.23(1) [REDACTED] Block 13D Parcel [REDACTED]

Minutes of the 10th April 2019

No update given.

Minutes of the 24th April 2019

No update given.

No update given.

6iii. Signage – Primary arterials

Minutes of the 10th April 2019

No update given.

Minutes of the 24th April 2019

No update given.

No update given.

6iv. Board Members

Minutes of the 10th 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 Chair 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 Chair 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 Chair'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.

Minutes of the 24th April 2019

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

The Chair 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 Chair 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 Chair 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 Chair requested the ES to email the letter to the Minister & Chief Officer.

The Chair 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.

The Chair confirmed he received the *NRA Financial Statement as of 31st December 2018* from the Office of the Auditor General (OoAG). However, there was a paragraph in the document that he felt did not accurately reflect the actions taken by the NRA in respect of the post-retirement health benefits liability. He had contacted the OoAG and an alternative worded had been offered which he felt was more accurate. The Board accepted the offer of the OoAG to revise the paragraph to the proposed wording.

The Chair also mentioned Mr. Adrian Murenzi, the auditor assigned to the NRA, would like to attend a meeting of the Board and present the ISA 260 report following the audit of the NRA. The Board agreed that Mr. Murenzi should be invited to attend the next meeting on 29th May 2019.

Director Connolly mentioned that Breakers Road in the vicinity of Caribbean Haven is badly deteriorating.

Director Panton mentioned he received a call from S.23(1) claiming that he put in a bid for the D6 and was told that he won the bid. However, S.23(1) said it has been six months ago and nothing more took place. AMD and the Chair confirmed that the Board agreed that NRA was keeping the D6 and the D6 was not going to be auctioned.

Director Bodden questioned if we explored the options for the use of recycle paving mix and alternative paving methods. SPM confirmed we have not discussed this. He also confirmed that we do save and reuse the millings that we remove from the road and it would be up to Island Paving to seek those options and to prepare a proposal.

6vi. Miscellaneous

a. BP 138 - Farm Road – Request for water

Minutes of the 10th April 2019

No update given.

Minutes of the 24th April 2019

No update given.

No update given.

c. Further Road – North Side - Block 53A Parcel

Minutes of the 24th April 2019

No update given.

Minutes of the 10th April 2019

No update given.

Minutes of the 24th April 2019

No update given.

No update given.

7. Date of next meeting

The Board will hold regular meetings on 29th May 2019 and an extra ordinary meeting will be held on 22nd May 2019 to consider the drafting instructions for the proposed legislative amendments and the CIG Anti-fraud Policy.

There being no further business, the meeting was adjourned at 1:28pm.

Signature

Chair of the Board

Confirmation of minutes:

Date: 12 June 2019

Signature

Executive Secretary

Seconded: Confirmation of minutes

Date: 12 June 2019

