
**Minutes of the Three-Hundred & Fifty Eight
Meeting of the Board of Directors
held via telephone conference call,
on Wednesday 15th June 2022 at 10:00 a.m.**

Present were:

Alric Lindsay	Chairman
Stanley Panton	Director, Deputy Chairman
Anna Peccarino	Director
Barry Martinez	Director
Paul 'Andy' Bodden	Director
Heidi Hunte-Webster	Director
Kelvin Dixon	Director
Dane Walton	Director
Troy Whittaker	Director
Edward Howard	Director (non-voting) (MD)
Faith Powery	Executive Secretary
Jason Azan	Policy Officer
Tristan Hydes	Director, Designate of Chief Officer, PAHI (ex officio-non-voting)

Apologies:

Paul Andy Bodden	Director
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1. Call to Order

It was resolved that, notice of the meeting having been circulated to all directors and that, a quorum being present, the meeting was duly constituted.

2. Ratification of Previous Minutes

It was resolved that the minutes for May 11th 2022 and May 25th 2022, be approved, confirmed and ratified with such grammatical and other changes as discussed in the meeting.

3. Matters Arising from the Previous Minutes

There were no issues raised as matters arising from the previous minutes.

4. Status of COVID19 at NRA

MD Howard noted that as of June 15th 2022, there was one active positive case.

5. Lands & Survey presentations of claims

The Chairman noted that all presentation of claims would be deferred until the next meeting, in which Lands and Survey will be able to attend and present.

6. Proposed purchase of slither of land in West Bay

It was noted that the chairman circulated correspondence to all Directors prior to the meeting in relation to a possible purchase of a slither of land in West Bay by a resident of West Bay. It was further noted that the correspondence was addressed to the Ministry of Planning & Infrastructure but required the attention of the board of the NRA.

The chairman proposed a motion that the board consider whether it is appropriate for the slither of land to be sold.

In connection with the motion, the MD displayed the map of the area for all of the Directors to view and the MD provided background to the slither of land as follows:

- The slither of land is an area in West Bay off Powell Smith Drive
- Under the Roads Act, this is referred to as a footpath
- There are a number of these types of footpaths in West Bay, but as subdivisions are created, there are always these types of requests where the NRA is asked to consider whether the footpath is necessary to remain.
- The proposed buyer presented the proposal to a previous board of directors of the NRA and that board opted not to allow the footpath to be closed. The MD noted that the previous board did not give any reasons for the decision other than that the NRA should allow footpaths to remain in place.
- The NRA visited the area recently and noted that the area is quite overgrown.

Policy Officer, Jason Azan, noted that the area is unkempt and not being used as a path. Policy Officer, Jason Azan also noted that the proposed buyer raised a liability issue in that while the area is being left unkempt next to his property, it opens his property to a threat from persons who may be occupying the area. The proposed buyer therefore communicated that if the area would not be sold, it must be maintained by the NRA.

After receiving the background from the MD and the Policy Officer, Jason Azan, the following points were raised by the Directors:

- Whether there were any plans or drawings related to the expansion of the public road that may affect the footpath
- Whether the footpath is part of the road network
- Whether the footpath is an individual parcel
- Whether it would make sense to get some input from Lands & Survey regarding the proposal

- Since there are a number of these footpaths in West Bay, the board should be mindful of setting a precedent based on the decision being made in this case
- Whether, if the area was cleaned, if members of the public would resume usage of the footpath and, as such whether the footpath should be maintained for use of the public if it did not become impossible for the public to use it
- Whether the NRA will need to consider utilising the footpath in the future to link subdivisions
- Whether and how this proposal is different from the remnants that are left after NRA puts a road in. NRA has, in the past, considered the sale of those remnants
- Whether the NRA should have further consultation with the Public Lands Commission
- Cost of public purse to maintain the footpath and what is the benefit to the public

The chairman reminded all of the Directors that, in reviewing the proposal, the NRA's role is to act in the public's interest and the NRA will act on board directives and Ministry directives (per the NRA Act) and, outside of this, no comment from a member of Parliament shall be the basis (or form part of the basis) of any decision-making by the board.

After discussion and approval of the motion, it was resolved that the matter be deferred until the board of directors until such time as the board has sufficient information (including liaising with relevant parties) to make a determination in the public's interest.

7. Temporary opening of other public roads when primary arterial roads are blocked

The chairman proposed the following motion:

That, it being noted that public roads are categorised under the Roads Act as primary arterial roads, secondary arterial roads, collector roads, access roads and public footpaths and that, from time-to-time, one or more lanes on a primary arterial road may be blocked or closed for any reason, it is recommended that one or more secondary arterial roads, collector roads or access roads be opened during the time that a primary arterial road may be blocked or closed for any reason at the discretion of the NRA (following consultation with the relevant party) in order to improve the flow of traffic.

In discussing the motion and amending the motion, the following points were raised:

- The access to the old West Bay Road needs to be formalised to prevent residents of West Bay from being locked in during circumstances where other lanes are blocked in or out of West Bay
- The NRA should review the "NRA Agreement" to reconfirm the terms and conditions and to determine whether the party to the agreement has special discretion regarding particular roads where the NRA may have to get consent from the party open the relevant roads
- In the case of developers who wish to have public roads closed to complete works on their own development, they should be encouraged to complete those works at night when there is no traffic. The purpose of this is ensure that the public retains the benefit

of the use of the public road rather than eliminating the benefit to the public for a private developer's purposes

After discussion and approval of the final motion, it was resolved that the MD liaise with the Ministry of Infrastructure to understand what are the final terms of the NRA Agreement and obtain a directive from the Ministry of Infrastructure as to what the board or the NRA can or cannot do in terms of the "NRA Agreement" in respect of opening and closing roads.

As another motion, the chairman proposed that, in the case of an accident where one set of lanes is blocked, the NRA should have the power to redirect the other set of lanes, transforming the other set of lanes into two-way traffic.

After discussion and approval of the motion, it was resolved that MD shall reconfirm with the relevant party whether it is the NRA or the police who has the power to change traffic direction in one set of lanes whenever there is an accident blocking another set of lanes.

8. Enforcement Notices

The chairman noted that he was aware of one enforcement notice issued by the NRA in respect of Mary Mollie Road and asked the MD to provide an update.

The MD noted the following:

- An encroachment notice was issued in the past whereby planters had to be removed
- Later, brick pavers were put down and extended out onto the public road, giving the appearance that the pavers were a part of the public road
- The NRA issued an enforcement notice to the party but the enforcement notice was not complied with
- The NRA therefore removed the brick pavers and paved the area to make it clear that the area is a part of the public road
- The MD will liaise with the Traffic Management Panel to implement double yellow lines along the area to prevent any illegal parking along the roadway

The chairman reminded the MD that, notwithstanding that the MD may receive pressure from members of the public or from politicians from time to time regarding matters such as these, the MD must explain that the NRA's position is that the NRA is taking the relevant action to carry out the provisions of, and to remain in compliance with, the relevant Act.

It was noted that the MD would keep the board updated on this matter.

9. Establishment of Audit Committee

The chairman made the following motion:

Given that the board was not provided with the draft audited financial statements on a timely basis for the December 31, 2021 financial year-end, it is proposed that, at the request of the Auditor General, an audit committee be established to oversee the financial reporting process.

After discussion and approval of the motion, it was resolved that an audit committee comprising the voting directors set out below be and is hereby approved for the purpose of overseeing audits of the financial statements of the National Roads Authority for each financial year end:

Audit committee members:

- (a) Alric Lindsay (former certified public accountant)
- (b) Alfred Dane Walton
- (c) Anna Peccarino
- (d) Kelvin Dixon
- (e) Stanley Panton

The chairman proposed another motion that the board delegate the relevant powers to the audit committee to carry out its functions.

After discussion and approval of the motion, it was resolved that the audit committee be and is hereby delegated all powers of the board of directors necessary to oversee audits of the financial statements of the National Roads Authority, including liaising with the Office of the Auditor General and the managing director of the National Roads Authority who, in turn, has direct oversight over the Chief Financial Officer of the National Roads Authority.

The chairman proposed a third motion that the quorum for audit committee meetings be set at three persons.

After discussion and approval of the motion, it was resolved that the quorum for the audit committee meetings be set to three of the appointed members of the audit committee.

10. Board Secretary

The chairman noted that the MD had arranged the publication of the Executive Secretary post and that the HR Subcommittee set up an email address where all job applications will be sent (only the board has the power to appoint the Executive Secretary and all members of the HR Subcommittee have the username and password for the new email address).

Regarding the publication of the Executive Secretary post, the MD confirmed the following:

- The ad is currently in the Caymanian Times, Cayman Compass, on the NRA website and the NRA Facebook page which is being refreshed
- Sent a request to POCS and currently waiting for POCS to place the ad on their hub

The Chairman concluded by confirming that the HR Subcommittee received four applications as of June 15th 2022.

11. Public Engagement

The chairman noted that at the time of the appointment of the new board, the NRA did not have adequate social media coverage.

The chairman congratulated the MD for bringing the NRA's social media presence to this stage where there is increased social media presence.

Notwithstanding the above, the chairman proposed a motion, to formalise the board's previous instructions, that a directive be given by the board to the MD to engage the media on a regular basis.

After discussion and approval of the motion, it was resolved that, as a directive, the Managing Director be and is hereby directed to appear on a live radio show or live TV show or live social media stream at least once per month to enable the NRA to regularly engage members of the public and, where the Managing Director is unable to attend himself, the Managing Director shall make arrangements for one or more NRA employees with relevant knowledge and experience at the NRA to appear on the relevant live radio show or TV show or live social media stream at least once per month to discuss topical issues surrounding the NRA's responsibilities under the NRA Act, including public roads and concerns raised by members of the public.

12. FOI Requests

The chairman noted that he wished to confirm that the NRA is meeting deadlines for FOI requests within the time required by the FOI Act and that the NRA was responding to the FOI requests.

The MD confirmed the number of FOI requests received from the new Board's inception to date. There were seven altogether for 2021/2022 and the deadlines were met under the relevant Act in responding to each FOI and satisfying FOI requests, with an extension for one request in order to gather the relevant information.

As an ancillary matter, the chairman asked the MD whether there was anything restricting the NRA from publishing its comments on various projects being considered by various authorities. This way, members of the public who are not familiar with the various authorities would have an opportunity to view all of NRA's comments on projects in one location. This will also enable the public to have full transparency of the NRA's comments.

Deputy Chairman Panton noted that it would be beneficial to members of the public if the NRA's comments on projects are published on the NRA website because it would allow members of the public to be more aware of matters going before authorities like the Central Planning Authority and would provide relevant members of the public with more information to support or object to projects.

The MD confirmed that there was no restriction on the NRA's publication of such comments as they become public as a part of the Planning Minutes. The MD also noted that the Central Planning Authority often only gives the NRA a tight timeline to respond and in some cases, the NRA's comments are not considered.

Director Peccarino questioned whether comments on projects previously came to the board for approval. The MD confirmed that only certain projects previously came before the board for feedback and there is no protocol regarding what projects come before the board and what projects are reviewed internally by NRA staff.

13. Discussion of correspondence received regarding developments on ETH

The chairman noted that, due to the parties involved in the discussion of access along the Esterley Tibbetts Highway, the chairman disclosed that he had a conflict of interest, recused himself prior to the discussion and did not take part in the discussion or any resolution related to the discussion.

Tristan Hydes also disclosed a conflict and recused himself prior to the discussion.

Upon the chairman being recused and Tristan Hydes being recused and placed in the waiting room on Zoom, the following was discussed:

- The MD confirmed that the party forwarded an alternate proposal by email to the NRA. However, the MD was of the view that the alternate proposal was not something that the NRA could support.
- The MD also noted that the party requested a copy of the legal opinion received by the NRA in relation to access to highways. However, the MD noted that the Attorney General's office advised the NRA that, pursuant to section 17(1)(c) of the FOI Act, legal opinions cannot be shared with third parties
- Director Panton confirmed that the previous proposal could not be done safely and the alternate proposal does not meet the requirements for coming off a highway and, as a result, is not deemed safe.
- Policy Officer Azan confirmed that the compromise from the party was to not use Greenwood Drive but have the lane terminate and enter into the party's property. That is, the lane would go further north and then veer off into the party's property.
- Director Peccarino queried whether the spirits company had access to the ETH. Director Panton confirmed that the spirits company does not have access.

After discussion, it was resolved that the MD write a letter to the party stating that, in connection with the party's proposals, the proposals are not accepted as there is no safe way to provide access to the property off the ETH. In addition, the party is to be informed that if the encroachment is not removed within seven business days from the date of the letter, NRA will barricade the property.

14. Any other business

Director Peccarino noted that members of the public inquired whether NRA obtained a scoping opinion for the East West Road as members of the public and NGOs raised the question and queried the current status of the East West Road.

The chairman confirmed that the Environmental Assessment Board (chaired by the DoE) is aware of the details and three meetings were held with the National Trust of the Cayman Islands whereby the National Trust was given the opportunity to “mark-up” the East West map and indicate their “problem” areas. In particular, Cathy Childs and Annick Jackman were present on behalf of the National Trust and they confirmed that they would meet with the council of the National Trust and revert to the NRA. Further meetings will also be held with the National Trust.

The MD confirmed that the scoping opinion was completed by the Environmental Assessment Board. The MD further explained that the position of the Environmental Impact Assessment is as follows:

- There were five submissions.
- EAB confirmed two parties.
- As of 5pm on June 15, 2022 a decision will have been made by the selection committee (which includes US consultants) as to the EIA consultant.
- A tender assessment report must then be sent to the Public Procurement Committee before a contract can be issued (the PPC will confirm that the proper procurement process was followed after which the NRA will receive a letter from the PPC)

Director Peccarino queried whether the NRA could issue a press release to update the public as to the status of the EIA and the timing of the issuance of the contract to the consultant.

The MD Howard confirmed that he will liaise with the Ministry’s Communication Officer and have the information placed on the website by the end of the week.

Director Panton – There was a request from a member of the public for the line of delineators in the centre lane to be moved to the outer lane thereby preventing traffic exiting Edgewater Way to cross through the roundabout to South Sound by the Century 21 Roundabout, which would cause motorists to use the Red Bay roundabout as this would be safer.

It was noted that the MD will give the Board an update at the next meeting.

Director Peccarino queried what were the results of the NRA study to include traffic lights by the Hurley’s Roundabout.

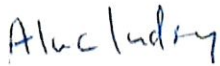
The MD noted that the study in relation to traffic lights would be completed in a month.

All other matters under any other business were deferred to the next meeting.

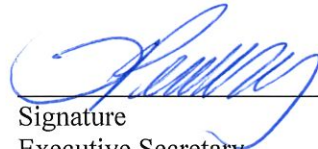
15. Date of Next Meeting

The Chairman noted that the next board meeting will be held on June 29th 2022.

There being no further business, the meeting was adjourned at 1:36 p.m.



Signature
Chairman of the Board
Confirmation of minutes



Signature
Executive Secretary
Seconded: Confirmation of minutes

