CONFIDENTIAL



Minutes of 249th Meeting held on 21st of May 2014

Members Present:

Chairman:

Mr J L Hurlston

Members:

Mr H B Ebanks

Mr J Gill

Mr M Jacques Ms T Mortimer Ms A Owens Mr O Watler

Secretary:

Dr G Frederick-van Genderen

Apologies:

Mr C Randall Ms R Sharma Mr A Wright

Call to Order

The Chairman welcomed members and called the meeting to order at 1:30pm after ascertaining that there was a quorum and acknowledging apologies from Mr C Randall, Ms R Sharma, and Mr A Wright. The Chairman then proceeded to offer a special prayer and the meeting was then opened.

Minutes of the 248th Meeting held on 16th April 2014

The Chairman asked for confirmation of the Minutes of the 248th Meeting held on 16th April 2014. The following correction to the Minutes was noted:

Page 2, last paragraph, last line should read as follows "...seeking a proposal from ISI."

Page 3, last paragraph, penultimate sentence should read as follows "....for the concrete base is almost complete."

Page 6, first paragraph, third sentence should read as follows "...to approve recommending the awarding of this contract to..."

Page 7, sixth paragraph, first bullet point should read as follows "....the Water (Production and Supply) Law 2011?"

Page 15, first paragraph, first line should read as follows "...decisions requiring that funds..."

Page 15, second paragraph, eighth line should read as follows "...with the required skills for the post..."

Page 15, fourth paragraph, second line should read as follows "...months to comply with the..."

Mr H B Ebanks moved the motion to accept the Minutes as amended, Mr J Gill seconded the motion and the motion passed unanimously.

Declaration of Conflicts of Interest

None were declared.

Matters Arising

a) Lower Valley Reverse Osmosis Plant (LVRO) - Update.

The Chairman reported that on 23 April 2014 a meeting was held with Ocean Conversion (Cayman) Ltd (OCL) to discuss minor plant design modifications. It is anticipated that the information on the prices for the various contemplated changes will be forwarded later this week.

The Chairman reported that removal of the existing equipment from the RO building (e.g., RO vessels, pumps, pipework, support frame etc.) has been completed. On 29 April 2014 Edgewater Development Ltd completed the repairs to the ceiling of the RO Building. This work comprised the following:

- shot blast the underside of the roof slab metal decking and beams
- treat all metal surfaces with specified materials
- apply finish over all metal surfaces
- install additional steel beams required to provide additional structural steel support to the roof deck

The Chairman reported that Edgewater Development Ltd will also carry out the following works:

• exterior roof works, comprising the removal of the existing roof membrane and painting the roof with a waterproof membrane

- interior wall painting, comprising cutting out and repair of cracks in wall and paint with masonry paint
- interior floor painting, comprising the etching of the concrete floor surface, and after application of a bonding primer, paint the concrete floors with a floor paint

The Chairman reported that the first two jobs are underway, whilst the last work item will be commenced as soon as the dimensional drawing for the RO vessel rack supports are received from OCL and Edgewater (or Water Authority staff) have constructed the necessary concrete pedestals at the correct location (doweled into the concrete floor).

It is anticipated that all work will have been completed by the end of June 2014, significantly in advance of providing OCL access to the RO building (as per contract to occur no later than 22 August 2014).

b) North Sound RO Plant - Update.

The Chairman reported that on 02 April 2014 the Central Tenders Committee (CTC) approved the Authority's request for an extension of the operating contract with OCL for the operation of the North Sound Water Production Plant for a period of 12 months from 01 April 2014.

On 17 April 2014 Amendment #2 to the Contract Documents, which details the modifications to the terms and conditions of the North Sound RO Plant, and signed by the Water Authority Board was forwarded to OCL for their signature. The signed copy was returned by OCL.

c) Red Gate Water Works - Bolted Storage Tank - Update.

The Chairman reported that the construction of the glass-fused-to-steel boltedsteel storage tank was progressing very well. It is anticipated that the tank will be ready for filling and testing by the week of 26 May 2014. Barring unforeseen circumstances this contract will be completed before the deadline of 04 June 2014.

d) West Bay Beach Sewerage System Pipeline Rehabilitation Project (2013) - Update.

The Chairman reported that by 07 May 2014 nearly 33,700 feet of sewers had been cleaned and televised (representing approximately 72% of the total length under the contract).

The Chairman reported that on 07 May 2014, two of the workers of US Sewer & Drain, the CCTV contractor working on the wastewater collection system, became overwhelmed by sewer gases in a manhole and had to be rescued by emergency services. One of the workers was released from the hospital that afternoon, but the other one had to be air-ambulanced to USA. He was

released from the hospital on 15 May 2014 and it appears that he has not sustained any permanent damage.

The Chairman reported that on 08 May 2014 the Water Authority issued a Safety Stand-Down for this project in order to have a focused discussion on safety, in particular the important aspects of confined space entry procedures (to sewer manholes), prior to resuming work. As part of these safety discussions, Wharton-Smith, the partner of US Sewer & Drain on this project, agreed to provide training on confined space entry procedures to various Water Authority staff (i.e., Operations-Wastewater staff, some Operations-Water Supply staff, engineers and Water Resources staff). This training took place on 20 May 2014 and was conducted by their Safety Director Steve Green. The Authority is currently reviewing its own procedures with the HR Department.

e) Cayman Brac Infrastructure Upgrade & Expansion Project - Update.

The Chairman reported that as of 21 May 2014, the crew had installed approximately 1800 feet of 6-inch pipe along the south coast between the intersection with Gerrard Smith Avenue and the Brac Reef hotel (out of a total of 8,800 feet, or around 20%). In total 11,300 feet of pipework has been installed since early November 2013 (or approximately 60% of the entire project for 2013-2014).

Cayman Brac Emergency Generator Contract

The Chairman reported that the electrical contractor (Corporate Electric) confirmed that the automatic transfer switch for Cayman Brac will ship from Miami to GCM later this week. The emergency generator will leave the factory on 14 July 2014. This is later than originally estimated but the contractor had indicated that actual lead time might be longer due to other orders to the manufacturer.

The Chairman reported that Water Authority staff expected to complete installation of the underground electrical ducts to/from the various pads 21 May 2014. The Electrical Inspector will inspect this work on 22 May 2014 after which these ducts will be encased in concrete. The contractor (Campbell's Welding & Construction Services Ltd) started the foundation works contract on 20 May 2014, and this work should be completed by early June 2014.

The Chairman noted that arrangements will be made with Cayman Brac Power & Light Co Ltd to install the pad mount transformer, which should already be on Cayman Brac.

The Chairman reported that it is expected that in late June 2014 the Water Authority pipelaying crew will start the installation of the remaining

pipework and electrical ducts, and by the end of July 2014 all work at the West End site, except the containerised RO plant, should be completed.

Cayman Brac Containerised RO Plant Contract

The Chairman reported that at its last meeting held on 16 April 2014 the Water Authority Board recommended that the contract for the supply of a containerized Sea Water Reverse Osmosis (SWRO) Plant, with a water production capacity of 227 cubic metres per day (60,000 US gallons per day at the Cayman Brac West End Water Works be awarded to Consolidated Water Company (CWCO). The tender amount was US\$342,000.00.

The Chairman reported that the Authority wrote to the Central Tenders Committee (CTC) advising of the recommendation and that all bids received were higher than the threshold of CI\$250,000. On 29 April 2014 confirmation was received from the CTC informing that it had no specific comments on the evaluation process followed, and on 02 May 2014 CWCO was informed that this contract had been awarded to them. In accordance with the contract the Water Authority must give access to the West End site to CWCO by 30 June 2014. As indicated previously, the foundation works should be ready in early June 2014. The First Delivery Date must occur on or before 01 October 2014.

Request for trenching services from District Administration

The Secretary reported that the Water Authority had been asked by the District Administration Office to provide trenching services for approximately 700ft near the main entrance of the CYB Sports Facility. Members discussed the request and decided that the Authority could assist and should only charge at cost for the work. Additionally, it was agreed that the project would need to utilise the rock-wheel trencher and therefore the work would have to be done later in the summer.

f) 30 June 2013 Audit of Consolidated and Divisional Statements - Update.

30 June 2013 Audit of Consolidated and Divisional Financial Statements for Water, Wastewater and Statutory

The Chairman reported that the Authority received the final signed off copies of the divisional financial statements and the island statements earlier this month. The Management Representation letters were signed off and provided to KPMG; final documents are expected no later than the end of May 2014.

OAG - RFP for 30 June 2014 Audit (Statutory, Divisional and Island)

The Chairman reported that on 13 May 2014 the Director, Deputy Director and Financial Controller met with prospective firms (BDO, PWC, Deloitte and KPMG) together with the Office of the Auditor General (OAG) to discuss the engagement and answer any questions that the bidders had. Management felt the meeting went well, was productive and it was agreed that the firms now had the required information in order to prepare and submit their bids. The

bids are due on 21 May 2014 and the OAG anticipates that the engagement will be awarded no later than Mid-June. This timing is tight as the WAC has a planned inventory count on 30 June and 01 July, but will work within the constraints. It is anticipated that the auditors will be on site in early September 2014.

Annual Report 2012/2013

The Chairman reported the 2012/2013 Annual Report was approved by the Board at the March 2014 meeting and sent to the Ministry on 11 April 2014. Mr M Jacques advised members that Cabinet had approved the 2012/2013 Annual Report.

g) Cayman Water Company (CWC) Negotiations Update.

The Chairman reported that there has been no further development on this matter as the Authority is now awaiting the decision by the Chief Justice. It is expected that CWC will submit an alternative rate proposal by 31 May 2014.

OAG - CWC Review Engagement

The Chairman reported that on 08 May 2014 the OAG provided CWC with a copy of the letter, the RFP was advertised locally with the expectation to start the work in June 2014. It is the Authority's expectation that all further communication will be directed through the OAG and that the Water Authority will have no active role in this engagement.

The Chairman reported that the OAG received a letter from CWC dated 20 May 2014 questioning the OAG's authority to carry out the review under the licence. The Authority will coordinate with the OAG on the response.

h) Rate Cap Adjustment Mechanism (RCAM) - Update.

The Chairman reported that the Authority's management met with the Auditor General as well as the Honourable K Tibbetts, Minister of Planning, Lands, Agriculture, Housing and Infrastructure (PLAHI) and some of the Ministry staff. Both meetings were positive. The OAG agreed that in the interim of a Public Utilities Commission being formed, the OAG's would function as the independent regulator with regards to the operation of the RCAM methodology for rate adjustments. The Honourable K Tibbetts requested that the Authority make the presentation to the Caucus. Mr M Jacques noted that he would continue to work on organising the meeting with Caucus.

i) Informal Housing Report.

The Chairman reported that further to the report and discussion on sanitation issues at informal housing, the report has been forwarded to the Chief Officer of the Ministry of PLAHI for review and consideration. So far no feedback had

h)

Department met on 28 April 2014 with the Cayman Turtle Farm to review the first 6 month period of the marine discharge permit issued in October 2013. The meeting covered monitoring data submitted by CTF, review of the first benthic video and review of the pilot test of the waste reduction plan. The pilot test has promising results and the Authority has asked CTF to work on the next phase of testing. The Managing Director of CTF requested the Authority to provide a presentation to the CTF board on the marine discharge permit and its requirements.

Redacted under section 21 (1) (a) of The Freedom of Information Law, 2007

	request for	approval	of Wastewater
Systems - The Chairman reported	that the Autl	hority had	received a letter
and supporting documentation fro	om [*]		
signed by		to req	uest approval to
supply, install and maintain		waste	water treatment
plants in the Cayman Islands. The	documentation	on provide	s information or
the package wastew	ater treatmer	nt plants.	These plants are
engineered custom designed packa	age plants.		
Background			

In March 2007, as a result of continued issues with wastewater treatment plants designed and installed by the Water Authority adopted the following general policy:

"The Water Authority of the Cayman Islands has adopted the following general policy in dealing with applications for permits for the installation of wastewater treatment plants pursuant to section 34(1)(a) of the Water Authority Law (1996 Revision):

- Subject to (2) below, all such plants shall be certified by a third-party testing facility (NSF or equivalent organization).
- The Authority will only consider custom designed plants in cases where wastewater flows exceed the hydraulic or organic treatment capacity of readily available thirdparty certified package wastewater treatment plants.
- All custom designed plants must be designed by a professional engineer."

At the February 2014 Board meeting the Chairman reported that
*
requested the Authority to revisit its decision of 07 September 2006 to void
approvals granted to for constructed wastewater
treatment systems. The request was declined as it did not meet the policy.
Current proposal
Based on the information provided and review of the company's website
appears to be competent in the engineering, design and
manufacturing of water and wastewater treatment plants. Due to their size
and organic treatment capacity, each is engineered and
designed for a specific application, rather than the standardised treatment
plants that have NSF certification. As such these plants need to comply
with points 2 and 3 of the Authority's policy. will not engineer and
design the plants as that is done by will install and maintain the
plants.

been received. Members suggested that the matter should be raised to the Deputy Governor's Office.

j) Miscellaneous Updates.

- a) In-House Pipelaying Crews The Chairman reported that during the week of 12 May 2014, the in-house pipelaying crew completed the next section of the pipeline upgrade (from 6-inch to 12-inch) in South Sound. This pipeline section will be commissioned by the end of the week of 20 May 2014. There is now only one section remaining (approximately 1,500 feet between the San Sebastian development and the intersection with Walker's Road.
- b) Water Supply Division The Chairman reported that during the week of 12 May 2014 Operations completed the replacement of approximately 1,000 feet of 150 mm diameter pipe on Hirst Road between Candover Street and Sunrise Landing.
- c) Wastewater Division The Chairman reported that during the month of April 2014 the design hydraulic capacity of the plant (2.5 mgd) was exceeded for all 30 days. The average daily inflow for April 2014 was 2.91 mgd (or 116% of design capacity). This average daily inflow is nearly 30% higher than the average inflow during the same month a year earlier (2.25 mgd).
- d) Lower Valley Water Works Emergency Generator The Chairman reported that Corporate Electric Ltd has confirmed that the new 100 kW emergency generator will be shipped from the factory on 25 June 2014. This contract should therefore be completed by mid-July 2014.
- e) Land Management Audit Office of the Auditor General The Chairman advised that the OAG initiated a Land Management Audit in February 2014. The Authority has been asked to provide specific information on its regulatory role to manage and protect groundwater; areas covered in various requests from the OAG include excavations (quarries and canals), sanitation at informal housing, wastewater treatment and discharge and groundwater quality. The Water Resources and Quality Control Department takes the lead in providing the OAG with the information requested.
- f) Review and update of Planning Department Stormwater Management Guidelines The Chairman reported that the Director of Planning invited the Water Authority to participate in a cross-agency committee to review and update the 2006 Planning Department Stormwater Management Guidelines. Other agencies participating in this review are the Department of the Environment, Mosquito Research and Control Unit, National Roads Authority and Planning Department. Upon completion of the review the CPA has committed to incorporate the document in the Development and Planning Regulations.
- g) Cayman Turtle Farm Marine Discharge Permit (update) The Chairman reported that staff from the Water Resources and Quality Control

* Redacted under section 21 (1) (a) of The Freedom of Information Law, 2007 It is recommended that members consider accepting this proposal to allow to supply customised systems from under specific conditions, which are in accordance with points 2 and 3 of the policy. The recommended conditions are as follows:

- custom-designed package are only considered in cases where wastewater flows exceed the hydraulic or organic treatment capacity of readily available third-party certified package wastewater treatment plants.
- 2) All custom-designed plants must be designed by a professional engineer from
- 3) Unsolicited proposals will not be reviewed.
- 4) Proposals for custom systems, submitted on behalf of a developer, shall be prepared per the Water Authority's format.
- 5) Proposals shall be submitted at least 45 days prior to the date upon which action by the Authority is desired. Time frames are affected by type of proposal, size, application completeness, the quality of submitted documents and the need for site inspections.
- 6) Deviations and changes from the approved design and specifications must be approved by a professional engineer representing
- 7) Non-conformance with conditions 1 through 6 will void the Authority's approval for the proposal and installation of package wastewater systems from

Members considered the request from business partner. The Secretary undertook to seek more information. After further discussion, members agreed to allow to supply customised systems from under specific terms and conditions above as recommended by management.

- *i)* FOI updates The Chairman reported that one request had been received and processed as shown in the FOI Report dated 20 May 2014 and provided to members.
- j) Request for Indefinite Forgiveness of Bond Obligations -- Update - The Chairman reported that subsequent to the 16 April 2014 Board meeting, legal counsel was sought outlining the Board's decision was drafted. The and a letter to letter on behalf of the Board, dated 15 May 2014, was sent to via email on 15 May 2014 (last letter by registered mail returned). On the advice of legal counsel a letter was delivered by a process server to her financial surety, as well on 15 May 2014. letter included the letter to as well as correspondence relating to the scholarship bond obligation. The process server confirmed delivery of the letter to on 20 May 2014 with a signed Affidavit of Service. She relayed that refused to sign receipt of the documents but accepted delivery and stated that she knew what it was about as had sent her a copy of what she had received via email. has not yet acknowledged receipt of her letter sent 15 May 2014. She also did not reply to the

 * Redacted under section 23 of The Freedom of Information Law, 2007 Authority's email dated 01 May 2014 asking her for updated contact information.

Current Business

a) Management Accounts April 2014.

The Chairman reported that the Finance Department had prepared the 30 April 2014 management accounts for the Board review and feedback.

Based on estimates for the first ten months of the 2013/2014 financial period Operating Revenue stayed in line with prior year figures, however was below budget by 2.7%. Revenue is expected to continue the existing trajectory as the traditional dry season comes to an end. The Cayman Islands received an unusually heavy rainfall during this "dry season" and hence that would have affected the sales in the above noted period. The expectation is that sales will follow the same pattern as in prior years, dropping when strong and consistent rains come.

Throughout the fiscal period operating expenses were consistently been lower when compared to prior year and also to the 2013/2014 budgeted figures, showing a decrease of 2.6% over prior year and 6.6% under budget, this is reasonable as there was a delay in commencing work on the CCTV survey. The CCTV work has begun and the Authority expects to see an increase in future operating expenses over prior year, but still within budgeted figures. The Authority also expects to see an increase in road reinstatement under supplies as invoices for work completed are paid and completed upgrade and replacement projects are completed and transferred from Construction in Progress (CIP).

* Redacted under section 18 and 21 (1) (b) of The Freedom of Information Law, 2007 Administrative expenses continue to be higher than last year, showing an increase of 7.0%. The actual figure for the first ten months is still 10.4% lower than budgeted,

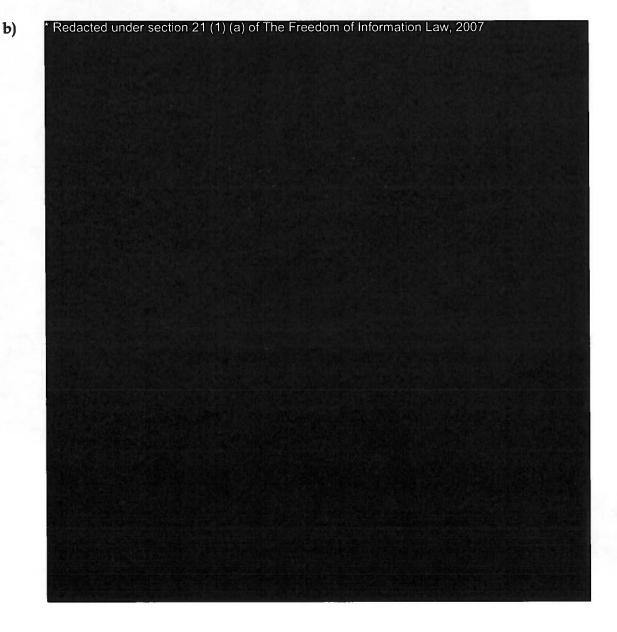
The Authority continues to be in a very strong financial position, with sufficient cash reserves to continue the CYB and WW CCTV projects and meet day-to-day operational and administrative expenses.

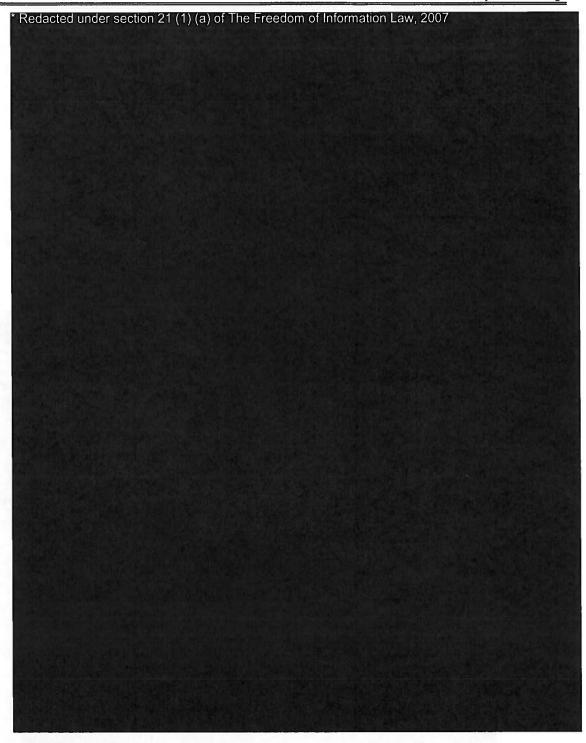
Error in processing Credit Cards

The Chairman reported that on 09 May 2014, during the course of processing the monthly standing orders for May 2014 an internal clerical error resulted in customers' credit and debit cards being charged for the wrong amount, affecting approximately 550 customers by charging their cards for a balance

that was different than the amount that they owed. The Authority reversed the original entry on 14 May 2014 after the error was discovered; however it may take up to 7 business days for the refund to be reflected in the customer's account. Most recent information also indicates that the refund may not always match the original transaction. The Authority is currently researching the reason for this, whether it is a result of fees from FAC or buy versus sell rates.

The Finance Department is working diligently to keep customers informed and to ensure that all customers are refunded the correct amount. Customers have been informed about the situation and are aware that their cards will be correctly charged at a later date but also that they will not incur late fees as a result of this inadvertent error. Internal procedures were reviewed and revised to mitigate against this error recurring.





c)

Request for Fee Reduction.

* Redacted under section 21 (1) (b) of The Freedom of Information Law, 2007 The Chairman reported that had submitted a request for consideration of quarry permit fees via a letter dated 12 May 2014.

To provide background and context on the permit fees, the Chairman reminded members that the quarry permit fee increased from \$0.02 to \$0.04 per square metre with the amendment of the Water Authority Regulations on

* Redacted under section 21 (1) (b) of The Freedom of Information Law, 2007 01 November 2012 (this equates to \$80.94 and \$161.88 per acre respectively). Regulation 14 (1) (b) prescribes that quarry permits are valid for 5 years. Regulation 14 (4) prescribes that the fee is to be paid with the application for a permit, or for the renewal of the permit and annually thereafter so long as the permit is valid for more than one year. In practice the Authority applies the quarry permit fee each 5 years on the balance of the area that has not been excavated and renews the permit for 5 years from the date of expiry, also if the fee is paid late.

The Chairman reported that 2013. They submitted an application for renewal and their request for consideration of quarry permit fees was discussed at the Board meeting held in June 2013. The Board agreed that the fee of \$30,174.44 applied to the balance of the quarry not excavated to 50ft depth. The Board's decision was communicated to but no payment has been received. The Authority reminded the developer that these fees are outstanding and that therefore the permit has not been renewed. The developer has submitted the request which has been circulated to the Board. The developer expects completion of the excavation by 2048. If the permit is renewed from the date of expiry (28 May 2013), it will expire in about 4 years. Members were respectfully requested to provide their guidance.

Members discussed the matter and agreed that the should be advised that they considered the request and decided, in view of the circumstances, that 65% of the outstanding fee is payable by 30 May 2014 (\$19,613.39), and that the balance (\$10,561.05) be paid by 31 May 2015.

d) Request for Fee Reduction.

* Redacted under section 21 (1) (b) of The Freedom of Information Law, 2007 The Chairman reported that also submitted a request for a reduction in fees via letter dated 21 May 2014. The same background information as explained in Agenda item (c) above also applies in this case.

The Chairman reported that the portion of the not yet excavated to its permitted 50 ft depth is 163.7 acres. The developer expects completion of the excavation by 2047. In considering the fee the Board may wish to consider 2 options:

Apply the fee for a 5 year period from the expiry of the previous permit; the
permit will be for the period June 2011 – June 2016. In that instance a fee of
\$0.02 per square metre may be considered as the renewal date precedes the
2012 amendment of the Water Authority Regulations. The related fee is
\$13,249.88.

* Redacted under section 21 (1) (b) of The Freedom of Information Law, 2007 Apply the fee for a 5 year period from the date of issue. In that instance a fee
of \$0.04 per square metre applies per 2012 amendment of the Water
Authority Regulations. The related fee is \$26,499.76.

The Chairman noted that the permit expired in June 2011; the permit renewal application was initially submitted in June 2011 and re-submitted in January 2013. Delay in the application was partially caused by the time it took the developer to obtain revised Planning permission for a larger footprint of the quarry. The permit fees remain outstanding and the permit has not been renewed. The Authority has reminded the developer that payment of outstanding fees is a matter of urgency and the developer has submitted the letter dated 21 May 2014 and provided to members to request consideration for the permit fees. Members were respectfully requested to provide their guidance.

Members discussed the matter and agreed that the customer should be advised that they considered the request and agreed for the Water Authority to apply the fee to the five year permit period starting from the expiry date of As that permit expired on 13 June 2011, a fee of \$0.02 per square metre applies because the expiry date preceded the 01 November 2012 amendment of the Water Authority Regulations, which changed the quarry permit fees from \$0.02 to \$0.04 per square metre. The Board further agreed that 65% of the outstanding fee is payable by 30 May 2014 (\$8,612.42), and that the balance be paid by 31 May 2015 (\$4,637.46).

Donation Requests

The Chairman advised that the original 2013/2014 budget showed an amount of \$40k, revised budget to \$45k. With the proposed increase and the commitment to the Pines Retirement Home there is \$5.4k that is available for disbursement during the current fiscal period.

- a) Cayman Aids Foundation Annual Tea Party.
 - Members agreed to sponsor two tables at the Cayman Aids Foundation Annual Tea Party in the amount of \$300 (total). The motion was moved by Mr O Watler, seconded by Ms A Owens and passed unanimously
- b) Lions Club of Grand Cayman Annual White Cane Week.

 Members agreed to sponsor the Lions Club of Grand Cayman Annual White Cane Week in the amount of \$500. The motion was moved by Mr M Jacques, seconded by Mr J Gill and passed unanimously
- c) Mustang Track Club 23rd Annual Baytaf Track and Field Championship in Tampa, USA.

Members decided not to support the request from the Mustang Track Club but wished them all the best with the upcoming event in Tampa, USA.

Any Other Business

None

There being no other business the Chairman thanked members and adjourned the meeting at 3.15pm.

This is a true and accurate account of the proceedings.

The Chairman

he Secretary