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Minutes of 280th Meeting held on 19th of April 2017

Members Present:

Chairman:

Mr J L Hurlston

Members:

Mr H B Ebanks

Mr J Gill

Mr A Wright

Secretary:

Dr G Frederick-van Genderen

Apologies:

Mr M Jacques Ms T Mortimer Ms A Owens Mr C Randall Ms R Sharma Mr O Watler

Call to Order

The Chairman welcomed members and then called the meeting to order at 1:52pm. He acknowledged apologies from Ms T Mortimer, Ms A Owens, Ms R Sharma, Mr C Randall, and Mr O Watler. The Chairman noted that the meeting did not have a quorum however members agreed to continue the meeting and seek to have any decisions ratified at the May 2017 meeting. The Chairman then offered a special prayer for guidance and well-being of members and subsequently the meeting was declared open.

Confirmation of Minutes of the 279th Meeting held on 15th March 2017

The Chairman noted that confirmation of the Minutes of the 279th Meeting held on 15th March 2017 would take place at the May 2017 meeting.

Declaration of Conflicts of Interest

Mr A Wright indicated that he has conflict with an item on the list requesting donations.

Matters Arising

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

The Chairman reported that during the month of March 2017 the LV RO Plant produced on average 1,137 cubic metres per day, which is nearly 40% of its design water production capacity. The RO plant has run uninterrupted since 04 February 2017, albeit on one RO train only.

Regarding the issues with the feed water abstraction wells, lab results on samples taken from the wells were received on 27 March 2017. However, these have provided limited insight in the reasons for biofouling at LVRO Plant as there are no significant differences between the feed wells at LV versus the other RO plants.

The Engineering Services Department (ESD) will proceed with setting up a pilot test to pre-treat the feed water in a sand filter before it goes to the pre-filters to control/limit biofouling of the pre-filters.

b) North Sound and Red Gate RO Plants - Update.

The Chairman reported that on 17 March 2017, via round robin, the Water Authority Board accepted the recommendation to accept OCL's proposal to extend the operating contract of both the North Sound Water Production Plant and the Red Gate RO Plant for an additional twelve months.

This acceptance was subject to approval by the Central Tenders Committee (CTC), as the Water Authority cannot enter into a new operating contract without this being publicly tendered, as per the requirements of the Financial Regulations (2013 Revision).

The Chairman reported that on 30 March 2017 the Authority wrote to the Central Tenders Committee requesting their approval to allow the Water Authority to accept OCL's proposal as a single source supplier. On 18 April 2017 the Authority received CTC's response, dated 11 April 2017, accepting the Authority's recommendation to extend the operating contracts of both the North Sound Water Production Plant and the Red Gate RO Plant for an additional twelve months.

The Chairman reported that the Authority will draft amendments to the relevant Contract Documents, detailing the modifications to the terms and conditions of the existing operating contracts, and will provide this to Board members for their review and approval via round robin.

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

The Chairman reported that since the Authority's pipelaying crew returned to Cayman Brac on 06 March 2017, they have tested and commissioned the pipeline section up to Heights Road, and have installed 11 outstanding water service connections (including 4 road crossings). The installation of the 200mm (8-inch) diameter main pipeline will resume beyond the current termination point at Sheldon Way (just west of Horizon Building Supply) during the week of 19 April 2017.

The start-up training for the new Vermeer T755 III Commander track trencher (to Water Authority's heavy equipment operator, superintendent and mechanics) took place on 11 April 2017.

Earlier this week a new Labourer joined the pipelaying crew. This job was advertised and interviews conducted on 16 March 2017. The crew now comprises three staff from Grand Cayman and three from Cayman Brac.

d) Water Distribution Pump Station Project 2016 - Red Gate Water Works - Update.

The Chairman reported that the commissioning of the pump station started on 15 March 2017, but could not be completed due to issues with the electromagnetic flow meter and pressure transmitters. These issues have now been resolved and it is anticipated that the commissioning of the pump station will be resumed towards the end of April 2017, subject to the availability of the pump control panel designer.

e) 30 June 2016 Audit of Consolidated and Divisional Statements - Update.

30 June 2016 Audit – Consolidated, Divisional and Island Financial Statements for Water, Wastewater and Statutory

30 June 2016 - Supplemental Financial Statements (Divisions and Islands)
The Chairman reported that KPMG provided the latest drafts, ready for sign off to the Authority on 13 April 2017. Copies were provided to members for their review, feedback and approval by the Board to have the Chairman, Director and Financial Controller sign on behalf of the Authority. Members formally acknowledged and approved that the Chairman, Director and Financial Controller sign the statements on behalf of the Authority pending ratification at the May 2017 Board meeting. Upon execution of these documents only the island statements will be outstanding on the 30 June 2016 audit.

Annual Report 2015/2016

The Chairman reported that the annual report was sent to both the OAG and the Ministry on 16 March 2017 and a follow-up email on 20 March 2017 to confirm whether the format was acceptable and also if additional copies were needed. In the past, with the old format the Authority was required to provide several original signed copies to the Ministry, however under the new format the Minister does not need to sign hence multiple copies may not be required. To date no feedback has been received.

31 December 2016 Audit – Consolidated, Divisional and Island Financial Statements for Water, Wastewater and Statutory

The Chairman reported that the Authority is waiting on the last MERCER report (Pension) and upon receipt will work with KPMG to finalise the report. It is the Authority's expectation that the audit work is primarily completed and that it is now a matter of finalising the MERCER reports, incorporating the information and updating the Financial Statements. The Financial Controller will continue to follow-up, with the expectation to provide statements for approval at the May 2017 meeting. As noted above and pending Board approval for the 30 June 2016 divisional statements the Authority will move forward with finalizing the island statements and preparing and presenting these 5 statements to KPMG for auditing/reviewing as at 31 December 2016.

Public Service Pension Board – Defined Benefits Pension Plan – 31 December 2016 The Chairman advised that this report was still outstanding from MERCER, the Financial Controller will continue to follow-up.

Public Service Pension Board – Defined Post-Retirement Healthcare – 31 December 2016 - - CINICO for Defined Benefits Pension Plan Employees

The Chairman advised that there was no change from what was reported at the March 2017 Board meeting, this report remains with KPMG for auditing.

Public Service Pension Board – Defined Post-Retirement Healthcare – 31 December 2016 - Generali

The Chairman advised that this report was received 22 March 2017 and was sent to KPMG for their review on 23 March 2017.

Voluntary Pension – Consideration for Reclassification

The National Pensions Law, before the most recent amendment effective in January 2017, mandated pension contributions on earnings up to \$60,000 per annum. The Water Authority's policy has been to pay pensions on the amount the employee is actually earning. In January 2017, this limit was raised to \$87,000 per annum. Inquiries have been made by some staff regarding whether the Water Authority would consider allowing reclassification of pensions paid above the mandatory amount required by law. The reason for this is that pensions above the mandatory earnings are allowed to be classified as voluntary and there is more flexibility with regards to access upon retirement.

The Chairman reported that in view of the above the Authority met with the Authority's account manager at BritCay to explore these options. The BritCay representative advised that contributions could be retroactively re-classified to accurately reflect the mandatory and voluntary portions, giving employees increased flexibility under the new law (The National Pensions (Amendment) Law, 2016) to access their pensions within the boundaries of the legislation. BritCay advised that it would be a policy decision by the Authority and confirmed that full employee participation with sign off would be required. He also confirmed that there would be no additional administrative fees associated with the reclassification.

The Chairman advised that the Secretary was respectfully seeking members' feedback on this initiative. Should the Board agree with this change in methodology then the Finance and HR departments would work together to educate and secure staff approval, quantify the internal retroactive changes, and rely on BritCay to internally transfer the market value of the contributions in excess of \$60,000 in all affected employees pension plans. The Authority would then proceed to apply this policy on a go-forward basis (amount increased to \$87,000 effective 01 January 2017).

Pending ratification at the May 2017 meeting, members had no objection to the Water Authority's management proceeding with reclassification of pensions paid above the mandatory amount required by law to voluntary provided that all affected employees agree.

f) The Utility Regulation and Competition Office Bill (URCO) - Update.

The Chairman reported that the Legislative Assembly, at its recent sitting, passed the relevant legislation to transfer the regulatory role for the water and wastewater sector from the Water Authority to the Office for Regulation and Competition (OfReg). Several existing laws were amended and a new Water Sector Regulation Bill was created to facilitate this transfer:

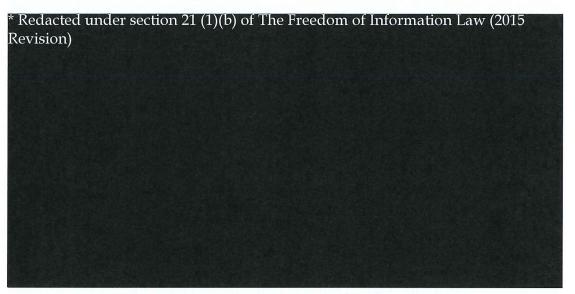
- The Water (Production and Supply) (Amendment) Bill, 2017
- The Wastewater Collection and Treatment (Amendment) Bill, 2017
- •The Water Authority (Amendment) Bill, 2017
- The Utility Regulation and Competition (Amendment) Bill, 2017
- The Water Sector Regulation Bill, 2017

Due to the timeline to publish the bills for the required 21-day public consultation period and the bills being provided at a late stage to the Authority for review, the Authority had to provide its feedback in the form of proposed amendments to be discussed at Committee stage. The Authority spent significant time and resources to provide its input for the Committee stage amendments. The Legislation has passed, but the Authority has yet to be provided with a complete set of amendments that were passed at Committee

stage, so the Authority has no final version of the legislation, be it that the bigger picture is clear.

The new legislation will come into effect per Order made in Cabinet. To the Authority's knowledge Cabinet has not issued this Order yet but it is expected to be done in the near future. In the meantime OfReg and the Authority have commenced communication and started exchanging information about the transfer of the Authority's regulatory role. A meeting between the Authority and OfReg is scheduled on 02 May 2017 to discuss this further. The Authority will meet with OfReg on 28 April 2017 to discuss regulatory fees.

Apart from reviewing the licensing of CWC with OfReg, the Authority will also update OfReg on the licensing of water plants for Dart. As Board members are aware the Authority is in ongoing discussion with the Dart Group about their water production for the Kimpton Seafire Resort, Dragon Bay and the West Bay Nursery.



g) Miscellaneous Updates.

- *a)* In-House Pipelaying Crews The Chairman reported that in-house pipelaying crew continued the relocation of the 300mm (12-inch) water main in Esterley Tibbetts Highway and subsequently moved to install pipes in Wylde Street, Belford Estates.
- b) Linford Pierson Highway Widening The Chairman reported that in anticipation of the diversion of traffic unto the recently completed section of Linford Pierson Highway, between Silver Oaks Roundabout and Halifax Road, on 09 April 2017 Operations-WS raised 4 valve box covers. These covers were covered over by the application of Hot Mix Asphalt by Island Paving the previous day.

After the Easter break the Authority's in-house pipelaying crew will install a 150mm (6-inch) pipeline from the partially completed new roundabout on Linford Pierson Highway (east of Halifax Road) and connect this new

- pipeline to the existing (100mm (4-inch) pipeline) in Alamo Drive. The crew will also continue the installation of a 100mm (4-inch) pipeline to the new apartment complex presently under construction just west of the Silver Oaks development (the first section was installed before the new road section was paved). This work must be done before NRA completes (paves) the remainder of the roundabout and before traffic is allowed on this part of the Linford Pierson Highway (i.e., the east bound lanes).
- c) Esterley Tibbetts Highway Widening The Chairman reported that the Authority's in-house pipelaying crew continues work on the relocation of the 300mm (12-inch) water main along the eastern side of the widened road corridor of the Esterley Tibbetts Highway, i.e., in the shoulder of the southbound carriageway, between the MRCU dyke road and the Butterfield Roundabout. To date approximately 900m (3,000 feet) has been installed, or approximately 65% of the total pipe length of approximately 1,400m (4,500 lin ft). Although it was anticipated that this work would be completed by the end of April 2017, the Authority's pipelaying crew had to abandon the site. The reason for not being able to proceed any further is because the NRA/DECCO have not completed the road construction works between the end of the installed pipe and the Butterfield Roundabout (e.g., relocation of CUC poles, fences, roughing-in of the road, installation of kerbs, etc).
 - In the meantime, the pipelaying crew started work in Wylde Street, Belford Estates, upon completion after the Easter break the crew will return to the Esterley Tibbetts Highway.
- d) Water Supply Division The Chairman reported that as reported previously the new 300mm (12-inch) water main along Bodden Town Road, between Gun Square Road and Manse Road was commissioned on 22 February 2017, and all customers have now been connected to this new pipeline. Island Paving has indicated that, due to other prior commitments and the Easter break, the final road reinstatement of the affected area will be carried out on 22 April 2017.
- e) Wastewater Division The Chairman reported that during the month of March 2017, the design hydraulic capacity of the plant (2.5 mgd) was not exceeded on any day. The average daily wastewater inflow from West Bay Road was 2.07 mgd (or approximately 83% of design capacity). This amount was nearly 8.7% less than the average influent measurement during the same period the previous year (2.27 mgd).
- f) West Bay Road New Force Main The Chairman noted that as previously reported, Decco continues the construction of the new, approximately 25 feet deep wastewater pump station along West Bay Road, just south of Burger King. Construction started on 03 February 2017, and the structure must still be lowered by another 3 feet. Progress continues to be very slow, particularly over the last two weeks, due to the conditions encountered (e.g., hardness of the material that has to be removed (by hand) and the large inflow of ground water).

- g) Public Authorities Bill The Chairman reported that the Public Authorities Bill was passed in the Legislative Assembly in March 2017. There were a few amendments however these will not be clear until the law is gazetted.
- h) FOI updates The Chairman reported that no new requests were received since the last Water Authority Board meeting.

Current Business

a) Management Accounts March 2017.

The Chairman reported that members were provided with the management accounts for the period ending 31 March 2017. As noted earlier, the finalisation of the 31 December 2016 financial statements is taking longer than expected and hence the Finance Department does not have official "opening numbers" as at 01 January 2017. Even though official opening numbers are not available the Finance Department prepared the statements using comparative numbers, whilst a manual exercise for this financial period, it is useful information to have comparatives for the same months as in the prior year.

The balance sheet reflected strong cash balances, ongoing debt reduction together with the recognition of Post-Retirement Health and the Defined Benefit Pension expense. Members were respectfully reminded that these numbers will change significantly once the Post-Retirement Health - Generali is booked for the period ending 31 December 2016 and will hence roll-forward into the current fiscal period.

As before there were no surprises in the statements, revenue continues to be

strong, up 9.2% from prior year with the associated operating expenses increasing by 1.4% most notably due to increased depreciation (North Sound Plant and Vehicles) and new employees. Loan interest continues to decrease, reflective of early debt settlement and no new borrowings, this trend will continue until the loan interest is nil.

Administrative expenses were consistent with the prior year, showing an immaterial decrease (0.4%). Slight variances in staff training and benefits are attributable to the introduction of the Water Authority's new scholarship student (Kristina Powell), increase in telephone and utilities to the timing of the payment for the Emergency Radio Service.

In summary, the Authority continues to generate revenue and is in a sound financial position after the first 3-months of the fiscal period, with sufficient cash flows to continue with the CYB extension project, the CYB Site development and daily operational and administrative costs.

Request for Bill Adjustment re Customer Account

Redacted under section 21 (1)(b) of The Freedom of Information Law (2015 Revision)

Redacted under section 23 of The Freedom of Information Law (2015 Revision)

b)

* Redacted under section 23 of The Freedom of Information Law (2015 Revision) The Chairman reported that on 13 April 2017 the Authority received a letter from requesting that consideration be given to reducing their water bill. A copy of the correspondence and the report from Customer Service was provided to members.

A review of the account was undertaken and the Authority's findings are that the customer's meter was read on 23 February 2017 showing usage of 41.9 cubic metres. The account was flagged in the Fail Audit process and the meter was rechecked on 28 February 2017. While carrying out the fail audit check, movement was identified on the meter. The Meter Reader's notes indicated that he knocked on the door, received no answer and left the appropriate door hanger on the front door. The Meter Reader requested a Customer Service Rep to contact the customer. The Customer service Rep noted that she contacted the customer on 28 February 2017 and informed him of a possible leak.

During the March 2017 meter reading process, the account showed usage of 55.90 cubic metres. The account was again flagged for the Fail Audit process and again when the meter was rechecked on 03 April 2017, movement on the meter was observed. The Meter Reader turned the valve off and asked the Customer Service Rep to inform the customer of the situation. This was done the same day.

The customer subsequently sought a meeting with the Customer Service Manager as he indicated that he was not going to pay the bills in question as he was not told how much the bill was in February when he was contacted the first time. The customer subsequently met with the Customer Service Manager on 05 April 2017. He acknowledged that he was aware of a small leak in the toilet when he moved into the apartment in January 2017. However, the customer says that when he received the call from Water Authority at the end of February, he was told that he could leave the leak until the next month to repair.

Customer was informed that it is not Authority's policy to discuss what action to take as it is left to the customer how they address a possible leak because all plumbing downstream of the meter is the customer's responsibility. Customers are informed that there is 'movement which is indicative of a possible leak' and the Authority's staff only suggests the customer should get a plumber to check matters out.

The customer requested a discount on both February and March bills and was advised to put his request in writing to the Board. A payment agreement for 6 months was offered and accepted.

The Authority's phone system did not record during the period on 21 February - 03 March 2017 therefore there was no recording to confirm the conversation with the Customer Service Rep.

In summary, the customer had a leak that he was aware of from the time he moved into the property. As per the Authority's Fail Audit Process, a courtesy call was made to the customer and a door hanger left on two separate occasions. As all plumbing downstream of the meter is the customer's responsibility, the bill is payable. The Secretary respectfully sought the Board's decision on the request from the customer.

Pending ratification at the next Water Authority meeting, members agreed that the customer should be advised that they reviewed the request and decided not to discount or waive the bill as the Authority's records show that the bill is valid and payable. The Authority brought the existence of a possible leak to the customer's attention as part of the Fail Audit inspection on two separate occasions and the customer acknowledged he was aware of a leak. All plumbing downstream of the meter is the customer's responsibility. Members agreed that the Special Payment Plan Agreement remain in place with the usual discounting of late fees (providing payments are made regularly according to the agreement).

c) Request for Bill Adjustment re Customer Account

* Redacted under section 23 of The Freedom of Information Law (2015 Revision) The Chairman reported that on 27 March 2017 the Authority received a letter from requesting that the Board reconsider the decision made on 22 February 2017 at the 278th Board Meeting not to discount his water bill. A copy of the correspondence and the report from Customer Service was been provided to members.

A review of the account was undertaken and the Authority's findings are that the customer was advised by way of letter dated 07 March 2017 and sent via email of the Board's made decision on the customer's request that was reviewed by the Board at the 278th Meeting. At this meeting, members decided not to discount or waive the bill as the Authority's records show that the bill is valid and payable. The Authority brought the existence of a possible leak to the customer's attention as part of the Fail Audit inspection. Also, an audit by the Authority's Utility Services Auditor identified two possible causes for water leakage to the customer. All plumbing downstream of the meter is the customer's responsibility. Members agreed that a Special Payment Plan Agreement be offered with the usual discounting of late fees (providing payments are made regularly according to the agreement).

The Collections Officer subsequently followed up with the customer regarding payment. The customer requested the account be kept on and he would pay the account in full when he got on island. This was done on 27 March 2017.

The customer acknowledged receipt of the letter regarding the Board's decision and submitted a new letter as he is not happy with the Board's decision. He would like the Board to reconsider the matter as he is now claiming that the

meter falsely recorded that he had used 144,000 gallons of water. The option for meter testing was not offered at the time as the audit indicated the possibility of leaks. The sole tool used by Water Authority to measure water consumption by a customer is the meter. As all plumbing downstream of the meter is the customer's responsibility, the bill is payable. The Secretary respectfully sought the Board's decision on the request from the customer.

Members agreed that the customer should be advised that they reconsidered the customer's request and decided that the previous Board decision stands as the Authority's records show that the bill is valid and payable. The Authority brought the existence of a possible leak to the customer's attention as part of the Fail Audit inspection. Also, an audit by the Authority's Utility Services Auditor identified two possible causes for water leakage to the customer. All plumbing downstream of the meter is the customer's responsibility.

d) Request for Bill Adjustment re Customer Account

* Redacted under section 23 of The Freedom of Information Law (2015 Revision) The Chairman reported that on 28 March 2017 the Authority received a letter from requesting that consideration be given to reversing penalties and reconnection charges. A copy of the correspondence and the report from Customer Service was provided to members.

A review of the account was undertaken and the Authority's findings are that on 01 November 2016 the customer established a standing order with Finance Department for payment of both and accounts. Payment for both these accounts were declined in January, February and March 2017, the customer was notified via email for all 3 months that the standing instructions were declined.

On 07 March 2017 the Collections Officer worked together with Finance and emailed the customer regarding the outstanding payment. The customer acknowledged via email that his credit card was taken by an international ATM, and requested that he be contacted for new card details. He was advised that the Authority does not take credit card information over the phone and was requested to pay via the Authority's website so that payment could be received the next day to avoid disconnection.

The customer made the payment via the website on Friday 10 March in the late afternoon and the payments were correctly applied to both accounts \$575.44 and \$322.69\$) on 13 March 2017 as the cutoff for processing on 10 March was missed.

The customer contacted the Authority to request account 73054 be reconnected as he had made payment via the website on 10 March 2017. Upon confirmation of receipt of funds, the Customer Service Representative issued the service

order to reconnect the account. The customer requested that the penalties and \$25.00 reconnection charges be reversed on the account. He was informed that he would need to write to the Board to make such a request as there was no error made in charging these fees to the account.

* Redacted under section 23 of The Freedom of Information Law

(2015 Revision)

The customer did not request that location be re-connected and that account was only reconnected after the Customer Service Manager reviewed the list of disconnected accounts and ascertained that it was indeed paid.

In summary, the customer had a standing order to make payments, however it was noted that the account was in arrears for 3 months and that all previous efforts by Finance to contact the customer were unsuccessful. A reply was only received on 07 March 2017 in response to the Collections email.

The customer notes that his card that was on the standing order was cancelled. Full payment was made on 10 March 2017 via the WAC website however it was after the daily cut-off threshold and hence only applied to the account on 13 March 2017.

Payment was applied as per policy to the account once received, however both accounts were disconnected prior to receipt of payment. The Secretary respectfully sought the Board's decision on the request from the customer. Members agreed that the customer should be advised that they reviewed the request and decided not to discount or waive the late penalties and reconnection charges as the Authority's records show that the bill is valid and payable. The Authority reached out to the customer for several months to advise that the method of payment was no longer valid. The customer did not respond until 3 months later. The accounts were disconnected as payment was received after the cut-off time on 10 March 2017.

Any Other Business

a) Crown Property - Rum Point.

The Chairman advised that the Ministry of Planning, Lands, Agriculture, Housing & Infrastructure (PLAHI) had advised that the Ministry would be willing to ensure there is proper access to the larger property, i.e. Block 40A Parcel 17 (2.0 acres), Registration Section Rum Point. The Authority's management reviewed this property and agrees that with proper access, the location is suitable.

Originally, the Ministry suggested that they would gazette a 30 ft right of way to the property directly from the main road over property owned by Dart. However on 13 April 2017, the Ministry requested the Authority to consider an alternative route over Otto's Avenue and gazetting the additional right if way

needed over another location on the Dart property. This proposal was reviewed and provided the following observations to the Ministry:

- The Water Authority would have no problem to access to Otto's Avenue, whether it is gazetted as a public road or not as under the WA Law the Authority can install (and already have) a pipeline in this road.
- •However, the Authority will have to upgrade the existing (150mm (6-inch)) pipeline in Otto's Avenue to a 300mm (12-inch) pipeline to ensure the transfer of sufficient water to the area west of Old Man Bay. Total estimated cost for this pipeline upgrade is in excess of CI\$100,000.

The Chairman reported that the Authority awaits feedback from the Ministry.

b) Global Water Summit.

The Secretary reported that she has been invited, as a member of the Global Water Leaders Group, to participate in the Global Water Summit to be held in Madrid, Spain in 23-26 April 2017. The Global Water Leaders Group will provide the sponsorship as previously to cover the airfare and all registration costs. With the Chairman's approval, the Secretary noted that she will attend the Summit and will leave on 20 April 2017.

Donation Requests

The Chairman advised that the Sponsorship Assessment Sub-committee would meet after the Board meeting to deal with the following requests for assistance:

- a) The Department of Children & Family Services CYB Child Month 2017.
- b) The Lions Club of Grand Cayman White Cane Week.
- c) The National Trust for the Cayman Islands 4th Annual Glow Run.
- d) Triple C School 'Team Destination Imagination' Global Finals Trip.
- e) Ms Alexx Bodden Global Young Leaders Conference 2017.
- f) Deputy Governor's 5k Challenge 2017.

There being no other business the Chairman thanked members and the meeting was adjourned at 2:45pm.

This is a true and accurate account of the proceedings.

The Chairman

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Minutes of 280th Water Authority Board Meeting

The Secretary