

Summer 2010 Newsletter Article "1 Cent Bad Tax Requested"
(continued)

Mullins said, "Assuming that accommodation revenues are maintained at current levels, about \$3-4 million will be collected from just one penny of Captiva-specific rental taxes over the typically eight year period between nourishments. Yet this amount more than doubles what Lee County contributed to Captiva's beaches in the last island-wide nourishment." The motion passed unanimously and authorized Chair Mullins to meet with the Lee County Board of Commissioners (BoCC) and bring back from that meeting the BoCC's decision for the CEPD Commissioners to act upon. The BoCC is required to pass an ordinance or authorize the referendum.

The Lee County Attorney's office has advised the BoCC that because Captiva is not "a significant contiguous portion of the county," the BoCC cannot consider this matter. CEPD believes that it quite obviously constitutes a significant contiguous portion of the County. Moreover, CEPD does not believe it is appropriate for the County Attorney's Office to make this decision. CEPD contends that there is plenty of factual information that will allow the BoCC to make this determination independent of the County Attorney's opinion.

In a meeting with County Commissioner Ray Judah, Mr. Mullins and Mr. Judah agreed to submit the issue to the Florida State Attorney General's office. On May 12, the CEPD Board of Commissioners passed a motion to have CEPD's attorney prepare a brief on the legality of the tax to be presented to the Florida Attorney General. CEPD's request for the attorney general's opinion was sent on June 1 along with an accompanying memo of law and a comments letter and memo from the Lee County Attorney's Office. To date, CEPD has not received a response.