

Minutes

**Regular Meeting of the
Captiva Erosion Prevention District**
"Tween Waters Inn, Ding Darling Room
15951 Captiva Drive, Captiva, Florida 33924
February 9, 2011 @ 2:00 P.M.

Commissioners Present: Mike Mullins (Chairman); Doris Holzheimer (Vice Chair); Dave Jensen (Treasurer).

Absent: Harry Kaiser, Rene Miville.

Consultants Present: Kathleen Rooker (CEPD Senior Administrative Consultant); John Bralove (CEPD Administrative Consultant).

I. Call to Order

The meeting was called to order by Commissioner Mullins at 2:11 p.m.

II. Roll Call

The roll was called and the results are outlined above.

III. Approval of November Minutes

Mr. Jensen moved and Ms. Holzheimer seconded a motion to dispense with the reading of the minutes from the January 12, 2011 meeting and approve them. The motion passed without dissent.

IV. Public to be Heard

None

V. Financial Report

Mr. Jensen reported on the progress of the audit: a draft of the MB&A has been discussed with Stroemer & Co. and will be ready for Board review shortly. Mr. Mullins reported that the Florida DEP has received all information from CEPD for their review but there still is no handle on what, if any, is owed to them. Ms. Rooker reported that the amount CEPD has set aside for this contingency is \$374,000.

Mr. Mullins also reported on Lee County suggesting various scenarios whereby CEPD might owe them as much as \$1 million. In a meeting with County officials,

Mr. Mullins reported that he told them their data was flawed. Ms. Rooker, CP&E engineer Steve Keehn, and Mr. Mullins are sorting out the data to determine what amount, if any, is actually owed before another meeting takes place.

Mr. Rooker reported on a Coastal Advisory Council meetings held 2 weeks ago Monday and the realization among members that there might not be enough money set aside for beach nourishment. She reported that at the February 22 CAC meeting, Mr. Mullins will be presenting a “white paper” to look at a cost/benefit analysis comparing the value of beaches versus the value of things like ball parks in order to show the BoCC that they need to look at beach nourishment more carefully.

Mr. Jensen reported on, and questions were asked about, Operating and Capital accounts and how they compared to the budget. Ms. Rooker and Mr. Mullins reported on progress on work with various banks to finance the next nourishment. Mr. Mullins remarked that he thought CEPD was smart to have moved the referendum up a year in light of the “new” banking and financial situation in the U.S.

VI. Report of the Senior Administrative Consultant

a) Invitation from BPA to attend Blind Pass presentation by Robert Neal.

Ms. Rooker reminded those in attendance about the meeting this evening at the Sanctuary

b) Strategic Planning Workshop on February 22 at noon.

Ms. Rooker reminded the Commissioners of this meeting that will include Robert Gray.

c) March 9, 2011 Regular Board Meeting to include Lee County officials.

This meeting may have to be rescheduled but Ms. Rooker will check to confirm given Ms. Holzheimer unavailability in April.

d) DEP and FEMA reconciliation update.

Ms. Rooker reported that the oil spill situation delayed the DEP reconciliation until December 2010 but that are now working on it. Regarding the FEMA reconciliation, she reported that a 3rd FEMA representative has been assigned to the case, and that she is coming down to meet with Ms. Rooker and Ms. Paul on February 17.

VII. Old Business

a) Authorization to pay Invoice #1651, Lee County Department of Natural Resources in the amount of \$138,201.80.

Ms. Rooker reported that she had just received another bill for \$22,000 that is not included in the \$138,201.80 for which Lee County has billed CEPD. She estimates that CEPD will be billed for another approximately \$147,000, bringing CEPD's share up to \$1,097,331 of the total project to date cost of \$3,108,768. Ms. Rooker stated that this amount was within the agreement. Mr. Mullins concurred, although there are more charges coming. Ms. Holzheimer moved and Mr. Jensen seconded a motion to pay the 2 outstanding invoices – invoice #1651 and #1668. The motion passed without dissent.

b) Field Trip: Boyle Property and Newton Property on Feb. 10.

Ms. Rooker reported that there is a field trip scheduled for February 10 to visit the Newton Property on Ft. Myers Beach with county planners. She also reported that the same group will also visit the Boyle Property on March 7. The reason for these trips is that the circumstances and conditions of the acquisition of the Newton Property are similar to the possible acquisition of the Boyle Property.

VIII. New Business

a) CEPD and Lee County Agreement concerning Blind Pass.

Ms. Rooker called the Commissioners' attention to the agenda materials, including the monthly status report. She stated that now there will be weekly reports on Lee County's web site.

Mr. Mullins said that he explained to Lee County Commissioner Manning, Karen Hawes, and other county staff at their January 27 meeting that he was not authorized to make decisions for CEPD but must bring them back to the Board for approval. He also reported that at that same meeting, he told county staff that he would recommend that Kathy Rooker be the liaison between Lee County staff and CEPD, and he would be the liaison between the BoCC and CEPD.

Both Ms. Rooker and Mr. Mullins reported on the resolution of communication issues that was reached between Lee County and CEPD at the January 27 meeting, namely:

- Lee County will post weekly updates on the project webpage;
- CEPD will be the conduit/point of contact for all project updates, questions, etc. related to Blind Pass and will notify citizens and stakeholders.
- Lee County will not attend citizen group meetings relative to Blind Pass unless requested by CEPD.
- Commissioner Manning will be the BoCC liaison to CEPD
- Commissioner Mullins will be the CEPD liaison to the BoCC.
- Lee County will attend CEPD meetings when requested and as their schedule allows.

- Lee County and CEPD will meet to discuss outstanding invoices and cost share formulas for the Blind Pass Project.

Commissioners reinforced the idea that CEPD should send out letters to each organization regarding its liaison role with respect to the Blind Pass Project. Other comments included that the County needs to be careful about issuing mixed or wrong messages; that because CEPD is the only partner aside from the state that works on the project, the County should be willing to exercise more care about their messages; that CEPD should be proactive in communications about the project; and that those responsible for the project should be held accountable.

Ms. Holzheimer moved and Mr. Jensen seconded a motion to authorize Ms. Rooker to be the communication conduit with Lee County staff and to invite the County to set up regular Blind Pass briefings. The motion passed without dissent.

Ms. Rooker reported that CP&E took some soundings last week at Blind Pass as part of their five-year monitoring. She called Commissioners' attention to the agenda materials where cross sections showed shallow areas. Steve Keehn hypothesizes that sand has been pushed off some of the little islands offshore. He also thinks there are problem on both sides of the pass. Robert Neal seems to be concentrating on just one side. Mr. Keehn thinks that part of the solution may be to look at the channels inside of the pass as well.

Ms. Rooker was then asked about the cost of monitoring work that CP&E had been asked to bid on. She said she negotiated the cost to \$69,000 from over \$90,000. The question arose about what is next for Steve Keehn. Ms. Rooker said that last month the Board approved up to \$35,000 and what he will do is in the proposal presented in the agenda materials last month.

Mr. Mullins raised the issue about stories getting out that re-dredging Blind Pass might cost up to \$3 and won't last 5 years. He worried that CEPD does not have unlimited funds. Ms Rooker read from emails sent to Robert Neal regarding what CEPD had agreed to and not agreed and cited items 4-8 that were approved from information that Mr. Neal had presented and CEPD has agreed to from the June 9, 2010 Board Meeting. In general, CEPD had agreed to carve out a critical path in order to get things started and that there needed to be some agreement from Sanibel to absorb some of the costs. Mr. Neal responded in one of the email exchanges asking who should take the lead on this and Ms. Rooker replied that it should be Mr. Neal since Sanibel would be more receptive to him. Ms. Rooker said she never heard back from Mr. Neal.

Mr. Mullins remarked that there has been no action at the County level. The issues have never appeared on the BoCC agenda. Mr. Mullins stated the Bayous Preservation Association and others on Sanibel who are concerned have got to get their government to respond. If Captiva has to pay, he wonders where the money is

going to come from. He is not aware of any money left over in reserve as some have reported.

Mr. Jensen asked whether Steve Keehn will communicate directly with the county or is advisory to CEPD. Mr. Mullins replied that Mr. Keehn will take directions from CEPD and communicate with the county when necessary through Ms. Rooker.

Mr. Mullins reminded Commissioners that CEPD's primary mission is the beach. If CEPD is going to do further work on Blind Pass, the District will need to get funding partners who will pay their fair share. He said that CEPD may need to go to the public to ask them whether further Blind Pass work is paid for from taxes, assessment, or a combination of things. He reminded Commissioners that CEPD has a fiduciary responsibility to see that the District is not signing a blank check.

b) Proposals for video conferencing equipment and installation.

Mr. Rooker presented data on video conferencing equipment. She explained that of 3 vendors who were contacted, 1 provided information and a quote. It was in excess of \$36,000, which she thought could be cut in half since they had bid too many sites. Mr. Mullins said this item should be postponed since more information is needed.

Ms. Holzheimer asked what the purpose of such equipment was and where savings would be realized. Mr. Mullins replied that it would not be used to hold meetings because of the Sunshine Law. He mentioned that it would allow CEPD to receive more time from Robert Gray without having to fly him in. The same use applies to participation by Debbie Flack, CP&E staff, DEP staff, and CEPD's attorneys. Mr. Mullins said that staff will do a cost/benefit analysis.

c) Resolution 2011-1 Approving Budget Amendment for additional cost of video conferencing equipment.

This agenda item was deferred (see VIII. (b) above).

d) Draft copy of Winter Newsletter.

Commissioners were asked to review the draft of the Winter Newsletter. The schedule calls for the final copy to go to the printer on February 24 and the newsletter mailed on March 1.

IX. Commissioner Comments

X. Adjourn

The meeting adjourned at 4:33 pm.