

## Minutes

### Regular Meeting of the Captiva Erosion Prevention District

'Tween Waters, 15951 Captiva Drive, Captiva, Florida 33924  
December 14, 2011 @ Noon

Commissioners Present: Mike Mullins (Chair); Doris Holzheimer (Vice Chair); Dave Jensen (Treasurer); Harry Kaiser (Secretary); Jim Boyle (Commissioner).

Staff Present: Kathleen Rooker, CEPD Administrator; JoAnn Paul-Young, CEPD Accountant; John Bralove, CEPD Assistant to the Administrator.

#### 1. Call to Order

The meeting was called to order by Chairman Mullins at 12:01 p.m.

#### 2. Roll Call

The roll was called and the results are outlined above

#### 3. Approval of November Meeting Minutes

Commissioner Kaiser moved and Commissioner Holzheimer seconded a motion to dispense with the reading of the minutes from the November 7, 2011 Special Meeting and the November 9, 2011 Regular Board Meeting and approve them. The motion passed without dissent.

#### 4. Public to be Heard

Reporter Shannen Hayes was asked if she had anything to say and she mentioned the changes that had taken place at The Islander Newspaper and The Island Sun Newspaper. There is no longer a paper that can be considered a paper of record for either Sanibel or Captiva. Official notices and announcements must now be placed in the News-Press to qualify.

#### 5. Financial Report

Treasurer Jensen reported that parking lot expenses for the first 2 months of the fiscal year compared to the budget look high due to the purchase of the portable mats for the Hagerup Beach, which will be reimbursed through a TDC grant. Revenues from the lot for the same period of time are above budget. Ms. Rooker said that the parking lot surface needs to be re-scraped, and re-scraping and resurfacing is anticipated to be necessary as much as 4 times per year depending on the weather. It has been budgeted for. Treasurer Jensen reported that the CD with Sanibel Captiva Community Bank has been rolled over for another year at 1.1%.

#### 6. Old Business

##### a) Request for Qualifications (RFQ) for Continuing Professional Services Packet

Ms. Rooker reported that the materials contained in the Agenda regarding the RFQ had been sent out to Commissioners two weeks ago. She outlined a timeline for the next steps: the Request for Qualifications (RFQ) is scheduled to be sent out by the end of December 2011, responses are expected to be in by mid-February 2012, and consideration by the

Professional Services Selection Committee will begin at the end of February 2012. The deadline is to have a group of qualified consultants selected by May 1, 2012.

Ms. Rooker asked Commissioners if they wanted to serve on the Selection Committee. Chairman Mullins asked that Commissioners be given a chance to review the documents in the Agenda Materials and then get back in touch with Ms. Rooker if they would like to serve on the Selection Committee. Commissioners Holzheimer and Jensen expressed interest in serving on the Committee.

**b) Selection Committee**

This item was discussed as part of 6.a.

**c) Update on Proposed additional consultant**

Ms. Rooker reported on the progress of hiring an additional consultant to CEPD. She said that she and Bob Gray of Partners in Progress had separately reviewed approximately 50 resumes and narrowed the number down to 6. Of those, 1 was in Colorado and was not selected to be interviewed because of the distance and cost. 5 were contacted and interviews with Ms. Rooker were scheduled. One of Ms. Rooker's interviewees failed to appear and she interviewed face-to-face the other 4. Mr. Gray interviewed 5 prospects by telephone, including the one from Colorado.

Ms. Rooker said that Mr. Gray asked her to determine whether any of the Commissioners wanted to join him in personal interviews, which he was planning on conducting at the end of this week, or whether they wanted him to decide. She also said that the addition to the Partners in Progress contract for the new position, the loaded rate, ranges from \$82,400 to \$115,000 depending on who is hired. The Commissioners decided that they want to interview candidates after Mr. Gray narrows the field from his face-to-face interviews.

Chairman Mullins asked when the position was scheduled to start. Ms. Rooker said the target is January 2012. Commissioner Jensen asked from what line item the cost of this position comes. Commissioner Mullins responded that it was under the broad subject of consulting and professional fees in the General Fund and Ms. Holzheimer read off the amount in that budget. Ms. Paul-Young corrected the Commissioners and said that it is budgeted in the Capital Projects Budget but not specifically broken out. Chairman Mullins asked that CEPD make sure it is in the budget and to eliminate any of the candidates whose salary requirements are more than what was budgeted. Otherwise Commissioners will have to come back with a budget amendment.

**d) Captiva Holiday Village**

Commissioner Holzheimer asked whether business was picking up on Captiva and whether this year is better than last year. Chairman Mullins replied that no one knows yet.

**7. New Business**

**a) Annual Board Reorganization**

Chairman Mullins announced that he wanted to assume a different responsibility at CEPD. He asked if there were anyone who would like to be the Chairman and called for nominations.

Commissioner Jensen moved and Commissioner Kaiser seconded a motion to name Commissioner Jim Boyle as the new Chairman of the CEPD Board of Commissioners. The motion passed unanimously.

Commissioner Boyle moved and Commissioner Kaiser seconded a motion to continue Commissioner Doris Holzheimer as Vice Chairman of the CEPD Board of Commissioners. The motion passed unanimously.

Commissioner Holzheimer moved and Commissioner Boyle seconded a motion to continue Commissioner Dave Jensen as Treasurer of the CEPD Board of Commissioners. The motion passed unanimously.

Commissioner Boyle moved and Commissioner Jensen seconded a motion to continue Commissioner Harry Kaiser as the Secretary of the CEPD Board of Commissioners. The motion passed unanimously.

At this point in the proceedings, Commissioner Boyle took over as Chairman.

**b) Cash Management Report – JoAnn Paul-Young**

Ms. Rooker referred the Commissioners to Page 19 of the Agenda Materials containing a summary of the recommendations that Ms. Paul-Young has made. Ms. Paul-Young provided some background on how banking and financial circumstances had changed, reported that CD rates were currently better than Treasury Bills, and explained her recommendation about laddering the maturity dates of investments so that approximately every 3 months about \$250,000 would become available if it were needed. The \$250,000 amount ensures that the money invested with each financial institution does not exceed the amount that the FDIC or State of Florida insures.

Ms. Paul-Young also recommended that CEPD continue to maintain an account at Wells Fargo but at a reduced level to avoid FDIC fees that are currently being assessed against the account. She recommended that an account be opened at Bank of the Islands to house the money transferred from Wells Fargo, to accept general and parking lot deposits since Bank of the Islands is opening an office on Captiva, and because the bank is waiving the FDIC fees. She explained that keeping the account open with Wells Fargo allows CEPD to make large deposits there in excess of \$3 million, which may be necessary since the Bank of the Islands does not want to have more than \$3 million invested from CEPD. Commissioner Mullins suggested that SBA be considered as an investment source and that CEPD split its investments between Bank of the Islands and SBA.

Commissioner Mullins moved and Commissioner Holzheimer seconded a motion to authorize Treasurer Jensen and Ms. Paul-Young to execute the recommendations and open such accounts as are necessary. The motion passed without dissent. Treasurer Jensen said he would report back at the next meeting about to the actions taken.

**c) ILA Update**

Ms. Rooker discussed what had transpired through the Board Briefing Meeting last Thursday. It was decided at that meeting to draft two (2) Interlocal Agreements, one covering any renourishment on Northern Sanibel Island, and one to include renourishment

on Captiva Island. It was also decided at that meeting to forward those drafts to CEPD's attorney, Nancy Stroud, for her review and comment. This was done. Ms. Rooker said that what is contained in the Agenda Materials includes the comments that Ms. Stroud made. Ms. Rooker said that she met with Commissioner Boyle yesterday to go over those comments and ask questions of Ms. Stroud. Consequently, Ms. Stroud has refined her comments, which Ms. Rooker has now. Commissioner Mullins commented that he too had sent in some comments, which Ms. Rooker acknowledged receiving. Ms. Rooker and Chairman Boyle will have another meeting Friday morning, December 16, for another review.

Discussion turned to how important it was that everything go through Ms. Stroud. Chairman Boyle said that Ms. Stroud would do another review after the December 15 meeting. Then the drafts will be sent to Lee County for their comments. Commissioner Mullins then asked Steve Boutelle, with the Lee County Division of Natural Resources, who was in the audience, how long it would take for Lee County to review the drafts. Mr. Boutelle responded that this review would be done at the staff level at this point so that he thought it would be about 10 days. However, it depended on how quickly CEPD could get the drafts to the County. Chairman Boyle said the County would receive them by this Friday or next Monday. Chairman Boyle asked Mr. Boutelle to whom the Sanibel ILA should be sent? Mr. Boutelle said that it should go directly to the Sanibel City Manager with an explanation of why a separate ILA is being proposed. A copy should be sent to the County.

**d) Commissioner Talking Points**

Ms. Rooker reviewed the purpose to the Talking Points and there was discussion of some of the points.

**e) March Regular Board Meeting Date**

Chairman Boyle requested that the March Regular Board Meeting be changed to March 7, 2012 from March 14. Commissioner Kaiser moved and Commissioner Jensen seconded a motion to move the March meeting date to March 7. The motion passed without dissent.

**f) December 2 Brief BeachWatch Update**

Ms. Rooker reported on the update provided in the Agenda Materials on Page 29. Commissioner Mullins commented that getting money from the state is going to be a lot more difficult than in past years. CEPD is still on DEP's top 10 list, but that there is a great need to lobby the legislature and it is still important to get federal funding. CEPD is "shovel ready" if the Army Corps of Engineers gets its funding.

**8. Report of the Senior Administrative Consultant**

**a) Letter to Governor Scott**

Ms. Rooker discussed a proposed letter to Governor Scott supporting the preservation of Florida's natural resources and its importance to the Florida economy. She called the Commissioners' attention to a copy of the letter on Page 56 of the Agenda Materials and asked that each Commissioner sign the original before they leave. Commissioner Jensen said that he receives communications that he finds useful from the Governor through a website and he would forward the address of that website to the Commissioners.

**b) Report of Meeting with B. Manzo**

Ms. Rooker reported on the meeting she and Commissioner Jensen had with Barbara Manzo of the Lee County Parks and Recreation Department. Ms. Manzo said that Lee County must be observant to ensure that others do not try to encroach on Lee County-owned property, especially those leading to water access. This is a continuing problem for the County. Ms. Rooker reported that Ms. Manzo said it was important that CEPD be the Department's eyes and ears and Commissioners and citizens observe and report things that happen to the public accesses. Commissioner Mullins said that it is important for CEPD to do this because CEPD is responsible for beach and shoreline erosion, whether it is on the Gulf or on the Bay, and because parking that can be added near public accesses translates into \$28,000 per additional space in possible matching funds.

Commissioner Holzheimer commented that CEPD could use a realtor's perspective. There was agreement that surveys might be needed to see where these accesses and locations are and where possible additional parking could be found. Commissioner Jensen commented that he would like to see the existing surveys first. Ms. Rooker said that Parks and Recreation said they would go to the DOT to get maps of the street right-of-ways and forward them to the CEPD. Then it can be determined whether new surveys would be a good idea. Commissioner Mullins said that CEPD needed a separate meeting on this.

**c) Project Timeline**

Ms. Rooker presented two different displays, one provided by Steve Keehn, which is technical and construction-oriented, and the other done by Ms. Rooker, which outlines administrative tasks. Commissioner Holzheimer asked when the decision will need to be made designating the Army Corps of Engineers as the project manager. Ms. Rooker said that it is February 2012. The Corps will let CEPD know if it receives its funding. Whether and when it gets funding will determine if CEPD's project gets moved up.

Commissioners Mullins commented on the timeline, saying that it needs more detail, needs to show the interdependency, and needs drill downs. He also said that it needs a legend box at the bottom and that the abbreviation for the Army Corps of Engineers that was in the timelines, which needed to be in the legend box, was not the one he was use to seeing. It was agreed that the abbreviation would be "COE." Chairman Boyle commented that the timeline is not a static document - that it is never finished and ever changing.

**9. Commissioner Comments**

Audience member Jack Cunningham asked if this were the time he could speak and Chairman Boyle said it was. Mr. Cunningham said he was enthusiastic about a letter campaign that was mentioned at the Captiva Community Panel meeting by Ms. Rooker and later in the meeting by Commissioner Mullins. He was looking into the role the Captiva Community Association (CCA) could play and said that for the CCA to be effective in the campaign, he needed to know what the time frame was and that the data CEPD was citing was accurate. An exchange of comments and questions transpired between Mr. Cunningham, Commissioner Mullins, and Chairman Boyle. Mr. Cunningham left the meeting without any of his comments or questions resolved and there was no further discussion of this matter.

Commissioner Holzheimer said she attended a meeting at SCCF where the role of that organization in the Red Tide problem was discussed. She suggested that CEPD should have the

same discussion and asked what were CEPD policies and procedures. There was some discussion about the confusion between Red Tide and Red Algae Drift. Commissioner Mullins outlined what the policies and procedures were, and Commissioner Holzheimer asked if CEPD were okay with what we have and comfortable with our ways of responding? Ms. Rooker mentioned that CEPD has Red Tide brochures and CEPD reports problems such as Red Tide to Parks and Recreation. They are mobilized for a response and have a budget.

Commissioner Jensen asked that the Commissioners be informed as to when Mr. Gray conducts his interviews and if Commissioners want to join, they can let Kathy know.

Commissioner Kaiser said that he was gratified that CCA was willing to assist CEPD and CEPD should work with them. He also mentioned the rusting newspaper boxes that are such an eyesore and suggested they be put out of sight. He also asked what had happened to the "Welcome to Captiva" sign. Commissioner Mullins said that money had been allocated in this year's budget for the sign. He also said that a volunteer group had been working on the design task but he did not know whether they had produced anything.

Commissioner Mullins provided an update on the Panel Meeting that occurred yesterday, that Captivans need to accept more responsibility and be more proactive in addressing issues that impact them, and that all constituents need to "get on the same side of the rope and pull."

Chairman Boyle asked Commissioner Kaiser if he would assist Ms. Rooker in designing a "Welcome to Captiva" sign and bring back something for the Board to see. Commissioner Kaiser agreed and said he would start on it in January. Chairman Boyle thanked Commissioner Mullins for his work as Chair and especially for pushing for getting the referendum done early and putting CEPD in a position to be "shovel-ready."

#### **10. Adjourn**

Chairman Boyle adjourned the meeting at 2:19 pm.