

Minutes

Regular Meeting of the Captiva Erosion Prevention District

Tween Waters Inn, 15951 Captiva Drive, Captiva, Florida 33924

May 9, 2012 @ Noon

Commissioners Present: Jim Boyle (Chair); Doris Holzheimer (Vice Chair); Harry Kaiser (Secretary); Dave Jensen (Treasurer); Mike Mullins (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 Boyle at 12:00 noon.

2. Roll Call

The roll was called and the results are outlined above.

3. Approval of April Meeting Minutes

Mr. Kaiser moved and Ms. Holzheimer seconded a motion to dispense with the reading and approve the minutes as presented from the April 11, 2012 Regular Board Meeting. The motion passed without dissent.

4. Public to be Heard

Chairman Boyle called for comments and remarks from the public. Jack Cunningham congratulated the Board and all others who assisted in getting beach nourishment funding from the state, receiving approval by the Lee County Board of County Commissioners on the dredging of Blind Pass, and winning the ASBPA award. The Commissioners thanked Mr. Cunningham and also thanked all those who played a key role.

5. Financial Report

Mr. Jensen called the Board's attention to the corrected figures in the budget of \$45,523 under Blind Pass Project on pages 12 and 13 of the Agenda Materials. These pages supersede the electronic version that Board members had received previously. He said that reserves are up from \$382,000 at the beginning of the year to over \$440,000 currently. He also asked Ms. Paul-Young for clarification of some parking lot expenses, which she provided.

6. Old Business

a) Legislative and Funding Update

Chairman Boyle updated the Commissioners on funding. He reported that state funding had been approved but there was no word from the Army Corps of Engineers regarding federal funding. He said that Steve Keehn was contacted by the Jacksonville Office about two weeks ago with questions they had but there is no indication whether funding will come through.

Regarding the continuing negotiation with Lee County on the new Interlocal Agreement, Chairman Boyle said that CEPD has added two points for the County's consideration:

1. CEPD has proposed an assessment of the County of \$1 million+ in addition to the formula amount. Chairman Boyle stated that CEPD's enabling legislation allows it

to assess the County but there is reluctance on the part of the County to change the formula just for CEPD. The County has asked for economic/apportionment information, which Steve Keehn and Dr. Stronge will provide. Nancy Stroud, Board attorney, will look at the information to ensure it is compatible with CEPD's enabling legislation.

Mr. Mullins asked what the target date was to complete the ILA. Chairman Boyle responded he would like to have a vote on the ILA at CEPD's regular June Board meeting. Mr. Mullins asked when it has to be done, and Chairman Boyle said that it needs to be done by the time the Army Corps is on board. If CEPD does not hear from the COE by June, there is not the urgency to approve the ILA by June's meeting. If CEPD does not hear by the June meeting, he is not sure CEPD will be able to do anything this year and would seek federal funding next year.

2. The County would negotiate with Sanibel to turn over the Turner Beach parking lot on Captiva to CEPD to operate in the same manner as the Hagerup Beach parking lot. Chairman Boyle said County Commissioner Manning, with whom he has been meeting regarding the ILA, has turned this point over to the Division of Parks and Recreation. If this were to happen, based on 25 parking spaces, he estimates it would generate \$100,000 per year in gross revenue with expenses around \$20,000 per year, for a net of \$80,000 per year. Over an 8-year renourishment cycle, it is worth about \$640,000 to the District.

Mr. Mullins again expressed his concern that the June deadline is too soon and CEPD is putting itself in a box before an arrangement can be found that is acceptable to him. He would not like to see the deadline any earlier than is absolutely necessary.

Chairman Boyle returned the discussion back to a June vote on the ILA. He said this assumes that CEPD receives the federal funding and the COE says the project must start by October 2012. Another reason for a June vote is that the Lee County Commissioners (BoCC) is taking off the last week of June and the first three weeks in July. He explained he would like to have the CEPD Commissioners approve the ILA in June so that the BoCC can consider it before they take their vacation break. Otherwise, the earliest CEPD could get a BoCC vote is July 31, and this delay might cause CEPD to be too late to do anything with the COE this year if the CEPD project is reinstated.

Mr. Mullins repeated he thought CEPD was rushing itself to try to do it by June from the terms that he has seen to this point. He said that the only real number CEPD can depend on is the state and federal funding, if CEPD gets federal funding. He said the County formula is an iffy number and the County assessment at \$1 million is more than iffy. He added that although CEPD has the right to assess the County, it may have to go to court to get it. Chairman Boyle explained going to court would not be necessary if the BoCC will sign an interlocal agreement. That is why he is putting into the ILA language that the County acknowledges CEPD has this right to assess the County. He further explained that he sent a draft to Nancy Stroud to make sure that CEPD was covered in this regard. He said that things change and he wants to make sure 3 years from now there is not a problem. Mr. Mullins then asked that if the County were not willing to agree to the assessment clause and put a firm number on their formula, is Mr. Boyle saying he would not recommend CEPD sign the ILA? Chairman Boyle replied that he would indeed not recommend the ILA. He said that his objective remains to get a 50/50 share with the County. He explained that the County's position is that there is a formula they use county-wide for all the beaches and they are not

going to change it just for CEPD. Chairman Boyle further explained that his effort has been to find some way to justify with the County getting more funding for Captiva than the formula provides.

Mr. Mullins said he did not agree with Mr. Boyle's statement that the County will not change because anything can be changed. Mr. Mullins said he had set a "bunch of terms" that the Board had looked at and that Mr. Boyle was going forward with, but now the amount CEPD is seeking from the County is down from \$8 million to slightly over \$4 million. Mr. Mullins asked whether the amount coming from the County included the Sanibel side and was told that the current draft ILA included everything. Mr. Mullins said this is also of serious concern to him because originally his goal was separate funding for Sanibel. He asked whether the original two ILA's had been lumped into one, and was told that they had. Mr. Mullins said to Mr. Boyle "I think you have given away the candy store then." He asked why was there backtracking on going with two ILA's. With two ILA's combined into one, he said "million or a million and a half of that money is going to wind up on Sanibel" as part of Lee County's obligation to Sanibel "so now we are not 50/50 on Captiva either." Mr. Mullins again urged this ILA not be approved in June but in September. He also suggested CEPD rethink its negotiation approach and get the people of Captiva or businesses involved because Mr. Boyle, he said, is doing this alone, he is not getting support from the community, "and so the County is basically blowing smoke up your (Mr. Boyle's) nose."

Mr. Jensen asked what the effect is, as CEPD waits for the next 2-3 weeks on the Fed for their decision, if the money comes through and CEPD has to make a decision right away. Mr. Mullins replied that CEPD can meet whatever requirements the Fed has, CEPD has the money, and it can look at that when the Fed money comes in. Mr. Mullins added that CEPD can have an emergency meeting if needed to deal with that at the time. He continued that CEPD is putting itself in a corner trying to get this negotiation done based on possible Fed money that it does not have and does not know if it is going to get, and "along the way we've just folded everything together into the neatest, simplest little package which obscures how much money we are really getting for Captiva from the County." He repeated his view that CEPD is getting pushed into a corner and "just compromised every major principal that we have talked about on this thing so far." Chairman Boyle disputed this assertion. When Mr. Mullins raised the issue of whether CEPD would be able to get \$1 million for assessing Lee County, Chairman Boyle stated that if CEPD were unable to get the assessment number, he would not recommend approval of the ILA. When questioned by Mr. Mullins, Chairman Boyle also said that if the County contribution goes down, the assessment would need to increase.

Mr. Mullins then turned the discussion to the \$1.5 million he thinks will go on Sanibel that is now bundled into the \$4.5 million single ILA. Chairman Boyle pointed out that the Sanibel piece is a 50/50 split and is the same as is required in the 2001 agreement. Mr. Mullins disputed this. Mr. Jensen asked whether the 75,000 cubic yards for Sanibel is part of the old settlement CEPD had and was told that it is. Mr. Jensen said in theory then one-half of the 75,000 is CEPD's obligation and Chairman Boyle confirmed that this is the figure that is in the proposed interlocal. Mr. Jensen stated the formula that arrived at \$4,138,332 had nothing to do with the old agreement. Chairman Boyle responded "no" that it was not included. He added that the assessment is based only on Captiva; CEPD cannot assess for property on northern Sanibel. Mr. Jensen said that one-half the portion that is the County's obligation should be added on top of the \$4.138 million in the Interlocal Agreement.

Mr. Mullins went through the details he remembered as being the rationale for two different ILA's. Mr. Jensen asked Chairman Boyle whether two different agreements had been discussed. Chairman Boyle responded that it had been discussed and that is how the negotiation started out. But then the dredging of Blind Pass came up. Initially, the dredging material from Blind Pass was going to be deposited down by Bowman's Beach and CEPD would get credit for the sand placed there toward the 2001 agreement. Sanibel would not agree and that option fell through. The next step by the County was to try to put the sand on northern Sanibel in the template area, but that failed because turtle nests and other environmental concerns. Then the County decided to go back and put the sand south between R116 and R118. When that happened, Chairman Boyle said, after discussion with the County, Ms. Rooker, Mr. Keehn, and himself, it was decided to roll it into one agreement.

Considerable discussion then took place as to what the considerations were to have separate ILA's.

Mr. Jensen said Ms. Rooker had previously stated that it is part of the agreement that the County pays for one-half of the Sanibel obligation. Ms. Rooker said the new version of the ILA does spell out that the County will pay 50% of the cost of any work done on Sanibel and Chairman Boyle confirmed that it is part of the \$4.138 million. He also pointed out that the total amount of sand is 75,000 for Sanibel and 770,000 for Captiva. Mr. Jensen concluded then that CEPD is covered and ask why there needed to be separate agreements if it is spelled out. Mr. Mullins explained why he had insisted on two separate ILA's and that the reasons for them had not disappeared. He mentioned that Chairman Boyle had been designated by the Board to negotiate the agreement but the Board had been kept in the dark about the details of the ILA. Chairman Boyle said this assertion was untrue and mentioned the Briefing Meetings that were held in January, February, and March. Mr. Mullins responded that Chairman Boyle had "jerry-rigged" the Briefing Meetings. He said that communications coming out of the office since December that are shared with the Commissioners are less in five months than came out in any given month last year. "Things are not written down any more," Mr. Mullins said.

Mr. Mullins continued that Chairman Boyle and Ms. Rooker had "jerry-rigged" the Briefing Meetings "from the beginning." Chairman Boyle disagreed. Chairman Boyle said he has chaired 50% more Briefing Meetings than Mr. Mullins did all of last year. Mr. Mullins said that CEPD had Briefing Meetings as needed and everyone knew about them. CEPD passed last December a year's worth of meetings and Mr. Boyle has cancelled 80% of them. He said that he does not want to rely on Briefing Meetings and mentioned the incident when he said Chairman Boyle refused to tape record one of those meeting when Mr. Mullins asked for it. Chairman Boyle replied that meeting recordings were being supplied now that the Board had approved a change in the Rules of Procedure, which occurred after Mr. Mullins had made his request.

Mr. Mullins repeated that the Board had approved a year's worth of meetings and that Chairman Boyle had "played havoc with them in terms of when they are on and off since the time they were approved" by the Board. He said he could not plan ahead to be at meetings if he did not know about them until in some cases the night before. He said he cannot be at meetings when he has other meeting and appointments that he must be at. He followed by saying that to him "one puts things in writing so one has the opportunity to know what goes on." Furthermore, Mr. Mullins stated, if Chairman Boyle is saying that the Board approved at a Briefing Meeting to throw out the terms of multiple ILA's, "this Board does not have the right to approve them at a Briefing Meeting." Chairman Boyle said he did not say they had to

approve them; he said that Commissioners were aware of what was going on. Mr. Mullins said he was not aware and Chairman Boyle responded that this was because he was not at the meetings. Mr. Mullins said that this was a “Catch 22” and Chairman Boyle agreed.

Mr. Mullins said the Chairman Boyle had changed the direction (terms) from what the Board asked. Chairman Boyle said that the Board did not ask for the terms Mr. Mullins mentioned; he said they were Mr. Mullins recommendation after Mr. Mullins stepped down as Chairman. Chairman Boyle added that there was never a Board Meeting “on those term sheets.” Mr. Kaiser asked that the discussion move on. Mr. Mullins said that the result of doing only one ILA has brought CEPD to a point where it is looking at a much smaller number for Captiva then what had been targeted and “we are trying to hide it ...” Chairman Boyle disputed the assertion of hiding it. Mr. Jensen said that the Board had asked Mr. Boyle to negotiate on behalf of the District and this is what he has come up with. Mr. Jensen suggested that if Mr. Mullins had a problem with the ILA, he should not vote for it.

Ms. Holzheimer asked about some points that Chairman Boyle had mentioned earlier. Chairman Boyle said that “we had added some qualifications” to the cancellation clause that “we think are acceptable.” Mr. Mullins asked for clarification as to who the “we” is in “we think are acceptable.” Chairman Boyle said it was Ms. Rooker, Steve Keehn, Nancy Stroud, and himself. Mr. Mullins said that the Board had not expressed anything. Chairman Boyle said involving the aforementioned people was the motion that the Board passed in January. He added that if the Board does not want him to do this, then they can pass a new motion. Mr. Mullins said only one of the people Mr. Boyle mentioned was a Board member and Chairman Boyle replied that was per the motion that was passed in January. Mr. Mullins said that he wanted to be very clear that the Board has not agreed as yet. He said the other people who have looked at this are irrelevant since they are not Board members. Chairman Boyle said they were not irrelevant to him and he is doing what the Board has asked him to do the best he knows and will bring it to the Board for a vote, as the January motion says. If the Board wants to change that, Chairman Boyle said, the Board can do so now. There was no discussion or motion about changing anything. Mr. Mullins said that originally he brought up the idea of not approving the new ILA in June because there was a lot of work to be done; he now thinks that there is a lot more work to be done than he first thought.

Mr. Mullins said that if interim drafts and others things continue not to be shared, one can expect Commissioners not know what is going on. He said there is almost no communications. He said he had attempted in his chairmanship to put as much as possible in writing and this effort has been completely reversed. Chairman Boyle responded that he had not reversed anything; it is simply a difference in management style. He does not depend on email as much as Mr. Mullins and finds it easier to call people rather than email them. Mr. Kaiser and Mr. Jensen agreed that it was a difference in management style.

Mr. Mullins then asked at what point is something written down so that there is a record so that the Board can understand what is going on. He continued that one has to attend a Briefing Meeting which Mr. Boyle can cancel “at whim.” Chairman Boyle responded that this was the “rule” that Mr. Mullins himself had set at the October 2009 Board Meeting. Mr. Mullins said that he never said that he could cancel at whim. Chairman Boyle then read from the minutes of the October 2009 Board Meeting that established that a meeting can be “canceled in case of conflict or lack of attendance.” Mr. Mullins repeated his concern about the lack of advance notice of a cancelation and remarked that he did not even see a quorum call done. Chairman Boyle stated there was no requirement to do a quorum call; Mr. Mullins disagreed. Mr. Mullins said Chairman Boyle was not making it easy for Board members to

be aware of what is going on, has not required the staff to write and document things, and keeps Commissioners in the dark. Chairman Boyle then asked each Board member individually whether they feel they are in the dark. Each of them responded individually that they did not feel they were in the dark. He pointed out that apparently Mr. Mullins is the only one.

Mr. Jensen asked about the \$1 million assessment and whether the number is floating? He also asked are Bill Strong and Steve Keehn refining that number right now? Chairman Boyle answered “yes” to both questions and Mr. Jensen commented then it could even be more. Mr. Mullins said that this funding is very hypothetical because CEPD must get 3 out of 5 County Commissioners to agree to accept that number as a future assessment. Chairman Boyle said that this was correct. Mr. Mullins said that if it is a hard number in the Interlocal Agreement then there is no further vote on the part of the BoCC. But as a separate assessment process, when CEPD wants to do the assessment in the future, which is usually a year or two after the project, the County Commission has to approve by a 3 to 2 vote to get that number. He added CEPD does not know whether the future Board of County Commissioners will accept the assessment. He said they would have to pass some sort of ordinance several years in the future. Mr. Mullins continued that to him it is kind of bogus even putting it in there because CEPD does not know whether it is ever going to get it. He would not count it in the 50/50 match. Mr. Mullins then asked Chairman Boyle whether he disagreed with him as to how this was going to be approved by some future Board of County Commissioners. Chairman Boyle said he did disagree, as there will be proper language in the ILA to the effect that the County acknowledges that CEPD is enabled to do so.

a) Renourishment

Blind Pass

Chairman Boyle called upon Steve Boutelle, Lee County Division of Natural Resources, for an update on Blind Pass. Mr. Boutelle reported that the contract with the dredging company has been executed, the pre-construction survey has commenced, a pre-construction meeting, to which CEPD has been invited, is scheduled for May 18 at 1:00 p.m., and the estimated time of arrival of the dredging equipment on the beach is May 23. Mr. Boutelle added that 120 days for substantial completion has been allocated, but it might be done as quickly as 60 days. Turtle monitoring had begun; bird monitoring would begin shortly as required by the permits. Mr. Jensen asked whether dredging would occur inside the bridge and Mr. Boutelle responded that it includes reaches on both sides. Ms. Holzheimer asked whether any turtle nests might have to be moved. Mr. Boutelle said the County is prepared, the fill area is essentially Reaches 116 to 118, around Bowman’s Beach, it is being monitored, and if any nests are found, SCCF, the permit holder, will relocate them. There have not been any nests found in this area to date. Commissioners thanked Mr. Boutelle and the Lee County staff for their diligent work to bring this project to fruition.

Chairman Boyle then asked the Commissioners to approve an invoice for \$19,446 submitted by Lee County for follow-up survey and monitoring work from the 2008 agreement. Ms. Rooker explained that this invoice was expected and staff is simply seeking official Board approval. Mr. Mullins moved and Mr. Kaiser seconded a motion to approve and pay this invoice. The motion passed without dissent.

Schedule

Chairman Boyle outlined the assumptions underlying the nourishment project schedule, including the COE starting the project in October 2012. If this happens, there may need to be an Emergency Meeting of the Board on or around June 27 to approve a loan resolution,

although this is not necessarily a firm date since the COE can change their schedule. He added that CEPD's schedule would continue to be tweaked and firmed up as more is known.

b) Partners in Progress Term Sheet

Chairman Boyle reported that Mr. Gray had not gotten back to CEPD with the three-month extension agreement letter that both CEPD and Mr. Gray had agreed at the April Board Meeting that he would send in time to be considered at this meeting. Mr. Jensen asked if CEPD officially has a 3-month extension. Chairman Boyle said he did not know enough about Florida law. He said there is an audio recording of Mr. Gray's agreement. Chairman Boyle agreed to call Mr. Gray this evening to find out what he is thinking and why the letter had not been received.

Mr. Jensen expressed concern about Mr. Gray's remark at the April meeting that Mr. Gray does not have an interest in being CEPD's service contractor if Ms. Rooker no longer works for him. This was, he said, a big reason why CEPD decided to move away from in-house employees so that it does not have to deal with this kind of issue. Mr. Mullins said he had not heard that and he has been listening to the tape recording of the meeting. Ms. Holzheimer said that Mr. Gray did indeed say that. Mr. Jensen said he also thought that the amount of the rate increase was high and to honor the District's duty to the community, he thought CEPD should solicit proposals to have a new provider and Mr. Gray could choose to send a proposal. Mr. Jensen said he would like to hear what the Board thought about that process.

Mr. Kaiser said he didn't like the idea of a 3-month agreement, he still has concerns about consulting staff having non-compete clauses, and that he worries that if Mr. Gray were not to keep Ms. Rooker, and since she would have a no compete clause, then CEPD would be out in the cold. Mr. Kaiser continued by saying he had little contact with Mr. Gray and was not sure Mr. Gray was interested in CEPD. Chairman Boyle said the same thought had occurred to him when Mr. Gray first proposed the 15% increase, which Chairman Boyle said he thought was out of line in today's economy. Chairman Boyle went on to say that in his past experiences, if a vendor did not want the work, they would price themselves very high. Since CEPD has not heard from Mr. Gray, Chairman Boyle said he did not know what Mr. Gray was thinking.

Mr. Mullins discussed the history as to why CEPD has turned to outsourcing. Mr. Mullins said he gets very uncomfortable when CEPD gets involved with the staff consultants' contracts and tries to control the terms of their contracts and starts acting like employer. It puts the District, he said, at risk at a later time for payment of pension benefits and other similar things that an employee may be entitled to but a consultant is not. Mr. Mullins said he did not disagree with what Mr. Jensen said about going out for bids and suggested that CEPD should get the paperwork requested from Mr. Gray and resolve the extension before the current contract with Mr. Gray expires.

Mr. Jensen said he is very happy with the consultant concept and has no desire to get involved in the company that CEPD hires relationship with their employees; that is their business and the employee's business. After additional discussion about the role and accomplishments of Mr. Gray and Partners in Progress, Mr. Mullins reminded the Commissioners that one purpose of having an outside contractor was that if a key consultant were to leave for whatever reason, Mr. Gray would fill in. Mr. Jensen said that is why he started the conversation about soliciting proposals in the first place – that Mr. Gray said he doesn't have an interest in continuing as CEPD's service contractor if Ms. Rooker no longer works for him. That alone, Mr. Jensen said, is why he thinks CEPD should go out and get bids. He said the whole purpose in having a contractor is they are handling things not CEPD. He added that he thinks that even if Ms. Rooker were to quit, and even though Mr. Gray would be obligated to fill in, he does not think Mr.

Gray's heart would be in it. Chairman Boyle added that Mr. Gray's business was heavily concentrated in New York City's lower Manhattan and he would not be able to personally spend time on Captiva.

Chairman Boyle said he would call Mr. Gray this evening. Regarding looking at alternatives, whether it is people CEPD has looked at before and whoever else is in the files, if the Board wants him to look into that, someone needs to make a motion to that effect. He said to look at alternatives, go out for quotes, and compare what comes in are part of CEPD's negotiating with PIP.

Mr. Mullins said CEPD should certainly get the letter from Mr. Gray. He said that it might be a good idea to put a group together to start this (bidding) process and consider it at the June meeting or at a Briefing Meeting. Mr. Jensen supported the idea of a Briefing Meeting. Chairman Boyle charged the staff to go through the files to see what CEPD had done the first time a search was done, look at perhaps streamlining the process, and consider it at the June meeting. Mr. Mullins suggested inviting Mr. Gray to the June Board Meeting. Chairman Boyle agreed to invite Mr. Gray to the meeting.

1. New Business

a) Comprehensive Management and Emergency Response Plan

Chairman Boyle presented a draft of a new Comprehensive Plan developed by Steve Keehn and CP&E at CEPD's request. He began the discussion by saying CEPD's attorney Nancy Stroud told him that this year's state legislation regarding local comprehensive planning deleted the requirement that special district plans be consistent with county comprehensive plans. He then called the Commissioners' attention to Page 53, where most of the significant changes were made concerning what would trigger an emergency:

- A reduction from 600,000 cubic feet of the total fill volume placed during the last project to 400,000 cubic feet;
- A reduction from more than 30% of the total project length eroded back to the 40 foot design berm length to 20%;
- Wording that would allow the Board discretion if the District wanted to act on something less than the numbers above.

Chairman Boyle added that Nancy Stroud had reviewed the wording referred to in the bullet points above and agreed that there is enough discretion.

Mr. Mullins said that he did not see answered something else that he had asked for: since CEPD has an authorized referendum to cover emergencies, whether the fact that the plan was changed has any effect on the pre-authorization that the community has given CEPD? Chairman Boyle responded that he had checked with Nancy Stroud and she said "no."

Chairman Boyle then put into perspective what 400,000 cubic yards of erosion looks like. He said that Hurricane Charley took about 170,000 yards of sand, less than one-half of the 400,000 trigger point. Mr. Mullins remarked that this was important because if CEPD did not have these other trigger points in place, when Charley struck it would not have qualified for emergency nourishment.

Mr. Mullins said there were other lynchpins that were not quite in place in the original plan mainly having to do with permitting. He asked how could CEPD be able to get a permit for emergency work from DEP without it having to take a year? He said that this is not in the current

plan and there may be some other pieces. Chairman Boyle said that he would follow-up with Mr. Keehn on this and get an answer back from him.

Ms. Holzheimer said that the previous plan got way out of date before it was updated, the new one should get regular attention and updating, and after the next project is a good time to take another look at it. Chairman Boyle said he will follow-up with Steve Keehn about the questions and it will be on the agenda for final review and approval at the Board meeting in June

b) Special District Elections – Positions to be Elected Resolution

Ms. Rooker said that the Board needs to approve a resolution that designates the seats that are up for election and this is how it gets put on the election ballot. She also reviewed the details and deadlines for someone who wants to run for election and the forms that must be filed. She said that the forms are available online. She mentioned that this was not the same thing as the financial disclosure reports that Commissioners must file. Mr. Mullins asked whether there is a requirement for CEPD to advertise the openings and Ms. Rooker responded “no,” Lee County takes care of this. Mr. Mullins suggested that CEPD advertise the openings to the community anyway. Mr. Jensen agreed. Chairman Boyle said CEPD can do this. Mr. Jensen added that CEPD should contact other organizations and ask them to put information on their websites. Mr. Mullins moved and Mr. Kaiser seconded a motion to approve Resolution 2012-1 to authorize the election of 3 members of the Board of Commissioners of the Captiva Erosion Prevention District for seat numbers 2, 4, and 5. The motion passed without dissent.

A question was raised as to whether the election was by specific seat or whether the top 3 vote-getters won seats. Ms. Rooker agreed to call the Supervisor of Elections office to get an answer.

2. Report of the Senior Administrator

a) TDC Beach and Shoreline Grant Request Update

Ms. Rooker reported that that she attended a TDC workshop last week. CEPD has submitted two grant requests to the TDC and this was just a workshop where members discussed eligibility and other matters. Recommendations to the Board of County Commissioners would be made on Friday for the BoCC to approve in August or September. She went over some of the information from the agenda of the workshop. She said that CEPD’s presentation went over well but that Commissioner Manning accidentally skipped over part of the beach nourishment submittals, one of which was CEPD’s. Ms. Rooker waited until after the meeting, since it was only a workshop, to call this oversight to Commissioner Manning’s’ attention. He assured Ms. Rooker that it was an oversight and that it will be recommended at the Friday meeting. Ms. Rooker will attend the meeting on Friday to make sure that everything is taken care of.

Discussion ensued regarding TDC reserves, how money is spent, what discretion TDC had in spending that money, and what the money is used for. Mr. Mullins said he thought that TDC played fast and loose as to how they accounted for the money. Ms. Rooker explained that money from the Beach and Shoreline Fund must be used for beach and shoreline. Mr. Boutelle provided further information and clarification

FSBPA Conference

Ms. Rooker provided information on the FSBPA Conference that is in Naples this year starting on September 26 and ending September 28, 2012. Mr. Mullins asked about the ASBPA Conference, which Ms. Rooker said was October 9 through 12 in San Diego.

b) ASBPA Contest Results

Ms. Rooker reported that CEPD has finished second behind Navarre Beach by 499 votes in the Community Beach award division but won the award for Best Florida Gulf Coast Beach. She mentioned that CEPD had sent out a press release which the News-Press had picked up and had carried a brief article. Mr. Mullins said that it would be a good idea to have the specifics of the vote tally in the next Beach Briefs.

3. Public to be Heard

Chairman Boyle called for comments and remarks from the public. Mr. Cunningham provided comments on the extension of the PIP contract and the potential of the transfer of Turner Beach to the CEPD.

4. Commissioner Comments

Mr. Kaiser asked about whether parking in the gravel area adjacent to the Post Office might be used for beach parking. Mr. Mullins replied that he had contacted the owner of the lot in the past but there was no interest. Mr. Mullins suggested CEPD raise parking rates, related other initiatives that he had started to attempt to get more parking, and why getting more parking was important for nourishment funding.

Mr. Jensen expressed how important a county-wide economic survey is. He asked whether CEPD could do one on its own. Mr. Mullins reminded the Commissioners that CEPD had paid Dr. Stronge to do one 2 years ago and that it was all but dismissed by the County. He said that if CEPD wants to get one done, it needs to put pressure on the businesses, Sanibel, etc. to attempt to convince the County to do it. Mr. Jensen said he would give this idea some additional thought.

Mr. Jensen asked for clarification on the Pre-Construction Survey Contract that CEPD had approved at the April meeting and Chairman Boyle provided that clarification.

5. Adjourn

There being no further business, Chairman Boyle adjourned the meeting at 3:00 p.m.