

Minutes

Regular Meeting of the Captiva Erosion Prevention District

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

February 13, 2013 @1:00 PM

Commissioners Present: Jim Boyle (Chair); Doris Holzheimer (Vice Chair)-arrived at meeting at 1:04; Dave Jensen (Treasurer); Mike Mullins (Commissioner);

Absent (excused): Harry Kaiser (Secretary)

Staff Present: Kathleen Rooker, CEPD Administrator; JoAnn Paul-Young, Accountant; John Bralove, CEPD Assistant to the Administrator; Hans Wilson, Hans Wilson and Associates

1. Call to Order

Chairman Boyle called the meeting to order at 1:00 pm.

2. Roll Call

The roll was called and the results are outlined above.

3. Approval of Meeting Minutes

Chairman Boyle asked for a motion to approve the minutes from the January meeting. Mr. Mullins moved and Mr. Boyle seconded a motion to dispense with the reading and approve the minutes as written from the January 10, 2013 Regular Board Meeting. The motion passed unanimously.

4. Public to be Heard

There were no comments from the public.

5. Financial Report

Mr. Jensen reported he saw nothing out of the ordinary with the General Fund. Mr. Mullins noted that Consulting and Professional Fees were well under budget, although still high, and asked what were the expenses contained in these accounts. Ms. Paul-Young explained that they were attorney, management, and accounting fees. Mr. Jensen reported income in the Capital Projects account was running behind the same period last year because some taxpayers were paying later than usual. He said it is simply a timing phenomenon. Mr. Mullins asked about the difference between year-to-date and annual budget figures. Ms. Paul-Young explained. Mr. Jensen asked whether the parking rate changes had gone into effect and was told that they had become effective yesterday evening.

Chairman Boyle asked that Agenda Item #7 be discussed at this time if there were no objection. There were no objections and the discussion moved to this Agenda Item 7.

7. New Business

o Annual Audit of Financial Statements Update

Mr. Jensen reported that he, Ms. Rooker, and Ms. Paul-Young had gone over a draft of the audit and had communicated changes back to Stroemer & Co. Ms. Rooker reported CEPD should receive a final draft next week. It will be sent electronically to Board members for their review. Final approval of the audit will occur at the March meeting. Board members requested they receive printed copies of the draft audit and also requested they receive printed copies of the Agenda Materials. Chairman Boyle agreed to have the Agenda Materials delivered to Board members the Monday afternoon prior to the Wednesday meeting.

Since there was no other discussion about the audit, Chairman Boyle moved the discussion to Old Business.

6. Old Business

a) Renourishment Project

Chairman Boyle updated the Board on the Renourishment Project, remarking that CEPD was still pursuing two options: working with the ACOE or sequencing with Longboat Key and Collier County. He reminded the board that the Bid Announcement had already gone out and final requests for bids would go out March 5. He added that bidders had asked for a meeting with the 3 entities (CEPD, Longboat Key, and Collier County), and there will be an information meeting at the FSBPA Technology Meeting in Jacksonville on Friday, February 15 at 1:00 pm. CP&E will also attend this meeting. He said Longboat Key is ready to go; Collier County is still working on their schedule. The meeting will be opened by a representative of the Florida DEP since they are interested in encouraging this type of cooperation to reduce the cost of beach renourishment. Mr. Boyle said there is the potential for CEPD to reapply to DEP for the Grant Agreement to amend it to get more points for the sequencing, which in turn could increase the grant amount. He added that if CEPD were to go this route, he still saw the project beginning to pump sand around September 1, give or take a month.

b) Funding Status

o ACOE

Chairman Boyle reported that just this morning CEPD got word from the ACOE that the project had been approved in Jacksonville, the Southern Regional Office in Atlanta, and at the Center for Excellence in New York, and has been sent to Washington for final approval. He said he and Ms. Rooker are meeting with the ACOE in Jacksonville on Friday to persuade the Corps to accept CEPD's permits, biological opinions, etc. to condense the Corps normal time frame to start a project. Mr. Boyle said he and Ms. Rooker also will travel to Washington on February 26 to meet with CEPD's lobbyist and the ACOE to discuss how the contracting will work with respect to the emergency funding as compared to a regular ACOE full renourishment. He said CEPD needs to explore these options and others since the time frame is quickly approaching where a decision will have to be made – by early March. Mr. Boyle and the other commissioners discussed other options. Mr. Boyle concluded the discussion by saying that he thought it was highly probable the CEPD will get the \$4 million; it just is a matter of when.

Following the ACOE discussion, Mr. Mullins suggested CEPD submit a grant request to BP and/or perhaps make an argument on behalf of the entire island. Or, Mr. Mullins continued, contact some of the attorneys who are involved in these matters. Mr. Boyle said that since Mr. Wilson attends the Gulf Consortium meetings, he will ask Mr. Wilson to provide a status report as soon as he returns from taking a phone call.

- **ILA**

Commissioner Boyle reviewed the various meetings that had taken place between CEPD and the County including a Thursday, February 7 afternoon meeting with Commissioner Manning and County staff. He said they responded to the 56% cost share that CEPD had proposed by suggesting 33%. Mr. Boyle said he told them this was not acceptable and not near where it had to be. Mr. Boyle continued that for this reason, he had a separate meeting with Mr. Manning on Friday one-on-one. He reported Mr. Manning said he will continue to work with County staff and get back to CEPD in a week or two.

Mr. Wilson returned and Chairman Boyle asked Mr. Wilson to provide an update on the availability of BP funds. Mr. Mullins asked Mr. Wilson whether he thought CEPD should be separately pursuing something through an attorney and/or through the joint Gulf Consortium. Mr. Wilson said most individuals, if they have had an impact, have filed individual claims. The dollar fund amount the Consortium is working with has not been settled yet. It comes from the settlement with BP under the Clean Water Act. He said the current focus is on habitat restoration but what is fundable has not yet been defined. Mr. Wilson called upon Justin McBride with Lee County to add his comments.

Mr. McBride said the money Lee County is targeting is for habitat restoration. He suggested that for beach restoration funds, CEPD had two options: 1) talk to Commissioner Manning, or 2) go on its own. Mr. Mullins thought CEPD should contact a contingency attorney. Mr. Boyle asked if commissioners knew of any appropriate attorneys. Mr. Wilson commented that he was not sure it even required an attorney; it was enough of a straight forward process that an entity's accountant could handle it and save attorney's fees. Mr. Mullins suggested CEPD talk to some attorneys and suggested two and Mr. Jensen suggested one. Mr. Mullins asked Mr. Jensen to send him the name he was suggesting. Mr. Boyle said that Mr. Mullins will contact the attorneys and see who looks best.

8. Administrator Report

- **TDC Beach and Shoreline Grant Request**

Ms. Rooker updated the commissioners and reviewed the schedule contained in the Agenda Materials.

- **FSBPA Legislative Priorities**

Ms. Rooker reported she presented to the County Delegation last month. She reported that the Governor is recommending \$25 million for beach renourishment this year. She also explained that Florida is not eligible for money for Hurricane Sandy damage. Therefore FSBPA is going to lobby that other funds be put in the state's budget to help those on the east coast of Florida that suffered damage. This would be in addition to the \$25 million.

Mr. Mullins asked whether there was a revised timeline for the project. Mr. Boyle said a revised one will be provided at the March Board meeting.

9. Public to be Heard

There were no comments from the public.

10. Commissioner Comments

Ms. Holzheimer asked Mr. McBride for an update on Blind Pass. Mr. McBride said dredging would begin Thursday, weather permitting, and be finished, he estimated, April 1.

Mr. Jensen thanked Mr. Boyle for all the travel he had been doing on CEPD's behalf. Mr. Boyle thanked Mr. Jensen and added that the lobbyist CEPD hired, Greg Burns, has been very instrumental with the ACOE. He has been very helpful to CEPD.

Adjourn

There being no further business, the meeting was adjourned at 1:55 pm.