

Minutes

Regular Meeting of the Captiva Erosion Prevention District

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

April 10, 2013 @ 1:00 P.M.

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

Absent (excused): Doris Holzheimer (Vice Chair)

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

1. Call to Order

Chairman Boyle called the meeting to order at 1:05 P.M.

2. Roll Call

The roll was called and the results are outlined above

3. Approval of Meeting Minutes

Mr. Kaiser moved and Mr. Jensen seconded a motion to dispense with the reading and approve the minutes as written from the March 7, 2013 Board Briefing Meeting and the March 13, 2013 Regular Board Meeting. The motion passed unanimously.

4. Public to be Heard

There were no public comments.

5. Financial Report

Mr. Jensen reported the check for the Army Corp for design and engineering fees of \$527,438 had been sent and the ad valorem tax collections were on target compared to the budget. He called for questions on the General Fund Budget and there were none. Regarding the Capital Fund Budget, questions were asked about Parking Lot Revenue. Mr. Boyle said he thought it had been impacted by Red Tide events in February and March and poor weather in March. Mr. Jensen called for additional questions on the Capital Fund Budget and there were none.

6. Old Business

a) Renourishment Project

Chairman Boyle said the next step with ACOE is to receive a letter from them to be used to request an advance of funds from the DEP Grant Agreement. He said the DEP is expecting the advance request. He added that the Corps anticipates sending out the bid announcement May 24, and assuming a 30 day response period, opening bids would be around June 24, and the contract will be awarded within 2 weeks, around July 7. The start date will be around August 7.

Mr. Boyle said he and Ms. Rooker met with Nicole Sharp and Steve Keehn from CP&E to discuss what CP&E could do for quality assurance for the project to ensure that CEPD is getting what it pays for. Mr. Boyle said Mr. Keehn will prepare a proposal for these services and the Board will have chance to consider it at the May Board Meeting.

Mr. Boyle said that he and Ms. Rooker are going to Jacksonville next Thursday along with Mr. Keehn and Nancy Stroud to meet with Jackie Keiser and Laura Reichold of the ACOE to have a detailed discussion on sequencing and who is going to do what. He added that a person in the real estate section of the Jacksonville District raised the issue of whether CEPD had all the proper and necessary easements. Mr. Boyle said the area of concern is north of Hagerup Beach down to south of Jensen's Curve. He added that Mr. Keehn said the ACOE is raising similar issues in the northeast. Mr. Boyle said resolving this issue is one of the goals for the meeting in Jacksonville.

Mr. Boyle said there was also discussion with Mr. Keehn yesterday about CEPD's permits expiring in November of 2014. Mr. Keehn said he has been keeping a list of items that have been discussed over time to put in a new permit. He said some hot items can significantly delay a permit renewal and some that are not so controversial are much easier to get. Mr. Keehn will come back at the May Board Meeting with an "easy hits" list and another list of those that may be more difficult to get that could put CEPD at risk for delaying a permit renewal. Mr. Keehn will also bring a proposal to deal with these issues. Mr. Kaiser asked whether this should wait until the current project is completed and both Mr. Mullins and Mr. Boyle said CEPD should get moving on this now so as not to get stuck without a permit if an emergency situation were to occur.

Mr. Mullins raised a concern about the gap between when people received their tentative apportionment letters, sent out in October 2010, and when the final apportionment letters go out. There may be a substantial difference in the assessments estimated in the 2010 tentative apportionment and the actual assessments resulting from the final apportionment. He recommended updating assessments so that there is more current information based on today's numbers if people call in. Ms. Rooker mentioned that CEPD's enabling legislation requires only one tentative apportionment. Mr. Boyle said he and Ms. Rooker will look into this idea with Nancy Stroud's assistance.

b) Funding Status

Mr. Boyle mentioned there was still an open FEMA claim for \$1.6 million and the claim is still active. Ms. Rooker said there was no movement on this; the application had been approved but there was no funding. If funding does come in and CEPD's project has begun or is completed, CEPD would be reimbursed.

○ **ILA**

Chairman Boyle said he and Ms. Rooker met with Board of County Commissioner John Manning this past Monday morning. Mr. Boyle said Mr. Manning directed the Division of Natural Resources to clean up the latest draft of the ILA. Ms. Rooker and Mr. Boutelle have been working on it. Mr. Boyle said he hoped to bring the ILA to the Commissioners at the May Board Meeting.

Mr. Mullins said that given the negotiations for the ILA were anticipated to be completed in May 2012, he wondered whether Lee County was acting in good faith. He asked Chairman Boyle what he saw as the problem, and Mr. Boyle mentioned 3 factors:

1. Both parties had agreed to wait for the DEP grant agreement to be resolved, which meant that nothing took place between June and December of 2012.
2. It took until December 2012 to get agreement to stop using the algebraic formula.
3. There was some reluctance on the part of the County to negotiate a percentage or number until the ACOE funding was known, which did not occur until late March 2013.

Mr. Boyle said there were two parts of the ILA terms on which there is no agreement: the storm protection percentage and the recreational percentage. He added that CEPD taking over the Turner Beach parking was also part of the ILA negotiation. Mr. Mullins asked whether there was a drop dead date by when CEPD needed to have something in hand. Mr. Boyle said no.

7. New Business

o Funding Proposals Schedule

Mr. Boyle went over with the Commissioners the funding schedule contained on Page 17 of the Agenda Materials, including that CEPD's bond attorney, Mark Raymond, will attend the Board Briefing Meeting on May 2 to go over the responses he received from the interested banks and make a recommendation. Mr. Mullins asked when did CEPD need to have the money to send to the ACOE and Mr. Boyle said May 24.

Mr. Jensen asked why there was \$15.6 million budgeted for this year in the Capital Fund Budget when the cost of the project was going to be higher. Ms. Paul-Young explained that for budgeting purposes, it was assumed that 70% of the cost would be incurred in this fiscal year and 30% in the next one.

o 12LE2 DEP Grant Amendment # 1

Chairman Boyle explained that this Amendment was necessary in order to receive the DEP project funding in advance and asked for someone to move the adoption of Resolution 2013-3. Mr. Mullins offered the Resolution and moved for its adoption. Mr. Kaiser seconded it. During discussion Mr. Mullins objected to not having the information for this Agenda Item on the Friday before the meeting.

Chairman Boyle asked Ms. Rooker to read Resolution 2013-3 aloud in its entirety, which she did. The vote was called for and Resolution 2013-3 passed 4-0.

o SCCF Monitoring Contract

Chairman Boyle explained that the Resolution was to allow CEPD to contract with SCCF for shorebird and turtle monitoring for the 2013 Project. Shorebird monitoring would need to start May 1. Many of the required tasks of the monitoring were presented on Pages 20-22 of the Agenda Materials. Mr. Mullins asked what the amount CEPD paid SCCF for their work for the last project was and was told that it was \$55,800. Mr. Boyle said the work for this project involved more monitoring than the last time, in part due to the Piping Plover monitoring. Mr. Mullins asked if this were a fair price and Mr. Boyle responded that it was. Mr. Mullins offered Resolution 2013-4 to approve an amount

not to exceed \$55,000 for environmental monitoring of the 2013 Project and moved its adoption. Mr. Kaiser seconded it. Chairman Boyle asked Ms. Rooker to read Resolution 2013-4 aloud in its entirety, which she did. Mr. Mullins pointed out there was no detail contained in the Agenda Materials and Ms. Rooker said that one of the staff for SCCF had been sick and they were unable to provide the detail in enough time for the meeting but that she had already negotiated and SCCF had accepted a daily rate. A vote was called for on Resolution 2013-4 and it passed 4-0.

8. Administrator Report

Ms. Rooker emphasized the importance of the Funding Proposals Schedule and how important it was for Commissioners to attend the meetings on May 2 and May 8. She also reported that shorebird monitoring would begin May 1. Mr. Mullins asked about the Fish and Wildlife Rules discussion that he had requested be put on the agenda and Ms. Rooker said it was scheduled for the May Meeting. She asked about the need to hold tomorrow's Briefing Meeting and the Commissioners agreed to cancel it.

9. Public to be Heard

There were no public comments.

10. Commissioner Comments

Mr. Mullins repeated his earlier comments that he felt he is being impaired because he is not getting the data in hand that he needs in enough time to do a proper review.

Mr. Kaiser said he is happy to hear that CEPD might get the Turner Beach parking lot. He said the newspaper boxes there continue to be an eyesore and Mr. Boyle commented that CEPD might be in a position to clean up this area if it were to take over the lot.

Mr. Mullins alerted Commissioners to the possibility that there will be complaints at the Information Meeting at 5:00 P.M. about the noise coming from the Blind Pass dredging and CEPD should be prepared for concerns about noise from the 2013 Project. Mr. Boyle said he would bring back from the meeting next week with the ACOE a map of where work will be done, although it will be preliminary at this point.

Adjourn

There being no other business, Chairman Boyle adjourned the meeting at 2:09 P.M.