

## Minutes

### Regular Meeting of the Captiva Erosion Prevention District

Tween Waters Inn, 15951 Captiva Drive, Captiva, Florida 33924  
September 22, 2014 @ 3:00 P.M.

**Commissioners Present:** Jim Boyle, Chairman; Doris Holzheimer, Vice Chair; Harry Kaiser, Secretary; Dave Jensen, Treasurer

**Absent:** Mike Mullins, Commissioner

**Staff Present:** Kathy Rooker, CEPD Administrator; John Bralove, CEPD Assistant to the Administrator; Hans Wilson, Hans Wilson and Associates

**Stroemer & Company:** Jack Alexander

#### 1. Call to Order

Chairman Boyle called the meeting to order at 3:00 P. M.

#### 2. Roll Call

The roll was called and the results are outlined above.

#### 3. Approval of August Minutes

Commissioner Kaiser moved and Commissioner Jensen seconded a motion to dispense with the reading of the minutes from the August 13, 2014 Regular Board Meeting and approve them as presented. The motion passed unanimously.

#### 4. Public to be Heard

There were no comments from the public.

#### 5. Financial Report

##### a) Budget Performance Ending August 31, 2014

Treasurer Jensen presented this report. Regarding General Fund income, more has been collected than had been budgeted. Expenditures are less than what had been budgeted, leaving some money unspent. This will be addressed in the next agenda item. Regarding the Capital Fund, an additional pay down of the project loan last month of more than \$1 million brought the total pay down amount to \$5.4 million, leaving a loan balance of \$4.2 million. He also reported that there were a lot of prepayments of the assessment and there were no issues or objections outstanding.

##### b) Approval of Budget Amendment/Transfer 2014-02

Chairman Boyle explained that the purpose of this amendment/transfer is to move unexpended FY 13/14 budget expenses of \$35,000 from Professional Fees to reserves. Commissioner Holzheimer moved to transfer this amount and Commissioner Kaiser seconded the motion. The vote was called and Budget Amendment 2014-02 was approved unanimously.

**c) Wells Fargo Captiva Project Account**

The Chair explained that now that the 2013/14 Renourishment Project was over, this account was no longer needed. Treasurer Jensen explained that CEPD would save the monthly fees being charged. Commissioner Jensen moved to close the account and transfer the money to the Bank of the Islands Capital Project account. Commissioner Kaiser seconded the motion. The vote was called and the motion passed unanimously.

**6. Old Business**

None

**7. New Business**

**a) DEP Seeking CEPD Comments on Proposed Beach Path**

Chairman Boyle explained that the Florida Department of Environmental Protection was seeking the Board's comments concerning a property owner's request to clear a beach path. He summarized the issue and said that CEPD does not have approval authority. He added that there is an 11-12 foot dune at the foot of the proposed path that was constructed in 1988 as part of the beach maintenance project.

Bob Walsh was in the audience representing the property owner who wanted to construct the path. He explained that the property owner wanted the path because she did not want to intrude on someone else's property. There was discussion among the Commissioners and Mr. Walsh whether there was already an existing shared easement, the width of the proposed path, and what the tax map showed. Mrs. Rooker added that she believed there is only one easement meant to be shared by two property owners. Mr. Walsh said he would have the surveyor come back to take another look at things.

Chairman Boyle suggested that he and Ms. Rooker draft a letter to the DEP presenting CEPD's comments and bring it to the next Board meeting. Mr. Walsh said he would have the surveyor come back out before October 8. The Chair suggested that Ms. Rooker coordinate with Mr. Walsh, the surveyor, and herself to meet at the site and ask Ms. Cowart of the DEP to be present. The Commissioners agreed to this plan.

**b) Captiva Holiday Village Request**

In presenting this Agenda Item, the Chairman stated that in the past, CEPD has purchased a full page ad in the Holiday Village Program. However, the price has risen from \$600 to \$1,000 and he thought Board approval should be sought. Commissioner Jensen moved and Commissioner Holzheimer seconded a motion to purchase a half-page ad for \$600. The motion passed unanimously. More discussion ensued about alternatives and the Chair asked Ms. Rooker to contact the Holiday Village about paying last year's price for a full page.

**c) Annual Audit of Financial Statements Proposal**

Chairman Boyle said CEPD had sent out an RFP to three firms and received two proposals. He summarized the bid costs as they were presented on Page 21 of the Agenda Materials and why they are higher than in past years. He suggested the Board select Mauldin and Jenkins, LLC. Commissioner Jensen moved and Commissioner Kaiser seconded a motion to approve Mauldin and Jenkins, LLC as CEPD's auditors for the next three years. Commissioner Jensen asked what a "peer review" was and Mr. Alexander explained it and why it is significant. Ms. Rooker said

she had called one of Mauldin's clients, one that was similar to CEPD, for a reference and had received a glowing recommendation. She added that Mauldin's proposal included a "no greater than" price, which she could not get from the other company. The vote was called and the motion passed unanimously.

**d) Resolution 2014-9 Annual Audit Services**

The Chair asked someone to move and second Resolution 2014-9 approving the expenditure of \$43,500 for the annual financial and compliance audit services of Mauldin & Jenkins, LLC for the District's September 30, 2014 through 2016 audits that include the fiscal year ending 2014 fee of \$15,900, fiscal year ending 2015 fee of \$13,700, and fiscal year ending 2016 fee of \$13,900. Resolution 2014-9 was offered by Commissioner Kaiser and seconded by Commissioner Jensen. The Resolution passed unanimously.

**8. Administrator Report**

**a) Beach Etiquette Draft**

Ms. Rooker presented a draft based on input she had received from Commissioners Kaiser and Jensen. She showed a mock-up of the beach etiquette card and a sample of the stock it would be printed on. She said she thought it might be a little text-heavy but Commissioner Jensen said he would not take anything out. Commissioner Holzheimer said she would like to add something but realized there was limited space. Ms. Rooker said the cost to print 1,000 of the cards was \$374. Commissioners suggested she get a price for additional copies up to 5,000.

**b) FEMA Update**

Ms. Rooker reminded Commissioners that CEPD had met with FEMA in Washington in February 2014 and had sent additional information in April to support CEPD's position that FEMA/Atlanta was interpreting policies incorrectly. There had been no response since then until she heard 3 weeks ago from FEMA/Tallahassee about setting dates for a conference call between CEPD, Tom Pierro, FEMA/Tallahassee, and FEMA/Atlanta. However, she never heard back about any of the dates she had suggested until a few days ago. A new date for the conference call has been set for next Tuesday. Chairman Boyle said CEPD might need to involve its new representative, Curt Clawson, at some point but will wait until after the conference call to decide. Ms. Rooker said she will continue to pursue this matter and inform the Board of the results from the conference call.

**c) DEP Grant Amendment Update**

Ms. Rooker provided background. She said there was a \$137,000 construction reimbursement shortfall in the DEP grant. DEP's idea was to move this amount into the construction budget from other parts of the budget that were underspent. Ms. Rooker saw that there was \$145,000 remaining in design and permitting and \$122,000 in monitoring. She suggested to DEP that they move the \$137,000 to construction and the remaining funds to monitoring. She explained that the rationale for this is that in the grant, only Year 1 monitoring is covered by DEP. If they move some of the money, there would be enough to cover Year 2 and Year 3 monitoring. Alex Reed approved this plan. DEP will give CEPD a new amendment which will put the money in construction and monitoring. Chairman Boyle congratulated Ms. Rooker for a good job.

Ms. Rooker reported on other items not on the agenda. She said Aquatic Plants had performed their 6 month inspection, accompanied by Mr. Bralove. The plants are thriving. She reported that new DEP rules give credit for cost sharing for bike racks. CEPD will place additional racks at

Hagerup and the foot of Andy Rosse Lane and will include the cost of the racks in its next grant request from the TDC. At the Commissioners' request, Ms. Rooker will look for other suitable locations for bike racks.

**9. Public to be Heard**

There were no comments from the public.

**10. Commissioner Comments**

Chairman Boyle reported that he had attended a Coastal Advisory Council meeting in the morning. He said that the County expressed interest in realizing economies of scale for beach monitoring services. He said he agreed to meet with the County and perhaps Sanibel to explore possible benefits to CEPD.

Ms. Rooker reminded Commissioners that beach tilling will need to be done in December or January. She will be getting RFP's out for this in the near future.

**Adjourn**

There being no further business, the Chair adjourned the meeting at 4:09 P.M.