

Minutes

Regular Meeting of the Captiva Erosion Prevention District

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

April 11, 2018 @ 1:00 P.M.

Commissioners Present: Dave Jensen, Chair; Mike Mullins, Vice-Chair; Harry Kaiser, Secretary; Bob Walter, Treasurer; Michael Lanigan, Commissioner

Staff Present: Damon Grant, Administrator; John Bralove, Administrative Assistant; Hans Wilson, Hans Wilson and Associates, Robin Mixon, Hans Wilson and Associates

1. Call to Order

Chairman Jensen called the meeting to order at 1:00 P. M.

2. Roll Call

The Chair called the roll and the results are outlined above.

3. Approval of March 6, 2018 Special Meeting and March 14, 2018 Regular Meeting Minutes

Commissioner Kaiser moved and Commissioner Mullins seconded a motion to dispense with the reading of the minutes from the March 6, 2018 Special Meeting and the March 14, 2018 Regular Board Meeting and approve them as written. The motion passed unanimously.

4. Public to be Heard

There were no comments from the public.

5. Financial Report

a) Budget Performance Ending March 31, 2018

Treasurer Walter reported the check to the Florida DEP for its portion of the FEMA Hurricane Debbie reimbursement has cleared and parking revenue remains strong. The Chair asked for questions; there were none.

6. Old Business

a) Presentation and Approval of Financial Statements (Audit) for FY 2016-17

The Chair introduced Daniel Anderson representing CEPD's auditors Mauldin & Jenkins. Mr. Anderson referred the Commissioners to the bound Annual Financial Report for the fiscal year ending September 30, 2017 and the Auditor's Discussion and Analysis, a copy of each commissioner had. Mr. Anderson went through the Auditor's Discussion and said there were no issues or disagreements to report and CEPD was in full compliance with governmental accounting standards.

Commissioner Walter asked Mr. Anderson to send him a brief explanation about governmental accounting. The Commissioners deferred accepting the auditor's report until the May 9 meeting to allow time for them to review it.

a) Lee County's Blind Pass Public Meeting on April 27

Mr. Grant reminded the Commissioners of this meeting. There was discussion of what was in the report. Mr. Wilson said discussion of what is in the report is the purpose of the April 27 meeting.

b) Commissioners' Dune Protection Inspection

Mr. Grant reported on the inspection and tour of the beach and dunes that took place on April 5. There was discussion about repairing or replacing the post and rope, educating the public about dunes, and informing homeowners about where their property lines relative to the renourished beach. Commissioner Mullins moved and Commissioner Walter seconded a motion to repair and replace unsightly post and rope installed during the 2013-14 renourishment project.

c) Discussion of CEPD Legislative Authority

The Commissioners asked to receive hard copies of both the Enabling Legislation and Rules of Procedure. Chairman Jensen requested they read through these documents and be prepared to discuss them at a future meeting. Mr. Wilson asked for authorization for money to rent a beach vehicle for monthly beach inspection, to educate the public on beach and dune preservation, and to repair holes on the beach. Commissioner Walter warned of a possible liability issue if CEPD were to imply or take on responsibility for things like holes on the beach.

Commissioner Mullins thought the overall issue is what CEPD is empowered to do and does it want to play a larger role in the community. He said there is a lot of room for CEPD to do more things and it has the money. He suggested Commissioners decide what things they want to do and have CEPD's attorney review them and offer an opinion as to whether they are within CEPD's purview. Chairman Jensen said he will work with Mr. Grant to offer up a direction. He also asked Mr. Grant to get cost information on a beach vehicle.

d) Reimbursables to Hans Wilson & Associates

Commissioner Walter reviewed what had been passed at the previous Board Meeting. He said after he read the full Hans Wilson and Associates contract, he thought section 2C speaks to HWA bearing the costs of recruiting a new administrator. Commissioner Walter moved and Commissioner Mullins seconded a motion to reconsider the motion passed at the previous Board Meeting authorizing payment of \$925.88 to Hans Wilson and Associates. Commissioner Mullins asked whether this issue had been discussed with CEPD's attorney. Mr. Grant said it had been and she opined that it was over and above the contract and fell within Paragraph 3A. The motion to reconsider passed unanimously. Mr. Wilson said he was willing to withdraw the request for reimbursement for these expenses. Commissioner Mullins moved and Commissioner Kaiser seconded a motion to revisit the payment and accept Mr. Wilson's offer to withdraw the request for payment. The motion passed unanimously.

7. New Business

a) Apportionment Process Document

A draft of a document explaining how the apportionment process works was presented. Commissioner Mullins said the document did not sufficiently explain how the millage rates were arrived at or how rental properties are assessed. He thought public meetings where

Dr. Stronge makes a presentation and is available to answer questions on the methodology are necessary. Chairman Jensen said there should be a time before the referendum where Dr. Stronge meets with the Board to review what he has done. Mr. Bralove explained that these ideas were already incorporated and scheduled in the contract CEPD had with Dr. Stronge.

b) Procedures in Presenting Financial Statements

Mr. Grant explained John Stroemer will attend all Board meetings in the future. Commissioner Walter will provide Mr. Grant a list of questions he has to give to Mr. Stroemer.

c) New Florida Law on Public's Rights to Use Parts of the Beach

Commissioners agreed this was a non-issue with respect to Captiva. Staff was asked to get a new map similar to the one currently in the office that shows the erosion control line for each property. Commissioner Mullins said each property owner's survey showed this line. Chairman Jensen suggested the issue of who owns the portion of the beach that is renourished be communicated to homeowners and the new map be digitized and put on the website. Chairman Jensen asked the Project Timeline be updated and presented at all subsequent meetings. Commissioner Mullins asked staff to present at each meeting a timeline for other activities as well

d) Honoring Administrator Rooker

There was discussion about how to recognize Kathy Rooker, CEPD's former administrator. Commissioner Mullins moved and Commissioner Walter seconded a motion to present Ms. Rooker a letter of commendation and plaque for her years of service. The Commissioners also asked the staff to consult with CEPD's attorney to determine the District's ability to provide a more substantial award.

8. Administrator Report

a) Beach Status Photos

Commissioners viewed the photographs. The consensus was they were not very useful and aerial views taken by a drone were discussed. Staff was directed to investigate these services and come back to the Board with a plan and cost. As part of the discussion of this agenda item, CEPD's participation on the Tourist Development Council was mentioned. Mr. Grant said he would talk to Nancy McPhee to find out who is on the TDC and what the categories of representation are.

Commissioner Mullins brought up the issue of finding out how much Captiva pays in bed taxes. He said the law is that CEPD is entitled to this information but the District has in the past met with resistance in trying to obtain it. Mr. Grant said he will follow-up with Tamara Pigott about this issue.

b) Shoreline Stabilization at Turner Beach Park

Mr. Grant explained Sanibel has submitted a grant request to the TDC to stabilize the shoreline at Turner Beach. He also discussed CEPD's jurisdiction in approving beach projects on Captiva and the application process Sanibel and other entities must follow to have their projects approved.

c) Sunshine Law Information

Chairman Jensen said the information presented should be used as a reference tool. There will be a follow-up at the next meeting, especially regarding the use of CEPD email accounts set up for each Commissioner. The Chair asked Mr. Grant to follow-up with each Commissioner to see that they are able to use their CEPD email account.

Commissioner Mullins asked whether contractors/1099 employees /consultants are subject to the same Sunshine Law standards. Mr. Grant will check with CEPD's attorney about this issue.

d) Documenting the History of the CEPD

Chairman Jensen said that as a result of his involvement with the Captiva Historical Society, he would like to receive permission from the Board to pursue a video on the history of the CEPD. The consensus was this project was worth pursuing. Chairman Jensen said he will work with Mr. Grant and come back with a proposal. There was discussion about people who might be good resources of historical information. Ralph Woodring, Hans Wilson, William Stronge and Dex Bender were identified as having a wealth of historical knowledge and information about CEPD

9. Public to be Heard

Mr. Wilson said CEPD needs to name a new representative to the Coastal Advisory Council. Commissioner Mullins moved and Commissioner Kaiser seconded a motion to appoint Damon Grant as CEPD's representative to the CAC. The motion passed unanimously.

10. Commissioner Comments

Commissioners expressed their pleasure at how things were going.

Adjourn

There being no further business, the Chair adjourned the meeting at 3:30 P.M.