

**Minutes of the Emergency Meeting of the Captiva Erosion Prevention District**

Celebration Center

11513 Andy Rosse Lane, Unit 4, Captiva Dr., Captiva, FL 33924

Tuesday July 21, 2009 @ 12:00pm

**Commissioners Present:** Mike Mullins (Chairman), Dave Jensen (Treasurer), Doris Holzheimer (Vice Chairman) via conference call, Harry Kaiser (Secretary) via conference call, Rene Miville (Commissioner)

**Administrative Consultants Present:** Kathy Rooker (Consultant), Ruth Wilburn (Consultant)

**I. Call to Order**

Chairman Mullins called the meeting to order at 9:20am.

**II. Roll Call**

Roll Call was preformed and the results are detailed above.

**III. Public to be Heard**

No public present.

**VI. Emergency Items of Business**

- a. Stop the Beach Nourishment v. Florida Department of Environmental Protection and Walton County/City of Destin strategy.

This issue is of great concern due to the potential loss of beach nourishment funding. This case has been won on all levels of state court but the High Court [4 justices] has agreed to hear the case. The Supreme Court Justices are very conservative. This case is essentially an issue of property rights for home owners. Concern and care must be taken to get the proper information into the right places.

Chairman Mullins commented, people are saying you are taking our property rights away; it is this law [Beach Preservation Act] that allows the public to walk in anything seaward of the mean high tide line. The space between the water and the erosion control line is the space that is owned by the state.

- b. FSBPA Amicus Brief Preparation funding commitment.

Debbie Flack the FSBPA lobbyist has asked for financial support in producing an Amicus Brief for the U.S. Supreme Court case: Stop the Beach Nourishment v. Florida Department of Environmental Protection and Walton County/City of Destin. The FSBPA has asked for a donation of \$2,000.

Commissioner Miville moved to make the \$2,000 donation. The motion was seconded and the vote to approve the motion was unanimous pending approval by the attorney that the CEPD is allowed to make this kind of donation. The vote needs to be ratified at the August 12, 2009 Regular Meeting.

Meeting adjourned 9:52am