

Minutes of the Regular Meeting of the Captiva Erosion Prevention District

Tween Waters Inn, Ding Darling Room
15951 Captiva Dr., Captiva Island, FL 33924
Monday, October 14, 2009 @ Noon

Commissioners Present: Mike Mullins (Chairman), Doris Holzheimer (Vice Chairman), Harry Kaiser (Secretary), Dave Jensen (Treasurer)

Administrative Consultants Present: Bob Gray, Jr. (Strategic Planning Consultant), Brian Calciano (Information Technology Consultant)

I. Call to Order

Chairman Mullins called meeting to order at 12:05 PM

II. Roll Call

Roll call was performed and the results are detailed above

III. Approval of September Meeting Minutes

Chairman Mullins asked for a motion to dispense with the reading of minutes. Motion was made by Commissioner Kaiser, seconded and passed unanimously.

IV. Financial Report

Treasurer Jensen presented the financial report. Approximately \$24,000 left over from prior fiscal year General Budget (ending in September) is to be transferred to Projects Budget. The CEPD also received some assessment money in September – about \$87,000. Treasurer Jensen noted that there is just under \$1.8 million dollars for capital projects and approximately \$170,000 available in general banking account.

Treasurer Jensen asked the board questions regarding loan refinancing.

Chairman Mullins noted that Senior Administrative Consultant Rooker has spoken with Wachovia and Bank of America for a 2 ½ year deal at a slightly better rate. Fifth Third Bank was unwilling to reduce their rate on the existing loan; however this agreement still has four years remaining. It was noted that alternative loan agreements should be investigated and pursued.

The topic changed to the issue of finding a new auditing firm. Senior Administrative Consultant Kathleen Rooker has submitted RFPs for four different auditors qualified and willing to do government audits. Two of the auditors have merged into one firm, one has not returned calls, and the fourth auditor has until end of the month to respond.

Secretary Kaiser proposed searching beyond the state of Florida for a qualified auditor.

Treasurer Jensen explained that most auditors do not have the expertise or desire to do government audits. Different states have different rules and complexities that make out-of-state government clients unappealing to auditors.

Chairman Mullins emphasized that finding a new auditor needs to be a high priority. Although we can receive an extension on completing the annual audit, it may not last beyond March.

V. Public to be Heard

There were no public comments at this time.

At this time, Secretary Kaiser expressed concern that beach accesses that are privately owned do not have a strap number and are not properly taxed.

Chairman Mullins answered, stating that easements do not receive a strap, unless it is in fact a separate property. He stressed the need to identify specific straps and the owner or owners of these properties. Enabling legislation requires CEPD assesses all properties. When an access is there, it means there is going to be greater use of the beach. Those with access rights should perhaps be paying a higher assessment.

VI. Old Business

a) Oil and Gas Drilling Report – Dave Jensen

Treasurer Jensen has worked with Senior Administrative Consultant Rooker to assemble a fact sheet with a consistent message to be conveyed across similarly concerned organizations. Some counties have made resolutions against oil drilling, others have not.

Chairman Mullins noted that having CEPD actively involved in this issue means we risk discussing oil and gas between public meetings and risk a violation of Florida Sunshine Laws; he stressed the need to consult with an attorney regarding this for clarity. The question was presented: Can this issue only be discussed during public meetings if the CEPD will never vote on this subject, but simply advocate on it? Mullins expressed that this Sunshine limitation detracts from CEPD's ability to respond to rapid developments such as the oil and gas issue in a timely manner. The essence of his question is, "Should CEPD play a formal role, given such restrictions?"

It was suggested by Chairman Mullins that CEPD hold recurring “briefing meetings” twice per week regarding oil and gas and other topics. The desired effect is to encourage the public to come out to meetings scheduled at regular intervals. Meetings would be cancelled if insufficient quorums.

Secretary Kaiser posed the question: Why hold these meetings without topics at hand?

Chairman Mullins responded that in order to move quickly on these issues, assembly currently requires public notice two weeks in advance – this hinders ability of commissioners to meet and discuss critical issues during short notice.

We have no idea what to expect from oil and gas lobby opposition due to lack of organization and press coverage.

Vice Chairman Holzheimer suggested that these proposed meetings begin being noticed, at least between now and end of the year, to deal with community relations, oil and gas, and other pressing topics.

Mullins noted that these “briefing meetings” would be in lieu of CEPD emergency meetings in order to prevent abuse or ambiguity of the term “emergency”.

Treasurer Jensen noted that two dates per month would be suitable.

Chairman Mullins noted that the most important factor is the recurring nature of the committee meeting that is always noticed and can be cancelled in case of conflict or lack of attendance.

b) Community Relations Committee Report – Doris Holzheimer and Bob Gray

Vice Chairman Holzheimer summarized the morning’s preceding meeting regarding community relations tactics. She suggested Bob Gray, Jr. create a group to supervise and facilitate these projects, with sub-groups to tackle specific issues such as oil and gas drilling. Once a month is not adequate for reviewing progress. Once a week is more desirable. There is a need to setup structure of who would be reporting on what.

Strategic Planning Consultant Bob Gray, Jr. went over the underpinnings of the community relations plan. He cited public comments regarding parking and possibly tripling available funding. He mentioned the “Golden Goose” argument for beach renourishment, citing an extremely positive cost benefit ratio for these projects. There is a need to educate the public,

specifically voters and businesses. There also needs to be a consistency of message and materials, with certain elements emphasized depending on the target audience. He also stressed the importance of being aware of business and homeowner association meetings well in advance in order to meet with them.

Other goals including engaging the public in issues such as parking access, setting up a structure for volunteers, hiring and retaining more full-time resources to deal with critical issues. For community relations it will be critical to have full-time resources conduct research, identify venues, find resources, and then create and deliver a consistent product.

Secretary Kaiser agreed that these tasks necessitate a full-time position that requires professional attention.

Chairman Mullins noted that this was agreed on during Community Relations Meeting.

Vice Chairman Holzheimer requested conducting a skills inventory of existing resources in CEPD to discover whether and what new resources will be necessary.

Chairman Mullins voiced that, until going to conference in Boca Raton in 2007, he had taken for granted that beach renourishment was automatic. He came to appreciate all the efforts going into establishing beach renourishment. Many organizations compete for funding and it is critical for the public and others to know about the workings of these projects and need to support renourishment efforts.

Treasurer Jensen concurred that despite all the benefits of beach nourishment, it is necessary to fight for funding and recognition.

Chairman Mullins continued, stating a need to study the opposition's arguments, as they continue to try to reduce the credibility of beach renourishment projects. Also, CEPD may want to work with other organizations and ally with those who share interests. The Oil lobby is "dividing and conquering" by offering concessions such as no drilling in aquatic preserves with Pinellas County.

Vice Chairman Holzheimer stated that no single organization has stepped up and taken leadership on the oil and gas issue. D.T. Minich, head of VCB for Pinellas, used to work in Lee County. He stated that Lee County has been noticeably absent from the conversation.

Chairman Mullins suggested projections of costs for community relations projects. Treasurer Jensen will work with Consultant Rooker to project these costs.

Chairman Mullins proposed the allotment of \$10,000 of “seed money” to commence initial work on community relations projects.

Vice Chairman Holzheimer responded that \$10,000 is not adequate seed money to have a community relations product completed before the December 9th delegation.

Consultant Bob Gray, Jr. stated that in order to bring on another full-time resource between today’s and the next meeting – between \$10,000-\$15,000 is feasible.

Secretary Kaiser moved to approve \$15,000 of seed money. Motion seconded and passed, carrying 4-0.

c.) Easements – Mike Mullins

Chairman Mullins noted that he earlier addressed the issue of “access easements,” but noted that if beach nourishment was adversely affected by an existing Supreme Court case verdict, CEPD should have erosion easements to be able to do renourishment work. Fort Myers Beach had the resources to carry out a project that was ultimately left unfinished due to a lack of appropriate easements. We need to verify that the requisite easements are indeed in place on Captiva.

d.) Professional Services Agreement

The professional service contract under discussion features a verbiage change “flat fee” for services to “time and materials not to exceed” a set amount.

Bob Gray, Jr. discussed working with Alison Hagerup, going over procedures and planning and execution phases for renourishment projects for about one year. His knowledge of the renourishment was also informed by Steve Keehn of Coastal Planning & Engineering, as well as lobbyist Lisa Armbruster. Alison had not been filing quarterly reports despite having this in the rules of procedure.

Partners in Progress, in taking care of administrative elements, is proposing to be working on administrative procedure.

There are anomalous events and tasks that occur, and these need documenting to prepare for future instances. A Department of Defense

audit of the ACOE work on beach renourishment was cited. Journal-keeping by staff resources was suggested as a method of creating procedures that reflect practice.

Secretary Kaiser noted that the new terms of the contract are more desirable than paying a flat fee.

VII. New Business

a) Referendum

Chairman Mullins noted that although there is more money in reserves, CEPD is short on funds for next project. Continuing to raise ad valorem taxes may not be the most desirable option. A referendum is necessary to borrow funds against the district.

The board proceeded to review the CEPD apportionment schedule and discuss upcoming deadlines.

Chairman Mullins suggested that the board should postpone vote on the referendum, and instead move forward on more pressing work that needs to be done.

Commissioner Holzheimer noted that the maintenance for Blind Pass is not addressed in the proposed budget.

At this time, a public comment was made: Once approved, how long is referendum good for? Is there a time limit?

Chairman Mullins responded, explaining there is no time limit on borrowing after authority is given.

Commissioner Jensen discussed the possibility of filing multiple referendums and whether this is a feasible option.

b) Legislative Delegation

The board discussed best methods of presentation for the delegation. Consultants Bob Gray, Jr. and Brian Calciano will follow up with Consultant Rooker regarding these materials.

c) Newsletter Articles

The final draft of the Fall Newsletter has been tentatively set for Friday. At that time, there will be a decision whether content is ready for

publication or should be held back until Chairman Mullins returns to the country in early November.

VIII. Commissioner's Comments

Secretary Kaiser inquired about the status of the recent request for information sent by Roetzel & Andress. He emphasized that the CEPD's primary mission is beach renourishment; therefore the organization should not let this request overly occupy resources devoted to efforts in that area.

Regular Meeting of the CEPD Adjourned at 2:55PM.