

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

Tween Waters Inn, Wakefield Room  
15951 Captiva Dr., Captiva, FL 33924  
Monday, September 14, 2009 @ 4:00PM

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

**Administrative Consultants Present:** Kathy Rooker (Senior Administrative Consultant), Brian Calciano (Information Technology Consultant)

**I. Call to Order**

Chairman Mullins called the meeting to order at 4:05PM.

**II. Roll Call**

Roll call was performed and the results are detailed above

**III. Approval of CEPD Meeting Minutes**

Commissioner Kaiser moved to approve the last meeting minutes. The motion was seconded and pass unanimously.

**IV. Public Comments:**

Public raised no comments at this time.

**V. Financial Report**

The treasurer presented the financial report.

**VI. Report from the Senior Administrative Consultant**

**a) Audit Update**

CEPD received a letter today regarding the dispute over fees and services rendered with auditor Jeff Tuscan. Comm. Jensen iterated that every step has been taken to resolve the situation, and suggested that it is time to begin pursuing alternatives to Tuscan & Company. Tuscan claims he has not received items, Rooker argues we have evidence

suggesting otherwise. Tuscan keeps claiming that he requires items and argues for excess fees.

Commissioner Mullins stated that Tuscan is seeking more than double the amount originally proposed (nearly \$25,000 from an initial estimate of \$8,000-\$9,000). Tuscan & Company allegedly did not receive important documents for auditing purposes; however, Senior Administrative Consultant Rooker commented that there is evidence to suggest otherwise. Attempts were made to settle the dispute for a fee in the \$15,000 range, but Tuscan & Co. presented CEPD with an agreement that the district's legal counsel strongly advised against signing, as this documents would absolve Tuscan of all liability. Tuscan & Co.'s claims that CEPD has not provided vital documents are not valid. Additionally, Tuscan & Co. are unable to complete rendering services.

CEPD needs to seek a new auditor. Consultant Rooker noted that the Auditor General's Office has previously allowed extensions for missed audits under certain circumstances, potentially offering CEPD enough time to replace Tuscan & Co.

It was also noted that CEPD sought arbitration with Tuscan & Co. (as entitled to in contract for services), but Tuscan suggested filing with small claims court, which was not pursued.

Commissioner Mullins concluded by repeating every step taken to resolve situation with Tuscan., but fiduciary responsibility precludes CEPD from pursuing legal conflict further. CEPD requested written list of missing document, was not answered. Tuscan & Co. will be reported to the appropriate entities (Better Business Bureau, Dept. of Accountancy, etc.). Correspondence with Tuscan & Co. has been thoroughly documented.

## **b) Parking Lot Revenue**

Consultants JoAnn Paul and Kathy Rooker assembled a chart representing parking lot revenue over a three year period. The figures are approximately as follows:

(6% removed for sales tax)  
2007: \$61,087  
2008: \$103,000  
2009: \$159,326

Commissioner Mullins noted that collections during 2006 were close to zero due to machine difficulties and maintenance issues. Since then, there have been approximately \$20,000 in capital investments for the CEPD parking lot, and that operating expenses range between \$15,000 and \$20,000 annually. Consultant Rooker

added that these expenses include Frank's Maintenance, the rental of public restrooms, internet and telephone service for the card readers, and a license for aforementioned service.

Commissioner Kaiser stated that the parking lot requires maintenance, particularly in regards to the potholes that form in the dirt and sand lot.

Commissioner Mullins added that it may be desirable to pave the lot in the future. Reasons for increased revenue include:

- i) The introduction of new equipment beginning in 2009.
- ii) The bank is now responsible for counting cash.
- iii) More diligent cash collections and maintenance
- iv) The presence of two machines has reduced patron wait times.
- v) Possible benefits from Turner Beach parking being closed.
- vi) Benefits from Florida "staycations".

In conclusion, there are a combination of factors contributing to increased parking lot revenue.

Public acknowledged there are number of factors, and there may now be an opportunity to raise rates. Additionally, the pothole situation could be remedied by adding shells.

Commissioner Mullins noted Dept. of Transportation previously offered to pave the lot, but previous administrator Alison Hagerup declined. He requested that consultant Rooker move forward and get bids on this project in order to make the lot more visually appealing

### **c) Blind Pass Celebration**

Consultant Rooker communicated that there is no celebration date currently set. The parking area still needs cleanup, and the commissioners agreed there is much work left to do.

CEPD share of county management fees: \$34,000. Under new policy, we will no longer be paying those fees.

The commissioners discussed the overall success of the Blind Pass project and its merits, including the opening of the pass, visual appearance, improvement of water quality, and the increased presence of wildlife.

Commissioner Mullins raised the issue of appropriate signage. There are already signs conveying caution in regards swimming, however the site still needs no-wake zone markers and similar signage. Also, there are potential issues with people unloading fishing equipment, etc. on the bridge, especially once tourism season recurs. There is an increased need to have local authorities monitor the area.

**d) Three Year Monitoring Survey**

Three year monitoring survey will begin tomorrow. Steve Keehn CP&E will be monitoring Captiva and Northern Sanibel. Steve's bid was \$90,000 for 3 year monitoring, negotiated to approx. \$57,000. 18 lines common to both projects.

Commissioner Mullins met with Tammy Hall in response to fee sharing. Tammy did not support monitoring due to a misinterpretation of the term as denoting security or law enforcement monitoring. A change of name to "monitoring and surveying" was suggested.

Based on CEPD's operation in the past, neighboring organizations are not accustomed to Captiva fighting for its share of resources. Compared to Fort Myers Beach, Captiva has a much higher cost share for beach renourishment Captiva is virtually punished for taking proactive initiatives to maintain local beaches. There was a discussion with the county regarding ongoing expectations for cost sharing.

Commissioner Kaiser suggested that by handling its own funding, CEPD may have an advantage during hard economic times when other organizations are competing for federal and state funds.

It was noted that the rocks have been replaced at the Blind Pass groin. The City of Sanibel was held responsible for this, and it was noted that there was lack of communication between Sanibel and Captiva regarding this issue.

**e) Community Relations Committee**

Consultant Rooker suggested the October 14th meeting should be moved earlier to 9AM to allow more time for regular meeting later that day.

**f) Introduce Brian Calciano**

Kathleen Rooker introduced Information Technology Consultant Brian Calciano, who gave a brief oral presentation regarding the progress of IT and data management

projects approaching completion at CEPD. Since the commencement of his services in July, Calciano has been the primary resource for the archive scanning project. He projected completion of CEPD office file scanning by the end of the month, with reorganization and upload into a cloud computing environment hosted by Google Apps following soon after.

The public queried as to how far back these files date. Calciano explained that although the in-office archive documents generally back to the late 90's, there are outliers dating back from the 1970's that are most likely the result of contamination with files in the archive storage unit offsite. The current incarnation of the project was carefully planned and executed in systematic manner with project timetable and deadlines. Completion of the project will allow for enhanced collaboration of CEPD resources and access to vital information, as well as providing the means for continued administrative operations and data management offsite in case of a hurricane or other emergency.

## **VII. Old Business**

### **a) New Emergency Plan and Comprehensive Plan**

Consultant Rooker noted that the cost of updating the emergency plan with Coastal Planning & Engineering is approximately \$20,000. Steve Keehn recommends that previous and current emergency plans be combined into one document containing both plans.

## **VIII. New Business**

### **a) Amendments to Rules of Procedure**

Secretary Kaiser proposed amendments to two rules of procedures:

**i.) Rule 9.01 Amendments, Manner, and Time** – Comm. Kaiser proposed change to “Secretary *or chairman* should review code and recommend change” (change in *italics*). As of now, the secretary is sole person responsible for recommending change in code, effectively making it impossible to make revisions in the event of secretary's absense.

#### **ii.) Rule 2.04 Bank Account:**

b. General Fund:

"Each year, any budgeted and collected funds, that were not expended, shall

be rolled over to the following year's budget, thus reducing the millage rate". Comm. Kaiser proposed changing "following year's budget, thus reducing the millage rate" to "*project reserve fund*".

Commissioner Mullins commented that he was reviewing documents with Senior Administrative Consultant Rooker and the accountant, JoAnn Paul. The conclusion was made that unexpended funds should be reserved for future renourishment projects

Commissioner Holzheimer moved to accept changes. Motion was seconded and passed.

#### **b) Project Budget**

The project budget was presented. Treasurer Jensen called the amount of the project budget into question. Consultant Rooker responded that there is need to survey missing sand for a more accurate budget projection – figure is high to anticipate these expenses. Any area that could potentially be an expenditure is anticipated in the budget.

Treasurer Jensen moved to approve the project budget. Motion was seconded and passed.

#### **IX. Commissioner Comments**

It was noted that the last renourishment project received more money from the federal government than from the state of Florida. The remainder is cost shared with locals (Lee County). Sanibel received approximately 14% of the sand from the project. Incidentally, Captiva received 14% project funding from the county.

A question was raised: how are we monitoring Sanibel's benefit from CEPD renourishment? The projected values of sand given to Sanibel by 2012 is comparable to cost of entire Blind Pass project. Projecting costs for future projects is difficult due to fluctuations from project to project. It was further noted that remobilization of dredging services may drive up costs for these services in general.

Regular meeting of the CEPD adjourned @ 5:05PM.