

Minutes of the General Meeting of the Captiva Erosion Prevention District
 Captiva Community Complex
 11550 Chapin Lane, Captiva, FL 33924
 Wednesday, December 10, 2008 @ 12:00 P.M.

Commissioners Present: Rene Miville (Chairman), Mike Mullins (Commissioner), Doris Holzheimer (Secretary), Henry Kaiser (Commissioner)
 Commissioners Absent: Dave Jensen (Treasurer)
 Administration Present: Kathy Rooker, Michelle Wesley

I. Call to Order

Chairman Miville called the meeting to order.

II. Roll Call

Chairman Miville performed the roll call, the results of which are detailed above.

III. Welcome and Introduction of Commissioner Henry Kaiser

- Chairman Miville introduced Commissioner Kaiser
- Commissioner Kaiser spoke briefly and made the following points:
 - He has been a homeowner on Captiva since 1980
 - He remembers what the Captiva beach looked like before renourishment and thinks that CEPD has done a great job. He is looking forward to serving on the Board.

IV. Approval of CEPD Meeting Minutes

a) November 12, 2008 General Meeting Minutes

Commissioner Holzheimer made a motion that the November 12, 2008 General Meeting Minutes be approved, which was seconded by Commissioner Mullins and passed unanimously.

b) November 13, 2008 Emergency Meeting Minutes

Commissioner Holzheimer made a motion that the November 13, 2008 Emergency Meeting Minutes be approved, which was seconded by Commissioner Mullins and passed unanimously.

V. Public to be Heard

- Paul Garvey requested that he be provided with a recording of the meeting after the meeting adjourned. Mr. Garvey was informed that, per the CEPD Rules of Procedure, requests for recordings of CEPD General Board meetings must be made at least 2 days prior to the meeting date. Mr. Garvey was further informed that no recording was being made of the current meeting.
- Kelsey Angstadt asked why the decision was made not to record the current meeting. Ms. Angstadt was informed that, with the introduction of new Administration staff into the CEPD office, the CEPD was looking to improve the efficiency of the CEPD Administrative processes relative to how they had been performed in the past. One efficiency that the new Administration staff implemented was the discontinuation of the practice of having an Administrator attend the Board meeting, then listen to a recording of that Board meeting to produce minutes – instead, the new Administrative staff is expected to pay attention during the Board meeting itself and take effective

notes from which minutes can be produced, thereby significantly reducing the number of hours involved in producing minutes.

VI. Financial Report

- Rita Donaldson, the current accountant for the CEPD, presented a number of Summary and Detail reports (attached to these minutes) relative to the CEPD General and Capital Funds.
- Commissioner Mullins noted that this month's financial reports reflect a transfer of money between the Capital Fund and the General Fund that was made to correct a previous error, in which parking lot revenues for FY 2007-2008 were transferred from the General Fund to the Capital Fund.
- In response to an observation by Commissioner Mullins, Ms. Donaldson noted that she had complied with the Board's previous request to modify the "Budget vs. Actual" reports. In the new version of those reports, the budgeted amounts to which actuals are being compared have been pro-rated from the annual budgeted amounts to correspond to the time period being reported. For example, the budget amounts in the October Budget vs. Actual report, represent 1/12 of the annual budget amounts since the annual budget amounts were pro-rated to correspond to the time period (one month) of the report).

At the end of the discussion of the Financial Reports, Chairman Miville noted that if agenda item IX, "Old Business – Auditor Proposals" could be moved up as the next item to be discussed, then Ms. Donaldson could leave the meeting, as her attendance for discussion of other agenda items was not required. The rest of the Board agreed to the agenda change.

VII. Old Business – Auditor Proposals

- Kathy Rooker presented a comparison of the two proposals received to perform the third party audit for CEPD for FY 2007 – 2008 (a copy of which is attached to these minutes). The differences noted were:
 - Tuscan & Company performs audit work for other government agencies in the area
 - Tuscan & Company is located in Lee County and it is easier to physically coordinate with them since they are a local firm
- Commissioner Mullins noted that it was good governance practice to change audit firms every three or four years.
- Commissioner Mullins made a motion to negotiate a contract with Tuscan & Company per the proposal that they provided, the motion was seconded by Commissioner Holzheimer and passed unanimously.

VIII. Report of the Administrator

a) Relocation of the Office Report

Kathy Rooker made the following points on this topic:

- The move to the new offices will commence on Friday, December 12 and will continue throughout the weekend.
- There will be no change in telephone number
- She expects the office to be fully operational on Monday, December 15

b) Blind Pass

Kathy Rooker made the following points on this topic:

- She will be meeting with Robert O'Neal and Steve Butelle about Blind Pass on December 17 at 3pm
- No invoices have been received from the County since the last Board meeting – CEPD has paid every invoice submitted by the County to date

The Board had a discussion about Blind Pass during which the following points were raised:

- Even though CEPD, per the Interlocal Agreements executed for this project, is a funding partner and not the project manager, CEPD still has fiduciary responsibility to ensure that the project proceeds in the most efficient and effective manner. CEPD will exercise that fiduciary responsibility and not just write out checks.
- Clarification is required relative to the costs that should be included in the total Blind Pass shared project costs. The County is including their project management and administrative expenses in the shared project costs, however CEPD is incurring expenses associated with fiduciary oversight and quality assurance that are not currently being included in the total shared project costs.
- Although a formal communication of these concerns to Lee County was discussed, the Board decided to wait for a report on Kathy Rooker's December 17 meeting with the County to decide if that formal communication is the appropriate next step.

During the discussion of Blind Pass, Commissioner Mullins noted that it appeared that the meeting was being tape recorded without an announcement being made. Paul Garvey and Kelsey Angstadt admitted that they were each making separate tape recordings of the meeting even though neither of them had made an announcement that they were doing so. Several Commissioners made remarks to the effect that tape recording individuals without making an announcement prior to initiating the tape recording is generally considered rude, unethical and reprehensible behavior, if not actually an illegal act, and that they were personally and professionally offended by that behavior.

c) *Parking Lot Meter Report*

Kathy Rooker introduced John Lundine, who is currently engaged by CEPD to maintain the parking meter facility, collect parking meter revenue and deposit it into the bank, to give an update on the parking lot meters. Mr. Lundine made the following points in his update:

- The new parking meter is scheduled to be shipped to CEPD on December 12, 2008
- A new parking meter shelter must be constructed to cover both parking meters, once the new meter is received. John proposed that the new shelter be constructed of an aluminum frame with a washable canvas top that can be removed in the event of a hurricane.

Commissioner Mullins made a motion that the Board delegate authority to Kathy Rooker to decide, with input from the community, on the final design of the parking meter shelter and oversee its implementation.

IX. **Consultant's Report - Outsourcing**

Bob Gray, Sr. Management Consultant from Partners in Progress Inc., reviewed the highlights of the outsourcing proposal that Partners in Progress presented in detail to the Board at the previous Board meeting;

- **Scope of Services:**
 - The performance of all of the CEPD administrative processes defined in the Inventory of CEPD Administrative Processes presented at the last Board meeting.
 - Responsibility for paying all expenses budgeted for in the current CEPD General Budget
 - Mr. Gray stated that in subsequent discussions about the proposal with Chairman Miville, which took place per the instructions issued at the last Board meeting, it was noted that the originally proposed scope of services did not include the performance of any coastal management functions and that Chairman Miville asked for that to be included in the scope of services. Mr. Gray noted to the Board that the originally proposed scope of services had been enhanced to include the coordination of Coastal Management functions, with previously defined assistance and support from a Coastal Management Consultant and CEPD's Coastal Engineering firm.
- **Proposed Contract Term: 5 years**
- **Proposed Price: \$1.3 million for the 5 years, plus \$50,000.00 for the development of the CEPD Administrative Standard Operating Procedures manual during the first year of the engagement.**

A member of the public, Ms. Kristoff, asked whether the proposed contract was being competitively bid. Ms. Kristoff was informed that it was not for the following reasons:

- Per CEPD's attorney, the contract was not required to be competitively bid
- Partners in Progress, Inc. is uniquely qualified to assume the CEPD administration on an outsourced basis, given its involvement in the complexities of CEPD's administrative processes and its work with Alison Hagerup in defining and documenting the beach renourishment cycle processes
- The continuation of the current CEPD Administration scenario, where the voluntary Board is required to actively manage the day-to-day administrative aspects of the CEPD, is untenable for the time period required to competitively bid the contract.

Commissioner Mullins made a motion that the CEPD execute a contract with Partners in Progress, Inc. to commence on January 1, 2009, per the outsourcing proposal presented by Mr. Gray, Commissioner Holzheimer seconded the motion and the motion was passed unanimously.

X. **New Business**

a) **Selecting a New Board Chairperson**

Commissioner Mullins requested that Chairman Miville change the effective date of his resignation as Chairman such that he will remain Chairman through the January 2009 Board meeting. Chairman Miville agreed to do so.

At this point, the Board agreed to change the order of the remainder of the agenda items so as to move item X. b), Public Relations Plan, to be the last item on the agenda and to table item X. d), Directors and Officers Insurance, until the next Board meeting.

b) *Proposed Changes to the CEPD Rules of Procedure*

- Commissioner Mullins made a motion to change the regular meeting place from the Captiva Community Center Complex to 11513 Andy Rosse Lane, Unit 4, Captiva, FL 33924. Commissioner Holzheimer seconded the motion and it was passed unanimously.
- Commissioner Mullins made a motion to change the CEPD Rules of Procedure, Rule 1.03 (c), so as to replace the first sentence of that rule and section, which currently states, "All regular meetings shall be held at the Captiva Community Center Complex." with "For purposes of this Rules of Procedure document, the regular meeting place is defined as 11513 Andy Rosse Lane, Unit 4, Captiva, FL 33924. Regular, special and emergency meetings can be held in locations other than the regular meeting place, as long as the address of that other location is included in the public notice for the meeting in question. The Administrator may choose the locations for the regular meetings."
- Commissioner Mullins made a motion to change the CEPD Rules of Procedure, Rule 1.11 (b), so as to delete the first sentence of that rule and section, which currently states, "The Administrator shall be a salaried employee of the District Board."

c) *Meeting Calendar for 2009*

After discussing multiple aspects of scheduling meetings for 2009, Commissioner Mullins made a motion that the schedule for the General Meetings of the CEPD Board of Commissioners for 2009, and the Public Notice of same, stipulate that the meetings will be held on the second Wednesday of every month, with the exception of April 2009 during which the meeting will be held on the third Wednesday, at noon. Commissioner Holzheimer seconded the motion and it was passed unanimously.

d) *Public Relations Plan*

Commissioner Holzheimer presented a draft Public Relations Plan (a copy of which is attached to these minutes) and recommended that a subcommittee be formed to work on the plan. Commissioner Mullins made a motion that a subcommittee is formed to work on the CEPD Public Relations plan and that Commissioner Holzheimer be appointed chairperson of that committee. Commissioner Kaiser seconded the motion and it was passed unanimously. Commissioner Holzheimer stated that she was distressed about the uncoordinated work of organizations interested in the beaches and recommended that CEPD convene people with interest in the beaches to develop some common talking points. Commissioner Holzheimer offered to coordinate this.

e) *New Topic, not on agenda: Loss of Beach Funding from Bed Tax*

The Commissioners discussed the fact that many different organizations were concerned about the recent decisions by the Lee County Commissioners that affect beach funding provided by the bed tax and that

there was a need to form a coalition so that those organizations can speak with one voice and be heard. Commissioner Mullins noted that the idea of a coalition was already being raised by the Committee of the Islands, and suggested that the topic be included on the agenda for the January CEPD Board meeting when there may be more specific proposals to discuss. The Board agreed.

f) *New Topic, not on agenda: Chapel by the Sea request for exemption*

Commissioner Mullins stated that he thought that the Board should be aware that CEPD has received a letter from attorneys for Chapel by the Sea asking what form they have to fill out to receive the same exemption from the special assessment that the CCA currently receives. Commissioner Mullins is working with Nancy Stroud to address the issue.

The meeting adjourned at 3:20pm.