

Agenda

**Regular Meeting of the
Captiva Erosion Prevention District
Tween Waters Inn, Wakefield Room
15951 Captiva Drive, Captiva, Florida 33924
July 14, 2010 @ Noon**

- I. **Call to Order**
- II. **Roll Call**
- III. **Approval of June Meeting Minutes**
- IV. **Public to be Heard**
- V. **Financial Report**
 - Pay Down of Debt
- VI. **Report of the Senior Administrative Consultant**
 - Parking Lot
 - Important Meeting Dates
 - ~~ASBPA Conference~~
 - Meeting with County Manager
 - Bed Tax
 - OSHA Training
- VII. **Old Business**
 - Engineering Report – Steve Keehn
 - Emergency/Comprehensive Plan
 - Summer Survey
 - Deepwater Horizon and Protective Strategies
- VIII. **New Business**
 - Resolution Ordering a Referendum
 - Survey Proposals
 - DR-420 Tentative Millage Rate and Budget
 - Town Hall Meeting and Apportionment Hearing
- IX. **Commissioner Comments**

Adjourn

Minutes of the Regular Meeting of the Captiva Erosion Prevention District

'Tween Waters Inn, Wakefield Room
15951 Captiva Drive, Captiva, Florida 33924
June 9, 2010 at 12:00 P. M.

Commissioners Present: Mike Mullins (Chairman), Dave Jensen (Treasurer), Harry Kaiser (Secretary), Rene Miville (Commissioner), Doris Holzheimer (Vice Chair – via telephone)

Consultants Present: Kathleen Rooker (Senior Administrative Consultant); John Bralove (Administrative Consultant)

Presenters: Steve Keehn, Coastal Planning and Engineering; Robert Neal, Lee County Natural Resources

I. Call to Order

Chair Mullins called the meeting to order at 12:02 P. M.

II. Roll Call

The roll was called and the results are detailed above.

III. Approval of May Meeting Minutes

Mr. Kaiser moved and Mr. Jensen seconded a motion to dispense with the reading of the minutes from the May meeting. The motion passed without dissent.

IV. Public to be Heard

Chair Mullins introduced Jason Maughan, a Sanibel attorney, who in turn introduced James Etchechury, a partner in ERA Financial Group, LLC, who represents Containment Resource LLC, a shallow water oil containment boom manufacturer. Mr. Etchechury presented information on the current status of the oil spill, how his company is supplying contractors in Louisiana, how oil booms are used, costs, shelf life, and other information. Commissioners and members of the audience asked questions. Mr. Keehn commented on how approval is gained, the agencies involved, and his experience gained recently during visits to the panhandle area of Florida. Mr. Mullins thanked Mr. Etchechury for attending.

There was discussion about how beach cleanup would be performed, the approach the District is taking, CEPD's draft of a back-up plan, a process for vetting the plan, and how CEPD would go about getting a back-up plan approved.

V. Financial Report

Mr. Jensen began his report by stating that the loan amount (debt service) currently owed by CEPD is \$2,022,000 and the interest rate is 3-1/2%. Mr. Mullins discussed the idea of paying down the loan since the interest rate on CEPD's investments is well below the interest rate it is paying on the loan. He mentioned that although CEPD knows its normal costs, there is still information that it doesn't have that relates to the ability to pay down the loan: what is still owed for the Blind Pass Project and the outcome of the Florida DEP reconciliation audit, which could be between \$300,000 and \$500,000 that CEPD would have to pay back.

Mr. Mullins also talked of securing a line of credit should CEPD pay down some or all of the current loan. A cash flow analysis meeting will be scheduled with Mr. Jensen, Mr. Mullins, Ms. Rooker, and Ms Paul, CEPD's accountant, to get data about how much the District might be able to pay down. Also, a teleconference between Mr. Mullins, Ms. Rooker, and Mark Raymond, CEPD's bond attorney, will be scheduled for June 10 to talk about what CEPD might be able to do.

Mr. Jensen reported on rent payments, beach benefits study expenses, and miscellaneous revenue.

VI. Report of the Senior Administrative Consultant

a) Army Corps Visit

Ms. Rooker reported on her meeting with staff from the Army Corps of Engineers. CEPD is using its parking and public access to its maximum to improve cost-sharing. Getting more parking could increase the cost-share percentage. Because South Seas Resorts has no public access, it affects the cost-sharing formula. If it were excluded, the cost share might increase 35%. However, Mr. Keehn mentioned there might not be a net benefit, as his presentation later on the agenda may indicate. Moreover, if CEPD asks the Corps to revisit the model, it might have an adverse effect.

Discussion moved to increasing parking and various sites were identified. Mr. Kaiser was asked to approach the CCA and Mr. Mullins will talk with South Seas in a comprehensive discussion that will put all the topics between CEPD and South Seas on the table.

b) Beach Volunteer Training

Ms. Rooker reported that CEPD had over 70 people registered for each session of the volunteer beach training session for next Monday, June 14. CEPD is setting up additional sessions in July to accommodate those who were turned away. Ms. Rooker also commented that when she talked to John Wilson of the Lee County Emergency Management Office, he was very enthusiastic about the District's efforts. He said that the county might be able to use the trained volunteers for shoreline assessment should BP not allocate enough people to this effort.

c) Resurface of Parking Lot

Ms. Rooker reported that the County did a great job of resurfacing the parking lot. They regraded, added material, rolled, and compacted the surface. Arrangements will be made with a private contractor to maintain the surface of the lot. Mr. Mullins asked those in the audience to let CEPD know if they see problems.

d) Estimate of 2010 Assessed Value – Budget Workshop

The issues related to a decrease in assessed values, increasing the millage rate, passage or not of the referendum, and related matters as they affect CEPD's budget were discussed. The issue of where emergency funds would come from if there is a significant oil cleanup effort necessary was also discussed. Depending on the circumstance, CEPD could seek reimbursement from BP.

After discussion, budget workshops were scheduled for 1:00 P.M. on Tuesday, July 13 and a follow-on session at 9:00 A.M. on Wednesday, July 14, both at the CEPD office.

VII. Old Business

a) Response to Deepwater Horizon Oil Spill – Oil Spill Beach Projection and Cleanup Plan for Captiva

Steve Keehn of Coastal Planning and Engineering provided an overview of the oil spill situation and what he has learned from his visits to the Panhandle area of Florida. He mentioned that if an agency or organization has a plan, it must go through channels for approval. He said that there are three possible outcomes: it might be allowed and reimbursed by BP, some other agency may have already planned for it or is doing it, or it is not allowed. If a plan is accepted, it must be permitted.

Mr. Keehn went on to talk about the draft of the backup plan for Captiva. It assumes the construction of a berm if the oil spill takes the form of liquid but not for tar balls or tar patties. He mentioned that if oil reaches the beaches, the beaches would be scraped of the contaminated sand, and new sand put in its place. The sand would not be cleaned. He recommended that CEPD take his plan after he revises it again based on some new information, meet with the County Emergency Management (EOC) before we authorize work, and try to figure out what Captiva could do to compliment EOC's plan.

b) Blind Pass Design Update and Permit Modification

Robert Neal from the Lee County Department of Natural Resources was called upon to present his report. He stated that the reason he is at the meeting today relates to the interlocal agreement between Lee County and CEPD. Before Lee County authorizes work, they would like to get CEPD's input to make sure that everyone is aware of the anticipated costs coming down the line. He presented a narrative, schedule, and costs outlining the next 8 tasks (Task 1 through Task 8) titled "Blind Pass Restoration Annual

Monitoring Design Update and Permit Modification Scope of Work CEC File No. 08.043, April 17, 2010.” He outlined the scope and costs for each of the tasks and when they were scheduled:

Task 1 – Seagrass Mitigation Monitoring - \$19,480
Task 2 – Transplanted Seagrass Mitigation Monitoring - \$4,680
Task 3 – Physical Monitoring Survey and Report - \$70,070
Task 4 – Design Update - \$7,250
Task 5 – Permit Modification - \$13,210
Task 6 – Bid Process – \$3,540
Task 7 – RAI Response - \$6,300
Task 8 – Biological Opinion Update - \$4,160
Total \$128,690

Mr. Neal stated that he is seeking authorization for the \$128,690, of which CEPD’s obligation is approximately \$45,000. Mr. Jensen asked whether any of the \$128,690 included re-dredging costs and Mr. Neal responded that it did not.

Mr. Mullins asked how much is still outstanding from the Blind Pass project. Mr. Neal reported that approximately \$2.6 million had already been spent out of \$3.5 million budgeted. This leaves approximately \$900,000 of the budget that was not spent. Mr. Neal also reported that there are no more hard construction costs to be paid. Ms. Rooker mentioned that there was a bill to be paid for \$138,000. Mr. Mullins stated that when all the numbers and estimates are run, it appears that CEPD is still within its budget for the project.

Ms. Rooker asked about placing sand outside of CEPD’s template and the monitoring thereof, which is outside the interlocal agreement, which does not benefit Captiva, and which increases overall costs. Does the County expect CEPD to pay for this? Mr. Neal responded that subject to the interlocal agreement, the answer is yes (at the 34% cost share rate). Mr. Neal said that the permit modification does anticipate dredging sand from Blind Pass and depositing it on Bowman’s Beach. Mr. Neal said that putting the sand there is negotiable and that perhaps the interlocal agreement be revised to get credit for CEPD for placing sand at Bowman’s Beach. He said that it is of benefit to the Blind Pass opening. Mr. Miville recommended that we try to see what CEPD and the County can come up with to resolve this.

Mr. Miville asked why the monitoring cost so much and Mr. Neal explained it, giving additional detail of the costs. Mr. Mullins asked whether Sanibel is going to participate in any of the costs that are outside of the interlocal agreement. He thought they should and Mr. Kaiser agreed.

There was discussion about whether it was necessary to get a permit modification for re-sweeping or not and how long it would take, and particularly whether significant changes would draw the process out. Mr. Miville suggested that CEPD ask for a meeting with DEP so that we could explain the situation more completely to them. Mr. Keehn

recommended that the permit be acquired so that everything would be in place when the work was necessary. He commented that the permit was good for 5 years.

Mr. Mullins asked whether it might be possible to carve out that which needs to be done now particularly in light of the oil spill. After discussion of what Tasks should be done now, Mr. Miville moved and Mr. Kaiser seconded to approve Tasks 1 through 4. The motion passed without dissent.

Mr. Miville ask Mr. Neal how could CEPD do a better job of supporting Lee County Natural Resources staff in being our cheering section in cost sharing and dealing with other issues? Mr. Neal responded by saying that in regard to the Blind Pass project, he agreed that if it is outside of Captiva not receiving benefit and Sanibel is, then they should step up to the plate. Mr. Neal stated that another option if Sanibel doesn't want to pay for the benefit of sand placed on their beach, CEPD discuss with DEP locating the sand on Captiva. Mr. Boyle and Mr. Kaiser commented that it might be a good idea to put sand on Captiva instead since there are hot spots on Captiva. The issue of "back passing" was then discussed among the Commissioners, Mr. Neal, and Mr. Keehn.

Mr. Mullins suggested that a meeting be set up between Lee County Natural Resources, CEPD, and the City of Sanibel, to put all the issues on the table, and see if we can find a compromise as we have done in the past so that we can work cooperatively, move forward, and determine who is responsible for what. We can save a lot of time while the permitting process is going forward: we negotiate the sand issue, we are ready to revise the interlocal agreement, and we are shovel ready once we know what the situation is with the oil spill.

c) Partners in Progress Contract

This item was continued from the May discussion. The new contract has an automatic Consumer Price Index increase as part of the present contract and a 3% performance increase. Mr. Kaiser talked about designating a percentage for Ms. Rooker. Various other ways of compensation for Ms. Rooker and Partners in Progress were discussed. Mr. Mullins asked Ms. Rooker whether she got mileage. Mr. Boyle asked whether it was within the Board's prerogative to award Ms. Rooker a bonus. Ms. Holzheimer, Mr. Mullins, and Mr. Kaiser talked about PIP's performance. After additional discussion, it was moved by Mr. Jensen and seconded by Mr. Kaiser to approve the Consumer Price Index increase for PIP effective June 1, 2010, and an additional 3-4% increase for Ms. Rooker retroactive to June 1, 2010 in a separate expense reimbursement arrangement to be determined in communication with Ms. Rooker. The motion passed without dissent.

d) Request for Florida Attorney General Opinion on Local Option Tourist Development Tax

Ms. Rooker explained that the packet of materials for this agenda item contained both CEPD's attorney's letter and brief to the state Attorney General and Lee County's information on their position. It is for information purposes and no action is required.

VIII. New Business

a) Engineering Report

Steve Keehn presented charts and graphs of his report, particularly as it relates to the cost portion and emphasized that it was a draft so CEPD has another 30 to 60 days to finalize the cost and the details of the project. He stated that CEPD is meeting the state standard for Sanibel Island. He suggested that zone boundaries (for accretion) as presented on his graph might need slight adjustments. He offered to talk to Dr. Stronge about them in the next few weeks and report back to the Commissioners.

Mr. Keehn then presented information on cost-sharing based on three alternatives: all three regions (Captiva and Northern Sanibel including Bowman's Beach, Captiva and Northern Sanibel excluding Bowman's Beach, and Captiva alone). A discussion ensued as to how the cost-sharing figures are arrived at by the various agencies, especially as they relate to storm benefit versus recreational benefit.

He then turned to the financial and cost projections. They are based on a 3% inflation rate. He displayed three alternative cost estimate scenarios plus two subsets that coincide with the cost-sharing information he just presented (Captiva and Northern Sanibel including Bowman's Beach, Captiva and Northern Sanibel excluding Bowman's Beach, and Captiva alone). Mr. Keehn will revise these figures based on the Commissioners' feedback and input he will receive at a meeting with staff and Commissioners Friday.

The discussion then turned to what cost amount should be used for the referendum. Mr. Mullins suggested that CEPD may need to debate what should be done in the nourishment when funding sources are undetermined. He suggested CEPD get a commitment from the county up front. Concern was expressed about whether too much money asked for in the referendum might not cause the referendum to be defeated.

Ms. Holzheimer reminded the group that federal funding is contingent on whether there is state funding. Mr. Mullins remarked that if the referendum fails, CEPD can go back again next year, which supports the notion of going with the referendum this year.

b) Apportionment & Summer Survey

Mr. Mullins suggested that CEPD needed to document the apportionment process and model to make sure that CEPD is in compliance with the Freedom of Information Act.

Mr. Jensen moved and Mr. Kaiser seconded to approve William Stronge's proposal to perform the apportionment. Mr. Mullins and Mr. Kaiser supported the idea that CEPD needed to move this question now because there was not enough time to reconsider it next month. Ms. Holzheimer raised concerns about property that is not taxed or considered before, rentals, and public concerns that they have had before and that we have not addressed. The motion passed with the approval of all Commissioners who were in attendance.

The discussion turned to the topic of the summer survey and whether it is necessary. Ms. Holzheimer said that there was a lot of data from the winter survey that CEPD could use. Mr. Mullins said that if CEPD wanted a summer survey, it could pay to have it done later in the year although the cost might be higher. The Commissioners took no action.

c) Special Assessments

The discussion of this item involved the reimbursement to tax payers for overpayments discovered from periodic reconciliations performed by CEPD. The amount of money involves approximately \$6,000 to \$10,000. The process for assessments has been improved so that it will not happen in the future. Ms. Rooker explained to the Commissioners that this is an information item only and no action or vote is required on their part.

d) Wells Cargo Mobile Restroom Proposal

Ms. Rooker and Mr. Bralove provided information on the replacement of the portable toilets on the Hagerup Parking Lot with a 3-unit, ADA-compliant, mobile toilet trailer. The TDC had set aside \$60,000 for the purchase and installation of more permanent toilet facilities for last year and Ms. Rooker had persuaded them to carry this amount over to this year. However, the funds must be used by September or they are lost.

The question was raised as to why the portable toilets were not adequate and Mr. Mullins responded that there was the issue of them not being ADA-compliant. The height of the new units compared to present portable ones was raised. Mr. Bralove said that this information is not in the specifications but he would get it from the manufacturer. Mr. Mullins asked that Mr. Boyle be given the information on the mobile toilets that was in the Board packets. (Note: This information was given to Mr. Boyle at the end of the meeting along with a full brochure.)

This agenda item will be discussed again at the next meeting after Mr. Boyle has had a chance to view the information and after Ms. Rooker has discussed the plans with Mr. Boyle and representatives of South Seas Resort.

IX. Commissioner Comments

There were none.

X. Adjournment - The meeting adjourned at 4:25 pm.

Minutes of the Briefing Meeting of the Captiva Erosion Prevention District

11513 Andy Rosse Lane, Unit 4, Captiva, Florida
June 17, 2010 @ 1P.M.

Commissioners Present: Mike Mullins (Chairman), Dave Jensen (Treasurer)

Consultants Present: Kathy Rooker (P.I.P. Senior Administrative Consultant), Amanda Bryant (SCCF)

I. Call to Order

Chairman Mullins called the meeting to order at 1:05 P.M.

II. Roll Call

The roll was called and the results are detailed above.

III. Local Response to Deepwater Horizon Oil Spill

Ms. Rooker distributed a packet to everyone outlining a safety guide for coast watchers, a reporting guide for possible oil sightings, guidelines for responders who may come across turtle nests and shorebirds, and a description of what constitutes a tar ball, tar patty, and oil sheen.

Commissioner Mullins expressed concern that the public may not be able to distinguish correctly between oil debris such as tar balls and natural elements found in the sea and on beaches. "How do we validate tar balls that may be reported by the public?"

Amanda Bryant, sea turtle director for the Sanibel Captiva Conservation Foundation described the procedures followed by turtle permittees during the current turtle nesting season. There are five turtle monitoring volunteers on Captiva. On Sanibel, which has a larger turtle nesting area, walkers survey the beach each morning and have a contact (turtle permittee) they each report to the contact nest sightings. Ms. Bryant shared that while turtle monitors would report any tar balls or oil debris they may see during their rounds, surveying the beach for tar balls and oil debris would not be their primary objective and she would not like to place the added responsibility on them. Amanda described vehicle equipment owned by the Captiva Fire Department that would be efficient and effective for coast watching. Fire Department employees or department volunteers on vehicle could quickly survey the beach and should be considered for Captiva coast watching.

The need for a contact person responsible for coordinating response efforts on Captiva was discussed. Commissioners want to get the Captiva Fire Department involved. The Fire Department has many resources and commissioners would like to know what the department is willing to do. Chairman Mullins and Commissioner Jensen will first contact Lt. Poppalardo of the Lee County Sheriff's Department and discuss next steps to involve the Fire Department.

Ms. Bryant shared that the SCCF will respond to oiled or dead turtles. If oil does come on shore, a 10 foot buffer will be placed around turtle nests. SCCF volunteers would assist. Chairman Mullins will contact Ding Darling concerning what will be done for oiled or dead shorebirds. Kathy Rooker will determine who is responsible for declaring an area an active oil response area.

Should tar balls or tar patties reach Captiva, the 150 OSHA trained volunteers from the June 14th training could receive further training from Amanda Bryant on nesting areas in order to protect turtles and shore birds during volunteer efforts to clean the beach.

Meeting adjourned at 3:00P.M.

CEPD - GENERAL FUND
 Budget Performance - Summary
 For the One and Eight Months Ended May 31, 2010

| | (A) | (B) | (C) | (D) | (E) | (F) | (G) | (H) |
|-------------------------------|-------------------|--------------------|--------------------|-------------------|-------------------|------------------|-------------------|---------------------|
| | Actual -May '10 | Budget - May '10 | Variance - May '10 | Actual YTD | YTD Budget | YTD Variance | Annual Budget | Residual Budget |
| Ordinary Income/Expense | | | | | | | | |
| Income | | | | | | | | |
| Ad Valorem Tax | 3,748.69 | 3,364.00 | 384.69 | 307,305.14 | 299,432.00 | 7,873.14 | 308,741.00 | 1,435.86 |
| Interest income - Other | 224.75 | 0.00 | 224.75 | 1,095.02 | 0.00 | 1,095.02 | 0.00 | 0.00 |
| Other Income | 400.00 | 200.00 | 200.00 | 12,542.76 | 800.00 | 11,742.76 | 900.00 | 0.00 |
| Total Income | <u>4,373.44</u> | <u>3,564.00</u> | <u>809.44</u> | <u>320,942.92</u> | <u>300,232.00</u> | <u>20,710.92</u> | <u>309,641.00</u> | <u>1,435.86</u> |
| Gross Profit | 4,373.44 | 3,564.00 | 809.44 | 320,942.92 | 300,232.00 | 20,710.92 | 309,641.00 | 1,435.86 |
| Expense | | | | | | | | |
| Administrative expenses | 1,530.14 | 4,108.00 | (2,577.86) | 33,178.28 | 32,474.00 | 704.28 | 54,000.00 | 20,821.72 |
| Capital outlay | 0.00 | 0.00 | 0.00 | 683.64 | 1,500.00 | (816.36) | 3,000.00 | 2,316.36 |
| Reserves | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 103,290.00 | 103,290.00 |
| Cost of collecting Ad Valorem | 74.97 | 34.00 | 40.97 | 8,010.48 | 4,710.00 | 3,300.48 | 4,800.00 | 0.00 |
| Legal and professional fees | 9,655.00 | 12,046.00 | (2,391.00) | 100,985.20 | 96,368.00 | 4,617.20 | 144,551.00 | 43,565.80 |
| Total Expense | <u>11,260.11</u> | <u>16,188.00</u> | <u>(4,927.89)</u> | <u>142,857.60</u> | <u>135,052.00</u> | <u>7,805.60</u> | <u>309,641.00</u> | <u>166,783.40</u> |
| Net Ordinary Income | <u>(6,886.67)</u> | <u>(12,624.00)</u> | <u>5,737.33</u> | <u>178,085.32</u> | <u>165,180.00</u> | <u>12,905.32</u> | <u>0.00</u> | <u>(165,347.54)</u> |
| Net Income | <u>(6,886.67)</u> | <u>(12,624.00)</u> | <u>5,737.33</u> | <u>178,085.32</u> | <u>165,180.00</u> | <u>12,905.32</u> | <u>0.00</u> | <u>(165,347.54)</u> |

NOTE: Residual Budget figures ONLY represent Budgeted Revenue uncollected and Budgeted Expenditures not incurred

CAPTIVA EROSION PREVENTION DISTRICT
CAPITAL PROJECTS
BUDGET PERFORMANCE - SUMMARY
For The One and Eight Months Ended May 31, 2010

| | (A) | (B) | (C) | (D) | (E) | (F) | (G) | (H) |
|------------------------------------|------------------|---------------------|--------------------|---------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| | Actual - May '10 | Budget - May '10 | Variance - May '10 | YTD Actual | YTD Budget | YTD Variance | Annual Budget | Residual Budget |
| Ordinary Income/Expense | | | | | | | | |
| Income | | | | | | | | |
| Interest Income | 551.14 | 1,250.00 | (698.86) | 4,563.01 | 10,000.00 | (5,436.99) | 15,000.00 | 10,436.99 |
| Other miscellaneous revenue | 0.00 | 0.00 | 0.00 | 368.95 | 0.00 | 368.95 | 0.00 | 0.00 |
| Parking lot revenue | 17,403.53 | 9,783.00 | 7,620.53 | 105,897.38 | 66,631.00 | 39,266.38 | 100,000.00 | 0.00 |
| Refund unused project costs | 0.00 | 0.00 | 0.00 | 0.00 | 75,000.00 | (75,000.00) | 75,000.00 | 75,000.00 |
| Reserves - General | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 103,290.00 | 103,290.00 |
| Total Special Assessments | 22,628.28 | 8,290.00 | 14,338.28 | 563,933.40 | 481,481.00 | 82,452.40 | 534,330.00 | 1,214.57 |
| Total Income | 40,582.95 | 19,323.00 | 21,259.95 | 674,762.74 | 633,112.00 | 41,650.74 | 827,620.00 | 189,941.56 |
| Expense | | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Advertising | 0.00 | 0.00 | 0.00 | 0.00 | 2,050.00 | (2,050.00) | 2,050.00 | 2,050.00 |
| Annual memberships & fees | 0.00 | 91.00 | (91.00) | 0.00 | 5,637.00 | (5,637.00) | 6,000.00 | 6,000.00 |
| Bank service charges | 0.00 | 9.00 | (9.00) | 3.00 | 66.00 | (63.00) | 100.00 | 97.00 |
| Beach maintenance | 0.00 | 0.00 | 0.00 | 62,568.12 | 110,000.00 | (47,431.88) | 123,000.00 | 60,431.88 |
| Blind Pass project | 0.00 | 0.00 | 0.00 | 142,875.42 | 686,965.00 | (544,089.58) | 686,965.00 | 544,089.58 |
| Cost of Assessment Collections | 0.00 | 19.00 | (19.00) | 1,163.37 | 1,081.00 | 82.37 | 1,200.00 | 36.63 |
| Engineering (CP) | 0.00 | 1,847.00 | (1,847.00) | 11,320.15 | 21,515.00 | (10,194.85) | 35,000.00 | 23,679.85 |
| Grant Reimbursement | 0.00 | 0.00 | 0.00 | 0.00 | 374,000.00 | (374,000.00) | 374,000.00 | 374,000.00 |
| Insurance | 0.00 | 0.00 | 0.00 | 10,644.00 | 6,100.00 | 4,544.00 | 6,100.00 | 0.00 |
| Parking lot expenses | 2,337.18 | 3,134.00 | (796.82) | 18,119.30 | 19,631.00 | (1,511.70) | 26,500.00 | 8,380.70 |
| Project Management Support | 8,626.00 | 7,937.00 | 689.00 | 101,064.50 | 136,568.00 | (35,503.50) | 248,800.00 | 147,735.50 |
| Renourishment 2013/14 Design Phase | 3,850.00 | 97,499.00 | (93,649.00) | 20,850.00 | 195,001.00 | (174,151.00) | 585,000.00 | 564,150.00 |
| Rent | 0.00 | 583.00 | (583.00) | 3,967.88 | 4,667.00 | (699.12) | 7,000.00 | 3,032.12 |
| Storage of records | 159.00 | 159.00 | 0.00 | 1,272.00 | 1,273.00 | (1.00) | 1,910.00 | 638.00 |
| Website Development | 0.00 | 0.00 | 0.00 | 0.00 | 3,000.00 | (3,000.00) | 3,000.00 | 3,000.00 |
| Total Expense | 14,972.18 | 111,278.00 | (96,305.82) | 373,847.74 | 1,567,554.00 | (1,193,706.26) | 2,106,625.00 | 1,737,321.26 |
| Net Ordinary Income (Loss) | 25,610.77 | (91,955.00) | 117,565.77 | 300,915.00 | (934,442.00) | 1,235,357.00 | (1,279,005.00) | (1,547,379.70) |
| Total Other Expense | 0.00 | 491,915.00 | (491,915.00) | 491,874.96 | 491,915.00 | (40.04) | 491,915.00 | 40.29 |
| Net Income | 25,610.77 | (583,870.00) | 609,480.77 | (190,959.96) | (1,426,357.00) | 1,235,397.04 | (1,770,920.00) | (1,547,419.99) |

****NOTE Residual Budget figures ONLY reflect Budgeted Assessments to be collected and Budgeted Costs not yet incurred.

CEPD - GENERAL FUND
Balance Sheet
As of May 31, 2010

| | <u>May '10</u> |
|---------------------------------|--------------------------|
| ASSETS | |
| Current Assets | |
| Checking/Savings | |
| S.B.A. Account | 112.29 |
| Wachovia - checking | 376,617.80 |
| Total Checking/Savings | <u>376,730.09</u> |
| Total Current Assets | <u>376,730.09</u> |
| TOTAL ASSETS | <u><u>376,730.09</u></u> |
| LIABILITIES & EQUITY | |
| Liabilities | |
| Current Liabilities | |
| Other Current Liabilities | |
| Due to Capital Projects Fund | 38,800.99 |
| Total Other Current Liabilities | <u>38,800.99</u> |
| Total Current Liabilities | <u>38,800.99</u> |
| Total Liabilities | 38,800.99 |
| Equity | |
| Fund Balance | 159,843.78 |
| Net Income | 178,085.32 |
| Total Equity | <u>337,929.10</u> |
| TOTAL LIABILITIES & EQUITY | <u><u>376,730.09</u></u> |

CEPD - CAPITAL PROJECTS FUND

Balance Sheet
As of May 31, 2010

| | <u>May '10</u> |
|---------------------------------------|----------------------------|
| ASSETS | |
| Current Assets | |
| Checking/Savings | |
| Checking Wachovia Capital | 1,631,554.01 |
| Sanibel Captiva Bank - CD | 250,000.00 |
| SBA | 213,780.55 |
| Total Checking/Savings | <u>2,095,334.56</u> |
| Other Current Assets | |
| Due From General Fund | 38,800.99 |
| Total Other Current Assets | <u>38,800.99</u> |
| Total Current Assets | <u>2,134,135.55</u> |
| TOTAL ASSETS | <u><u>2,134,135.55</u></u> |
| LIABILITIES & EQUITY | |
| Liabilities | |
| Current Liabilities | |
| Other Current Liabilities | |
| Due to other governments | 487,597.00 |
| Total Other Current Liabilities | <u>487,597.00</u> |
| Total Current Liabilities | <u>487,597.00</u> |
| Total Liabilities | 487,597.00 |
| Equity | |
| Fund Balance | 1,837,498.51 |
| Net Income | (190,959.96) |
| Total Equity | <u>1,646,538.55</u> |
| TOTAL LIABILITIES & EQUITY | <u><u>2,134,135.55</u></u> |

**CEPD - CASH POSITIONS
 AS OF MAY 31, 2010**

| | GENERAL FUND | CAPTIAL FUNDS | TOTAL FUNDS |
|------------------------------------------------------|-----------------|------------------|------------------|
| CASH and CASH EQUIVILANTS May 31, 2010 | | | |
| Checking | \$376,618 | \$1,631,554 | \$2,008,172 |
| S.B.A. | 112 | 213,781 | 213,893 |
| Certificates of Deposit | | 250,000 | 250,000 |
| TOTAL CASH and CASH EQUIVILANTS May 31 , 2010 | 376,730 | 2,095,335 | 2,472,065 |

PROJECTED ACTIVITY - JUNE

Plus:

| | | | |
|-------------------------------|--------------|---------------|---------------|
| Parking Lot Receipts | | 14,655 | 14,655 |
| Refund Unused Project Costs | | 60,627 | 60,627 |
| Other Income | 367 | 321 | 688 |
| Due From General Fund | | | - |
| Special Assessments collected | | 12,440 | |
| Tax Collector Distribution | 6,565 | | 6,565 |
| Total Additions | 6,932 | 88,043 | 82,535 |

Less:

Projected Expenditures - June

| | | | |
|--------------------------------------|---------------|---------------|---------------|
| Blind Pass Project | | | - |
| Partners in Progress | 8,500 | 4,000 | 12,500 |
| Engineering | | 1,092 | 1,092 |
| 2013/2014 Renourishment | | 42,705 | 42,705 |
| Adminstrative costs | 4,077 | 159 | 4,236 |
| Parking lot | | 2,226 | 2,226 |
| Property Appraise/Tax Collector Fees | 131 | | 131 |
| Due to Projects | | | - |
| Rent | 1,386 | 527 | 1,913 |
| Debt Service Payment | | | - |
| Professional Fees | 8,262 | 1,760 | 10,022 |
| Total Reductions | 22,357 | 52,469 | 74,826 |

Net Projected Increase(Decrease)

| | | | |
|--|-----------------|---------------|--------------|
| | (15,425) | 35,574 | 7,709 |
|--|-----------------|---------------|--------------|

Captiva Erosion Prevention District

General Board Meeting

July 14, 2010

Motion:

I make a motion that the CEPD Board of Commissioners be authorized to prepay Fifth Third Bank \$500,000 toward the outstanding balance of the 2005/2006 beach renourishment loan with the objective of reducing the amount of the annual interest paid on the loan.

Current Balance: \$2,022,676.11 at interest rate of 3.6%
Interest Due 5/1/11 **\$72,816.34**

Current Balance minus \$500,000 prepay: \$1,522,676.11 at interest rate of 3.6%
Interest Due 5/1/11: **\$54,816.34** (assumes prepayment on 6/1/10)

Interest Rate Currently **Received by CEPD** on Bank Account: 0.25% or \$1,250 interest on \$500,000

Interest Rate Currently **Charged to CEPD** on Bank Loan: 3.6% or \$18,000 interest on \$500,000

CEPD savings if \$500,000 is paid toward outstanding balance of loan: **\$16,750**

IMPORTANT MEETING DATES FOR CEPD BOARD OF COMMISSIONERS

JULY 2010

- July 13: 1pm Budget Workshop
- July 14
 - 9am - 2nd Budget Workshop if needed
 - 12 pm - Regular Board Meeting to include 1) Resolution ordering the Referendum and 2) Steve Keen's report on revisions made to engineering design and report since June meeting
- July 15: Signed Resolution and Referendum language to Supervisor of Elections. (CEPD Administrator)

AUGUST 2010

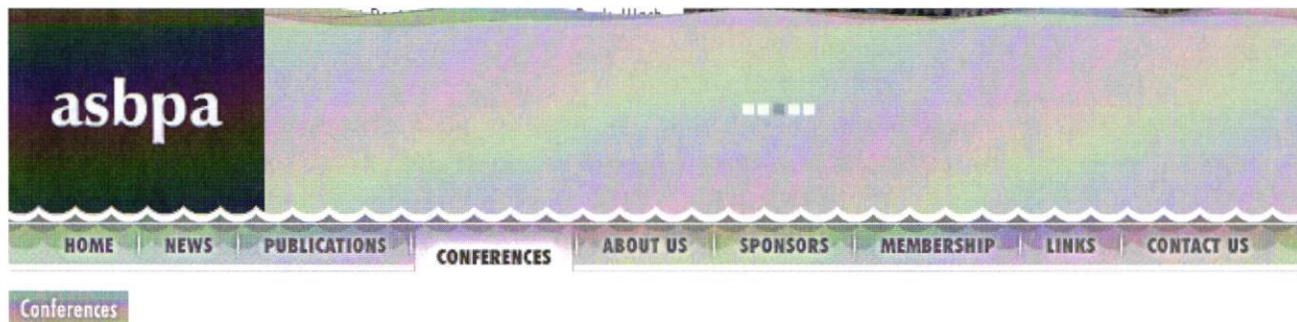
- August 11: 12pm Regular Board Meeting to include:
 - Final Approval of Engineering Design (Keehn)
 - Resolution Ordering Construction of Project

SEPTEMBER 2010

- September 7: 5:01pm Tentative Budget Hearing
- September 8: 12pm Regular Board Meeting to include:
 - Dr. William Stronge's Benefits and Apportionment Report
- September 21: 5:01pm Final Budget Hearing

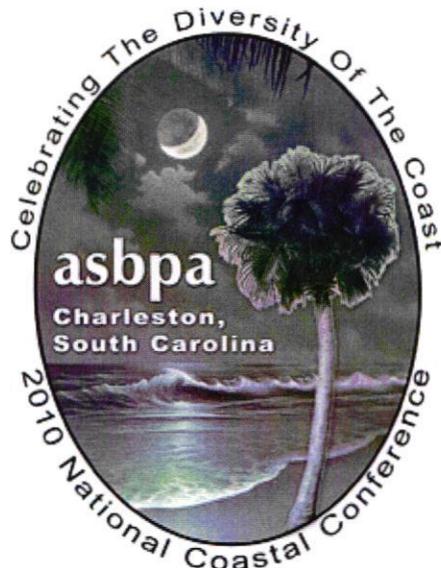
OCTOBER 2010

- October 19: 12pm Regular Board Meeting
- October 20: Time (TBA)
 - Town Hall Meeting
 - Apportionment Hearing (Stroud, Stronge, Keehn)



ASBPA's 2010 National Coastal Conference: "Celebrating the diversity of the coast"

October 13-15
Charleston Marriott, Charleston, SC



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Subject areas include:

Shoreline Processes and Coastal Management

- Combining shoreline protection alternatives
- Modeling sediment transport and coastal processes and estuarine flushing
- Integrating beach, bluff, estuarine, and inlet processes into coastal policy
- Management of coastal inlets: Dredging and/or bypassing
- State-of-the-art of coastal structures
- Sand resources for beach nourishment
- Regional sediment management
- Beach nourishment case studies

Living Shoreline Projects along Bays, Estuaries, Marshes and Rivers

- Non-traditional shoreline stabilization techniques on bay and estuarine shorelines
- Examples and lessons learned of living shoreline projects
- Regulatory framework for the construction of living shoreline projects
- Conservation and restoration of salt marshes and aquatic

Federal, State, and Local Coastal Policy and Legal Issues

- The process of federal funding: Congress, OMB, and U.S. Army Corps
- Economics: Advantages of healthy beaches and coastal ecosystems
- ASBPA mission: Sustaining the federal partnership
- Integration of coastal science and policy for improved management
- Beach access & user groups
- Environmental issues
- Maintaining beach initiatives in a down economy
- Sand resource management, legal rights (sand resources, littoral, direct contact with water, accretion, access), and issues associated with loss of sand resources (e.g. dredging, sand mining, flood control, offshore energy infrastructure.).

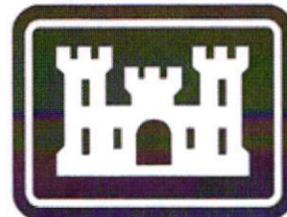
Global Coastal Issues

- Impacts of accelerating sea level rise
- Adaptation of coastal ecosystems

vegetation

- International perspectives on coastal preservation
- Effects of extreme storms on the coast
- Regulatory policy changes to adapt to climate change

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karen hawes

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Janie Howland

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Mike Mullins

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June 11 meeting summary Inbox X**Kathleen Rooker** Karen, I enjoyed meeting with you last Friday. Thank you for taking Jun 18**Doris Holzheimer** Good. Let us know what happens. Jun 18**Hawes, Karen to Tamara, Stephen, me, CEPD, carolync** show details Jun 28

Reply

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Sat Jun 11, 2011 - add

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About these links

Kathy,

I wanted to let you know that because of other priorities I didn't have the chance to meet with Steve and Tam until late last week. I would like to review the agreement that you all have with the County. I will be getting back to you by July 15. thank you in advance for your patience.

Karen Hawes
County Manager
Lee County Administration
haweskb@leegov.com
Phone: (239) 533-2221
FAX: (239) 485-2262

From: Kathleen Rooker [mailto:mycepd8@gmail.com]**Sent:** Friday, June 18, 2010 1:11 PM**To:** Hawes, Karen**Cc:** CEPD; carolyncaptiva; Rene Miville**Subject:** June 11 meeting summary

- Hide quoted text -

Karen,

I enjoyed meeting with you last Friday. Thank you for taking the time to listen to the concerns of the Captiva Erosion Prevention District (the District). It was clear to me that you seek to understand the District's issues.

There were three primary concerns that we discussed. First, the formula used to determine the TDC share of funding for beach renourishment projects has not been documented. The District would like to see beach funding become a consistent, transparent and documented process. Secondly, the CEPD did not receive a fair share of TDC funding for the 2005-2006 beach nourishment project. Much of the TDC contribution funded sand placement on Sanibel. Finally, to mitigate the lack of appropriate TDC funding for the 2005-2006 project and the escalating costs for the current Blind Pass Project, the District requests that TDC be responsible for the remaining local cost share associated with that project.

After you conclude your meetings with appropriate staff during the next few weeks to review the issues, we will sit down again to discuss. This will occur by July 2. Thank you again for your time and we look forward to another meeting.

Sincerely,
Kathy

--

Kathleen Rooker
Senior Administrative Consultant
Captiva Erosion Prevention District
239.472.2472

"Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure."

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.



STATE OF FLORIDA

BILL McCOLLUM
ATTORNEY GENERAL

July 7, 2010

10-26

Ms. Anne Dalton
2044 Bayside Parkway
Fort Myers, Florida 33901

Dear Ms. Dalton:

On behalf of the District Board of Commissioners of the Captiva Erosion Prevention District, you have asked for my opinion on two questions, one of which this office is authorized to address:¹

Does the reference to a "subcounty special district," as that term is used in section 125.0104(3)(b), Florida Statutes, apply to both independent subcounty special districts and dependent subcounty special districts?

In sum:

The phrase "subcounty special district" is not defined for purposes of section 125.0104(3)(b), Florida Statutes, and would appear to refer to any special district that otherwise meets the requirements of the statute, that is, all or significant contiguity with the county, although applicability of the statute may be limited by other provisions of law.

Section 125.0104, Florida Statutes, known as the "Local Option Tourist Development Act"² (the act), authorizes a county to impose a tax on short-term rentals of living quarters or accommodations within the county unless such activities are exempt pursuant to Chapter 212, Florida Statutes.³ The purpose and intent of section 125.0104, Florida Statutes, is to "provide for the advancement, generation, growth and promotion of tourism, the enhancement of the tourist industry, and the attraction of conventioners and tourists from within and without the state to a particular area or county of the state."⁴

The act requires that construction of publicly owned facilities financed by proceeds from the tourist development tax be primarily related to the advancement and promotion of tourism. It is the governing body of the county that must make the factual

Ms. Anne Dalton
Page Two

determination of whether a particular facility or project is related to tourism and primarily promotes such a purpose. This determination must follow appropriate legislative findings and due consideration of the specific needs and conditions of the particular locality.⁵

Collections of the local option tourist development tax are forwarded to the Department of Revenue. The department administers the tax and keeps records of the amount of taxes collected.⁶ The department is authorized to subtract the costs of administration of this tax from collections and must then return the tax, monthly, to the county which imposed the tax "for use by the county[.]" These funds must be placed in the tourist development trust fund of the county.

Subsection (3) of the act provides the legislative intent relating to the privileges taxed by the act, exemptions from the tax, procedures for the levy of the tax, and the rate at which the tax may be imposed and collected. Section 125.0104(3)(b), Florida Statutes, about which you have specifically asked, provides:

Subject to the provisions of this section, any county in this state may levy and impose a tourist development tax on the exercise within its boundaries of the taxable privilege described in paragraph (a), except that there shall be no additional levy under this section in any cities or towns presently imposing a municipal resort tax as authorized under chapter 67-930, Laws of Florida, and this section shall not in any way affect the powers and existence of any tourist development authority created pursuant to chapter 67-930, Laws of Florida. No county authorized to levy a convention development tax pursuant to s. 212.0305, or to s. 8 of chapter 84-324, Laws of Florida, shall be allowed to levy more than the 2-percent tax authorized by this section. A county may elect to levy and impose the tourist development tax in a subcounty special district of the county. However, if a county so elects to levy and impose the tax on a subcounty special district basis, the district shall embrace all or a significant contiguous portion of the county, and the county shall assist the Department of Revenue in identifying the rental units subject to tax in the district.

Thus, this section provides counties with the discretion to levy and impose a tourist development tax in "a subcounty special district" of the county. If the county elects to levy such a tax, it may only do so in a special district that "embrace[s] all or a significant contiguous portion of the county[.]" No definition of the phrase "subcounty special district" is given in Chapter 125, Florida Statutes, nor is a definition provided elsewhere in the statutes where that term is used.⁷

Ms. Anne Dalton
Page Three

In the absence of a statutory definition, the plain and ordinary meaning of words can be ascertained if necessary by reference to a dictionary.⁸ While the term sub-county is not specifically defined, the prefix "sub-" is defined to mean "under," "below," "beneath," "slightly," "imperfectly," "nearly"⁹ and, in another source: "a subordinate portion of" and "containing only a relatively small proportion or less than the normal amount of."¹⁰ Using this model, a meaning for the word "sub-county" may be easily inferred by combining the meanings of "sub" and the attached base word "county" to mean a portion of the county; less than the entire jurisdictional area of the county. I would note that the term "contiguous" is defined as "[t]ouching at a point or along a boundary; adjoining[.]"¹¹ No comment is expressed on the factual determination of whether the district embraces all or a significant contiguous portion of the county.

This office like the courts, is not authorized to embellish legislative requirements with its own notions of what might be appropriate.¹² If additional requirements are to be imposed, they should be inserted by the Legislature.¹³ Thus, this office cannot advise you that section 125.0104(3)(b), Florida Statutes, may be read to apply particularly to either a dependent or an independent special district. However, while this office cannot read into the statute limitations not directly expressed, other statutes, such as those describing the powers of independent and dependent special districts and their taxing powers may further limit the applicability of section 125.0104(3)(b), Florida Statutes.

Article VII, section 9(a) of the Florida Constitution provides that "[c]ounties . . . shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution." Thus, the exercise of the power of taxation results from a constitutional authorization to counties and special districts, implemented by statute. Section 125.0104, Florida Statutes, does not extend the taxation authority to special districts such as the Captiva Erosion Prevention District; it authorizes the county to, in its discretion, levy and collect a local option tourist development tax to be deposited in the county's tourist development trust fund.

You have also brought to my attention Part II, Chapter 161, Florida Statutes. This part, dealing with beach and shore preservation districts authorizes such districts to provide for the capital, operation, and maintenance costs of the beach and shore preservation programs by either debt service or direct expenditure. However, my reading of this part indicates that such districts are controlled by the board of county commissioners which serves as the governing body for any such district.¹⁴ The Captiva Erosion Prevention District was created as and continues to function as an independent special beach and shore preservation district with an independently elected district

Ms. Anne Dalton
Page Four

governing board.¹⁵ The district possesses its own power to levy and assess ad valorem taxes not exceeding 10 mills on taxable property in the district to fund projects of the district.¹⁶ In addition, the district board is authorized to issue bonds to meet the costs of capital projects "as may be required by the beach and shore preservation program" and levy special assessments on benefitted property to fund construction or reconstruction of an erosion prevention project.

In sum, it is my opinion, in the absence of any legislative definition of the term "subcounty special district," that the term as used in section 125.0104(3)(b), Florida Statutes, appears to refer to any special district that otherwise meets the requirements of the statute, that is, all or significant contiguity with the county, although applicability of the statute may be limited by other provisions of law.

Sincerely,



Bill McCollum
Attorney General

BM/tgh

¹ In addition to the question discussed herein, you ask for this office's opinion on the authority of a county to levy the local option tourist development tax under certain conditions. It is the policy of this office not to comment on the authority of one governmental agency at the request of another agency. Lee County was contacted by this office to determine whether the county would join in your opinion request and the county declined to do so. Therefore, no comment is expressed on your second question.

² Section 125.0104(1), Fla. Stat.

³ See s. 125.0104(3)(a), Fla. Stat., stating it is the intent of the Legislature that every person who rents, leases, or lets living quarters or accommodations in "any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, roominghouse, mobile home park, recreational vehicle park, condominium, or timeshare resort for a term of 6 months or less is exercising a privilege which is subject to taxation under this section"

Ms. Anne Dalton
Page Five

⁴ See Ops. Att'y Gen. Fla. 10-09 (2010), 95-71 (1995), 94-12 (1994), 87-16 (1987), and 83-18 (1983).

⁵ See Op. Att'y Gen. Fla. 94-12 (1994) (governing body of the county must make determination that expenditure of tourist development tax revenues for the acquisition of a railway right-of-way and construction of a public recreational trail falls within the scope of expenditures authorized by s. 125.0104, Fla. Stat.).

⁶ Section 125.0104(3)(g)-(k), Fla. Stat.

⁷ See ss. 212.0305(4)(e), and 213.053(10)(a), Fla. Stat., relating respectively to sales and use taxes and state revenue laws.

⁸ See *Green v. State*, 604 So. 2d 471, 473 (Fla. 1992); *Plante v. Department of Business and Professional Regulation*, 685 So. 2d 886, 887 (Fla. 4th DCA 1996), *WFTV, Inc. v. Wilken*, 675 So. 2d 674 (Fla. 4th DCA 1996); *State v. Cohen*, 696 So. 2d 435 (Fla. 4th DCA 1997).

⁹ Webster's New Universal Unabridged Dictionary p. 1891 (2003).

¹⁰ Webster's Third New International Dictionary p. 2272 (unabridged ed. 1981).

¹¹ Black's Law Dictionary p. 338 (8th edition).

¹² Cf. *Johnson v. Taggart*, 92 So. 2d 606 (Fla. 1957).

¹³ *Id.* at 608. And see *Sarasota Herald-Tribune Co. v. Sarasota County*, 632 So. 2d 606, 607 (Fla. 2d DCA 1993).

¹⁴ See s. 161.31(2), Fla. Stat., and see s. 161.32, Fla. Stat., which authorizes existing erosion prevention, beach or shore preservation districts created by special act to re-create and reestablish themselves under the provisions of Part II, Ch. 161, Fla. Stat.

¹⁵ See s. 2(3) and s. 5, Ch. 2000-399, Laws of Fla.

¹⁶ Section 8, Ch. 2000-399, Laws of Fla.

Ms. Anne Dalton
Page Six

RE: SPECIAL DISTRICTS – COUNTIES – TAXATION – LOCAL
OPTION TOURIST DEVELOPMENT TAX – BEACH AND SHORE
PRESERVATION – meaning of term "subcounty special district" as used
in s. 125.0104(3)(b), Fla. Stat. s. 125.0104, Fla. Stat.; Art. VII, s. 9, Fla.
Const.

Oil Spill Beach Protection and Cleaning Plan for Captiva Island, Florida July 8, 2010

This is a plan to protect Captive's beaches from Deepwater Horizon Oil Spill to the maximum extent feasible and to prepare for clean-up. These methods are suggested to supplement or induce the County, Unified Command/BP to support or add these tasks to their plan. At the very least, these plans can be approved by Unified Command/BP for local implementation. It is advised that permits be acquired where practical. The plan consists of a series of progressive actions undertaken by the CEPD, Lee County or the Unified Command/BP. The plan consist of actions that can be take locally to supplement or preceded action preformed at the County level or higher to improve the ACP. These actions consist of a protective sand berm and an improved boom layout. The proper authority needs to be identified to implement and fund this plan and conduct the cleanup, even though the threat of oil related products reaching Captiva Island and Lee County in the near future remains low at this time.

Community Responders Program

The CEPD has created the basis for establishing a group of Qualified Community Responders (QCR) through their local training program for the possibility that oil products need to be cleaned from beaches. While there is no imminent threat of weathered oil products reaching Captiva Island, there is a need to identify resources and to train individuals who can then respond immediately in the event weathered oil does impact the area.

The responders would be prepared to perform identification and shoreline cleanup activities that may include carrying and handling materials and supplies, raking or shoveling debris, operating front end loaders or power washers to clean rocks and beach areas, wiping or washing oil-covered items, and removing trash. All QCR's must attend a 4-, 24- or 40-hour training session. The level of training required will depend on the specific role of the individual QCR. Training includes safety and proper handling of hazardous waste materials. The CEPD should identify local residents and employees on Captiva Island who have or could be trained. Captiva Island should look into the Unified Commands or local QCR programs where employees are screened and trained and then paid to do this clean up. In the mean time, CEPD should continue to coordinate activities on the Island, so that nuisance oil and tar can be identified or cleaned up promptly, prior to the deployment or after the withdrawal of Unified Command/BP assistance.

Berm and Swale Plan

A berm and swale system is a means to separate the back beach, dunes and vegetation form oil transported by local storms. No activity, other than the staging of resources, will occur on Captiva Island Beach R-84 to R-109 until the official forecasts project landfall in Lee County. The forecasts will give the Captiva Erosion Prevention District and Lee County approximately 72 hours to implement the elements outlined in the beach protection plan.

72 hours prior to impact the following activities will take place:

1. A determination will be made as to the nature of the contaminant that is expected to reach the beach. Different elements of this plan will kick in if the oil will be in the form of tar balls or in a liquid or mixed form.
2. Notice will be given to the hotels and beach service vendors to move any beach chairs and all other equipment from the active portion of the beach to the toe of the dune within the first 24 hours.
3. If the oil that is expected to reach the shore is in a liquid or mixed form (mousse), then notice will be given to a contractor to re-contour the beach to create a swale and berm, as described below, to control the impact area of the oil after receipt of the necessary permits from the DEP. The CEPD's coastal engineering consultant, Coastal Planning & Engineering (CPE) and administrator will oversee the re-contouring process along the entire length of the beach. All work will be coordinated with FWC and the marine turtle monitor.
4. CPE and CEPD have identified the access points where equipment can access the beach which will be provided to the Contractor with the general alignment of the berm.
5. If the oil will be in the form of tarballs or similar consistency that can be removed by surf rakes, then the swale and berm construction activity will not take place, but clean-up activities will be coordinated with Lee County, Contractors and volunteers.

During a Liquid or Mixed Form Impact:

1. The berm and swale will be re-contoured as sand is removed to continue to provide protection to the upland beach areas until the oil has been completely removed from a particular segment of beach and the beach is no longer under the threat of more oil impacting it.
2. No sand will be replaced on the beach as long as the beach is being impacted by the oil spill.

Environmental Monitoring:

The project will be coordinated with FDEP and other permit agencies, and appropriate environmental monitoring will occur during construction activities of the beach. Environmental monitoring will be conducted in accordance with the current beach nourishment project's biological and physical monitoring plans and permits. All work will be coordinated with FWC and the marine turtle monitor.

Construction of the berm:

In the early hurricane season, the most likely storms have just enough energy to cast liquid oil and tarballs on the beach. With a minimal amount of protection, the amount of beach impacted during the next 90 days can be minimized in a three-phase operation.

PHASE ONE: Push up a small berm, by scraping sand from the landward side, along the seaward edge of the lower natural berm (about 6' NAVD Elevation), just before the slope to the water. This berm will have a size of about 0.5 cy/lf (a triangle 3 feet high and 9 feet on the bottom). This will protect the back beaches against most storm run-up and overtopping with under a 1 year return interval. By limiting the initial size, it can be constructed quickly and with short notice. The purpose of this berm is quick and immediate protection from storms with up to a 1 year return interval. The size and location of the berms will be refined in more detail before implementation along with further FDEP consultation. All berm modification will be done under the supervision of the CEPD.

PHASE TWO: If the protection is needed for a longer time, the berm can be increased in size to about 1.5 cy/lf and be made turtle, pedestrian, and vehicle friendly. The purpose of the berm is to limit oil pollution to the area seaward of the beach and to provide sacrificial sand for larger storms. The protected beach can then be used for tourism and recreational purposes pending an end of threat from the oil. The extent of the berm and swale system will be flagged or located for future clean up operations. The berm may need to be shift seaward, to account of r large waves during peak hurricane season.

PHASE THREE: If the threat becomes severe, FDEP will be consulted for more aggressive solutions.

One advantage of the 3 foot tall berm is that if it is degraded by a storm, the area needing repairs can be noticed easily. In addition, impacts to turtle nesting can be minimized by waiting to implement the plan at the last feasible moment.

The berm will be constructed by scraping the beach landward of the berm site. This will create a small swale where any potential overtopping from larger than normal storms can be trapped for drainage and later clean-up. As long as the berm remains in place, ongoing maintenance of the berm will be required to ensure the stability of the berm.

The plan is based on SBEACH modeling that show impacts beginning between an average 1-year and 2-year storm event. Even under average conditions, some points along the beach will have larger impacts, which will require protection moderately larger than the modeled plan. DEP will be consulted to provide approval of any substantive deviations from the plan.

A break in the berm per the attached drawing will be provided at each major vehicle access point.

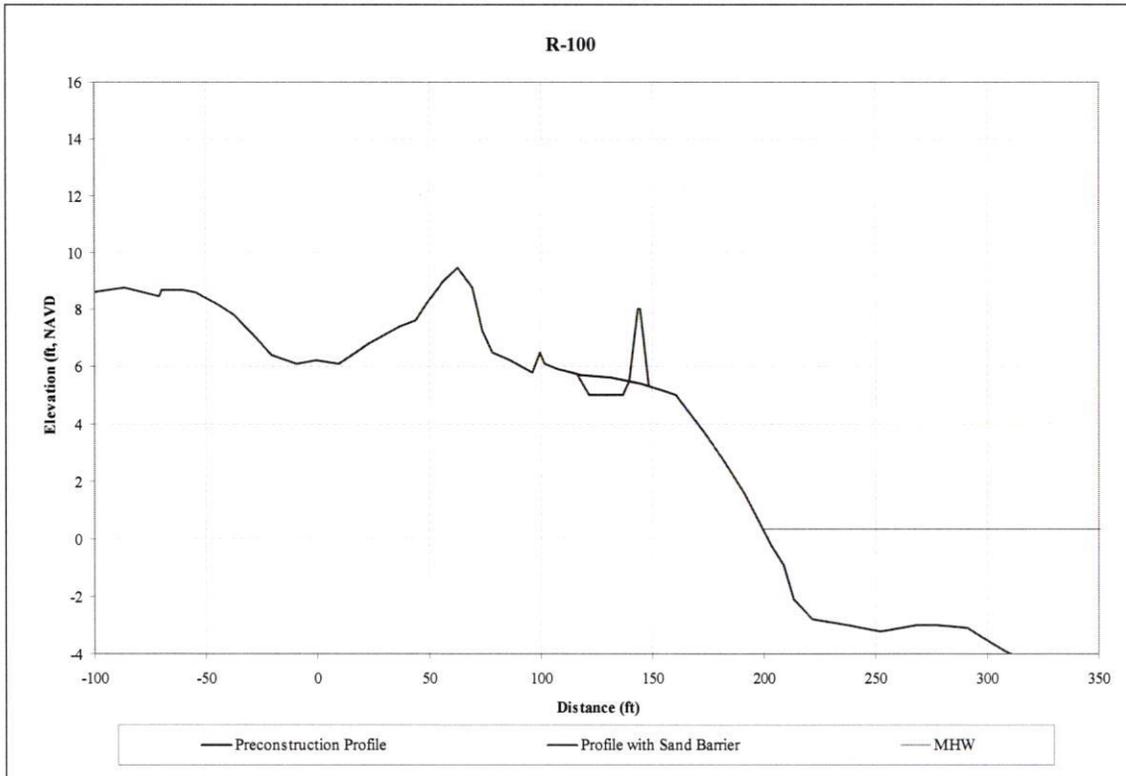


Figure 1: Typical Small Berm & Swale location on lower beach.

Mechanical Cleaning Component

PROJECT DESCRIPTION: In the event that oil deposits related to the Deepwater Horizon Oil Spill become excessive on Captiva Island in Lee County, FL, daytime and nighttime mechanical cleanup of the oil deposits on the sandy beaches shall be conducted. Based on observations of work being conducted in the Panhandle (Escambia County CCCL Permit No. ES 667 E June 25, 2010), daytime and nighttime mechanical beach cleaning activities supplementing manual cleanup may become necessary if and when large amounts of oil product come ashore. Likewise, observations of the efforts to remove the oil product mechanically indicate that these efforts have been more successful at nighttime when temperatures are lower. Laborers work longer hours without frequent breaks at night and the oil is often in a harder form that easier to clean mechanically.

Mechanical cleanup consists of motorized equipment such as tractors, beach rakes, and bulldozers in order to rake or scrape the oil deposits from the sandy beach. Raking and scraping are only proposed as far landward as necessary in order to remove the oil deposits, and no significant shoreline re-contouring is proposed as part of this work. Records and photographs of the oiled sand removed from the beach will be documented, and the oiled sand will be disposed of properly.

Given the proposed nighttime work, a sea turtle monitor/observer will be present for all nighttime work in addition to the sea turtle monitoring already being conducted along the beaches. In addition, lighting associated with nighttime work will be kept to a minimum.

Boom Plan Comments on Redfish Pass and Blind Pass WP2-20 and 21:

Introduction:

Boom Plans are under the control of the County or Regional Command in St Petersburg, and these comments are provided to assist in improving the existing inlet plans. The oil protection plan for the inlets and sound in the vicinity of Captiva Island relies heavily of stopping the oil products at the inlets, since there is lot of important resources in Pine Island Sound but few proposed protective measures.

Boom can redirect or capture oil in inlets if they are designed to be stable structurally and in such a manner as not to allow oil to flow under them. Structural stability can be achieved by using stronger ocean boom material and pile for anchoring the boom in place.

Oil flow under the boom can be prevented by selecting angles of placement that reduce the perpendicular flow across the boom face. In high current situations like inlets, boom must be designed to be placed at a moderate angle to the high currents. The goal is to keep the vector of current that is perpendicular to the boom with a magnitude of less than 0.7 knots. To achieve this result in inlets, boom needs to be at approximately 20 degrees to the flow at the center of an inlet where currents can reach 2-3 knots.

Placement of boom at mild angles creates what is called a chevron which can either be open or closed depending on the currents and navigation needs. Because of the amount of oil that has leaked from the Deepwater Horizon spill it is likely that boom will be needed for up to two years. It is also likely that the oil coming to Lee County area will be spotty with high and low flow days and mostly clean days. This suggests an open chevron will be the better choice for Redfish Pass to enable navigation for all the low flow and clean days.

Coastal engineers working with marine contractors are needed to design and build effective inlet boom installations. Inlets are the most severe environment to work in, and many contractors do not have the equipment or experience for this work. Boom needs to be moveable for storm and other conditions, and will require constant maintenance under normal conditions.

Redfish Pass

The proposed ACP boom placement both inside and outside the inlet is unusual and may not be beneficial. Outside the inlet it appears that the southern boom crosses the channel where the highest currents are and will probably fail in two modes both structurally and with oil movement under the boom. In the bay near the inlet the shape of the boom would appear to be directing oil into the bay (not good) although we may have misunderstood the design intent.

Recommendations

The seaward Redfish Pass Boom, outside the inlet, should be placed inside the inlet in an open Chevron form starting further west and extending towards the center of the channel. The boom should be designed by a coastal engineer to achieve appropriate orientation to the current and structural integrity in waves and currents for an expected life of 2 years. Current measurements should be made for a series of incoming tides. The results of hydraulic modeling can provide spatial and temporal currents throughout the inlet.

We suggest using a product called Ro-Boom mounted on round steel pile with articulating connections that allow for tide changes. The boom should have at least 30 inch freeboard and a weighted skirt of at least 36 inches depth. The opening in the Chevron should be a minimum of 150 feet to allow boat traffic for the long term. The boom should be lit with signage that requires Slow Speed Min-Wake (Idle Speed is unsafe in the inlet).

The Boom and Supporting piling should be constructed by an experienced marine contractor with heavy equipment and not the standard boom contractors who place boom in the bays. There should be 24 hour safety and security for the first 2 months until local boaters get used to the new configuration. Security can be modified in time as conditions warrant.

The boom should be inspected weekly and repaired as needed. There may be some modifications during the repairs based on adaptive management. Skimmers should be provided to collect oil that is collected near the beach on both sides of the inlet. There should also be a program to remove and replace sand that is oiled.

Landward of Redfish Pass, the boom should be reconfigured to create a moon shaped catchment boom in the bay behind the inlet that would allow for collection of the oil by skimmers. If done correctly this boom can be very effective at keeping oil out of the bay. All inlet related boom should be designed by a coastal engineer to achieve appropriate orientation to the current and structural integrity in waves and currents for an expected life of 2 years. Current measurements should be made for a series of incoming tides and the results hydraulic modeling can provide spatial and temporal currents in the bay near the inlet. The placement of this boom should be where the currents fall off to 0.7 knots on an incoming tide. This boom should be designed with a north and south gate to allow boat traffic. We suggest Ro-Boom be used with at least 12 inch freeboard and 24 inch skirt.

The boom should be anchored to piles. Pile placed in the inlet should be illuminated with a blinking yellow light on top and marked with 2 inch wide yellow reflective tape around the pile positioned 3 feet from the top.

The gates can remain open most of the time and will be closed during periods of higher oil flow. There should be 24 hour security and safety; along with continuous inspections

and repair as described above. There should be at least one full time skimmer system assigned to this boom on standby when there is no oil

Blind Pass

Comments on Configuration of ACP Boom:

The exterior boom may have merit because this is a much smaller inlet with less tidal prism. It may be possible to place boom around the exterior of the ebb shoal in an area that has currents that are less than 0.7 knots. However to be effective this boom would need to be an ocean boom mounted on pile and would effectively close the inlet to navigation. In a big storm the boom would need to be removed and replaced after the storm passes.

The interior boom seems to be oriented in a manner to direct oil into the bay (not good) although we may be missing something. The red symbols inside the pass are confusing and may be protective boom to divert oil from mangrove, structure and sea grass areas. This would need to be clarified with more detail that can be derived for the illustration.

Recommendation:

A thorough evaluation of this inlet is warranted including a detailed layout of protective boom that is needed across interior channels and culverts, habitats etc. Consideration should be given to temporarily closing the pass with sheet pile. This would eliminate the need for boom. We recognize that this may not be selected and the following comments are related to a non closed pass.

If the exterior boom is to be used it should be reconfigured around the ebb shoal and be brought all the way to the beach on each side. We suggest using a product called Ro-Boom mounted on round steel pile with articulating connections that allow for tide changes. The boom should be sized to have at least 30 inch freeboard and a weighted skirt of at least 36 inches depth. The boom should be removed and replaced before and after hurricanes. The Boom and Supporting piling should be constructed by an experienced marine contractor with heavy equipment and not the standard boom contractors who place boom in the bays.

There should be 24 hour security and safety; along with continuous inspections and repair as described above. Security can be modified in time as conditions warrant. The boom should be inspected weekly and repaired as needed. There may be some modifications during the repairs based on adaptive management.

A boom plan should be developed east of the bridge to catch most of the oil that comes in. A hydraulic evaluation with current measurements is needed to design the best solution. The boom in the bay should be reconfigured into a moon shaped catchment area that would remain closed at all times to catch oil that got past the other inlet boom. All systems should be designed by a coastal engineer to last 2 years and be maintained continually.

The oil threat may be long lasting and planning and permitting protective measures now is the best prevention. The plan should be sent to the County for their action.

Reference:

Coe, T. 1999. Control of Oil Spills in Fast Water Currents – A Technology Assessment. Advanced Marine Enterprises Inc.

Hansen, K.A. 2002. Oil spill response in fast currents – a field guide. USCG Research and Development Center.

Source: <http://www.epa.gov/OEM/docs/oil/fss/fss02/hansenpaper.pdf>

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CAPTIVA EROSION PREVENTION DISTRICT CALLING A REFERENDUM TO BE HELD TO DECIDE WHETHER A MAJORITY OF THE ELECTORS PARTICIPATING IN SAID REFERENDUM ARE IN FAVOR OF THE DISTRICT'S PROPOSAL TO ISSUE BONDS FOR THE PURPOSE OF FINANCING A PORTION OF THE COST OF AN EROSION CONTROL PROJECT; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CAPTIVA EROSION PREVENTION DISTRICT:

SECTION 1. A referendum and special election is hereby ordered to be held in the District on November 2, 2010, to determine whether there shall be issued bonds of the District in an amount not to exceed \$_____ for the purpose of financing a portion of the cost of an erosion control project of the District.

SECTION 2. The ballots to be issued in said referendum shall be substantially in the following terms:

CAPTIVA EROSION PREVENTION DISTRICT
BOND REFERENDUM

Shall Captiva Erosion Prevention District issue not exceeding \$_____ of bonds, bearing interest at not exceeding the legal rate, maturing within eleven years from issuance, payable from special assessments on benefitted lands, to finance the cost of an erosion control project.

FOR BONDS _____

AGAINST BONDS _____

SECTION 3. Notice of the referendum shall be given as provided by law.

SECTION 4. The referendum shall in all respects be held and conducted in the manner provided in and by the laws of the State of Florida.

SECTION 5. This Resolution shall take effect upon adoption.

Passed and adopted this 9th day of June, 2010.

ATTEST:

CAPTIVA EROSION PREVENTION
DISTRICT

By: _____

Secretary

By: _____

Chairman

CEPD Survey Proposals

1. **Gooderham & Associates**

Electronic Survey \$10,000 plus expenses (\$1,250-\$1,770 for post cards, list acquisition cost of approximately \$45, printing costs, travel)
Two post card mailings as reminders

Timeline – By Oct. 13

Mail Survey \$12,995 plus travel
Timeline – Best case is minimum of 5 months

2. **Survey Monkey**

A subscription service that Doris Holzheimer uses that can do an electronic survey, (This can also be used to create a paper survey)

3. **Penn Schoen Berland**

Mail Survey \$15,000 plus travel

800 households with business return envelope
(CEPD to supply list)

Timeline – Approximately 38 days

4. **Star Data Systems**

Mail Survey \$6,575 (includes all expenses, written report and a powerpoint in person presentation)

850 households, 15-20 questions with business return envelope
(CEPD to supply household list)

Timeline – Approximately 51 days

5. **Partners in Progress**

Mail Survey Estimated at \$11,800 plus \$2,000-\$3,000 printing and mailing costs.
(Phone survey to This includes up to 3 phone calls for an interview of non-responders.
Non-responders)

Additional contingency costs of up to \$3,800 based on percentage of non-responders to do telephone interviews.

Total costs estimated at \$13,800 - \$18,600

341 Registered voters to be surveyed

Timeline – Approximately 2 ½ months

CEPD survey proposal

Prepared by Gooderham & Associates Inc. — July 7, 2010

1) Interview commissioners and staff, review background materials

Interview five commissioners, community stakeholders, CEPD administrator; review recent economic survey, other pertinent background materials.

TOTAL TIME: 20 hours

2) Develop and refine survey, design online version

From interviews and materials, draft an online survey with support materials; review with board and staff to refine into a final draft; develop an online version with support materials linked to the CEPD website. This design will also reflect the board's desires in terms of final data to report from the survey, so that specific demographic details (address, ownership status, etc.) are included for final analysis.

TOTAL TIME: 25 hours

3) Develop public information program

Develop online materials to provide background to Captivans on key CEPD issues, including district history, beach management plan, premise behind apportionment plan, etc. Resulting PDF files may also be distributed or printed.

TOTAL TIME: 25 hours

4) Develop contact postcard and contact property owners/voters

Develop postcard text/art; secure lists; get quotes from mailers and coordinate two mailings (pre-survey and pre-deadline) plus email follow-ups to CEPD and CPOA lists.

TOTAL TIME: 5 hours

5) Summarize and analyze results

Develop final survey report for board and public discussion. The final analysis will reflect the board's desire (as gleaned in Part 1 interviews) as to the key demographics they wish to include in any analysis, as well as those typically built into surveys (orienting questions). The final report will likely be in a written format that can be provided to the board as soon as possible after the survey closes and in advance of the Oct. 13 board meeting, and converted to a PDF format for online posting.

TOTAL TIME: 5 hours

PROJECT TOTAL: 80 hours @ \$125/hour = \$10,000 plus expenses

EXPENSES: Will include cost of mail house (estimated at \$1,250 to \$1,770 total for two mailings -- range is based on final size of card and its impact on postage costs), list acquisition (estimated at \$45), printing of any materials (if not included in cost of mailing shown above), travel, etc. All expenses billed at our cost.

BILLING: We bill monthly on actual work done to that point. All estimates are "not to exceed" figures. If tasks can be completed in less time, savings will be reflected in the actual billings. We typically request an up-front retainer of \$1,000 against which the first month's expenses are applied.

Proposed schedule — electronic survey

- July 14 meeting: Present proposal, make decision whether to move forward.
- July 15-Aug. 10: Interview board and staff, review materials, draft survey and structure.
- Aug. 11 meeting: Approve final survey text, public information materials and mail-out artwork.
- Aug. 20: Survey goes live, tentative mail-out date, support materials online.
- Sept. 15 meeting: Update on response rate, email follow-up.
- Oct. 1: Close survey for responses, begin analysis.
- Oct. 13 meeting (or before): Report survey results back to board.
- Nov. 2: Referendum held.

NOTE: Due to the very restrictive schedule tied to the referendum date, we do not recommend pursuing a mail-only survey. The costs would be higher than those quoted here (due to higher postage and printing costs), and the turnaround in analysis would make it impossible to report results back to the board by the Oct. 13 meeting. If the board decides to delay the referendum or conduct a mail-only survey independent of that deadline (so more time for mailing and analysis were possible), a mail-only survey would be possible if desired by the board. We have laid out a tentative schedule and cost estimate below:

Mail-only survey schedule & costs

MAIL-ONLY SURVEY COST:

| | |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Consultants' fees unchanged, additional expenses expected to be: | |
| Survey package (#10 and #9 imprinted envelopes, 4 sheets collated/folded), postage and handling (no return postage, 1,550 pieces) | \$1,600.00 |
| (If you want to include return postage to enhance response, ADD: | \$700.00 |
| Follow-up postcard, postage and handling | \$650.00 |
| List acquisition | \$45.00 |
| TOTAL: | \$2,995.00 |

MAIL-ONLY SURVEY SCHEDULE:

| | |
|----------------------|-------------------------------------------------------------------------------------------------------------------|
| CEPD monthly meeting | Present proposal, board decision Interview board & staff, review materials, draft survey and structure |
| CEPD monthly meeting | Present and approve final survey Prep survey artwork and public information materials |
| CEPD monthly meeting | Present and approve survey artwork and public information materials Print and mail survey, post info materials |
| CEPD monthly meeting | Update on survey progress, mail follow-up postcard. |

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------|
| | Enter responses as received |
| | Close survey approx. 6 weeks after mailing (1 week to arrive, 1 week to return, 4 weeks to respond). Begin analysis |
| CEPD monthly meeting | Preliminary or final analysis, depending on time from survey closing (probably would be preliminary) |
| CEPD monthly meeting | Final results reported. |

Best case, expect minimum five months from launch to some substantial results being reported. Delays in approval on survey, etc., would extend that timeframe.

Value of surveying

- Opportunity for the community to voice its opinion.
- Chance to inform and educate the community.
- Allows for more sophisticated analysis and response breakdowns.
- Can be tailored to specific community/stakeholder needs.
- Facilitates communication between district, constituents/stakeholders.
- Feedback to organization prior to undertaking other actions.

Benefits of electronic surveying

- Allows a link to various support materials online, which will be less confusing for respondents.
- People can complete their survey wherever/whenever they wish.
- Faster results to report back to the board.
- Extensive metrics included (analyze responses, incorporate filters and qualifiers).
- Possible to eliminate repeat voting.
- Reduce costs dramatically while allowing mail follow-up.

Gooderham & Associates Inc.

Gooderham & Associates Inc. has extensive experience in coastal issues and information on a local, state and national level. It has also worked extensive with Captiva issues since 1980, including:

- Public contact coordinator for the first South Seas renourishment, 1980-182
- CEPD administrator, 1980-1986
- Concerned Citizens for Captiva campaign, 1986-1988
- Permitting, public information and issues management for South Seas Resort, 1986-present
- Administrator, Captiva Community Panel, 2002-present

Gooderham & Associates Inc. was founded in 1986, focusing on:

- Project coordination, public participation and grassroots organizing
- Association management for local, state and national nonprofit organizations from day-to-day operations to strategic planning and retreats
- Issues management & government affairs/lobbying
- Information management, including surveying, public information campaigns and private advocacy efforts
- Creative services, including event planning, copywriting, graphic design, website content and management

Referendum

[Exit this survey](#)

1. Background and Purpose

I would provide background on what the CEPD is and what the referendum does. The purpose of the survey is to understand the support that exists for beach nourishment on Captiva.

1. How many adults of voting age, over 21, reside in your household?

- One
- Two
- Three or more

If more than three, how many?

2. Can you please provide us with contact information for your primary address (voting address if you are registered). We may have questions about your response. If there are multiple adults over 21 in your household, please ask each one to take the survey

Name:

Company:

Address:

Address 2:

City/Town:

State:

ZIP:

Country:

Email Address:

Phone Number:

3. Please indicate in what categories you should be considered. More than one category is fine.

- Registered voter on Captiva
- Part time resident
- Full time resident
- Property owner
- Interval owner
- Owner of multiple properties

Referendum

Exit this survey

2. Referendum for Beach Nourishment on Captiva

Background on the history of Beach Nourishment and what the referendum does. Background on apportionment.

1. How would you describe yourself?

- I understand beach nourishment and why it has been done on Captiva
- I have a vague understanding of beach nourishment and why it has been done on Captiva

2. Please indicate your response to the questions below

| | Strongly agree | Agree | Neither agree or disagree | Disagree | Strongly disagree |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|---------------------------|--------------------------|--------------------------|
| I support beach nourishment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I am concerned about taxes on Captiva | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I support beach nourishment if we have partner funding (state, federal, county) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I support beach nourishment under any possible funding | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments

3. Do you support the apportionment methodology to allocate the costs to Captivans for beach nourishment as done in the past?

- Yes
- No
- Didn't/don't understand the methodology

Comment

Prev Next

Referendum

[Exit this survey](#)

3. Voting for the referendum

Background on how the referendum is voted upon and what results will determine actions.

1. Please tell us your status

- I am a registered voter on Captiva and plan to vote
- I am a registered voter on Captiva and do not plan to vote
- I am a registered voter in another location and plan to vote there this November
- I am a resistered voter in another location and do not plan to vote in the November election
- I am not a registered voter and do not plan to be this November

Other (please specify)

2. If you are not a registered voter would you consider registering on Captiva for this election?

- Yes, only for this election
- Yes, I plan to vote on Captiva in the future as well as in November
- No, I am committed to another location
- No, I do not plan to register anywhere.

Other (please specify)

[Prev](#)[Next](#)

Referendum

[Exit this survey](#)

4. Other comments

1. What else would you like to say to us?

[Prev](#)

[Done](#)



PENN
SCHOEN
BERLAND

1110 VERMONT AVENUE, NW
SUITE 1200
WASHINGTON, DC 20005
P: 202.842.0500
F: 202.289.0916
PSBRESEARCH.COM

TO: KATHY ROOKER
CAPTIVA EROSION PREVENTION DISTRICT BOARD

FROM: CRAIG T. SMITH

DATE: 06.24.10

Thank you again for the opportunity to submit a proposal to assist the Captiva Erosion Prevention District Board in assessing public opinion on a potential ballot initiative to increase revenue. If you have any questions about what we have laid out, please do not hesitate to contact us.

To gauge the level of support for a ballot initiative providing additional resources for erosion prevention and beach restoration, you suggest conducting a direct mail survey of the residents on Captiva Island. With the survey, you would measure the likelihood of how a respondent will vote in November and their current level of support for a potential ballot initiative.

PSB would work with your team on developing the mail in survey. Development of survey document would be a fully collaborative process between PSB and key members of the Board. Prior to designing the survey, we will hold a conference call with the Board to discuss the ballot initiative in more detail. Once the survey is approved by the Board, mailed and the returns tabulated, we will analyze the results and present them at an in-person meeting with our recommendations.

There are several caveats about using this type of process of which you should be aware.

First, the typical response rate for direct mail of this type is 2-5%. If we receive only 25 to 40 return surveys, it will be difficult to make any reliable statistical conclusions based on such a low response level. With the residents of Captiva Island being predominantly second home owners, the response rate could suffer even more dramatically.

Second, due to postage constraints, the number of questions we can include on each ballot is limited. As a result, we will not be able to test messaging fully or carry out combat testing, which will limit our ability to test various strategies to see which one will be the most effective for you.

Lastly, with a response rate of under 150, any conclusions we make would only be speculative as that small a number would not lend itself to any type of statistical accuracy. Typically in such as

survey as this, only the most ardent supporters and critics of the initiative will respond, resulting in a skewing of the sample for statistical purposes.

Survey and Timeline

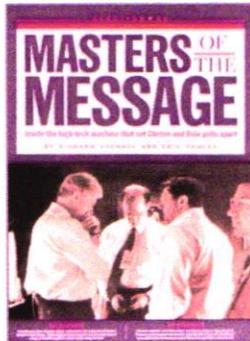
SURVEY

Mail Ballot (800 ballots, mailed with return postage): **\$15,000**
Travel Expenses: Billed at cost

We are prepared to move aggressively on this project based on the following timeline. Once the initial conference call is held and the survey is revised and approved, we will move provide results based on the following timeline:

| | |
|------------------------|-------------|
| Survey Design/Approval | 7 days |
| Printing /Distribution | 7 - 10 days |
| Mail Survey Conducted | 7-14 days |
| Data Analysis | 5-7 days |
| In-Person Presentation | TBD |

Testimonials



"Masters of the Message"
Time Magazine, November 18, 1996

"Now that it's all over, I can't thank you enough for the work you did. Every step of the way you gave solid, sensible advice, with real input and creativity. As you know, I came to rely on it heavily!"

Tony Blair in a letter to Mark Penn, May 10, 2005

"The power of professionally-done political marketing [in the October 2008 campaign] provided by the American firm Penn, Schoen and Berland (PSB), whose past clients have included Bill Clinton and Tony Blair, was overwhelming and obvious."

Czech Daily Dnes, October 20, 2008

We are one of the leading providers of innovative, research-based strategies for governments, political campaigns and corporations around the world. Founded in 1975, PSB has offices across the US, and in London and Hong Kong. As a research-based communications firm with experience at the highest levels of government and the corporate world, PSB assisted US President Bill Clinton in renovating his image, bringing his approval rating from a low of 30% to above 60%, advised Prime Minister Tony Blair to win a historic third term in Government, and helped a number of top corporations, such as Microsoft and AT&T with their communications, image and issue problems.

Outside the US and UK, we have served as top consultants to numerous political campaigns, including campaigns for over 30 heads of state, many of them in Europe. Our research network spans over 65 countries, and we have conducted over 1.5 million interviews outside the US.

In 2001, PSB joined the WPP Group. It remains an independent, stand-alone research-based communications consulting firm, but works regularly with well-known WPP Group companies such as Young & Rubicam, Burson-Marsteller, J. Walter Thompson and Ogilvy & Mather.

Company Info

Craig Smith, Principal for Political Operations, has 30 years of political strategy development experience at all campaign levels from local campaigns to major international and US presidential campaigns. He served as the Campaign Manager for Al Gore, as an advisor to both Hilary Clinton's and Barack Obama's campaigns in 2008, and senior strategist on over 20 international campaigns.

Previously, Mr. Smith was Assistant to President Bill Clinton and White House Political Director, coordinating the political activities and electoral strategy of the President and the First Lady. He also oversaw placement programs for high level political appointees as Deputy Director of White House Personnel, and served as Co-Executive Director of the 53rd Presidential Inaugural

Additionally, Mr. Smith has served in a number of other political positions such as Political Director of the Democratic National Committee, Political Director of the 1996 Clinton-Gore campaign, and Vice President of Voter.com. Mr. Smith received his B.S. in Public Administration from the University of Arkansas and a Juris Doctorate from the same institution.

William Jon Hummel, Director, has advised and run political campaigns on four continents. He also served in a number of roles in the Hillary for President Campaign, including Political Whip during the Democratic National Convention. In addition to political work, Will has worked with large corporate clients, including Nike, Intel, and Dominion Power. Prior to joining PSB, Mr. Hummel lived and worked in Egypt where he served as a consultant to the US State Department. William received his B.A. from the American University in Cairo, Egypt.





Star Data Systems, Inc.

Innovative Research Services



**Proposal to
Conduct a Mail Survey
Regarding a Ballot Initiative
for Beach Renourishment**

Prepared by: Henry A. Copeland, PRC

June 21, 2010

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270 S. Central Blvd., Suite 207 • Jupiter, FL 33458 • tel 561.743.7500 • fax 561.744.8718 • web www.stardatasystems.com

April 2, 2010

John Bralove, CEPD
11513 Andy Rosse Lane
P.O. Box 365
Captivea, FL 33954

Dear Mr. Bralove:

Thank you for the opportunity to submit to you a modified proposal to conduct a mail survey to measure the current level of support for a potential ballot initiative to fund additional beach nourishment.

Star Data Systems has conducted mail surveys since its inception in 1986 and is well qualified to perform the work for this important survey . I am pleased to submit this proposal to you.

I look forward to the opportunity to work with you on this important study.

Sincerely,

Henry A. Copeland, PRC
President



Background and Purpose

Background

The Captiva Erosion Prevention District (CEPD) is a governmental body created by special act of the Florida Legislature to handle erosion-related problems on Captiva Island. Although the CEPD existed on Captiva as far back as the 1950s, it is now constituted as an official beach and shore preservation district under Section 161.32 of the Florida Statutes. The CEPD's jurisdiction includes all lands within the tidal waters of Captiva Island.

Four beach nourishment projects have been constructed on Captiva Island. The first project was built in 1961, placing 107,000 c.y. in conjunction with 134 groins. The second project, known as the South Seas Plantation fill project, placed 655,000 cubic yards of beach fill on the northern end of the island and was completed in October of 1981. The first island wide nourishment project placed 1.6 million cubic yards of sand in 1988-1989, this project was a Federally reimbursable Section 215 project.

The 1996 project was the initial renourishment of the 1988-1989 Federal nourishment project. Fill was placed between Redfish Pass and Blind Pass along 4.7 miles of shoreline. The volume was approximately 821,000 cubic yards. An additional 239,000 cubic yards of sand were placed on northern Sanibel Island.

The 2005 Captiva and Sanibel Islands project is a combination of renourishment and storm repair. The Captiva Island fill project includes 156,000 of emergency yardage under the Corps' emergency program (FCCE), 23,000 c.y. for emergency repair under FEMA Category G program, and 841,000 c.y. as normal Corps renourishment volume (CG). On Sanibel Island, 46,500 c.y. qualifies for support by FEMA's category G program, 178,500 c.y. for normal renourishment under an interlocal agreement, and the 80,000 c.y. for new construction on Bowmans Beach. The Redfish Pass terminal groin was rehabilitated to improve sand retention.

Purpose of This Study

A new renourishment project which would require the support of resident voters is currently under consideration by the CEPD. Before adding an initiative to the ballot in November, the CEPD wishes to measure the likelihood of voters to go to the polls and vote on the measure, and to determine the measure of public support for the project.

Survey Methodology

Star Data Systems will work with the commissioners and staff to develop a mail survey questionnaire of approximately 15-20 questions in length. We will then print, stuff and mail the survey with a cover letter and Business Reply Envelope to approximately 850 households in the CEPD District. For the purpose of costing this proposal to you, I have assumed that the CEPD will supply a list of names and household addresses of taxpayers in the district.

Respondents will be asked to complete the survey and mail it back to us in the Business Reply Envelope provided. We will utilize our BRM permit for this purpose, open and electronically scan all returns, edit and verify them for completeness and accuracy of closed-end data, capture verbatim responses to one open-end question, and tabulate the results.

On completion of interviewing, Star Data Systems will cross-tabulate the results of the survey by key demographic variables important to the analysis of the survey. We will then create a written report and PowerPoint presentation and present the survey findings in person to the CEPD.

I have shown below a proposed schedule for completing the project. This schedule may be modified as necessary to meet CEPD's timing requirements.

Summary of Timing

| Survey Stage | Finish Date |
|-----------------------------------------------------------|--------------------|
| Approval of proposal | June 30 |
| Initial Meeting regarding questionnaire | July 7 |
| Finalize mail questionnaire and cover letter | July 12 |
| Print, stuff and mail outgoing letters and questionnaires | July 16 |
| Cutoff date for returned BRM questionnaires (three weeks) | August 6 |
| Tabulate results and send to client | August 13 |
| Present Final Written Report | August 21 |

Deliverables

Items to be created, tested and delivered by Star Data Systems will include the following:

- Proposed Mail Questionnaire and cover letter
- Printing, stuffing and mailing services, including postage and BRM costs to 850 households
- Data capture of all returned questionnaires, including one open-end question
- Finished report of survey findings cross-tabulated by significant demographic characteristics
- Written analysis of survey findings
- PowerPoint presentation of results to client

Costs

We estimate the following costs for the survey, including all costs associated with designing, printing and mailing the questionnaire, receiving returned questionnaires, BRM postage, scanning and editing returns, tabulation and report:

| Item | Est. Costs |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Create, Design, Program and Test Questionnaire | \$ 750 |
| All printing, stuffing, and mailing services of 2 page questionnaire (1 sheet, 8 ½ x 11" printed front and back in b/w) with color logo on cover letter, #9 BRM envelope and #10 outgoing envelope | \$ 1,075 |
| Setup costs for BRM and scanning of returned questionnaires | \$ 400 |
| Costs per returned questionnaire @ \$2.00 each, including BRM postage, scanning and editing, and 1 verbatim response. (200 returns assumed) | \$ 800 |
| Tabulate results of survey | \$ 800 |
| Analyze results and create written report of findings | \$ 1,250 |
| Create PowerPoint presentation and present findings in person | <u>\$ 1,500</u> |
| TOTAL ESTIMATED COSTS | \$ 6,575 |

Project Management Team for the CEPD Project

Star Data Systems' professional staff who will be involved with this project and working closely with the staff of CEPD will include Henry Copeland, President, Sharon Ventura, Dir. of Client Services, and Ashley Bryant, Scanning Manager.

Henry Copeland, President:

Henry A. Copeland, President of Star Data Systems is a cum-laude graduate of the Indiana University School of Business with a major in marketing. He continued his education at IU in the MBA Program and began his research career in 1969 conducting and co-authoring a weekly nationally-syndicated poll of college students carried in over 100 newspapers around the U.S. entitled Campus Opinion.

After serving in various media and marketing research and management consulting positions with Opinion Research Corporation and the Management Consulting Division of the Austin Company, Mr. Copeland served as Vice President and General Manager of CRC Information Systems' Chicago office. In 1986 Mr. Copeland left CRC to found Star Data Systems, Inc. in Chicago. He moved the company's headquarters to Jupiter, FL in 1993. The company maintained an office in Chicago until 2009.

Mr. Copeland holds a Professional Research Certification (PRC) from the Market Research Association and is active in a number of professional associations, including the MRA, the American Marketing Association, CASRO and AAPOR. He is a Past President of the Florida Chapter of the MRA and currently serves on its board as Treasurer.

Sharon Ventura, Director of Client Services:

Sharon Ventura's career spans over 15 years in data collection and call center management. She has a strong knowledge of the insurance, e-Commerce and Banking industries and brings extensive management expertise in many phases of research operations including training, forecasting, resource allocation, quality assurance and employee development. Sharon has led teams through start-up, production, turnaround and growth modes.

Prior to joining Star Data Systems, Sharon served as Call Center Manager for an e-Business transaction processing company where she implemented the design of a quality assurance program, call management system, employee recognition as well as employee development programs.

In leading Star Data Systems' highly skilled internal research team, Sharon Ventura is responsible for delivering superior customer satisfaction.

Ashley Bryant, Scanning Manager

Ashley has over 9 years experience in data capture and processing including 6 years in management. Her expertise is in questionnaire format and layout, making sure they are attractive to respondents as well as acceptable for efficient scanning. Ashley maintains very strict quality control guidelines ensuring her team follows the proper procedures she has incorporated into the QC program.

Ashley leads the team of Editors and Scanner operators. She has created and developed a productive training program and is responsible for all project reporting management of the department's projects.

About Star Data Systems

Star Data Systems was established in 1986 for the purpose of providing high-quality data collection and reporting services for market research clients. With headquarters in Jupiter, Florida, Star Data Systems is a growing data collection firm serving other research suppliers and end-user clients. Our clients include Farmers Insurance Group, Mediamark, Inc., Equifax, TNS Research and a number of other prominent research companies and end-users.

Our mail survey services include printing, stuffing and mailing services as well as Business Reply return services using our permits and scanning and coding services utilizing state-of-the-art software for conducting surveys of all types. Star Data Systems also conducts telephone surveys and hosts a variety of web surveys for many clients. For many of our projects, our clients have access to secure client dashboards on our secure website so they can access the latest information about their projects in real time around the clock.

**Proposal to Perform a Survey of Captiva Registered Voters Relative to the
November 2010 Captiva Beach Nourishment Referendum**

Submitted by: Partners in Progress, Inc.

July 11, 2010

I. Background

Periodic beach nourishment is the Captiva Erosion Prevention District's (CEPD) most important responsibility and key to maintaining the quality of Captiva's beach. In general, the first step in initiating one of those periodic nourishment projects is for the Captiva registered voters to pass a referendum that authorizes funding of the project. With the next nourishment project scheduled for 2013/2014, CEPD has submitted the required funding referendum to be voted on in the upcoming November 2010 election. Prior to the election, CEPD would like to conduct a survey of the Captiva registered voters to obtain insight into their views on beach nourishment in general and the need for the next nourishment project in particular. Toward that end, CEPD has asked for proposals from several firms to assist the organization with the survey effort and this proposal is a response to that request.

II. Objective

The objectives of the proposed engagement are

- to survey the registered voters of Captiva and obtain their viewpoints regarding the value of beach nourishment, CEPD's stewardship of the Captiva coastline and the need for the next scheduled nourishment project
- to report the survey results back to the CEPD, broken down by registered voters and likely voters

III. Scope

The scope of this engagement is delimited as follows:

- The Board will designate a sub-committee or an individual to work with Partners in Progress on this engagement to ensure that the engagement can be completed within the proposed timeframe.
- Partners in Progress Inc. will mail out a hard-copy survey packet (to be approved by the CEPD sub-committee or designated individual) and analyze and report on responses received to that hard copy mail survey packet.
- Partners in Progress will attempt to conduct the survey by telephone with those members of the survey population who did not respond to the hard copy mail survey packet. Each telephone survey attempt will consist of up to three phone messages left (pre-scripted phone messages approved by the CEPD Board or designated sub-committee) asking for a call back, and the actual telephone survey itself for those voters who call back or who are willing to participate when they are initially telephoned.
- The survey population will include only those registered voters who are listed on the spreadsheet entitled "Captiva_Registered_Voter_Analysis_Detail 11302009.xls" that was distributed to CEPD on 11/30/2009 as part of the "Registered Voter Analysis 11/30/09" email. (Note: a copy of that spreadsheet is attached to this proposal). There are 341 individuals listed on that spreadsheet.
- So that responding to the survey (and tabulating the results) will not be an onerous task, the survey will be designed to contain no more than 20 multiple choice or "Y/N" questions. There will be no essay or free form response types of questions.
- The survey project will be completed by the end of August 2010.

- The survey will be conducted through hard copy mailings and telephone interviews only – no other media or mechanism will be used in the performance of this engagement.
- This proposal assumes that 40% of the registered voters will respond to the survey mailing, (a figure provided by CEPD based upon past experience with Captivans willingness to respond to direct mail requests) as opposed to the conventional 3-4% direct mail response statistic and another 20% will respond to the telephone survey attempts.
- No guarantees can be made as to the actual number of survey responses that will be collected.
- The report of survey results will take place via a Google Docs spreadsheet that will be updated on a daily basis once Partners in Progress Inc. begins to receive survey responses.

IV. Approach

| Task # | Task Description | Start Date | End Date | Effort Assumptions (Hours) |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------|-----------------------------------|
| 1 | Design survey mailing packet, to include: <ul style="list-style-type: none"> • Cover Letter • Survey • Mailing Envelope (with printing on the outside along the lines of "CEPD needs your opinion – Please complete enclosed survey") • Return Mail Envelope | 7/15/10 | 7/18/10 | 10 (RG) |
| 2 | Review, revise and finalize survey mailing packet in teleconference with Board Sub-committee or designated individual | 7/19/10 | 7/21/10 | 4 (RG) |
| 3 | Revise and finalize survey mailing list with Board sub-committee or designated individual | 7/15/10 | 7/21/10 | 3 (RG) |
| 4 | Coordinate production and mailing of survey packets to Captiva registered voters by Ft. Myers Mailing Vendor | 7/22/10 | 7/30/10 | 5 (RG) Ft. Myers Vendor |
| 5 | Design, review, revise and finalize Google Docs survey results report spreadsheet with Board sub-committee or designated individual | 7/19/10 | 7/27/10 | 3 (RG) 3 (GE) |
| 6 | Draft, Review, Revise and finalize telephone survey script and telephone message script. | 7/27/10 | 8/2/2010 | 3 (RG) 2 (GE) |

| | | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------|------------------------------|
| 7 | Receive and record responses to mail survey / Add returned mail addressees to telephone survey list | 7/27/10 | 8/31/10 | 37 (GE) |
| 8 | Conduct telephone survey campaign: <ul style="list-style-type: none"> • Research incorrect / missing telephone numbers • Leave up to 3 telephone messages for non-responders to mail campaign • Conduct telephone surveys with willing participants • Record survey results | 8/14/10 | 8/31/10 | 6 (GE) 23 (GE) 37 (GE) |
| 9 | Post daily updated survey results report to Google Docs | 8/1/10 | 8/31/10 | 8 (GE) |
| 10 | Project Management | 7/15/10 | 8/31/10 | 12 (RG) |
| 11 | Contingency if less than 40% of registered voters respond to hard copy mailing packet and have to be added to telephone survey list. <ul style="list-style-type: none"> • Leave up to 3 telephone messages for non-responders to mail campaign • Conduct telephone surveys with willing participants | | 9/15/10 | 15 (GE) 25 (GE) |
| 12 | Contingency if an additional 20% of the registered voter population has to be interviewed by telephone | | 9/30/10 | 37 (GE) |

V. Deliverables

The deliverables for this engagement are:

- A hardcopy mailing packet that includes a cover letter, the mailing envelope, the survey form, and a return envelope mailed to each Captiva registered voter
- A telephone script for messages that will be left on answering machines when attempts are made to telephone non-responders to the mailed survey packet
- A telephone script to be used for conducting the survey via telephone
- A spreadsheet, stored in Google Docs and updated on a daily basis, that reports the results of the survey project

VI. Assumptions

The following assumptions have been made for the purposes of providing estimates and an approach for this engagement:

- There will be a 40% response rate to the direct mail packet. If less than a 40% response rate is realized, then contingency funding will be used to pay for the increase in the telephone survey population
- Mail packets will be mailed from a Florida post office and the return envelopes will be addressed to the CEPD PO Box. CEPD staff will forward returned mail packets and mail responses to Partners in Progress in New York.
- Survey forms will be encoded to ensure traceability and non-duplication
- 20% of the survey population will consent to a telephone survey. If more than 20% of the survey population consents to a telephone survey, then contingency funding will be used to pay for the increase in the telephone survey population. In any case, no more than 53% of the registered voter population will be interviewed by telephone.

VII. Time and Cost Estimates

Depending upon the size of the telephone survey population and the number of registered voters who consent to submit to a telephone survey, this engagement will be completed sometime between August 31, 2010 and September 30, 2010.

The hours expended on this engagement will be billed on a monthly basis at the following rates:

| | |
|----------------|----------------|
| Robert Gray | \$150.00 / hr. |
| Gerardo Esquer | \$ 50.00 / hr. |

Additionally, the cost of having the hard-copy mail survey packets printed, compiled, and mailed will be passed through to CEPD. Those costs are estimated to be between \$2,000.00 and \$3,000.00.

The total cost of the engagement, if contingency funding is not invoked to pay for additional work required to accommodate a telephone survey population that is larger than the assumed population, is estimated at \$11,800.00.

Contingency funding to conduct telephone interviews with up to 53% of the registered voter population is \$3,850.00.

Captiva Erosion Prevention District

General Board Meeting

July 14, 2010

Motion:

I make a motion to establish the Tentative Captiva Erosion Prevention District Millage rate at 0.3010 for the Truth In Millage requirements.