

## **Agenda**

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

- I. Call to Order
- II. Roll Call
- III. Approval of CEPD March Meeting Minutes
- IV. Public to be Heard
- V. Financial Report
- VI. Report of the Senior Administrative Consultant
  - a) Parking Lot
  - b) DEP Visit
  - c) Army Corp Visit
  - d) Blind Pass Stakeholders Meeting
  - e) Recreational Survey
- VII. Old Business
  - a) Board Reorganization
  - b) Resolution Adopting a Policy for Defense of Officers and Employees
  - c) Public Records Request
- VIII. New Business
  - a) Approval of FY 2009 Financial Statements
  - b) Bed Tax Resoluton
  - c) Pollster Proposals
  - d) Bond Counsel Proposals
- IX. Commissioner Comments
- X. Adjourn

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

‘Tween Waters Inn, Wakefield Room  
15951 Captiva Drive, Captiva Island, FL 33924  
Wednesday, March 3, 2010

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

Consultants Present: Kathleen Rooker (P.I.P Senior Administrative Consultant)  
Steve Keehn, Coastal Planning & Engineering

**I. Call to Order**

Chair Mike Mullins called the meeting to order at 6:00 p.m.

**II. Roll Call**

The roll was called and the results are detailed above.

**III. What’s Happening with Blind Pass**

Steve Keehn, Coastal Planning & Engineering, made a 17-slide PowerPoint presentation showing inlet bathymetry after 6-months, the volume and contour change in 1st six months since completion of the project, historic and current coastal processes, and preliminary stability trends. A question and answer period followed.

**IV. Captiva: The Beach that Almost Wasn’t**

Mrs. Rooker, Mrs. Holzheimer, Mr. Keehn, and Mr. Mullin made a 26-slide PowerPoint presentation explaining what is erosion, Captiva erosion history, what is beach nourishment, what is the CEPD, and what can Captiva citizens do. A question and answer period followed.

**V. Who Owns Our Beaches?**

Mr. Mullins provided an update about a pending U.S. Supreme Court decision regarding who owns the beaches when nourishment has been done. He explained what might happen if the U.S. Supreme Court rules in favor of the plaintiffs – perhaps undermining states’ authority to determine their own property laws, inhibiting government cost sharing thus raising property owner assessments, and causing confusion over property lines and titles. A question and answer period followed.

**VI. Additional Questions and Answers**

Additional questions were received from the audience and answered.

Mr. Mullin thank the audience for attending and adjourned the meeting at 8:10 p.m.

## **Minutes of the Briefing Meeting of the Captiva Erosion Prevention District**

Celebration Center

11513 Andy Rosse Lane, Unit 4

Captiva, Florida 33924

Thursday, March 4, 2010 @ 1PM

Commissioners Present: Mike Mullins (Chairman), Doris Holzheimer (Vice Chairman)

Administration Present: Kathleen Rooker (P.I.P. Senior Administrative Consultant)

### **I. Call to Order**

### **II. Roll Call**

Chairman Mullins called the briefing meeting to order at 1:00 PM.

### **III. Briefing Discussion**

#### **a) Referendum**

Bill Stronge will begin the winter recreational survey on Saturday, March 6<sup>th</sup>. He will be asked to continue the survey during Easter week.

Kathy Rooker will look for past resolutions for renourishment and referendums. Anne Dalton will be contacted to discuss preparing the necessary documents to place a referendum on the November ballot. It is unknown if this is an area of law that she practices.

A detailed schedule leading to the Nov. 2, 2010 was distributed and discussed. Some dates within the plan can be adjusted. It was agreed that the project schedule should be displayed in a format that would include "Go" and "No Go" project paths. Bob Gray of Partners in Progress will be asked to facilitate a meeting between the commissioners, consultants, and engineer for the purpose of developing a complete project plan for the next beach nourishment including all critical paths.

Commissioner Holzheimer reported on a recent meeting with Dan Wexler. Ten action steps the District should consider for planning a referendum with a positive outcome were examined.

#### **b) Association Meetings**

The next homeowners association meeting will be held on March 16<sup>th</sup>. Kathy Rooker will prepare a presentation and present to the homeowners. Additional presentations will be March 18, March 26, March 27, and April 7.

#### **c) Tentative and Final Budget Hearing Dates**

A date for the September tentative budget hearing has not been established. The final budget hearing and regular board meeting planned

for September 22 will conflict with the FSBPA conference in Clearwater. Moving the hearing and meeting to September 21 will be considered at the March regular board meeting as well as the tentative budget hearing date.

Meeting adjourned at 3:40PM.

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

'Tween Waters Inn, Wakefield Room  
15951 Captiva Drive, Captiva Island, FL 33924  
Wednesday, March 10, 2010

Commissioners Present: Mike Mullins (Chairman), Doris Holzeimer (Vice Chairman), Rene Miville (Commissioner), Dave Jensen (Treasurer), Harry Kaiser (Secretary)

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

**I. Call to Order**

Chair Mike Mullins called the meeting to order at 12: 04 p.m.

**II. Roll Call**

The roll was called and the results are detailed above.

**III. Approval of CEPD Meeting Minutes**

Mr. Kaiser moved and Mr. Jensen seconded a motion to dispense with the reading of the minutes and to accept them as written. The motion passed.

**IV. Public to be Heard**

A question was raised from the audience regarding the apportionment study now being conducted by Dr. Stronge and the questions that were being asked in it Ms. Rooker was asked to gather input from Commissioners about additional questions that might be asked.

**V. Resolution of Condolence and Appreciation**

Ms. Holzeimer moved and Mr. Miville seconded the following Resolution which passed unanimously:

**Resolution 2010-01**

**A RESOLUTION OF THE BOARD OF THE CAPTIVA EROSION PREVENTION DISTRICT OF LEE COUNTY, FLORIDA, ADOPTING AN EXPRESSION OF CONDOLENCE AND APPRECIATION UPON THE DEATH OF BOB JANES.**

**WHEREAS**, the Board of the Captiva Erosion Prevention District of Lee County, Florida, had a duly advertised public meeting on March 10, 2010:

**NOW, THEREFORE BE IT RESOLVED** by the governing Board of the Captiva Erosion Prevention District of Lee County, Florida, that:

The Captiva Erosion Prevention District Board of Commissioners wishes to express our condolences to Bob Janes' family, his friends and staff, and the Lee County Commission upon the passing of our good friend. Bob was a great supporter of Captiva and the environment. He had a huge and positive impact on the quality of life in Lee County. He will be missed.

DULY ADOPTED at a public meeting this 10<sup>th</sup> day of March 2010.

Commissioner Jensen \_\_\_\_\_  
Commissioner Miville \_\_\_\_\_  
Commissioner Hozheimer \_\_\_\_\_  
Commissioner Kaiser \_\_\_\_\_  
Commissioner Mullins \_\_\_\_\_

By: \_\_\_\_\_  
(Chairman)

By: \_\_\_\_\_  
(Secretary)

**VI. Financial Report**

Mr. Jensen presented the financial report. He reported that the registered names on the State Board of Administration (SBA) account need to be updated. He also reported that budget performance was going well.

A question was raised about what the effect of the recent cold weather has had on the Parking Lot revenue. It was reported that anecdotal data suggests a reduction of between 25 and 33 percent during those days when the weather was bad.

**VII. Report of the Senior Administrative Consultant**

Ms. Rooker presented a schedule of upcoming presentations to various homeowners' associations. A new PowerPoint presentation is under development for this audience. The Commissioners agreed that regardless of who makes the presentation, it would be good to have a second person at these meetings as long as they observed the Sunshine Laws. Commissioners added their names to the schedule and a new one will be issued.

The Commissioners discussed putting the Board materials for future meetings online. Ms. Rooker cautioned that some material might contain confidential information and other material may not be public record. To address the issue, the Commissioners decided to put certain information online as determined by Mr. Mullins and Ms. Rooker. It was also decided that the Chair will insert time for public comments after each agenda item at his discretion.

Ms. Rooker reported on the meeting she had with the principals who are running the Apportionment Study. Commissioners commented on additional information they might



The regular board meeting on Sept. 8 will begin at 4:00 p.m.  
Other board meeting dates are: May 12 for the preliminary budget  
July 14 for regular board meeting

Ms. Holzeimer moved and Mr. Miville seconded to approve these dates. The motion passed.

Other dates will be reviewed and set at briefing meetings after July 1 after the TRIM assessment comes out.

**b) Voter Registration**

Information regarding who is eligible to vote was discussed. Ms. Rooker was asked to bring all information on voter eligibility, voter registration, and voter analysis to tomorrow's briefing meeting.

**c) March timeline for article submission to local press**

The timelines will be worked on at tomorrow's briefing meeting. The goal of these articles is to get as many people to come to the March 31 meeting as possible.

**d) CEPD Rules of Procedure**

Mr. Mullins asked that each Commissioner have the most current copy of this document and that they bring them to meetings.

**IX. Commissioner Comments**

A communication from Judy Zamomra regarding a scheduled Interlocal Agreement meeting on 3/15 was shared. Ms. Rooker will call Ms. Zamomra. The possibility of drafting a letter to the County and Sanibel was also discussed.

Mr. Mullins talked about the need to write the County, the Lee County Commissioners, and the Tourist Development Council (TDC) asking for an accounting of beach nourishment funds.

This issue of who pays TDC taxes for housing rentals was also discussed.

The meeting adjourned at 2:32 p.m.

## **Minutes of the Briefing Meeting of the Captiva Erosion Prevention District**

Celebration Center

11513 Andy Rosse Lane, Unit 4

Captiva, Florida 33914

Thursday, March 11, 2010 @ 1PM

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

Administration Present: Kathleen Rooker (P.I.P. Senior Administrative Consultant)

### **I. Call to Order**

Chairman Mullins called the briefing meeting to order at 1:04 PM.

### **II. Roll Call**

Chairman Mullins performed the roll call. The results are detailed above.

### **III. Old Business**

- a) Press Release - Responding to the massive public records request has taken time away from some of the duties of the CEPD. This is unfortunate since the District is always willing to make records available in the office upon request. Commissioners discussed a press release concerning the issue of the massive request. Kathy Rooker will prepare a draft of Q&A prior to distributing a press release.
- b) March 31 Special Town Hall Meeting – While it was agreed that the town hall meeting on March 3 was successful; Commissioners agreed that the presentation should be more concise for the March 31 meeting. Engineers, Steve Keehn and Robert Neal will coordinate the Blind Pass presentation. The Blind Pass portion of the PowerPoint will be at the end of the presentation. Additional meeting plans concentrated on how to get the word out to the public. Beginning on March 24<sup>th</sup>, commissioners will use a phone tree to contact community members. Kathy will contact SSIR and the CCA to request their help in sharing the information with members. Chairman Mullins will write a third article for the press. Kathy will develop a timeline schedule for the next town hall meeting.
- c) Homeowners' Association Presentations – A draft of the PowerPoint for homeowners' associations was distributed and ideas discussed. Commissioners reviewed the schedule of presentations and presenters.
- d) Referendum and Opinion Poll- The memo from the Board attorney was discussed. Commissioners liked the idea of polling the registered voters to determine if voters are interested in a referendum before spending taxpayer funds to put a referendum on the November ballot. A quote for designing and conducting a poll will be sought.

- e) Additional Meeting Plans - Kathy will develop a timeline and ideas for increasing awareness of the next town hall meeting and increasing attendance. Commissioners will be given a phone tree of voters to contact concerning the next meeting date.

**IV. New Business – Board Composition**

Commissioners would like to know the process of expanding the number of board members. What can be done within the allowances of the law? Kathy Rooker will compose a memo to the board attorney posing questions on the subject for the commissioners to review.

Meeting adjourned at 3:30PM

**Briefing Meeting of the Captiva Erosion Prevention District**

Celebration Center, 11513 Andy Rosse Lane, Unit 4

Captiva, Florida

March 18, 2010 @ 1PM

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

Consultants Present: Kathy Rooker (P.I.P. Senior Administrative Consultant)

**I. Call to Order**

Chairman Mullins called the meeting to order at 1:10 PM.

**II. Roll Call**

Chairman Mullins performed the roll call. The results are detailed above.

**III. Briefing Discussion – Old Business**

**a) March 31 Town Hall Meeting**

The three PowerPoints presented in the March 3 meeting will be combined into one. The Blind Pass presentation slides will be last. Robert Neal will be present with Steve Keehn to answer questions from the public concerning Blind Pass. Some changes in the order of the slides will be necessary. Mike's name will be removed from the Supreme Court slide but the title will remain. The funding slides will be placed right before the Supreme Court slides. The circle graph of the nourishment funding will be changed to include the Blind Pass project.

The question and comment section will follow each of the three sections as was done on March 3.

Kathy will develop a new agenda and slide assignment list for the presentation.

**b) Polling**

Pollster, Craig Smith was contacted but was not available for a teleconference during the briefing meeting. Kathy will contact him again to learn more about his services and fees.

Commissioners had a brief discussion of Senator Bennett's SB 1928. The existing language is in conflict with CEPD enabling legislation but it is difficult to determine if the changes the Senator is recommending will be more positive.

**IV. Briefing Discussion – New Business**

Kathy Rooker reported on a recent conversation with the Army Corps of Engineers. They are available to send a team to Captiva during the last week in May to assess the availability of additional parking for the public beach access. Rick Hayduk will be contacted concerning possible additional parking at South Seas.

Meeting adjourned at 2:50PM

**Minutes of the Special Meeting/.Town Hall of the Captiva Erosion Prevention District**

'Tween Waters Inn, Wakefield Room  
15951 Captiva Drive, Captiva Island, FL 33924  
Wednesday, March 31, 2010

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

Commissioners Absent: Rene Miville

Consultants Present: Kathleen Rooker (Senior Administrative Consultant); Robert Gray, (President, Partners in Progress, Inc.)

**I. Call to Order**

Chair Mike Mullins called the meeting to order at 10:02 p.m.

**II. Roll Call**

Mr. Mullins introduced the Commissioners who were present (as indicated above), other notables, and thanked those in attendance for coming to the meeting.

**III. Welcome**

Ms. Rooker introduced the speakers and other notables in attendance.

**IV. Presentation**

Ms. Rooker began the presentation by giving some of the history, issues, and effects on property values of beach nourishment on Captiva,

Steve Keehn, PE, Coastal Planning & Engineering, displayed slides and discussed how beach erosion can occur, the primary cause of erosion on Captiva (the hurricane of 1926 that created Redfish Pass), some of the related events that took place in the period between 1960 and the late 1980's, what is beach nourishment, the advantages of beach nourishment, and past CEPD beach nourishment projects.

Ms. Holzheimer presented information on what the Captiva Erosion Control District is and how it functions, what functions it manages, the nourishment project timeline, and how CEPD has addressed the offshore oil drilling issue.

Mr. Mullin presented data on how recent projects were funded, the financial return of investment the federal government, State of Florida, and Lee County gain, the issues and

circumstances surrounding the US Supreme Court Case 08-1151, Stop the Beach Renourishment v. Florida, and called upon those in the audience to support CEPD's efforts on their behalf.

Robert Neal, PE, Lee County Department of Natural Resources, displayed information on and talked about the Blind Pass dredging project, including information on the goals of the project, where we are now in relation to those goals, conclusions since the reopening of the pass, and next steps.

#### **V. Question and Answer Period**

Mr. Mullins, Mr. Keehn, and Mr. Neil listened to comments from the audience and answered questions.

The meeting adjourned at 11:22 a.m.

**Minutes of the Special Workshop Meeting  
of the Captiva Erosion Prevention District**

Celebration Center

11513 Andy Rosse Lane, Unit 4, Captiva, Florida

Wednesday, March 31, 2010

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

Administration Present: Kathleen Rooker (P.I.P. Senior Administrative Consultant)

Consultants Present: Steve Keehn, Coastal Planning & Engineering, Robert Gray, Partners in Progress

**I. Call to Order**

Chairman Mullins called the briefing meeting to order at 1:00 PM.

**II. Roll Call**

Chairman Mullins performed the roll call. The results are detailed above.

**III. Workshop Discussion – Steps to Renourishment**

**a) Validate and Enhance Timeline Leading to Renourishment Referendum**

Kathy Rooker and Robert Gray reviewed a timeline of tasks and responsibilities leading to a November 2, 2010 referendum with commissioners. During the discussion, dates and tasks were further defined. Some dates were moved to later in the year while some additional tasks were added. Polling proposals would now be submitted to the Board for the April meeting. A discussion of apportionment would be added to the calendar and to the Board agenda in either April or May. Kathy will check with the economist to see if a change in apportionment will affect his calendar. The date absentee votes are due will be added to the timeline. TRIM process dates will be added to the timeline. Submitting a JCP application was removed. Chairman Mullins requested that the timeline include decision boxes.

Steve Keehn will update the long range technical plan that will be submitted to the DEP this summer. He will also update the project description. This information will be shared with Lee County Department of Natural Resources. Steve does not think a GRR will be required for the project.

Chairman Mullins stated that the CEPD enabling legislation should be reviewed to see what effect a change in the Beach Protection Act could

have on the CEPD. Under what circumstances would it be necessary for the CEPD to reconstitute itself?

Kathy Rooker will consult with FSBPA officers, Debbie Flack and Lisa Armbruster concerning how many state projects on the funding list were approved. What would be the funding outlook for a CEPD project in 2011/12, 2012/13 or 2013/14? Kathy will also consult with the Army Corps to see if they have put in budgeting for CEPD and what the availability of funding exists. Jackie Kieser and the Chief of Projects and Programs for the ACE will be asked to meet with CEPD.

**b) Construction of a Timeline for Emergency Beach Nourishment**

The CEPD referendum approving the issue of special assessment bonds in an amount not exceeding 15 million dollars in the event of an emergency maintenance project was discussed as well as the Emergency Plan of 1998. CP&E is currently updating the 1998 plan. Steve Keehn was also asked to put together an emergency bid package in the event that an emergency necessitates beach nourishment on short notice.

**c) Construction of a Timeline Post Referendum**

Robert Gray, Steve Keehn, and Kathy Rooker will hold future conferences to develop a timeline. Future Board workshops will be held.

Meeting Adjourned at 6:00PM

CEPD - GENERAL FUND  
 Budget Performance - Summary  
 For the One and Five Months Ended February 28, 2010

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Actual - Feb '10	Budget - Feb '10	Variance - Feb '10	Acutal YTD	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense								
Income								
Ad Valorem Tax	17,833.85	27,477.00	(9,643.15)	283,073.59	271,387.00	11,686.59	308,741.00	25,667.41
Interest income - Other	228.27	0.00	228.27	433.92	0.00	433.92	0.00	0.00
Other Income	171.65	100.00	71.65	9,412.17	300.00	9,112.17	900.00	0.00
Total Income	<u>18,233.77</u>	<u>27,577.00</u>	<u>(9,343.23)</u>	<u>292,919.68</u>	<u>271,687.00</u>	<u>21,232.68</u>	<u>309,641.00</u>	<u>25,667.41</u>
Gross Profit	18,233.77	27,577.00	(9,343.23)	292,919.68	271,687.00	21,232.68	309,641.00	25,667.41
Expense								
Administrative expenses	3,589.32	2,614.00	975.32	21,681.30	20,655.00	1,026.30	54,000.00	32,318.70
Capital outlay	0.00	0.00	0.00	577.65	750.00	(172.35)	3,000.00	2,422.35
Reserves	0.00	0.00	0.00	0.00	0.00	0.00	103,290.00	103,290.00
Cost of collecting Ad Valorem	356.67	267.00	89.67	7,525.86	4,437.00	3,088.86	4,800.00	0.00
Legal and professional fees	30,752.20	12,046.00	18,706.20	69,035.87	60,230.00	8,805.87	144,551.00	75,515.13
Total Expense	<u>34,698.19</u>	<u>14,927.00</u>	<u>19,771.19</u>	<u>98,820.68</u>	<u>86,072.00</u>	<u>12,748.68</u>	<u>309,641.00</u>	<u>210,820.32</u>
Net Ordinary Income	<u>(16,464.42)</u>	<u>12,650.00</u>	<u>(29,114.42)</u>	<u>194,099.00</u>	<u>185,615.00</u>	<u>8,484.00</u>	<u>0.00</u>	<u>(185,152.91)</u>
Net Income	<u>(16,464.42)</u>	<u>12,650.00</u>	<u>(29,114.42)</u>	<u>194,099.00</u>	<u>185,615.00</u>	<u>8,484.00</u>	<u>0.00</u>	<u>(185,152.91)</u>

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

CAPTIVA EROSION PREVENTION DISTRICT  
 CAPTIAL PROJECTS  
 BUDGET PERFORMANCE - SUMMARY  
 For The One and Five Months Ended February 28, 2010

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Actual - Feb '10	Budget - Feb '10	Variance - Feb '10	YTD Actual	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense								
Income								
Interest Income	571.34	1,250.00	(678.66)	2,940.09	6,250.00	(3,309.91)	15,000.00	12,059.91
Other miscellaneous revenue	0.00	0.00	0.00	368.95	0.00	368.95	0.00	0.00
Parking lot revenue	10,399.06	8,617.00	1,782.06	55,408.23	33,015.00	22,393.23	100,000.00	44,591.77
Refund unused project costs	0.00	0.00	0.00	0.00	0.00	0.00	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	25,175.63	37,288.00	0.00	495,684.56	418,976.00	(5,100.00)	534,330.00	525,571.00
<b>Total Income</b>	<b>36,146.03</b>	<b>47,155.00</b>	<b>(11,008.97)</b>	<b>554,401.83</b>	<b>458,241.00</b>	<b>96,160.83</b>	<b>827,620.00</b>	<b>760,512.68</b>
Expense								
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	5,364.00	(5,364.00)	6,000.00	6,000.00
Bank service charges	0.00	8.00	(8.00)	3.00	40.00	(37.00)	100.00	97.00
Beach maintenance	1,200.00	0.00	1,200.00	62,568.12	60,000.00	2,568.12	123,000.00	83,021.69
Blind Pass project	23,048.38	171,742.00	(148,693.62)	142,875.42	686,965.00	(544,089.58)	686,965.00	544,089.58
Cost of Assessment Collections	0.00	84.00	(84.00)	1,163.37	940.00	223.37	1,200.00	36.63
Engineering (CP)	1,757.50	0.00	1,757.50	4,092.25	14,828.00	(10,735.75)	35,000.00	30,907.75
Grant Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00	374,000.00	374,000.00
Insurance	4,618.00	3,003.00	1,615.00	10,644.00	6,100.00	4,544.00	6,100.00	0.00
Parking lot expenses	2,756.71	1,087.00	1,669.71	11,128.66	11,027.00	101.66	26,500.00	24,355.88
Project Management Support	7,694.50	6,106.00	1,588.50	64,739.88	118,480.00	(53,740.12)	248,800.00	240,281.25
Renourishment 2013/14 Design Phase	0.00	0.00	0.00	0.00	0.00	0.00	585,000.00	585,000.00
Rent	560.77	583.00	(22.23)	2,558.58	2,917.00	(358.42)	7,000.00	4,441.42
Storage of records	159.00	159.00	0.00	795.00	795.00	0.00	1,910.00	1,115.00
Website Development	0.00	0.00	0.00	0.00	3,000.00	(3,000.00)	3,000.00	3,000.00
<b>Total Expense</b>	<b>41,794.86</b>	<b>182,863.00</b>	<b>(141,068.14)</b>	<b>300,568.28</b>	<b>912,506.00</b>	<b>(611,937.72)</b>	<b>2,106,625.00</b>	<b>1,898,396.20</b>
<b>Net Ordinary Income (Loss)</b>	<b>(5,648.83)</b>	<b>(135,708.00)</b>	<b>130,059.17</b>	<b>253,833.55</b>	<b>(454,265.00)</b>	<b>708,098.55</b>	<b>(1,279,005.00)</b>	<b>(1,137,883.52)</b>
Total Other Expense	0.00	0.00	0.00	0.00	0.00	0.00	491,915.00	491,915.00
<b>Net Income</b>	<b>(5,648.83)</b>	<b>(135,708.00)</b>	<b>130,059.17</b>	<b>253,833.55</b>	<b>(454,265.00)</b>	<b>708,098.55</b>	<b>(1,770,920.00)</b>	<b>(1,629,798.52)</b>

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

CEPD - GENERAL FUND  
Balance Sheet  
As of February 28, 2010

	<u>Feb '10</u>
ASSETS	
Current Assets	
Checking/Savings	
S.B.A. Account	112.26
Wachovia - checking	788,249.22
Total Checking/Savings	<u>788,361.48</u>
Total Current Assets	<u>788,361.48</u>
TOTAL ASSETS	<u><u>788,361.48</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due to Capital Projects Fund	434,418.70
Total Other Current Liabilities	<u>434,418.70</u>
Total Current Liabilities	<u>434,418.70</u>
Total Liabilities	434,418.70
Equity	
Fund Balance	159,843.78
Net Income	194,099.00
Total Equity	<u>353,942.78</u>
TOTAL LIABILITIES & EQUITY	<u><u>788,361.48</u></u>

CEPD - CAPITAL PROJECTS FUND

Balance Sheet  
As of February 28, 2010

	<u>Feb '10</u>
ASSETS	
Current Assets	
Checking/Savings	
Checking Wachovia Capital	1,680,807.32
Sanibel Captiva Bank - CD	250,000.00
SBA	213,703.04
Total Checking/Savings	<u>2,144,510.36</u>
Other Current Assets	
Due From General Fund	434,418.70
Total Other Current Assets	<u>434,418.70</u>
Total Current Assets	<u>2,578,929.06</u>
TOTAL ASSETS	<u><u>2,578,929.06</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	253,833.55
Total Equity	<u>2,091,332.06</u>
TOTAL LIABILITIES & EQUITY	<u><u>2,578,929.06</u></u>

**CEPD - CASH POSITIONS  
 AS OF FEBRUARY 28, 2010**

	GENERAL FUND	CAPTIAL FUNDS	TOTAL FUNDS
<b>CASH and CASH EQUIVILANTS FEBRUARY 28, 2010</b>			
Checking	\$788,249	\$1,680,807	\$2,469,056
S.B.A.	112	213,703	213,815
Certificates of Deposit		250,000	250,000
<b>TOTAL CASH and CASH EQUIVILANTS FEBRUARY 28, 2010</b>	<b>788,361</b>	<b>2,144,510</b>	<b>2,932,871</b>

**PROJECTED ACTIVITY - MARCH**

**Plus:**

Parking Lot Receipts		15,564	15,564
Operating Reserves - transferred			-
Other Income	309	492	801
Due From General Fund			-
Special Assessments collected		13,985	
Tax Collector Distribution	3,862		3,862
<b>Total Additions</b>	<b>4,171</b>	<b>30,041</b>	<b>20,227</b>

**Less:**

**Projected Expenditures -MARCH**

Blind Pass Project			-
Partners in Progress	8,933	9,782	18,715
Engineering		10,029	10,029
Administrative costs	3,623	159	3,782
Parking lot		1,998	1,998
Property Appraise/Tax Collector Fees	77		77
Due to Projects			-
Rent	1,350	451	1,801
Debt Service Payment			-
Professional Fees	2,766	1,410	4,176
<b>Total Reductions</b>	<b>16,749</b>	<b>23,829</b>	<b>40,578</b>

**Net Projected Increase(Decrease)**

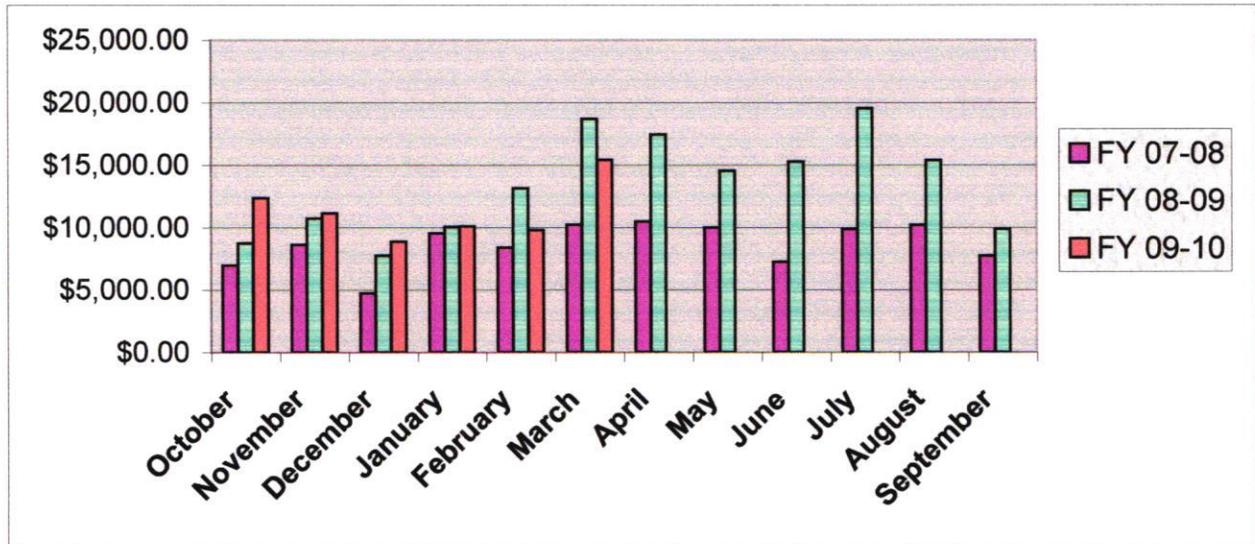
	<b>(12,578)</b>	<b>6,212</b>	<b>(20,351)</b>
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## Captive Erosion Prevention District

### Parking Lot Revenue Comparison FY 2008, 2009, and 2010

Month	FY 2007-08	FY 2008-09	%	FY 2009-10	%						
			Difference		Difference.						
October	\$6,976.40	\$ 8,737.40	25.24%	\$ 12,357.59	41.43%						
November	8,630.28	10,722.41	24.24%	11,134.66	3.84%						
December	4,726.56	7,752.31	64.02%	8,869.90	14.42%						
January	9,538.53	10,053.81	5.40%	10,085.06	0.31%						
February	8,400.17	13,161.13	56.68%	9,798.61	-25.55%						
March	10,235.05	18,691.92	82.63%	15,420.47	-17.50%						
April	10,471.67	17,440.75	66.55%								
May	9,989.40	14,544.08	45.60%								
June	7,248.95	15,278.03	110.76%								
July	9,867.79	19,554.66	98.17%								
August	10,196.29	15,395.99	51.00%								
September	7,720.17	9,904.18	28.29%	*							
<b>Total</b>	<b>\$ 104,001.26</b>	<b>\$ 161,236.67</b>	<b>55.03%</b>	<b>\$ 67,666.29</b>							
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; border: 1px dashed black;">First 6 months</td> <td style="width: 15%; border: 1px dashed black; text-align: right;">48,506.99</td> <td style="width: 15%; border: 1px dashed black; text-align: right;">69,118.98</td> <td style="width: 15%; border: 1px dashed black; text-align: center;">42.49%</td> <td style="width: 15%; border: 1px dashed black; text-align: right;">67,666.29</td> <td style="width: 15%; border: 1px dashed black; text-align: center;">-2.10%</td> </tr> </table>						First 6 months	48,506.99	69,118.98	42.49%	67,666.29	-2.10%
First 6 months	48,506.99	69,118.98	42.49%	67,666.29	-2.10%						

\* Projected based on last year's data for the month.



## **SECTION IV: ORGANIZATION AND REORGANIZATION OF THE BOARD OF COMMISSIONERS**

### ***Rule 4.01 -- Powers***

Chapter 81-413, Laws of Florida, creating the Captiva Erosion Prevention District, provides that the legislation and governing body of the Captiva Erosion Prevention District shall have the power to carry out its duties to the extent not inconsistent with general or special law. This power shall include, but shall not be limited to, the power to adopt its own rules and procedures, select its officers and set the time and place of its official meetings.

### ***Rule 4.02 -- Annual Organization***

The Board of Commissioners of the Captiva Erosion Prevention District shall, at the first regular meeting in December of each year, or thereafter, organize or re-organize the officers of the District Board as to designating or redesignating a Chairman, Vice-Chairman, Secretary and Treasurer. The Chairman, Vice Chairman, Secretary and Treasurer shall serve for a one-year term unless the District Board shall re-organize as set forth in the procedures below. An individual Commissioner may hold the office of Secretary and Treasurer concurrently.

Any Commissioner who incurs more than three unexcused absences within one year shall be asked to resign his or her seat upon the Board.

The incumbent Chairman, Vice-Chairman or Secretary of the District Board shall be present and conduct the meeting until a new Chairman has been selected. The organization of the District Board will be the first item on the agenda for that meeting.

### ***Rule 4.03 -- Procedure for Annual Organization***

The Board shall take the time to discuss the positions available, giving a commissioner the chance to decline a post if unable to perform its duties.

The incumbent Chairman shall call for nominations for the new Chairman, taking nominations until a vote is called to close the nominations. The election of the Chairman will be upon roll call. After a new Chairman is elected the other posts will be elected in the same manner.

**Resolution 2010-\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CAPTIVA EROSION PREVENTION DISTRICT OF LEE COUNTY, FLORIDA, ADOPTING A POLICY FOR DEFENSE OF OFFICERS AND EMPLOYEES; PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT RESOLVED** by the Board of Commissioners of the Captiva Erosion Prevention District of Lee County, Florida (“District”), that:

Section 1. The District adopts the following policy relating to the defense of officers and employees.

A. Civil liability; exceptions.

To the extent permitted by law, the District is hereby authorized to expend from District funds the amount of money necessary as payment on behalf of any officer or employee of the District, that amount of money which such officer or employee becomes obligated to pay by reason of any civil liability imposed by law upon such officer or employee, individually, except as hereinafter set forth, for claims or causes of action arising out of the acts or conduct of such officer or employee performed in good faith within the scope of the duties or employment of such officer or employee, which claims or causes of action were not the result of any willful, wanton, or malicious act of such officer or employee in the discharge of said duties or employment. The District shall, however, not be liable to any officer or employee under any circumstances for claims or causes of action where said officer or employee acted in bad faith, with malicious purpose, or in a manner exhibiting wanton or willful disregard of human rights, safety of property, or committed acts involving moral turpitude.

B. Civil claims, cause of action or litigation.

To the extent allowed by law, the District shall defend any civil claim, cause of action, or litigation that comes within the terms of this section, either by its legal counsel or by other counsel designated and retained by the District for said purpose, when such defense is not afforded by any policy of insurance carried by the District. In the event the claim, cause of action, or litigation is covered by a policy of insurance, whether said policy covers litigation or suits of defense, it shall be discretionary with the District as to whether its legal counsel or other attorneys retained by it assist in said defense. The assumption of the defense of any said litigation shall not preclude the defense being conducted under a reservation of rights, indemnification, or any other legal rights of the District.

C. Applicability of this policy.

The provisions of this policy shall not be applicable in the event the District carries insurance policies covering such acts or omissions, unless a claim or cause of action should result in a judgment in excess of policy limits. In no event shall this policy be applicable in the case of an award of exemplary or punitive damages.

D. Payment of reasonable attorney's fees.

The District is authorized to expend District funds for the payment of reasonable attorney's fees incurred by any past or present member of the District or any person employed by the District when said person is charged with a violation, or violations, of any of the provisions of law, when said person is subsequently acquitted or the charge, or charges, against said person are dismissed.

E. Sovereign immunity of District.

Nothing contained herein shall be construed as a waiver of sovereign immunity by the District.

Section 2. This resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** this 13<sup>th</sup> day of January, 2010.

Commissioner Jensen	_____
Commissioner Miville	_____
Commissioner Holzheimer	_____
Commissioner Kaiser	_____
Commissioner Mullins	_____

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
CEPD Attorney



April 7, 2010

Christopher D. Donovan  
Roetzel & Address  
850 Park Shore Drive  
Trianon Centre – Third Floor  
Naples, Florida 34103

Re: Public Records Request

Dear Mr. Donovan:

The Captiva Erosion Prevention District is in receipt of your letter and check dated April 6, 2010 responding to the District's letter of February 17, 2010 regarding the above matter. Seven weeks have elapsed since the District advised that you make contact to provide a mutually agreeable date and time at which you (or a representative) will come to retrieve the records thus far assembled and copied per your request. We are a very small office with no full time employees, we are directed by volunteer unpaid commissioners and one or two consultants provide support staff. Under the sunshine laws, many District decisions or communications must wait until the commissioners can convene to discuss such matters. Yet, compared to the vast resources of Roetzel and Address, the District has proven far both consistent and timely in our communications.

The District has responded in a timely way to every correspondence since your first massive records request, yet your response to our letter of October 13, 2009 took you over a month and your response to our February 17, 2010 letter took almost two months. To suggest any perceived delay is the responsibility of the District is misleading and simply wrong. In no case has the District been unresponsive or tardy in responding to you. Each timely correspondence from the District advised that you have made a huge request covering an unknown number of documents and electronic images, perhaps millions of pages and images, yet once your deposit was received we worked diligently on the request. In view of your unusually large request, you were asked (without hyperbole) to consider some small narrowing of the request. You eventually agreed to this reasonable suggestion.

In each communication, the District offered --by way of partial fulfillment-- to share the records as soon as they could be assembled for mutual convenience. For almost six months until February, you rejected all such offers and have proven untimely in your responses to District correspondences. Despite your many rejections of such partial fulfillment, the District repeatedly offered and you only eventually agreed in February to

such partial fulfillment. Yet, as previously stated, when advised to come collect the records on February 17, 2010 you again delayed responding for almost two months.

As indicated, the District has made copies of the records you requested and stored them for over seven weeks while awaiting your response advising the District of a date and time at which you would agree to pick up the records. Please consider this letter another attempt by the Captiva Erosion Prevention District to have you contact the District to provide a date and time during normal business hours at which point you will pick up the records. Your timely response will be appreciated.

Sincerely,

Kathleen Rooker  
Senior Administrative Consultant

Cc: CEPD Commissioners

Anne Dalton, Esquire  
2044 Bayside Parkway  
Fort Myers, Florida 33901  
(239) 337-7900

## Memorandum

**To:** Board of Commissioners, Captiva Erosion Prevention District  
**CC:** Kathleen Rooker, Senior Administrative Consultant, CEPD  
**Date:** April 9, 2010  
**Subject:** Tourist Tax/Additional Penny to District

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You have requested a legal opinion on the following question: what is the feasibility of adding another penny bed tax to Captiva properties, with the intent that the additional fund would go to the Captiva Erosion Prevention District.

**Summary Response: It is legally feasible for Lee County to impose an additional bed tax obligation on Captiva properties for use by the District. Approval of this tax may be accomplished via referendum or by an extraordinary vote of the Board of County Commissioners. Prior authorization by the CEPD Board of Commissioners is required.**

### ANALYSIS: BED TAX STATUTES

Tourist tax jurisdiction exclusive to county. The local option tourist development tax is included in "Title XI County Organization and Intergovernmental Relations," Chapter 125 County Government and is specifically set out in Section 125.0104, Florida Statutes. Accordingly, it is clear that jurisdiction to impose this tax is exclusively reserved to counties in Florida and the Captiva Erosion Prevention District ("the District") does not have an independent ability to do so.

Beach nourishment as authorized use of bed tax. Clearly, beach nourishment is a legal and authorized use of tourist tax revenues under Section 125.0104(5)(a)(4)

Process for imposition of additional tourist tax. The Board of County Commissioners ("BOCC") either (1) approves the bed tax ordinance by extraordinary vote (a majority plus one) or (2) authorizes a referendum which is then approved by the electors within the County or the "subcounty special district."<sup>1</sup> Section 125.0104 (3) (d), Florida Statutes. The requirement of TDC submission of a tourist development plan regarding the use of such funds is waived by this same section of the statute.

---

<sup>1</sup> The referendum's passage is deemed to be approval of the ordinance (Section 125.0104(6)(c), Florida Statutes).

"Subcounty Special District" The tourist tax statute refers to referendum approval by a "majority of the electors voting in the subcounty special tax district affected by the tax" (Section 125.0104(6)(a), Florida Statutes). Reference is made further in this section to repeal of the tax upon petition application of 15% of the electors in the "subcounty special district in which the tax is levied".

Another section of this statute references the county's tourist tax levy on "a subcounty special district of the county... (which) embrace(s) all or a significant contiguous portion of the county" (Section 125.0104(3)(b), Florida Statutes).

There does not appear to be a definition or interpretation of a "subcounty special tax district" or "subcounty special district" or "subcounty special district of the county" in Florida Statutes or case law, Attorney General Opinions, in the 2009 Local Government Financial Information Handbook (copy attached), in guidelines for special districts provided by the Florida Department of Community Affairs, or elsewhere in state government. Over the past several days, I have spoken with the Attorney General's Office, the General Counsel's Office of the State Department of Revenue, and a representative of the Special Taxing Department of the State Department of Revenue. Each person advised me that they did not know if this language applies to independent special districts and in fact had never had a case involving this type of situation. The DOR Special Taxing Department representative did advise me, however, that most of these taxes are administered locally by the counties and it was unlikely that she would have this information.

#### CEPD's INDEPENDENT DISTRICT STATUS VERSUS COUNTY'S GENERAL AUTHORITY OVER BEACH AND SHORELINE DISTRICTS

CEPD as independent erosion prevention district. HB 927 codified the District's charter in 2000 and re-created and reestablished the District as an independent special shore preservation district pursuant to Section 161.32, Florida Statutes. Clearly, the CEPD has the ability to exercise all powers and duties of a beach and shore preservation authority. It is required to "develop and adopt a comprehensive beach and shore preservation program for the area within its jurisdiction" (Section 6, HB 927). It also has the authority to restrain, enjoin or otherwise prevent any entity from establishing or constructing any erosion prevention project within the District without the District's prior approval (Section 11, HB 927). Finally, it has the authority to levy ad valorem taxes, issue general obligation bonds, and levy special assessments (Section 8, 9 and 10, HB 927).

Section 161.32, Florida Statutes, specifically states nothing contained in [Sections 161.25 through 161.45, Florida Statutes] will be construed to impair the existence, powers or functions of any existing erosion prevention district.

County as authority for beach and shoreline districts. On the other hand, Section 161.31(2), Florida Statutes states that "the board of county commissioners **shall**<sup>2</sup> serve as the governing body for all districts created under this authority and shall proceed as expeditiously as possible to determine and implement policy and

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<sup>2</sup> Emphasis added.

program for each such district in accordance with the overall county program.” This authority is reiterated later in this same Chapter: “the board of county commissioners [is] the governing body of **each**<sup>3</sup> beach and shore preservation district.” Section 161.36, Florida Statutes.

Section 161.28, Florida Statutes, requires the county commission to conduct studies and plan a logical and suitable program for comprehensive beach and shore preservation within the county. The county commissioners are required by state law to coordinate the work and activity of all beach and shore preservation districts within the county and, to ensure “harmony and consistency with the overall county beach and shore preservation plan,” must establish a working liaison with each entity involved in such activity within the county. Section 161.34, Florida Statutes.

While the authorization language in the statutes for the independent districts and the counties seems to be directly contradictory, there is a solution to reconcile such seeming inconsistency.

#### RECONCILIATION OF STATUTORY AMBIGUITIES

This reconciliation is a rather straightforward matter. The District has authority regarding erosion prevention matters within its boundaries. The County is charged with the overall responsibility of planning a comprehensive beach and shore preservation system within its boundaries and to do so in coordination with various entities such as the District.

Putting this broad grant of authority to the County together with the County’s authority to pass this tourist tax ordinance or conduct a referendum within an affected subdistrict, it is reasonable to construe the ambiguous “subdistrict” language in a manner that allows the County to assist the District upon request.

**The District could pass a resolution authorizing (or asking) the County Commission to consider passage of such an ordinance or, in the alternative, to conduct a referendum within the District boundaries. This action would preserve the independence of the District while allowing the District to seek a new revenue source for beach nourishment purposes.**

Please advise if you have any questions regarding the above.

Thank you for asking me to assist with this matter.

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<sup>3</sup> Emphasis added.

RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
THE CAPTIVA EROSION PREVENTION DISTRICT  
RESOLUTION NUMBER 10-xx

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CAPTIVA EROSION PREVENTION DISTRICT REQUESTING THAT THE LEE COUNTY COMMISSION AUTHORIZE A REFERENDUM FOR IMPOSITION OF A LOCAL OPTION TOURIST DEVELOPMENT TAX SOLELY WITHIN THE CAPTIVA EROSION PREVENTION DISTRICT; DISTRICT BOARD TO DETERMINE USE OF FUNDS PURSUANT TO FLORIDA STATUTE; PROVIDING AN EFFECTIVE DATE.

OR

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CAPTIVA EROSION PREVENTION DISTRICT REQUESTING THAT THE LEE COUNTY COMMISSION ADOPT AN ORDINANCE FOR IMPOSITION OF A LOCAL OPTION TOURIST DEVELOPMENT TAX SOLELY WITHIN THE CAPTIVA EROSION PREVENTION DISTRICT; DISTRICT BOARD TO DETERMINE USE OF FUNDS PURSUANT TO FLORIDA STATUTE; PROVIDING AN EFFECTIVE DATE.

OR

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CAPTIVA EROSION PREVENTION DISTRICT REQUESTING THAT THE LEE COUNTY COMMISSION ADOPT AN ORDINANCE OR, IN THE ALTERNATIVE, AUTHORIZE A REFERENDUM FOR IMPOSITION OF A LOCAL OPTION TOURIST DEVELOPMENT TAX SOLELY WITHIN THE CAPTIVA EROSION PREVENTION DISTRICT; DISTRICT BOARD TO DETERMINE USE OF FUNDS PURSUANT TO FLORIDA STATUTE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has declared the Captiva Erosion Prevention District (hereafter "the District") to be an independent, valid and existing beach and shore preservation district which encompasses all of Captiva Island, Lee County, Florida, pursuant to the provisions of Section 161.32, Florida Statutes, as set forth in detail in House Bill 927 (HB 927); and

WHEREAS, HB 927 further provides that the District shall exercise all powers and duties of a beach and shore preservation authority, including but not limited to the construction, reconstruction or improvement of erosion prevention projects in and for the District; and

WHEREAS, the District hereby determines that \_\_\_\_\_ (*whatever factual determination the Commissioners want to make regarding the current need for beach renourishment within the District*), and

WHEREAS, the Board of County Commissioners of Lee County, Florida has the authority to levy, impose and set a local option tourist development tax in a subcounty special district for the purpose of financing beach renourishment, restoration and erosion control including shoreline protection pursuant to Sections 125.0104 (3)(d), and 125.0104(5), Florida Statutes; and

WHEREAS, such local option tourist development tax may be levied, imposed and set by either an extraordinary vote of the Board of County Commissioners on a local option tourist development tax ordinance or by referendum approved by a majority of the registered electors within a subcounty special district; and

WHEREAS, the District finds that it is reasonable and proper that revenues generated by tourists utilizing accommodations within the District be spent to assist with beach renourishment projects within the District.

IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CAPTIVA EROSION PREVENTION DISTRICT AS FOLLOWS:

Section 1. The above recitals as set forth in the various "Whereas" clauses are hereby adopted and incorporated by reference into the body of this Resolution.

Section 2. The Board of Commissioners of the Captiva Erosion Prevention District hereby requests that the Board of County Commissioners of Lee County authorizes a referendum solely within the District to levy, impose and set an additional one (1) percent of each dollar above the tourist development tax rate currently in existence in Lee County, Florida as and for a local option tourist tax within the District, to be utilized by the Board of Commissioners of the District in accordance with the provisions of Florida Statute.

**OR**

Section 2. The Board of Commissioners of the Captiva Erosion Prevention District hereby requests that the Board of County Commissioners of Lee County adopt an ordinance to levy, impose and set an additional one (1) percent of each dollar above the tourist development tax rate currently in existence in Lee County, Florida as and for a local option tourist tax solely within the District, to be utilized by the Board of Commissioners of the District in accordance with the provisions of Florida Statute.

**OR**

Section 2. The Board of Commissioners of the Captiva Erosion Prevention District hereby requests that the Board of County Commissioners of Lee County adopts an ordinance or, in the alternative, authorizes a referendum solely within the District to levy, impose and set an additional one (1) percent of each dollar above the tourist development tax rate currently in existence in Lee County, Florida as and for a local option tourist tax within the District, to be utilized by the Board of Commissioners of the District in accordance with the provisions of Florida Statute.

Section 3. The District hereby authorizes \_\_\_\_\_ (name of Commissioner) to meet with any necessary representatives of Lee County, Florida to discuss this matter and represent the Commission in this request and further directs the Senior Administrative Consultant for the District to deliver a copy of this Resolution to the Board of County Commissioner of Lee County, Florida and the Lee County Manager.

Section 4. This resolution shall take effect immediately upon its adoption.

The foregoing Resolution was adopted by the Board of Commissioners upon a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ and , upon being put to a vote, the result was as follows:

Commissioner Holzheimer \_\_\_\_\_  
Commissioner Kaiser \_\_\_\_\_  
Commissioner Jensen \_\_\_\_\_  
Commissioner Miville \_\_\_\_\_  
Commissioner Mullins \_\_\_\_\_

DULY PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2010.

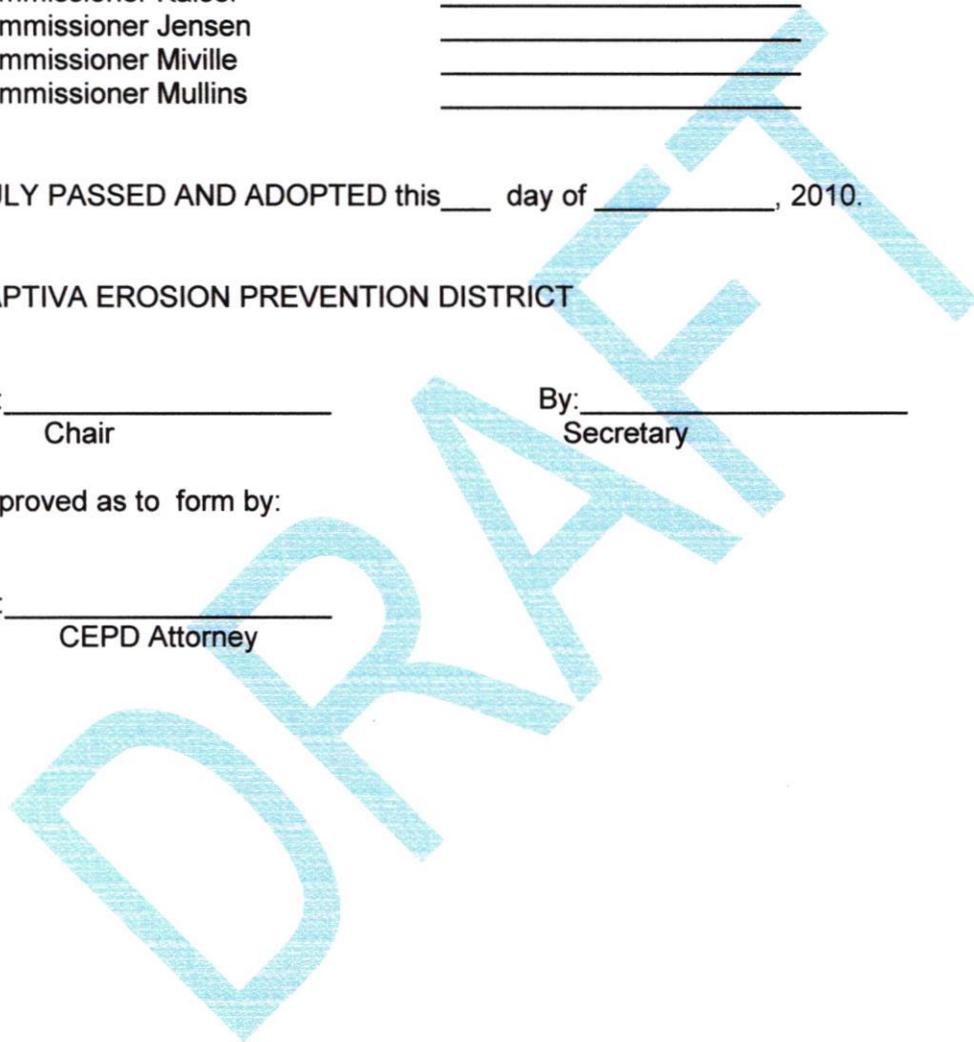
CAPTIVA EROSION PREVENTION DISTRICT

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Secretary

Approved as to form by:

By: \_\_\_\_\_  
CEPD Attorney





**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 SMITH AND PHILLIP PERRY

DATE: 03.24.10

RE: POLLING PROPOSAL

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. We are confident that we can do an excellent job providing you with the data and strategy you need to move forward. We look forward to the opportunity to work with you, and stand by ready to help in any way we can. If you have any questions about what we have laid out, please do not hesitate to contact us.

#### **Research Plan**

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To gauge level of support for a ballot initiative providing additional resources for erosion prevention and beach restoration, we propose conducting a benchmark phone poll of the residents on Captiva Island. In this poll, we will measure likelihood the respondent will vote in November and their current level of support for a potential ballot initiative. We will additionally combat test the arguments for and against to see how they influence the voter's decision.

Development of questionnaires is 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 and the field work is completed, we will analyze the results and present them at an in-person meeting with our recommendations.

The phone survey will be 12-15 minutes and we will attempt to call every one of the 350 residents of Captiva Island three times, with the Board providing contact information for the residents. Based on past experience, we expect to reach 50% of the population.

#### **BUDGET AND TIMELINE**

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##### **Polling**

Benchmark Poll (350 residents, 3 call attempts made):

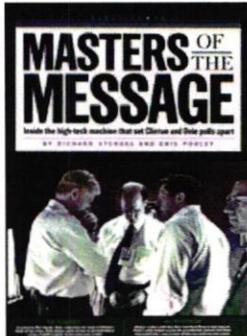
**\$9,500**

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:

Phone Surveys Conducted 7-10 days  
Data Analysis 7 days  
In-Person Presentation Scheduled At the Client's Convenience.

## Who we are?

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*"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.

## Key Personal

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**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



**Star Data Systems, Inc.**

*Innovative Research Services*



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

Prepared by: Henry A. Copeland, PRC

April 2, 2010

Table of Contents

Cover Letter..... 3  
Background and Purpose ..... 4  
Methodology ..... 5  
Summary of Timing ..... 5  
Deliverables..... 6  
Costs ..... 6  
Project Management Team for the CEPD Project..... 7  
About Star Data Systems..... 8



270 S. Central Blvd., Suite 207 • Jupiter, FL 33458 • tel 561.743.7500 • fax 561.744.8718 • web [www.stardatasystems.com](http://www.stardatasystems.com)

April 2, 2010

Kathy Rooker, CEPD  
Senior Administrative Consultant  
11513 Andy Rosse Lane  
P.O. Box 365  
Captivea, FL 33954

Dear Ms. Rooker:

Thank you for the opportunity to propose to you a study to measure the current level of support for a potential ballot initiative to fund additional beach nourishment.

With over 24 years in business, we believe Star Data Systems is well qualified to perform the work for this continuing industry report. 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 telephone survey questionnaire of approximately 10-12 minutes in length. We will then program the questionnaire into our Computer Assisted Telephone Interviewing (CATI) system to ensure that all skip patterns and question wordings are followed accurately. The finished programmed questionnaire will be placed on Star Data Systems' secure website so that CEPD staff can test the survey in the same way that our interviewers will see it. CEPD staff may then make changes or amendments to the questionnaire prior to our beginning the survey.

To ensure that the survey will be truly representative of voters in the CEPD district, Star Data will either use a list provided by CEPD or purchase a list of all households and voters who live and vote in the district and make every effort to complete 175 interviews. We will conduct the telephone survey utilizing best research industry practices. Our caller ID includes an 800 number for respondents to call, and we will leave messages explaining the importance of the study and asking that respondents return our call to voice their opinions. Households whose numbers are busy, or are not answered on our initial attempts will be contacted at least five times before abandoning the number. Interviewers working on the study will be thoroughly briefed on the study before beginning it and will be monitored live by our experienced supervisors. All telephone survey calls placed by Star Data Systems are recorded for quality-control purposes and are available for review by the client on our secure dashboard.

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.

## Summary of Timing

<b>Survey Stage</b>	<b>Finish Date</b>
Approval of proposal	April 9
Initial Meeting regarding questionnaire	April 12
Develop, program, test and finalize questionnaire	April 15
Begin telephone interviewing	April 16
Complete telephone interviewing	April 21
Tabulate results and send to client	April 23
<b>Present Final Written Report</b>	<b>May 3</b>

### Deliverables

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

- Telephone Questionnaire
- Scientifically valid sample of households and telephone numbers
- 175 Completed 12-15 min. telephone interviews with qualified residents
- 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 creating reports and generating them on a regular basis, collecting the data, maintaining relationships with reporting companies, and creating, maintaining and hosting the dashboards.

<b>Item</b>	<b>Est. Costs</b>
Create, Design, Program and Test Questionnaire	\$ 1,500
Secure random sample of qualified households (only in case where client cannot provide a list)	\$ 600
Data Collection: 175 10-12 minute telephone interviews with qualified residents who live within Captiva Erosion District @ \$22 ea.	\$ 3,850
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>
<b>TOTAL ESTIMATED COSTS</b>	<b>\$ 9,500</b>

### 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 and Sharon Ventura, Dir. of Client Services. Michelle Jones, Call Center Manager and Dave Charles, Supervisor will oversee and supervise the interviewing.

#### **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.

## 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 call center features highly experienced research professionals, knowledgeable supervisors, well-trained interviewers and state-of-the-art software for conducting surveys of all types. Star Data Systems also conducts mail 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.

# MARK E. RAYMOND

ATTORNEY AT LAW

4360 NORTHLAKE BOULEVARD  
SUITE 204  
PALM BEACH GARDENS, FL 33410  
Tel: 561.775.8440  
Fax: 561.775.8443  
mark.raymond@mraymondlaw.com

April 12, 2010

Captiva Erosion Prevention District  
11550 Chapin Lane  
Captiva, Florida 33924

Re: Proposed Financing

Ladies and Gentlemen:

I would be pleased to again serve as bond counsel in connection with the issuance by Captiva Erosion Prevention District (the "District") of special assessment debt (the "Debt") to finance the cost of certain erosion control projects (the "Project"). The purpose of this letter is to set forth my role and responsibilities as bond counsel with respect to the financing. In general, my role and responsibilities would be the same as was the case with respect to the 1995 and 2005 financings.

Bond counsel is engaged as a recognized expert whose primary responsibility is to render an objective legal opinion with respect to the authorization and issuance of the Bonds.

As bond counsel, I will:

- a. consult with the District and its staff to determine the most appropriate method of financing the Project;
- b. prepare the resolutions authorizing and securing the Bonds and imposing the special assessments that will serve as the source of repayment (the "Resolution"), such other documents as may be required by the financing or which I deem necessary for rendering my opinion and the forms of such closing documents, certifications, and opinions of counsel as may be required by the terms of the financing and applicable federal and state laws;
- c. assist in the selection of the financial institution to purchase the Debt and negotiate the terms thereof on behalf of the District; and
- d. undertake such additional duties as necessary to render my opinion.

Subject to the completion of proceedings to I will render my opinion that, among other things:

- a. the District is duly created and validly existing as special district of the State of Florida, with authority to adopt the Resolution, perform agreements on its part contained therein and incur the Debt;
- b. the Resolution has been duly adopted by the District constitutes a valid and binding obligation of District enforceable against the District;
- c. the Resolution creates a valid lien on the funds or assets pledged by the Resolution for the security the Debt;
- d. the Debt has been duly authorized, executed and delivered by the District and is a valid and binding special obligation of the District, payable solely from the sources as provided in the Resolution;
- e. if applicable, the interest on the Debt will be excluded from gross income for federal income tax purposes and the Debt and the interest thereon are exempt from present intangible personal property taxes of Florida;
- f. if applicable, the Debt has been duly designated by the District as a "qualified tax exempt obligations" for purposes of Section 265 of the Internal Revenue Code (the "Code"); and
- g. if applicable, the Debt is a "Build America Bond" within the meaning of Section 54AA of the Code, and the District is entitled to receive payments from the United States pursuant to Section 6431 of the Code.

The opinion will be executed and delivered by me in written form on the date the Debt is issued in exchange for purchase price (the "Closing") and will be based upon facts and law existing as of that date. Upon delivery of the opinion, my responsibilities as bond counsel would be concluded with respect to this financing.

While serving as bond counsel, my client will be the District and I will represent its interests.

My fee as bond counsel will be \$20,000 plus out-of-pocket expenses consisting of travel (at the IRS approved mileage rate), postage and overnight delivery charges (at cost). My fee will only be due and payable at Closing, and I will not be paid any fee except at Closing.

Captiva Erosion Prevention District  
April 12, 2010  
Page 2

If the foregoing terms are acceptable to you, please so indicate by returning a copy of this letter signed by an appropriate officer. I look forward to working with you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark E. Raymond", with a long, sweeping flourish extending to the right.

Mark E. Raymond

Accepted and Approved:

CAPTIVA EROSION PREVENTION DISTRICT

By: \_\_\_\_\_

Its:

Date:

# MARK E. RAYMOND

ATTORNEY AT LAW

4360 NORTHLAKE BOULEVARD  
SUITE 204  
PALM BEACH GARDENS, FL 33410  
Tel: 561.775.8440  
Fax: 561.775.8443  
mark.raymond@mraymondlaw.com

April 12, 2010

Captiva Erosion Prevention District  
11550 Chapin Lane  
Captiva, Florida 33924

Re: Proposed Financing

Ladies and Gentlemen:

Thank you for the opportunity to once again be considered as bond counsel to Captiva Erosion Prevention District (the "District"). If I am selected, the District will receive the highest quality representation available, in an efficient and cost-effective manner. I served the District as bond counsel for its 1995 and 2005 financings, but I realize that due to the death of Allison Hagerup and changes in the membership of the governing board of the District there may not be any institutional memory of the service I provided. Therefore, I am providing this summary of my qualifications.

I earned my B.A. (English) in 1981, my J.D. (with honors), in 1984 and my LL.M. (Masters of Law) in Taxation in 1985 from the University of Florida. I am a member of the Order of the Coif.

From 1985 to March, 2007 I practiced with Moyle, Flanigan, Katz, Raymond, White & Krasker, P.A. in West Palm Beach. I joined Holland & Knight LLP in March, 2007 and in 2010 I left Holland & Knight to establish my own firm.

I am a member of The Florida Bar and the National Association of Bond Lawyers. I have held an "A-V" rating (the highest rating for competence and integrity) from Martindale-Hubbell (a peer rating service) for at least ten years. I have been listed in *The Best Lawyers in America* since at least 2006, in *Law & Politics* "Florida Super Lawyers" in 2007, in *South Florida Legal Guide's* Top Lawyers in 2006, 2007, 2008 and 2009, and in *Florida Trend's* "Legal Elite." I am also an Eagle Scout.

I have been married to Jenine since 1984, and we have three children ages 21, 19 and 16.

I practice throughout the Southeast, primarily Florida, Georgia and North and South Carolina. In addition to those states, I have completed transactions in Maryland, Indiana, Ohio, Arizona, Louisiana, Alabama and California. I have very diverse experience in all types of public finance and commercial lending structures and have represented clients as participants in virtually all roles in these transactions, including bond counsel, underwriter's counsel, disclosure counsel, issuer's counsel, lender's counsel, special tax counsel, trustee's counsel and credit-enhancer's counsel. My experience includes financings for housing, healthcare, primary and secondary education (both public and private), special assessment, leasing, manufacturing, solid

waste (governmental and private), electric, water and wastewater utility, transportation, ports and airports and facilities for various social service and other charitable organizations. I am expert in a wide array of structures, including syndicated credits, asset-backed commercial financing, multi-modal variable rate bonds, commercial paper, pooled loan programs, certificates of participation (lease) structures, and interest rate hedging devices. Attached is a list of transactions in which I represented clients during 2007, 2008 and 2009.

Having represented the District as bond counsel for the 1995 and 2005 issuances, I am familiar with the unique aspects of the District's enabling legislation and the difficulties inherent in financing a construction project with special assessment debt when the precise amount of debt is unknown due to the uncertainty of government grants and/or other factors.

There has never been a disciplinary action, administrative claim, malpractice proceeding or other like proceeding against me, whether current or pending. There has never been litigation or any similar proceeding against me.

Many bond counsel firms divide responsibility for a transaction between the tax department and the bond department. This means that the lawyer that will interface most often with the client (from the bond department) is not versed in all aspects of the financing, and that a tax lawyer, typically at some remote location, will be consulted on tax matters. I find this both frustrating and inefficient. Frustrating because the client often cannot get an answer from the local lawyer on the spot, and inefficient because of the need to have two lawyers working on a single transaction; I think this invites error due to miscommunication.

I, on the other hand, have a Master's degree in Taxation, from the University of Florida (widely acknowledged as being the second best tax school in the nation (behind NYU)) and have personally handled all aspects, including the tax law aspects, of all financings I have handled. I have never had an issue challenged by the IRS as a result of work I performed.

I designed my office specifically to meet the needs of my clients. I have state-of-the-art information technology, including a redundant file server/storage device located in a remote hardened location to protect my clients' valuable information and to ensure that I will always be able to deliver service regardless of the conditions in South Florida.

The following are references for government clients:

O'Neal Bardin  
Executive Director  
Northern Palm Beach County Improvement District  
359 Hiatt Drive  
Palm Beach Gardens, Florida 33418  
561-624-7830

Captiva Erosion Prevention District

April 12, 2010

Page 3

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Richard K. "Rim" Bishop  
Executive Director  
Seacoast Utility Authority  
4200 Hood Road  
Palm Beach Gardens, FL 33410  
Tel (561) 627-2900 X-314

James Cherof, Esquire  
City Attorney  
City of Boynton Beach, Florida  
100 East Boynton Blvd.  
Boynton Beach, Florida 33435  
561-375-6000

Gene Rauth  
Town Manager  
Town of Jupiter Island, Florida  
P. O. Box 7  
Hobe Sound, FL 33475  
772-545-0100

My retention as counsel to the District would result in no conflict of interest. Depending upon the financial institution(s) engaged by the District for this transaction, a conflict may arise as I represent many financial institutions. However, such conflicts are commonplace in public finance and are routinely waived by the parties, particularly for bond counsel/disclosure counsel.

Thank you for the opportunity to be considered. I very much hope to be selected. In the event I am not selected, let me wish the District the very best success with the proposed transaction.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark E. Raymond". The signature is fluid and cursive, with a long horizontal stroke extending to the right and a large loop at the end.

Mark E. Raymond

## EXHIBIT A

Tax-Exempt Transaction Listing for Mark Raymond  
2007-2009  
94 transactions

January 25, 2007	\$2,000,000.00 Northern Palm Beach County Improvement District Water Control And Improvement Bond Unit Of Development No. 5A, Series 2007
February 7, 2007	\$4,400,000.00 Town Of Highland Beach, Florida Promissory Note Series 2007
March 8, 2007	\$100,000,000 Florida Municipal Loan Council Commercial Paper Notes
March 13, 2007	\$10,000,000 Arkansas Development Finance Authority Economic Development Revenue Bonds (Taber Extrusions Project)
March 20, 2007	\$8,999,974.43 City Of Wilton Manors, Florida Water And Sewer Revenue Refunding Bond, Series 2007
March 29, 2007	\$3,259,735.40 Northern Palm Beach County Improvement District Water Control And Improvement Refunding Bonds Unit Of Development No. 19, Series 2007
April 13, 2007	\$2,800,000.00 Opelika Industrial Development Authority Industrial Development Revenue Bond Series 2007 (H2 Development, L.L.C. Project)
April 19, 2007	\$1,760,000 Okeechobee County, Florida Promissory Note
June 14, 2007	\$36,000,000 Palm Beach County, Florida Variable Rate Demand Revenue Refunding Bonds (Saint Andrew's School of Boca Raton, Inc. Project), Series 2007
July 27, 2007	\$33,750,000 Orange County Industrial Development Authority Variable Rate Demand Revenue Refunding Bonds (Lake Highland Preparatory School, Inc. Project), Series 2007
August 27, 2007	\$4,000,000.00 Town Of Ocean Ridge, Florida Promissory Note
September 7, 2007	\$50,815,000 Florida Municipal Loan Council Revenue Bonds, Series 2007A
September 11, 2007	\$4,000,000 Estero Fire Rescue District Promissory Note Series 2007A

October 5, 2007	\$4,000,000 Northern Palm Beach County Improvement District Water Control And Improvement Bond Unit Of Development No. 9B, Series 2007
October 24, 2007	\$10,000,000 Pinellas County Industrial Development Authority Variable Rate Demand Revenue and Revenue Refunding Bonds (Barry University Project), Series 2007
November 27, 2007	\$10,000,000 Development Authority Of Dekalb County Industrial Development Revenue Bonds (Inland Fresh Seafood Corporation Of America, Inc. Project), Series 2007
November 28, 2007	\$3,200,000.00 City Of Venice, Florida Industrial Development Revenue Bonds Series 2007 (Island Village Montessori Charter School, Inc. Project)
November 28, 2007	\$325,000,000.00 University of Miami (Florida) Promissory Note
December 12, 2007	\$5,000,000 Town of Jupiter Island, Florida Promissory Note
December 21, 2007	\$5,250,000.00 Capital Projects Finance Authority Revenue Bonds Series 2007A (Southwest Florida Addiction Services, Inc. Project)
February 4, 2008	\$21,000,000 City Of Pensacola, Florida Airport Taxable Customer Facility Charges Revenue Note
February 14, 2008	\$5,000,000 Valdosta-Lowndes County Industrial Authority Industrial Development Revenue Bonds (Steeda Autosports, Inc. Project), Series 2008
March 6, 2008	\$29,910,000.00 City of Boynton Beach, Florida Utility System Revenue Bond, Series 2008
March 7, 2008	\$100,000 Town Of Ponce De Leon, Florida
March 18, 2008	\$14,465,000 Series 2008a; \$9,260,000 Series 2008b City Of Orlando, Florida Capital Improvement Refunding Special Revenue Bonds
April 2, 2008	\$26,160,000.00 Lee County Industrial Development Authority Utility System Refunding Revenue Bonds (Bonita Springs Utilities, Inc. Project) Series 2008
April 7, 2008	\$1,000,000 City Of South Miami Promissory Note,

April 10, 2008	\$34,800,000 Collier County Health Facilities Authority Health Facility Revenue Bond (The Moorings, Incorporated Project) Series 2008
April 21, 2008	\$150,000,000 Emory University
April 26, 2008	JEA Variable Rate Electric System Subordinated Revenue Bonds, 2001 Series B
May 1, 2008	\$131,025,000 Subseriesb-1 \$118,500,000 Subseriesb-2 Orlando-Orange County Expressway Authority Variable Rate Refunding Revenue Series 2008b Bonds,
May 20, 2008	\$52,800,000.00 Lee Memorial Health System
May 20, 2008	\$708,000,000 Citizens Property Insurance Corporation
May 20, 2008	\$15,000,000 School Board Of Manatee County, Florida Revenue Anticipation Notes, Series 2009A And Series 2009B
June 2, 2008	\$413,402.70 Housing Authority Of The City Of Palatka, Florida
June 5, 2008	\$74,115,000 Pasco County School Board Leasing Corporation Certificates Of Participation, Series 2008C
June 13, 2008	\$4,930,000 Town of Bay Harbor Islands, Promissory Note
June 13, 2008	\$10,500,000 Charlotte County Utility System Revenues Bonds DSRF Line Of Credit
June, 2008	\$23,420,000 Utility System Revenue Bonds, Series 2008
June 20, 2008	\$1,900,000 North River Fire District, Promissory Note
June 24, 2008	\$74,000,000 Miami-Dade County Industrial Development Authority Tax-Exempt Industrial Development Revenue Bonds (Airis Miami LLC Project At The Miami International Airport) Series 1999A Term Bonds
June 30, 2008	\$125,000,000.00 Alachua County Health Facilities Authority Health Facilities Revenue Bonds (Shands Healthcare Project), Series 2008a And Series 2008b
June 30, 2008	\$119,600,000. North Carolina Medical Care Commission Hospital Revenue Bonds (Caromont Health) Series 2003, Subseries A And Subseries B

July 1, 2008	\$67,285,000 City Of Jacksonville, Florida Capital Projects Revenue Bonds, Series 2008A
July 1, 2008	\$272,385,000 Commonwealth Of Puerto Rico Public Improvement Refunding Bonds, Series 2003 C-6
July 3, 2008	\$41,000,000 Palm Beach County Educational Facilities Authority Educational Facilities Revenue Bonds (Palm Beach Atlantic University, Inc. Project) Series 2008
July 3, 2008	\$39,925,000 City Of Albany Industrial Development Agency Floating Rate Civic Facility Revenue Bonds (The College Of Saint Rose Project) Series 2007A And Series 2007B (Taxable)
July 15, 2008	\$6,554,935.28 Village Of Tequesta, Florida Promissory Note
July 16, 2008	\$85,500,000 North Broward Hospital District Refunding Revenue Bonds, Series 2008A
July 24, 2008	\$36,690,000 School Board of Polk County, Florida Certificates of Participation (The School Board of Polk County, Florida, Master Lease Program), Series 2008A
July 31, 2008	\$11,165,000 Certificates Of Participation (School Board Of Clay County, Florida Master Lease Program), Series 2008
August 1, 2008	\$75,000,000 Palm Beach County, Florida Revenue And Refunding Revenue Bonds (Pine Crest Preparatory School, Inc. Project) Series 2008
August 5, 2008	Marco Island Subordinate \$4,000,000 Utility System Revenue Bonds, Series 2008 & Subordinate \$18,500,000 Special Assessment Revenue Bonds, Series 2008 (Lamplighter & Sheffield)
August 8, 2008	\$10,000,000 Monroe County Promissory Note
August 14, 2008	\$16,000,000 School Board Of Monroe County, Florida Tan
August 28, 2008	\$4,928,350 Town of lake Park, Florida Promissory Note
August 28, 2008	\$176,585,000 Palm Beach County, Florida Public Improvement

Revenue Bonds, Series 2008

September 1, 2008	Mississippi Development Bank Special Obligation Variable Rate Demand Refunding Bonds, Series 2008 (Harrison County, Mississippi Variable Rate General Obligation Bonds Refunding Project)
September 24, 2008	\$8,000,000 Town of Jupiter Island, Florida Promissory Note
September 29, 2008	\$25,000,000 City Of Jacksonville Florida DSRF Loc
September 28, 2008	\$10,000,000 Town Of Palm Beach, Florida Public Improvement Revenue Note, Series 2008
September 3, 2008	\$130,000,000 Emerald Coast Utilities Authority Utility System Revenue Notes, Series 2008
October 1, 2008	\$1,770,000 Town Of Jupiter, Florida Promissory Note
October 3, 2008	\$9,996,440.00 Englewood Water District Utility System Revenue Bond, Series 2008
October 8, 2008	\$75,000,000.00 Greater Orlando Aviation Authority Airport Facilities Revenue Bond, Series 2008C Of The City Of Orlando
October 23, 2008	\$60,000,000.00 Broward County Educational Facilities Authority Educational Facilities Revenue Bonds, Series 2008a (Nova Southeastern University Project)
October 23, 2008	\$10,000,000 Town Of Daytona Beach Shores, Florida General Obligation Bonds, Series 2008 And Revenue Note, Series 2006
October 30, 2008	\$21,545,000.00 Mercer County Improvement Authority Revenue Refunding Bonds, Variable Rate Demand Obligations (The Atlantic Foundation Project) Series 2008
November 5, 2008	\$50,000,000 City Of Fort Myers, Florida Utility System Revenue Note, Series 2008
November 20, 2008	\$154,565,000 Florida Municipal Power Agency All-Requirements Power Supply Project Variable Rate Demand Refunding Revenue Bonds, Series 2008c
December 10, 2008	\$56,345,000 North Carolina Medical Care Commission Health Care Facilities Revenue Refunding Bonds (University Health Systems Of Eastern Carolina) Series 2008a-1

Retirement-Life Communities, Inc. Obligated Group)

October 2, 2009	\$60,000,000 The Mobile Downtown Redevelopment Authority Variable Rate Revenue Bonds (Austal USA, LLC Project), Series 2009
October 7, 2009	\$77,795,000 Seacoast Utility Authority Water And Sewer Utility System Revenue Bonds, Series 2009
October 23, 2009	\$8,500,000 Lorain County Port Authority, Ohio Variable Rate Revenue Bonds (National Bronze & Metals, Inc. Project) Series 2009
October 29, 2009	\$5,000,000.00 City Of Melbourne, Florida Revenue Bonds, Series 2009A (Circles Of Care, Inc. Project)
November 16, 2009	\$20,000,000 University of Miami (Florida) Promissory Note
November 20, 2009	\$62,100,000 Development Authority of Fulton County Revenue Bonds (Piedmont Healthcare Inc. Project), Series 2009C
November 20, 2009	\$7,000,000 Hospital Authority of Fayette County Revenue Anticipation Certificates (Fayette Community Hospital Project), Series 2009C
December 17, 2009	The Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas HealthCare System  \$28,130,000 Variable Rate Health Care Refunding Revenue Bonds, Series 2005C  \$28,125,000 Variable Rate Health Care Refunding Revenue Bonds, Series 2005D  \$113,825,000 Variable Rate Health Care Revenue Bonds, Series 2007G
December 18, 2009	\$6,371,758.71 City Of Bradenton, Florida Industrial Development Revenue Bond, Series 2009 (Manatee County Rural Health Services, Inc. Project)
December 24, 2009	\$15,000,000.00 California Municipal Finance Authority Revenue Bond (Orange County Council, Boy Scouts Of America) Series 2009

And

\$56,345,000 North Carolina Medical Care Commission  
Health Care Facilities Revenue Refunding Bonds  
(University Health Systems Of Eastern Carolina) Series 2008a-2

December 10, 2008 \$60,000,000.00 School District Of Lee County, Florida  
Certificates Of Participation, Series 2008b

December 17, 2008 \$18,000,000 Master Lease Agreement with Palm Beach County  
and Banc of America Public Capital Corp (Pine Crest Preparatory  
School, Inc.)

December 18, 2008 \$100,000,000 University Of Miami Line Of Credit From Bank Of  
America, N.A.

May 21, 2009 City of Miami Beach, Florida \$60,000,000 lines of credit

June 8, 2009 \$20,000,000.00 City Of Sunny Isles Beach, Florida Promissory  
Note

June 30, 2009 \$5,488,115.67 Palm Beach County Educational Facilities  
Authority Educational Facilities Revenue Bond, Series 2009 (Lynn  
University Project)

June 30, 2009 \$58,300,000.00 Charlotte County, Florida Promissory Note, Series  
2009A (Murdock Village)

July 17, 2009 \$3,600,000 Loxahatchee River Environmental Control District  
Utility System Revenue Bond, Series 2009

August 7, 2009 \$13,000,000.00 Palm Beach County Health Facilities Authority  
Health Facilities Revenue Bond, Series 2009 (Jupiter Medical  
Center Project)

August 7, 2009 \$50,000,000 Hospital Authority of Cobb County Revenue  
Anticipation Certificates (Equipment Pool Project), Series 2004  
and Series 2006

August 27, 2007 \$60,000,000 Cobb County Kennestone Hospital Authority  
Revenue Certificates, Subseries 2005-A

September 23, 2009 \$14,730,000 Montgomery County Industrial Development  
Authority Retirement Community Variable Rate Demand Revenue  
Bonds (ACTS Retirement-Life Communities, Inc. Obligated  
Group) Series 2002

September 23, 2009 \$38,500,000 Gainesville and Hall County Development Authority  
Senior Living Facility Variable Rate Demand Revenue Bonds  
(Lanier Village Estates, Inc., Project) Series 2003B (ACTS

*The Law Office of*  
**ANNE DALTON, ESQUIRE**  
2044 Bayside Parkway  
Fort Myers, Florida 33901  
[adalton@daltonlegal.com](mailto:adalton@daltonlegal.com)

Licensed in Florida, New York, Pennsylvania  
Florida & Federal Supreme Court Certified Mediator

(239) 337-7900 (Voice)  
(239) 337-7616 (Fax)

Chair, Vice Chair and Commissioners  
Captiva Erosion Control District  
11513 Andy Rosse Lane, Unit 4  
Captiva, FL 33924

April 10, 2010

*RE: Response to Request for Brief Letter Proposal/Referendum and Financing Issues*

Dear Honorable Chair, Vice Chair, and Commissioners:

Thank you for allowing me the privilege of providing this brief letter proposal in response to the following items contained in your request of April 7, 2010:

1. Price for resolution calling for the referendum
2. Price for referendum wording if a bond issuance
3. Price for referendum wording if a bank loan
4. Price for bond financing
5. Price for routine loan financing

*Combined Items 1, 2 and 3*

This legal engagement could include the following:

- 1) Consultation with the District to identify and document the goals of the District related to the referendum issue(s);
- 2) Review of the District's charter and other enabling legislation, District resolutions, prior referendum materials and existing debt documents in light of goals identified;
- 3) Consultation with District officials to formulate referendum resolution and address implementation of related policy decisions of the District;
- 4) Coordination with Lee County Supervisor of Elections Sharon Harrington as requested;
- 5) Coordination with Lee County Attorney's Office, County staff, County Clerk of Courts, County consultants and officials as requested;
- 6) Research applicable state and federal law issues;

Captiva Erosion Prevention District  
Financing/Referendum Proposal  
April 10, 2010

- 7) Analysis of related legal issues and providing legal advice to the District regarding available options and alternatives.

Since it is not possible to predict the number of hours needed to assist with District with the above services, I propose to bill the District on a monthly basis for actual legal time devoted to these matters, charged at the rate of two hundred and twenty-five (\$225.00) dollars per hour. Based upon my current understanding of the nature of the legal services to be provided, I would estimate that my fee would not exceed four thousand, five hundred (\$4,500.00) dollars to five thousand (\$5,000.00) dollars in legal fees for all three (3) items. The reason for the fluctuation in this estimate is that the lower figure contemplates the legal work as outlined above plus attendance at one (1) CEPD workshop or meeting. The higher figure contemplates the legal work as outlined above plus attendance at two (2) such meetings. These estimates may vary if unusual or unforeseen circumstances arise which require a significant increase in my time or responsibility or if attendance at multiple District meetings or workshops is requested by the Board.

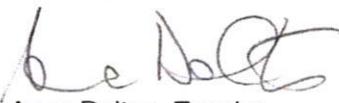
Items 4 and 5

To obtain the best legal services available, I am proposing to affiliate with the law firm of Nabors, Giblin and Nickerson in bond financing and/or routine loan financing matters for the District. Having worked extensively with this firm with regard to other government referendum and financing matters, I have the highest respect for the quality and cost-effectiveness of their work. Their proposal is attached to this letter.

Finally, please let me know if you have any questions regarding the foregoing.

I have thoroughly enjoyed working with the District and hope our legal relationship continues.

Sincerely,



Anne Dalton, Esquire

CC: Kathleen Rooker, Executive Administrative Consultant, CEPD

MAD/os

TAMPA  
Suite 1060  
2502 Rocky Point Drive  
Tampa, Florida 33607  
(813) 281-2222 Tel  
(813) 281-0129 Fax

**Nabors  
Giblin &  
Nickerson** P.A.  
ATTORNEYS AT LAW

FORT LAUDERDALE  
208 S.E. Sixth Street  
Fort Lauderdale, Florida 33301  
(954) 525-8000 Tel  
(954) 525-8331 Fax

TALLAHASSEE  
Suite 200  
1500 Mahan Drive  
Tallahassee, Florida 32308  
(850) 224-4070 Tel  
(850) 224-4073 Fax

April 9, 2010

**VIA ELECTRONIC MAIL**

Chair, Vice Chair and Commissioners  
Captiva Erosion Control District  
11513 Andy Rosse Lane, Unit 4  
Captiva, Florida 33924

Re: Response to Request for Brief Letter Proposal/Referendum and  
Financing Issues

Dear Honorable Chair, Vice Chair, and Commissioners:

We are providing this letter to describe our proposed role and responsibilities as bond counsel in connection with the above-referenced referendum and financing for the Captiva Erosion Control District (the "District"). For this proposal, our firm (Nabors, Giblin & Nickerson, P.A. or "NG&N") would be associated as co-counsel with Anne Dalton, Esquire. We believe this association provides the District with the optimal legal team with both a dedicated local attorney who can provide local knowledge and immediate coverage for any meetings that the District would require finance counsel attendance as well as our firm's extensive experience in Florida public finance. Over the last five years, we have served as bond counsel in approximately 393 financings with an aggregate principal amount of approximately \$12.7 billion. We presently serve as bond counsel or disclosure counsel to over 100 different Florida local governments.

Based on the District's request, we anticipate two distinct phases to this financing. The first phase involves conducting a valid bond referendum and the second phase involves conducting a request for proposals from banks and underwriters for a bank loan or public bond offering and then negotiating and implementing such financing.

**PHASE I (REFERENDUM):**

The first phase would require the drafting of one or more resolutions or ordinances, as required, and general legal advice assisting the District in complying with Sections 100.201

through 100.351, Florida Statutes, and other applicable provisions of law in order to ensure that a valid bond referendum is conducted. Since it is not possible to predict the number of hours to complete Phase I, it would be billed on an hourly basis. Ms. Dalton would take the lead during this phase at her hourly rate. In the event the District chose to utilize NG&N's expertise during Phase I for a particular issue or question, NG&N's rate would be \$225/hour. However, since there are certain efficiencies of scale to be gained by involvement in both Phase I and II, in the event that our firms were not hired for Phase II, NG&N's hourly rate would be our standard rate of \$275/hour.

**PHASE II (FINANCING):**

Assuming the bond referendum is successful, the second phase would involve assisting the District, its financial advisor and its staff with all aspects of the resulting financing. Although certain items are dependent on the form of the financing (private placement via a bank loan or formal public offering) we contemplate our scope of work would involve the following:

1. review of Chapter 2000-399, Laws of Florida, other applicable provisions of law and various resolutions/loan agreements relating to all outstanding obligations;
2. consultation with District officials and staff concerning all legal questions relating to the proposed financing, as to compliance with applicable law and pending or proposed revisions of the law, including U.S. Treasury regulations;
3. advice as to structuring procedures, required approvals and filings, schedule of events for timely issuance, potential cost-saving techniques and other legal matters relative to the financing;
4. working with prior lenders to obtain their consent in the event they have restricted the District with respect to the issuance of additional debt;
5. working with the District's general counsel to ensure that all conditions precedent have been met with respect to the District's source of revenue dedicated to repayment of the debt;

6. preparation of a "master" debt resolution or loan agreement, as required by the form of the financing, incorporating the terms of the financing as well as incorporating necessary provisions relating to any outstanding debt of the District with a view to providing a flexible framework of covenants to facilitate future issuances of debt, in cooperation with the District staff, the District's financial advisor and the District's general counsel;
7. preparation of any other agreement or amendment relating to outstanding debt of the District necessary, related or incidental to the financing;
8. analysis and resolution of tax problems associated with the financing, including any contact with the U.S. Treasury, if necessary;
9. attendance at the District meeting approving the financing;
10. assistance in the rating process;
11. review of all documentation prepared by disclosure or underwriter's counsel in the event the debt is offered for sale to the public;
12. assist in review and negotiation of any complex financial products proposed to District, including the use of swaps, guaranteed investment contracts, forward supply contracts and other financial tools;
13. prepare, obtain, deliver and file all closing papers necessary in connection with the sale and issuance of the debt;
14. provision of an opinion in written form at the time the debt is issued, which opinion shall cover (a) the legality of the debt and the proceedings by which it is issued, (b) the exclusion from gross income for federal income tax purposes of interest paid on the debt, (c) the qualification, if applicable, of the obligations for special treatment under the Internal Revenue Code of 1986, as amended (e.g. bank qualified, Build America Bonds, etc.), (d) compliance with the Trust Indenture Act of 1940, Securities Act of 1993, Securities Exchange Act of 1934, and other Security Exchange Commission and Municipal Securities Rulemaking Board rules and

Chair, Vice Chair and Commissioners  
Captiva Erosion Control District  
April 9, 2010  
Page 4

regulations, and (e) such other issues that are customarily required of bond counsel in conformance with industry standards; and

15. review the transcript of all proceedings in connection with the issuance of the debt and indicate any necessary corrective action.

As is customary for these transactions, our joint fee for this Phase II would be on a "fixed" fee basis based on the par amount of bonds or notes issued. Our schedule for publicly offered bonds would be as follows:

\$2.20 per \$1,000 bond – first \$10,000,000  
\$1.10 per \$1,000 bond – next \$30,000,000  
\$0.75 per \$1,000 bond – thereafter

Minimum fee per completed issue - \$22,000

However, in the event that the financing is a privately placed bank loan, than the fee using the above table would be reduced by \$0.20 per \$1,000 bond and the minimum fee would be reduced to \$18,000.

In the context of the above, a bond is a \$1,000 increment of the principal amount of bonds or notes issued. Payment of the fee described above shall be contingent upon successful issuance of the bond/notes. Depending on the complexity, or lack thereof, of the legal work associated with the issuance of bonds/notes, the above fee schedule can be adjusted up or down upon the written consent of both parties. Work on any derivative products (e.g. swaps, etc.) would be separately negotiated between all parties.

#### **PAYMENT FOR ACTUAL EXPENSES AND COSTS:**

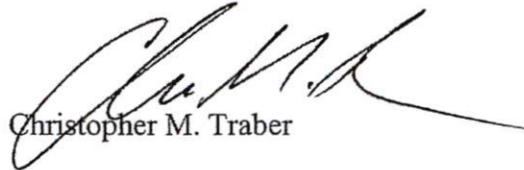
For both Phase I and II, the law firms shall be reimbursed in accordance with Chapter 112, Florida Statutes. The law firms shall complete expense account forms and attach evidence of out-of-pocket expenses. The law firms shall be reimbursed for actual out-of-pocket expenses, including but not limited to: stenographic recording and transcription services, copying, recording, filing and certification fees, postage, courier service, phone and conference call charges, overnight mail and facsimile transmission. The law firms shall be reimbursed at

Chair, Vice Chair and Commissioners  
Captiva Erosion Control District  
April 9, 2010  
Page 5

\$.20 per copy for photocopies. Payment for expenses listed herein shall not be contingent upon whether the financing is completed.

We are extremely pleased to have the opportunity to submit this response along with Ms. Dalton and have endeavored to provide a succinct response to your request. However, please feel free to contact the undersigned should any additional information be needed or if there are any questions regarding our response.

Respectfully Submitted,



Christopher M. Traber

# Current Budget

District

Proposed Budget - General (Millage .2322)

Fiscal Year 2009-2010

EXHIBIT A

	<u>Annual Budget</u>
Estimated Revenues	
Taxes	
Ad Valorem Tax (.2322)	
Ad Valorem taxes: (324,991 net of 5% discount)	308,741
Other income	900
Total Estimated Revenues	<u>309,641</u>
Expense	
Operating Expenses	203,351
Captital Outlay	3,000
Debt Service	
Total Expenses	<u>206,351</u>
Reserves	<u>103,290</u>
Total Appropriated Expenses & Reserves	<u><u>309,641</u></u>

# Current Budget

District  
Proposed Budget - General (Millage .2322)  
Fiscal Year 2009-2010

EXHIBIT A

	<u>Annual Budget</u>
Estimated Revenues	
Taxes	
Ad Valorem Tax (.2322)	
Ad Valorem taxes: (324,991 net of 5% discount)	308,741
Total Ad Valorem Tax	308,741
Other income	900
Total Estimated Revenues	<u>309,641</u>
Expense	
Administrative expenses	
Advertising- Legal	2,500
Board meeting expenses	1,200
Copier lease expense	2,600
Dues and subscriptions	2,000
General insurance	7,400
Office expense	5,500
Postage	1,500
Rent expense	16,500
Repairs	500
Telephone	3,000
Travel and per diem	8,000
Utilities	1,600
Web site/computer support	1,700
Total Administrative expenses	<u>54,000</u>
Capital outlay	
Equipment purchases	3,000
Total Capital outlay	<u>3,000</u>
Cost of collecting Ad Valorem	
Property tax appraiser fees	1,800
Tax collector commissions	3,000
Total Cost of collecting Ad Valorem	<u>4,800</u>
Consulting and Professional Fees	
Consulting	104,551
Professional Fees	40,000
Total Legal and professional fees	<u>144,551</u>
Total Expense	206,351
Reserves	
Operating reserves	103,290
Total Reserves	<u>103,290</u>
Total Appropriated Expenses & Reserves	<u><u>309,641</u></u>

# Current Budget

District  
Proposed Budget - Projects  
(Millage .2322)  
Fiscal Year 2009-2010

	<u>Annual Budget</u>
<b>Revenue</b>	
Interest Income	15,000
Parking lot revenue	100,000
Reserves - Operating	103,290
Refund Unused Project Costs - Army Corp	75,000
Special Assessments	534,330
<b>Total Income</b>	<u>827,620</u>
<b>Expenditures</b>	
Advertising	2,050
Annual memberships & fees	6,000
Bank service charges	100
Beach maintenance	
Monitoring	113,000
Tilling	10,000
<b>Total Beach maintenance</b>	<u>123,000</u>
Blind Pass project	686,965
Cost of Assessment Collections	1,200
Engineering (CP)	35,000
Insurance	6,100
Parking lot expenses	
Parking maintenance	16,000
Portable toilets	4,500
Sales tax expense	6,000
<b>Total Parking lot expenses</b>	<u>26,500</u>
Project Management Support	
Professional Fees	150,000
Project Manual	50,000
Project Consultant	48,800
<b>Total Project Management Support</b>	<u>248,800</u>
Renourishment - 2013-2014 Design Phase	
Bond Attorney Fees	20,000
Economic & Benefits Report	20,000
Engineering & Model Report	200,000
NEPA	120,000
Permit - Borrow Area Expansion	25,000
Permit - Pipeline Corridor Expansion	55,000
Recreational & Economic Benefit Study	20,000
Storm Damage Benefits Model	125,000
<b>Total Renourishment - 2013-2014 Design Phase</b>	<u>585,000</u>
Rent	7,000
Storage of Records	1,910
Website Development	3,000
<b>Total Expenditures</b>	<u>1,732,625</u>
<b>Net Revenue Over (Under) Expenditures Before Debt Service</b>	<b>(905,005)</b>
<b>Other Expenditures</b>	
Debt Service	
Principal	404,535
Interest Costs	87,380
Reimbursement - DEP	374,000
<b>Total Other Expenditures</b>	<u>865,915</u>
<b>Net Revenues Over (Under) Expenditures</b>	<u><u>(1,770,920)</u></u>



2009

## CERTIFICATION OF TAXABLE VALUE

DR-420  
R. 6/09  
Florida Administrative Code  
Rule 12DER09-01

Year <b>2009</b>	County <b>Lee</b>
Principal Authority <b>Captiva Erosion Prevention District</b>	Taxing Authority <b>CAPTIVA EROSION GENERAL FUND</b>

<b>SECTION I: COMPLETED BY PROPERTY APPRAISER</b>			
1.	Current year taxable value of real property for operating purposes	\$ 1,382,743,050	(1)
2.	Current year taxable value of personal property for operating purposes	\$ 16,872,670	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$	(3)
4.	Current year gross taxable value for operating purposes (Line 1 plus Line 2 plus Line 3)	\$ 1,399,615,720	(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	\$ 8,597,802	(5)
6.	Current year adjusted taxable value (Line 4 minus Line 5)	\$ 1,391,017,918	(6)
7.	Prior year FINAL gross taxable value (From prior year applicable Form DR-403 series)	\$ 1,471,190,490	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Number 0 (8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of forms DR-420DEBT, <i>Certification of Voted Debt Millage</i> for each debt service levy.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Number 0 (9)

<b>SIGN HERE</b>	<b>Property Appraiser Certification</b> I certify the taxable values above are correct to the best of my knowledge.	
	Signature of Property Appraiser	Date 6/30/2009

<b>SECTION II: COMPLETED BY TAXING AUTHORITY</b>			
If this portion of the form is not completed in FULL your authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, -0-.			
10.	Prior year operating millage levy (if prior year millage was adjusted then use adjusted millage from Form DR-422.)	0.1745 per \$1,000	(10)
11.	Prior year ad valorem proceeds (Line 7 multiplied by Line 10 divided by 1,000)	\$ 256,723	(11)
12.	Amount, if any, paid or applied in prior year because of an obligation measured by a dedicated increment value (Sum of either Lines 6c or Line 7a for all DR-420TIF forms)	\$ 0	(12)
13.	Adjusted prior year ad valorem proceeds (Line 11 minus Line 12)	\$ 256,723	(13)
14.	Dedicated increment value, if any (Sum of either Line 6b or Line 7e for all DR-420TIF forms)	\$ 0	(14)
15.	Adjusted current year taxable value (Line 6 minus Line 14)	\$ 1,391,017,918	(15)
16.	Current year rolled-back rate (Line 13 divided by Line 15, multiplied by 1,000)	0.1846 per \$1000	(16)
17.	Current year proposed operating millage rate	0.2322 per \$1000	(17)
18.	Total taxes to be levied at proposed millage rate (Line 17 multiplied by Line 4, divided by 1,000)	\$ 324,991	(18)

2009

19.	TYPE of principal authority (check one)	<input type="checkbox"/> County	<input checked="" type="checkbox"/> Independent Special District	(19)
		<input type="checkbox"/> Municipality	<input type="checkbox"/> Water Management District	
20.	Applicable taxing authority (check one)	<input checked="" type="checkbox"/> Principal Authority	<input type="checkbox"/> Dependent Special District	(20)
		<input type="checkbox"/> MSTU	<input type="checkbox"/> Water Management District Basin	
21.	Is millage levied in more than one county? (check one)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	(21)

**DEPENDENT SPECIAL DISTRICTS AND MSTUs  STOP HERE - SIGN AND SUBMIT**

22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. (The sum of Line 13 from all DR-420 forms)	\$	256,723	(22)
23.	Current year aggregate rolled-back rate (Line 22 divided by Line 15, multiplied by 1,000)		0.1846 per \$1,000	(23)
24.	Current year aggregate rolled-back taxes (Line 4 multiplied by Line 23, divided by 1,000)	\$	258,369	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. (Total of Line 18 from all DR-420 forms)	\$	324,991	(25)
26.	Current year proposed aggregate millage rate (Line 25 divided by Line 4, multiplied by 1,000)		0.2322 per \$1,000	(26)
27.	Current year proposed rate as a percent change of rolled-back rate (Line 26 divided by Line 23, minus 1, multiplied by 100)		25.79 %	(27)

<b>First public budget hearing</b>	Date	Time	Place
	9/14/09	5:01PM	Tween Waters Inn 15951 Captiva Drive. Captiva, Fl.

<b>SIGN HERE</b>	<b>Taxing Authority Certification</b>		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of ss. 200.065 and 200.071 or 200.081, F.S.		
	Signature of Chief Administrative Officer			Date	
				7/28/2009	
	Title		Contact Name		
	Captiva Erosion Prevention District Chairman		Kathleen Rooker		
Mailing Address		Physical Address			
P.O. 365		11513 Andy Rosse lane			
City, State, Zip		Phone Number	Fax Number		
Captiva, Florida		239-472-2472	239-472-0039		



2009

**CERTIFICATION OF FINAL TAXABLE VALUE**

DR-422  
R. 6/09  
Florida Administrative Code  
Rule 12DER09-01

Year 2009	County Lee	Is VAB still in session? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Principal Authority Captiva Erosion Prevention District		Check type <input type="checkbox"/> County <input type="checkbox"/> Municipality <input type="checkbox"/> School District <input checked="" type="checkbox"/> Independent Special District <input type="checkbox"/> Dependent Special District
Taxing Authority CAPTIVA EROSION GENERAL FUND		Check type <input checked="" type="checkbox"/> Principal Authority <input type="checkbox"/> Dependent Special District <input type="checkbox"/> MSTU <input type="checkbox"/> Water Management District Basin

**SECTION I: COMPLETED BY PROPERTY APPRAISER**

1.	Current year gross taxable value (From Line 4, Form DR-420)	\$	1,399,615,720	(1)
2.	Final current year gross taxable value (From Form DR-403 Series)	\$	1,398,129,220	(2)
3.	Percentage of change in taxable value (Line 2 divided by Line 1, minus 1, multiplied by 100)		-0.11 %	(3)

The taxing authority must complete this form and return it to the property appraiser by 5 p.m. 10/09/2009  
time date

<b>SIGN HERE</b>	<b>Property Appraiser Certification</b>	I certify the taxable values above are correct to the best of my knowledge.	
	Signature of Property Appraiser		Date October 06, 2009

**SECTION II: COMPLETED BY TAXING AUTHORITY**

MILLAGE RATE ADOPTED BY RESOLUTION OR ORDINANCE AT **FINAL** BUDGET HEARING UNDER S. 200.065(2)(D), F.S.

If this portion of the form is not completed in full your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is inapplicable, enter N/A or -0-.

**Non-Voted Operating Millage Rate (from resolution or ordinance)**

4a.	County or municipal principal taxing authority		per \$1,000	(4a)
4b.	Dependent special district name		per \$1,000	(4b)
4c.	Municipal service taxing unit (MSTU) name		per \$1,000	(4c)
4d.	Independent special district	0.2322	per \$1,000	4d)
4e.	School district	Required local effort	per \$1,000	(4e)
		Capital outlay	per \$1,000	
		Basic discretionary	per \$1,000	
		Supplemental discretionary	per \$1,000	
		Additional discretionary	per \$1,000	
4f.	Water management district	District levy	per \$1,000	(4f)
		Basin	per \$1,000	

If the millage will **not** be administratively adjusted



**STOP HERE. SIGN AND SUBMIT.**

Continued on page 2

2009

<b>COUNTIES, MUNICIPALITIES, SCHOOLS, and WATER MANAGEMENT DISTRICTS</b> may adjust the non-voted millage rate only if the percentage on Line 3 is greater than plus or minus 1% . (s. 200.065(6), F.S)		
5.	Unadjusted gross ad valorem proceeds (Line 1 multiplied by Line 4a, 4e, or 4f as applicable , divided by 1,000)	\$ _____ (5)
6.	Adjusted millage rate (Only if Line 3 is greater than plus or minus 1%) (Line 5 divided by Line 2 multiplied by 1,000)	_____ per \$1000 (6)
<b>MSTUs, DEPENDENT SPECIAL DISTRICTS , and INDEPENDENT SPECIAL DISTRICTS</b> may adjust the non-voted millage rate only if the percentage on Line 3 is greater than plus or minus 3% (s. 200.065(6), F.S.)		
7.	Unadjusted gross ad valorem proceeds (Line 1 multiplied by Line 4b, 4c, or 4d as applicable, divided by 1,000)	\$ _____ (7)
8.	Adjusted Millage rate (Only if Line 3 is greater than plus or minus 3%) (Line 7 divided by Line 2, multiplied by 1,000)	_____ per \$1000 (8)

<b>SIGN HERE</b>	<b>Taxing Authority Certification</b>		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of ss. 200. 065 and 200.071 or 200.081, F.S.		
	Signature of Chief Administrative Officer 			Date <u>10/8/09</u>	
	Title Captiva Erosion Prevention District Chairman		Contact Name Kathleen Rooker		
	Mailing Address P.O. 365		Physical Address 11513 Andy Rosse Lane, Unit 4		
	City, State, Zip Captiva, Florida 33924		Phone Number 239-472-2472		Fax Number 239-472-0037

**INSTRUCTIONS**

**SECTION I: Property Appraiser**

1. Initiate a separate DR-422 form for each DR-420, *Certificate of Taxable Value*, and DR-420S, *Certificate of School Taxable Value*, submitted.
2. Complete Section 1 and sign.
3. Send the original to the taxing authority and keep a copy.

**SECTION II: Taxing Authority**

1. Complete Section II and sign.
2. Return the original to the property appraiser.
3. Keep a copy for your records.
4. Send a copy to the tax collector.
5. Send a copy with the DR-487, *Certification of Compliance*, to the Department of Revenue at the address below. Send separately if the DR-487 was previously sent to the Department.

Florida Department of Revenue  
Property Tax Oversight - TRIM Section  
725 South Calhoun Street  
Tallahassee, Florida 32399 - 0100

All taxing authorities must complete Line 4, millages adopted by resolution/ordinance at final budget hearing.

Counties, municipalities, schools, and water management districts may complete Line 5 and Line 6 only when Line 3 is greater than plus or minus 1%. (S. 200.065(6), F.S.).

MSTUs, dependent special districts, and independent special districts may adjust the non-voted millage rate only when Line 3 is greater than plus or minus 3%. (S. 200.065(6), F.S.)

**Adjusting the millage rate cannot negate statutory compliance.** The adjusted millage rate entered on Line 6 or Line 8 cannot exceed the rate allowed by other provisions of law or the state constitution.

Multi-county and water management districts must complete a separate DR-422 for each county.

District  
 Proforma Budget - General (Millage .2322)  
 Fiscal Year 2010-2011

	Annual Budget
Estimated Revenues	
Taxes	
Ad Valorem Tax (.2322)	
Ad Valorem taxes: (324,991 net of 5% discount)	308,741
Total Ad Valorem Tax	308,741
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Postage	3,000
Rent expense	16,680
Repairs & Maintenance	2,600
Telephone	3,400
Travel and per diem	8,000
Utilities	1,600
Web site/computer support	1,700
Total Administrative expenses	58,880
Capital outlay	
Equipment purchases	3,000
Total Capital outlay	3,000
Cost of collecting Ad Valorem	
Property tax appraiser fees	2,000
Tax collector commissions	6,000
Total Cost of collecting Ad Valorem	8,000
Consulting and Professional Fees	
Consulting	105,848
Professional Fees	45,000
Total Legal and professional fees	150,848
Total Expense	220,728
Reserves	
Operating reserves	88,913
Total Reserves	88,913
Total Appropriated Expenses & Reserves	309,641
Net Revenues Over (under) Expenses & Reserves	0.00

District  
 Proforma Budget - Projects  
 (Millage .2322)  
 Fiscal Year 2010-2011

	<u>Annual Budget</u>
<b>Revenue</b>	
Interest Income	7,500
Parking lot revenue	135,000
Reserves - Operating	88,913
Refund Unused Project Costs - Army Corp	75,000
Special Assessments	421,530
Special Assessments - Interest	<u>112,800</u>
<b>Total Income</b>	<u><b>840,743</b></u>
<b>Expenditures</b>	
Advertising	2,050
Annual memberships & fees	1,000
Bank service charges	100
Beach maintenance	
Monitoring	100,000
Tilling	<u>1,200</u>
Total Beach maintenance	101,200
Blind Pass project	350,000
Cost of Assessment Collections	1,500
Engineering (CP)	35,000
Insurance	10,644
Parking lot expenses	
Parking Machine	17,000
Parking maintenance	16,000
Portable toilets	4,500
Sales tax expense	<u>7,641</u>
Total Parking lot expenses	45,141
Project Management Support	
Professional Fees	100,000
Project Consultant	<u>49,825</u>
Total Project Management Support	149,825
Renourishment - 2013-2014 Design Phase	
Bond Attorney Fees	15,000
Economic & Benefits Report	20,000
Engineering & Model Report	200,000
NEPA	120,000
Permit - Borrow Area Expansion	25,000
Permit - Pipeline Corridor Expansion	55,000
Economic Study & Apportionment Plan	<u>20,000</u>
Total Renourishment - 2013-2014 Design Phase	455,000
Rent	7,000
Storage of Records	1,910
Website Development	<u>3,000</u>
<b>Total Expenditures</b>	<u><b>1,163,370</b></u>
<b>Net Revenue Over (Under) Expenditures Before Debt Service</b>	<b>(322,627)</b>
<b>Other Expenditures</b>	
Debt Service	
Principal	404,535
Interest Costs	72,816
Reimbursement - DEP	<u>374,000</u>
<b>Total Other Expenditures</b>	<u><b>851,351</b></u>
<b>Net Revenues Over (Under) Expenditures</b>	<u><u><b>(1,173,978)</b></u></u>



**11513 Andy Rosse Lane  
 Captiva, FL 33924  
 (239) 472-2472**

**Request for Quotation**

M400 Pay and Park Permit Dispenser  
 And Accessories

**Submitted By: PACIFIC PARKING SYSTEMS, INC.**

<u>--Quantity--</u>	<u>-----Discription-----</u>	<u>----Price----</u>	<u>---Extension---</u>
1.0	M400 Pay and Display Permit Dispenser	\$9,570.00	\$9,570.00
1.0	M400 Surface Mount Walk-Up Pedestal	650.00	650.00
1.0	M400 Credit Card Option	775.00	775.00
1.0	M1100 Wired Controller	0.00	0.00
1.0	M1100 Harewired Modem Kit	1,595.00	1,595.00
1.0	On-Time Merchant Account Set-Up	0.00*	0.00*
1.0	On-Site Training on Operation and Set-Up	300.00	300.00
1.0	On-Site Maintenace of Exising (2) M400's	600.00	600.00
1.0	Bill Cassette	0.00	0.00
1.0	Cash Bag	0.00	0.00
1.0	Delivery	0.00	0.00
	Other (please specify)	N/A	N/A
	Other (please specify)	N/A	N/A
		<b>Total:</b>	<b>\$13,490.00</b>

**\*No Charge Integreation To Existing Merchant Account**

The Captiva Erosion Prevention District is Florida sales tax exempt.

Please send your quote to John Bralove via email – [mycecpd7@gmail.com](mailto:mycecpd7@gmail.com). with follow-up hard copy via US Mail.. For information, call the number above or email [mycecpd7@gmail.com](mailto:mycecpd7@gmail.com)

*John Bralove*

April 12, 2010

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	1	2	3
			10am - Town Hall 1pm - workshop	April Fool's Day 1pm - Briefing	10am - Hurricane	
4	5	6	7	8	9	10
Easter				1pm - Briefing	11am Lands End	
11	12	13	14	15	16	17
			9:30am - Budget 12pm - Board Meeting	Tax Day 1pm - Briefing	Sales Tax Due	
18	19	20	21	22	23	24
				Earth Day 1pm - Briefing		
25	26	27	28	29	30	1
	10am - Seabreeze	9:30am - Budget		1:30pmTDC meeting 1pm - Briefing		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
25	26 10am - Seabreeze	27 9:30am - Budget	28	29 1:30pmTDC meeting 1pm - Briefing	30	1
2	3	4	5 Cinco de Mayo	6 1pm - Briefing	7	8
9 Mother's Day	10 2:30pm - Sanibel	11	12 Pass Election 9:30am - Budget 12pm - Board Meeting	13 TDC meeting	14	15
16	17	18	19	20 1pm - Briefing	21 Sales Tax Due	22
23	24 Army Corps Visit 10am - CAC meeting	25	26	27 1pm - Briefing	28	29 John F. Kennedy's
30	31 Memorial Day	1 Receive estimate of	2 9AM Records	3 1pm - Briefing	4	5

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31 Memorial Day	1 Receive estimate of	2 9AM Records	3 1pm - Briefing	4	5
6	7	8	9 12pm - Regular Board	10 1pm - Briefing	11	12
13	14 Flag Day	15	16	17 1pm - Briefing	18 Sales Tax Due	19
12pm - Candidate qualifying						
20 Father's Day	21	22	23	24 1pm - Briefing	25	26
27	28	29	30 DEP Quarterly Report FEMA Quarterly	1 DR-420 Received 1pm - Briefing	2	3

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	1	2	3
			DEP Quarterly Report FEMA Quarterly	DR-420 Received 1pm - Briefing		
4	5	6	7	8	9	10
Independence Day		Referendum		1pm - Briefing		
11	12	13	14	15	16	17
			Tentative Millage rate 12pm - Regular Board	1pm - Briefing	Sales Tax Due	
18	19	20	21	22	23	24
				1pm - Briefing		
25	26	27	28	29	30	31
	10am - CAC meeting			1pm - Briefing	Return DR-420	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
	1 Referendum language	2	3	4	5 1pm - Briefing	6 Kathy Away	7
8	9 Kathy Away	10	11 12pm - Regular Board	12 1pm - Briefing	13	14	
15	16	17	18	19 1pm - Briefing	20 Sales Tax Due	21	
22	23	24	25	26 1pm - Briefing	27	28	
29	30	31	1	2 1pm - Briefing	3	4	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1	2 1pm - Briefing	3	4
5	6 Labor Day	7	8 4pm - Regular Board 5:01pm - Tentative	9 Budget ad to News 1pm - Briefing	10	11 Patriot Day
12	13 Election Ad to News Referendum Ad to	14	15 Assessment Roll due DR-408A due	16 1pm - Briefing	17 Advertisement of Publish budget Sales Tax Due	18
19	20	21 5:01pm - Final Budget	22 FSBPA conference	23 FSBPA Conference 1pm - Briefing	24 FSBPA Conference Send millage	25
26	27 Publish election notice Publish referendum 10am - CAC meeting	28 Complete DR420MM	29	30 1pm - Briefing	1	2

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	1	2
	Publish election notice Publish referendum 10am - CAC meeting	Complete DR420MM		1pm - Briefing		
3	4	5	6	7	8	9
				1pm - Briefing		
10	11	12	13	14	15	16
	Columbus Day Publish election notice Publish referendum	ASBPA Conference @ Charleston, SC		12pm - Board Meeting	1pm - Briefing	Sales Tax Due
17	18	19	20	21	22	23
		Submit Trim package		1pm - Briefing		
24	25	26	27	28	29	30
				1pm - Briefing		
31	1	2	3	4	5	6
Halloween		Election Day referendum		1pm - Briefing		