



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

**March 7, 2012**

**March 7, 2012 CEPD Regular Board Meeting**  
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Agenda  
**Regular Meeting of the  
Captiva Erosion Prevention District**  
Tween Waters Inn, 15951 Captiva Drive, Captiva, Florida 33924  
March 7, 2012 @ Noon

1. Call to Order
2. Roll Call
3. Approval of January and February Meeting Minutes *approved ✓*
4. Public to be Heard ✓
5. Financial Report ✓
6. Old Business
  - a) Legislative Update ✓
  - b) Renourishment Schedule
  - c) Comprehensive and Emergency Plan Update ✓
  - d) Approval of December Meeting Minutes ✓
  - e) Partners in Progress Term Sheet*April Bd. meeting.*
7. New Business
  - a) John Manning, Chairman, Lee County Board of Commissioners ✓
  - b) Recommendation of Qualifications Committee for Engineering Services ✓
  - c) December Meeting Date *Done by phone in Dec.*
8. Report of the Senior Administrator Consultant
  - a) Welcome to Captiva sign
  - b) CEPD Web Site
9. Commissioner Comments  
Adjourn

Minutes of the Briefing Meeting of the Captiva Erosion Prevention District  
11513 Andy Rosse Lane, Unit 4, Captiva, Florida  
January 6, 2012 @ 1PM

Commissioners Present: Jim Boyle (Chairman), Doris Holzheimer (Vice Chairman)

Consultant Present: Kathleen Rooker

1. Call to Order

Chairman Boyle called the meeting to order at 1:05PM

2. Roll Call

The roll was called and the results are detailed above. There was no quorum present.

3. Composition for New CEPD Web Site Page

The commissioners viewed the suggested composition of the new CEPD web site page. Commissioners liked the new composition. It was suggested to add a button on the home page for news on Blind Pass. It was also suggested to add a button that would include other topics of interest and references to the public which would allow them to find hot links to other related subjects such as red tide, turtles, and sand dunes.

4. Winter Newsletter and Schedule

Commissioners reviewed the topics and the publication schedule for the Winter Newsletter. It was suggested that the article on former Chairman Mike Mullins be sent to him for his approval prior to publishing. John Bralove will forward a copy to Mike and the article will not be published in the Newsletter unless M. Mullins gives approval.

5. Trash Equipment for Parking Lot

It has been suggested by Lee County Parks and Recreation that the trash cans at Hagerup Beach Access be replaced with more standard receptacles similar to those found at other County parks. Commissioners looked at several styles and colors and shared their preferences. Also, input from Frank's Maintenance would be considered. The information will be shared at the January 11 Regular Board meeting for consideration for purchase.

6. Finalize agenda items for January 11 Regular Board Meeting

Commissioners reviewed a draft agenda. Doris Holzheimer suggested that the agenda item concerning the Professional Services Selection Committee be edited to make the topic clear. It should read "Schedule for RFQ Selection Committee."

Chairman Boyle discussed "Public Comment Procedures" for Board Meetings. A copy of the procedures will be available to the public and to the Commissioners. The Chairman will explain to the public the difference between comments at a Regular Board Meeting and what is acceptable at a Public Hearing. The CEPD Administrator will also make available data sheets for the public to pick up at the Regular Board Meeting.

Commissioners discussed the process of negotiating an interlocal agreement. Chairman Boyle will contact Board Counsel for more information on the process and who can negotiate.

Chairman Boyle described his December meeting with Partner in Progress President, Bob Gray. At that meeting he learned that the current contract with Partners in Progress will end on May 31, 2012. The Chairman would like to develop a plan with the Board concerning next steps.

Commissioner Holzheimer suggested that the Hurricane Committee be considered when the CEPD develops a budget for the FY 12/13. Kathy Rooker said she would include the item for Board consideration during the budget planning process.

Meeting adjourned at 2:30PM

2011

**Minutes**

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

Tween Waters Inn, 15951 Captiva Drive, Captiva, Florida 33924  
January 11, 2012 @ Noon

Commissioners Present: Jim Boyle (Chair); Doris Holzheimer (Vice Chair); Harry Kaiser (Secretary); Mike Mullins (Commissioner).

Absent: Dave Jensen (excused).

Staff Present: Kathleen Rooker, CEPD Administrator; JoAnn Paul-Young, CEPD Accountant; John Bralove, CEPD Assistant to the Administrator.

**1. Call to Order**

The meeting was called to order by Chairman Boyle at 12:01 p.m.

**2. Roll Call**

The roll was called and the results are outlined above.

Chairman Boyle requested that the agenda be reordered so that Agenda Item 4, Public to be Heard, could be addressed now. There was no objection.

**3. Public to be Heard**

Chairman Boyle called upon Rene Miville to report on a conversation he had with Robert Neal of the Lee County Division of Natural Resources. Mr. Miville said that the County has proposed a change order with the dredging company that had worked on the Ft. Myers Beach project to do work at Blind Pass. Mr. Miville complimented the County and Mr. Neal on the idea and creativity of the solution. Mr. Miville said that the change order still needed to be approved by the Lee County Board of County Commissioners.

Chairman Boyle called upon Steve Boutelle of the Lee County Division of Natural Resources, who was in the audience, to comment further. Mr. Boutelle explained that the request of the County Commissioners is to waive the bidding process and do a change order, which would save thousands of dollars in mobilization and similar costs. He said that the County still needed to get prices from the dredger and they are doing this now. Mr. Boutelle estimated that 90,000 cubic yards were involved at a cost of \$6.00 per cubic yard. If the dredger does come back, it will be after Easter. When asked if there were still a budget, Mr. Boutelle said that Lee County still has a budget for this project and that the Board of County Commissioners still will ask for cost sharing. He said that he would have hard details by the end of the month. Commissioner Mullins said that the public should be informed when more is known.

Commissioner Mullins then brought up, both as a Board Member and as a member of the public, the issue of getting recordings of public meetings. He said that it was his understanding that if a member of the public requested in advance a recording of a particular meeting, it must

be provided. He said that he asked for a recording of the Briefing Meeting that took place last week that he was unable to attend and was told that there was none. He asked for clarification. Chairman Boyle said that he talked to CEPD's attorney, Nancy Stroud, just a few minutes prior to this meeting. She pointed out that when the Briefing Meetings were first put in place by the previous Board, of which Commissioner Mullins was Chair, they were put in place to allow Commissioners to discuss issues in whatever detail they wanted but that no vote could be taken. The policy, Ms. Stroud reported, was that no recordings of these kinds of meeting would be made. Chairman Boyle said that if the Board wanted to change that policy, he would entertain a motion to that effect

Chairman Boyle asked if there were any Commissioners who would like to see the policy of not regularly recording Board Briefing and similar meetings changed. Commissioner Kaiser said he was in favor of all meetings being open and in favor of having everything recorded. Commissioner Kaiser moved and Commissioner Holzheimer seconded a motion to have all public meetings recorded. The motion passed without dissent.

#### **4. Approval of December Meeting Minutes**

Commissioner Mullins moved and Commissioner Kaiser seconded a motion to dispense with the reading of the minutes from the December 14, 2011 Regular Board Meeting and approve them. The motion passed without dissent.

Commissioner Mullins commented that the December 15<sup>th</sup> Briefing Meeting Minutes did not accurately reflect his position at the meeting. Last evening he submitted to the CEPD administrator a two-page email summarizing his position. Commissioner Mullins asked to have it added to the minutes. Chairman Boyle and Ms. Rooker, two attendees at the December 15<sup>th</sup> Briefing Meeting, did not agree with Commissioner Mullins summary, saying they thought the minutes as contained in the Board Packet accurately reflected the meeting. The approval of the December 15, 2011 Briefing Meeting minutes was deferred until the next Regular Board meeting at which time, Commissioner Jensen, who also was at the December 15 Briefing Meeting, would be in attendance. Commissioner Mullins emphasized the need to record these briefing meetings to ensure that minutes are accurate. Chairman Boyle said that approval of all December 2011 Board Briefing minutes will be deferred until the next meeting.

There was discussion about the Agenda materials being sent out in advance of meetings. Commissioner Mullins moved and Commissioner Kaiser seconded a motion to post on CEPD's website the agenda and supporting materials as determined by the Chairman and the Administrator on the last business day of the week prior to the Board meeting. Commissioner Holzheimer asked Commissioner Mullins whether this was a reversal of the position he had taken last month. He responded by saying it was not. After discussion, the motion was withdrawn.

Commissioner Mullins moved and Commissioner Kaiser seconded a motion to provide the Commissioners a copy of the agenda and meeting packet the last business day of the week prior to the meeting. Ms. Rooker said that CEPD's Rules of Procedure enable Commissioners to

request an item be put on the Agenda up to two business days before the meeting. According to the meeting schedule, the Monday before the meeting would be the last day.

There was discussion of whether this was practical and how late-arriving materials would be managed. Chairman Boyle said he was fine with this plan as long as staff was not held responsible for late-arriving materials. A vote was called and the motion failed to pass as Commissioners Mullins and Kaiser voted for the motion and Commissioners Holzheimer and Boyle voted against the motion.

Commissioner Holzheimer moved and Commissioner Kaiser seconded a motion to provide the Commissioners a copy of the agenda and meeting packet by 5:00 p.m. the Monday of the week that the meeting is held. The motion passed without dissent.

## **5. Financial Report**

Chairman Boyle said that since Treasurer Jensen was on vacation, he was asking the CEPD Accountant, JoAnn Paul-Young, to give the report. Chairman Boyle mentioned that in an effort to cut down on paper, he had looked at the Rules of Procedure to determine whether full financial statements are required to be reported monthly. He reported that the requirement is that a full financial report be provided every quarter. Commissioners will receive abbreviated reports at the other times.

Ms. Paul-Young reported that 80% of the current ad-valorem taxes have been collected and the general and overhead expenses are in line with what is expected. Commissioner Mullins said that CEPD should not show money in hand until accounts have been reconciled and the money should not be reflected in the financial statements. He further said that CEPD should show possible claims and other recorded liabilities. Chairman Boyle agreed and said CEPD needed to bring in some professionals to look into what options are available. Commissioner Mullins said that CEPD should use the most conservative way.

## **6. Old Business**

### **a) Sanibel Sea School Request to Present to Board**

Ms. Rooker reviewed what had been talked about at the previous meeting. She said that the Sea School could make a presentation from 15 minutes to an hour. Chairman Boyle asked the Commissioners for opinions on what the presentation might be on and how long it should last. Commissioner Mullins suggested that the Sea School make a presentation to the Captiva Community Panel where they would have a much larger audience. The other Commissioners agreed and Commissioner Mullins asked Ms. Rooker to communicate this to the Sea School and also pass on the School's request to the Captiva Civic Association.

### **b) Interlocal Agreements Status**

Chairman Boyle reported that CEPD received a response yesterday from Lee County regarding their input on the Interlocal Agreement between CEPD and Lee County. There has been no response from Sanibel regarding the Sanibel ILA. Chairman Boyle said that the County has come back with a new formula and other additions, deletions, and changes. The County would contribute 44% to the project after the state and federal cost sharing.

Chairman Boyle said based on a \$20-22 million project cost, and assuming \$10 million to \$11 million coming from the Corps of Engineers and the DEP, the County's contribution would be approximately \$4.4 million versus the \$8 million that CEPD has requested at a minimum.

Commissioner Mullins pointed out that the data just mentioned pertained to the Captiva ILA only and that work done on northern Sanibel is a separate Interlocal Agreement. He asked what has changed in the formula. Chairman Boyle asked Mr. Boutelle to respond to this question. Mr. Boutelle stated that the formula is consistent with the one that had been transmitted to CEPD last year except that what has been added is based on precedent that was set on Ft. Myers Beach: an additional portion for storm protection. He said that the 44% is the aggregate between recreation and storm protection.

Commissioner Mullins mentioned that the prior agreement had a cap and asked Mr. Boutelle whether this new one had a cap. Mr. Boutelle responded it did not have a cap. Mr. Boutelle also said that, as he had told Ms. Rooker, not all of the variables in the formula are fixed yet, particularly as it pertains to the DEP's contribution.

Chairman Boyle asked that all Commissioners read through the ILA and digest it. He asked the Commissioners how should CEPD structure its negotiations with both the County and Sanibel? He mentioned that he had talked with Nancy Stroud about negotiation of contracts and whether Commissioners are able to talk about the ILA in a meeting similar to a Board Briefing with the exception that it is not open to the public. Ms. Stroud's reply was a clear "no" - they must be public meetings. Chairman Boyle said that it was important that all Commissioners familiarize themselves with the ILA and feel free to ask questions of Steve Keehn or Nancy Stroud as long as they did not violate the Sunshine Laws. Then, Chairman Boyle suggested, the Board should start discussing the ILA at the earliest possible Board Briefing Meeting. Commissioner Mullins suggested that a committee with one commissioner on it or a commissioner and the Administrator working on it would not violate the Sunshine Laws. Chairman Boyle responded that there were two alternatives that could be pursued:

- 1) The Chair can ask the Administrator to proceed with negotiations and come back to the Board with a proposal and the Board votes on it; or 2) the Board appoints a willing Board member to work with the Administrator and come back to the board with a proposal and the Board votes on it. In this instance, the Board member would interact with the Board of County Commissioners, the Lee County Division of Natural Resources staff, and other personnel of the County. Commissioner Mullins said that he thought the latter method is the way to go. Chairman Boyle said that the Board still needs to be able to talk about the negotiations without the County or Sanibel observing. He said that this need is an issue.

Commissioner Mullins moved and Commissioner Kaiser seconded a motion to authorize the Chairman and Administrator to proceed with the negotiation of the ILA with Lee County and periodically report back with timelines so that the Board knows when it will have to do serious review and bring the ILA negotiation to a conclusion. Commissioner Holzheimer raised concern that with the change of the chairmanship, CEPD loses the experience and continuity related to the ILAs. Commissioner Mullins said he was happy to share his ideas with the Chair and it was also important that everything is shared with the Board. Chairman Boyle said he is happy to bring the negotiation to fruition but he needs support; for example, he needs the Commissioners to be well informed about the ILAs, ask all the

questions they need to, and stay very involved. He will hold periodic Briefing Meetings to keep the Board involved. Commissioner Mullins added emphasis to the need for Commissioners' support of the Chair.

Chairman Boyle cautioned Commissioners not to represent themselves as speaking for CEPD with other parties such as the County during these negotiations. He talked about a prior agreement with Lee County regarding Blind Pass, to which the CEPD Commissioners had agreed, where Ms. Rooker represents CEPD with Lee County staff and the Chair represents CEPD with the Lee County Board of Commissioners. He said that he would like to see if the CEPD Commissioners can get agreement on that very thing again now. Commissioner Mullins thought this needed to be defined, that as a Board the authority of the Board cannot be delegated, but that he was in general in favor of this. He said that what was being talked about should be clearly defined and that he would like to see this agreement stated in writing.

Commissioners Holzheimer, Kaiser, and Mullins said that they certainly would adhere to the prior assignment of the roles of the Commissioners and Administrator in relationships with County staff and the County Board of Commissioners. Commissioner Mullins said that this agreement made it important that the Commissioners be kept informed and that there is great transparency. He also reminded the Commissioners of the need for them to work on relationships individually with various local, state, and federal officials, and that he did not want any agreement to keep him or other Commissioners from contacting and lobbying these officials.

The motion was read again and Chairman Boyle asked that the following wording be added to the motion: "and that the Commissioners agree that the Chair is the only person who will discuss ILA negotiations with the County, the City of Sanibel, the State of Florida, and the Department of Defense." Commissioner Mullins, as the maker of the original motion, and Commissioner Kaiser, as the one who seconded the motion, agreed to add these words to the motion. A vote was called and the motion passed without dissent.

Commissioner Mullins expressed his concern about the ILA and the formula, particularly because of the current position of the DEP. He said that a reduction in what other entities contribute will be a disappointment to Captivans.

**c) Schedule for RFQ Selection Committee**

Ms. Rooker presented this schedule and discussed it. She said that the goal was to bring recommendations to the Board in April. Commissioner Mullins said that the Chair of the Selection Committee should be a commissioner. Ms. Holzheimer agreed. Commissioner Mullins moved and Commissioner Holzheimer seconded a motion that Commissioner Holzheimer chairs this committee, that Commissioner Jensen and Ms. Rooker are members of the committee, that meetings are open to the public, and that all meetings are properly noticed. The motion passed without dissent. Concern was raised about what would happen if the project is moved up and CEPD needs to get bids early, perhaps concurrent with the qualification process. The consensus was that this would not be a problem since this is a request for qualifications, not a request for bids, and since CEPD will be seeking at least two qualified vendors. After discussion, Chairman Boyle said that CEPD will stay with the proposed timeline.

Ms. Rooker then provided information on what companies had been contacted and other related information regarding the Request for Qualifications

**d) Proposed additional consultant update**

Chairman Boyle provided background on the issue of adding an additional professional to the staff. He said that \$26,000 had been budgeted for a part-time position but Partners in Progress was proposing a full time person. He raised the issue of whether a full time person was needed and questioned whether the person who had been recommended had been fully vetted. Commissioner Kaiser asked why CEPD needed another person for \$86,000. Commissioner Mullins responded there were a number of reasons: 1) for succession and redundancy purposes; 2) he has a list of things that have not been done; 3) the new project is being accelerated; 4) CEPD saved a lot of money by doing more work in house; and 5) there is more work that needs to be done than the present staff can handle. Chairman Boyle agreed that CEPD might need additional help but the person recommended is not the right person for the job. Commissioner Mullins said that CEPD still needs to solve this problem, progress is not being made, and CEPD should jettison the PIP approach and come up with another approach. The Commissioners took no action on this agenda item.

**7. New Business**

**a) Partners in Progress**

Chairman Boyle reported on the meeting he had with Bob Gray, President of Partners in Progress, in December, and went over some of the details of the existing contract. He said he asked Mr. Gray how he thought the consulting staff was doing and how he thought PIP itself was doing. He asked the Board how they thought PIP was doing. Commissioner Mullins said he needed time to think about it and some members of the Board interact with Mr. Gray more than others. He said that relative to the past, CEPD has come a long way. It is prudent to start looking at this contract now. He reminded the Commissioners that it was a deliberate approach not to have employees and that Mr. Gray has performed an instrumental role.

Ms. Holzheimer said the benefits of having PIP have been great and that negotiations for a new contract should start now. She added that she would like to see a strategic plan and what needs to be done before CEPD hires an additional person. Commissioner Kaiser said that he was up in the air about another contract and that he did not have much contact with Mr. Gray. Commissioner Kaiser said that if CEPD adds anyone they should have a technical background. Commissioner Mullins remarked that Mr. Gray had "saved the day" after the death of Ms. Hagerup. He added that Mr. Gray had a lot of knowledge and that he agreed with Commissioner Holzheimer that CEPD should negotiate that best deal it can with Mr. Gray.

Chairman Boyle said that back in '07-'08, he gave Mr. Gray credit for holding things together. He asked does CEPD want another 3-year contract? a 1-year extension? Commissioner Mullins suggested that CEPD increase the demands on Mr. Gray. Chairman Boyle suggested that CEPD ask Mr. Gray for a new contract which would run from June 1, 2012 through December 31, 2013. Commissioner Mullins suggested adding an option for a one year extension to take it to the end of December 2014. Commissioner Holzheimer said

that one issue had not yet been addressed: the need to think further out into the future to a 2021 project and beyond. The complexity of projects has changed dramatically.

Commissioner Mullins said there was another variable: continuity. He said that 3 Commissioners are up for re-election. He mentioned that in previous years he had suggested dividing the office responsibilities between day-to-day activities and managing projects. Ms. Rooker remarked that it was important to have a mission and that when strategic planning is done, those plans align with the mission.

Chairman Boyle said he was looking for direction from the Board. Commissioner Mullins suggested that CEPD ask PIP for a proposal. Commissioner Mullins moved and Commissioner Holzheimer seconded a motion asking PIP to submit a contract through December 31, 2013 with a one year option to extend it through December 31, 2014. Commissioner Mullins mentioned that just like in the case where he initiated negotiations for a new office lease well before the lease expired, it was appropriate to do the same thing here. The motion passed without dissent.

Chairman Boyle said he would talk to Mr. Gray about the new hire since the person Mr. Gray proposed was not acceptable to the Board. He would also talk to Mr. Gray about the feedback he had received from the Commissioners. Commissioner Mullins said the CEPD should not allow itself to get into a position where a person is not expendable. He also said that the Board might have to take over the search.

**b) Report of Citizens Committee**

Ms. Rooker reviewed a schedule of committee actions and went over her 2-page Citizens Committee Meeting Summary dated 12/21 that was in the Agenda Materials as well. She also talked about her presentation to the San-Cap Board of Realtors last week. The presentation was well received by approximately 80 attendees.

Commissioner Mullins said that he had started this process but he was a little surprised when he received unsolicited feedback from realtors of how well the presentation had gone. Commissioner Mullins said that he had no knowledge that the meeting was going to occur on that date and he might have wanted to go to the meeting. He raised concern about the discontinuity - of not getting any information about the work of this committee. He said that the email he received from Commissioner Jensen stating that Commissioner Jensen had it under control was inappropriate, that even when turning something over he would still like to be kept informed, and all Commissioners should be informed of these meetings and events and invited to attend them. Commissioner Mullins expressed surprise that the communications had dried up and information had not been shared.

Commissioner Mullins also said that he had a second point he wanted to make: is there a letter going out from the CCA? He had not heard anything. Ms. Rooker responded by saying that Jack Cunningham from CCA had taken suggested letters with him and he had also asked for electronic copies. Commissioner Mullins asked whether a Beach Brief was planned and Ms. Rooker responded that she would talk with Commissioner Jensen when he returns from vacation.

**c) DEP Request for Information # 1**

Ms. Rooker reported that the CP&E's response to the Request for Additional Information will go back within the next day or two. She also said that the Army Corps of Engineers' Request for Additional Information had not yet been received because of a backlog of work there. Commissioner Boyle said that the proposed new pipeline corridor is being questioned and that Steve Keehn thinks it stems from misunderstanding the intent. Mr. Boutelle clarified Commissioner Boyle's next comments about doing work during turtle nesting season and said that the County is in favor of it.

**8. Report of the Senior Administrator Consultant**

**a) Causeway Toll Count and Parking Lot Ticket Sales**

Ms. Rooker briefly went over the data that appears in the Agenda Materials. She said that this data would be regularly shared with the Commissioners. December ticket sales were up compared to December 2010.

**b) Parking Lot Equipment**

Ms. Rooker explained that Lee County Parks and Recreation staff had recently visited Hagerup Beach Park and asked that CEPD replace the trash containers there with new ones that conform to Parks and Recreation standards. She referred to the Agenda Materials where the recommendations were pictured with specifications and estimated costs. In addition to the two double trash containers and the one single trash container, the CEPD staff was also recommending the purchase of a 20 cubic foot storage container to be placed behind the portable toilets. Commissioner Mullins moved and Commissioner Kaiser seconded a motion to accept the recommendation as outlined in the Agenda Materials and move to purchase the items forthwith. The motion passed without dissent.

**c) Welcome to Captiva Sign**

Both Commissioner Kaiser and Ms. Rooker reported on this topic. They are recommending a sandblasted sign, have identified 3 local companies from who CEPD can get bids, and are working on a design. They think that it should say "Welcome to Captiva" and have the CEPD logo on it. Commissioner Mullins suggested that the sign be somewhat elevated so that something could be hung under it such as a "storm ready" designation plaque. He also suggested that the sign have CEPD's name on it. Ms. Rooker asked the Commissioners how large the sign should be and Commissioner Mullins suggested that she talk to the DOT. Commissioner Kaiser said that CEPD would also talk to the DOT about where the sign can be located. Commissioners Kaiser and Holzheimer will talk about the possibility of a "storm ready" designation sign. Chairman Boyle asked that Parks and Recreation be contacted about the unsightly newspaper boxes.

**d) Florida Legislative Session Update**

Ms. Rooker presented an update on this item. She said that although CEPD's project was highly ranked, there are several others that have a higher ranking. However, she said, some of the higher ranked projects were not eligible for federal matching funds. She hoped that legislators will look more favorably at projects that are eligible for federal matching funds when funding is considered. Ms. Rooker said she is in touch with Debbie Flack regularly. Ms. Flack was hopeful that some of the funds for the larger project would be reduced. Ms. Rooker handed out sample letters to Florida legislators for the Commissioners to modify and send or email.

Commissioner Mullins asked what was being done to touch base with state legislators. Ms. Rooker said that Ms. Flack thought that Senators Richter and Bennett were the key people to contact. Commissioner Mullins said that CEPD needs to find a way to engage the CEPD Commissioners with these people. He also mentioned that Senator Nelson would be at a fund raiser at Rene Miville's house and at SCCF. Commissioner Holzheimer said that someone from CEPD should go to the FSBPA technical conference in February and Chairman Boyle mentioned that he might go. Ms. Rooker said that she had talked to Ms. Flack and gotten advice about the best way to reach U.S. Members of Congress, which is to contact them directly whether they are in their home districts or in Washington.

#### **9. Commissioner Comments**

Commissioner Mullins said that an economic impact study of beaches and coastal waterways on the overall Lee County economy is important and that CEPD could sponsor it or ask the Coastal Advisory Council to recommend to the TDC that they conduct it. He said that economic impact is the key to support.

Commissioner Mullins said that he was not getting all of his emails on "mycepd@gmail.com" routed over to him as he should, that such emails were part of the official public record, and that when he asked Ms. Rooker for the District's password to allow him to access all CEPD emails, which are part of CEPD's public records, he was denied because of some security issue. He said that he was told that Commissioner Boyle had talked to the District's attorney, Nancy Stroud, and they had agreed that the password was not something that should be given out to anyone due to the absolute requirement to maintain the integrity of the public records files. He objected to the CEPD Administrator being able to decide what information a commissioner can see or not see, and to suggest that he would be flippant with this and it would get out into the public was absurd. Ms. Rooker added the accidental addition of a virus would affect the integrity of the public records file.

Commissioner Mullins continued by saying if ones goes into the office, one can supposedly get this information on line, but he has his doubts because there is no degree of supervision on the part of the Board to say that it is happening. He said that the Standard Operating Procedure he looked at does not say that the administrator has the right to deny a commissioner this information, that it says that passwords are provided as necessary, and that it was up to the commissioners to determine what they need to do their job, not the Administrator. He said that during the time he was chairman, he never felt the need to call CEPD's attorney to find out whether a fellow Commissioner needed something.

He said there is some history within the last month of problems with G-Mail and asked why, if he were having problems, emails were not sent to his personal mycepd account. Instead, he said, what he got was a wall that said he could not have the password and the attorney and chairman support this. He said that Ms. Rooker asked him to identify which emails he was not getting, which he found patently absurd. He said that other commissioner may not know if they are missing emails. Commissioner Mullins moved and Commissioner Holzheimer seconded a motion that Commissioner Mullins be given the password and that the procedure that the Administrator can make a decision to withhold information from a commissioner be addressed.

Commissioner Holzheimer asked what the problem was. Ms. Rooker explained that as the CEPD-designated legal Custodian of Records, she is responsible for ensuring the protection of the official records of the District, which includes emails sent to and from CEPD. Limiting access to the official email log by limiting who has the password is the only way she can certify that nothing has been corrupted, something she must do each year. Chairman Boyle agreed that this was a matter of security and also mentioned that viruses might corrupt the file. He also said that he had consulted CEPD's attorney, Nancy Stroud, at least twice or more about this matter and that she continues to be clear that the password should not be given out and it be kept in a secure place. Chairman Boyle said that if discussion of this issue continues, CEPD could invite Nancy Stroud to the next meeting. Commissioner Mullins responded by saying that doing this would be ridiculous since Nancy Stroud does not establish the procedures. There is no law that requires that. He told Chairman Boyle that the Chair's interpretation of what an attorney is doing for CEPD is different from his. He said that CEPD has gone elsewhere for services at times because CEPD has received mixed opinions about Ms. Stroud. When CEPD researched this public record issue relative to recording, she was wrong. He said that perhaps Chairman Boyle is not explaining the issue to her properly. Commissioner Mullins said that one can always get an answer out of an attorney that you want if you are not properly explaining it. Chairman Boyle offered to get something in writing from Ms. Stroud but Commissioner Mullins said he did not want that and he had a motion on the floor.

Commissioner Kaiser asked what is so special about this file? Ms. Rooker explained that it is a password not a file; what happens when an email comes in; and that it is a public record at this point. She continued that if the password is given out and is beyond her control as Custodian of Records, anything can happen to those records.

Commissioner Mullins explained that he is concerned that records are possibly lost if emails do not go properly to a log since they are public records. Nancy Stroud has told CEPD that these emails must be kept. He said that he needs access so that he can get a better handle on what traffic is coming and going, and because it is his fiduciary responsibility to see that staff is doing their jobs right. He said he would sign an affidavit that he will not misuse the password and protect it. He asked what else might be found going forward that Ms. Rooker determines or Ms. Stroud determines that Commissioners don't have access to?

Chairman Boyle raised the issue of Commissioner Mullins not receiving emails. Chairman Boyle said that there is no attempt on anyone's part to hide or withhold information from any Commissioner. He stated that at no time did he instruct anyone not to communicate with Commissioner Mullins and repeated the exact same sentence a second time. He said that this is a public records issue and that he will rely on CEPD's attorney's opinion that the password not is given out, having been told that by her twice. He said that if Commissioner Mullins is not receiving emails, then that is a technical issue that CEPD will fix. Commissioner Mullins said that he felt that there had been no attempt to fix his email problems. Ms. Rooker outlined what she had done to determine what the problem was. Commissioner Mullins said that he did not think enough was done and that he has never seen where the attorney gets into the level of detail of defining procedures. Chairman Boyle mentioned that Bob Gray of PIP had been consulted on this issue of the password and had agreed with the attorney's opinion.

Chairman Boyle called for a vote on the motion. Commissioner Mullins invoked the privilege of the maker of the motion having the last word on the subject and said that he believes one

Commissioner should be supervising the recording of emails to ensure that all emails go to a central log. He also said the present restriction puts too much control in the hands of the Administrator, and access is something he needs to meet his fiduciary responsibilities. Commissioner Holzheimer asked whether there were another way to accomplish this? Commissioner Mullins responded that he wants to be able to see if the Administrator is copying emails to the journal and there is no other way of doing this. He believes one Commissioner ought to be supervising this and there should be more than just one single individual in the organization supervising this information, and he would like to be that person since he feels he is the most qualified.

Ms. Rooker said that if the board decision were to provide others access to the password, she would no longer serve as the Custodian of Records because legally she cannot execute her obligations under that responsibility. Ms. Rooker also explained how the password is kept secure and that it can be retrieved should something were to happen to her. Commissioner Mullins asked to modify his motion to include the wording "subject to clear opinion of counsel on this subject." The reason for the addition is that he believes the attorney is dead wrong or that it is being explained to her inappropriately. He also said that he wants to work on the wording of the letter that goes to CEPD's attorney so that it represents what he is looking for. He suggested that he could write a letter for Chairman Boyle's signature to be sent to the District's counsel. Chairman Boyle responded that he only signs letters he writes.

Chairman Boyle said that he agreed that the Commissioners' fiduciary responsibility is very real and all CEPD Commissioners have a responsibility to protect the security and integrity of this public record. He further stated that it would be ill advised for CEPD to go against the advice of the District's attorney.

Commissioner Mullins called for the vote again. Commissioner Kaiser said that there had not been a vote on the amendment. Commissioner Mullins said that there was not an amendment; he had withdrawn the original motion and had presented a new one. Chairman Boyle said that the discussion had reached a point where the presence of the CEPD attorney was necessary, that the full Board needed to be present, and it would be best to move this to the next meeting. Commissioner Mullins raised a point of order that there was a motion on the table and moved the motion and asked for a second. Commissioner Kaiser seconded it. Both Commissioners Holzheimer and Kaiser said they would like to have legal advice before voting to do it or not to do it. Commissioner Mullins explained further the rationale for his motion for an opinion of counsel – something in writing from the attorney. He said that he wants CEPD's attorney to cite the law that governs that the password must be kept confidential in one person's hands and not shared in a controlled manner. If she cannot, then it is merely her opinion. Commissioner Holzheimer said that it is her opinion that we pay her for. Commissioner Mullins replied that Commissioners don't ignore their own guidance and their own business experience. He stated that the CEPD attorney is wrong on this. The vote was called. Commissioners Holzheimer, Kaiser, Boyle voted against the motion. Commissioners Mullins voted for the motion. The motion failed.

Ms. Rooker said that the Commissioners and the public can always come into the CEPD office and view the records, although she must be there as the Custodian. Commissioners Mullins said that this was even a greater risk than what he is proposing since Ms. Rooker is not going to stand over the person's shoulder. Therefore CEPD is at risk that they change something. Ms.

Rooker said that staying with the person is part of the responsibility of being Custodian of Records. Commissioner Mullins replied that this is not practical. The Commissioners agreed that Commissioner Mullins would write a letter to CEPD's attorney asking for an opinion of counsel on this matter. They also agreed that the email problem must be fixed. Chairman Boyle suggested that perhaps it was time to bring in experts other than CEPD's webmaster. Commissioner Mullins talked about a previous plan to go to the "professional" version of email but this had not happened.

Commissioner Mullins brought up a concern that the change of the Board Briefing date from January 5 to January 6 violated the Rules of Procedure because the Board had not approved it. Chairman Boyle read the December 22 email announcing the change. He held up the News-Press Notice of Public Meetings which included the January 6 Briefing Meeting date, the posted schedule, and two other emails notifying Commissioners of the January 6<sup>th</sup> date. Commissioner Mullins said Chairman Boyle did not have to read the other emails. Commissioner Mullins said these are the kinds of safety net issues that he has talked about in the past; that Commissioners should not just trust the people in the trenches to catch problems; and the way they get handled is having somebody overseeing them. Chairman Boyle apologized for the procedural error.

Commissioner Mullins said he had asked that every CEPD public meeting, including Board Briefing Meetings, be recorded and that they be sent to him. He asked whether the Commissioners and Ms. Rooker remembered this request. Chairman Boyle responded that Ms. Rooker had brought this request to his attention and that the request for Board Briefing Recordings was outside the current policy that Commissioner Mullins had established when he was Chair, and he had checked with Nancy Stroud, who suggested that the current policy could be changed by a Board motion. Commissioner Mullins said he had never established such a policy, there was no standard operating procedure for this, and that when he was Chair, unless there was a request for the meeting to be recorded, it would not be recorded. He said there was no policy; it was a matter of practice. Commissioner Mullins continued that if a request is made for a recording, a recording must be provided. He said Chairman Boyle had received bad legal advice. Chairman Boyle said that from this point forward, every public meeting will be recorded as motion to that effect had passed earlier. He said that if the Board wants to make a motion now that emergency meetings also are recorded, he would entertain a motion now. Commissioners Mullins and Holzheimer said a motion was not necessary; it was already done. Chairman Boyle explained his reasons why Board Briefing Meetings had not been recorded in the past, although it was moot now.

#### **10. Adjourn**

Chairman Boyle adjourned the meeting at 4:22.

**Minutes of the Briefing Meeting of the Captiva Erosion Prevention District**  
11513 Andy Rosse Lane, Unit 4, Captiva, Florida  
January 12, 2012 @ 1PM

Commissioners Present: Jim Boyle (Chairman), Doris Holzheimer (Vice Chairman)

Consultants Present: Kathleen Rooker

1. Call to Order

Chairman Boyle called the meeting to order at 1:01PM.

2. Roll Call

The roll was called and the results are detailed above. A quorum was not present.

3. Interlocals

The Commissioners have not had much time to review the draft of the Captiva Island Interlocal Agreement that Steve Boutelle of Lee County has proposed in response to the draft sent to Lee County by the CEPD in December.

One immediate objection of the Commissioners was the cancellation clause. Lee County has added a term to the agreement that would enable either party to cancel the Agreement for any reason prior to opening of bids for construction by providing 30 days written notice. Since CEPD must depend on funding from Lee County in order to do the next beach nourishment project, such a cancellation by Lee County would jeopardize the entire project as well as funding from the DEP and the Federal government.

Commissioners questioned if there was a change in tone within the Agreement that differed from past Agreements due to the deletion of such phrases as "cooperate with the District" and "welfare of the County".

The Board will need more time to study the Agreement in much more detail.

Kathy Rooker advised the Commissioners that she had sent a copy to Senior Engineer Steve Keehn to look at and advise as to the technical details. Chairman Boyle would also like to share with District Counsel Nancy Stroud.

4. FEMA

Kathy Rooker advised the Commissioners that a technical report on the Red Fish Pass groin has been submitted to FEMA. The purpose was to serve as a supporting document concerning the cost to rebuild the groin after Hurricane Charley.

Meeting adjourned at 1:45PM

**Minutes of the Briefing Meeting of the Captiva Erosion Prevention District**  
11513 Andy Rosse Lane, Unit 4, Captiva, Florida  
January 26, 2012 @ 1PM

Commissioners Present: Jim Boyle (Chairman), Dave Jensen (Treasurer), Harry Kaiser (Secretary)

Consultants Present: Kathleen Rooker

1. Call to Order  
Chairman Boyle called the meeting to order at 1:05PM.
  
2. Roll Call  
The roll was called and the results are detailed above.
  
3. Interlocal Agreement for Captiva Beach Nourishment  
Chairman Boyle reported on his recent meeting with Steve Boutelle of Lee County Division of Natural Resources. Kathy Rooker also attended the meeting held at the Natural Resources offices in Fort Myers. The meeting's purpose was to discuss and clarify items that Lee County had added and deleted from the draft interlocal agreement that CEPD had submitted to Lee County for the next beach nourishment project.

Chairman Boyle explained items contained in the Lee County proposal that may be unacceptable to CEPD.

- Lee County has included a 30 day cancelation provision. Chairman Boyle explained that CEPD cannot commit to a \$20 million project if the County could cancel their cost share with 30 days notice.
- The Lee County proposal includes a reimbursement clause. In the past, Lee County provided their share of project funds up front. The new proposal would require CEPD to submit invoices for work that is complete, including documentation, and wait up to 30 days for the reimbursement. The Chairman explained that since CEPD does not have large cash flow reserves like the County to pay for large projects, it is dependent on receiving the Lee County share when the project begins.
- Lee County has removed the CEPD reference to receiving a minimum of \$8 million from Lee County for the project. The County will refer only to a formula that they have included in their draft of the ILA. This formula only directed 1.6% storm benefits for Lee County and provided no benefit to Lee County for protecting the County road. Chairman Boyle said that the formulas have not been updated since the 1980's and are out of date. The Chairman would like to see Lee County increase their responsibility for the storm protection the project provides for the road.

Commissioner Jensen pointed out that letting the beach erode back to the County road would cause an emergency as it once did in the 1980's. Commissioners agreed with Chairman Boyle's points of concern with the proposal Lee County presented.

Chairman Boyle shared with Commissioners that he told Steve Boutelle that these items were not acceptable. Steve Boutelle stated that they are policy issues and he did not have the authority to change them, only the Lee County Board of Commissioners could do so. He suggested that CEPD ask to be placed on the February agenda for the Lee County

Commissioners' Management and Planning meeting. Although the Lee County Commissioners cannot vote at this meeting, CEPD could explain to the Board why they objected to the terms of the ILA and request that the policy be changed. Chairman Boyle directed Steve Boutelle to put CEPD on the agenda. Subsequently, a few days later, CEPD was informed that Commissioner Manning would like to delay a presentation at the Management and Planning meeting. Commissioner Manning is scheduled to attend the March CEPD meeting and would like any CEPD presentation to the Lee County Board of Commissioners to occur after that date. Concerned with this development, Chairman Boyle shared that he had contacted Commissioner Manning's office and requested a meeting with the Commissioner. No date has yet to be set.

The Chairman shared that CEPD has not received a response from the City of Sanibel concerning the draft ILA sent to them in late December. He suggested that the change order for Blind Pass maintenance may be a factor in this delay and that perhaps Lee County and the City do not want sand placed on North Sanibel. This could change the dynamics and responsibilities under the terms of the existing interlocal agreement. Commissioner Kaiser and Commissioner Jensen agreed that Chairman Boyle should explore with Lee County the possibility of this concern and ILA options.

4. February Meeting Date

Kathy Rooker shared with Commissioners a request from Commissioner Holzheimer to change the February meeting date from February 8 to February 15 in order to allow her to attend the meeting. Commissioners were unable to do this per the Rules of Procedure. A change to the regular meeting date would need to be approved by the Board. Since the meeting date to do this had already passed on January 11<sup>th</sup>, the request could not receive consideration.

5. Commissioner Kaiser and Kathy Rooker updated Commissioners on progress of the Welcome to Captiva sign. Kathy met with Lee County DOT and also Parks and Recreation. The sign design will be sent to Barbara Manzo of Parks and Recreation for approval. It was suggested that Walsh Landscaping be contacted to develop a landscaping plan that would complement the sign.

Meeting adjourned at 1:57PM.

Minutes of the Briefing Meeting of the Captiva Erosion Prevention District

11513 Andy Rosse Lane, Unit 4, Captiva, Florida  
February 9, 2012 @ 1PM

Commissioners Present: Jim Boyle, Chairman; Doris Holzheimer, Vice Chair; Dave Jensen, Treasurer

Consultant Present: Kathleen Rooker

1. Call To Order

Chairman Boyle called the meeting to order at 1:04PM

2. Roll Call

The roll was called and the results are detailed above.

3. Blind Pass Update

Kathy Rooker provided an update to Commissioners on the status of Blind Pass from information she received at a Coastal Advisory Committee Meeting from Robert Neal of the Lee County Division of Natural Resources. Robert has requested a change order that would enable the dredge from the Fort Myers Beach project to provide dredging services at Blind Pass. This would reduce the mobilization costs. The Lee County Board of Commissioners will meet in early March to consider if the work needs to be done and if so the funding for the project. If the project does move forward, work could begin one week after Easter. The work would take 3-5 months and be complete no later than November.

4. Update on Interlocal Agreement Progress

Blind Pass

Chairman Boyle described his February 1<sup>st</sup> meeting with Steve Boutelle which was also attended by Kathy Rooker. During that meeting, Chairman Boyle commented to Steve Boutelle that he thought Lee County was concerned that placing sand on the north end of Sanibel would worsen the infilling of Blind Pass. Steve Boutelle agreed there was that concern.

During the February 1<sup>st</sup> meeting, Chairman Boyle provided Steve Boutelle a document of discussion points that may provide a solution to the concern. The document was for discussion purposes only and was shared with CEPD Commissioners as part of their briefing meeting packet. Included in the discussion points was a proposal for CEPD to contribute 33% of the cost of the next maintenance dredging of Blind Pass (after DEP contribution) if Lee County would take over the responsibility for the placement of mitigative sand on north Sanibel per the 2000 Interlocal Agreement. A new agreement between Sanibel, Lee County and CEPD would allow sand to be placed on Bowman's Beach, away from Blind Pass. In doing so, all obligations to north Sanibel should be considered complete.

Steve Boutelle reacted favorably to the discussion points. He commented that Lee County and the CEPD should not be obligated to Sanibel after the agreement expires in 2015. Steve agreed to follow up with Lee County and the City of Sanibel concerning the points proposed by the CEPD.

Chairman Boyle continued with a report on his recent meeting with Commission Manning. At that meeting, the Blind Pass discussion points were also shared. Commissioner Manning was attentive, took notes and was appreciative of the proposal. He will meet with his staff.

#### Captiva Interlocal Agreement

Commissioners discussed three terms of the proposed interlocal agreement between Lee County and CEPD for the nourishment of Captiva that CEPD could not accept. Since Steve Boutelle reported on Feb. 1 that these were policy issues he could not deal with, Chairman Boyle brought them to the attention of Commissioner Manning. The cancelation clause, the outdated cost sharing formula, and a reimbursement clause were unacceptable to CEPD. For cash flow purposes, CEPD would need the county share up front. CEPD would not wish to enter into a \$20 million contract with the possibility that the County could cancel their obligation. Finally, the outdated cost sharing formula did not take into account the bed tax revenues that Captiva provides to Lee County. Jim Boyle suggested a cost sharing formula with a 50/50 split or something similar that appreciates the contribution that Captiva makes to the Lee County revenue stream.

#### 5. Draft of Winter Newsletter

A draft of the winter newsletter was distributed and explained. Commissioners liked the newsletter.

#### 6. Legislative Update

Kathy Rooker updated Commissioners on the State Legislative Regular Session which was at the midway mark. The Senate Sub Committee on Appropriations included the Captiva Project in their funding. It was also included in the House Budget. Senator Richter and Representative Aubuchon were helpful in getting Captiva's project into the budget. Debbie Flack is increasingly confident the Captiva project will be funded.

#### 7. Annual Audit of Financial Statements

The draft of the MDA and audited financial statements are available for Commissioners to review. Kathy Rooker will send an electronic copy to all Commissioners.

#### 8. Accounting Fees

Commissioners read a letter from CEPD accountant JoAnn Paul-Young requesting an increase in hourly fees. There had been no increase in fees for two years. Commissioners were pleased with the work performed by Ms. Paul-Young. Commissioners asked Kathy Rooker to verify that the budget would not be negatively impacted by an increase and to report back at the next briefing meeting.

#### 9. Commissioner Comments

Chairman Boyle shared a letter that had been prepared thanking Commissioner Judah and Sanibel Vice Mayor Mick Denham for their work on behalf of water quality. Commissioners commented that the letter was well written and should be sent.

Commissioner Jensen discussed a water quality meeting he recently attended with Lee County officials and Paul McCarthy concerning erosion at the east end of Andy Rosse Lane.

Commissioner Holzheimer commented that her Google Docs is temporarily out of order.

Meeting adjourned 2:30pm

Minutes of the Briefing Meeting of the Captiva Erosion Prevention District

11513 Andy Rosse Lane, Unit 4, Captiva, Florida  
February 23, 2012

Commissioners Present: Jim Boyle, Chairman; Doris Holzheimer, Vice Chairman;  
Dave Jensen, Treasurer; Mike Mullins

Consultant Present: Kathy Rooker

1. Call to Order  
Chairman Boyle called the meeting to order at 1:05PM.
2. Roll Call  
The Roll was called and the results are detailed above.
3. Legislative Update  
Chairman Boyle updated commissioners on the legislative funding including federal, state, and local.

Federal Funding: Representative Connie Mack's office shared with Chairman Boyle that there had been pressure in DC to spend the federal dollars on states other than on Florida beach nourishment construction projects since Florida had received many dollars in last year's budget. Mack's staff is not sure if this truly is the reasoning why Captiva did not get into the budget this year but according to staffer Carol Walker, they will pursue the following to assist Captiva:

- a) Reverse the funds to Captiva
- b) See if another project is not ready and move those funds to the Captiva project.
- c) Examine funding similar to earmarks.

Ms. Walker mentioned that the lack of public access on Captiva makes it more difficult to get federal funding. Chairman Boyle explained to Ms. Walker the impact of two very large public resorts with beach access on Captiva that drive the Lee County economy. Commissioner Mullins suggested sharing the Captiva Beach Economic Study by Dr. Stronge with Congressman Mack's office.

State Funding:

The Florida Senate has approved their budget. During the next 2 weeks the House and Senate representatives will meet together in Committee to agree on one budget to go to the Governor.

Lee County Funding:

Chairman Boyle described several meetings he has had with Steve Boutelle and a meeting with Lee County Commissioner John Manning on the draft of

an Interlocal Agreement for Lee County cost sharing of the next beach nourishment project. There are three policy points that are unacceptable to Chairman Boyle and they include a cancelation clause, reimbursement rather than upfront funding, and an outdated funding formula. Chairman Boyle explained to Commissioner Manning that lack of a revenue stream requires CEPD to have up front funding of the Lee County cost share. Chairman Boyle suggested to Commissioner Manning a 50/50 cost share with Lee County. Additionally, Chairman Boyle discussed the storm protection benefits provided to the Lee County road along the Tween Waters stretch. CEPD has not heard back from Commissioner Manning. Chairman Boyle suggested that Lee County might be waiting to see the results of the state budget funding for Captiva. Commissioner Mullins commented that he feels it was a mistake in the 1990s to use a TDC funding formula instead of assessment to Lee County for the county road protection. He commented on an adjudication process for assessing Lee County.

Blind Pass and Sanibel Island:

Chairman Boyle has not heard back from Sanibel concerning a draft interlocal for putting sand on north Sanibel. He has heard there is concern that putting sand on north Sanibel would put sand back into Blind Pass. Steve Boutelle confirmed that this is a concern. Chairman Boyle told Steve Boutelle that CEPD would be willing to consider putting the dredged sand on Bowman's Beach if there was equal footing of Sanibel, Lee County, and CEPD each sharing one third of the cost. Additionally, in return, CEPD would like control of the Turner Beach parking lot on the Captiva side and to no longer have any responsibility to put sand on north Sanibel through 2021. Commissioner Mullins commented that CEPD should be prepared to explain to Captivans why we would put sand on Sanibel.

4. Accounting Fees  
Commissioners agreed to the hourly increase of accounting fees beginning in February from the current rate of \$40 an hour to \$44 an hour.
5. Commissioner Comments  
Commissioners discussed the status of current erosion on Captiva. They agreed to install several posts along the beach to be used as a camera stand. Periodically, a picture will be taken at high tide at each of the stands. Commissioner Jensen volunteered to work with Administrator Rooker on the project.
6. The Request for Qualifications for Engineering Services Committee met.  
Commissioner Mullins excused himself from the meeting, as he was not a member of the Committee. Ms. Rooker distributed the submittals, evaluation forms, and a spreadsheet of notes she has compiled from the materials submitted. Committee members Dave Jensen and Doris Holzheimer will

examine in greater depth the submittals and spread sheet. They will then complete an evaluation sheet to be discussed at the next briefing meeting.

Meeting adjourned at 2:16PM

CEPD - CAPITAL FUND  
 Budget Performance - Summary  
 For the One and Five Months Ended February 29, 2012

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Actual - Feb '12	Budget - Feb '12	Variance - Feb '12	Actual YTD	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense								
Income								
Ad Valorem Tax	17,180.58	30,475.00	(13,294.42)	309,713.80	300,996.00	8,717.80	342,426.00	32,712.20
Interest income - Other	3.20	0.00	3.20	4.29	0.00	4.29	0.00	0.00
Other Income	200.00	100.00	100.00	3,616.48	2,893.00	723.48	3,893.00	276.52
Total Income	<u>17,383.78</u>	<u>30,575.00</u>	<u>(13,191.22)</u>	<u>313,334.57</u>	<u>303,889.00</u>	<u>9,445.57</u>	<u>346,319.00</u>	<u>32,988.72</u>
Gross Profit	17,383.78	30,575.00	(13,191.22)	313,334.57	303,889.00	9,445.57	346,319.00	32,988.72
Expense								
Administrative expenses	3,949.45	5,159.00	(1,209.55)	20,219.75	26,151.00	(5,931.25)	62,300.00	42,080.25
Capital outlay	819.99	0.00	819.99	1,763.59	8,000.00	(6,236.41)	30,000.00	28,236.41
Reserves	0.00	0.00	0.00	0.00	0.00	0.00	75,000.00	75,000.00
Cost of collecting Ad Valorem	343.61	350.00	(6.39)	9,056.61	8,825.00	231.61	9,400.00	343.39
Legal and professional fees	12,333.95	14,135.00	(1,801.05)	66,911.22	70,676.00	(3,764.78)	169,619.00	102,707.78
Total Expense	<u>17,447.00</u>	<u>19,644.00</u>	<u>(2,197.00)</u>	<u>97,951.17</u>	<u>113,652.00</u>	<u>(15,700.83)</u>	<u>346,319.00</u>	<u>248,367.83</u>
Net Ordinary Income	<u>(63.22)</u>	<u>10,931.00</u>	<u>(10,994.22)</u>	<u>215,383.40</u>	<u>190,237.00</u>	<u>25,146.40</u>	<u>0.00</u>	<u>(215,379.11)</u>
Net Income	<u>(63.22)</u>	<u>10,931.00</u>	<u>(10,994.22)</u>	<u>215,383.40</u>	<u>190,237.00</u>	<u>25,146.40</u>	<u>0.00</u>	<u>(215,379.11)</u>

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

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Actual - Feb '12	Budget - Feb '12	Variance - Feb '12	Actual YTD	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense								
Income								
Ad Valorem Tax								
Ad Valorem taxes	17,179.83	30,475.00	(13,295.17)	309,638.74	300,996.00	8,642.74	342,426.00	32,787.26
Ad Valorem penalties collected	0.75	0.00	0.75	75.06	0.00	75.06	0.00	0.00
Total Ad Valorem Tax	17,180.58	30,475.00	(13,294.42)	309,713.80	300,996.00	8,717.80	342,426.00	32,787.26
Interest income - Other	3.20	0.00	3.20	4.29	0.00	4.29	0.00	0.00
Other Income	200.00	100.00	100.00	3,616.48	2,893.00	723.48	3,893.00	276.52
Total Income	17,383.78	30,575.00	(13,191.22)	313,334.57	303,889.00	9,445.57	346,319.00	33,063.78
Gross Profit	17,383.78	30,575.00	(13,191.22)	313,334.57	303,889.00	9,445.57	346,319.00	33,063.78
Expense								
Administrative expenses								
Advertising	0.00	0.00	0.00	1,325.30	3,000.00	(1,674.70)	3,000.00	1,674.70
Board meeting expenses	0.00	100.00	(100.00)	24.01	500.00	(475.99)	1,200.00	1,175.99
Copier lease expense	1,077.46	250.00	827.46	1,690.86	1,250.00	440.86	3,000.00	1,309.14
Dues and subscriptions	0.00	0.00	0.00	500.00	950.00	(450.00)	2,000.00	1,500.00
General insurance	27.00	0.00	27.00	1,884.50	1,900.00	(15.50)	7,600.00	5,715.50
Newsletter expense	239.65	2,100.00	(1,860.35)	239.65	2,100.00	(1,860.35)	4,200.00	3,960.35
Office expense	399.98	432.00	(32.02)	1,095.20	2,140.00	(1,044.80)	5,000.00	3,904.80
Postage	5.75	0.00	5.75	176.88	36.00	140.88	500.00	323.12
Rent expense	1,386.45	1,425.00	(38.55)	6,932.25	7,125.00	(192.75)	17,100.00	10,167.75
Repairs	0.00	160.00	(160.00)	845.00	820.00	25.00	2,000.00	1,155.00
Telephone	274.16	283.00	(8.84)	1,363.83	1,416.00	(52.17)	3,400.00	2,036.17
Travel and per diem	0.00	15.00	(15.00)	1,235.05	1,208.00	27.05	8,000.00	6,764.95
Utilities	111.50	147.00	(35.50)	623.44	579.00	44.44	1,600.00	976.56
Website & Computer maintenance	427.50	247.00	180.50	2,283.78	3,127.00	(843.22)	3,700.00	1,416.22
Total Administrative expenses	3,949.45	5,159.00	(1,209.55)	20,219.75	26,151.00	(5,931.25)	62,300.00	42,080.25
Capital outlay								
Equipment purchases	819.99	0.00	819.99	1,763.59	8,000.00	(6,236.41)	30,000.00	28,236.41
Total Capital outlay	819.99	0.00	819.99	1,763.59	8,000.00	(6,236.41)	30,000.00	28,236.41
Reserves								
Operating Reserves	0.00	0.00	0.00	0.00	0.00	0.00	75,000.00	75,000.00
Total Reserves	0.00	0.00	0.00	0.00	0.00	0.00	75,000.00	75,000.00
Cost of collecting Ad Valorem								
Property tax appraiser fees	0.00	0.00	0.00	2,860.82	3,000.00	(139.18)	3,000.00	139.18
Tax collector commissions	343.61	350.00	(6.39)	6,195.79	5,825.00	370.79	6,400.00	204.21
Total Cost of collecting Ad Valorem	343.61	350.00	(6.39)	9,056.61	8,825.00	231.61	9,400.00	343.39
Consulting and Professional Fees								
Consulting	9,685.61	9,452.00	233.61	50,480.38	47,259.00	3,221.38	113,419.00	62,938.62
Professional Fees	2,648.34	4,683.00	(2,034.66)	16,430.84	23,417.00	(6,986.16)	56,200.00	39,769.16
Total Legal and professional fees	12,333.95	14,135.00	(1,801.05)	66,911.22	70,676.00	(3,764.78)	169,619.00	102,707.78
Total Expense	17,447.00	19,644.00	(2,197.00)	97,951.17	113,652.00	(15,700.83)	346,319.00	248,367.83
Net Ordinary Income	(63.22)	10,931.00	(10,994.22)	215,383.40	190,237.00	25,146.40	0.00	(215,304.05)
Net Income	(63.22)	10,931.00	(10,994.22)	215,383.40	190,237.00	25,146.40	0.00	(215,304.05)

CAPTIVA EROSION PREVENTION DISTRICT  
CAPITAL PROJECTS  
BUDGET PERFORMANCE - SUMMARY  
For the One and Five Months Ended February 29, 2012

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Actual - Feb '12	Budget - Feb '12	Variance - Feb '12	YTD Actual	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense								
Income								
Interest Income	5.41	300.00	(294.59)	173.89	1,500.00	(1,326.11)	3,600.00	3,426.11
Other miscellaneous revenue	0.00	0.00	0.00	4,048.75	0.00	4,048.75	0.00	0.00
Parking lot revenue	16,507.11	12,800.00	3,707.11	65,367.30	49,600.00	15,767.30	160,000.00	94,632.70
Grant Income	31,200.00	0.00	31,200.00	57,837.03	0.00	57,837.03	52,043.00	0.00
Reserves - General	0.00	0.00	0.00	0.00	0.00	0.00	75,000.00	75,000.00
Total Special Assessments	15,643.75	32,926.00	(17,282.25)	409,823.96	369,966.00	39,857.96	471,831.00	60,569.04
<b>Total Income</b>	<b>63,356.27</b>	<b>46,026.00</b>	<b>17,330.27</b>	<b>537,250.93</b>	<b>421,066.00</b>	<b>116,184.93</b>	<b>762,474.00</b>	<b>233,627.85</b>
Expense		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Advertising	61.20	0.00	61.20	61.20	4,000.00	(3,938.80)	4,000.00	3,938.80
Annual memberships & fees	0.00	83.00	(83.00)	0.00	417.00	(417.00)	1,000.00	1,000.00
Bank service charges	144.49	0.00	144.49	144.49	0.00	144.49	0.00	0.00
Beach maintenance	0.00	0.00	0.00	0.00	0.00	0.00	45,523.00	45,523.00
Blind Pass project	11,620.66	11,380.00	240.66	13,070.66	45,523.00	(32,452.34)	0.00	0.00
Cost of Assessment Collections	0.00	126.00	(126.00)	1,032.53	1,395.00	(362.47)	1,800.00	767.47
Engineering (CP)	3,607.90	0.00	3,607.90	3,607.90	20,671.00	(17,063.10)	48,793.00	45,185.10
Insurance	0.00	0.00	0.00	10,991.00	10,800.00	191.00	10,800.00	0.00
Parking lot expenses	6,292.01	1,644.00	4,648.01	24,485.86	18,968.00	5,517.86	57,184.00	35,746.14
Project Management Support	6,207.94	6,447.00	(239.06)	42,511.99	87,008.00	(44,496.01)	153,360.00	113,441.76
Renourishment 2013/14 Design Phase	0.00	14,193.00	(14,193.00)	71,575.35	70,964.00	611.35	170,320.00	98,744.65
Rent	340.35	450.00	(109.65)	1,654.77	2,250.00	(595.23)	5,400.00	3,745.23
Storage of records	159.00	159.00	0.00	804.54	796.00	8.54	1,910.00	1,105.46
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>28,433.55</b>	<b>34,482.00</b>	<b>(6,048.45)</b>	<b>169,940.29</b>	<b>265,792.00</b>	<b>(95,851.71)</b>	<b>503,090.00</b>	<b>352,197.61</b>
<b>Net Ordinary Income (Loss)</b>	<b>34,922.72</b>	<b>11,544.00</b>	<b>23,378.72</b>	<b>367,310.64</b>	<b>155,274.00</b>	<b>212,036.64</b>	<b>259,384.00</b>	<b>(97,726.76)</b>
<b>Net Income</b>	<b>34,922.72</b>	<b>11,544.00</b>	<b>23,378.72</b>	<b>367,310.64</b>	<b>155,274.00</b>	<b>212,036.64</b>	<b>259,384.00</b>	<b>(97,726.76)</b>

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

CAPTIVA EROSION PREVENTION DISTRICT  
CAPITAL PROJECTS  
BUDGET PERFORMANCE- DETAIL  
For the One and Five Months Ended February 29, 2012

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Actual - Feb '12	Budget - Feb '12	Variance - Feb '12	YTD Actual	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense								
Income								
Interest Income	5.41	300.00	(294.59)	173.89	1,500.00	(1,326.11)	3,600.00	3,426.11
Other miscellaneous revenue	0.00	0.00	0.00	4,048.75	0.00	4,048.75	0.00	0.00
Parking lot revenue	16,507.11	12,800.00	3,707.11	65,367.30	49,600.00	15,767.30	160,000.00	94,632.70
Grant Income - Local	31,200.00	0.00	31,200.00	31,200.00	0.00	31,200.00	52,043.00	20,843.00
Grant Income - State	0.00	0.00	0.00	26,637.03	0.00	26,637.03	0.00	0.00
Reserves - General	0.00	0.00	0.00	0.00	0.00	0.00	75,000.00	75,000.00
Special Assessments								
Special Assessments Principal	13,458.50	27,660.00	(14,201.50)	354,062.92	310,799.00	43,263.92	396,373.00	42,310.08
Special Assessments - Interest	2,185.25	5,266.00	(3,080.75)	57,199.04	59,167.00	(1,967.96)	75,458.00	18,258.96
Special Assessments - Refunds	0.00	0.00	0.00	(1,438.00)	0.00	(1,438.00)	0.00	0.00
Total Special Assessments	15,643.75	32,926.00	(17,282.25)	409,823.96	369,966.00	39,857.96	471,831.00	60,569.04
Total Income	63,356.27	46,026.00	17,330.27	537,250.93	421,066.00	116,184.93	762,474.00	254,470.85
Expense								
Advertising	61.20	0.00	61.20	61.20	4,000.00	(3,938.80)	4,000.00	3,938.80
Annual memberships & fees	0.00	83.00	(83.00)	0.00	417.00	(417.00)	1,000.00	1,000.00
Bank service charges	144.49	0.00	144.49	144.49	0.00	144.49	0.00	0.00
Beach maintenance								
Engineering - Monitoring	0.00	0.00	0.00	0.00	0.00	0.00	45,523.00	45,523.00
Tilling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Beach maintenance	0.00	0.00	0.00	0.00	0.00	0.00	45,523.00	45,523.00
Blind Pass project	11,620.66	11,380.00	240.66	13,070.66	45,523.00	(32,452.34)	0.00	0.00
Cost of Assessment Collections	0.00	126.00	(126.00)	1,032.53	1,395.00	(362.47)	1,800.00	767.47
Engineering (CP)	3,607.90	0.00	3,607.90	3,607.90	20,671.00	(17,063.10)	48,793.00	45,185.10
Insurance	0.00	0.00	0.00	10,991.00	10,800.00	191.00	10,800.00	0.00
Parking lot expenses								
Mobi Mat and Bench	0.00	0.00	0.00	8,298.00	5,250.00	3,048.00	5,250.00	0.00
Parking Lot Machine	4,623.00	0.00	4,623.00	4,623.00	0.00	4,623.00	20,000.00	15,377.00
Parking maintenance	945.65	233.00	712.65	5,279.88	6,941.00	(1,661.12)	16,000.00	10,720.12
Portable toilets	0.00	675.00	(675.00)	2,787.96	3,925.00	(1,137.04)	6,734.00	3,946.04
Sales tax expense	723.36	736.00	(12.64)	3,497.02	2,852.00	645.02	9,200.00	5,702.98
Total Parking lot expenses	6,292.01	1,644.00	4,648.01	24,485.86	18,968.00	5,517.86	57,184.00	35,746.14
Project Management Support								
Professional Fees	1,650.00	2,000.00	(350.00)	16,162.72	64,775.00	(48,612.28)	100,000.00	83,837.28
Project Consultant	4,557.94	4,447.00	110.94	23,755.52	22,233.00	1,522.52	53,360.00	29,604.48
Project Manual	0.00	0.00	0.00	2,593.75	0.00	2,593.75	0.00	0.00
Total Project Management Support	6,207.94	6,447.00	(239.06)	42,511.99	87,008.00	(44,496.01)	153,360.00	113,441.76
Renourishment 2013/14 Design Phase								
Captiva Biological Assessment	0.00	1,611.00	(1,611.00)	0.00	8,057.00	(8,057.00)	19,336.00	19,336.00
Expand Borrow Area Plans	0.00	1,605.00	(1,605.00)	11,556.00	8,025.00	3,531.00	19,260.00	7,704.00
Long Range Plan Update	0.00	450.00	(450.00)	0.00	2,250.00	(2,250.00)	5,400.00	5,400.00

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

CAPTIVA EROSION PREVENTION DISTRICT  
 CAPITAL PROJECTS  
 BUDGET PERFORMANCE- DETAIL  
 For the One and Five Months Ended February 29, 2012

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Actual - Feb '12	Budget - Feb '12	Variance - Feb '12	YTD Actual	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Permit - Pipeline Corridor Expns	0.00	4,400.00	(4,400.00)	23,757.75	21,995.00	1,762.75	52,795.00	29,037.25
Prelim Plans/Permits/FDEP NTP	0.00	4,978.00	(4,978.00)	36,261.60	24,890.00	11,371.60	59,736.00	23,474.40
Update Comprehensive Plan	0.00	1,149.00	(1,149.00)	0.00	5,747.00	(5,747.00)	13,793.00	13,793.00
Total Renourishment 2013/14 Design Phase	0.00	14,193.00	(14,193.00)	71,575.35	70,964.00	611.35	170,320.00	98,744.65
Rent	340.35	450.00	(109.65)	1,654.77	2,250.00	(595.23)	5,400.00	3,745.23
Storage of records	159.00	159.00	0.00	804.54	796.00	8.54	1,910.00	1,105.46
Website Development	0.00	0.00	0.00	0.00	3,000.00	(3,000.00)	3,000.00	3,000.00
Total Expense	28,433.55	34,482.00	(6,048.45)	169,940.29	265,792.00	(95,851.71)	503,090.00	352,197.61
Net Ordinary Income (Loss)	34,922.72	11,544.00	23,378.72	367,310.64	155,274.00	212,036.64	259,384.00	(97,726.76)
Net Income	34,922.72	11,544.00	23,378.72	367,310.64	155,274.00	212,036.64	259,384.00	(97,726.76)

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

CAPTIVA EROSION PREVENTION DISTRICT  
RESERVE ACCUMULATIONS  
FISCAL YEAR ENDING 9/30/2012

	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12
<b>Beginning Balance</b>	\$ 382,607	\$ 390,434	\$ 398,673	\$ 397,545	\$ 401,879	\$ 411,389	\$ 411,389	\$ 411,389	\$ 411,389	\$ 411,389	\$ 411,389	\$ 411,389
<b>Reserves Transferred In</b>												
Parking Revenue	11,587	12,514	12,286	12,474	16,507							
Operating Reserves	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Reserves Transferred In</b>	11,587	12,514	12,286	12,474	16,507	-	-	-	-	-	-	-
<b>NonProject Costs Expended</b>												
Advertising	-	-	-	-	61							
Bank service charges	-	-	-	-	144							
Insurance	-	-	10,991	-	-							
Parking Lot Expenses	2,154	2,726	1,491	7,673	6,292							
Project Manual	1,063	1,062	469	-	-							
Rent	384	328	294	307	340							
Storage of records	159	159	169	159	159							
<b>Total NonProject Costs Expended</b>	3,760	4,275	13,414	8,140	6,997	-	-	-	-	-	-	-
<b>Increase (Decrease) in Reserves</b>	7,827	8,239	(1,128)	4,334	9,510	-	-	-	-	-	-	-
<b>Total Accumulated Reserves</b>	\$ 390,434	\$ 398,673	\$ 397,545	\$ 401,879	\$ 411,389	\$ 411,389	\$ 411,389	\$ 411,389	\$ 411,389	\$ 411,389	\$ 411,389	\$ 411,389

**Minutes of the Briefing Meeting of the Captiva Erosion Prevention District**  
11513 Andy Rosse Lane, Unit 4, Captiva, Florida  
December 8, 2011 @ 1PM

Commissioners Present: Mike Mullins (Chairman), Dave Jensen (Secretary) and Jim Boyle

Consultants Present: Kathleen Rooker

**I. Call to Order**

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

**II. Roll Call**

The roll was called and the results are detailed above.

**III. Interlocals**

The Board discussed three drafts of interlocals. One draft was for the beach nourishment of north Sanibel Island and Captiva Island combined, the second draft was for the nourishment of Captiva only, and the last interlocal was for the nourishment of north Sanibel.

Members decided to use two of the draft interlocals. There would be one interlocal for Captiva and a separate interlocal for north Sanibel. The administrator was asked to forward these to board attorney, Nancy Stroud for her comment.

Mrs. Rooker was asked to contact Lee County Manager, Karen Hawes, to request a written statement for the County confirming that all obligations of the last beach nourishment interlocal had been met.

**Minutes of the Briefing Meeting of the Captiva Erosion Prevention District**  
11513 Andy Rosse Lane, Unit 4, Captiva, Florida  
December 15, 2011 @ 1pm

Commissioners Present: Jim Boyle (Chairman), Dave Jensen, and Mike Mullins

Consultants Present: Kathleen Rooker

1. Call to Order  
Chairman Boyle called the meeting to order at 1PM.
2. Roll Call  
The roll was taken and the results are detailed above.
3. FEMA  
Kathy Rooker reported that the FEMA closeout meeting was held at 8AM on December 15, 2011. The meeting was very positive. FEMA requested one additional closing document. Since the actual damage to the Red Fish Pass groin was more extensive and incurred greater cost than originally estimated in 2004, FEMA will need the CEPD engineer to provide additional details of the damage to the groin and costs associated with the extended damage.
4. Request from Commissioner Manning's office  
Commissioner's reviewed the email request from Nan Gonzalez, Executive Assistant to Lee County Commissioner John Manning. Commissioner Manning's office requested a copy of the December 14, 2011 CEPD Board Meeting agenda, back up materials, and minutes. Discussion took place concerning the meaning of back up materials. Commissioner Mullins' position was that back up materials did not mean the request was for the entire board meeting packet. Chairman Boyle's thoughts were that sending the entire board meeting packet was the best way to accommodate the request. Chairman Boyle asked Kathy Rooker to send Nan Gonzalez the entire Board meeting packet from December 14, 2011.
5. Citizen Committee  
Dave Jensen and Kathy Rooker will coordinate a citizen committee to empower Captivans to engage in conversation with Lee County decision makers in an effort to increase the contribution Lee County makes to beach nourishment projects on Captiva.

Meeting adjourned at 2:15PM



Kathleen Rooker &lt;mycepd8@gmail.com&gt;

## Draft of Briefing Meeting Minutes 12.15.11

Michael C. Mullins &lt;mycepd3@gmail.com&gt;

Tue, Jan 10, 2012 at 9:15 PM

To: Kathleen Rooker &lt;mycepd8@gmail.com&gt;

Cc: CEPD &lt;mycepd@gmail.com&gt;

I wish to have clarified the sentence\* quoted in the last sentence of this paragraph. This comes from the minutes of the December 15 Briefing meeting. As well, the summation of the meeting is also in need of clarification. To my knowledge, Chairperson Boyle's decision(s) occurred outside of the context of the meeting. \* "Commissioner Mullins' position was that back up materials did not mean the request was for the entire board meeting packet. "

The sentence I quoted above does not adequately or accurately reflect Commissioner Mullins' position. In particular, it was discussed by Chairperson Boyle and Ms. Rooker that certain materials, such as the ILA presently being negotiated with Lee County could legally be considered "confidential" and NOT public records for transmission outside the CEPD since a contract negotiation with Lee County is underway. The argument, which Boyle suggested Kathy Rooker alluded to in an earlier separate discussion ( in which Mullins was neither invited nor present), seemed to specifically relate to the ILA between Lee County and CEPD. As the ILA was a "contract under negotiation" it could easily and legally be protected via **confidentiality**. Pushing that point aside, Boyle indicated he felt all such data should be released, confidentiality notwithstanding, as (I'm paraphrasing,) "our credibility on the island **would** be jeopardized".

Mullins' position was that certain data being "protected via confidentiality" was a valid reading of public records/sunshine laws and should be legitimately considered for the ILA and some other data which has impact on the current negotiations underway. It was incumbent upon the CEPD to seriously consider such a "confidentiality perspective" re data which was being "loosely" requested. Mullins indicated that not considering such a legitimate perspective was rash and naive. Mullins indicated the attorney letter which had been obtained by Boyle and/or Rooker was sorely lacking and should not be followed literally, especially as it neglected to address this major fact of confidentiality. Therefore, Mullins' position was that this same concept which had been alluded to by Boyle and/or Rooker, that is, data under negotiation may be deemed "protected via confidentiality" argument ought to be considered for other data, not just the ILA terms. Such other data, as was in the December board meeting packet, should be carefully considered for its confidential nature before any further dissemination, especially in light of it possibly having influence or ramifications on the same "confidential" ILA negotiation.

The commissioners present were mixed on this matter, with Commissioner Jensen understanding the reasonableness of the various perspectives. In the end, Boyle, as Chair, asked for a vote of the Commissioners there present. Mullins suggested that no such vote could legally be taken at a Special meeting as it would violate the CEPD Rules of Procedure. Mullins suggested that if the Chairperson wished to take it upon himself to instruct that no data be kept confidential then he could choose to do so. However, such would have to be done absent a vote of the commissioners pursuant to Mullins' understanding of the Rules of Procedure. [ I do not recall that Mr. Boyle made any such decision on this matter while I was still in the room. ]

On a related matter, I have requested that an electronic recording be made of briefing meetings or special meetings and that I receive a copy of such electronic recordings of all such Special meetings and all Regular meetings. I have not gotten such copy of the recording or minutes of last Friday's meeting, which meeting I earlier indicted was not in accordance with the CEPD Rules. I expect a copy of the recording or

minutes on such matters as were discussed on Friday before being deliberated upon tomorrow.

Michael C. Mullins



Captiva Erosion Prevention District (CEPD)

1-877-OUR-CEPD, [239-472-2472](tel:239-472-2472)

[www.mycepd.com](http://www.mycepd.com), [Mycepd3@gmail.com](mailto:Mycepd3@gmail.com)

**Before Printing, Please think of our environment!**

"Florida has a very broad Public Records Law. Most written communications, email or otherwise both to and/or from State and Local Officials re State and/or Local business are public records available to the public and media upon public records requests. And are therefore subject to public disclosure."

[Quoted text hidden]

Robert Gray  
President  
Partners in Progress, Inc.  
118 Brighton Way  
Merrick, NY 11566

March 3, 2012

Board of Commissioners  
Captiva Erosion Prevention District  
11513 Andy Rosse Lane #3  
Captiva, FL 33924

Dear Commissioners,

Per the request that I received from Chairman Boyle, I am writing this letter to respectfully submit the following proposal of terms for an extension of the current outsourcing contracts between the Captiva Erosion Prevention District and Partners in Progress, Inc.:

- 1) Partners in Progress proposes the following fees for the period June 1, 2012 through December 31, 2013 to be billed on the same monthly basis as the current fee schedule:
  - a. For CEPD Administrative Services: \$210,000.00 (\$11,055.00/mo.)
  - b. For CEPD Project Services: \$ 100,000.00 (\$5,265.00/mo)

*19 mo. A*

The fee increase for the 19 month period covered by this proposal was calculated by applying the same 7.6% increase that was awarded by the CEPD Board to Partners in Progress, Inc. for the 12 month period beginning June 1, 2011 to the current fees for the first 12 months of the extension contract, then applying that same 7.6% increase to those fees for the last 7 months of the extension contract and adding 3.5% to the total.

Partners in Progress proposes the following fees for the optional contract extension period January 1, 2014 through December 31, 2014 to be billed on the same monthly basis as the current fee schedule:

- a. For CEPD Administrative Services: \$139,293.00 (\$11,607.75/mo.)
- b. For CEPD Project Services: \$ 66,339.00 (\$5,528.25/mo)

The fee increase for the 12 month optional contract extension period was calculated by determining what the effect of applying a 7.6% increase on June 1, 2014 would have on the total fees for the year, then dividing those total fees by 12.

- 2) Partners in Progress, Inc. proposes that the language in the Scope of Services for the Administrative Services Agreement be modified to reflect the following list of Administrative Processes (for which Standard Operating Procedures were developed) rather than the list of Administrative Processes that were included as part of the initial

agreement that was signed and were projections of the Administrative processes that the CEPD Commissioners thought the previous CEPD Administrator had been performing at the time that the initial agreement was signed.

- Parking Lot Visits – Meter Collection and Maintenance
  - Parking Lot Visits - Parking Lot Inspection
  - Parking Lot Visits – Parking Lot Receipts Deposit
  - Sales Tax Reporting and Payment
  - Physical Beach Inspection
  - Beach Clean Up Coordination
  - CEPD Official Business email Processing
  - Processing Incoming Telephone Calls
  - Processing Incoming Mail
  - Receiving Visitors at the CEPD Office
  - Official CEPD Calendar Maintenance
  - Ordering Supplies
  - Office Opening and Closing
  - Weekly Status Reporting
  - Distributing Holiday Cards
  - Managing Offsite Storage
  - Maintaining the CEPD Contact List
  - Non-Travel Expense Reimbursement
  - Travel Expense Reimbursement
  - Employee and Hourly Contractor Timesheet Submission
  - Maintaining Key and Password Security
  - Check Disbursement Support
  - Cash Receipts and Accounts Receivable Processing Support
  - Annual Third Party Audit Support
  - Financial Report Production Support
  - Monthly Bank Statement Reconciliation
  - Regular Board Meeting Support
  - Special Board Meeting and Emergency Board Meeting Support
  - Providing Administrative Assistance to CEPD Board Members
  - Supporting General Elections
  - Legal Coordination
  - Annual Budget Development Support
  - Annual Non Ad Valorum Tax Roll Processing Support
  - Ensuring Compliance with the Florida Public Deposits Program
  - Website Management
- 3) Partners in Progress, Inc. proposes that the language in the Scope of Services for the Project Services Agreement be modified to reflect a strategic planning process that

takes place on an annual basis, rather than the quarterly strategic planning process that was in effect at the time that the initial agreement was signed.

- 4) Partners in Progress, Inc. proposes that the language in both the Administrative Services Agreement and the Project Services Agreement in Section 2, "Retention of Consultant" subsection (c), sentence 3 be modified from "The CEPD Board also reserves the right to request, in writing, the termination of a particular individual assigned to serve as CEPD Administrator or administrative staff at any time during that individual's assignment to CEPD and the Consultant must comply with the request within 2 weeks of the request being made" to "The CEPD Board also reserves the right to request, in writing, the termination of a particular individual assigned to serve as CEPD Administrator or administrative staff at any time during that individual's assignment to CEPD and the Consultant must comply with the request within 2 weeks of the request being made with the exception of a Board request to terminate Kathleen Rooker. In the case of a request from the CEPD Board to terminate Kathleen Rooker, the Consultant must comply with the request within 6 weeks of the request being made."
- 5) Partners in Progress proposes that all the rest of the terms and conditions in the current outsourcing agreement remain the same.

I would welcome the opportunity to answer any questions about this proposal or discuss it in more detail.

Thank you for the opportunity to continue to share in the success engendered by the partnership between the CEPD and Partners in Progress, Inc.

Sincerely,

Robert Gray



**Captiva Erosion Prevention District**  
 Request for Qualifications Scoring Sheet  
 February 23, 2012

Name of Company: Coastal Engineering Services - CPE

<u>Criteria</u>	<u>Maximum Points That Can Be Awarded</u>	<u>Points Awarded</u>
a. Compliance with RFQ requirements and quality of submittal.	5	<u>5</u>
b. Experience with projects of similar size and scope, as outlined in the Scope of Services.	10	<u>10</u>
c. Project Team, including firm/individual education and work experience, reputation, and competence with work outlined in the Scope of Services.	10	<u>10</u>
d. Understanding of coastal analysis and modeling tools, the federal shore protection process, state and federal permitting associated with coastal engineering projects, state technical specifications and requirements regarding monitoring data, and offshore sand resource study.	10	<u>10</u>
e. Familiarity with the District and its ongoing beach nourishment program.	5	<u>5</u>
f. Previous professional services in Florida coastal regions.	10	<u>10</u>
g. Quality of past work performed for the District.	5	<u>5</u>
h. Current workload and availability of personnel and resources of the firm and ability to assimilate additional workload.	10	<u>10</u>
i. Ability to complete projects in a timely manner.	10	<u>10</u>
j. Ability to expedite permitting.	10	<u>90</u>
k. Ability to work with the District and regulatory agencies.	5	<u>5</u>
l. References.	<u>10</u>	<u>10</u>
Total	100	<u>100</u>

Scorers: Doris Holzheimer [Signature] Date: 3/1/12  
 Dave Jensen [Signature] Date: 3/1/12  
 Kathy Rooker [Signature] Date: 3/1/12



**Captiva Erosion Prevention District**  
Request for Qualifications Scoring Sheet  
February 23, 2012

Name of Company: Coastal Emergency Services - ATM

<u>Criteria</u>	<u>Maximum Points That Can Be Awarded</u>	<u>Points Awarded</u>
a. Compliance with RFQ requirements and quality of submittal.	5	<u>4</u>
b. Experience with projects of similar size and scope, as outlined in the Scope of Services.	10	<u>7</u>
c. Project Team, including firm/individual education and work experience, reputation, and competence with work outlined in the Scope of Services.	10	<u>7</u>
d. Understanding of coastal analysis and modeling tools, the federal shore protection process, state and federal permitting associated with coastal engineering projects, state technical specifications and requirements regarding monitoring data, and offshore sand resource study.	10	<u>10</u>
e. Familiarity with the District and its ongoing beach nourishment program.	5	<u>1</u>
f. Previous professional services in Florida coastal regions.	10	<u>10</u>
g. Quality of past work performed for the District.	5	<u>0 N/A</u>
h. Current workload and availability of personnel and resources of the firm and ability to assimilate additional workload.	10	<u>8</u>
i. Ability to complete projects in a timely manner.	10	<u>10</u>
j. Ability to expedite permitting.	10	<u>10</u>
k. Ability to work with the District and regulatory agencies.	5	<u>4 N/A CEA</u>
l. References.	<u>10</u>	<u>10</u>
Total	100	<u>81</u>

Scorers: Doris Holzheimer Doris Holzheimer Date: 3/1/12  
 Dave Jensen Dave Jensen Date: 3/1/12  
 Kathy Rooker Kathy Rooker Date: 3/1/12