



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

'Tween Waters Inn, Wakefield Room  
15951 Captiva Drive  
Captiva, Florida 33924

Wednesday May 11, 2011, 12:00PM

May 11, 2011 CEPD Regular Board Meeting  
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ISSUES with  
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## Agenda

### Regular Meeting of the Captiva Erosion Prevention District

15951 Captiva Drive, Wakefield Room, Captiva, Florida  
May 11, 2011 @ Noon

1. Call to Order
2. Roll Call
3. Approval of April Minutes
4. Public to be Heard
5. Financial Report
6. Report of the Senior Administrative Consultant
  - a) Welcome Commissioner John E. Manning, District 1, Lee County Board of County Commissioners
  - b) TDC Grant Workshop
  - c) PACE Visit
  - d) Preliminary Budget Workshop on June 8<sup>th</sup> at 10am
  - e) June Board Meeting on June 15, 2011 at Noon
  - f) Update on 99LE2 and 02LE2 DEP Grant Agreements
7. Old Business
  - a) 2005 Interlocal Agreement between Lee County and CEPD for Funding of Beach Nourishment – Chairman Mullins
  - b) FY11, FY12 and FY13 Financial Statements Audit Proposal
  - c) Florida Statute 161.141 Property Rights of State and Private Upland Owners in Beach Project Areas (Erosion Control Line)
  - d) CP&E/Shaw Group Contract Update
8. New Business  
Lee County Division of Natural Resources Blind Pass Ecozone Restoration Invoice # 1726
9. Commissioner Comments

Adjourn

## Minutes

**Regular Meeting of the  
Captiva Erosion Prevention District**  
15951 Captiva Drive, Captiva, Florida 33924  
April 13, 2011 @ Noon

Commissioners Present: Mike Mullins (Chairman); Dave Jensen (Treasurer); Harry Kaiser (Secretary); Rene Miville (Commissioner).

Absent: Doris Holzheimer (excused).

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

Lee County Staff Present: Douglas Meurer, Asst. County Manager; Steve Boutelle, Division of Natural Resources; Robert Neal, Division of Natural Resources.

### 1. Call to Order

The meeting was called to order by Commissioner Mullins at 12:10 p.m.

### 2. Roll Call

The roll was called and the results are outlined above. Mr. Mullins welcomed the visitors from the Lee County staff.

### 3. Approval of March Minutes

Mr. Kaiser moved and Mr. Jensen seconded a motion to dispense with the reading of the minutes from the March 10, 2011 meeting and approve them. The motion passed without dissent.

### 4. Public to be Heard

There were no comments from the public.

Mr. Mullins announced that Mr. Jensen asked to defer the financial report so that discussions that might involve issues the County staff might be interested in could take place early

### 6. Old Business – Report of the Senior Administrative Consultant

#### c) Blind Pass Update

Mr. Mullins reported that the reconciliation of funds with the Florida Department of Environmental Protection is still ongoing. He stated that the range that DEP is estimating is from \$400,000 and \$700,000. He also said that the DEP is missing some information that brings the amount closer to \$400,000 or less.

Mr. Mullins also discussed the attempt to reconcile project figures with the County and whether CEDP owes Lee County money from the previous project. A meeting will take place between the

CEPD and the County to compare figures. Mr. Boutelle confirmed that Ms. Rooker and County staff are working on the numbers and there will be a meeting to reconcile them. Mr. Mullins asked whether a formal claim was being made by the County and Mr. Boutelle said that they are content to wait until CEPD comes back with its data.

Mr. Mullins also reviewed why CEPD thinks that it has not received its fair share of funding from the County in the past, explained CEPD's position on policies, issues and concerns as they relate to Lee County, presented some historical background, and explained how CEPD works. Mr. Miville also added some comments on the history and also expressed concern about Captiva not getting its fair share.

Mr. Kaiser expressed interest in administering the parking lot at Blind Pass. Mr. Mullins provided some background on how Sanibel acquired the contract with Lee County to run the lot.

There was additional discussion about the County "formula," the proposed additional 1 cent bed tax, and other ways of funding projects. Mr. Jensen asked whether there is a funding formula that Lee County uses. Mr. Mullins replied that CEPD has seen it now and CEPD can now forecast what expenses are going to be on the next project. Mr. Jensen asked whether CEPD has reached an agreement on it with the County. Mr. Mullins asked Mr. Boutelle whether he thought so and Mr. Boutelle said that as far as he knew, the County has not yet received back an official position from CEPD. Mr. Keehn commented that he is using that formula in his financial projections and spreadsheets. Mr. Mullins said that he was going to recommend to the CEPD Board that the formula is acceptable to CEPD.

Regarding Blind Pass, the mitigation of the Sanibel sand erosion issue and the 2008 Blind Pass opening project was discussed with some background and history added, including information on both interlocal agreements. Mr. Mullins said that there might be interest in combining both interlocal agreements and asked Mr. Boutelle to comment on this. Mr. Boutelle said that indeed the idea was discussed at an April 11 meeting between Lee County, Sanibel, and CEPD, but by the time it was talked through, he was not sure it was a good idea.

Ms. Rooker reported on the meeting that was held on April 11 on the status of Blind Pass and Interlocal Agreement among the County, Sanibel, and CEPD. Her report on this meeting was contained in Agenda Item 6c. Mr. Boutelle was invited to add his comments on this meeting. Mr. Boutelle mentioned that one thing that was touched upon was that those at the meeting can't speak for the elected officials. Anything thought to be a good idea is merely recommendation. He said that all three parties need to be involved in any discussion of an appropriate solution. It was good to see that everybody was there to find a solution and work toward it. It may take some time, he said, to work through all of this but we have time because the interlocal agreement has several years yet to run. But staff thought it was a good time to start the dialogue and help move it forward. He reiterated that ultimately the Board of County Commissioners will make a decision that may have constraints, including fiscal ones, on the options. Each party has their opinion on the pros

and cons and there is an attempt to find a balance. Mr. Boutelle concluded by saying that that the first decision is whether to keep the pass open and that as far as he knew, there is majority support on the County Board for keeping Blind Pass open.

Mr. Miville wondered whether estimates of future costs for Blind Pass were high, and commented on the lack of discussion of the recreational benefits of keeping Blind Pass open. Mr. Boutelle said that it was the one clearly defined benefit that everyone did agree to. Mr. Miville asked why couldn't Blind Pass be considered a sand borrow source and wondered what the County's game plan was. Mr. Mullins reiterated what had been discussed and that everything should be on the table. He added that all parties had something to gain by sharing in the process and discussion, as the County had already said.

Mr. Miville continued by saying that that the approach to keeping Blind Pass open should not be penny wise and pound foolish; that is, wait for it to close up and turn a \$1 million project into a \$2 million project. Mr. Mullins mentioned that there may be a dredge off Ft. Myers Beach in June. Mr. Neal commented that for engineering purposes he did not recommend dredging last fall but there was always the possibility to take advantage of the equipment in the area this summer for possible dredging. Mr. Mullins said he would like to see the possible additional dredging as part of a longer term solution and that all parties should look at both a tactical and strategic solution. Mr. Miville thought that the project ought to be finished. Mr. Mullins thought that CEPD needs to look at the bigger picture. He also mentioned that cash is scarce and that CEPD was prohibited from using certain funds if they were designated for other purposes.

Mr. Miville thought that there was money available and suggested that the County find it. He also wondered why the County would take on a new project when Captiva had a management company (CEPD) on site. Mr. Mullins mentioned that the Board had decided at its last meeting that even if it were offered management of the project, which it wasn't, that it would not accept it and that among its priorities, the next nourishment project is the District's priority. He also said that in light of the Governor Scott's new budget, money for projects such as this one was scarce and reserves throughout the state are dwindling. There is not a lot of easy money out there and at the moment CEPD must assume that there is no money there.

Mr. Mullins then asked Mr. Miville to present Agenda Item 7a.

## **7. Old Business**

### **a) Karyn Erickson, P.E. Blind Pass Study**

After reporting on some of the background and history, Mr. Miville said he talked to Ms. Erickson. He suggested that the Board recommend to Lee County that they have a "transparency session" with Ms. Erickson to clear the air. Mr. Kaiser asked what this issue had to do with Blind Pass and CEPD. Lee County representatives were asked to comment and Mr. Neal said that Ms. Erickson fulfilled her contract, and Mr. Boutelle added that the contract was between the County and Ms.

Erickson's firm. CEPD was not a party to the contract. Mr. Mullins suggested that this was history and there would not be anything to be gained.

**b) Projection of future costs associated with Blind Pass Project**

Ms. Rooker presented data on the future costs associated with the Blind Pass Project, a copy of which was on Page 17 of the Board's agenda materials. She reminded that Board that is was a projection. Mr. Mullins totaled the figures and mentioned that it was just over \$200,000, which has been budgeted.

**c) Approval to pay invoice # 1698 Lee County Division of Natural Resources \$22,459.28**

Mr. Jensen moved and Mr. Kaiser seconded a motion to pay this invoice. The motion passed without dissent.

**d) Lee County Final Project Closeout Claim/Budget Discussion**

This agenda item was discussed earlier under the financial report. A meeting will be held between CEPD and Lee County to reconcile the differences between the County's computation and CEPD's. Lee County staff present had explained earlier that this was not a formal "claim" against CEPD. Mr. Mullins explained that since it is not a claim, no formal accounting liability needs to be set up.

**e) Florida DEP Funding Challenges for Beach Nourishment**

Ms. Rooker reported on the funding challenges facing DEP in the coming year. She said that CEPD ranked quite high on the priority list (#5), that CEPD's request for the coming year was contained in both Florida House and Senate bills, but cautioned that the Governor could always veto them

Ms. Rooker then turned to the issue of reimbursement to the DEP for money from the 2006 project. Mr. Mullins mentioned that there was still a possibility that CEPD owes the DEP as much as \$660,000. Ms. Rooker reported that the reimbursement will be less based on Mr. Keehn's observation that some of the money the DEP claims it is owed has already been accounted for and the identification of 1999-2001 payments and invoices that the DEP is counting against this project.

Ms. Rooker mentioned that the Army Corps of Engineers had sent an economist to meet with her to update a benefit analysis that had to be completed by the Corps by May 1 in order to get a place in the President's 2013 budget for CEPD's upcoming project.

**8. New Business**

**a) 5 Year Monitoring Report and Survey – Steve Keehn, P.E.**

Mr. Keehn reported on two issues:

#1 – The extra work his firm did on Captiva, the highlights of which were:

- There is improvement since September 2009.
- There are season impacts.
- The impact on Blind Pass is waning.
- There has been a return to a comparable range of the 1995-6 project.

#2 – Blind Pass, the highlights of which were:

- Ebb channel is currently migrating south along Sanibel Island.
- There is significant shoaling since October 2010.
- Currents, cross-sections and Tidal Prism are smaller than design intent.
- Blind Pass is experiencing Instability.
- Scour and infilling has occurred just beyond (north) of the cut area.
- This scour material filled some channels east to Pine Island Sound and cross channel 2.
- A more detailed survey and analysis is warranted to find the primary cause of instability.
- On Captiva, 68% of the volume placed since construction remains within the project area.
- Fill requirements for the upcoming renourishment are projected to be 888,000 cubic yards on Captiva (R-84 to R-109)

**c) FY11, FY12, and FY13 Financial Statements Audit Proposal**

Mr. Mullins requested that discussion on this item be postponed until all the Commissioners are present. Mr. Kaiser suggested that CEPD consider a 2-year contract rather than a 3-year contract.

Mr. Mullins then moved the agenda back to Agenda Item 6b - Report of the Senior Administrator-Presentation to the Sanibel-Captiva Kiwanis.

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

**b) Presentation to Sanibel-Captiva Kiwanis**

Ms. Rooker reported on the response to her presentation.

**8. New Business**

**d) Approval of Scope of Work for Pipeline Corridor Modification**

**e) Approval of Scope of Work for Borrow Area Modification**

These two agenda items were combined in the discussion. Ms. Rooker explained why this item is on the agenda now – because a TDC grant which covers some of these costs runs out on September 30. Mr. Keehn explained that a pipeline modification would make it more efficient and cost effective to bring sand ashore. Mr. Keehn explained that he wants to go to the DEP first, which in his proposal will cost \$5,145, to discuss this issue and the future of the entire project. If the DEP does not approve the modification, CEPD will not incur additional costs for pipeline modification. Ms. Rooker recommended that any agreement be subject to review by CEPD's attorney since CP&E was acquired by another firm and has sent additional terms that need to be reviewed. The Commissioners agreed.

Mr. Kaiser moved and Mr. Jensen seconded a motion to approve the \$5,145 upfront, and a total of \$160,000 (the original proposal was for over \$181,000) for all 3 phases as outlined in the CP&E proposal of April 10, 2011, with a commensurate reduction for the portion related to the Pipeline Corridor Modification should the DEP not approve this part. The motion passed without dissent.

**f) South Seas Island Resort Vendor Proposal**

Ms. Rooker presented maps and information on the desire to place a vendor at or near Sunset Beach. Questions were raised about the authorization and use of a motorized vehicle and other issues. Mr. Keehn suggested that CEPD review the erosion control line rules the state agreed to with the upland property owners for further clarification on what can be allowed. Staff was instructed to do this and the issue will be discussed again at the next meeting.

**g) Economic Value of Beaches**

This agenda item was not discussed.

**h) Presentation to Sanibel-Captiva Chamber of Commerce**

Ms. Rooker reported that she and Mr. Mullins were scheduled to present at the Chamber of Commerce meeting scheduled on August 9 at 11:30.

**i) Copy of City of Sanibel Resolution and Study - Home Rule powers with respect to nitrogen and phosphorus control ordinances**

Commissioners discussed the merits of this agenda item. Mr. Jensen moved and Mr. Kaiser seconded a motion to approve a resolution (Resolution 2011-2) "to limit the excessive nitrogen and phosphorus entering local waterways by strongly urging the state legislature to respect the constitutional and statutory home rule authority of local governments with respect to enactment, monitoring, and enforcement of nitrogen and phosphorus control ordinances which include prohibitions on excessive fertilization of lawns and similar vegetation." Commissioners Mullins, Kaiser, and Jensen voted "yea;" Commissioners Miville and Holzheimer were absent. The motion passed.

Mr. Mullins returned the agenda to Agenda Item 5 – Financial Report

**5. Financial Report**

Mr. Jensen wanted to make sure that the loan payment for this year had been budgeted. Mr. Mullins reminded the Commissioners of their fiduciary responsibilities and legal restrictions, and specifically mentioned that funds authorized for loan repayment cannot be used of other purposes. He said that with reduced reserves, CEPD needs to be cautious with regard to additional funds spent on Blind Pass, future costs are projections and can change, and CEPD's first priority is beach nourishment.

Mr. Mullins returned to Agenda Item 8b – Commissioner Attendance Policy

**8. New Business**

**b) Commissioner Attendance Policy**

Ms. Rooker read the current policy from the Rules of Procedures. Mr. Mullins suggested that the policy may need to be rewritten. One of the issues is what is an excused absence? He mentioned that the Board should approve absences that have not been pre-excused. He also suggested that a commissioner needs to attend the full meeting. Mr. Jensen suggested that a rewritten policy be effective from the time it is adopted – that it not be retroactive. Ms. Rooker was asked to present a rewritten policy for the Board's consideration at the next meeting.

**9. Commissioner Comments**

There were none.

**Adjourn**

The meeting was adjourned at 4:30 p.m.

CEPD - CAPITAL FUND  
Budget Performance - Summary  
For the One and Six Months Ended March 31, 2011

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Actual - Mar '11	Budget - Mar '11	Variance -Feb '11	Actual YTD	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense								
Income								
Ad Valorem Tax	8,643.84	6,898.00	1,745.84	289,472.76	280,582.00	8,890.76	311,354.00	21,881.24
Interest income - Other	77.84	0.00	77.84	262.65	0.00	262.65	0.00	0.00
Other Income	200.00	100.00	100.00	4,443.57	400.00	4,043.57	900.00	0.00
Total Income	<u>8,921.68</u>	<u>6,998.00</u>	<u>1,923.68</u>	<u>294,178.98</u>	<u>280,982.00</u>	<u>13,196.98</u>	<u>312,254.00</u>	<u>21,881.24</u>
Gross Profit	8,921.68	6,998.00	1,923.68	294,178.98	280,982.00	13,196.98	312,254.00	21,881.24
Expense								
Administrative expenses	6,599.86	5,661.00	938.86	29,697.81	29,882.00	(184.19)	60,880.00	31,182.19
Capital outlay	0.00	500.00	(500.00)	0.00	1,000.00	(1,000.00)	2,000.00	2,000.00
Reserves	0.00	0.00	0.00	0.00	0.00	0.00	40,526.00	40,526.00
Cost of collecting Ad Valorem	172.87	67.00	105.87	8,559.52	7,957.00	602.52	8,000.00	0.00
Legal and professional fees	10,026.50	57,988.00	(47,961.50)	69,068.50	122,925.00	(53,856.50)	200,848.00	131,779.50
Total Expense	<u>16,799.23</u>	<u>64,216.00</u>	<u>(47,416.77)</u>	<u>107,325.83</u>	<u>161,764.00</u>	<u>(54,438.17)</u>	<u>312,254.00</u>	<u>204,928.17</u>
Net Ordinary Income	<u>(7,877.55)</u>	<u>(57,218.00)</u>	<u>49,340.45</u>	<u>186,853.15</u>	<u>119,218.00</u>	<u>67,635.15</u>	<u>0.00</u>	<u>(183,046.93)</u>
Net Income	<u>(7,877.55)</u>	<u>(57,218.00)</u>	<u>49,340.45</u>	<u>186,853.15</u>	<u>119,218.00</u>	<u>67,635.15</u>	<u>0.00</u>	<u>(183,046.93)</u>

CAPTIVA EROSION PREVENTION DISTRICT  
CAPITAL PROJECTS  
BUDGET PERFORMANCE - SUMMARY  
For the One and Six Months Ended March 31, 2011

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Actual - Mar '11	Budget - Mar '11	Variance - Mar '11	YTD Actual	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense								
Income								
Interest Income	257.66	447.00	(189.34)	1,705.26	2,682.00	(976.74)	5,363.00	3,657.74
Other miscellaneous revenue	0.00	0.00	0.00	1,970.18	0.00	1,970.18	0.00	0.00
Parking lot revenue	18,177.60	16,200.00	1,977.60	76,241.56	58,050.00	18,191.56	135,000.00	58,758.44
Grant Income - Local	0.00	78,015.00	(78,015.00)	0.00	78,015.00	(78,015.00)	78,015.00	78,015.00
Reserves - General	0.00	0.00	0.00	0.00	0.00	0.00	40,526.00	40,526.00
Total Special Assessments	10,410.32	14,637.00	(4,226.68)	446,579.61	401,527.00	45,052.61	493,413.00	42,170.17
<b>Total Income</b>	<b>28,845.58</b>	<b>109,299.00</b>	<b>(80,453.42)</b>	<b>526,496.61</b>	<b>540,274.00</b>	<b>(13,777.39)</b>	<b>752,317.00</b>	<b>223,127.35</b>
Expense		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Advertising	0.00	0.00	0.00	1,954.33	4,000.00	(2,045.67)	4,000.00	2,045.67
Annual memberships & fees	0.00	84.00	(84.00)	0.00	501.00	(501.00)	1,000.00	1,000.00
Bank service charges	0.00	8.00	(8.00)	0.00	48.00	(48.00)	100.00	100.00
Beach maintenance	40,657.70	65,000.00	(24,342.30)	40,657.70	66,200.00	(25,542.30)	101,200.00	60,542.30
Blind Pass project	31,251.48	0.00	31,251.48	171,766.07	362,066.00	(190,299.93)	362,066.00	190,299.93
Cost of Assessment Collections	0.00	44.00	(44.00)	1,074.24	1,211.00	(136.76)	1,500.00	425.76
Engineering (CP)	0.00	1,335.00	(1,335.00)	0.00	16,163.00	(16,163.00)	35,000.00	35,000.00
Grant Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00	374,000.00	374,000.00
Insurance	0.00	0.00	0.00	10,776.00	10,644.00	132.00	10,644.00	0.00
Parking lot expenses	3,381.71	3,740.00	(358.29)	14,561.65	35,672.00	(21,110.35)	48,141.00	33,579.35
Project Management Support	7,011.00	5,456.00	1,555.00	69,708.31	91,436.00	(21,727.69)	149,825.00	109,090.94
Renourishment 2013/14 Design Phase	17,300.00	28,851.00	(11,551.00)	37,362.96	173,100.00	(135,737.04)	346,200.00	339,180.37
Rent	303.01	583.00	(279.99)	2,528.09	3,500.00	(971.91)	7,000.00	4,471.91
Storage of records	159.00	160.00	(1.00)	795.00	955.00	(160.00)	1,910.00	1,115.00
Website Development	0.00	0.00	0.00	0.00	3,000.00	(3,000.00)	3,000.00	3,000.00
<b>Total Expense</b>	<b>100,063.90</b>	<b>105,261.00</b>	<b>(5,197.10)</b>	<b>351,184.35</b>	<b>768,496.00</b>	<b>(417,311.65)</b>	<b>1,445,586.00</b>	<b>1,153,851.23</b>
<b>Net Ordinary Income (Loss)</b>	<b>(71,218.32)</b>	<b>4,038.00</b>	<b>(75,256.32)</b>	<b>175,312.26</b>	<b>(228,222.00)</b>	<b>403,534.26</b>	<b>(693,269.00)</b>	<b>(930,723.88)</b>
Total Other Expense	0.00	0.00	0.00	0.00	500,000.00	(500,000.00)	977,351.00	977,351.00
<b>Net Income</b>	<b>(71,218.32)</b>	<b>4,038.00</b>	<b>(75,256.32)</b>	<b>175,312.26</b>	<b>(728,222.00)</b>	<b>903,534.26</b>	<b>(1,670,620.00)</b>	<b>(1,908,074.88)</b>

CEPD - CAPITAL PROJECTS FUND

Balance Sheet  
As of March 31, 2011

	<u>March</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Checking Wachovia Capital	1,552,958.41
Sanibel Captiva Bank - CD	250,000.00
SBA	214,141.51
Total Checking/Savings	<u>2,017,099.92</u>
Other Current Assets	
Due From General Fund	401,974.16
Total Other Current Assets	<u>401,974.16</u>
Total Current Assets	<u>2,419,074.08</u>
<b>TOTAL ASSETS</b>	<u><u>2,419,074.08</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due to other governments	487,597.00
Total Other Current Liabilities	<u>487,597.00</u>
Total Current Liabilities	<u>487,597.00</u>
Total Liabilities	487,597.00
Equity	
Fund Balance	1,756,164.82
Net Income	175,312.26
Total Equity	<u>1,931,477.08</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>2,419,074.08</u></u>

CEPD - GENERAL FUND  
Balance Sheet  
As of March 31, 2011

	<u>March</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
S.B.A. Account	112.51
Wachovia - checking	765,116.99
Total Checking/Savings	<u>765,229.50</u>
Total Current Assets	<u>765,229.50</u>
<b>TOTAL ASSETS</b>	<u><u>765,229.50</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due to Capital Projects Fund	401,974.16
Total Other Current Liabilities	<u>401,974.16</u>
Total Current Liabilities	<u>401,974.16</u>
Total Liabilities	401,974.16
Equity	
Fund Balance	176,402.19
Net Income	186,853.15
Total Equity	<u>363,255.34</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>765,229.50</u></u>

CEPD - CASH POSITIONS  
 AS OF MARCH 31, 2011

	GENERAL FUND	CAPTIAL FUNDS	TOTAL FUNDS
<b>CASH and CASH EQUIVILANTS March 31, 2011</b>			
Checking	\$765,117	\$1,552,958	\$2,318,075
S.B.A.	113	214,142	214,254
Certificates of Deposit		250,000	250,000
<b>TOTAL CASH and CASH EQUIVILANTS March 31, 2011</b>	<b>765,230</b>	<b>2,017,100</b>	<b>2,782,329</b>

**PROJECTED ACTIVITY - April**

**Plus:**

Parking Lot Receipts		16,650	16,650
Reserves			-
Other Income	973		973
Due From General Fund			-
Special Assessments collected		37,379	37,379
Tax Collector Distribution	14,662		14,662
<b>Total Additions</b>	<b>15,635</b>	<b>54,029</b>	<b>69,664</b>

**Less:**

**Projected Expenditures -**

Blind Pass		4,147	4,147
Partners in Progress	9,002	4,705	13,707
Beach Maintenance		13,950	13,950
2013/2014 Renourishment			-
Adminstrative costs	1,198	159	1,357
Parking lot		2,932	2,932
Property Appraise/Tax Collector Fees	293		293
Debt Service Principal & Interest Paid		477,431	477,431
Rent	1,386	325	1,711
Reserves			-
Professional Fees	1,685	1,475	3,160
<b>Total Reductions</b>	<b>13,564</b>	<b>505,124</b>	<b>518,688</b>

**Net Projected Increase(Decrease)**

	<b>2,072</b>	<b>(451,095)</b>	<b>(449,024)</b>
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# FY 2011-12 TDC Beach & Shoreline Funding Recommendations

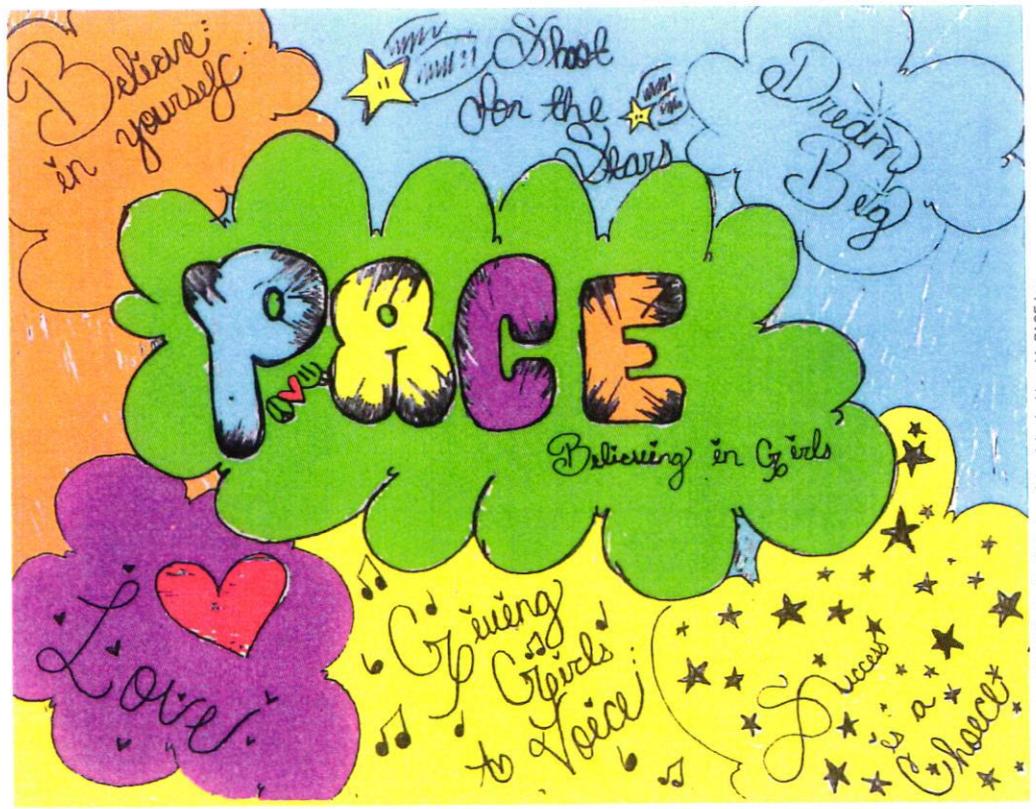
*95% of revenue 21,617,423*

FY2011-2012 Estimated Funding Available

Amount Requested	TDC Recommendation
\$ 5,707,000	\$5,107,000 <i>Priorities</i>

Code	Description	Amount Requested	TDC Recommendation
LN-1	Beach Renourishment Trust Fund	\$ 2,000,000	✓
BS-2	Bonita Springs River Park Maintenance	\$ 23,760	✓
BS-4	Oak Creek Dredging	<del>\$ 335,000</del>	
CE-1	Hagerup Beach Facility Maintenance	\$ 15,593	✓
CC-1	Yacht Club Beach Maintenance	\$ 35,000	✓
CC-2	Four Mile Cove Ecological Preserve Maintenance	\$ 34,000	✓
F-1	Beach & Shoreline Maintenance - Fort Myers Beach	\$ 525,634	<del>450</del> 505,000
S-1	Facility/Beach Maintenance - Sanibel	\$ 898,000	✓
LF-1	Capitalized Beach Front Park Maintenance	\$ 30,000	✓
LF-2	Boardwalk Deck Improvements	\$ 20,000	✓
LP-1	Operation Beach Maintenance - Lee County	\$ 1,454,500	✓
LP-2	Emergency Beach Cleanup	<del>\$ 300,000</del>	
LK-1	DEP-Lovers Key State Park Mid Beach Bridge Re-decking	\$ 35,000	✓
M-1	Beach Conditions Reporting System	\$ 15,000	
BS-1	Bonita Springs River Park- Boardwalks, Shell Paths & Fishing Pier	\$ 1,036,500	50,000
BS-3	Boardwalk along Imperial River	<del>\$ 36,000</del>	
CE-2	Hagerup Beach Park Picnic Area	\$ 7,200	5,250 net of beach
CC-3	Sirenia Vista Park Shoreline Improvements	<del>\$ 500,000</del>	
CC-4	Four Freedoms Park Improvements	<del>\$ 100,000</del>	
F-2	Beach & Shoreline Art in the Park	<del>\$ 30,000</del>	\$ -
S-2	Sanibel Bayous Package Plant Restoration	<del>\$ 40,000</del>	\$ -
CA-1	DEP Cayo Costa Dock Lighting	<del>\$ 5,000</del>	\$ -
<b>TOTAL</b>		<b>\$ 7,476,187</b>	<b>\$ -</b>

20-April, 2011



Thank you for your advice and visit  
at pace. ☺

kenya

Thank you for everything. I really needed it. I hope you  
come back.

Love,  
Brittany.

Thank you so much for coming to hear us  
speak. I'm glad you came.

Love Adly

Sun	Mon	Tue	Wed	Thu	Fri	Sat
29	30 Closed Memorial	31	1	2	3	4
5	6	7	8 10am - Budget W.	9	10 9am - TDC	11
12	13	14 9am - Panel	15 12pm - Regular	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

INTERLOCAL AGREEMENT BETWEEN LEE COUNTY AND THE CAPTIVA EROSION  
PREVENTION DISTRICT FOR FUNDING OF BEACH RENOURISHMENT

This Interlocal Agreement, made and entered into this 1st day of March, 2005, by and between the Board of County Commissioners of LEE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County", and the CAPTIVA EROSION PREVENTION DISTRICT, a political subdivision of the State of Florida, hereinafter referred to as the "District."

WITNESSETH:

WHEREAS, beach erosion is a threat to the economy and general welfare of the visitors and citizens of Lee County; and

WHEREAS, it is a necessary governmental responsibility to properly manage and protect Lee County beaches fronting on the Gulf of Mexico from erosion through beach restoration and nourishment projects, including inlet management projects that cost-effectively provide beach-quality material for adjacent critically eroded beaches; and

WHEREAS, the beaches of Captiva Island and the northern portion of Sanibel Island have been designated by the State of Florida as critically eroded; and

WHEREAS, the District is a beach and shore preservation district created under Chapter 2000-399, Florida Statutes and Section 161.32, Florida Statutes, with power to develop and execute plans for beach and shore preservation; and

WHEREAS, the District conducted the Captiva Beach Restoration Project in 1988/89, maintenance nourishment of the beach in 1995/96 and needs to ensure the continued maintenance and protection of that investment; and

WHEREAS, the District has adopted a plan for beach maintenance and renourishment of the Captiva Island beaches to afford both continued protection to upland property and enhance Southwest Florida's tourist economy; and

WHEREAS, the federal government has appropriated emergency funds under Public Law 84-99 for the repair of beach erosion caused by hurricanes during the summer of 2004; and

WHEREAS, the District is entering into agreements with the United States Army Corps of Engineers (USACOE) to permit and construct the next renourishment project during the summer of 2005 and to provide federal cost sharing for said activities; and

WHEREAS, it is in the interest of the County and the District to maximize the federal funding of the renourishment project; and

WHEREAS, it is in the interest of the public health, safety and welfare for the County to

cooperate with the District in preventing erosion on Captiva Island, which includes the protection of Sanibel-Captiva Road, Blind Pass Bridge and Turner Beach.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the County and the District agree as follows:

1. The Project shall consist of necessary design, permitting, engineering, construction and monitoring. The Project shall include placement of approximately 1.3 million cubic yards of sand along the shoreline extending from Redfish Pass through Bowman's Beach as well as reconstruction and extension of the groin at Redfish Pass as generally shown in Attachment A. The total project costs are estimated at \$24,614,704.00.
2. The work to be completed on northern Sanibel will satisfy the responsibility for the average placement of 25,000 cubic yards of sand per year onto northern Sanibel to mitigate for erosion in the vicinity of Blind Pass as required by the Interlocal Agreement Between the Captiva Erosion Prevention District, Lee County, and the City of Sanibel, executed April 18, 2000 (Attachment B).
3. Recognizing the County has an interest in the Project and has included the Project in its Long Range Beach Erosion Control Budget Plan in anticipation of construction in 2005, the County will provide to the District \$3,540,993.00 as its estimated cost share in the Project.
4. The USACOE Agreement with the District will require that local funds be made available prior to opening bids for the construction of the Project. In accordance with this, the County agrees to provide the funding referenced above within fourteen (14) days of receipt of a written request from the District, and the District will deposit the funds in accordance with USACOE requirements.
5. The County and the District agree that this funding is provided based on an expectation that the USACOE will construct the Project during the summer of 2005, and the County and District further agree to cooperate with USACOE in effort to ensure compliance with this schedule.
6. Upon completion of the Project, the District shall provide the USACOE certification of final Project costs, sources of funds received for the Project, and use of Project

funds.

7. In the event that Project costs are less than \$24,614,704, the County and District shall review the certification of Project costs to determine what level of reimbursement is due to the County. Reimbursement shall be in proportion to the County share of the Project benefits as compared to the total cost of the Project.
8. Hold Harmless. Each party shall be liable for its own actions and negligence and, to the extent permitted by law, District shall indemnify, defend and hold harmless County against any actions, claims or damages arising out of District's negligence in connection with this Agreement, and County shall indemnify, defend and hold harmless District against any actions, claims or damages arising out of County's negligence in connection with this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's negligent, willful or intentional acts or omissions.
9. Notices to the respective parties shall be forwarded, in writing to:

Board of Commissioners  
Lee County  
Post Office Box 398  
Fort Myers, FL 33902

Captiva Erosion Prevention District  
Post Office Box 365  
Captiva Island, FL 33924

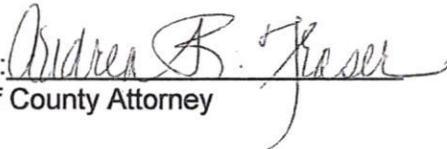
10. Modifications of provisions of this Agreement shall be valid only after they have been written, signed and incorporated into this Agreement.

IN WITNESS WHEREOF, the parties have caused these presence to be executed by their duly authorized officers and their official seals hereto affixed the day and year first above written.

**BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA**

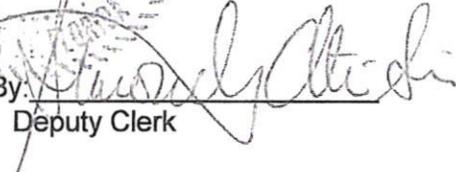
  
\_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
Office of County Attorney



ATTEST: Charlie Green  
Clerk of Court

By:   
\_\_\_\_\_  
Deputy Clerk

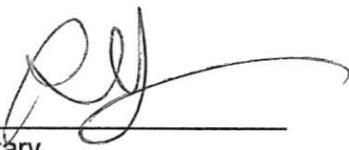
**CAPTIVA EROSION PREVENTION DISTRICT**

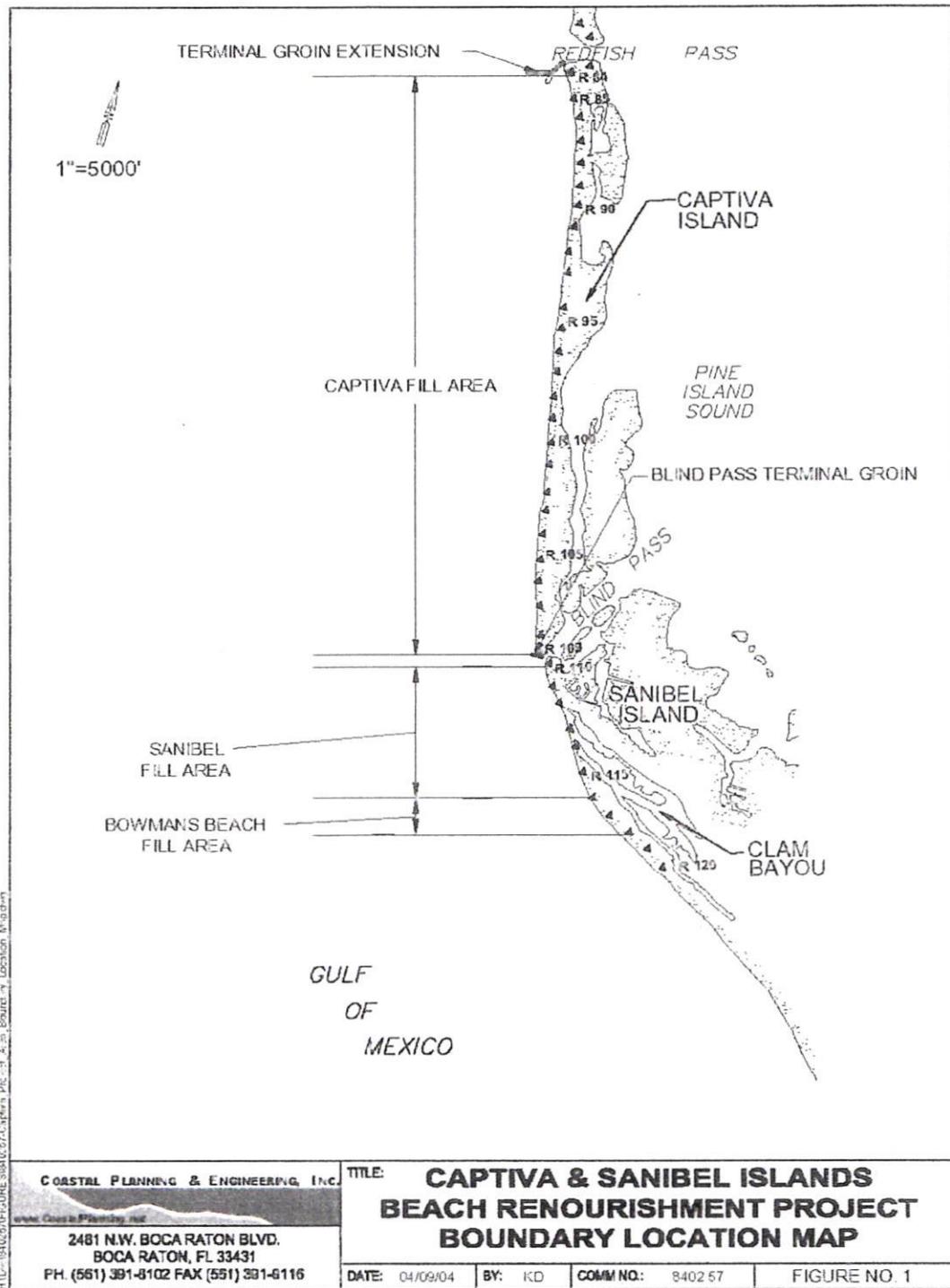
  
\_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
District Attorney

ATTEST:

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





INTEGRITY.....KNOWLEDGE.....SERVICE.....COMMITMENT®

March 28, 2011

Board of Directors  
Captiva Erosion Prevention District  
c/o Kathleen Rooker, Senior Administrative Consultant  
P.O. Box 365  
Sanibel, FL 33924

2011 = \$ 7,600  
2012 = \$ 8,000  
2013 = \$ 8,400

We are pleased to confirm our understanding of the services we are to provide for Captiva Erosion Prevention District for the year ending September 30, 2011.

We will audit the statement of financial position of Captiva Erosion Prevention District as of the fiscal year ending September 30, 2011 and the related statements of activities, functional expenses, and cash flows for the year then ended. Also, the document we submit to you will include the following additional information that will be subjected to the auditing procedures applied in our audit of the financial statements:

#### Schedule of Expenditures of Federal and State Awards

The objective of our audit is the expression of an opinion as to whether the financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America and to report on the fairness of the additional information referred to in the second paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on Captiva Erosion Prevention District:

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with Government Auditing Standards.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on whether Captiva Erosion Prevention District complied with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

#### Affiliations

Florida Institute of Certified Public Accountants

American Institute of Certified Public Accountants - Management Consulting Services Division / Private Companies Practice Section / Tax Division

#### PRINCIPAL OFFICE

20900 NE 30TH AVE., STE. 200  
AVENTURA, FL 33180  
786.427.1002 • f 305.749.0999

14030 METROPOLIS AVE., STE. 200  
FORT MYERS, FL 33912  
239.433.1002 • f 239.433.0249

www.stroemercpa.com

1640 PERIWINKLE WAY, STE. 4  
SANIBEL, FL 33957  
239.395.5325 • f 239.395.2396

The reports on internal control and compliance will each include a statement that the report is intended for the information of the Board of Directors, management, specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and provisions of OMB Circular A-133, and will include tests of the accounting records of Captiva Erosion Prevention District and other procedures we consider necessary to enable us to express such an opinion and to render the required reports. If our opinion on the financial statements or the single audit compliance opinion is other than unqualified, we will fully discuss the reasons with you in advance. If for any reason, we are unable to complete the audit, we will not issue a report as a result of this engagement.

The management of Captiva Erosion Prevention District is responsible for establishing and maintaining internal control. In fulfilling this responsibility, estimates and judgments by management are required to assess the expected benefits and related costs of the controls. The objectives of internal control are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition and that transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of financial statements in accordance with accounting principles generally accepted in the United States of America and that federal award programs are managed in compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

In planning and performing our audit for the year ended September 30, 2011, we will consider the internal control sufficient to plan the audit in order to determine the nature, timing, and extent of our auditing procedures for the purposes of expressing our opinion on Captiva Erosion Prevention District's financial statements and on its compliance with requirements applicable to major programs.

We will obtain an understanding of the design of the relevant controls and whether they have been placed in operation, and we will assess control risk. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Tests of controls relative to the financial statements are required only if control risk assessed below the maximum level. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our audit report on internal control issued pursuant to Government Auditing Standards.

We will perform tests of controls, as required by OMB Circular A-133, to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of Captiva Erosion Prevention District's major federal award programs. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify reportable conditions. However, we will inform you of any matters involving the internal control and its operation that we consider to be reportable conditions under standards established by the American Institute of Certified Public Accountants. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements. We will also inform you of any nonreportable conditions or other matters involving internal control, if any, as required by OMB Circular A-133.

Identifying and ensuring that Captiva Erosion Prevention District complies with laws, regulations, contracts, and agreements, including grant agreements, is the responsibility of Captiva Erosion Prevention District's management. As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Captiva Erosion Prevention District's compliance with certain provisions of laws, regulations, contracts, and agreements, including grant agreements. However, our objective is not to provide an opinion on overall compliance with such provisions, and we will not express such an opinion in our report on compliance issued pursuant to Government Auditing Standards.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and agreements applicable to major programs. Our procedures will consist of the applicable procedures described in the OMB's compliance supplement. The purpose of these procedures will be to express an opinion on Captiva Erosion Prevention District's compliance with requirements applicable to major programs in our report on compliance issued pursuant to OMB Circular A-133.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of assets, and direct confirmations of cash and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At

the conclusion of our audit, we will request certain written representations from you about the financial statements and related matters.

An audit includes examining on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. Also, we will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud. As required by the Single Audit Act Amendments of 1996 and OMB Circular A-133, our audit will include tests of transactions related to federal award programs for compliance with laws and regulations and the provisions of contracts and agreements. Because of the concept of reasonable assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatement, errors, irregularities, or illegal acts, including fraud or defalcations, may exist and not be detected by us. In addition, an audit is not designed to detect errors, fraud, or other illegal acts that are immaterial to the financial statements or to major programs.

We will inform you, however, of any matters of that nature that come to our attention, unless they are clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to matters that might arise during any later periods for which we are not engaged as auditors.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to matters that might arise during any later periods for which we are not engaged as auditors.

We understand that you are responsible for making all financial records and related information available to us and that you are responsible for the accuracy and completeness of that information. We will advise you about appropriate accounting principles and their application and will assist in the preparation of your financial statements, including the Schedule of Expenditures of Federal and State Awards, but the responsibility for the financial statements remains with you. That responsibility includes the establishment and maintenance of adequate records and effective internal controls over financial reporting and compliance, the selection and application of accounting principles, and the safeguarding of assets. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review.

We understand that your employees will type all cash or other confirmations we request, will prepare any schedules that are needed, and will locate and copy any invoices and/or documents selected by us for testing.

We expect to begin our audit at a date mutually agreed upon. We will issue our reports and present them to the Board of Directors on mutually agreed upon dates. At the conclusion of the engagements, it is management's responsibility to submit the reporting package (including financial statements, Schedule of Expenditures of Federal and State Awards, Summary Schedule of Prior Audit Findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the designated Federal Clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditor's reports or 9 months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audit. At the conclusion of the engagement, we will provide information to management as to where the reporting packages should be submitted and the number to submit.

The workpapers for this engagement are the property of Stroemer & Company, P.A. and constitute confidential information. However, we may be requested to make certain workpapers available to an oversight or grantor agency pursuant to authority given to it by law and regulation. If requested, access to such workpapers will be provided under the supervision of Stroemer & Company, P.A. personnel. Furthermore, upon request, we may provide photocopies of selected workpapers to the oversight or grantor agency. The oversight or grantor agency may intend, or decide, to distribute the photocopies or information contained therein to others, including other governmental agencies.

The workpapers for this engagement will be retained for a minimum of three years after the date the auditor's report is issued or for any additional period requested by the Oversight Agency for Audit, or Pass-through Entity. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the workpapers.

We anticipate that the books and records of Captiva Erosion Prevention District will be accurate and will not require significant adjusting journal entries. Assuming records are clean and we get the assistance we need, fees for our financial and compliance audit services for the fiscal year ending September 30, 2011 will not exceed \$7,600. The draft financials will be submitted by January 31, 2011 provided we receive all records, schedules and assistance required by November 5, 2010. The fee also assumes that no material unusual or unforeseen circumstances arise, which causes an increase in audit effort, and that we receive the agreed-upon assistance from you and your staff. Delays in the receipt of required documentation may result in an increase in fees. We will make every effort to keep fees to a minimum. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of personnel assigned to your audit. Our invoices for these services will be rendered each month, as work progresses, and are payable upon presentation. This engagement is not considered complete until fees are paid in full.

Captiva Erosion Prevention District  
March 28, 2011  
Page 6

This fee estimate does not contemplate work outside the scope of the annual financial and compliance audit or other related assistance requested by you or your staff. All such services rendered will be billed based on standard hourly rates. This fee estimate does not include time required for implementation of the Florida Single Audit Act, because the specific legislation is still being developed by the State.

We reserve the right to withhold our services if any invoice goes unpaid for 60 days; and if the matter is not successfully resolved upon demand, you understand and agree to be liable for the costs of any collection efforts our office deems it necessary to take, to include attorney fees if any attorney is consulted or retained.

To the extent permitted by law, Captiva Erosion Prevention District hereby indemnifies Stroemer & Company, P.A. and its partners, principals, and employees and holds them harmless from all claims, liabilities, losses, and costs arising in circumstances where there has been a knowing misrepresentation by a member of Captiva Erosion Prevention District's management, regardless of whether such person was acting in Captiva Erosion Prevention District's interest. This indemnification will survive termination of this letter.

In the event we are requested or authorized by Captiva Erosion Prevention District or are required by government regulation, subpoena, or other legal process to produce our documents or our personnel as witnesses with respect to our engagements for Captiva Erosion Prevention District, Captiva Erosion Prevention District will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

All unpaid invoices shall accrue interest at the rate of 1 1/2% per month, and a failure to resolve your account within the allotted time will result in these charges being added to your fees. In addition, Captiva Erosion Prevention District agrees to personally guarantee the timely payment of amounts due to Stroemer & Company in accordance with the terms of this engagement letter.

Parties to this engagement agree that any dispute that may arise regarding the meaning, performance or enforcement of this engagement will, prior to resorting to litigation, be submitted to mediation upon the written request of any party to the engagement. All mediations initiated as a result of this engagement shall be administered by the American Arbitration Association (AAA) and in accordance with the "Mediation Rules for Professional Accounting and Related Disputes" as then adopted by the AAA. The results of this mediation shall be binding only upon agreement of each party to be bound. Costs of any mediation proceeding shall be shared equally by both parties. In the event of litigation you agree not to sue for damages greater than our fee.

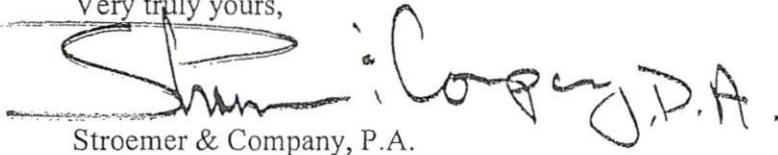
Government Auditing Standards - requires that we provide you with a copy of our most recent quality control review report. Our most recent peer review report is attached for your review.

Captiva Erosion Prevention District  
March 28, 2011  
Page 7

We are pleased to be able to provide you with the above services. Because our employees are highly qualified, many employers would like to employ our staff on a permanent basis. Because of the extensive training and knowledge our staff has developed, their separation would be a tremendous resource loss to our firm. If any Stroemer & Company, P.A. employee, who participates in this engagement, is hired by you for any position during the engagement or within one year after the end of the engagement, we will invoice you for a placement fee of 40% of starting salary. The placement fee would be due and payable on the starting date of the employee.

We appreciate the opportunity to be of service to you. If the foregoing is acceptable to you, please acknowledge by signing this letter in the space provided and return it to us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stroemer & Company, P.A.", is written over a horizontal line. The signature is stylized and cursive.

Stroemer & Company, P.A.

This letter correctly sets forth the understanding of Captiva Erosion Prevention District.

Officer signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Select Year: 2010 

## The 2010 Florida Statutes(including Special Session A)

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Title XI  
COUNTY ORGANIZATION AND  
INTERGOVERNMENTAL RELATIONS

Chapter 161  
BEACH AND SHORE  
PRESERVATION

View Entire  
Chapter

**161.141 Property rights of state and private upland owners in beach restoration project areas.**—The Legislature declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach restoration, beach nourishment, and erosion control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of Mexico, or the Straits of Florida, and the bays, lagoons, and other tidal reaches thereof, and the upland properties adjacent thereto; except that such boundary line shall not be fixed for beach restoration projects that result from inlet or navigation channel maintenance dredging projects unless such projects involve the construction of authorized beach restoration projects. However, prior to construction of such a beach restoration project, the board of trustees must establish the line of mean high water for the area to be restored; and any additions to the upland property landward of the established line of mean high water which result from the restoration project remain the property of the upland owner subject to all governmental regulations and are not to be used to justify increased density or the relocation of the coastal construction control line as may be in effect for such upland property. The resulting additions to upland property are also subject to a public easement for traditional uses of the sandy beach consistent with uses that would have been allowed prior to the need for the restoration project. It is further declared that there is no intention on the part of the state to extend its claims to lands not already held by it or to deprive any upland or submerged land owner of the legitimate and constitutional use and enjoyment of his or her property. If an authorized beach restoration, beach nourishment, and erosion control project cannot reasonably be accomplished without the taking of private property, the taking must be made by the requesting authority by eminent domain proceedings. In any action alleging a taking of all or part of a property or property right as a result of a beach restoration project, in determining whether such taking has occurred or the value of any damage alleged with respect to the owner's remaining upland property adjoining the beach restoration project, the enhancement, if any, in value of the owner's remaining adjoining property of the upland property owner by reason of the beach restoration project shall be considered. If a taking is judicially determined to have occurred as a result of a beach restoration project, the enhancement in value to the owner's remaining adjoining property by reason of the beach restoration project shall be offset against the value of the damage, if any, resulting to such remaining adjoining property of the upland property owner by reason of the beach restoration project, but such enhancement in the value shall not be offset against the value of the property or property right alleged to have been taken. If the enhancement in value shall exceed the value of the damage, if any, to the remaining adjoining property, there shall be no recovery over against

the property owner for such excess.

**History.**—s. 1, ch. 70-276; s. 1, ch. 79-233; s. 1, ch. 82-144; s. 7, ch. 86-138; s. 18, ch. 87-97; ss. 28, 487, ch. 94-356; s. 1439, ch. 95-147; s. 11, ch. 2000-346; s. 3, ch. 2007-99.

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Select Year: 2010 Go

## The 2010 Florida Statutes(including Special Session A)

Title XI  
COUNTY ORGANIZATION AND  
INTERGOVERNMENTAL RELATIONS

Chapter 161  
BEACH AND SHORE  
PRESERVATION

View Entire  
Chapter

**161.201 Preservation of common-law rights.**—Any upland owner or lessee who by operation of ss. 161.141-161.211 ceases to be a holder of title to the mean high-water line shall, nonetheless, continue to be entitled to all common-law riparian rights except as otherwise provided in s. 161.191(2), including but not limited to rights of ingress, egress, view, boating, bathing, and fishing. In addition the state shall not allow any structure to be erected upon lands created, either naturally or artificially, seaward of any erosion control line fixed in accordance with the provisions of ss. 161.141-161.211, except such structures required for the prevention of erosion. Neither shall such use be permitted by the state as may be injurious to the person, business, or property of the upland owner or lessee; and the several municipalities, counties and special districts are authorized and directed to enforce this provision through the exercise of their respective police powers.

**History.**—s. 7, ch. 70-276.

# Blind Pass Scope Approval

Inbox | X

Reply

Neal, Robert to me show details 6/9/10

Kathy,

As confirmation from today's meeting, the contract with Coastal Engineering Consultants for modifying the permit will be authorized in the amount of \$34,460. A breakdown of the cost is below:

- Task 4 – Design Update - \$7,250
- Task 5 – Permit Modification - \$13,210
- Task 6 – Bid Process - \$3,540
- Task 7 – RAI Response - \$6,300
- Task 8 – BO update - \$4,160

CEPD cost share is approx, 33.475% or \$11,535.49.

Thanks,

Robert Neal, P.E.  
Coastal Engineer  
Lee County Division of Natural Resources  
1500 Monroe Street, 3rd Floor  
Fort Myers, FL. 33901

Ph: [239.533.8566](tel:239.533.8566)  
Fax: [239.485.8408](tel:239.485.8408)  
Cell: [239.810.1813](tel:239.810.1813)  
Email: [Rneal@leegov.com](mailto:Rneal@leegov.com)

*monitors what is going on  
Don't see any other  
suggestions. At least  
make provision of  
permit.*

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

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Projection of Future Blind Pass Costs

TASK	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15			
Physical Monitoring	\$70,070	\$70,070	\$70,070		\$70,070			
Velocity/Tidal Meas.	\$20,000	\$20,000						
Seagrass Monitoring	\$24,160	\$24,160	\$24,160	\$24,160	\$24,160			
Turtle Monitoring	\$12,000	\$12,000						
Tilling	\$800	\$800						
Design Update	\$7,250							
Permit Mod.	\$13,210							
Bid Process	\$3,540							
RAI Response	\$6,300							
BO Update	\$4,160							
Total	\$161,490	\$127,030	\$94,230	\$24,160	\$94,230			
CEPD cost @ 33.475%	\$54,058.78	\$45,523.29	\$31,543.00	\$8,087.56	\$31,543.00	=		<b>\$170,755.63</b>
<p>Note: Costs do not include any new maintenance projects. According to DNR Long Range Plan a major maintenance project is planned for over \$2million beginning with design and permitting in FY 12/13. A new maintenance project would extend the cost of monitoring another five years.</p>								



**LEE COUNTY**  
SOUTHWEST FLORIDA

**Invoice**

<b>BILL TO</b>
Captiva Erosion Prevention District P.O. Box 365 Captiva, FL 33924

<b>FROM</b>
LEE COUNTY NATURAL RESOURCES 1500 Monroe Street Fort Myers, FL 33901

<b>DATE</b>	<b>INVOICE #</b>	<b>TERMS</b>
5/2/2011	1726	Net 30

DESCRIPTION	QTY	RATE	AMOUNT
Blind Pass Ecozone Restoration Project 01/01/11 - 03-31-11  <i>Monitoring and Permit modification</i>		15,381.68	15,381.68
<b>TOTAL</b>			\$15,381.68

*Blind Pass*  
*E. C. [unclear]*

Please Remit to:  
Lee County Comm. Dev/Public Works Center  
1500 Monroe Street, 4th Floor Fort Myers, FL 33901  
Attn: Fiscal Pool

For Questions please call Jennifer Fenske 239-533-8568

**Invoice**

**COASTAL ENGINEERING CONSULTANTS, INC.**  
 Collier Park of Commerce  
 3106 South Horseshoe Drive  
 Naples, FL 34104

ROBERT NEAL  
 Lee County Government  
 1500 Monroe St. 3rd. Floor  
 Ft. Myers, FL 33901

February 09, 2011  
 Project No: 10058  
 Invoice No: 40064

Project 10058 Lee County CN-08-15 Blind Pass Restoration

Please refer to project and invoice number on all correspondence. Thank you for the opportunity to be of service.

4311  
Professional Services from December 13, 2010 to January 23, 2011

Billing Group	18	Permit Modification Coordination		
Change order #4				
Fee				
Total Fee		19,510.00		
Percent Complete		11.2763	Total Earned	2,200.00
			Previous Fee Billing	0.00
			Current Fee Billing	2,200.00
			Total Fee	2,200.00
			<b>Total this Billing Group</b>	<b>\$2,200.00</b>

Billing Group	20	2010 Seagrass Mitigation Monitoring		
Change Order No. 5	9/16/2010			
Fee				
Total Fee		19,480.00	Total Earned	19,265.72
Percent Complete		98.90	Previous Fee Billing	16,952.02
			Current Fee Billing	2,313.70
			Total Fee	2,313.70
			<b>Total this Billing Group</b>	<b>\$2,313.70</b>

Billing Group	21	2010 Transplanted Seagrass Mitigation Monitoring		
Change order No. 5	9/16/2010			
Fee				
Total Fee		4,680.00	Total Earned	4,680.00
Percent Complete		100.00	Previous Fee Billing	3,844.00
			Current Fee Billing	836.00
			Total Fee	836.00
			<b>Total this Billing Group</b>	<b>\$836.00</b>

Billing Group	22	2010 Physical Monitoring Surv. & Report		
Change Order No. 5	9/16/2010			
Fee				

Project	10058	Lee County CN-08-15 Blind Pass Restorati	Invoice	40064
Total Fee	70,070.00			
Percent Complete	89.40	Total Earned	62,642.58	
		Previous Fee Billing	61,524.33	
		Current Fee Billing	1,118.25	
		Total Fee		1,118.25
		Total this Billing Group		\$1,118.25
		Total this Invoice		\$6,467.95

Authorized By: Mark Kincaid Date: 2/9/11

Mark Kincaid

42309100100 \$2,008.30 (LINE# 6 & 9)  
 40309130101 \$4,459.65 (LINE# 7 & 10)  
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 6467.95 X