

## **Captiva Erosion Prevention District**

### **Board of Commissioners Meeting Minutes**

**March 9, 2026**

**1:01 PM**

#### **1. Call to Order**

Chairman Bob Walter called the meeting to order at 1:01 PM on Monday, March 9, 2026.

#### **2. Approval for Remote Participation**

A motion was made and seconded to allow Commissioner John Wade to attend virtually.

**Motion carried unanimously.**

#### **3. Roll Call**

Present:

- Bob Walter, Chairman
- Bernie Dupre, Treasurer/Secretary
- Rene Miville, Commissioner
- John Wade, Commissioner (virtual)

Not present at roll call:

- Tim McGowan, Vice Chairman

Also present:

- Brighton Heard, General Manager
- Lisa Batchelor, Office Manager
- David Jackson, District Counsel
- Nicole Sharp, APTIM
- Nick Matthews, Legislative Consultant

#### **4. Approval of Minutes**

The Board considered the minutes from the February 16, 2026 Board meeting.

A motion was made to approve the February 16, 2026 meeting minutes as written.

**Motion carried unanimously.**

#### **5. Changes to the Agenda**

Chairman Walter noted one change to the agenda: Evan Cutler was unable to attend due to travel delays and would instead provide a written report to the Board by the end of the week.

#### **6. Chairman's Update**

Chairman Walter reported that he had met with staff over the past several weeks and commended Brighton Heard, Lisa, and Evan Cutler for their organization and accomplishments over the past six months.

Chairman Walter also reviewed Board meeting protocol for motions and discussion order to improve meeting flow and avoid members speaking over one another.

## **7. Treasurer's Update**

Treasurer Bernie Dupre reported on a recent call with management, the District's CPA, and an auditor regarding financial reporting. He stated that he is working to better understand the District's reporting structure and to align monthly reporting more closely with the annual audit presentation.

Discussion included:

- The distinction between a standard balance sheet and a governmental **statement of net position**
- The desire to improve in-house reporting so it more closely reflects the audit format
- Coordination with accounting staff to develop a reporting format that more clearly presents the District's general fund, capital fund, and debt obligations

Mr. Miville shared that, during prior review of expenditures, he had identified approximately \$370,000 in past storm-related sand sifting and cleanup costs that may have qualified as debris removal. He emphasized the importance of continuing to pursue reimbursement opportunities and maintaining close communication with Lee County staff regarding available funding programs.

The Board also discussed the District's outstanding 2021 project loans and noted that those balances remain unpaid because the loan interest rate is lower than current returns on Treasury investments.

## **8. Administrative Update**

Brighton Heard provided the administrative update.

### **a. Coastal Advisory Council Appointment**

Mr. Heard reported that, after submitting his application, he had been appointed to the Lee County Coastal Advisory Council by the Board of County Commissioners.

### **b. Sand Migration / Sand Fencing**

Mr. Heard reported receiving complaints regarding windblown sand accumulating in roads near Andy Rosse Lane, Alison Hagerup Beach Park, and other locations. He proposed pursuing permits for limited installation of traditional wooden slat sand fencing in targeted areas with high sand migration.

Board discussion followed regarding:

- Using sand fencing as a temporary measure until vegetation becomes established
- Cost considerations
- Avoiding the use of black construction silt fencing
- The need for permitting before installation

Commissioner Wade clarified that the fencing under discussion was traditional wooden slat sand fencing used for dune accretion, not temporary construction fencing.

Mr. Heard stated he would continue pursuing permit information and develop cost estimates.

### **c. Coastal Vista Proposal**

Mr. Heard reported that Coastal Vista is revising its dune walkway proposal to include an opinion of probable cost for each entrance. He stated the firm expects to present its full proposal at the April Board meeting, after which the Board may determine whether a workshop is needed.

Mr. Heard also noted that, based on current timing, vegetation installation is more likely to occur in July rather than June, which Coastal Vista advised may be beneficial due to seasonal rainfall.

### **d. Emergency Maintenance Plan**

Mr. Heard stated that he had circulated a draft emergency maintenance plan as requested at the previous meeting and invited Board members to provide comments.

### **e. Emergency Funding / Referendum Discussion**

Mr. Heard reported that he had spoken with District Counsel and the bank regarding the possibility of modifying the District's existing financing to create an emergency fund. Based on those discussions, he stated that a separate referendum would be required for a future emergency renourishment fund, because the current debt authorization was tied specifically to the 2024–2025 project.

The Board discussed the possibility of a future referendum that would provide more flexibility for emergency beach response.

### **f. Scarp Remediation**

Mr. Heard reported that Bill Perry, who has performed beach tilling and escarpment remediation work on the island for many years, is willing to perform current escarpment remediation work on an hourly basis at approximately \$125 per hour. Estimated total cost for current conditions was discussed as being in the range of roughly \$1,000 to \$2,500 depending on time required.

The Board discussed the difference between scarp remediation and beach tilling, and noted that no tilling was required this year because of the recent renourishment project. The Board indicated that Mr. Heard should move forward with having the escarpment leveled before turtle season.

### **g. Workshop Scheduling**

Mr. Heard asked about scheduling a workshop to discuss the Rules and Procedures document. Several commissioners indicated scheduling conflicts.

During this portion of the meeting, Tim McGowan joined virtually.

A motion was made and seconded to allow Commissioner Tim McGowan to participate virtually.

**Motion carried unanimously.**

Mr. Heard asked commissioners to send him their availability by text or email so a workshop date could be identified.

### **h. Australian Pine Removal Program**

Mr. Heard reported that the Australian pine removal program remains active and that hundreds of trees have been removed. He stated that participation has slowed and encouraged continued outreach to property owners. Board members noted that overall feedback on the work has been positive, with only limited objections from some residents.

## **9. Additional Administrative/Field Discussion**

Mr. Heard reported that property owner Tony Lapi had raised concerns about difficulty identifying beach pathways in the village area and near Turner Beach. He asked whether the Board supported installation of ropes and bollards in that area similar to other locations.

Board members expressed support for proceeding. Discussion followed regarding the success of ropes and bollards elsewhere in helping protect vegetation and guide pedestrians.

## **10. APTIM Update**

Nicole Sharp of APTIM provided an update on project-related activities.

She reported:

- Dune walkway surveys are being scheduled with Brighton Heard for later in the following week
- Survey data will be incorporated into GIS for documentation and to support compliance with the Interlocal Agreement with Lee County
- The post-construction report for the 2025 renourishment project would be sent to Mr. Heard within the next day or two
- APTIM is preparing a local government funding request for submittal during the next funding cycle to seek additional reimbursement associated with the extra sand placed due to Hurricanes Helene and Milton

No further questions were raised for Ms. Sharp.

## **11. Legislative Update**

Nick Matthews provided a legislative update from Tallahassee.

He reported:

- The Legislature was entering the final scheduled week of session, though a budget extension was possible due to lack of agreement between the House and Senate
- The District's vegetation replacement funding request remained alive in the House at **\$250,000**, with continued efforts to restore it to **\$500,000**
- The House had funded the statewide beach management program at **\$50 million**, while the Senate proposal included **\$64 million**
- Several property tax reform proposals had advanced in the House, but none had yet gained traction in the Senate; these proposals could negatively affect local governments and special districts if adopted

The Board then discussed beach funding opportunities in greater detail.

## **12. Funding Discussion**

The Board, staff, APTIM, and legislative consultant discussed the District's funding opportunities under the state's beach management and local government funding request process.

Ms. Sharp explained:

- The annual beach funding request window is open from **June 1 through July 31**
- APTIM previously based the request on an approximate project cost of **\$25 million**
- Because additional sand was placed due to Hurricanes Helene and Milton, the District may submit a request for the additional delta associated with the increase from **800,000 cubic yards to 1,000,000 cubic yards**
- Eligible reimbursement items generally include permit-required project elements such as construction, physical monitoring, sea turtle monitoring, and shorebird monitoring

Commissioner Wade requested a written summary of the District's history with the LGFR/local government beach funding program, including past requests, received amounts, and anticipated future requests, so the Board could better understand the process.

Nick Matthews agreed to work with Brighton Heard and Nicole Sharp to prepare a concise written summary for the Board.

## **13. Lee County Funding Discussion**

Commissioner Wade asked for an update regarding the District's pursuit of additional Lee County funding above and beyond the County's existing bed tax contribution.

Mr. Heard stated that he is gathering the documentation needed to support a request to the County, including the post-construction report and related project materials.

Board discussion followed regarding:

- The need to formally approach Lee County Commissioners

- Prior discussions with County staff and Commissioner Sandy Stilwell
- The importance of assembling both supporting documentation and a clear request strategy

Treasurer Dupre volunteered to assist in developing a coordinated outreach plan, and Board members discussed working with Mr. Heard on next steps.

## **14. New Business**

Treasurer Dupre proposed that, instead of prioritizing a workshop on rules and procedures, the Board consider holding a workshop focused specifically on District funding sources and funding processes.

The workshop would ideally cover:

- Available funding sources other than assessments and financing
- Timing and application windows
- Procedural requirements
- Historic and anticipated funding requests

Nick Matthews and Nicole Sharp indicated they would work with Brighton Heard to help develop materials for such a workshop, and Ms. Sharp noted that approximately two to three weeks would likely be needed to prepare meaningful information.

Treasurer Dupre also encouraged additional research into how other coastal communities are funding beach and inlet-related projects, noting that many coastal jurisdictions appear to be pursuing active projects.

## **15. Sunshine Law / Communication Protocol**

A question was raised regarding whether information and talking points may be distributed to commissioners through Mr. Heard without violating Sunshine Law requirements.

District Counsel David Jackson advised that **one-way informational communications** distributed through administration are permissible so long as commissioners do not use that process to engage in back-and-forth discussion with one another through staff.

## **16. Public Comment**

No public comment was offered.

## **17. Commissioner Comments**

### **a. Litigation / Mucky Duck Lawsuit**

Commissioner Wade asked for an update regarding the Mucky Duck litigation and noted his surprise that no update had appeared on the agenda.

District Counsel David Jackson reported:

- He has been communicating with litigation counsel
- The latest update was that a motion had been made to remove the matter to federal court
- He would seek an updated summary from litigation counsel and distribute an appropriate written update to the Board

Commissioner Wade requested that the Board consider an executive session to discuss the litigation. Counsel advised that such a session could be arranged when appropriate, subject to statutory notice requirements and the presence of a court reporter.

The Board agreed that Mr. Jackson would coordinate with litigation counsel and advise when an executive session becomes appropriate.

#### **b. Other Comments**

Commissioners briefly discussed the District's green iguana issues and general field observations. No formal action was taken.

### **18. Adjournment**

A motion was made and seconded to adjourn the meeting.

**Motion carried unanimously.**

The meeting was adjourned at approximately **2:18 PM**.