

## Minutes

Regular Meeting  
of the  
Captiva Erosion Prevention District  
South Seas Island Resort, Alphabet Cone Room  
January 7, 2019@ 1:00 P.M .

**Commissioners Present** : Mike Mullins, Chair; Michael Lanigan, Vice Chair; Dave Jensen, Commissioner .

**Commissioners Absent (excused)** : Harry Kaiser , Bob Walter.

**Staff Present** : Carolyn Weaver, Administrator; John Bralove, Acting Assistant to the Administrator; Hans Wilson , Hans Wilson and Associates

### 1. Call to Order

Vice Chair Lanigan, in the absence of Chairman Mullins, called the meeting to order at 1:03 P.M .

### 2. Roll Call

Commissioners Lanigan and Jensen were the Commissioners present at the time the roll was called. Vice Chair Lanigan said Chairman Mullins would be late, Commissioner Kaiser had an emergency, and Commissioner Walter could not attend. He declared there was an absence of a quorum currently . Consequently, only agenda items that do not require a vote can be discussed Discussion moved to Agenda Item #4.

### 3. Approval of December 12, 2018 Regular Meeting Minutes

Commissioner Mullins pointed out corrections that need to be made:

- In Agenda Item 3a, Organization of the District Board Nominations, he was not elected to the Chairmanship at the last meeting unanimously. He did not vote for himself. Commissioner Lanigan said the same was true for him in his election to Vice Chair.
- In Agenda Item 7b(a), Beach Vehicle, the minutes do not reflect that a permit for the beach vehicle was previously determined not to be required.
- In Agenda Item 7g, CEPD Jurisdiction Regarding Bay Side Properties, he asked "on the subject of bay side" be inserted after "responsibility ."

Regarding Commissioner Lanigan's comments regarding "why CEPD did not seek funding from the Corps this project, if that turns out to be the case," Chairman Mullins said he was not sure whether Commissioner Lanigan actually said this, but he wants to clarify that CEPD has not yet sought funding from the Army Corps of Engineers or any other agency for the upcoming project.

Commissioner Jensen moved and Commissioner Lanigan seconded a motion to approve the minutes of the December 12, 2018 Regular Board Meeting with the corrections. The motion passed unanimously

### 4. Public Comments - Review Rule 1.19

Vice Chairman Lanigan explained comments should pertain to items on the Agenda and called for comments from the public. Nick Brooks asked whether there was any consideration in the past given to enhancing the dunes given their effectiveness in storm protection. Vice Chair Lanigan said dunes were repaired at the last renourishment project and will be taken into account in the next renourishment. Mr. Brooks then asked whether material dredged for the

project is added to the dunes. Mr. Wilson said within the permitted design template, this is done.

Bob Adler said he read in Dr. Stronge's apportionment report that Sunset Captiva Homeowners Association owns the common element. He said they may indeed own a strip along the beach. However, he questioned whether this made properties gulf front. Mr. Adler thought it does not and Stronge's assignment posed major legal issues. At this point in the meeting, Chairman Mullins joined the meeting, a quorum was present, and Vice Chair Lanigan handed over the gavel to Chairman Mullins. Chairman Mullins said the matter to which Mr. Adler refers has been referred to the District's attorney.

Chairman Mullins apologized for being late. He explained that CEPD's Rules of Procedure allowed members of the public to address the Board for three minutes. Regarding the objections that have been raised about the apportionment, he explained this is a tentative apportionment and is provided to allow inquiries from the public. After the project's final costs are known, there is a public hearing at which a Preliminary Apportionment is presented and formal objections heard. After this hearing and the objections are either approved or not, a Final Apportionment and Assessment are issued. He thought this would occur in 2021 or 2022. He added there remain corrections that have to be made yet to this Tentative Apportionment.

Chairman Mullins talked about the referendum scheduled for March 5, 2019 for \$18 million. The last referendum was for \$15 million. He reviewed the history of the last project and the funding for it.

Linda Laird thanked the Commissioners for her opportunity to address issues at the last meeting.

The meeting moved back to consider Agenda Item #3 now that there is a quorum.

## **5. Financial Report**

### **a) Budget Performance Ending December 31, 2018**

Mr. Bralove was called upon to make comments. He said budget figures in the financial statements now reflect the ebb and flow of income and expenses in individual months rather than dividing the budget into 12 equal parts. He said parking lot revenue is running ahead of the budget for the first 3 months of the fiscal year.

Commissioner Lanigan asked about the parking lot budget of \$189,400. Is that for the new restroom and other equipment at the Hagerup lot and when do we expect it? Mr. Bralove said it does and payment for these expenses will be reimbursed from a TDC grant but CEPD will probably not get the reimbursement until the next fiscal year. Commissioner Jensen asked how many payments were still due from the project's last loan. Staff said they will get this information. Chairman Mullins asked how CEPD's funds were being invested and suggested this be a topic to discuss with Treasurer Walter at the next meeting.

## **6. Old Business**

### **a) 2020 -2021 Renourishment Project**

#### **a. Revier Beach Project Analysis**

Chairman Mullins said Dr. Stronge's report needs to use consistent names for the various portions of the beach. Ms. Weaver explained APTIM needs to update some of the data in the Stronge report for which they are responsible. The Chair asked what is the next step and Ms. Weaver replied it is to accept the final tentative apportionment.

The Chair requested the other Commissioners thoroughly read the report and suggested that if the public has questions, they talk to Ms. Weaver.

**b. Review Tentative Apportionment**

The Chair said there is a Briefing Meeting on Thursday to review and make corrections to this report and the public is welcome to attend this meeting. Commissioner Lanigan suggested the 2013-14 assessment for each property be compared to the tentative assessment. Ms. Weaver said this is being done and the information will be displayed at the Thursday Briefing Meeting.

**c. Schedule Town Hall Meeting**

Chairman Mullins asked Ms. Weaver how many days in advance such a meeting must be noticed and was told 10 days. He requested CEPD's attorney be consulted about legal requirements. He added he would like to reduce the overall processes involved to implement a new project to a flow chart and this would be a good display for the Town Hall Meeting. After discussion of times and dates, Commissioner Lanigan moved and Commissioner Jensen seconded a motion to schedule a Town Hall Meeting for Monday, February 25, 2019 starting at 5:01 P.M. for the purpose of explaining the tentative apportionment process at a location to be determined. The motion passed unanimously.

**d. Review Contract**

Based on Commissioner Lanigan's desire to spend a substantial amount of time face to face with Dr. Stronge so that he and others are better able to understand and explain the apportionment process, Dr. Stronge's contract was reviewed to determine whether enough money was allocated for this. As it was not clear, the Board agreed to ask Dr. Stronge. Commissioner Jensen requested language be added to the Standard Operating Procedure associated with this process to make sure this is budgeted for in the future. The Chair suggested if this meeting with Dr. Stronge takes place, it occurs on a Thursday when there is already a noticed and scheduled Briefing Meeting.

**b) Resolution 2019-01 Approving Purchase of Beach Vehicle**

Ms. Weaver was asked whether she had a recommendation. She said since the quotes were so close to each other, and based on input from the Sheriff's Department, she recommended the John Deere. She was asked to get a contract, guarantee, and all other necessary documents from John Deere. Ms. Weaver read Resolution 2019-01. Commissioner Jensen offered and Commissioner Lanigan seconded Resolution 2019-01 to approve the expenditure for a beach vehicle whose cost shall not exceed \$20,000 including necessary accessories and delivery, authorize the Administrator to choose the vendor based on the quotes received, recommendations, and referrals, and sign such documents and contracts to implement the purchase. A vote was called and the Resolution passed unanimously.

**c) Rules of Procedure**

**a. Rule 1.08 (k) - Increase non-administrative, non-recurring expenditures from \$1,000**

Chairman Mullins explained the rationale to increase his limit to \$2,500. He added the money needs to have already been budgeted.

**b. Rule 2.07 - Reimbursement - Requiring prior approval for reimbursement**

The Chair explained this change is necessary to be consistent with the Enabling Legislation which requires that expenditures necessary to conduct the business of the

District must be approved in advance. This change would allow some expenditures to be approved afterward. He used as an example the need for reimbursement when travel plans need to be changed in order to meet a quorum.

Commissioner Jensen moved and Commissioner Lanigan seconded a motion to approve changes to Rule 108(k) and Rule 2.07 of the Rules of Procedure. After discussion, the vote was called and the motion passed unanimously.

## **7. New Business**

### **a) Deputy Administrator**

Mr. Wilson reported although the position he originally advertised was for an assistant to the administrator. When the Board decided to change it to Deputy Administrator, he found a few people who were well qualified for the deputy position among the resumes he received. He, his associate, Robin Mixon, and Ms. Weaver held interviews and one person stood out as extremely well qualified. He explained he sent the resume of this person to the Commissioners for their review and reminded Commissioners the contract with Hans Wilson and Associates (HWA) requires the Board to approve employees who are contracted through HWA to work for CEPD. He added that if this person is not acceptable to the Board, does not work out, or does not accept the position, the job will be re-advertised for the deputy administrator position. However, he requests the Commissioners approve the employment of this person.

Commissioner Mullins said he is in favor of this person. Commissioner Lanigan said he likes to see salary and job history. Mr. Wilson replied they have this information and can provide it. There was discussion of the need for staff to follow CEPD's Standard Operating Procedures and whether they have been updated. Mr. Wilson said they were updated about a year ago. Commissioner Lanigan moved and Commissioner Jensen seconded a motion to offer employment to Hans Wilson and Associates' top candidate. The motion passed unanimously.

### **b) Dune Foot Path Education**

Commissioner Lanigan said this agenda item stemmed from a Community Panel discussion. Mr. Wilson commented that an education program could be initiated to advise people to angle their pathways through the dunes rather than make them straight so that winds would not blow sand down a straight path and on to the road. He suggested this might be designed into the next project where the District can have better control over it. He added this could also be part of a separate project for dunes enhancement. Chairman Mullins suggested the topic of "crooked dunes" could be part of a Town Hall meeting. There was a brief discussion about permits needed for work done in, on, and over the dunes.

## **8. Administrator's Report**

Ms. Weaver updated the Straw Poll data: 119 votes "yes," 2 votes "not enough information," and 16 votes "no." She said work to repair the post and ropes outlining and protecting the dunes will begin either the end of this week or the beginning of next week. She will send out a BeachBrief alerting people about this work.

## **9. Commissioner Comments**

Chairman Mullins said he has been receiving questions about how one gets on the CEPD Board of Commissioners. He was happy to hear people expressing interest, said the next election for two board members is in 2020, and encouraged the public to consider running.

**Adjourn**

There being no further business, the Chair adjourned the meeting at 2:55 P.M .