

**Monthly
CEPD Board
Meeting
March 2022**



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Board Meeting Agenda

Date: Monday March 7th, 2022

Time: 1:00 P.M.

Location: 15951 Captiva Drive, Captiva, Florida 33924
Tween Waters Inn, Ding Darling Room

Via Zoom: <https://us02web.zoom.us/j/82701954842>

Webinar ID: 827 0195 4842

Telephone: +1 646 558 8656

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - A) February 7th, 2022 Minutes**
- 4. Changes to the Agenda**
- 5. Public Comments – Limit 3 minutes per person**
- 6. Financial Reports**
 - A) February Financials**
- 7. Old Business**
 - A) Dune Planting Protection Update**

8. New Business

A) Performance Review and Salary Adjustment

1) Performance Review – Jennifer Nelson

2) Salary Adjustment – Jennifer Nelson

B) Commissioner Emeritus Nomination – Mike Mullins

9. Administrative Update

A) Meetings With Elected Officials

10. Commissioner Comments

11. Adjournment

In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring any additional reasonable accommodation to participate in this meeting should call the CEPD office at phone 239.472.2472 or email a written request to mycepd@mycepd.com. One or more elected or appointed local government officials, including but not limited to the Captiva Erosion Prevention District, maybe in attendance at this meeting. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the CEPD to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense.



Captiva Erosion Prevention District
February Board Meeting
Monday, February 7th, 2022
Tween Waters Inn, Ding Darling Room
15951 Captiva Drive
Captiva, Florida 33924
Public Attendance via Zoom

1. Call to Order

- Chairman Silvia called to order the regular Board meeting of the Captiva Erosion Prevention District (CEPD) at approximately 1:00 pm on February 7th, 2022.

2. Roll Call

- The following persons were in attendance:
 - CEPD Commissioners:
 - Seat 1, Linda Laird, Commissioner
 - Seat 2, René Miville, Vice Chairman
 - Seat 3, Bob Walter, Commissioner
 - Seat 4, John Silvia, Chairman
 - Seat 5, Richard Pyle, Treasurer
 - CEPD Staff:
 - Jennifer Nelson, Executive Director
 - Daniel Munt, Technical Policy Director
 - James Elston, Administrative Director
 - Lindsey Ford, Legislative Administrative Aide
 - Laura Pegler, Social Media Director
 - Ralf Brookes, CEPD Attorney
 - Public:
 - Joel Caouette, Sanibel Natural Resources Department

3. Approval of Minutes

- January 10th, 2022 Board Meeting
 - Treasurer Pyle motioned for the approval of minutes. Vice Chairman Miville seconded that motion. The motion was voted on and passed unanimously.
 - In Favor: Chairman Silvia, Vice Chairman Miville, Treasurer Pyle

- Vice Chairman Miville asked attorney Ralph Brookes if it was necessary to perform a roll call after each vote, noting that it was not done in the past. Attorney Brookes said that Chairman Silvia could ask for all those in favor and all those opposed. If no one opposes, he can then say that the motion passed unanimously, and a roll call will not be necessary.
 - January 24th Special Board Meeting
 - Treasurer Pyle made a motion for the approval of minutes. Vice Chairman Miville seconded that motion. The motion was voted on and passed unanimously.
 - In Favor: Chairman Silvia, Vice Chairman Miville, Treasurer Pyle
4. Changes to the Agenda
- Vice Chairman Miville asked where his evaluation was that he wrote for Daniel Munt. Executive Director Nelson let him know that in a previous meeting she was given direction that she was the one to perform his evaluation. She told Vice Chairman Miville that if he would like, he could read off what he wrote during discussion of Daniel Munt's title and salary change.
5. Public Comments – Limit 3 minutes per person
- Public comment was invited.
 - There were no public comments
6. Financial reports
- January Financials
 - Treasurer Pyle led a review of the financial report. a microphone. He noted that revenue had exceeded expenditures by about \$400,000 in the general account. In the capital account it is now reflecting the expenses we had incurred with the renourishment project. Vice Chairman Miville stated that the last few years they had been trying to save administrative money to put into the capital fund. Executive Director Nelson noted that what was budgeted for the staff and consultants, we were still under budget by \$13,041.67. Vice Chairman Miville then asked Treasurer Pyle how many American Express (AMEX) cards we had on staff. Treasurer Pyle noted that we had 6 cards. Vice Chairman Miville asked if we needed that many cards. Executive Director Nelson stated that the cards were there for travel, lunches, as well as office purchases. Legislative Aide Lindsey Ford stated that any purchases made, a receipt must be kept. Once she gets the bill via email, she matches purchases with the receipts and highlights them with different colors for each purchaser. This is just an extra step to make it easier to read the bill. She then stated that once complete, she forwards the bill to treasurer Pyle, Executive Director Nelson, and Jason Smith, our accountant. Vice Chairman Miville then asked if the bill then gets paid by Jason. The last meeting it was shown that there was a late fee, which Jason Smith accounted for. Administrative Aide Lindsey Ford let the commissioners know that when we received the bill from the accountant, it reflected the deduction of that late

fee. Chairman Silvia asked Executive Director Nelson to compile a brief report for the next meeting on the usage of the American Express (AMEX) cards.

7. Old Business

- Ratifying Past Meeting
 - Chairman Silvia stated that we needed to ratify the previous meeting about the ropes and poles due to not having a physical quorum. Vice Chairman made the motion. Treasurer Pyle seconded that motion. A vote was held and passed unanimously.
In Favor: Chairman Silvia, Vice Chairman Miville, Treasurer Pyle
 - Vice Chairman Miville asked for an update on the poles. Operations Manager Munt said that the change order was made to have the round poles and not the square ones. They are set to be installed the last week of February to the first week of March.

8. New Business

- Salary Adjustment and Performance Review
 - Title Change
 - Executive Director Nelson said she sent the commissioners Daniel Munt's performance review which showed a lot of his accomplishments as well as how he can keep developing. A motion was made by Vice Chairman Miville to change Daniel Munt's title from Technical Director to Director of Operations. Treasurer Pyle seconded that motion. Chairman Silvia asked Executive Director Nelson to explain the need for a title change. Executive Director Nelson stated that when they were brought on board their titles did not include the full scope of the work they were performing. We had an outside consultant perform an analysis of pay range and job performances and they reflected that the title of Operations Manager reflected the duties Daniel Munt was performing. This will also help further develop him should he need to ever step into the Executive Director role. A vote was held and passed unanimously.
 - In Favor: Chairman Silvia, Vice Chairman Miville, Treasurer Pyle
 - Salary Adjustment
 - Vice Chairman Miville made a motion to adjust the salary for Daniel Munt, to the median salary for a Director of Operations which is \$96,091. Treasurer Pyle seconded that motion. Vice Chairman Miville read his evaluation of Operations Manager Munt. He suggested his raise include the cost of living and then some for outstanding work, which will equal a new salary of \$96,091. He noted he did not look at the contract to see if there were any changes, that would need to be discussed. Treasurer Pyle asked why the review Vice Chairman Miville gave for Operations Manager Munt was not included. Executive Director Nelson let them know that it was staff direction. She mentioned the meeting in October where this was discussed with former commissioner Mullins that she was to give the staff performance reviews. This was then clarified again on a January 31st workshop. Vice Chairman Miville said he thought that her and Operations Manager Munt were both executives and that Daniel was not staff. Executive Director Nelson let him know that he was staff as he reported to her, and she reports to the

commissioners. She said that if the commissioners wanted to change that, they certainly could. A vote was held to change the salary and passed unanimously.

- In Favor: Chairman Silvia, Vice Chairman Miville, Treasurer Pyle
- Standard Operating Procedure for Appointing Commissioners
 - There were issues with the voting procedure at the last meeting. Administrative Director Elston wrote a new Standard Operating Procedure (SOP) that was approved by attorney Ralph Brooks. Vice Chairman Miville made a motion to approve the new Standard Operating Procedure (SOP). Treasurer Pyle seconded that motion. A vote was held and passed unanimously.
 - In Favor: Chairman Silvia, Vice Chairman Miville, Treasurer Pyle
- Commissioner's Appointments
 - Administrative Director Elston went over the procedure for the voting of new commissioners. There will be two separate votes, one for each vacant seat. The commissioners will rank the applicants in order of first choice to last choice. They will then read their votes aloud. The ballots for seat one was passed out, and the commissioners wrote down their choices. First read off was Chairman Silvia's votes. First choice was Al Schuele, second was Linda Laird, third was Susie Henry, and fourth was Bob Walter. Next Vice Chairman Miville. His first choice was Linda Laird, second was Bob Walter, third was Al Schuele, and fourth was Susie Henry. Last Treasurer Pyle's votes were read. First choice was Linda Laird, second was Bob Walter, third was Susie Henry, and fourth was Al Schuele. The most number one votes was Linda Laird. Vice Chairman Miville made a motion to appoint Linda Laird commissioner of seat 1. Treasurer Pyle seconded that motion. A vote was held and passed unanimously. Linda Laird was appointed commissioner of seat number one. Commissioner Laird was sworn in and agreed to her Oath of Office.
 - In Favor: Chairman Silvia, Vice Chairman Miville, Treasurer Pyle.
 - Administrative Director Elston passed out the ballots for seat number three. The commissioners wrote down their choices. First read off was Chairman Silvia's ballot. His first choice was Al Schule, second was Susie Henry, and third was Bob Walter. Next read was Vice Chairman Miville's ballot. His first choice was Bob Walter, second was Al Schuele, and third was Susie Henry. Last read was Treasurer Pyle's ballot. His first choice was Bob Walter, his second was Susie Henry, and his third was Al Schuele. The most number one votes was Bob Walter. Vice Chairman Miville made a motion to appoint Bob Walter commissioner of seat 3. Treasurer Pyle seconded that motion. A vote was held and passed unanimously. Bob Walter was appointed commissioner of seat number three. Commissioner Walter was sworn in and agreed to his Oath of Office. Since he was remote, he will need to sign it at a later date.
 - In Favor: Chairman Silvia, Vice Chairman Miville, Treasurer Pyle
- Park Mobile
 - Vice Chairman Miville made a motion to approve implementing ParkMobile going forward, as the means that guests will pay for parking. Treasurer Pyle seconded that motion. A vote was held and passed unanimously.

- In Favor: Chairman Silvia, Vice Chairman Miville, Treasurer Pyle, Commissioner Laird, Commissioner Walter
- Dune Protection signs
 - Bob Johnson let us know that we previously had permanent signs up to protect the dunes. We were given a cost of \$3800.50 to purchase and place 200 signs. Operations Manager Munt let the commissioners know there are 93 access points and that is where the amount of 200 came from. Vice Chairman Miville stated he didn't remember seeing this sign around but mentioned that after the poles and ropes go up, we may not need that number of signs. His suggestion was to only place the signs in high- traffic areas. Commissioner Laird also suggested we only have the signs at high-traffic areas. Chairman Silvia asked what happened to the previous signs that were up. Operations Manager Munt let him know that some had rusted and been taken down. We were not sure what had happened to all of the signs since they were put up before his time. Chairman Silvia asked Operations Manager Munt to go over and find high-traffic areas only and get back to them at the next meeting. Commissioner Walter asked that the signs go in areas with renters, since they are not aware to stay off the dunes. He also asked to get stainless steel dunes. Treasurer Pyle asked to add the word please to the signs as it sounded friendlier. Operations Manager Munt stated that he would like to change these signs to look like the current temporary ones. Operations Manager Munt let the commissioners know that the dunes are doing their job and, in some areas, it looks like the dunes are not there, they are just covered in sand. Chairman Silvia asked if Executive Director Nelson was going to send the new commissioner's information on Sunshine Law. She let them know that they were going to send all the information the new commissioners needed. Operations Manager Munt said he was going to set them up with new emails as well. Executive Director Nelson let all the commissioners know that they needed to start using their My Captiva Erosion Prevention District (MYCEPD) emails for anything related to the board.

9. Administrative Report

- Florida Shore and Beach Preservation Association (FSBPA) Conference
 - Executive Director Jennifer Nelson talked about what they had learned during the conference. She said she was going to put the new information into a PowerPoint for the commissioners with her administrative update. Vice Chairman Miville asked if there was any discussion since the governor did not grant barrier islands and funding for resiliency. Executive Director Nelson said there was not discussion about that but asked Commissioner Laird to speak on this. Commissioner Laird said there is 20 million dollars in the budget and over 90 million dollars' worth of requests for this money. She said that we are still working on trying to get some of those funds allocated towards resiliency grants for Captiva. Joel Caouette spoke a little more in depth about applications that have been submitted and the process of applying for these funds. Executive Director

Nelson suggested that once those applications are in, the commissioners could write a letter of support to our local representatives for funding for barrier islands.

Publishing Board Meetings

- Executive Director Nelson asked for approval of \$2,800 to put the ad in the News-Press for all our board meetings, which is a requirement. They asked for clarification from Ralph Brookes if the ad had to go through the News-Press. Attorney Brooks said that we needed to place the ads into a paper of general circulation for the county. He will check into this and see if we need to use the News-Press or one of the papers on the island.
- Changes to Operations Director Munt's Contract
 - Executive Director Nelson wanted to go over the contract for Operations Manger Munt to get his new contract approved. Vice Chairman Miville asked about a part of the contract where it stated that work did not need to be performed at the office. Vice Chairman Miville made a motion to approve the contract as long as we removed the strike out in the third section; the sentence that starts with work shall be conducted will be added back into the contract and the word generally in front of it. Commissioner Walter seconded that motion. Discussion was held. Commissioner Laird asked about vacation and sick days and how the number of days was decided. Executive Director Nelson said that they were following the amount of time from previous contracts. She also said the way this is now will protect the Captiva Erosion Prevention District (CEPD) from an employee just using their days up, after giving/receiving notice of employment termination. This way they can help cross train with new employees. A vote was held and passed unanimously.
 - In Favor: Chairman Silvia, Vice Chairman Miville, Treasurer Pyle, Commissioner Laird, Commissioner Walter

10. Commissioners' Comments

- Vice Chairman Miville gave an update on the beach celebration. Commissioner Walter said he had to leave the meeting. Vice Chairman Miville asked Executive Director Nelson to call Bill Strong to get the numbers for the apportionment. He then spoke about the celebration and how the date was changed to March 7th. There will be light drinks and appetizers passed out on the beach. Invited were people who made a difference in our projects and have helped with the renourishment project as well as some dignitaries. We are not sure what the total bill will be. Vice Chairman Miville made the motion for the celebration not to exceed the amount of \$5,000. Commissioner Laird seconded that motion. A vote was held and passed unanimously.
 - In Favor: Chairman Silvia, Vice Chairman Miville, Treasurer Pyle, Commissioner Laird
 - Not Present: Commissioner Walter

11. Adjournment

- Vice Chairman Miville made a motion to adjourn the meeting. Commissioner Laird seconded the motion. All commissioners present were in favor. The meeting was adjourned.

Action Items

Dune Protection Permanent signs- Daniel Munt

Bob Walter signed Oath- Lindsey Ford

News- Press ads- Ralph Brookes

Beach Renourishment Celebration- Jennifer, Lindsey, Vice Chairman Miville

Conference presentation- Jennifer Nelson

1:23 PM
3/2/2022
Prepared by: JS

Captiva Erosion Prevention District
General Fund - Budget Performance Summary
For the Five Months Ended February 28, 2022

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
	Actual - February '22	Budget - February '22	Actual - February '21	Budget - February '21	Actual YTD	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense									
Income									
Ad Valorem Tax	\$ 19,348.88	\$ 54,245.75	\$ 29,599.68	\$ 55,246.50	\$ 595,704.92	\$ 271,228.75	\$ 324,476.17	\$ 650,949.00	\$ 55,244.08
Interest Income	11.05	12.50	19.32	125.00	45.87	62.50	(16.63)	150.00	104.13
Other Income	1,700.00	416.67	1,600.00	312.50	11,242.32	2,083.33	9,158.99	5,000.00	(6,242.32)
Total Income	21,059.93	54,674.92	31,219.00	55,684.00	606,993.11	273,374.58	333,618.53	656,099.00	49,105.89
Expense									
Administrative Expenses	11,639.55	7,312.50	7,977.40	4,541.67	57,908.66	36,562.50	(21,346.16)	87,750.00	29,841.34
Cost of Collecting Ad Valorem	0.00	1,625.00	931.00	1,375.00	4,484.75	8,125.00	3,640.25	19,500.00	15,015.25
Wages	11,279.29	14,666.67	11,402.46	10,041.67	56,129.05	73,333.33	17,204.28	176,000.00	119,870.95
Professional Fees	1,545.43	3,416.67	13,631.15	3,000.00	11,015.82	17,083.33	6,067.51	41,000.00	29,984.18
Reserves Transfer	7,037.50	7,037.50	7,037.50	7,037.50	35,187.50	35,187.50	0.00	84,450.00	49,262.50
Total Expense	31,501.77	34,058.33	40,979.51	25,995.84	164,725.78	170,291.67	5,565.89	408,700.00	243,974.22
Net Income	<u>\$ (10,441.84)</u>	<u>\$ 20,616.58</u>	<u>\$ (9,760.51)</u>	<u>\$ 29,688.16</u>	<u>\$ 442,267.33</u>	<u>\$ 103,082.92</u>	<u>\$ 339,184.41</u>	<u>\$ 247,399.00</u>	<u>\$ (194,868.33)</u>

Cash basis- omitted all note disclosures
No assurance is provided on these financial statements.

1:22 PM
3/2/2022
Prepared by: JS

Captiva Erosion Prevention District
General Fund - Budget Performance Detail
For the Five Months Ended February 28, 2022

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
	Actual - February '22	Budget - February '22	Actual - February '21	Budget - February '21	Actual YTD	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense									
Income									
Ad Valorem Tax	19,348.88	54,245.75	29,599.68	55,246.50	595,704.92	271,228.75	324,476.17	650,949.00	55,244.08
Interest Income	11.05	12.50	19.32	125.00	45.87	62.50	(16.63)	150.00	104.13
Other Income	1,700.00	416.67	1,600.00	312.50	11,242.32	2,083.33	9,158.99	5,000.00	(6,242.32)
Total Income	21,059.93	54,674.92	31,219.00	55,684.00	606,993.11	273,374.58	333,618.53	656,099.00	49,105.89
Expense									
Administrative Expenses									
Advertising	4,509.45	833.33	2,856.33	250.00	9,406.69	4,166.67	(5,240.02)	10,000.00	593.31
Bank Service Charges	267.41	83.33	0.00	25.00	1,414.16	416.67	(997.49)	1,000.00	(414.16)
Board Meeting Expenses	0.00	83.33	0.00	83.33	1,275.00	416.67	(858.33)	1,000.00	(275.00)
Copier Lease Expense	0.00	62.50	0.00	75.00	119.81	312.50	192.69	750.00	630.19
Dues and Subscriptions	0.00	416.67	0.00	375.00	1,944.98	2,083.33	138.35	5,000.00	3,055.02
General Insurance	0.00	583.33	0.00	375.00	21,481.00	2,916.67	(18,564.33)	7,000.00	(14,481.00)
Newsletter Expense	0.00	500.00	0.00	150.00	0.00	2,500.00	2,500.00	6,000.00	6,000.00
Office Expense	1,151.71	1,666.67	1,176.12	375.00	5,141.05	8,333.33	3,192.28	20,000.00	14,858.95
Postage	84.86	41.67	0.00	83.33	148.19	208.33	60.14	500.00	351.81
Rent Expense	1,059.65	1,250.00	1,014.39	1,166.67	5,959.70	6,250.00	290.30	15,000.00	9,040.30
Repairs	0.00	83.33	0.00	125.00	0.00	416.67	416.67	1,000.00	1,000.00
Telephone	288.02	208.33	0.00	166.67	979.84	1,041.67	61.83	2,500.00	1,520.16
Travel and Per Diem	3,589.69	625.00	1,045.95	625.00	6,516.02	3,125.00	(3,391.02)	7,500.00	983.98
Utilities	85.26	208.33	448.21	166.67	889.03	1,041.67	152.64	2,500.00	1,610.97
Website & Computer Maintenance	603.50	666.67	1,436.40	500.00	2,633.19	3,333.33	700.14	8,000.00	5,366.81
Total Administrative expenses	11,639.55	7,312.50	7,977.40	4,541.67	57,908.66	36,562.50	(21,346.16)	87,750.00	29,841.34
Wages and Professional Fees									
Wages	11,279.29	14,666.67	11,402.46	10,041.67	56,129.05	73,333.33	17,204.28	176,000.00	119,870.95
Professional Fees	1,545.43	3,416.67	13,631.15	3,000.00	11,015.82	17,083.33	6,067.51	41,000.00	29,984.18
Total Legal and Professional Fees	12,824.72	18,083.33	25,033.61	13,041.67	67,144.87	90,416.67	23,271.80	217,000.00	149,855.13
Cost of Collecting Ad Valorem									
Property Tax Appraiser Fees	0.00	458.33	335.00	333.33	4,046.03	2,291.67	(1,754.36)	5,500.00	1,453.97
Tax Collector Commissions	0.00	1,166.67	596.00	1,041.67	438.72	5,833.33	5,394.61	14,000.00	13,561.28
Total Cost of Collecting Ad Valorem	0.00	1,625.00	931.00	1,375.00	4,484.75	8,125.00	3,640.25	19,500.00	15,015.25
Reserves									
Operating Reserves Transfers	7,037.50	7,037.50	7,037.50	7,037.50	35,187.50	35,187.50	0.00	84,450.00	49,262.50
Total Expense	31,501.77	34,058.33	40,979.51	25,995.84	164,725.78	170,291.67	5,565.89	408,700.00	243,974.22
Net Income	\$ (10,441.84)	\$ 20,616.58	\$ (9,760.51)	\$ 29,688.16	\$ 442,267.33	\$ 103,082.92	\$ 339,184.41	\$ 247,399.00	\$ (194,868.33)

Cash basis - omitted all note disclosures
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1:23 PM
 3/2/2022
 Prepared: JS

Captiva Erosion Prevention District
 Capital Projects Fund - Budget Performance Summary
 For the Five Months Ended February 28, 2022

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
	Actual - February '22	Budget - February '22	Actual - February '21	Budget - February '21	YTD Actual	YTD Budget	YTD Variance	Tentative Budget	Residual Budget
Ordinary Income/Expense									
Income									
Grant Income	\$ -	\$ 932,250.00	\$ -	\$ 77,035.50	\$ 94,125.77	\$ 4,661,250.00	\$ (4,567,124.23)	\$ 11,187,000.00	\$ 11,092,874.23
Interest Income	962.86	2,250.00	21.76	2,083.33	7,679.62	11,250.00	(3,570.38)	27,000.00	19,320.38
Other Miscellaneous Income	0.00	83.33	7,037.50	0.00	22,500.00	416.67	22,083.33	1,000.00	(21,500.00)
Parking Lot Revenue	52,556.00	70,833.33	58,738.00	41,666.67	173,190.00	354,166.67	(180,976.67)	850,000.00	676,810.00
Reserves - General	7,037.50	7,037.50	10,676.97	7,220.83	35,187.50	35,187.50	0.00	84,450.00	49,262.50
Special Assessments	0.00	0.00	0.00	25,416.67	0.00	0.00	0.00	0.00	0.00
Total Income	60,556.36	1,012,454.17	76,474.23	153,423.00	332,682.89	5,062,270.83	(4,729,587.94)	12,149,450.00	11,816,767.11
Expense									
General Expenses	3,559.64	5,083.33	4,572.88	4,625.00	8,197.47	25,416.67	17,219.20	61,000.00	52,802.53
Parking Lot	23,124.35	17,062.50	11,765.71	3,516.67	45,537.95	85,312.50	39,774.55	204,750.00	159,212.05
Wages	28,004.86	23,512.50	13,156.25	10,041.67	113,365.88	117,562.50	4,196.62	282,150.00	168,784.12
Professional Fees	7,425.43	15,416.67	11,964.81	3,000.00	34,174.18	77,083.33	42,909.15	185,000.00	150,825.82
Renourishment 2021/2022	1,783,125.44	1,168,790.42	0.00	48,750.00	10,421,354.32	5,843,952.08	(4,577,402.24)	14,025,485.00	3,604,130.68
Debt Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expense	1,845,239.72	1,229,865.42	41,459.65	69,933.34	10,622,629.80	6,149,327.08	(4,473,302.72)	14,758,385.00	4,135,755.20
Net Income	<u>\$ (1,784,683.36)</u>	<u>\$ (217,411.25)</u>	<u>\$ 35,014.58</u>	<u>\$ 83,489.66</u>	<u>\$ (10,289,946.91)</u>	<u>\$ (1,087,056.25)</u>	<u>\$ (9,202,890.66)</u>	<u>\$ (2,608,935.00)</u>	<u>\$ 7,681,011.91</u>

Captiva Erosion Prevention District
 Capital Projects Fund - Budget Performance Detail
 For the Five Months Ended February 28, 2022

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
	Actual - February '22	Budget - February '22	Actual - February '21	Budget - February '21	YTD Actual	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense									
Income									
Grant Income - Local	\$ -	\$ 488,083.33	\$ -	\$ 72,368.83	\$ 94,125.77	\$ 2,440,416.67	\$ (2,346,290.90)	\$ 5,857,000.00	\$ 5,762,874.23
Grant Income - State	0.00	344,166.67	0.00	4,666.67	0.00	1,720,833.33	(1,720,833.33)	4,130,000.00	4,130,000.00
Grant Income - Federal (FEMA)	0.00	100,000.00	0.00	0.00	0.00	500,000.00	(500,000.00)	1,200,000.00	1,200,000.00
Interest Income	962.86	2,250.00	21.76	2,083.33	7,679.62	11,250.00	(3,570.38)	27,000.00	19,320.38
Other Miscellaneous Revenues	0.00	83.33	7,037.50	0.00	22,500.00	416.67	22,083.33	1,000.00	(21,500.00)
Parking Lot Revenue	52,556.00	70,833.33	58,738.00	41,666.67	173,190.00	354,166.67	(180,976.67)	850,000.00	676,810.00
General Reserves	7,037.50	7,037.50	10,676.97	7,220.83	35,187.50	35,187.50	0.00	84,450.00	49,262.50
Special Assessments Principal	0.00	0.00	0.00	25,416.67		0.00	0.00	0.00	0.00
Total Income	60,556.36	1,012,454.17	76,474.23	153,423.00	332,682.89	5,062,270.83	(4,729,587.94)	12,149,450.00	11,816,767.11
Expense									
Advertising	0.00	833.33	1,407.85	250.00	0.00	4,166.67	4,166.67	10,000.00	10,000.00
Dues & Subscriptions	2,500.00	416.67	0.00	375.00	2,500.00	2,083.33	(416.67)	5,000.00	2,500.00
Bank Service Charges	0.00	83.33	0.00	25.00	57.42	416.67	359.25	1,000.00	942.58
Cost of Assessment Collections	0.00	83.33	0.00	83.33	0.00	416.67	416.67	1,000.00	1,000.00
Insurance	0.00	583.33	0.00	375.00	0.00	2,916.67	2,916.67	7,000.00	7,000.00
Office Expenses	0.00	1,666.67	2,004.74	2,350.00	0.00	8,333.33	8,333.33	20,000.00	20,000.00
Rent	1,059.64	1,250.00	1,014.38	1,000.00	5,640.05	6,250.00	609.95	15,000.00	9,359.95
Storage of records	0.00	166.67	145.91	166.67	0.00	833.33	833.33	2,000.00	2,000.00
Total General Expense	3,559.64	5,083.33	4,572.88	4,625.00	8,197.47	25,416.67	17,219.20	61,000.00	52,802.53
Parking Lot Expenses									
Credit Card Fees	1,695.46	1,916.67	1,526.89	750.00	4,819.09	9,583.33	4,764.24	23,000.00	18,180.91
Parking Maintenance	200.00	2,916.67	4,835.00	200.00	4,186.03	14,583.33	10,397.30	35,000.00	30,813.97
Portable Toilets	17,520.00	7,500.00	2,340.00	666.67	27,878.92	37,500.00	9,621.08	90,000.00	62,121.08
Signage	0.00	41.67	0.00	150.00	905.25	208.33	(696.92)	500.00	(405.25)
Utilities	249.03	83.33	0.00	150.00	707.35	416.67	(290.68)	1,000.00	292.65
Sales Tax Expense	3,459.86	4,604.17	3,063.82	1,600.00	7,041.31	23,020.83	15,979.52	55,250.00	48,208.69
Total Parking Lot Expenses	23,124.35	17,062.50	11,765.71	3,516.67	45,537.95	85,312.50	39,774.55	204,750.00	159,212.05
Wages and Professional Fees									
Wages	28,004.86	23,512.50	13,156.25	10,041.67	113,365.88	117,562.50	4,196.62	282,150.00	168,784.12
Professional Fees	7,425.43	15,416.67	11,964.81	3,000.00	34,174.18	77,083.33	42,909.15	185,000.00	150,825.82
Total Wages and Professional Fees	35,430.29	38,929.17	25,121.06	13,041.67	147,540.06	194,645.83	47,105.77	467,150.00	319,609.94
Renourishment 2021/2022									
Project Expenses	1,783,125.44	1,168,790.42	0.00	48,750.00	10,401,054.32	5,843,952.08	(4,557,102.24)	14,025,485.00	3,624,430.68
Turtle Monitoring	0.00	0.00	0.00	0.00	20,300.00	0.00	(20,300.00)	0.00	(20,300.00)
Total Renourishment 2021/2022	1,783,125.44	1,168,790.42	0.00	48,750.00	10,421,354.32	5,843,952.08	(4,577,402.24)	14,025,485.00	3,604,130.68
Debt Service									
Interest	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Principal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Debt Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expense	1,845,239.72	1,229,865.42	41,459.65	69,933.34	10,622,629.80	6,149,327.08	(4,473,302.72)	14,758,385.00	4,135,755.20
Net Income	(1,784,683.36)	(217,411.25)	35,014.58	83,489.66	(10,289,946.91)	(1,087,056.25)	(9,202,890.66)	(2,608,935.00)	7,681,011.91

CEPD - GENERAL FUND
 Balance Sheet

	<u>February 28, 2022</u>	<u>February 28, 2021</u>
ASSETS		
Current Assets		
Checking/Savings		
BOTI Checking	\$ 704,891.88	\$ 833,267.56
Total Checking/Savings	<u>704,891.88</u>	<u>833,267.56</u>
Other Current Assets		
Due from Capital Projects Fund	88,872.20	-
Other	-	-
Total Other Current Assets	<u>88,872.20</u>	<u>-</u>
Total Current Assets	<u>793,764.08</u>	<u>833,267.56</u>
TOTAL ASSETS	<u>\$ 793,764.08</u>	<u>\$ 833,267.56</u>
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Other Current Liabilities		
Accrued Liabilities	3,552.45	-
Due to Capital Projects Fund	-	272,155.91
Total Other Current Liabilities	<u>3,552.45</u>	<u>272,155.91</u>
Total Current Liabilities	<u>3,552.45</u>	<u>272,155.91</u>
Total Liabilities	3,552.45	272,155.91
Equity		
Fund Balance	347,944.30	113,298.69
Net Income	442,267.33	447,812.96
Total Equity	<u>790,211.63</u>	<u>561,111.65</u>
TOTAL LIABILITIES & EQUITY	<u>\$ 793,764.08</u>	<u>\$ 833,267.56</u>

CEPD - CAPITAL PROJECTS FUND
 Balance Sheet

	<u>February 28, 2022</u>	<u>February 28, 2021</u>
ASSETS		
Current Assets		
Checking/Savings		
BOTI Checking	\$ 3,312,231.54	\$ 901,369.16
Fifth Third Pooled Checking	-	3,998.59
Fifth Third Investment Account	2,458,104.18	1,438,008.02
Fifth Third Treasury Bill #07	418,000.00	418,000.00
Fifth Third Treasury Bill #09	-	494,000.00
Fifth Third Treasury Bill #22	-	495,000.00
Sanibel Captiva Bank - CD	256,204.52	256,033.34
Total Current Assets	<u>6,444,540.24</u>	<u>4,006,409.11</u>
Other Current Assets		
Utility Deposit	300.00	300.00
Due From General Fund	-	272,155.91
Total Other Current Assets	<u>300.00</u>	<u>272,455.91</u>
Total Current Assets	<u>6,444,840.24</u>	<u>4,278,865.02</u>
TOTAL ASSETS	<u>\$ 6,444,840.24</u>	<u>\$ 4,278,865.02</u>
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Due to General Fund	\$ 88,862.20	\$ -
Equity		
Accumulated Reserves	3,585,624.00	2,782,137.00
Fund Balance	13,060,300.95	1,097,579.36
Net Income	(10,289,946.91)	399,148.66
Total Equity	<u>6,355,978.04</u>	<u>4,278,865.02</u>
TOTAL LIABILITIES & EQUITY	<u>\$ 6,444,840.24</u>	<u>\$ 4,278,865.02</u>

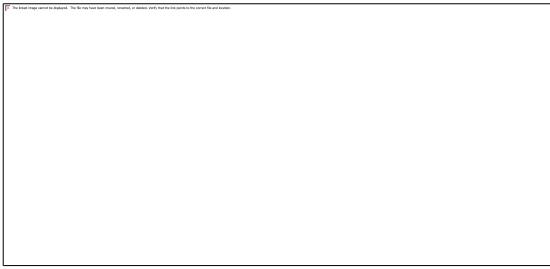
CAPTIVA EROSION PREVENTION DISTRICT RESERVE ACCUMULATIONS FISCAL YEAR ENDING 9/30/2022												
	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22
Beginning Balance	\$ 3,376,887	\$ 3,384,284	\$ 3,403,102	\$ 3,461,813	\$ 3,526,031	\$ 3,585,624	\$ 3,585,624	\$ 3,585,624	\$ 3,585,624	\$ 3,585,624	\$ 3,585,624	\$ 3,585,624
Reserves Transferred In												
Parking Revenue	360	11,780	51,674	57,180	52,556							
Operating Reserves	7,037	7,038	7,037	7,038	7,037							
Increase (Decrease) in Reserves	7,397	18,818	58,711	64,218	59,593	-	-	-	-	-	-	-
Total Accumulated Reserves	\$ 3,384,284	\$ 3,403,102	\$ 3,461,813	\$ 3,526,031	\$ 3,585,624	\$ 3,585,624	\$ 3,585,624	\$ 3,585,624	\$ 3,585,624	\$ 3,585,624	\$ 3,585,624	\$ 3,585,624

Jennifer Nelson- Accomplishments

January 4th, 2021- January 4th, 2022

- Hire and manage CEPD staff
 - Cancelled consultant contracts with Evan Cutler and Bob Gray. Resulting in a savings of \$21,961.88 for Evan and \$32,894.10. We currently Utilize Bob Gray's services as needed.
 - Brought payroll in-house resulting in a \$3,600 annually.
 - Hired part time Legislative Aide to overlap duties with all admin staff and lead support to elected commissioners.
 - Hired a communications manager to develop and create our social media presence. Also, to assist with communication/ marketing plans for CEPD.
 - Verify quarterly Technical Director salary is 50% reimbursable by the TDC.
 - Verify quarterly parking lot attendants' salary is 100% reimbursable by the TDC.
 - Transitioned required beach monitoring reports by Mote Aquarium to the Parking Lot Attendants.
 - Implemented mobile clock in at remote locations for hourly employees through the ADP app. This allows us to verify hours worked more accurately.
 - Providing team with necessary training and development to make them successful and retainable to the CEPD,
- Developed positive relationships with stakeholders.
 - Captiva Community Panel
 - City of Sanibel
 - Realtor Association
 - Captiva Yacht Club
 - Sanibel Captiva Conservation Foundation
 - Lee County Natural Resources Department
 - Lee County Tourism and Development Council
 - Lee County Visitor and Convention Bureau
 - Congressman Byron Donalds' District Office
 - Southwest Florida Delegation of State Representatives and Senators
 - Coordinated two boat rides to see the dredger during the beach projects with 2 sets of elected officials
- Funding
 - Brought to light that the economist study was done during the Red Tide crisis in 2018 which resulted in direction to review the formulas in the original study and revise the recreational benefit to increase the percentages from 55.9% to 70.6% resulting in additional cost share of more than \$940,178.73.
 - Met with former CEPD Commissioner Mike Mullins and Lee County Commissioner Kevin Ruane to ask for additional funding from Lee County. We were awarded an additional \$1,000,000.
 - Wrote grant for Tourism Development Council resulting in a grant award for \$308,500.

- Secured lobbyist to assist us with identifying additional state funding available to CEPD. Working to develop a re-write for the Coastal Resiliency Funding to include funding to special districts.
- Beach Project
 - Led efforts, along with my team to have a very successful beach project with minimal complaints from visitors, residents and business owners.
 - Hosted walk a heads along the beach for upcoming sections to be worked on allowing us to work directly with management from bot Tween Waters and South Seas on our communications.
 - Communicated via newsletters, beach briefs, press releases and social media resulting in positive press for the CEPD and the project.
 - Worked with contractor and engineer to develop solutions during equipment testing, equipment malfunctions, storms, and sand bridge building to assist with visitors and residents who had concerns.
 - Developed very comprehensive communication plan that resulted in positive feedback island wide on the success of the project.
 - Worked directly with SCCF on nest removal and created solutions.
 - Hire municipal bond attorney to assist with the bank loan for the project.
 - Researched and selected bank for loan processing.
 - Participated in weekly meetings with all stakeholders involved in the project.
 - Asked to present regarding our successful beach project to the Lee County Tourism and Development Council and the Florida Beach Preservation Conference.
- Commissioner training and development
 - Provided Commissioners with sunshine and ethics training links.
 - Focused on rules of procedure and SOPs to guide our meetings efficiently and make them more effective.
 - Developing Commissioner orientation for new and existing commissioners.
 - Corrected information with Lee County Supervisor of Elections and Florida Division of Elections on previously appointed commissioners.
- Budget
 - Hosted and presented a budget workshop highlighting revenues and expenses for the 2022 budget including a staffing plan.
 - Operated within budget.



ANNUAL PERFORMANCE APPRAISAL

Employee Name Jennifer Nelson		Date of Hire January 4, 2021		Date: 2/10/22		
Department Administrative		Job Title: Executive Director				
Key to Ratings		S	SATISFACTORY - Individual performs all tasks satisfactorily. Requires normal supervision			
E	EXCELLENT - Individual performs all tasks in an exceptional manner. Requires little or no supervision.	F	FAIR - Individual performs most tasks satisfactorily, but not all. Requires more than normal supervision.			
G	GOOD - Individual performs many tasks well, and all other tasks adequately. Requires little or no supervision	U	UNSATISFACTORY - Individual fails to perform many tasks well. Requires close and constant supervision.			
NOTE: See attached instruction sheet for complete and proper use of this form.						
JOB KNOWLEDGE		Employee possesses clear understanding of the responsibilities and tasks he or she must perform.				
Rating: (Select One)	E	x	G	S	F	U
Comments: familiarity with Lee County and associated agencies dealing with Beach renourishment and water quality/sea level						
JOB PERFORMANCE		(Qualitative) The neatness, thoroughness, accuracy, and overall quality of the employee's work.				
Rating: (Select One)	E	G	x	S	F	U
Comments: issues with Bob Johnson and trash removal were quickly addressed and transition difficulties overcome.						
JOB PRODUCTIVITY		(Quantitative) The employee demonstrates a commitment toward achieving results. Tasks are completed efficiently and effectively.				
Rating: (Select One)	E	x	G	S	F	U
Comments: Agenda for Board meetings and guidance to Chair excellent						
DEPENDABILITY		Employee can be relied upon to complete tasks and is conscientious about their attendance and timeliness.				
Rating: (Select One)	E	x	G	S	F	U
Comments: available to explain procedures and operations, responds to phone calls and e-mails						
COOPERATION		Employee demonstrates a willingness to collaborate with associates, subordinates, supervisors, and others. Responds willingly to changes in procedure, process, responsibility, and assignments.				
Rating: (Select One)	E	x	G	S	F	U
Comments: ready to work on issues with stakeholders and commissioners						

INITIATIVE											Demonstrates an ability to think and act independently. Originates innovative ideas and methods to improve job or complete tasks better.										
Rating: (Select One)		E	x	G		S		F		U											
Comments: ability to keep the District and Commissioners ahead of the issues/cutting expenses and set priorities for spending																					
WORK ENVIRONMENT AND SAFETY											Maintains a safe and pleasant work environment, follows safety regulations, and actively contributes towards a safe workplace.										
Rating: (Select One)		E	x	G		S		F		U											
Comments: office functional																					

OVERALL PERFORMANCE																					
Rating: (Select One)		E	X	G		S		F		U											
Comments: SOP issue dealt with given the available information, would have preferred greater involvement of the attorney																					

ACTION PLAN											The criteria above are important to rigorously evaluate the employee's performance. The following Action Plan describes the employee's specific strengths, areas for development, and addresses what can be done to improve their performance towards continued growth in this position.										
Strengths are: communications, relates to stakeholders, organization																					
These strengths can be utilized by: setting parameters/meetings with stakeholders to assess sea level rise issues																					
Areas for development: integrate Commissioners into county/regional groups to help commissioners better understand issues																					
These areas for development can be improved by:																					
Continue to collaborate closely with stakeholders and commissioners, further links to regional decision makers																					

Supervisor: Jennifer Nelson																					
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Reviewing Sup:		DocuSigned by: 																			
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Employees comments:																					

Employee Signature											DocuSigned by: 										
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Dear Commissioners February 2, 2022

Re Jennifer Nelson evaluation:

When the Executive Director came on board to direct the CEPD, her city and nonprofit experience was exciting and suggested a great new beginning for our district. To be fair, Jennifer began with the uncertainty of our once-every-8-years Capital project, a new staff and the necessity to learn as one goes. Fortunately, we already had a protocol in place for the renourishment and we could assume that all else would be good in time. As you read ahead, I will point out my issues of concern and areas that need improvement.

Needs constant mentoring because of many missteps despite a formula already laid out.

We have just completed beach renourishment with major savings to our community. As mentioned above, this program was already put in place by former Commissioner Mullins. Mr. Mullins remained with us for most of the project and spent a good deal of time mentoring Jennifer and correcting several missteps. We need to avoid the unforced errors and distractions that have taken place during the past year.

Hasn't raised any extra funds but increased budget

Jennifer was informed at the outset that raise in pay would be determined by what she could generate in additional funds, with extra staff to handle these outside groups one would think she would be freer to deliver and locate other sources. No additional funds raised.

Why such a large staff and still issues?

We must avoid anyone's desire to use our community's tax dollars to build an oversized or over-ambitious agency unrelated to our legislative authority and with unnecessary layers of supervision. We now have 5 direct employees and 2 parking lot attendants; we have a lobbying firm; a prestigious engineering firm; and a full-time resiliency Captain. Previously, we completed 4 beach projects with 2 full time workers, Engineering firm and occasionally a lobbying firm. Are the 4 employees under the Executive Director being utilized for maximum output? CEPD is an erosion prevention district with a specific mandate.

Unacceptable mistakes occurring even with a larger staff:

Voting of new seats, Major funding vote delays, Ropes and Pole bids

Billing disagreements aired publicly.

I am also concerned about the administrative errors that should not have taken place. The voting process at the January meeting was inexcusable and an embarrassment. The multiple sunshine and election violations if not corrected would have made our future projects vulnerable to litigation. Not to mention the bid-letting process that sat for the entire month of December for the ropes and poles for the sand dunes. Also unnecessary was the bill fiasco in November with the SCCF that was aired in public and should have been managed administratively and more productively. Also, difficult to understand was the incorrect submittals by staff to the newspapers that required delay of the September and October funding votes for the project. Commissioner Kaiser flew here unnecessarily despite his doctor's recommendations to stay put on Long Island!

These errors seem to reflect lack of supervision, and should not have occurred given the available staff, our attorney, and our independent contractors. Improvement in this area is obviously necessary.

Lack of awareness with other Captiva institutions

One of our Executive Director's signature tasks is interacting with stakeholders. There needs to be improvement here also. Jennifer seems never to have grasped from the beginning the important role that the Captiva Community Panel plays on Captiva. Her initial attitude that the Panel was unimportant and a distraction for the CEPD was misplaced and counterproductive.

Unsolicited acts of what could be interpreted as trying to embarrass the actions of the CEPD Board to other governments

The drama and strife that was created with the Mayor of Sanibel was another unfortunate occurrence. While I understand why Mayor Smith was upset about Mr. Pyle's questions about her presence on the boat ride, and about my unfortunately flippant remark about the provincial nature of Sanibel, I don't understand why the mayor was sent the controversial video unsolicited. What purpose I ask myself? Also my understanding is that another one of our videos was sent to another government official even though it caused unnecessary upset.

The tendency of the Executive Director to repeatedly point out to outside agencies and individuals the lack of professionalism and decorum we as a board were projecting was not appropriate. Lastly most of her personally listed accomplishments neglect to point out that for the majority were directives by commissioners and not her inspirations. Including implying credit for the \$1,000,000 already decided upon by Lee County Commissioner Ruane prior to her employment.

So, in closing my evaluation is the following:

Good points are:

Awareness of big picture process

Very accessible 24/7

Easy going personality and likeability

Likes very much to interact with stakeholders

Having good political contacts to help us

Skills needing improvement& Problematic tendencies that need to stop:

Paying attention,
productive supervision
attentive oversight.

Not allowing actioned items sit or slip even with a current platoon of employees at her disposal.

Projecting to other agencies that CEPD has a chaotic and unprofessional Board. This brings professional and a personal agenda into question.

Final analysis: Jennifer might be too big for this job for she may be used to working with a larger number of employees in a primarily supervisory role. Her CEPD hands-on-problem-solving capabilities are problematic as displayed during these last 12 months. I propose that Jennifer think long and hard during the next 30 days about whether she wants to continue to work at CEPD and whether this job is a good fit for her. If she wishes to stay, I propose that she works with the Chairman and the other Commissioners on the issues that have been raised during this performance review and endeavor to make improvements during the next 12 months. Inflation was 4.7 percent in 2021. If the Commissioners want to support a cost-of-living raise if she wants to stay and acknowledge these issues will be made right, I will have no objection.



THE CAPTIVA EROSION PREVENTION DISTRICT

Compensation and Job Description Review

Prepared by: Dr. Angela J. Pruitt, PMP, SHRM-SCP
ajpruitt@angelajpruitt.net

The Captiva Erosion Prevention District (CEPD) was established in 1959 by the Florida legislature. CEPD is an independent special beach and shore preservation district. One of the core responsibilities of the CEPD is to monitor the conditions of Captiva Island. The administrative functions can be categorized as:

- + Relationship management
- + General administrative
- + Financial administrative
- + Technical coastal management
- + Government grant acquisition and grant writing

CEPD is governed by an elected board of five commissioners who are non-partisan and live within the district. The day-to-day work of CEPD is facilitated by an Executive Director and Technical Policy Director. In the fall of 2021, the Executive Director began the strategic planning process. As part of this work, I was asked to review the current job descriptions and compensation for the administration of CEPD.

The job descriptions were reviewed with the Executive Director and minor changes were made. Based on the actual work of the Technical Policy Director, it is recommended that the title change to Director of Operations. This title is more appropriate for the work of this position. The job descriptions were also reformatted for clarity purposes. (See attached)

The compensation was reviewed based on the day-to-day work of the administrators. The Economic Research Institute (ERI) was utilized to compile the compensation recommendations for CEPD. ERI was founded over 25 years ago to provide compensation applications for private and public organizations. ERI Economic Research Institute compiles the most robust salary, cost-of-living, and executive compensation survey data available, with current market data for more than 1,000 industry sectors.

ERI's research analysts apply a combined 100+ years of experience in the field of compensation administration to give you interactive software updated quarterly with consensus results from the most reliable survey sources. ERI maintains several databases, tracking wage and salary information (as well as cost of living information)

for the United States, Canada, the United Kingdom, and many European Union members. Data for each country is maintained separately. ERI's Assessor Series® captures and combines the strengths of the Internet and over 25 years of research to provide instantaneous answers to your most pressing compensation questions.

Based on the ERI review, below is the recommended salary range for CEPD administrative positions.

Salaries by Fiscal Year Budget

Compensation Type: Base Salary

Pay Period: Annual

Executive Director

Fiscal Year Budget	20th Percentile	40th Percentile	Median	75th Percentile	90th Percentile
\$500,000 - \$1,000,000	\$71,424.00	\$108,273.00	\$121,192.00	\$167,832.00	\$207,333.00

Director of Operations

Fiscal Year Budget	20th Percentile	40th Percentile	Median	75th Percentile	90th Percentile
\$500,000 - \$1,000,000	\$63,988.00	\$86,471.00	\$96,091.00	\$121,074.00	\$137,462.00



The Captiva Erosion Prevention District Job Description

JOB TITLE: Executive Director

BACKGROUND:

The Captiva Erosion Prevention District (CEPD) is a governmental body created by special act of the Florida Legislature. Its mandate is to handle erosion-related problems all around on Captiva Island's tidal zone. CEPD is reorganizing the way it resources CEPD administrative functions and adding resiliency for Sea Level Rise as a focus. Those administrative functions can be categorized as:

- Relationship Management functions
- General Administration functions
- Financial Administration functions
- Coastal Management functions
- Government grant acquisition and grant writing

CEPD seeks a highly qualified individual to work on a competitive salary or contract basis to perform the strategic CEPD functions described below.

MINIMUM QUALIFICATIONS:

- + Bachelor's degree or equivalent experience.
- + A minimum of five years recent experience that demonstrates progressively increasing responsibilities in office administration, customer interface and management.
- + A minimum of 2 years recent experience that demonstrates responsibility in handling and reporting on financial transactions, budgeting, and financial projections.
- + A minimum of 2 years recent experience in successful small scale project management
- + Some exposure to providing financial services to government agencies preferred, but not necessary.
- + Some exposure to the Coastal Management industry.

Such alternatives to the above qualifications as the Board may find acceptable.

KNOWLEDGE, SKILLS, AND ABILITIES:

- + Excellent Project and Process Management skills, including project planning and scheduling, team supervision, project and resource tracking and reporting, and issue resolution using an automated project management tool such as Microsoft Project.
- + Excellent communication and presentation skills.
- + Excellent skills at interfacing with the general public.



The Captiva Erosion Prevention District Job Description

- + Excellent office management and administration skills.
- + Ability to work in a self-motivated manner.
- + Ability to provide general administrative and medium financial support to multiple personnel and managing upward to the board and responding to board priorities as scheduled with the board Chairperson.
- + Ability to scope, plan and oversee/execute small scale projects such as beach clean-up, parking lot improvements and management and/or dune plantings.
- + Ability to address ad-hoc requests successfully.
- + Exposure to generally accepted financial and book-keeping accounting practices.
- + Facility with financial reporting; able to create, review, comment on, present and prove financial reports.
- + Excellent computer skills, including social networking, word processing, spreadsheet processing, presentation software, internet facility, project management software, e-mail, digital document management and electronic calendaring.

ESSENTIAL JOB FUNCTIONS:

- + Reporting to, and taking direction from, the CEPD Board of Directors and primarily, though not exclusively, the Chairperson. Such will be in accordance with the Strategic General Administration policies. The position will be responsible for performing the functions listed below, according to standard operating procedures developed and approved by the CEPD Board of Directors.
- + Work with the CEPD Coastal Management consultant to assist with, and eventually take over, the CEPD coastal management functions relative to:
 - State Funding 10 year Projections
 - County Funding Projections
 - Maintaining a firm understanding of the state and federal beach management programs as well as the beach nourishment planning, permitting, construction, and monitoring processes, and coordinating the entire process. Similarly, coastal resilience and coastal erosion in general.
 - Filing quarterly reports and reimbursement requests with the state for all active state grant contracts. Maintaining a detailed accounting record of grant contract tasks, invoices paid, and the funding remaining in existing grant contracts and annual grant requests to appropriate county functions such as TDC/VCB.
 - Facilitating the economic apportionment process for the Captiva property local share of funding for beach nourishment projects.
 - Conducting periodic and immediate post-storm beach inspections, remaining familiar with the general beach conditions, and articulating beach storm damage assessments quickly to the CEPD Commissioners, state and federal agencies, and the public.
- + Performing the following functions in a self-directed manner, per the procedures and schedules approved by the CEPD Board.



The Captiva Erosion Prevention District Job Description

- + Coordinating with Lee County the clean-up of large amounts of debris or fish kills on the beach or in water and mangroves around Captiva Island.
 - + Responding to E-mail, voice mail and/or regular mail received relative to strategic CEPD functions.
 - + Providing Board meeting support by developing the agenda with the Board Chairperson and XXX, assist the Chairman in facilitating the meeting, and reporting/discussing strategic initiatives.
 - + Managing/overseeing the look and feel and content requirements of the CEPD Website, creating content or coordinating the creation of content for the website.
 - + Performing special projects for CEPD Board Members or other personnel designated by the CEPD Board as prioritized by the Chairperson.
 - + Reporting Status updates on a weekly basis. +
- Coordinating Legal functions, such as:

- Timely production of Election relevant processes and resolutions
 - Timely submission of Financial Disclosures and other state and county required qualification requirements by CEPD Commissioners
 - Legal review by CEPD Attorney of: Contracts, public communications, and resolutions
- + Performing public relations functions, such as educating and familiarizing the homeowners and visitors with the CEPD beach nourishment project and the project construction schedule. In the future, with Sea Level Rise activities
 - + Becoming involved with, and attending meetings of, other organizations that have a coastal management dimension to their purview, e.g. Florida Shore and Beach Preservation Association, Lee County Coastal Advisory Committee, Lee County Tourist Development Board, etc..
 - + Maintaining working relationships and promoting CEPD goals and objectives with other governmental and non-governmental organizations with which CEPD must interface at the strategic and tactical levels.
 - + Developing and continuing to improve the quality of CEPD Board approved standard operating procedures and schedules for performing CEPD Administration Functions.
 - + Ensure that CEPD procedures take advantage of available mechanisms and strategies to ensure that they are conducted in the most financially beneficial way to CEPD.
 - + Populating the CEPD Master Calendar with strategic events and maintaining those events.
 - + Cross training in general administration functions and filling in for Director of Administration as required.

(Note that the following functions will be performed per FLTRIM procedures, standard operating procedures approved by the CEPD Treasurer and accountant and may, at times, require additional support and direction from the accountants.)

- Assuring that CEPD is in compliance with all state regulations and deadlines.
- Developing CEPD annual Capital Projects and Ad Valorum budgets.
- Establishing the ad valorum millage rate.



The Captiva Erosion Prevention District Job Description

- + Reviewing the CEPD General Ledger and periodic financial reports produced by the CPA for completeness and accuracy.
- + Forecasting funds availability requirements and ensuring they are fulfilled.
- + Maintaining working relationships with CEPD's financial institutions, the CEPD Economist, the Lee County Tax Collectors and Property Appraisal Office, and Captiva Realtors.
- + Performing Annual Tax Roll Processing.
- + Coordinating Apportionment Processing.
- + Reviewing proposed and ongoing expenditures and presenting alternatives and recommendations to the CEPD Board.

OTHER JOB FUNCTIONS:

- + Seek out professional development opportunities to enhance knowledge, skills, and abilities.
- + Maintain positive communication with colleagues, community members, elected officials and others to promote and increase community engagement.
- + Support the retention of effective employees and volunteers by exhibiting professionalism and making positive contributions to workplace morale.
- + Promote a culture of high performance and continuous improvement by making a commitment to quality.

EXERTION TYPE:

- + Light work. Position requires exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects.

Every job duty in a job description need not always be specifically described, and any omission does not preclude the required performance of all duties that are job related.



The Captiva Erosion Prevention District Job Description

JOB TITLE: Director of Operations

BACKGROUND:

The Captiva Erosion Prevention District (CEPD) is a governmental body created by special act of the Florida Legislature. Its mandate is to handle erosion-related problems all around on Captiva Island's tidal zone. CEPD is reorganizing the way it resources CEPD administrative functions and adding resiliency for Sea Level Rise as a focus. Those administrative functions can be categorized as:

- Relationship Management functions
- General Administration functions
- Financial Administration functions
- Coastal Management functions
- Government grant acquisition and grant writing

CEPD seeks a highly qualified individual to work on a competitive salary or contract basis to perform the strategic CEPD functions described below.

MINIMUM QUALIFICATIONS:

- + Bachelor's degree or equivalent experience.
- + A minimum of five years recent experience that demonstrates progressively increasing responsibilities in project management.
- + Some exposure to the Coastal Management industry.

Such alternatives to the above qualifications as the Board may find acceptable.

KNOWLEDGE, SKILLS, AND ABILITIES:

- + Excellent Project Management skills, including:
 - Project scoping, planning, estimating, scheduling, tracking, reporting and management using an automated project management tool such as Microsoft Projects.
 - Hands-on team supervision.
 - Project and resource tracking and reporting.
- + Excellent communication and presentation skills
 - Patient when communicating
 - Active listener
 - Facilitate groups and give presentations



The Captiva Erosion Prevention District Job Description

- Develop agendas and run meetings
 - Good people skills, especially with difficult stakeholders
 - Excellent skills at interfacing with the general public
 - Ability to work with groups to obtain consensus
 - Ability to target communications to different audiences
-
- + Ability to work in a self-motivated manner.
 - + Results oriented – defines objectives in terms of outcomes and deliverables.
 - + Exposure to and knowledge of coastal management/ coastal erosion / beach nourishment.
 - + Experience interfacing with government agencies.
 - + Engineering background a plus.
 - + Quick learner.
 - + Interested in career in coastal management – learn on this project and be around for the next one ready to make a commitment.
 - + Possesses a “Whatever it takes” attitude.
 - + Lots of tools in the toolbox for working with people and agencies, especially being innovative and creative.
 - + Out of the box thinker, able to analyze issues and propose alternative responses.
 - + Ability to address ad-hoc requests successfully.

ESSENTIAL JOB FUNCTIONS:

Reporting to, and taking direction from, the CEPD Executive Director and the CEPD Chairperson, in accordance with the CEPD policies and procedures, the position will be responsible for performing the following functions:

- + Work with the CEPD Coastal Management consultant to assist with, and eventually take over, the CEPD coastal management functions relative to:
 - Maintaining a firm understanding of the state and federal beach management programs as well as the beach nourishment planning, permitting, construction, and monitoring processes, and coordinating the entire process.
 - Developing and maintaining knowledge and understanding of coastal resilience and coastal erosion in general, and the state and federal initiatives, agencies and programs that focus on those issues.
 - Developing, maintaining and managing the Beach Nourishment project plan.
 - Developing, publishing and managing RFIs and RFPs and the vendor selection process for beach nourishment projects.
- + File reports and reimbursement requests with the federal government and the state for all active state and federal grant contracts relative to the Beach Nourishment project. Work with the CEPD Accountant to maintain a detailed accounting record of grant contract tasks, invoices paid, and the funding remaining in existing grant contracts.
- + Facilitate the economic apportionment process for the Captiva property local share of funding for beach nourishment projects.



The Captiva Erosion Prevention District

Job Description

- + Conduct periodic and immediate post-storm beach inspections, remaining familiar with the general beach conditions, and articulating beach storm damage assessments quickly to the CEPD Commissioners, state and federal agencies, and the public.
- + Develop and maintain the CEPD Geographic Information Systems database.
- + Maintain and update the CEPD website as necessary.
- + Develop and publish State Funding Ten Year Projections.
- + Develop and publish County Funding Projections.
- + Perform special projects for CEPD Board Members or other personnel designated by the CEPD Board as prioritized by the Chairperson.
- + Report Status on a weekly basis.
- + Perform Public Relations functions, such as educating and familiarizing the homeowners and tourists with the CEPD beach nourishment project and the project construction schedule.
- + Become involved with, and attend meetings of, other organizations that have a coastal management dimension to their purview, e.g., Florida Shore and Beach Preservation Association, Lee County Coastal Advisory Committee, Lee County Tourist Development Board, etc.
- + Maintain working relationships and promote CEPD goals and objectives with other governmental and non-governmental organizations with which CEPD must interface at the strategic and tactical levels.
- + Develop and continue to improve the quality of CEPD Board approved standard operating procedures and schedules for performing CEPD Technical Functions.
- + Cross train in Tactical Administration functions and fill in for Administrative Director as required.
- + Provide management to the Beach Ambassadors.

EXERTION TYPE:

- + Light work. Position requires exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects.

Every job duty in a job description need not always be specifically described, and any omission does not preclude the required performance of all duties that are job related.

CAPTIVA EROSION PREVENTION DISTRICT
EMPLOYMENT AGREEMENT

This Agreement, made and entered into this **4th day of January 2022** by and between the Captiva Erosion Prevention District (CEPD), organized and existing under the laws of the State of Florida, hereinafter referred to as "CEPD" and **Jennifer Nelson, Executive Director**. In consideration of the promises, mutual covenants, conditions, provisions and undertakings herein contained, and for other good and valuable considerations, the parties do mutually covenant and agree with each other as follows:

SECTION 1. DUTIES

CEPD hereby agrees to employ **Jennifer Nelson** to perform the duties of **Executive Director** and to perform other legally permissible and proper duties and functions as the CEPD may from time-to-time assign.

SECTION 2. TERM AND EFFECTIVE DATE.

A. This agreement shall take effect upon approval or ratification by CEPD on the date first entered above with retroactive pay back to the prior 1 year expiration date of the previous contract. The parties agree to the exclusive employment that shall continue for one (1) year from the effective date set forth above. The agreement will automatically extend from year to year without change, or unless changed or modified by mutual agreement of the parties.

~~B. _____ If the CEPD or Jennifer Nelson wishes to renew this agreement, other than by automatic renewal, with material changes to the terms herein, notice must be given at least sixty (60) calendar days prior to expiration of this agreement.~~

C. The CEPD may terminate the employment at any time with 60 calendar days' notice without cause for any reason.

D. The employee may voluntarily resign from CEPD with 60 calendar days' notice.

SECTION 3. SALARY.

A. CEPD agrees to pay **Jennifer Nelson** for all work a monthly salary equating to ~~**\$121,192**~~ **\$100,000** per year, payable every two weeks. CEPD may review performance and increase the base salary and/or benefits of employee in such amounts and to such extent as the CEPD Board of Commissioners may determine it is desirable to do so based on periodic, but not less than annual, review of employee's performance and salary. ~~Work shall be conducted at the CEPD offices on Captiva unless work tasks require the presence at another location or unless working at CEPD office is not possible and must be conducted remotely due to pandemic, hurricanes or temporary emergency conditions.~~ CEPD offices shall observe all national and state calendar holidays observed by Lee County unless specific duties require work during a holiday.

SECTION 4. OTHER BENEFITS, PAID TIME OFF (PTO).

A. **BENEFIT STIPEND.** CEPD shall pay **Jennifer Nelson** a benefit stipend of ~~**\$15,000**~~ **\$14,400** per year, apportioned and payable pro rata every two weeks that Employee can use to procure insurance or other desired benefits. Employee shall be solely responsible for procuring, and paying for, any and all desired health, disability, life insurance or retirement benefits. The stipend payment shall cease at the end of the employment term, termination or resignation.

B. **PAID TIME OFF.** **Jennifer Nelson** shall be provided Paid Time Off (vacation leave/sick days) of **twenty (20)** days per calendar year. Jennifer Nelson shall be compensated for any Paid Time off that is not used during the year of termination or resignation. ~~Paid Time Off shall not carry over from year to year, and Employee shall not be compensated for any Paid Time Off that is not used during the year, except by prior written agreement~~

SECTION 5. PROFESSIONAL DEVELOPMENT.

If pre-approved as desirable by the CEPD Board of Commissioners, the CEPD may pay for membership in professional organizations and attend conferences related to the Employee's skills and knowledge and work at the CEPD.

SECTION 6. TECHNOLOGY & EQUIPMENT

The CEPD shall provide **Jennifer Nelson** with a yearly stipend in the amount of ~~\$900~~ ~~\$75/month~~ for the CEPD business related utilization of the Jennifer Nelson’s cell phone. The stipend shall be pro rata apportioned to the employee during each payment period (every two weeks). The CEPD will provide a laptop computer, or other technologies necessary to complete employment duties and communication, and all records, emails, text messages regarding CEPD official business shall be kept and maintained as public records.

SECTION 7. REIMBURSEABLE EXPENSES

All expenses must be qualified and authorized by CEPD to be eligible for reimbursement. Mileage within Lee County is not reimbursable. The CEPD will provide an annual stipend equal to the amount of an unlimited Sanibel toll bridge annual pass ~~The Sanibel Bridge Toll is a reimbursable expense.~~ Mileage and travel expenses for work or attendance at conferences outside Lee County must be pre-approved by the CEPD Board of Commissioners.

SECTION 8. OUTSIDE ACTIVITIES.

The employment provided by this Agreement shall be the Employee's sole, primary employment, however, employee may accept limited teaching, consulting or other business opportunities if such activities do not interfere, or constitute a conflict of interest, with responsibilities to and with the CEPD. The elected position held by **Jennifer Nelson** as a Council person on the Cape Coral City Council is hereby found not to be a conflict of interest and is **expressly waived and authorized** by the Board of the CEPD, as a special independent district that is not subject to dual office holding.

SECTION 9 STANDARDS OF CONDUCT.

The CEPD is a drug, alcohol and smoke free workplace. CEPD may drug test employees subject to federal, state, and local laws and regulations. The CEPD prohibits discrimination and sexual harassment.

SECTION 10. COMPLIANCE WITH LAWS.

At all times, the CEPD, the CEPD Executive Director, and all CEPD employees shall comply with all applicable local, state and federal laws and regulations, including but not limited to, applicable worker's compensation, employment and workplace laws and regulations as may be amended from time to time.

SECTION 11. ENTIRE AGREEMENT

This Agreement shall constitute the entire Agreement between the parties. If any provision, or any portion thereof, contained in this Agreement is held to be preempted by state statute or CEPD Charter, unconstitutional, invalid or unenforceable, that portion of the agreement shall be deemed severable and the remainder of this Agreement shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the CEPD Board of Commissioners has noticed, voted and approved this Agreement to be signed and executed below on its behalf of CEPD by its Chair as duly attested by the CEPD Clerk, and by the Employee who has signed and executed this Agreement, both in duplicate, on or prior to the effective day and year first written above.

THIS EMPLOYMENT AGREEMENT BY AND BETWEEN JENNIFER NELSON AND THE CEPD IS HEREBY APPROVED BY:

Employee: Jennifer Nelson
Position: Executive Director

CEPD Chairman: John Silvia
CEPD BOARD OF COMMISSIONERS

CEPD Attorney: Ralf Brookes
Approved as to Legal Form

CAPTIVA EROSION PREVENTION DISTRICT

RESOLUTION 2022-08

**APPROVING CHANGE IN BASE SALARY AND CONTRACT
FOR EXECUTIVE DIRECTOR JENNIFER NELSON**

A RESOLUTION OF THE CAPTIVA EROSION PREVENTION DISTRICT APPROVING THE CHANGE IN BASE SALARY FOR EXECUTIVE DIRECTOR JENNIFER NELSON TO \$_____ AND APPROVING CONTRACT, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the CEPD Board has published on a duly noticed agenda, reviewed, discussed and taken public comment the change in base salary and approval of a revised contract Executive Director Jennifer Nelson effective January 4th, 2022.

WHEREAS, the CEPD Board desires to approve or approve with conditions the following attachments and course of action

NOW THEREFORE, BE IT RESOLVED by the CAPTIVA EROSION PREVENTION DISTRICT:

Section 1. The CEPD Board resolves and approves the following:

Change in base salary for Executive Director Jennifer Nelson to \$_____ beginning on January 4th, 2022 as set forth in the contract documents attached to this Resolution, Exhibit A.

Section 2. This Resolution shall take effect immediately upon adoption.

DULY INTRODUCED, PASSED AND ENACTED by the CEPD Board of Commissioners of the CAPTIVA EROSION PREVENTION DISTRICT, on Captiva Island, in Lee County, Florida on February 7th, 2022.

CEPD Chair

ATTEST:

CEPD Administrator

Approved as to legal sufficiency:

CAPTIVA EROSION PREVENTION DISTRICT
EMPLOYMENT AGREEMENT

This Agreement, is hereby made and entered into this **4th day of January 2022** by and between the Captiva Erosion Prevention District (CEPD), organized and existing under the laws of the State of Florida, hereinafter referred to as "CEPD" and **Jennifer Nelson, Executive Director**. In consideration of the promises, mutual covenants, conditions, provisions and undertakings herein contained, and for other good and valuable considerations, the parties do mutually covenant and agree with each other as follows:

SECTION 1. DUTIES

CEPD hereby agrees to employ **Jennifer Nelson** to perform the duties of **Executive Director** and to perform other legally permissible and proper duties and functions as the CEPD may from time-to-time assign.

SECTION 2. TERM AND EFFECTIVE DATE.

A. This agreement shall take effect upon approval or ratification by CEPD on the date first entered above with retroactive pay back to the prior 1 year expiration date of the previous contract. The parties agree to the exclusive employment that shall continue for one (1) year from the effective date set forth above. The agreement will automatically extend from year to year without change, or unless changed or modified by mutual agreement of the parties.

~~B. If the CEPD or Jennifer Nelson wishes to renew this agreement, other than by automatic renewal, with material changes to the terms herein, notice must be given at least sixty (60) calendar days prior to expiration of this agreement.~~

B. The CEPD may terminate the employment at any time with 60 calendar days' notice without cause for any reason.

C. The employee may voluntarily resign from CEPD with 60 calendar days' notice.

SECTION 3. SALARY.

A. CEPD agrees to pay **Jennifer Nelson** for all work a monthly salary equating to \$ _____, ~~\$100,000~~ per year, payable every two weeks. CEPD may review performance and increase the base salary and/or benefits of employee in such amounts and to such extent as the CEPD Board of Commissioners may determine it is desirable to do so based on periodic, but not less than annual, review of employee's performance and salary. ~~Work shall be conducted at the CEPD offices on Captiva unless work tasks require the presence at another location or unless working at CEPD office is not possible and must be conducted remotely due to pandemic, hurricanes or temporary emergency conditions.~~ CEPD offices shall observe all national and state calendar holidays observed by Lee County unless specific duties require work during a holiday.

SECTION 4. OTHER BENEFITS, PAID TIME OFF (PTO).

A. **BENEFIT STIPEND.** CEPD shall pay **Jennifer Nelson** a benefit stipend of ~~\$15,000~~ **\$14,400** per year, apportioned and payable pro rata every two weeks that Employee can use to procure insurance or other desired benefits. Employee shall be solely responsible for procuring, and paying for, any and all desired health, disability, life insurance or retirement benefits. The stipend payment shall cease at the end of the employment term, termination or resignation.

B. **PAID TIME OFF.** **Jennifer Nelson** shall be provided Paid Time Off (vacation leave/sick days) of **twenty (20)** days per calendar year. **Jennifer Nelson** shall be compensated for any Paid Time off that is not used during the year of termination or resignation. ~~Paid Time Off shall not carry over from year to year, and Employee shall not be compensated for any Paid Time Off that is not used during the year, except by prior written agreement~~

SECTION 5. PROFESSIONAL DEVELOPMENT.

If pre-approved as desirable by the CEPD Board of Commissioners, the CEPD may pay for membership in professional organizations and attend conferences related to the Employee's skills and knowledge and work at the CEPD.

SECTION 6. TECHNOLOGY & EQUIPMENT

The CEPD shall provide **Jennifer Nelson** with a yearly stipend in the amount of ~~\$900~~ ~~\$75/month~~ for the CEPD business related utilization of the Jennifer Nelson’s cell phone. The stipend shall be pro rata apportioned to the employee during each payment period (every two weeks). The CEPD will provide a laptop computer, or other technologies necessary to complete employment duties and communication, and all records, emails, text messages regarding CEPD official business shall be kept and maintained as public records.

SECTION 7. REIMBURSEABLE EXPENSES

All expenses must be qualified and authorized by CEPD to be eligible for reimbursement. Mileage within Lee County is not reimbursable. The CEPD will provide an annual stipend equal to the amount of an unlimited Sanibel toll bridge annual pass ~~The Sanibel Bridge Toll is a reimbursable expense.~~ Mileage and travel expenses for work or attendance at conferences outside Lee County must be pre-approved by the CEPD Board of Commissioners.

SECTION 8. OUTSIDE ACTIVITIES.

The employment provided by this Agreement shall be the Employee's sole, primary employment, however, employee may accept limited teaching, consulting or other business opportunities if such activities do not interfere, or constitute a conflict of interest, with responsibilities to and with the CEPD. The elected position held by **Jennifer Nelson** as a Council person on the Cape Coral City Council is hereby found not to be a conflict of interest and is **expressly waived and authorized** by the Board of the CEPD, as a special independent district that is not subject to dual office holding.

SECTION 9 STANDARDS OF CONDUCT.

The CEPD is a drug, alcohol and smoke free workplace. CEPD may drug test employees subject to federal, state, and local laws and regulations. The CEPD prohibits discrimination and sexual harassment.

SECTION 10. COMPLIANCE WITH LAWS.

At all times, the CEPD, the CEPD Executive Director, and all CEPD employees shall comply with all applicable local, state and federal laws and regulations, including but not limited to, applicable worker's compensation, employment and workplace laws and regulations as may be amended from time to time.

SECTION 11. ENTIRE AGREEMENT

This Agreement shall constitute the entire Agreement between the parties. If any provision, or any portion thereof, contained in this Agreement is held to be preempted by state statute or CEPD Charter, unconstitutional, invalid or unenforceable, that portion of the agreement shall be deemed severable and the remainder of this Agreement shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the CEPD Board of Commissioners has noticed, voted and approved this Agreement to be signed and executed below on its behalf of CEPD by its Chair as duly attested by the CEPD Clerk, and by the Employee who has signed and executed this Agreement, both in duplicate, on or prior to the effective day and year first written above.

THIS EMPLOYMENT AGREEMENT BY AND BETWEEN JENNIFER NELSON AND THE CEPD IS HEREBY APPROVED BY:

Employee: Jennifer Nelson
Position: Executive Director

CEPD Chairman: John Silvia
CEPD BOARD OF COMMISSIONERS

CEPD Attorney: Ralf Brookes
Approved as to Legal Form