

## Minutes

Briefing Meeting  
of the  
Captiva Erosion Prevention District  
CEPD Office, 11513 Andy Rosse Lane  
January 10, 2019 @ 1:00 P.M.

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

**Not Attending:** Michael Lanigan, Harry Kaiser, Bob Walter

**Staff Present:** Carolyn Weaver, Administrator; John Bralove, Acting Assistant to the Administrator.

### 1. Call to Order

Chairman Mullins called the meeting to order at 1:00 P.M.

### 2. Roll Call

Chairman Mullins and Commissioner Jensen were in attendance. The Chair declared a lack of a quorum and therefore no agenda items can be voted upon. However, since this is an informational meeting, this restriction is not a problem.

### 3. Town Hall Meeting and Presentation

Chairman Mullins asked Ms. Weaver whether previous Town Hall Meeting Presentations had been found. She replied she has found one given to the realtors' association and two others. She and Mr. Wilson are planning to go over them. Mr. Bralove said had been tasked to update 3 PowerPoint presentations a few months ago and had sent them to Mr. Grant. He advised they be cross checked against the ones Ms. Weaver has to make sure she and Mr. Wilson are working from the latest versions. Chairman Mullins requested staff make sure the official name of the project as stated in the resolution authorizing the project is used in all public notices to be consistent.

Commissioner Jensen wanted to know which professionals need to be at the Town Hall Meeting, currently scheduled for February 25. Commissioner Mullins said the economist, engineers, and CEPD's attorney should attend but there might be a conflict both for some of the professionals and with the meeting room availability at the Community Association. A change of dates might be needed to be voted on at the next Board meeting. Commissioner Jensen suggested Commissioners have an electronic version of any presentation the professionals make beforehand.

Commissioner Mullins said in reading the Enabling Legislation, it is not required CEPD have a Town Hall Meeting or public hearing before the referendum, which is on March 5. He said if CEPD finds itself pressed for time, the meeting could be held after the referendum.

Commissioner Jensen expressed a desire to keep the meeting on the 25<sup>th</sup> and Commissioner Mullins agreed. Commissioner Mullins said a mailing to property owners of record containing a notice of the meeting has to be done at least 10 days before the meeting but could be mailed earlier than that. The mailing would be about the tentative apportionment process, that apportionment data can be viewed at the CEPD office, contain the date of the public hearing and information on who is entitled to vote. He suggested future issues of BeachBriefs have a special section on upcoming meetings and key pieces of information about meeting dates and

deadlines. Commissioner Mullins suggested CEPD enlist the aid of the South Seas HR department to encourage South Seas employees who are registered to vote.

**4. 2020-2021 Beach Nourishment Project Benefit Analysis Report**

Commissioner Mullins said the report needs to be thoroughly reviewed. He found a few mistakes and corrections need to be made. Also, the discount for homesteaded properties the Board approved at 42% needs to be accurately reflected in the report. He advised the Board should not accept the report until it is accurate and complete. If CEPD were to accept it now, it is accepting the tentative assessment.

**5. Tentative Apportionment**

Chairman Mullins said when he talked to CEPD's attorney, Nancy Stroud, she advised there should not be a significant change in methodology from the tentative apportionment to the preliminary and final assessment. The one area he is concerned with is Sunset Captiva where the economist's recommendation may be a significant change. He and Ms. Weaver reviewed the history of the Department of Revenue codes, common elements and other historical information, and the rationale for the economist's recommended change. Commissioner Mullins offered a solution. Whether CEPD goes with the change or puts it off, the 3-4 million dollars in reserves before the next project might not all be put into reducing the cost of the project. Rather, as objections are received before the final assessment, by putting some money aside, the Board has the opportunity and some reserve funds to do away with storm damage assessment for these 50 to 60 properties. CEPD's attorney would need to be consulted about the legality of this.

Questions were raised about the amount CEPD has in reserves and what is still owed on the last project loan that will come out of these reserves. The amount is \$1.4 million, half of which is to be paid in September 2019 and half in September 2020. Commissioners Jensen and Mullins also asked that the total storm damage assessment benefits for Sunset Captiva properties in the new assessment be determined. Commissioner Mullins said CEPD will have the opportunity to accept Dr. Stronge's report at the next meeting but does not have to. Commissioners should talk about this at the next meeting but at least re-confirm the resolution authorizing the project. He advised the Board continue to listen to objections emphasizing that this is a preliminary apportionment/assessment.

Commissioner Jensen said CEPD needs to keep up the communications with Sunset Captiva. Commissioner Mullins said he and Ms. Weaver are doing this. He also said he has been in communication with CEPD's attorney regarding whether surplus ad valorem and parking revenue have to be used for future projects and whether it can be kept in abeyance. If it cannot be kept in abeyance, he said, he advised CEPD figure out how much is needed for Sunset Captiva and other similar issues and put it aside. Then add into the cost of the project a reserve amount of money, bump up each property's assessment, and the reserve money is used to mitigate these issues.

Commissioner Mullins also reported CEPD is looking into videotaping the Town Hall Meeting as well as broadcasting it for people who cannot attend. CEPD is also looking into videoing future board meetings for archival purposes and to orient staff and new people to the Board.

A phone call was placed to Bill Stronge to discuss the Sunset Captiva issues and market value. Commissioner Mullins mentioned the February 25 Town Hall Meeting and alerted Dr. Stronge to the concerns of some of the Sunset Captiva property owners, including one property owner who thought market value should be the only determinant of assessment.

Commissioner Mullins talked about the need to explain to the public the slight changes and nuances that have been made to the apportionment methodology over time. Dr. Stronge said that in regard to Sunset Captiva, they were not changes or nuances. He explained Sunset Captiva is being treated the same way now as other similar properties have been treated in the past as a result of getting new information from the property appraiser. He added storm benefits are now being spread over more properties. The tax base for storm benefits is now larger and thought more property owners are paying their fair share.

Commissioners Mullins talked about his idea of setting aside reserves to possibly mitigate situations such as the one at Sunset Captiva and other similar ideas. Dr. Stronge said CEPD cannot charge more after the assessment but can charge less. Commissioner Mullins said he does not want to send a letter showing the high-low ranges of a property's assessment as was done the last time. Rather, he wants to show people the 2013-14 assessment compared to this tentative assessment.

Commissioner Jensen asked Dr. Stronge for examples of treating Sunset Captiva like similar properties. Dr. Stronge mentioned properties at South Seas that share a gulf front common element and specifically Beach Villas. In addition, Dr. Stronge said because the Village area has the second highest erosion rate, this phenomenon increases the storm benefit millage rate in this area.

Commissioner Mullins asked what is the logic behind condos being assessed at a higher rate than single family homes for recreation benefits. Dr. Stronge explained his survey shows beach usage for people in condos is higher than for single family homes.

Commissioner Jensen emphasized CEPD's apportionment plan and methodology must be legally defensible. He said, as Dr. Stronge has stated, CEPD just cannot simply rule the properties are treated the same; there must be some basis for this. Dr. Stronge said once one goes the assessment route, things have to be tied to benefits.

Commissioner Mullins related the complaint that homesteaded single family homes are getting a double benefit compared to condos. Single family and condos should be treated the same. Dr. Stronge explained they are being treated the same; condos that are homesteaded receive the homestead discount.

Commissioner Mullins mentioned that Commissioner Lanigan and others want to be schooled further by Dr. Stronge on the apportionment/assessment process. After a discussion of times and dates, it was the consensus that this activity take place after a regular board meeting so it would not have to be publicly noticed. If this is not possible, CEPD could schedule a time and date and publicly notice the meeting. Ms. Weaver will contact Commissioner Lanigan about his schedule.

Commissioners Mullins and Jensen thanked Dr. Stronge for his time and ended the phone call. Mr. Bralove provided preliminary data on the total amount of storm damage assessment. Sunset Captiva property owners who had not received storm damage in the past would pay under the tentative apportionment/assessment. About 5 properties appear not to have been included in the data and the information will be revised.

## **6. Legal Answers**

**7. Constituent Email Questions**

**8. Effective Form for Email Communications**

**9. Commissioner Comments**

**Adjourn**

Due to the lateness of the day, Agenda Items 6, 7, 8, and 9 were not discussed. The Chair adjourned the meeting at 2:55 P.M