

Charlotte Harbor National Estuary Program Citizens Advisory Committee
Approved Minutes of the Wednesday, March 21, 2007 Meeting
Lemon Bay Park ~ Englewood, Florida

Attendance

Joan Bush	Lee FYN Master Gardener
Warren Bush	Lee FYN Master Gardener
Kim Cressman	Cape Coral ERD
Ellen Hawkinson	Peace River Audubon Society
Carla Kappmeyer	FDEP Charlotte Harbor Preserve State Park
Wilma Katz	Coastal Wildlife Club, Inc.
Ernesto Lasso de la Vega	Lee County Hyacinth Control District Lee
Kayton Nedza	Hardee County Outdoor Classroom
Ellen Peterson	Sierra Club and Estero Bay ABM
Kathi Rader-Gibson	Lemon Bay Park
Frances Raimondo	San Marco Waterways
Bobbi Rodgers	CHEC
Kathleen Rohrer	Gasparilla Island Sea Turtle Patrol
Jean Srodes	Turtle Talks
Stuart Stauss	Sanibel Island/Pine Island Sound
Maran Hilgendorf	CHNEP
Lisa Beever	CHNEP
Liz Donley	CHNEP

Agenda Item 1: Call to Order, Welcome and Introductions

Chair Nedza called the meeting to order at 10:10. Ms. Rader-Gibson hosted the meeting and provided an overview of the features of the 211-acre park located on Lemon Bay Aquatic Preserve.

Agenda Item 2: Agenda Review

Items for agenda item 4(e) Discussion of proposed legislation were distributed as well as a walk-on item submitted by Ms. Debra Highsmith. Ms. Highsmith's item will be considered as part of agenda item 4(e). The agenda was then accepted.

Agenda Item 3: Consent Agenda

MS. HAWKINSON, SECONDED BY MS. ROHRER, MOVED THE APPROVAL OF CONSENT AGENDA. THE MOTION CARRIED UNANIMOUSLY. THE AGENDA ITEMS INCLUDE:

- a. Approval of the minutes of the February 19, 2007 CAC meeting.**
- b. 2008 CAC meeting schedule**
- c. FY08 CHNEP Workplan**

Dr. Beever explained that the EPA administrator has reduced funding of the NEP and the workplan will need to be modified based on this change but the exact amount is not yet

known. The discussions have indicated it may range from \$100,000 to \$250,000. If the workplan is modified, it will be brought before the CAC again.

Agenda Item 4: New Business (a) Election of Officers

Nominating Committee member Ms. Rohrer reminded members that three people have offered to serve as officers: Kayton Nedza, Warren Bush and Joan Bush. No nominations were made from the floor.

MR. STAUSS, SECONDED BY MS. HAWKINSON, THAT THE THREE NOMINATED MEMBERS SERVE AS OFFICERS OF THE CAC. THE MOTION CARRIED UNANIMOUSLY.

Mr. Stauss, who had been serving as an officer, said as an officer of the CAC you don't need to be an expert in environmental affairs or the workings of the National Estuary Program. CAC members, as well as staff, are wonderful assets. As an officer who attends CHNEP Management and Policy Committees, you have the benefit of different perspectives on the same issues, which add to the depth to understanding. He said it has been an honor and pleasure to serve.

Agenda Item 4: New Business (b) Florida governance in the sunshine

Ms. Donley, CHNEP staff member who also the lawyer for Southwest Florida Regional Planning Council (the CHNEP's host agency), explained that the Policy Committee met on Monday, March 19 and the agenda item changed considerably during that meeting. She stated that she had been as charged with preparing an inquiry to the State Attorney General by the Policy Committee at their November 2006 meeting. Prior to sending the letter, though, input was sought from the other CHNEP committees. She then provided an overview of the conference structure possibilities that were included in the meeting packet. The Policy Committee moved that the Technical Advisory Committee (TAC) should serve as an advisory committee but that because the CAC perform the "audit function" of the CHNEP to ensure that the NEP is fulfilling its mission, the Policy Committee wants the CAC to operate "in the sunshine" so members would be appointed by the Policy Committee and that CAC members can't discuss matters that may *foreseeable* come before the CAC for a vote. Discussions can only occur in a meeting open to the public that is noticed. As an example, the workplan was suggested as one thing that would be foreseeable considered and should not be discussed outside the meeting. Members can discuss what the workplan means but not the budget. If members wish to discuss the workplan budget prior to a meeting then staff can distribute the discussion to all on the CAC email list as an email. The purpose of this is so that those who aren't part of the meeting will know what is happening. The worst case scenario is that discussion occurs but there's no harm, no foul, unless it is reported to the state ethics committee. The place where it can be problematic is an issue that is controversial with some citizens wanting a decision made that isn't supported by the CAC. Once you have the agenda and know something is on the agenda then you can't discuss but if you discuss before you have the agenda, then it is okay.

Ms. Donley explained that the CAC has been operating under the sunshine but more as a collegial fact-finding body since members have not been appointed. With this change, the CAC is truly an advisory board and not just a fact finding board. Dr. Beever explained that with this structure change, the CAC is equivalent to the Management Committee.

The Policy Committee, however, wants the CAC to vote on issues because they seek the opinion of the CAC on matters of concern to the CHNEP.

She explained that officers can discuss development of a meeting agenda but not how the discussion should proceed or how people should vote.

Factual information can be shared but opinions can not be shared.

After the March 19 Policy Committee meeting, Ms. Donley was directed to write to the Attorney General outlining the practices of the various committees to ensure the program is operating within the sunshine.

Mr. Nedza said often problems encountered are on those topics that aren't viewed as controversial so members let their guard down.

CAC members then discussed the next steps, including appointments and changes to be made to the bylaws.

Ms. Rohrer confirmed that this is a "fait accompli" that the CAC will operate under the sunshine. She expressed concern that this might curtail CAC membership.

Mr. Bush asked if necessary statements be incorporated into the beginning of each meeting agenda to ensure that the CAC is operating under sunshine.

Ms. Donley explained that since the Policy Committee has decided, the CAC will not need to vote on this topic because the Policy Committee is the final decision-making body of the CHNEP.

She confirmed also that it is acceptable to "walk-on" items to the agenda. She offered to prepare guidance for the CAC and offered training at a future CAC meeting.

Mr. Stauss said that he had an overwhelming sense of pride hearing the Policy members talk about their respect of the CAC and their desire to hear from the CAC. Ms. Katz said that it is ironic that they want the CAC opinion but not on this issue!

Ms. Rohrer expressed concern that the CAC will be put in a politically charged environment.

Ms. Donley confirmed that if members have to guess if an issue will come before the CAC then it isn't foreseeable.

Ms. Katz expressed concern about new members being appointed who could still sway the decisions of the CAC. Some discussion ensued about the bylaws but the CAC agreed to further that discussion at a later meeting.

Mr. Lasso de la Vega asked if a discussion committee can be created. Ms. Donley stated that all meetings need to be noticed, following normal practices, and open to the public. He wants to be sure that the CAC can establish this type of committee.

Mr. Bush confirmed that members can discuss facts, just not opinions.

Ms. Hilgendorf read the list of those who currently have voting rights on the CAC.

MS. RODGERS, SECONDED BY MS. PETERSON, THAT THE SLATE OF EXISTING VOTING MEMBERS AS WELL AS HONORARY MEMBERS BE GIVEN TO THE POLICY COMMITTEE FOR THEIR APPOINTMENT CONSIDERATION. HONORARY MEMBERS WOULD NOT COUNT TOWARD QUORUM. NOMINATED MEMBERS SERVE AS OFFICERS OF THE CAC. THE MOTION CARRIED WITH MS. HAWKINSON OPPOSING.

Mr. Bush asked who the Policy Committee members are currently. Dr. Beever explained that they are elected officials or top officials for the cities, counties, and agencies.

Agenda Item 4: New Business (c) Charging for NEP materials

Ms. Hilgendorf reviewed the items in the agenda packet, including the cost of the newsletter, select publications and grants, and explained that more information is provided to help the CCMP Update Committee with their task of rewriting the vision section of the CCMP.

She explained that many requests for materials are received from the program website and often postage alone costs \$5 to \$10. After discussion, members came to an agreement that the office should accept donations (perhaps of \$10) and that a letter should request this donation of those requesting materials.

Ms. Rohrer suggested that the Friends might be able to bring in funds and can help collect/distribute materials.

MS. RADER-GIBSON, SECONDED BY MS. REIMONDO, THAT STAFF DEVELOP A POLICY ON DONATIONS RELATED TO THE DISTRIBUTION OF CHNEP MATERIALS. THE MOTION CARRIED UNANIMOUSLY.

MS. PETERSON, SECONDED BY MS. KATZ, DIRECTED STAFF TO CONSIDER CHANGES IN THE REIMBURSEMENT RATES ON

WADING TRIPS HELD AFTER THIS FISCAL YEAR. THE MOTION CARRIED UNANIMOUSLY.

After discussion, members came to an agreement that the office should modify the rate not to exceed reimbursement of more than \$10/person who attended a wading trip and complete a survey to be averaged over the fiscal year.

Agenda Item 4: New Business (e) Proposed legislation

Ms. Donley provided an overview of three legislation of interest: protection of seagrasses/boats, restoration of seagrass beds and Myakka River/Manatee and Charlotte counties. Ms. Highsmith requested that the CAC consider legislation on construction operation and maintenance dredging in the aquatic preserves without additional permitting. Because the Policy Committee already considered three letters, the CAC is not required to take action. Those who commented expressed their support of the three legislative items.

Ms. Katz moved, seconded by Ms. Rohrer, to express strong opposition to SB2176 and the house companion bill, be sent for the consideration of the steering committee (chairs of each of the four standing committees). Ms. Raimondo said that the legislation is written so that it takes affect quickly so immediate action is required.

Given the time, the CAC considered whether to continue on or adjourn. Mr. Bush moved, seconded by Ms. Peterson, that the meeting continue to address all items on the agenda.

Agenda Item 5 (a) CCMP Update

Dr. Beever provided an update of the management plan. If the CCMP update is far enough along, the CAC will need to approve the CCMP at the July meeting.

Agenda Item 5 (b) Membership

The July 18 meeting of the CAC will include a discussion of the CHNEP Friends, CAC membership and CAC bylaws.

Agenda Item 6: Report from Officers

Mr. Stauss thanked everyone for their friendship, support and counsel. Mr. Nedza reported that the Peace River Electric Cooperative had their annual meeting and members enjoyed the fishing activity and posters were well received.

Agenda Item 7: Program Reports

Ms. Donley reminded members that part of her job description is to assist members in their efforts to obtain grants that support initiatives that further the CCMP. She has helped Matanzas Pass and Pine Island obtain grants to remove exotic plants. CHNEP does not have to receive the grant and can also help administer the grants.

Agenda Item 8: Partners Reporters

Ms. Peterson reported on ABM that featured Lee County's land acquisition program.

Ms. Kappmeyer reminded members that if they leave the CAC, they need to designate a successor.

Ms. Rohrer reported that a Lemon Bay Conservancy lecture with Commissioner Adam Cummings will be held on April 12. CHEC is conducting a Lemon Bay conference that'll be held March 24. (CHNEP provided a micro-grant.)

Ms. Katz reported on a gopher tortoise legislative meeting that will be held in March with comments due on the gopher tortoise management plan on April 4. She provided information on several additional items of legislation that might be of interest to members.

The meeting adjourned at 12:30.

Minutes prepared by Maran Hilgendorf.