

**MINUTES OF MEETING  
PORTOFINO ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Portofino Isles Community Development District was held on Tuesday, November 14, 2023 at 10:00 a.m. at 2160 NW Reserve Park Trace, Port St. Lucie, Florida 34953.

Present and constituting a quorum were:

Frank Wilson  
Rohn Timm  
Gerald Mirabile  
Edward (Ted) Clark

Vice Chairman  
Assistant Secretary  
Assistant Secretary  
Assistant Secretary

Also present were:

Ginger Wald  
Paul Winkeljohn  
Roberto Cabrera  
Natasha Clark  
Ed Peabody

District Counsel  
District Manager  
District Engineer (by phone)  
Resident  
Resident

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Winkeljohn called the roll and stated we have a quorum.

**SECOND ORDER OF BUSINESS**

**Organizational Matters**

**A. Consideration of Appointment of Supervisor(s) to Fill Unexpired Term(s) of Office – Seat #4 (11/2026)**

Mr. Winkeljohn: The first item is, we've been looking at a vacancy for a little while, seat #4 which expires in November 2026, and I believe the Board took some time to review a candidate or other situations and is probably prepared to act on this today.

Mr. Mirabile: That's correct.

Mr. Winkeljohn: Is there a motion to appoint anyone?

Mr. Mirabile: Yes, I have personally invited Ted Clark to join our Board as a Supervisor of the Portofino Isles CDD. I had invited him in, he's come to one other

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meeting, I understand he has been interviewed by all Supervisors, the vice chairman, and the chairman of the Board, and people can speak to their interviews but, from my understanding I think they were all positive so, anybody that has any input can give it at this time.

Mr. Wilson: I make a motion to approve Ted Clark as Supervisor for Portofino Isles CDD.

On Motion by Mr. Wilson seconded by Mr. Mirabile with all in favor, appointing Ted Clark to fill the unexpired term of office for seat #4 was approved.

**B. Oath of Office for Elected/Newly Appointed Supervisor(s)**

Mr. Winkeljohn: I see you have your oath there; I didn't bring one today so if I could just borrow your copy then I could read it to you for the record, and swear you in, and we'll make you official. So, I'll say "I", then you state your name, and I'll read the oath and if you agree, at the end you would say, I do, so "I".

Mr. Clark: Edward Clark.

Mr. Winkeljohn: A citizen of the State of Florida and of the United States of America and being employed by or an officer of the Portofino Isles Community Development District and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

Mr. Clark: I do.

Mr. Winkeljohn: Congratulations, if you would sign that and fill in that detail, I'll notarize it and enter it into our records. Now, we already sent you some of the forms so you would be familiar with them, so I won't belabor the minutes and our friends here today with a lot of details that you already know about but, as you know you're subject to the Sunshine laws and if you have any questions about those we can take them up now or after the meeting is probably easier for everyone, if you have any questions about the role.

Mr. Clark: No, I did read them and they're hard to understand but, I get the general use of them.

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Mr. Winkeljohn: And between myself and Ginger, we've done this for a couple of decades, so we'll guide you in the right or wrong direction to the best of our abilities.

Mr. Clark: I appreciate that.

**C. Electing Officer(s)**

Mr. Winkeljohn: So, moving on, whenever we add a person to the Board it's appropriate to reaffirm our officers. Your current chairman is Juan Azcona, Frank Wilson serves as vice chairman, and all other members as assistant secretaries. If you're ready to change that you can, otherwise, you can reaffirm them and move to keep them the same, and adding Mr. Clark as an assistant secretary would be my advice.

Mr. Wilson: I motion to continue the assignments as is, with Ted Clark serving as an assistant secretary.

Mr. Winkeljohn: Thank you.

On Motion by Mr. Wilson seconded by Mr. Mirabile with all in favor, Electing officers, keeping the same slate of officers and adding Ted Clark to serve as an assistant secretary was approved.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the August 8, 2023 Meeting**

Mr. Winkeljohn: So, your minutes from the August 8th meeting have been circulated, if those are in order a motion to approve would be appreciated.

On Motion by Mr. Wilson seconded by Mr. Timm with all in favor, the Minutes of the August 8, 2023 Meeting were approved.

**FOURTH ORDER OF BUSINESS**

**Consideration of:**

**A. Resolution #2024-01 Establishing an Electronic Signature Policy**

Mr. Winkeljohn: I have some housekeeping items for the Board's consideration today, and resolution #2024-01 establishes that the District will use an electronic signature policy. Recently the state expanded its electronic signature status if you will,

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and by authorizing it, everything the District does essentially with a few exceptions fits the law so we can adopt this policy and eliminate even more inefficient paperwork and roles which I think are in everyone's best interest in efficiency. So, resolution #2024-01 puts that in writing that you're going to follow that policy, is there a motion?

On Motion by Mr. Wilson seconded by Mr. Mirabile with all in favor, Resolution #2024-01 establishing an electronic signature policy was approved.

**B. Resolution #2024-02 Adoption of Records Retention Policy**

Mr. Winkeljohn: Likewise, resolution #2024-02 brings some of the records retention into the electronic world, so we are modernizing, so resolution #2024-02 accomplishes that and it also articulates how we're going to follow the State Law and where we have options, what we're going to choose.

On Motion by Mr. Wilson seconded by Mr. Mirabile with all in favor, Resolution #2024-02 adoption of records retention policy was approved.

**C. Engagement Letter with Grau & Associates to perform the Audit for Fiscal Year Ending September 30, 2023**

Mr. Winkeljohn: Then the last item is your annual audit kickoff letter, it's before you for authorization. You've already selected the auditor, you know the rate, and it's appropriate each year to authorize their engagement.

On Motion by Mr. Wilson seconded by Mr. Mirabile with all in favor, accepting the engagement letter with Grau & Associates to perform the audit for Fiscal Year ending September 30, 2023 was approved.

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

Mr. Winkeljohn: That brings us to staff reports, Ginger.

**A. Attorney**

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Ms. Wald: Did you want me to deal with the ethics training item because it's on the agenda?

Mr. Winkeljohn: Yes, you can do your intro.

Ms. Wald: Alright, so every year as you know we put together memos as to what the Florida Legislature has done every year. So, we did two memos this year, the first one is important because it affects all of you, and what's required now that was never required before and you're going to be filling one out hopefully today or soon thereafter in what's called that Form 1. Remember gentlemen this is something that we tell you every year, it's your responsibility, you have to get it in by July 1st each year, and that Form 1 on the backside of it, or the second page has a box, and I always said, don't worry about that box it doesn't apply to you but, it does now. So, now you have to do every year 4 hours of ethics training. There are different websites, and we're going to provide them either in January or February as the new ones come out, to each one of the District managers, and they will go ahead and populate it to every single one of the Supervisors of the Districts that we have, and with that it's going to be your responsibility, same thing with Form 1, that you do the ethics training. You could do it online, if you want to order CDs you can go ahead and do that, if you want to go to one live you could also spend the money and do that but, most people like free online, and they do it at their leisure. So, you have as much time as you want to do it, you just have to do the 4 hours and when you get ready to fill out your Form 1, when you flip that side over, please before you do, do those 4 hours, and check that box off. You're not going to have to do it just yet, you're going to have time because you just got appointed but you still have to send your Form 1 in, so we'll talk about that at the end.

Mr. Clark: Ok.

Ms. Wald: And so, it's just something that you're just going to have to do, you're going to have to do it yearly, so it's going to be that 4 hours yearly.

Mr. Mirabile: So, how is that verified?

Ms. Wald: It's self-reporting.

Mr. Mirabile: Ok.

Ms. Wald: It's all self-reporting, just like I have to do as an attorney with my Continuing Legal Education, it is self-reporting as well, it's self-reporting for you folks

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but, you are public officials, you took an oath of office, and you just reheard the oath of office, and so it's something that you have to do to follow the law, that's number one. There were other items specifically, and again, we did a secondary memo with the Florida Legislature, and there were many new things. One of the ones that you'll see when we start proceeding forward with new contracts is you will see language in these new contracts that we must add, that they're not on a scrutinized companies list, they're not doing business with Iran, or China, or Iraq or a couple of others, and there's a whole laundry list of them, so that's a provision.

Mr. Mirabile: What about the E-Verify?

Ms. Wald: E-Verify, that was already done, that was done over 2 years ago.

Mr. Mirabile: Ok.

Ms. Wald: The other that's added is that when we go out to bid we have to have within our bid packages, and we're adding them to our contracts as well, that specifically state we have not asked for as a CDD, nor will we ever ask for or use to make a determination of whether you're going to be our contractor, any beliefs that they have on a religious basis, on a political basis, social, economic beliefs or something along those lines. Anyway, you'll see a clause in your contracts that we have not asked for that information, and by the way, we've never done that anyway, so it's not something that I'm truly concerned about. Some of the other changes really don't affect you folks directly as to this CDD so I'm not as concerned about those but, the memo provides the summary of each one of them. If you have any questions with the memo and you want to look up the actual laws, it says what Florida Law it is, you can just do a Google search and get it, or we can send them to you. At your leisure, you can go ahead and read them, and as I said, I've basically given you the highlights, the ethics is the one that really I want to make sure that everybody understands, that is going to be your responsibility to do it.

Mr. Mirabile: So, where do we get these forms, are these ethics forms mailed out to us?

Ms. Wald: No, you know that Form 1 you get every year?

Mr. Wilson: You fill it out, you pay your \$10, you bring it down to Fort Pierce, and there's a box to check, and you're going to check it.

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Mr. Mirabile: Ok.

Ms. Wald: Yes, it's on the backside.

Mr. Mirabile: I don't think I've gotten one since I became a Supervisor, I don't believe.

Ms. Wald: Well, if you're not getting it in the mail, then you basically can print it off, or download it from the website of the Supervisor of Elections, or from the State of Florida, and Paul sometimes hands them out too at the meetings if you haven't received one.

Mr. Mirabile: Ok.

Mr. Timm: Well, I always get mine in the mail, then I take it now to Tradition, that place right there at the Driver's License, just go right in and turn to the left and there it is, you don't have to drive to Fort Pierce.

Ms. Wald: You should be able to email file it in this county.

Mr. Winkeljohn: Right, we e-file it now.

Ms. Wald: Yes, this county has done that.

Mr. Wilson: That's even better.

Mr. Winkeljohn: I'll circulate the email just when that time comes, it's not until June.

Mr. Mirabile: Ok.

Ms. Wald: And we'll remind you, we will remind you again, I just want you to know it's going to be something that is an extra thing that you're going to have to do.

Mr. Mirabile: Ok.

Mr. Winkeljohn: So, we'll keep you in the loop, and I have a few guinea pigs that are out there testing the different ethics trainings and which ones keep them awake long enough to finish it.

Ms. Wald: They're all boring, and I used to teach them, and I had one group say, well can't you just come like on a Saturday and do the whole thing, and I'm thinking, I don't want to listen to myself talk for 4 hours, and you don't want to listen to me talk for 4 hours, and on a Saturday, no.

Mr. Winkeljohn: Alright, so there will be lots of information, we'll remind you, we just want to make sure you have plenty of notice in advance. Anything else?

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Ms. Wald: No, that's all I have.

**B. Engineer**

Mr. Winkeljohn: So, we have Roberto on the phone, and I want to jump to a couple of, what were really engineering items, one of which is an address at 1985 SW Providence Place, it's a resident who is interested in putting a fence in his backyard and Roberto, did you get a chance to look at his property?

Mr. Cabrera: Sorry about that Paul, can you hear me now?

Mr. Winkeljohn: Yes, perfect.

Mr. Cabrera: Sorry about that, I've been looking at my notes here from the last meeting and I apologize, I wasn't tracking that one as a request, and maybe I missed it.

Mr. Winkeljohn: That's alright, we can take our time on this but, basically this resident is interested in putting a fence up, but they have to put the fence, and there's two topics here, he has to put the fence to maximize his property for lack of a better term as close to the preserve border as possible. So, what we usually do in these cases is have our engineer look at the lot, look at where the lines of ownership and easement are, and where our engineer recommends if a fence is acceptable, where it might go. So, there's a lot of considerations, it's in a preserve, it looks like a lake but it's actually a wetland preserve probably, and we don't know the size of equipment necessarily, like you never know what you're going to need to get back there, so the easements are very generous, and they're typically protected, you usually don't allow a fence anywhere near it. In some communities, where it makes a lot of sense for privacy and whatnot, everybody wants a fence, we put up the fence but we create a gate system so we can always get back there, that's one way of handling it. I often like to lean on the aesthetic part first, and there's no order to this but, that the HOA is happy with the material of the fence, where they would like it located, etc., and then we take a crack at it for the operational needs of the area. So, our engineer will opine on that, and I'll ask the HOA to give further detail but, he's been asking me every month for a year and a half as to when this is going to be approved.

Mr. Cabrera: Ok.



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Mr. Wilson: So, not knowing enough, I don't recall discussing this, so the first step, I believe with the HOA is taking your plans, your materials, your preferred contractor, your C.O.I., all those great things and getting it approved by the Architectural Board.

Mr. Winkeljohn: That makes sense.

Mr. Wilson: Has that happened?

Mr. Winkeljohn: I believe he's approached them and this one is different than anything they've ever approved so, they kicked it over to us, and so then I'm going to kick it to our engineer to evaluate, so that's really step one, and I just wanted to put it on the record as a courtesy to the resident, that we're not ignoring him, that we'll consider a policy. Historically we've said no, and when we first started looking at it, this is the type of request that kicked off our preserve maintenance issues where we put up the signs, we had to write letters to people who were enjoying hundreds of feet of extra land, and maintaining it inappropriately, and all that said and this gentleman has been very open and forthright about it, he said look, I do cut these grasses and this noxious material on a regular basis as part of my landscaping and John works with him to do that. So, we don't mind that as long as the person is well trained, either their landscaper or they do it themselves, so we're violating our rules, and we typically don't want anybody in there but, there's certain things as it grows into their yard it's appropriate for them to cut it back a little bit, so it's a cooperative environment but, we need more facts before we can answer him.

Mr. Cabrera: Yes, there appears to be and I'm looking at it right now Paul, there's a 22' easement on the back of that lot which includes a 6' drainage easement, so yes there's some access that we need through that area, and maybe there's something we can do make him somewhat happy.

Mr. Winkeljohn: Right, ok, so for our next meeting if you could just send me something and mark up a drawing of what you would recommend as the engineer to not violate our operating permits and our actual operations obviously, and John is out today on vacation with his son, so I'd like him to give an opinion about the day to day maintenance needs with the engineer.

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Mr. Cabrera: Sure, we can definitely look at that, and I'm looking at his neighbor and his neighbor looks like he's already got something, his neighbor to the west, just looking at it, he already has a fence going through the community.

Mr. Winkeljohn: Right, and it's our understanding that somebody else, and he's mentioned this to me several times, has one already but, we didn't approve it, so we'll take both of them under consideration and approach it that way. So, what will happen is we'll set our policy as best we can and then if some of these fences are going to be in conflict with that, we'll deal with the individuals appropriately.

Mr. Cabrera: Ok.

Mr. Winkeljohn: Alright, so let's have you guys take a good hard look at it, give us back recommendations for what's feasible and we'll get John's input for what's practical and we'll go from there.

Mr. Cabrera: Understood, yes, I'll look at it.

Mr. Winkeljohn: Anything else under your report Roberto?

Mr. Cabrera: Yes, just a quick update, I got a call from the Jetsons team a couple of weeks ago and they're wanting to reconfigure their usage inside the building so we may need to take another look at their approved application from last year. They had a tenant and they're trying to lease a portion of the building but, I haven't seen anything come back and when I do, I'll make sure to communicate it to everybody.

Mr. Winkeljohn: Ok, thank you.

Mr. Mirabile: I just had a quick question, are we free and clear from an engineering standpoint, this is Gerry Mirabile by the way, are we free and clear from an engineering standpoint on the parking lot additions in the townhome area, is that now just on the HOA to construct and build out?

Mr. Cabrera: Yes, we're talking about where they added the additional parking?

Mr. Mirabile: Yes.

Mr. Cabrera: Gerry, let me look into that and get back with you, I don't think I ever saw an email, and it's an internal communication thing probably with our office because somebody else in our office prepared those drawings for the HOA.

Mr. Mirabile: Ok.

Mr. Cabrera: I don't think I saw anything.

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Mr. Winkeljohn: And we agreed with it, we had a few comments that they should consider, so there shouldn't be any obstacles with that.

Mr. Cabrera: You did, ok, and I remember the comments, I just don't remember seeing the final version of those comments being addressed.

Mr. Mirabile: I just want to make sure we're out of it and it's on the HOA to build it out.

Mr. Winkeljohn: That would be the extent of our participation.

Mr. Mirabile: Ok.

Mr. Winkeljohn: Good question, any other questions for Roberto?

Mr. Wilson: None.

Mr. Mirabile: All set.

Mr. Winkeljohn: Thank you.

**C. Field Manager**

**1) Monthly Report**

**2) Discussion of:**

- a. Landscape Maintenance Proposal with Seacrest Services, Inc.**
- b. Landscape Services Agreement with BrightView Landscape Services**
- c. Lakes and Complaints**
- d. Email Regarding 1985 SW Providence PL**
- e. Results of (Mandated) Preserve Study**
- f. Lakes**
- g. Ethics training**

Mr. Winkeljohn: So, moving on under the field manager's report, I hope you'll appreciate the evolution of the field manager's reports, it's under section 5C1 on your tablets, and basically I've been working with John to bring some sort of documentation level to our reports because sometimes we go back and say, oh the lake was terrible, well we're showing before and after pictures as an example, the lake is actually doing quite well from a measurement standpoint, and some other comments, and in John's report he also mentions Mr. Peabody, and an erosion issue. So, let's talk about that now and he says there's a picture in his report but, it didn't show up, so if you could illuminate us on that.

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Mr. Peabody: Yes, I've been here since 2009, and since then the embankment has encroached like 3' and there was a tree that was on the edge of the thing at this point is covered by land but, now it's on three-quarters of it that's towards the water.

Mr. Winkeljohn: What's your address?

Mr. Peabody: 1711 SW Jamesport, and what I asked John to do, you can see now from the embankment where it is now and the grass ends, there's like a 3' stretch it's all sand, so I'm thinking my slope is kind of increasing because it's taking it all down, my grass back there doesn't grow real well.

Mr. Winkeljohn: Right, and the lakes are closing in on 20 years old since construction, so that all sounds about normal but, it doesn't mean it should be ignored. So, with this information, what I recommend and what is the practice of Districts is to have our engineer take a look at it and evaluate it quickly and say what he thinks is causing it, and what are the mitigation options for us.

Mr. Peabody: Because part of my issue is that my property line is now being affected, I originally installed bricks.

Mr. Winkeljohn: Right, so you're getting a beach.

Mr. Peabody: Well, it's not that, I'm talking about my property, that's your property, I had bricks that were level to the ground and they sank down, I've had to put two bricks underneath it to bring it back up to level.

Mr. Winkeljohn: So, we'll definitely look at it and have our engineer report back to this Board, and we have to look at it globally, and look at anyone on that lake and similar lake situations.

Mr. Peabody: So, part of my question was, would I be able to install my own little embankment on my property on top and try to stop the water flow?

Mr. Wilson: So, on your property, it would go through the approval of the HOA, and so typically as homeowners, if we're going to do anything on our properties that's how we do it.

Mr. Peabody: Including the backyard?

Mr. Wilson: And I don't want to steer you wrong, but it's always easier to get an answer like, no, we don't care, than to hear it after the fact.

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Mr. Winkeljohn: And we can share our engineer's analysis and what usually happens is, we find out that on the private property, usually between two homes or something like that, somebody has altered their roof drains or some drainage to move water away from their pool, or whatever the case may be, and they're funneling it in, you don't notice it until it gets to the lake and then all of a sudden you have the washout. That is like 8 out of 10 of these issues, that's what we find out, and so we go back to the two homeowners and look at their roof and give recommendations to correct it. So, I'm not saying that's your situation but, the point is we do lean into the private property for that purpose because it's coming from somewhere, and our lakes don't move that much here, like on the west coast of Florida the lakes have 5' to 6' of change every few months and so they erode much faster. Here in your area, we've had 2' to 3' so it just takes longer for the same thing to get there but we'll evaluate it and share with you our findings.

Mr. Peabody: Ok.

Mr. Winkeljohn: Then that might help you know what you can do on your property to not worsen it.

Mr. Peabody: Right, and at this point I noticed there's a grade between the two properties, like a funnel on each side of the house.

Mr. Winkeljohn: Right, so it wasn't a wild guess.

Mr. Cabrera: What was the address on that one again, I didn't hear it.

Mr. Winkeljohn: 1171 SW Jamesport.

Mr. Cabrera: Ok.

Mr. Peabody: So, should I wait until the end or is there more?

Mr. Winkeljohn: If you have another question, keep going.

Mr. Peabody: Well, I'm sorry I missed the August meeting because there was a lot of stuff I wanted to talk about was covered there, part of it was fountains and aeration because my concern is the hotter it's getting and the stillness of the lake sometimes, I was thinking an aerator would be good because we have a small pond, I call it.

Mr. Winkeljohn: Right, yours is unique, you're right.

Mr. Peabody: And to just keep fish alive and not have a fish kill or something.

Mr. Winkeljohn: Right, oxygen levels affect everything.

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Mr. Peabody: I noticed it was considered and they're more expensive than a fountain surprisingly.

Mr. Winkeljohn: Right, and we're looking at it, I know that we don't have an action item today but, I know we're evaluating it for either aeration, and it doesn't have a fountain, right?

Mr. Wilson: And it did come up last meeting, and it came up in a different format, it was a request from the HOA's president, Michele, to go put a fountain in every lake, and I was very clear remotely on that meeting, that there had not been any previous commitment by the CDD and our follow up was to understand the amount of money we spent to date, the amount of maintenance costs, so now we have "X" amount of fountains, we spend "X" amount of dollars, here is a realistic, this is what a fountain costs. At that point, I think it's much easier to make decisions on fountains when we understand how much they cost, so from a real component, I'm being careful spending other people's money.

Mr. Peabody: Is aeration also considered in there now because we don't have one in there to compare it?

Mr. Winkeljohn: Right, it fits.

Mr. Wilson: So, again, we did have that follow up, we get to those numbers, and hopefully next meeting it would go back to the community after we spend other people's money and we can look at those numbers and make some educated decisions.

Mr. Mirabile: Plus the inflation costs of fountains themselves and the cable, and everything else that goes with that.

Mr. Wilson: I mean a fountain is one thing, it's a transformer, it's buried under the infrastructure.

Mr. Winkeljohn: Right, the infrastructure is very expensive and it has a shelf life that surprises you every time but, back to your point, aeration, and there's some technology of aeration, it's not just a bubbler, which is the cheapest and you can get a really inexpensive one for a small lake but, the electric is what's expensive.

Mr. Wilson: And while we're on this topic, I'm going to continue on the lakes, for a minute, we did have a fair amount of issues in the main lake, with grass. A couple of

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years ago there had been some consideration on filling the lakes with grass-eating fish species, Paul do you recall what the disposition was at that point in time?

Mr. Winkeljohn: Meaning, what it would take to do that?

Mr. Wilson: No, meaning why we chose not to.

Mr. Winkeljohn: Oh, I know exactly why, the rule for adding these fish into your lake system is that you have to create barriers for them so they can't leave your system and go do this somewhere else where you don't want them.

Mr. Wilson: Right, so the outfall.

Mr. Winkeljohn: All of our outfalls, it was over 20 places needed to be modified at thousands of dollars each, and then you can go buy your fish and then if they do leave, you could be held responsible.

Mr. Wilson: So, I misunderstood that, I thought we had one main outfall.

Mr. Winkeljohn: No, all of our structures have to have a fish component to them if you do this, and it was a significant number of locations, and we have more than one outfall I believe, and I can look at it but, Roberto might know off the top of his head.

Mr. Cabrera: No, I think you only have the one main outfall on the east side there and I'm not sure about the fish rules but, it sounds like any point of lake interconnection maybe they also require some sort of prevention.

Mr. Winkeljohn: That's what it was.

Mr. Wilson: Ok, so one at the main outfall, and you basically have to put a fish retention device which is permitted, the lakes are interconnected, that's how we maintain level, and if you chose to do it, you would do it as "X" fish per acre and you would stock all lakes to do it. So, the initial basis of my question was there something technically, I understand the financial piece, but was there something technically that had to be done?

Mr. Winkeljohn: No, that was it, we didn't want to have to redo our main outfall and the corrected measures and the interconnections, that's what it was. It was over \$20,000 worth of work with nominal results because the fish, they do a certain amount of work, they don't do all the work, and then you also have to watch your chemical loading even more because it creates 10 other problems. In some communities, we've had great results, I've used them for decades and they got used to them but, most of

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them have shrunk their use of them. There's an unattended nuisance element to it, which is people think they can catch them because they can see them eating on the tops of the water, so you get some sort of weird recreational thing that you may not want. You can't catch them easily, you kind of snag them and it's not pretty, and with fountains now you have more people fishing.

Mr. Wilson: And I appreciate the back story.

Mr. Winkeljohn: So, there's that and other deals but, that was it.

Mr. Wilson: Ok.

Mr. Peabody: Can we continue on lakes?

Mr. Wilson: Sure.

Mr. Winkeljohn: Go ahead.

Mr. Peabody: I realize from reading the minutes that the aesthetic versus water retention situation in our lakes is that they're basically water retention.

Mr. Winkeljohn: That's their primary purpose, yes, drainage control.

Mr. Peabody: But the health issues is one of the things I'm wondering, what is healthy, are the reeds healthy, are the waterways healthy, is the algae healthy.

Mr. Wilson: Well, they're always balanced, is truly the correct answer, and depending on your season.

Mr. Winkeljohn: Right, seasonality is big, temperature and wind, and sunlight all keep moving the bar or the center line of what you want growing, what you want to die, and we chemically treat up to the maximum allowable part per million per acre of lake and there's an art to it where you know to time that before it emerges and now our lake contractor, when you don't know what they're doing, and when they're doing it, or asking for it, is when they get it right. That means they're a month before each environmental shift they're treating heavier for algae, or heavier for reeds, and we've also added the mechanical here, we need a mechanical removal element which we've dedicated time and money to because we just can't meet some of the growth. The biggest thing I think is always education but, there's a lot of misunderstanding that some of your, what looks like water areas are lakes, the biggest one is not a lake, it's a preserve retention area and it's supposed to be gunky, full of wonderful Florida vegetation.



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Mr. Peabody: Which I'm used to, I'm a Florida boy but, do they actually test the water?

Mr. Winkeljohn: Yes.

Mr. Peabody: Ok because, and I don't know, again you mentioned a 20-year age, when I first got here, the first 10 years I had no problem with rust, the last 4 or 5 I have rust all over the place.

Mr. Winkeljohn: That's interesting, so from irrigation?

Mr. Peabody: Yes, from irrigation coming out of the lake.

Mr. Wilson: Well, do you go right into the lake, or do you have a well?

Mr. Peabody: It's straight in the lake, yes, original.

Mr. Winkeljohn: That's interesting, we can look at it, I'd be curious, I have your address, so I'll take a peek at that lake.

Mr. Peabody: Ok, and just one thing, when you mentioned the erosion being, I guess normal, you know back in the day when they used to spray, they used to spray the edge of the lake and kill everything, the roots, the grass, which allowed a lot of that erosion to start.

Mr. Winkeljohn: It was a little too much, right.

Mr. Peabody: So, now they're spraying away, not the grass but, they've changed as they know but, it's like I think it did contribute to the start of it.

Mr. Winkeljohn: Not surprising, good learning curve.

Mr. Peabody: Ok, very good, I think that's it for now.

Mr. Winkeljohn: Ok, so we can move back to other items on the agenda for the field manager's report. John was working with the HOA regarding the landscape contractor and the renewal from BrightView and the contractor that the HOA uses is Seacrest Services. The short and sweet of it is, BrightView did not want to match or lower their price, and I understand their size of business and how they might not want to adjust and so they've asked, without speaking it out loud, for us to pick a new contractor perhaps. So, John put this together, he feels confident that Seacrest can perform the work and his request for you today was to authorize the termination of the BrightView contract with a corresponding agreement with Seacrest Services.

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A resident: Is Seacrest the landscaping company or Green because the Advantage website says Green.

Mr. Winkeljohn: I'm not exactly sure, but I know that he did get a recommendation for Seacrest from the HOA, so for lack of knowledge I'm assuming he knows who they are and that they can do the job, and because of the simple cost factor, where BrightView wants an increase.

Mr. Mirabile: Right, so I would make a motion to accept the proposal from Seacrest Services for \$12,500.

Ms. Wald: And why don't you terminate BrightView first?

Mr. Winkeljohn: Right, the first motion would be to do that.

Mr. Mirabile: Ok, so I would make a motion to terminate BrightView Landscaping, and the second motion would be.

Mr. Winkeljohn: Let's finish the first one.

Mr. Mirabile: Ok, so I make a motion to terminate BrightView Landscaping Services.

Mr. Winkeljohn: According to the terms of their contract, is there a second?

On Motion by Mr. Mirabile seconded by Mr. Wilson with all in favor, authorizing staff to terminate the agreement with BrightView Landscaping for landscape maintenance services in accordance with the contract was approved.

Mr. Winkeljohn: And then your second motion would be.

Mr. Mirabile: My second motion would be to accept the proposal with Seacrest Services.

Mr. Winkeljohn: Is there a second?

Mr. Wilson: So, right now we're looking at a one-year contract, with an anticipation of a 3% annual increase each year if we continue with this vendor.

Mr. Winkeljohn: Right, which is reasonable.

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On Motion by Mr. Wilson seconded by Mr. Clark with all in favor, accepting the proposal from Seacrest Services in the amount of \$12,500 per year for landscape maintenance services and authorizing staff to enter into a contract was approved.

Mr. Winkeljohn: Thank you. Item C on the lakes and complaints, we kind of covered it a little bit but, John's report is that he's gotten, for this time of year, which is really an important time of year, if you can get out of the summer without going crazy with treatment and removal.

Mr. Mirabile: John mentioned something to me that he has a company that can come in and treat the lakes in the winter, maybe January, February, or March, did you hear anything about that?

Mr. Winkeljohn: He's got a few ideas to supplement what we're doing, one of them is the mechanical that we talked about, he's been having trouble finding a good economical mechanical removal option but, we're still on that. There are others, I gave him some suggestions that he could hunt down.

Mr. Mirabile: And my feeling, even at the last meeting, we had back in August, it was just like with BrightView, you had BrightView from the start of the community, or maybe for 10 years or 12 years, and they get lax. They don't do a good a job, they don't fertilize, they don't cut out the old plants and prune and so forth and so on, and that's what happened with BrightView, and it's the same thing with Lake Doctors. They're a good company but, maybe they're getting lax.

Mr. Winkeljohn: Right, and so I've worked with John on that a little bit, and there's some good best practices to prevent that, sort of apathy from growing in, and maybe I don't have it all but, I talked to John and he's very confident that they've improved and they've recovered from that.

Mr. Mirabile: Ok.

Mr. Winkeljohn: And it's an endless effort.

Mr. Mirabile: And I know they do maintain the lights, and they do maintain the fountains, that's a big asset for them, and it's an asset for the CDD but, you know, we'll just have to wait and see.

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Mr. Peabody: If I may, and I didn't realize you didn't have an October meeting, and I showed up, so I ended up running into John and the water guy.

Mr. Winkeljohn: Yes, from Lake Doctors.

Mr. Peabody: He didn't even know our pond was there he told me, so I know somebody is doing it but, I don't know if there's two different people, or somebody is spraying or what.

Mr. Winkeljohn: And that's one of the elements that's really key is a constant account manager and treatment person because the learning curve is an art, you have to know these lakes and he may not have been one that ever did yours.

Mr. Peabody: Right, I mean that day they did come out, it was above the water level, and he said it looked right, etc., and they were doing that, so they did respond to it that day but, it was a question of, as you say it's education, whoever you're dealing with and what needs to be done.

Mr. Winkeljohn: Do you have any more to add on that?

Mr. Mirabile: Just one other thing, a lot of people that I talk to say about the grasses in the lakes, why do we go to other communities and see no grass?

Mr. Wilson: You do a drive-by, and you see a nice open body of water, if it's the first time you drive into Newport Isles you see a nice large body of water. Now, go spend some time in the other communities, go further in, you're going to find grass, we happen to have one area with a high grass density in the most visible spot in our community. We're all regulated by the same chemical load per acre with the same chemicals. So, I would say sharpen your eyeball, I think we have some assumptions out there because you have to drive by and you don't see what you don't see, and then we get a plume, it's very recognizable, it lasts for a couple of months during the summer, we take some action, it subsides, it gets quiet for 8 months, and then it comes back.

Mr. Winkeljohn: Rinse and repeat.

Mr. Wilson: Yes.

Mr. Mirabile: Ok.

Mr. Wilson: And that's basically why all of them need additional means of the chemical removal.

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Mr. Winkeljohn: And there's a balance of being a little bit more aggressive versus creating a bigger problem that's more expensive because you never want to get in a regulatory fight because you'll only lose badly. Yes sir?

Mr. Peabody: Are there any fish or animals that will eat that type of vegetation?

Mr. Wilson: So, there are, and they don't eat it all but, there are some upsides to it, and then there are some other kinds of consequences that come with it, so there's a specific type of carp that's sterile, that can get seeded into different lakes. When you do that, you are also required to keep control of that fish population whereas they do not leave your neighborhood, if they leave your neighborhood, you pay, so there are barriers that go in place to keep them in the interior. So, we actually talked about it today, there's an application in the permitting process, and I don't know if that would be South Florida Water Management.

Mr. Winkeljohn: Yes, that's who regulates it.

Mr. Wilson: So, it's not a dead deal, it was looked at about 3 years ago, at the time it was not cost-effective, priced at a little over \$20,000.

Mr. Peabody: Question, how do they know, are they tagged, or how do they know they came from there?

Mr. Wilson: I don't know but, I'm sure there's some smart folks out there that have been doing it for a while.

Mr. Peabody: And you said that they're sterile so they're not reproducing.

Mr. Winkeljohn: But they live a long time, and they get huge, and they sit on top of the water basically, about a quarter of the way out, and it's basically like having a cow with swim fins, and they clap, clap, clap as they eat all day.

Mr. Peabody: And does somebody know, alright this carp can eat "X" amount of vegetation?

Mr. Winkeljohn: Right, so there's regulatory limits of how many you can get.

Mr. Wilson: They do it by acre.

Mr. Peabody: Because I'm thinking if the stuff was taken out mechanically at some point, because we've done that in the past, no?

Mr. Winkeljohn: We do that regularly.

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Mr. Peabody: Ok, but if you get it to a manageable point and then introduce the carp, you obviously have to introduce less, and at least maybe that would help curb it a little bit if you didn't do a full-on carp on slot.

Mr. Wilson: Right now for our property, the normal fish rate is 10 per acre.

Mr. Peabody: 10 fish total no matter what it is?

Mr. Wilson: Per acre, and the fish are the cheap part, to do all the property, your cost is less than \$6,000, it's the engineered designed features that bring up the cost. So, it's not at the table, I started looking at it, 4 days ago, and I got the information yesterday.

Mr. Peabody: Alright, can we also discuss there's a problem with people fishing in the lake and you can't catch and release those fish?

Mr. Wilson: No, there's a different item on there, they look like they're a great fish to go fish, except they're not, and when they do get caught it's mostly by snagging, so then they destroy the fish and the fish floats up and dies, and it's an eyesore.

Mr. Winkeljohn: Then you have fishing line in the water, and you have fountains being dragged.

Mr. Wilson: Right, it's one of the unintended consequences.

Mr. Winkeljohn: And they're also very tasty so the reptile community visits more frequently, so you do get an attractive food source and they don't swim very fast.

Mr. Peabody: Are all the lakes connected with piping underneath?

Mr. Winkeljohn: Right.

Mr. Peabody: Does that go exterior of the community as well?

Mr. Winkeljohn: There's one outfall that you have to control but you have to do some things to keep the right amount of fish in each lake.

Mr. Peabody: And is that where alligators also come in and out?

Mr. Winkeljohn: Yes, you're not going to stop them. Anything else? Thank you, and I'm not exactly sure how that item got on here, that was somebody's request.

Mr. Mirabile: I think a year ago, wasn't there a state-mandated preserve study that was required?

Mr. Winkeljohn: Right, they had a drainage calculation study, and we finished that, it was about 2 years ago.

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Ms. Wald: It's once every 5 years it has to be done.

Mr. Winkeljohn: Right, and Roberto you didn't have anything on that item, did you? I saw it on here and I wasn't sure if you were going to do an update.

Mr. Cabrera: Say that again Paul, I'm sorry.

Mr. Winkeljohn: We have on our agenda the mandated preserve study, and we don't have anything pending that you remember, I know I don't have anything.

Mr. Cabrera: No, I don't think so either.

Ms. Wald: There was no new law that was, at least as a Statute that was required, so unless it was something that was added as a regulatory matter.

Mr. Winkeljohn: Somebody had it in their requests.

Mr. Cabrera: I wonder if this is a question Paul regarding our stormwater projection for the 25 years, is that what this is?

Mr. Winkeljohn: I don't think so.

Ms. Wald: We don't think so, we did that already.

Mr. Winkeljohn: We know we did that.

Mr. Cabrera: Ok, so I'm not sure what that is.

**D. CDD Manager – Insurance Policy Renewal and Appraisal with Egis Insurance & Risk Advisors**

Mr. Winkeljohn: So, with that, I can move to manager's report, another informational item. My team has decided it's important to show you the insurance world. We didn't used to do it, it used to be rather benign, it was a very small couple of thousand dollars for every District, which had your liability. It also had officer's errors and omissions and protection for the Board for obvious reasons. You don't own any vertical property so there's no property insurance in here but, in today's world my Districts that have property insurance are seeing decimal-like movement in their annual premiums, and I'm sure most of you saw that perhaps in your home insurance. Not such a big deal for you when you have sovereign immunity the insurance is capped so the cost for insuring up to that cap is usually nominal but, it is going up a little. So, I just put it in here so you could take a look at it.

Mr. Wilson: And that is \$7,195?

Mr. Winkeljohn: Yes.

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Mr. Wilson: So, are we talking about a 10% difference, I don't recall what it was last year.

Mr. Winkeljohn: It was about that, it was about \$6,800 but, 10 years ago, 15 years ago it was \$2,500.

Mr. Wilson: I appreciate it, thank you.

Mr. Winkeljohn: Ok, so no action on your part there.

**SIXTH ORDER OF BUSINESS**

**Financial Reports**

**A. Approval of Check Register**

**B. Acceptance of Unaudited Financials**

Mr. Winkeljohn: That brings us to the financial reports which has a check register, and the unaudited financials. I'd be happy to take any questions if I can answer those for you I will.

Mr. Wilson: No, it's reviewed.

Mr. Winkeljohn: Yes sir.

Mr. Wilson: Any additional comments folks?

Mr. Winkeljohn: Is there a motion to accept the financials?

On Motion by Mr. Wilson seconded by Mr. Timm with all in favor, the Check Register, and the Unaudited Financials were approved.

**SEVENTH ORDER OF BUSINESS**

**Supervisors Requests and Audience Comments**

Mr. Winkeljohn: Now that brings us to Supervisor's requests or any additional audience comments, although Mr. Peabody used a lot of time, we can take any additional comments now.

Mr. Wilson: So, before we get there, I wanted to get a couple of things out to the Board. We got the lakes, I really do want to get the financials on the fountains, and I want to get them out so they're visible because I think regardless of what decision we take, not everybody is going to be happy, so I want that as transparent as possible.

Mr. Winkeljohn: Got it.



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Mr. Wilson: We had a project that was executed to go through, photograph, measure the depth of debris in all the storm drains.

Mr. Winkeljohn: Yes.

Mr. Wilson: So, going forward we're going to use that a little bit smarter, we're going to take two baselines, so we took one baseline that we did last year, and we're going to take a baseline this year, or are we going to wait and do it later?

Mr. Winkeljohn: I'd like to do it in the spring, early spring.

Mr. Wilson: So, once that's done, what I'd like whether we do it as a Board, or we can have the engineer do a courtesy review but, we're going to set it up to a condition based as compared to time-based.

Mr. Winkeljohn: Correct.

Mr. Wilson: So, every year we're not going to go and hit all the storm drains, we'll do it on a condition basis.

Mr. Winkeljohn: Right, you'll learn the problems of the drains, and who needs more attention every year than the others, and some will surprise you so you'll learn that you might have a problem somewhere, so it's good intel.

Mr. Wilson: Right, conditioned-based. Thirdly, is there anything left to do on the park benches?

Mr. Mirabile: No, all set, I think one was repaired recently, not the park bench itself but the base but, it's all been repaired.

Mr. Wilson: Ok. Are there any open projects right now on the CDD's plate?

Mr. Mirabile: Not that I'm aware of.

Mr. Clark: I don't know of any.

Mr. Winkeljohn: No.

Mr. Peabody: If I could make a suggestion on your park benches, if not all, some, what about potentially having some kind of structure over it for some shade, something like a small pergola or something like that, it would be aesthetically pleasing and also not be baking out in the sun.

Mr. Mirabile: John and I have talked about potentially putting a variety of some sort of shade tree, and we're open to any ideas but that can be discussed at a future Board meeting.

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Mr. Wilson: Once you have it worked out, we'll put it on the agenda at another meeting, and we'll look at some alternatives, and give us some options.

Mr. Mirabile: Yes, there are a couple that do need shade near the front lakes. The other two near Rosser and the townhomes do have trees, so those are fine.

Mr. Winkeljohn: Yes, I saw that, and if you don't mind, one of the practices that really sets a lot of communities apart when they start getting into the benches, and the more aesthetic items, and the more, this is a nice place to live type of stuff, is the signature tree program, and what we do is we look at all these types and we find a unique tree specimen that everyone is not likely to see every day in South Florida, but they're wonderful here, they're encouraged to be planted, like they do good things for birds and stuff like that. So, maybe if we find a bench that has enough sunlight problem that means it also has an opportunity for a tree, and we go to some real specimen palms, like I've done some cool programs where 10 years from now or 20 years from now you do one or two a year, now you have a story in your community that you can even put on your website, and say, hey we have these specimen trees throughout the community, you can put a little placard on them, it makes a little unity of the community.

Mr. Clark: We have some beautiful trees in the community already but, that's a great idea.

Mr. Winkeljohn: Right, well the developer will put in X, Y, Z to meet the requirements, and sometimes their landscape architect has a little bit of art to it but, not always, and then when you all get in charge you can constantly improve.

Mr. Mirabile: Yes, so maybe before the heat of the summer or the heat of the spring we can come up with something, John and I, and as a Board we can discuss something.

Mr. Winkeljohn: Right, and I have the list of all the other communities of what they decided, and I can get you to the finish line a little faster and cheaper probably.

Mr. Mirabile: Ok, great.

Mr. Winkeljohn: I have a community they created a booklet and they sell it in their little coffee shop nearby.

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Mr. Peabody: Years ago, you had another great idea about landscaping around the lakes as opposed to just letting the grass grow but that became too expensive and it wasn't considered any further?

Mr. Winkeljohn: Both can be true, when you repair your lakes and do stuff sometimes there's, like cypress, there's certain tree specimens you can introduce to the lakes to strengthen and reduce erosion, so they benefit you but, also all of the above. Personally, I have seen the least amount of expense are lakes where you do a planting program, so to your point, not just grass, so I like it. The more it looks like the Everglades, like a natural Everglades, and you can tune it, you can pick the plants, the healthier it will be but, it will start to be more pleasing to people.

Ms. Wald: But costs more to maintain.

Mr. Winkeljohn: Right, and then you introduce more maintenance costs but, you're reducing on the erosion side if you do it right. Yes?

Mr. Peabody: And one other thing, because they're considered water retention, that pond, the one end I guess it's the north end of it, it's pretty flat, is there any consideration to dredging to allow more water to be retained in those kinds of things?

Mr. Winkeljohn: That's a can of worms for sure but, how about if we stop on your lake, let our engineer take a look at it because I think there's some things going on there but, once we get the erosion handled, we'll add to the laundry list enhancements or improvements, how does that sound?'

Mr. Peabody: Ok.

Mr. Winkeljohn: We're at that stage as a community where we ought to be thinking, not just maintaining what we have but enhancing it.

Mr. Peabody: Agreed.

Mr. Clark: On the lakes, I know some people have come to the office, and asked about mosquito control and everything, I know the city goes around with their truck and sprays, does the CDD do any type of mosquito control with the lakes or anything?

Mr. Winkeljohn: So, contrary to the carp fish, mosquito fish are not regulated by your weir system and things like that, so those we restock and we can do a mosquito type fish stocking assessment and make sure we give them plenty, that's the best way, it's the larvae, they eat the larvae but, all the native fish do too, so when we restock the

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bass which is really good for everything ecologically speaking, they, when they're young gobble up larvae like crazy, like that's their first choice of food when they're babies.

Mr. Clark: Are the fish eatable out of there, are there any issues with that?

Mr. Winkeljohn: All Florida fish have a warning of mercury so one or two, and I don't know the exact interval but, one or two is fine but, there's a limit.

Ms. Wald: Don't we have rules in place already for catch and release?

Mr. Winkeljohn: Yes, we have a catch and release, you're right.

Ms. Wald: So, you can't eat them.

Mr. Clark: Ok, I was just asking, I have not fished in the lakes at all but, I was just curious.

Mr. Winkeljohn: People do all kinds of stuff, and you'll be shocked that the quality of the most evasive fish in Florida is the snakehead, and it is the best-eating fish there is, if you've ever seen a good snake fish, I'm blown away of how good the meat is on it.

Mr. Wilson: So, our primary rules are to take of the preserves, the lakes, and the common area that the CDD owns, so I am very fiscally responsible because it's other people's money, it's not mine, so if you're a homeowner in Newport Isles, you have an assessment from Portofino Isles that you pay every year, you probably just got it from the Tax Collector.

A resident: I did.

Mr. Wilson: So, our goal is to take the funds we receive, pay our bonds, which were taken out to do the initial infrastructure of our community, and then there are some funds leftover, and we have to be prudent on how we spend those funds that they're being spent for the biggest bang for the buck, with our goal in mind that our function is to maintain and protect those lakes and that preserve. So, there is some confusion sometimes that we're in the beautification business, we are not, and that is not our goal. So, the other piece with it is the CDD has strived for at least the last decade to not raise the assessment and to be very cost-conscious and build our reserves, so if we have a large storm come through we're not doing a special assessment, we've been prudent, we've saved the funds, and the money is there so it doesn't impact the community. I hope that clears it up for you.

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A resident: Yes, it does, and when you do a budget, you vote on it.

Mr. Wilson: Yes, and just as an example, we had this whole discussion on fountains, the next meeting or the meeting after we get the financials, and as a Board, let's say the decision is we're going to go do a fountain, well that money is not budgeted in 2023, so we will not spend that money in 2023 because it's not budgeted. We'll look at our budget, we'll figure out the right year or the quarter from the cash flow, and we'll plan it next year.

A resident: Thank you.

Mr. Wilson: You're welcome.

Mr. Winkeljohn: And because we have a new Board member, just a reminder that to put bold print on what you just said, not only is the infrastructure your responsibility but, almost 50% of your entire revenue comes from outside the District through stormwater funds of all the commercial property outside of your District, they contribute quite a bit. So, we're also custodians of their funds, and they don't even get to vote, so we are very careful for that, and we love to make our lakes perfect.

Mr. Timm: Speaking of that, wasn't there concern they were going to reduce that?

Mr. Winkeljohn: Yes, they talked about it, it's been tabled, so if it comes back to life I'll let you know but, right now we're ok.

Ms. Wald: By the way Frank, it's your money too, you're a resident.

Mr. Wilson: I agree with that.

Mr. Peabody: I have a question building on that, and that was actually going to be one of my questions today. Who else does pay for the CDD, I know it's Newport Isles, I'm assuming Portofino Isles.

Mr. Wilson: You're correct.

Mr. Winkeljohn: They all pay, and when you say Newport Isles you mean the HOA?

Mr. Peabody: I mean the residents that live in there.

Mr. Winkeljohn: We are Newport Isles.

Mr. Wilson: So, we have Newport Isles proper, that pays it, the Portofino Court, or whatever it's called across the street, is in distress and it does not contribute.

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Mr. Winkeljohn: There's a big chunk that doesn't contribute, the residents that are there do pay.

Ms. Wald: Well wait, there's two, let's be 100% correct, as to the debt, there is an agreement in place as to their portion for operation and maintenance. So, there are two different funds, two different accounts, so they don't contribute at all, that's not correct, it's just they don't have to pay their debt because they can't, and the bondholders have permitted that to occur because hopefully when the property is sold is they will make money off it with the payment as to the debt portion but, other than that, every single one of the assessments within Portofino Isles Community Development District contributes.

Mr. Winkeljohn: And then there's a commercial property element that contributes to the stormwater.

Mr. Peabody: And how far is that, what I'm saying is, I don't even know every specific store or place but, does it cover where Alfonso's is, that strip, does it include the banks out front, does it include any commercial out to Gatlin, that's what I'm asking?

Mr. Winkeljohn: I can't verify it goes all the way to Gatlin, it might only be a portion of it but, that's where the money comes from.

A resident: I would like to know if Home Depot is also part of that because that's a big store.

Mr. Winkeljohn: Right, that's something Roberto might have to help me with is who ended up being tied to us, I don't remember the exact lines.

Ms. Wald: The city should be able to provide that information.

Mr. Cabrera: We can update the membership map.

Mr. Winkeljohn: Right, we can pull it and look at it and we're not in charge of it, we just get checks, so it's the city's stormwater system, and not every county or city does this but they do it here.

A resident: I have a last question about the preserves, you said you were going to check on all of the fences that are being erected in that area.

Mr. Wilson: No, now just to clarify, we had a request from one resident for a fence, and during that conversation, it came up from the aerial view that the neighbor of the property has a fence, we believe that fence was never in front of the CDD nor

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approved by the CDD. So, our specific request right now is to look at this individual's land plot and where the CDD landlines are and see if we can potentially facilitate having that individual put in for that.

A resident: Just for that.

Mr. Mirabile: It's just one property, we're not looking at any others.

A resident: Ok, thank you.

Mr. Wilson: You're welcome.

Mr. Peabody: With people being on the Board, I guess I was trying to figure out who was missing, and I guess Juan is still on the Board, just not here today, so how are people selected, like I guess Mr. Clark, you're new on the Board, like how are people either approached or find out about positions on the Board and how are they selected?

Ms. Wald: Let me explain one thing, first of all, it's an elected Board, so if a Board member, that was duly elected, and the elections are held on the even years, and they're staggered terms. If there is a vacancy, for instance in this seat that was just filled, the vacancy was because one of the Board members resigned. So, when there's a vacancy on the Board, anybody who wishes to serve on the Board can appear, can contact a Board member, they can contact Paul and can say, I'm interested in serving on the Board. This Board has had an informal policy in which anybody can come, they can appear and say I'm interested in that seat and what this Board has done is they wanted to see information about the individual, and also for each one of the Board members individually to talk to the individual, which is why it took a few months before we were able to go ahead and proceed with one of the Board members feeling comfortable enough to make the motion to appoint Ted to the Board, and that's how that occurred. Legally, it's not required, legally it's as long as it is an individual that meets the requirements under the Statute that they can serve but, also legally it is completely up to the Board that is seated to make a determination of who they're going to appoint to the Board.

Mr. Wilson: Thank you for that clarification.

Mr. Peabody: Then they would basically finish out whatever seat that was left, and then when that comes up for election then it goes to the next person.

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**Portofino Isles CDD**

Ms. Wald: Correct, so the next election will be in November 2024, and I don't know what seat number that was.

Mr. Winkeljohn: Correct.

Ms. Wald: So, November 2024 for those seats that are up for election that expire and there is a qualifying period in June and the announcement is made in a meeting as to when that qualifying period is. We also say how many registered voters but, we know we already have over 250 so that's not really an issue here, and all of those Board seats do go to a general election. If nobody runs against somebody, they don't put their name in, then you're not going to see it on the ballot, and that person has won unopposed.

Mr. Wilson: So, I've been both, I've been appointed, and I have run unopposed.

Ms. Wald: Right, and it's a common term, I do have some CDDs where they have multiples that run against each other, it is the exception, not the rule but, legally that's the process.

Mr. Peabody: Thank you.

Ms. Wald: You're welcome.

A resident: Excuse me, hello?

Mr. Winkeljohn: Yes, go ahead.

A resident: So, on that subject, I had a question, you're saying that you guys have an informal process for this at this point, based on the conflicts with this, would you not consider a formal process because at this point, I know of a member who was turned away three different times that qualified due to either demographics or their proximity to me.

Mr. Winkeljohn: Can I interrupt just real quick because there's a little terminology that needs to be clarified, the Statute has no formal requirement, or the State Laws have no formal process, so everything other than that has to be informal, and this Board does actually have what I would call a well described and precedented informal practice of nobody is appointed if the Board hasn't had a chance to interview them individually, and they adhere to that very strictly so far.

A resident: But yet that candidate that I know of.



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Ms. Wald: Sir, there's no candidates, if anybody wants to run for a seat, any individual that meets those qualifications can go ahead and run for that seat, this Board has nothing to do with that.

Mr. Wilson: And I would like to clarify, if we are talking about the same individual, we did the due diligence, spoke with the individual, and within two or three weeks, the individual removed themselves for consideration to be a Supervisor on the Portofino Isles CDD Board.

A resident: I guess I find it very interesting that he had to go through three separate months of meetings, and now all of a sudden Ted Clark is picked after one meeting, that's why I'm asking, is there a possibility, or would the Board be, instead of this informal process that is based on friendships and talking to the Board members, is there a possibility of creating a formal process for application.

Mr. Winkeljohn: That's called the election, no.

Ms. Wald: No, and as I tell anybody that wants to be a Board member that they should qualify for the election for that seat that is going to be elected and those announcements are made, and other items as well, is people who appear and show up and are interested. Some people do not want to be public officials, I don't know if you were here at the beginning of the meeting or not but, I was providing the information now as to each one of the Board members as public officials as to what they have to do, and now they have to do 4 hours of ethics training on their own, and so these are certain requirements, including filling out Form 1. I've had potential Board members, once they've been given all the forms say, oh wait, never mind, I don't want to do this, I don't want to disclose all my personal information, and therefore, it is completely up to that individual if they want to serve or not serve. If somebody is really interested in doing so, then they should run, there is no legal requirement other than what's required in the Florida Statutes, Chapter 190.

A resident: Ok, thank you.

Ms. Wald: There is no formal process at all, that's what's required.

A resident: Ok, thank you.

Ms. Wald: You're welcome.

Mr. Winkeljohn: Are there any other questions or comments?

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**Portofino Isles CDD**

Mr. Peabody: I guess there was one thing with the CDD using the new dumpster, and I'm on the Board of Newport Isles also, I'm here as a resident but, I guess someone had mentioned that the CDD, I don't know if it was John or someone else, putting garbage items, or something in the dumpster. So, I guess, if that is happening, I guess just find out with the property manager to see if that's ok on a case-by-case basis. I don't know if they were filling the dumpster, and if it was causing more pickups or whatnot.

Mr. Wilson: So, that would be one individual, that would be John, and when John comes back I'll check with him, I know there had been an agreement for biological debris to be laid down in the parking lot and that was coordinated between the HOA and the CDD. This is the first I've heard of anything going into a dumpster but, I'll follow up.

Mr. Peabody: Ok, this is the first I've heard of it too so, that's why I don't have all of the nuances of it but, just to find out and I guess have him communicate with the property manager.

Mr. Winkeljohn: And who is the property manager now?

Mr. Peabody: Kevin Diaz.

Mr. Winkeljohn: Ok, got it. Did you have anything else?

**EIGHTH ORDER OF BUSINESS                      Adjournment**

Mr. Winkeljohn: If there is nothing else, a motion to adjourn would be in order.

On Motion by Mr. Clark seconded by Mr. Mirabile with all in favor, the Meeting was adjourned.

DocuSigned by:  
*Paul Winkeljohn*  
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Secretary / Assistant Secretary

DocuSigned by:  
*Juan Arzona*  
DCBBE140C26C4AB...  
Chairman/Vice Chairman