

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

MARY LOU SMITH, et. al.,

Plaintiff,

vs.

Case No. 2008-CA-11315

TRAILER ESTATES PARK AND RECREATION
DISTRICT, et. al.,

Defendants.

**JANET JONES' NOTICE OF FILING AFFIDAVIT IN SUPPORT
OF HER MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant Janet Jones gives notice that on November 5, 2009, she filed with the Court the attached affidavit of Janet Jones. The affidavit is being filed in support of Janet Jones' Motion for Partial Summary Judgment, and for such other purposes permitted under the Florida Rules of Civil Procedure or Florida law.

Respectfully submitted,

MATTHEWS, EASTMOORE, HARDY
CRAUWELS & GARCIA, P.A.

/s/ Hunter W. Carroll

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by electronic and First Class United States Mail this 5th day of November, 2009, to:

James D. Dye, Esquire
Dye, Deitrich, Ptruff & St. Paul, P.L.
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Attorney for Defendant, Joseph Salerno

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*Attorney for Defendant, Trailer Estates Park
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/s/ Hunter W. Carroll

IN THE TWELFTH JUDICIAL CIRCUIT COURT
IN AND FOR MANATEE COUNTY, FLORIDA

MARY LOU SMITH, et al.,

Plaintiffs,

v.

Case No. 2008-CA-11315

TRAILER ESTATES PARK AND
RECREATION DISTRICT, et al.,

Defendants.

AFFIDAVIT OF JANET JONES

STATE OF FLORIDA
COUNTY OF SARASOTA

BEFORE ME, the undersigned authority, personally appeared Janet Jones, who being first duly sworn, deposes and says that:

1. My name is Janet Jones, I am over the age of 18, and I make this affidavit based on my own personal knowledge.
2. On June 4, 2007, I did not speak with John Vander Molen concerning the McNeil mediated settlement agreement outside a noticed Board of Trustees meeting.
3. At no time did I participate in an out-of-Sunshine meeting of the Executive Committee or the Board of Trustees at which meeting the purported Manatee County Easement Encroachment Agreement was discussed or authorization given to Mr. Wayne Hamblin to sign such agreement on behalf of the District.
4. At no time did I, outside a noticed meeting of the Board of Trustees, respond to Mr. Salerno or any other then-trustee concerning Mr. Salerno's May 2008 memo about documentation management.
5. On or about November 14, 2008, I posted the notice for the December 5, 2008 Policy and

Procedure Committee meeting on the District's notice board. A copy of the posted notice is attached as Exhibit A (bearing bates label, Barnebey D.T. Docs-000131). The date/time stamp in the upper left hand corner is the date and time the District stamped this notice as being received. During the Board of Trustees meeting on November 17, 2008, I announced that the Policy and Procedure Committee would meet on December 5, 2008. I understand that this Board of Trustees meeting was broadcast within the District on access channel 95.

6. Martha Brauer ran for the position of Trustee during the December 2008 election. The election occurred on December 2, 2008. Prior to this time, Ms. Brauer had never served on the Board of Trustees. The polls closed at 8 p.m. on December 2, 2008. Ms. Brauer was elected to the office of trustee as a result of that election. Ms. Brauer did not assume her position on the Board of Trustees until the organizational meeting on January 2, 2009.

7. The Board of Trustee's By-Laws provisions relating to quorum in article II section B, relating to trustee committees in article V, and relating to the authority of the Chairman to appoint committees in article VI section A have not changed since before January 1, 2007 and are attached as Exhibit B.

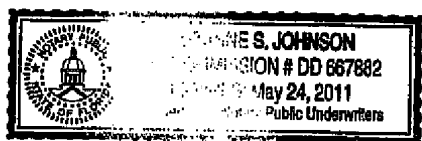
8. This concludes my affidavit.

Janet Jones
Janet Jones

SWORN to and subscribed before me this 5th day of Nov., 2009, by

JANET JONES

Suzanne S. Johnson
Notary Public, State of Florida
My Commission Expires:



Personally Known _____
Produced Identification Fl. Driv. License
Type _____



NOV 14 2008 PM 2:59

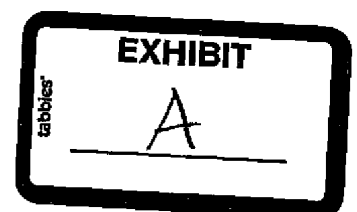
POLICY AND PROCEDURE COMMITTEE

December 5, 2008
10:00 a.m.
Blue Heron Card Room

Agenda: Review and revise documents from November 17, 2008 board meeting and November 24, 2008 workshop; Begin drafting policy: Candidates Night Forum, Tribune, Bulletin Boards, and others as time allows

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**TRAILER ESTATES PARK & RECREATION DISTRICT
BYLAWS**

ARTICLE I. GENERAL

The Bylaws contained herein are supplemental to Florida Law, Chapter 69-1287, as amended, the prevailing Law governing the operation of Trailer Estates Park & Recreation District.

ARTICLE II. MEETINGS

- A. Regular meetings of the Board of Trustees shall be held on the first and third Mondays of each month.
- Special meetings or workshop meetings may be called by the Chairman or by a written request signed by five (5) Trustees.
- B. A quorum of five (5) Trustees present is required to transact business.
- C. Any Trustee desiring to have matters placed on the meeting agenda shall notify the Chairman three (3) Working days in advance of the meeting. Unless there is an "emergency item", all conducted shall appear on the publicly posted agenda for the meeting. An "emergency item" is a matter that cannot reasonably be held over until the next regularly scheduled Board Meeting.
- D. Unless there is a publicly stated conflict of interest, Florida Law 286.012 requires each Trustee to present at a Board meeting to vote on each decision, ruling or act presented for a vote.



ARTICLE II. ORDER OF BUSINESS

The Chairman will be guided by Roberts Rules of Order.

Proceedings of the meetings shall be:

- 1. Call to order**
- 2. Roll call**
- 3. Approval of minutes**
- 4. Correspondence**
- 5. Report of Treasurer**
- 6. Approval of bills**
- 7. Informational reports from Trustees**
- 8. Report(s) from standing committees**
- 9. Residents' comments and questions**
- 10. Old business**
- 11. New business**
- 12. Reports from clubs and organizations**
- 13. Adjournment**

ARTICLE IV. ORGANIZATION

Pursuant to Section 3 of Florida Law 69-1287, as amended, the election of Chairman, First Vice Chairman, Second Vice Chairman, Secretary, and Treasurer by the Board of Trustees shall be held at a Special Meeting held the first non-holiday weekday following January 1. The election of Chairman shall be conducted by the previous Chairman who shall have a vote if a currently-elected Trustee. The newly-elected Chairman will then conduct the subsequent officer election during the same meeting.

The Chairman shall then, or soon thereafter, assign members of the Board of Trustees areas of responsibility to plan, implement and supervise various District operations or activities. These areas of responsibility in combination or separately are:

1. Maintenance
2. Future Planning
3. Health and Welfare
4. Public Relations
5. Continuing Recreational Activities
6. Seasonal Social and Recreational Activities
7. Others which may be named as the need arises.

ARTICLE V. COMMITTEES

With specific "Sunshine Law" exceptions that apply to the Administrative Committee alone, the names of the committee members must be publicly announced; all committee meetings must be announced in advance; and all meetings must be open to the public.

ADMINISTRATIVE COMMITTEE

There shall be an Administrative Committee. Members of the Administrative Committee shall be: the Chairman and the First and Second Vice Chairmen. When it is deemed in the best interest of the District, others may meet with the Committee for specific discussions. All actions by the Administrative Committee shall be reported immediately to the other Board members by memorandum and publicly to the Board at the next Board Meeting.

The duties of the Administrative Committee are:

1. To inform and make recommendations to the Board about the financial and employment needs of the District.
2. To represent the District in legal matters.
3. To maintain necessary contact with County and State officials .

TRUSTEE COMMITTEES

With the advice and consent of an individual Trustee, the Chairman of the Board of Trustees may appoint a committee of District residents to advise, inform and assist said Trustee in the performance of his or her duties. The Trustee shall be the Chairman of said committee. If the Chairman of the Board of Trustees does not appoint such a committee, then said Trustee may appoint a committee to perform the same functions.

Trustee Committees may spend no funds without prior approval by the Board of Trustees, nor may they act in the name of the District. Trustee committees shall expire December 31 of each year, or sooner as directed by the Trustee.

STANDING COMMITTEE

With the advice and consent of the Board, the Chairman may appoint Standing Committees. Standing Committees shall be established for a specific purpose and shall report their findings to the entire Board through a Trustee Liaison appointed by the Chairman. The Board, at any time, may disband any established Standing Committee. Nominations to Standing Committees may be made by any Trustee, subject to approval by the Board. The members of Standing Committees, unless removed by Board action, shall serve for the life of the Committees.

The terms of Trustee Liaison shall expire December 31 of each year.

From their members, a Chairman shall be elected by Standing Committees. In establishing a Standing Committee, the following requirements should be stated:

1. The purpose of the Standing Committee.
2. The length of time the Standing Committee shall be in existence
(it is recognized that some Standing Committees, because of their stated purpose, may be perpetual).
3. With specific prior approval from the Board, the Standing Committee may act in the name of the District and may be authorized to spend specific money.

ARTICLE VI. ADMINISTRATIVE DUTIES OF BOARD OFFICERS:

- A. The Chairman shall preside at all Board meetings and Administrative Committee meetings; shall appoint committees when necessary; and shall vote on all matters submitted to a vote of the Board of Trustees.
- B. The First Vice Chairman shall assist the Chairman, and in the absence of the Chairman, shall preside at any meeting.
- C. The Second Vice Chairman shall assist the Chairman, and in the absence of the Chairman and First Vice Chairman, shall preside at any meeting.
- D. The Secretary shall keep the minutes of Board meetings; shall receive and answer all communications pertaining to the District; and shall keep the Chairman and Committee Chairman informed of matters requiring their attention. The Secretary shall post current minutes on District bulletin boards. The Secretary may be assisted by a recording Secretary who need not be a Trustee.

- E. The Secretary shall maintain in the District office a one-volume complete and current set of rules and regulations; this volume shall be made available, on request, to residents of the District during regular office hours.
- F. The Treasurer shall keep accurate records; make disbursements as directed by the Board; and annually prepare a District budget as required by law. The Treasurer's books are to be audited annually or at the request of the Board.

ARTICLE VII. RECEIPT AND DISBURSEMENT OF FUNDS

- A. The District office shall receive all monies due the District; a receipt shall be given for each sum received. All funds shall be transferred to the Treasurer for deposit.
- B. All disbursements of funds shall be by District check. Prior Board authorization is required to incur expenses on behalf of the District. Only after receiving an invoice (receipt) and a Trustee-signed voucher for previously authorized expense may the Treasurer issue a check for that expense.
- C. All checks for the disbursement of funds are to be signed by the Treasurer and another Trustee identified to the District's bank. During the Treasurer's absent, two Trustees identified to the District's bank shall be authorized to sign checks. In no case may the Trustee signing a voucher sign a check for the payment of that voucher.
- D. All Trustees authorized to sign checks and all office personnel shall be bonded in the amount of five thousand dollars (\$5,000.00).

ARTICLE VIII. REQUIREMENTS FOR THE BOARD CANDIDACY AND VACANCIES

Requirements for candidates for the Board shall be found in Florida Law, Section 5 of Chapter 69-1287, as amended. Requirements for filling mid-term vacancies on the Board shall be found in Florida Law, Section 11 of Chapter 69-1287, as amended.

ARTICLE IX. RULES GOVERNING USE OF FACILITIES

The Board of Trustees shall enact rules and regulations governing the use of recreational facilities of Trailer Estates Park and Recreation District. All such rules and regulations shall be recorded in the official minutes by the Secretary.

ARTICLE X. AMENDMENTS

Amendments to Bylaws, sponsored by at least two (2) Trustees, may be introduced in writing at any regular meeting of the Board. The Chairman shall schedule a public hearing during a regular Board meeting within sixty (60) days following the receipt of the proposed written amendment(s). Twenty-one (21) days prior to the regular meeting at which a public hearing will be held concerning the proposed amendment(s), copies of the proposed amendment(s) shall be posted on the official District bulletin boards.

Immediately following the public hearing, the Board shall vote on the proposed amendment(s). A two-thirds (2/3) majority vote shall be necessary to amend these Bylaws.

ARTICLE XI. CONFLICT OF LAW

Any section of these Bylaws found to be in conflict with the Florida State Law or Chapter 69-1287, shall be invalid and shall be eliminated from these Bylaws; the remaining sections shall be in force and effect as if such invalid section had not been incorporated herein.