

**IN THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CIVIL DIVISION**

MARY LOU SMITH
an individual, and
SHARON DENSON,
an individual

Plaintiffs,

vs.

CASE NO.: 08 CA 11315
Division: B

TRAILER ESTATES PARK AND
RECREATION DISTRICT,
an independent special taxing district,
JANET JONES, an individual,
JOHN VANDERMOLEN, an individual,
JOSEPH SALERNO, an individual, and
MARY LOU MCNULTY, an individual

Defendants.

CLERK OF CIRCUIT COURT
MANATEE CO., FLORIDA

2009 DEC 17 PM 4:05

FILED FOR RECORD
R.B. SHORE

**NOTICE OF FILING DOCUMENTS IN SUPPORT
OF PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANT JONES'
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiffs, MARY LOU SMITH and SHARON DENSON, by and through their undersigned counsel, file the following documents in support of Plaintiffs' Memorandum in Opposition to Defendant, Jones' Motion for Partial Summary Judgment, and for such other purposes permitted under the Florida Rules of Civil Procedure or Florida Law.

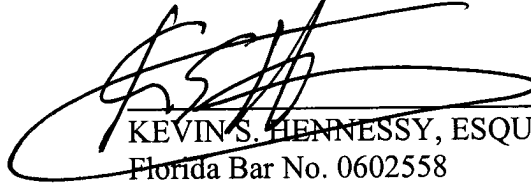
1. Plaintiffs' Trial Exhibit # 25, Minutes from October 16, 2006; and Minutes from October 16, 2006, Bates Number: McNulty DT Docs -000182.
2. Plaintiffs' Trial Exhibit # 32.
3. Plaintiffs' Trial Exhibit # 73.
4. Plaintiffs' Trial Exhibit # 97.
5. Plaintiffs' Trial Exhibit # 116.



6. Plaintiffs' Trial Exhibit # 132.
7. Plaintiffs' Trial Exhibit # 150.
8. Plaintiffs' Trial Exhibit # 185.
9. Plaintiffs' Trial Exhibit # 289, Recordings of December 8, 2008, Board of Trustees Regular Meeting.
10. Recordings of May 21, 2007, Board of Trustees Regular Meeting.
11. April 26, 2007, Note and May 14, 2007, Note.
12. Plaintiffs' Trial Exhibit # 336.
13. Trailer Estates Summary of Public Records Response, Bates Number: TE Resp 4/30/09 000010.
14. Plaintiffs' Trial Exhibit # 346.
15. Plaintiffs' Trial Exhibit # 352.
16. February 26, 2007, Notes and November 6, 2007, Memo.
17. Plaintiffs' Trial Exhibit # 362.
18. Plaintiffs' Trial Exhibit # 382.
19. Plaintiffs' Trial Exhibit # 384.
20. Plaintiffs' Trial Exhibit # 403.
21. November 6, 2006, and May 7, 2007, Board of Trustees Regular Meeting Minutes.
22. Plaintiffs' Trial Exhibit # 407.
23. May 21, 2007, Board of Trustees Regular Meeting Agenda.

24. October 24, 2006, Notes from Plaintiff Sharon Denson, from Board of Trustees Regular Meeting.

Respectfully submitted,



KEVIN S. HENNESSY, ESQUIRE

Florida Bar No. 0602558

MAGGIE D. MOONEY-PORTALE, ESQUIRE

Florida Bar No. 0555924

JENNIFER R. COWAN, ESQUIRE

Florida Bar No. 0038081

Lewis, Longman & Walker, P.A.

1001 3rd Avenue West, Suite 670

Bradenton, Florida 34205

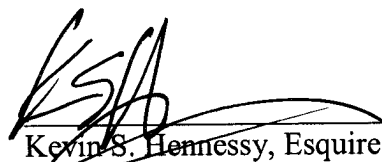
Telephone: (941) 708-4040

Facsimile: (941) 708-4024

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to **Hunter Carroll, Esquire**, Matthews, Eastmoore, Hardy, Crauwels & Garcia, P.A., 1777 Main Street, Suite 500, Sarasota, FL 34236, **James D. Dye, Esquire**, Dye, Deitrich, Petruff, & St. Paul, 1111 Third Ave. West, Suite 300, Bradenton, FL 34205, **Robert E. Turffs, Esquire**, 1444 First Street, Suite B, Sarasota, FL 34236, **Daniel E. Scott, Esquire**, Daniel E. Scott, P.A., 2033 Main Street, Suite 408, Sarasota, FL 34237, **Thomas D. Shults, Esquire**, Kirk Pinkerton, P.A., 50 Central Avenue, Suite 700, Sarasota, FL 34236, by *Hand Delivery*, this 17th day of December, 2009.



Kevin S. Hennessy, Esquire

TRAILER ESTATES PARK AND RECREATION DISTRICT
BOARD OF TRUSTEES
REGULAR MEETING

October 16, 2006

9:30 a.m.

Janet Jones gave the invocation followed by the Pledge of Allegiance.

1st Vice Chairman Janet Jones called the meeting to order.

Trustees present were: Wayne Hamblen, Joe Bigley, Pam Cole, Janet Jones, Peg Durham, Margo Cushman and Mike Neal. Mary Lou McNulty and Tom Featheringill were absent.

Margo Cushman made a motion to approve the minutes of the October 2, 2006 board meeting. Seconded by Wayne Hamblen and Passed 7-0.

CORRESPONDENCE:

Peg Durham read a notice of the public meeting October 25, 2006 at 10:00 a.m. about the Phase 4 water project the east side of Canada – Ohio to Iowa and south side of Florida Blvd.

Peg Durham read a letter from Robert Michael Eschenfelder and Ted N. Williams; attorneys from Manatee County Commission, stating the Trustees are within their powers according to the Special Act Charter, Chapter Laws 2002-361, Laws of Florida. They also suggest that our constituent contact an attorney of her choosing who may advise her on the variety of administrative or legal options available to her to address her concerns with the District's Governance.

Peg Durham read a letter from Linda Ferdinand from the Post Office regarding the rent increase. She stated she had to pay \$1.25 from her account, she cannot send this on to the U.S. Postal service. She received a letter about dredging costing homeowner \$32,000.00 each. She is opposed and asked Trailer Estates to also appose this.

Peg Durham read a letter from the Supervisor of Election – Bob Sweet, stating the following individuals qualified and ran unopposed for the five vacancies: Joe Bigley, Margo Cushman, Peggy Durham and Bruce Smith. Trailer Estates enabling legislation provides for an appointment for the fifth seat.

Peg Durham read a letter to Mr. Rice of DeSears Appliance & Home Entertainment from Janet Jones to get an update on the progress of the south and west parameter fence that was to be removed and replaced.

Peg Durham read a letter from George Deninus to Mary Lou McNulty about the price of the fence and the water line he hooked into on our property. He enclosed a check to cover 75% of the cost.

REPORT OF TREASURER: None

APPROVAL OF BILLS: None above the pre-approved amount.

INFORMATIONAL REPORTS FROM TRUSTEES:

Pam Coie will be calling a meeting for Dances, New Years Eve and Christmas party.
The Entertainment Committee will meet this Wednesday at 10:00 a.m. in the small hall.

Margo Cushman said there would be Pot Luck this Wednesday, October 18th at 5:00 p.m.

Mike Neal apologized if he has missed any phone calls.

Janet Jones said the Trader Advertising would stop throwing their papers on driveways.
Park fee for mowing lawns is \$60.00 and \$30.00 for picking up fruit and spraying weeds.
Health and Welfare needs volunteers to drive people to doctor appointments.
Janet Jones took a pole of the Trustees in favor of contacting an attorney specialized in
"Legislative Law". Passed 7-0.

REPORTS FROM STANDING COMMITTEE:

John Vander Molen – 6807 Mass. – People need to know they need permits for additions, steps and other types of changes on the outside of their homes. The ARC can also help in finding the corner stakes on your property. They do not do surveys.

Flo Mallory – 6919 West Bayou – At the last Future Planning Committee meeting they did not have a quorum. The next meeting will be on November 1, 2006 at 1:00 p.m. They are very interested in improving the beach area.

Bob Baugh said the Marina Committee would meet this Thursday, October 18th at 3:00 p.m. in the small hall. Everyone is welcome.

RESIDENTS COMMENTS AND QUESTIONS:

Dale Cruickshank – 6505 Dakota – Asked how ^{many} attorneys do we have? He was told they are only paid when needed. They are in a retainer.

Toni Smith – 2316 New York – Is there a procedure on giving out letters to Trustees?
Janet said all Trustees get copies on a need to basis.

Mary Lou Smith – 6907 Tarpon Lane – Read a letter about what she feels she needs from the trustees on charging fees and abiding by the laws. She gave to each Trustee "The Florida Special District Handbook".

Gail Opper – 1915 Minnesota – Said she is against the negativity of some people and feels the trustees do a fine job and thanked them for everything they do.

John Vander Molen – 6807 Mass. – Talked about the canal dredging of Bay View Shores Bay Drive. John asked if we would have to pay also on this project since we are adjacent to it. Someone should check into this.

Bob Gentner – 2108 Illinois – What is being done about putting water and electric behind the R.V. parking? He said Wayne Hamblen say's nothing is being done on this and Wayne said he is getting prices on this.

OLD BUSINESS: None

NEW BUSINESS:

Wayne Hamblen made a motion to accept the bid of \$2450.00 from Mike Heath & Sons for repair work of the south spa & shower exterior wall. 50% down and balance on completion. Other Bids: Custom Walls \$3800.00 and Advantage Stucco \$2640.00. Peg Durham seconded. Passed 5 to 2.

Mike Neal made a motion to notify, per letter to all property owners, of lawn violation (Deed Restriction number 7); and no longer notifying their lawn person on file. Seconded by Wayne Hamblen. Passed 6-1.

REPORTS OF CLUBS AND ORGANIZATIONS:

Bruce Smith - 2316 New York - October 23, 2006 the Yacht Club is having a Pig Roast in the large hall. Tickets are on sale at the Post Office today through Thursday and tickets are \$8.00 and only 150 tickets will be sold.

They need help at the Fire Department. There is a notice on Channel 96 and they will train anyone interested. It is a great service to the park to help out.

Kay Hislop - 1703 Minnesota - Hobby will start on Thursday, November 2, 2006 and will only be on the 1st Thursday of each month and lunch will be served.


Clogging has not started yet, but there will be beginning classes.

Rug Weaving is to start soon.

Pam Cole made a motion to adjourn. Seconded by Joe Bigley and passed 7-0.

Peg Durham

Secretary



11
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Pam Cole made a motion to adjourn. Seconded by Joe Bigley and passed 7-0.

Peg Durham
Secretary

BOARD APPROVED JUNE 4, 2007
TRAILER ESTATES PARK AND RECREATION DISTRICT
BOARD OF TRUSTEES
REGULAR MEETING

May 21, 2007

9:30 a.m.

Janet Jones gave the invocation followed by the Pledge of Allegiance.

Chairman Janet Jones called the meeting to order.

Trustees present were: Mary Lou McNulty, Janet Jones, Peg Durham, Margo Cushman, Joe Bigley and Pam Cole. Bruce Smith and Tom Featheringill were absent. Attorney Mark Barnebey was also present.

Janet Jones asked for approval of the minutes of the May 7, 2007 Board of Trustees Meeting. Pam Cole said she had to make some corrections to the minutes, there should be an 's' after Trustees, under Report of Trustees the ending balance for checking should have been \$3713.56 not \$3713.53 and under the Approval of Bills the bill for Kirk Pinkerton should have been \$2175.00 not \$2275.00 – (there was a 100.00 discount from the firm), and the word 'discount' should be in the minutes also. Margo Cushman made a motion to pass the minutes of the May 7, 2007 Board of Trustees as corrected. Seconded by Pam Cole and passed 7-0.

Janet Jones asked for approval of the minutes of the Workshop on May 14, 2007. Mary Lou McNulty made a motion to approve the minutes of the Workshop on May 14, 2007. Seconded by Joe Bigley and passed 7-0.

CORRESPONDENCE: None

REPORT OF TREASURER: None

APPROVAL OF BILLS:
No bills above the pre-approved amount.

INFORMATIONAL REPORTS FROM TRUSTEES:

John Vander Molen said the Fire Inspector called the pool gate to our attention, not the Fire Department. This is to be done in June while the pool is closed down for cleaning. Also getting bids for the air conditioner for the large hall and the docks on the north side of the marina.

The pool deck will be done in September and the pool will be closed for a week.

John said that we need to talk with our attorney about the fence on the north side of the park.

John said that he would be meeting with the Mediator for the property at 6626 New Jersey.

John said there are two applications for the ARC vacancy – Ken Ilg and Walt Cole. There may be more names submitted. Since some say we always do things in the summer we will wait on this since we are not getting many request for permits right now.

Mary Lou McNulty talked about a letter from Bob Young for computers for the office and said this would need to be Work Shopped.

Margo Cushman – Pot Luck is cancelled for June.

The Saturday Night Summer Dance will be this Saturday night, May 26, 2007.

There will be no Coffee Break in June due to the Park picnic.

Bingo report – there were 117 players with \$5216.00 taken in and \$5216.00 paid out with an average of 124 per night. The Jackpot took in \$3532.00 and paid out \$3532.000. The total amount taken in and paid out on the Jackpot is \$46,135.00.

Margo thanked Bud Huston for making the sleds for the bingo boxes and also for the pop that is stored for the bingo kitchen.

Attorney Mark Barnebey stated that he had received a letter from an attorney representing Mary Lou Smith on allegations of not following the Sunshine Law and other concerns Mrs. Smith had. There will be a meeting in June.

Mary Lou McNulty asked if we have to workshop presenting new clubs to the park.

Mark Barnebey said we could do it today.

Mary Lou asked about questions that had been raised over issues of storage and assessments of lots.

Mary Lou also asked Mark Barnebey about the questioning of our prayer before our meetings and Mark said this brought to his attention by two Trustees.

Mary Lou said the Disaster meeting had four Trustees at it and she wanted to know do we have to take minutes and do they have to be reported at regular meetings? Mark Barnebey said yes.

REPORTS FROM STANDING COMMITTEE:

Bob Baugh – 1909 Illinois – read a proposal to establish a marina fund starting with the 2007-2008 budget. He was told this would need to be work shopped.

RESIDENTS COMMENTS AND QUESTIONS:

Art Gaudet – 1 804 Florida Blvd. – asked if all money's would be put into the marina funds?

Mary Huston – 1714 Minnesota – asked if the fence at the church is locked at night. She was told that the fence belongs to the church but a Trustee would check on this.

Mary asked if it is legal for John Vander Molen to be a Trustee and also on the ARC Committee. She said John had mentioned before that he would resign if he were elected to the Board.

Mary asked if we have a budget? She said we were not given papers on this. Pam said she did pass out papers after the budget meeting on the \$746.00 budget.

Peg Durham said at the present time Bruce Smith is a Trustee and also the Dock Master

Mark Barnebey said that is up to the board and the Trustees to make the decision on holding two positions. Pam Cole questioned not filling this ARC position immediately

OLD BUSINESS: None

NEW BUSINESS:

Mary Lou McNulty made a motion to form Cooks Night Out, a Club. Seconded by Pam Cole and passed 7-0

Mary Lou McNulty made a motion to make Bingo Kitchen a Club. Seconded by Margo Cushman and passed 7-0.

Mary Lou McNulty made a motion to name the Beach Pavilion "The Wayne Hamblen Pavilion".

Mary Lou said Wayne was an acting Trustee and he was instrumental in getting it enlarged and we have had other buildings named in the park.

John Vander Molen questioned specifying a name for someone when it could open up some controversy and could be setting a president.

Motion was seconded by Margo and passed 5-2. Pam Cole – no; John Vander Molen – no; Mary Lou McNulty – yes; Peg Durham – yes; Margo Cushman – yes; Joe Bigley – yes and Janet Jones – yes.

Peg Durham made a motion to nominate Mary Lou McNulty as 2nd Vice Chairman – Trailer Estates Board of Trustees. There were no other nominations. Seconded by Margo Cushman and passed 7-0.

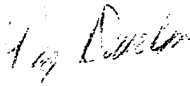
REPORTS OF CLUBS AND ORGANIZATIONS:

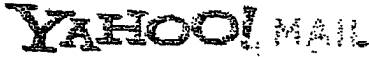
Mary Lou McNulty said Cooks Night Out will be June 7th and tickets go on sale in the office from May 28th through June 1st - \$5.00 donation

Peg Durham said the Talent Show held last Thursday for the Church was a success with about 90 people attending and they had 7 participants. Cookies and punch was served.

Janet Jones adjourned the meeting.

Peg Durham
Secretary





Print - Close Window

Date: Mon, 19 Nov 2007 10:46:21 -0800 (PST)
From: "Martha brauer" <marthabrauer@yahoo.com>
Subject: video tapings
To: "john vandermoden" <jjvan@tampabay.rr.com>

NOV 19 2007 PM 2:27

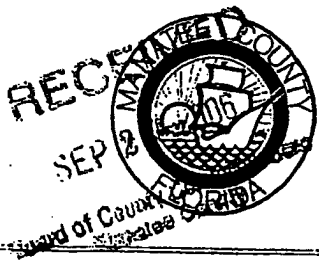
John, I thought more about the recording of the meetings by the video club. The board is not required by law to videotape the meetings then it would appear possible to continue the practice as you have it, where the club tapes the meetings, makes DVD's, and charges what they feel is appropriate. These are unofficial copies of the board meetings, available from the video club, and the charges are to reimburse the club, and can be set by the club.

Janet has questions for the attorney regarding public records policy so we should know soon about whether the "government" must record and provide official videotapes of the meetings.

I will take this email to the office to make it part of public record.

Martha Brauer

Be a better pen pal. Text or chat with friends inside Yahoo! Mail. [See how.](#)



RS/alo

Office of
**MANATEE COUNTY
ATTORNEY**

Tedd N. Williams, Jr., County Attorney

James A. Minix, Chief Assistant County Attorney
Patricia McVoy, Senior Assistant County Attorney*
Maureen S. Sikora, Senior Assistant County Attorney*
Robert M. Eschenfelder, Assistant County Attorney
Rodney C. Wade, Assistant County Attorney*
William E. Clague, Assistant County Attorney
James R. Cooney, Assistant County Attorney
Sarah A. Schenk, Assistant County Attorney*
Jason Henbest, Associate County Attorney

MEMORANDUM

TO: Hon. Ron Getman—District 4 County Commissioner
FROM: Robert Michael Eschenfelder—Assistant County Attorney *RM for TNE*
THROUGH: Tedd N. Williams—County Attorney *TNW 9/27/06*
DATE: 26 September 2006
RE: Trailer Estates District Questions (RLS 06-358 & RLS 06-405) (CAO File No.: 1014B-016)

In RLS 06-358 and 06-405, you indicate that one of your constituents, a resident/owner within the Trailer Estates Park and Recreation District (the District), has brought several items of concern to you regarding the governance of Trailer Estates. Some of the specific items raised by the constituent include a concern over how vacancies on the District board are filled, and the authority of the Board to sell or lease common areas and charge user fees. Your constituent requests County intervention, if possible, and if not advice on what her recourse might be.

Trailer Estates is what the law calls an Independent Special District. It was most recently re-created by the Florida Legislature in a Special Act Charter, Chapter Law 2002-361, Laws of Florida. The Legislature granted the District, through a board of trustees, broad powers akin to that traditionally possessed by local governments. These include the authority to acquire and hold property, sue and be sued, enter into contracts, assume costs to install and maintain certain facilities and street lighting, acquire and dispose of facilities, purchase real and personal property, buy, sell, rent or lease real or personal property for the District, provide trash and garbage collection and central television signals, enforce deed restrictions, and to perform other functions necessary or desirable to carry out the intent of the Act and levy assessments and taxes to pay for the aforementioned. Under the terms of the Act and Florida's laws concerning Independent Special Districts in general, Manatee County government simply has no legal authority to assume an oversight role for those matters the Legislature placed in the hands of the District's Trustees.

With respect to this Office advising your constituent, it would be inappropriate to provide legal advice to her since this Office was created to provide advice and counsel to the Board of County Commissioners, and its subordinate boards and officers. We suggest that your constituent contact an attorney of her choosing who may advise her on the variety of administrative or legal options available to her to address her concerns with the District's governance.

I hope this response addresses your request. If I can be of further assistance, please let me know.

c: Hon. Chair and Members of the Manatee County Commission
Ernie Padgett—County Administrator

* Board Certified City, County & Local Government Law

WUCS17107

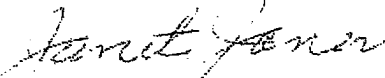
May 8, 2007

T.J.

Mark Barnebey called me at 6:03 pm tonight. W.L. Smith has retained Maggie Mooney (attorney) with a list of alleged infractions by L.S. board. Smith is asking for attorney fees if this goes to court. I have a meeting with Mark Wed., 10:00 am May 16, 2007. More expense for L.S!

Call Mark's office in morning and tell him the two subjects listed for workshop on Monday, May 14th before you post the list on the board. Barnebey says that because Tom is a trustee he has a right to know what are on the agendas in case he wants to return for a meeting.

Respectfully,



Janet Jones
Chairman, Trailer Estates

5/8/07 7:00 pm
15

T.J.

I told Barnebey that I felt that Mary Lou McFulty should be nominated by a motion to fill the 2nd Vice vacancy position, vacated by Wayne Hambley's death. Lawyer said that could be done at the May 21st meeting. Mary Lou has been a chairman and she knows procedures.

Janet Jones
5/8/07

MSSD01652



KIRK PINKERTON, P.A.

Serving Our Community
Since 1926

ATTORNEYS AT LAW

JAMES E. KIRK, 1902-1983

JOHN C. PINKERTON, 1916-1997

DONALD C. McCLELLAND, JR., 1922-2008

WILLIAM C. STROUD, RETIRED

ROBERT J. CAIRK
L. NORMAN VAUGHAN-BIRCH^{***}
TIMOTHY S. SUAW^{*}
WILLIAM E. ROBERTSON, JR.
DAVID M. SILBERSTEIN^{***}
MARK P. BARNEBEY^{*}
THOMAS D. SHULTS
JULIE A. HURSTKAMP^{*}
JEFFREY N. STEINSNYDER[†]
CRAIG P. COLBURN, JR.

SCOTT E. RUDACILLE
SUE A. JACOBSON[†]
SCOTT K. PETERSEN^{***}
DOUGLAS J. ELMORE
ZACHARY L. ROSS
JERILYN HATTENDORF
OF COUNSEL
BRENDA L. PATTEN[†]

• BOARD CERTIFIED IN WILLS, TRUSTS AND ESTATES
• BOARD CERTIFIED IN BUSINESS LITIGATION LAW
• BOARD CERTIFIED REAL ESTATE LAW LAWYER
• BOARD CERTIFIED CIVIL TIGAL ATTORNEY
• BOARD CERTIFIED TAX ATTORNEY
• BOARD CERTIFIED IN CITY, COUNTY AND LOCAL GOVERNMENT LAW
• ALSO ADMITTED IN NEW MEXICO
• ALSO ADMITTED IN COLORADO
• ALSO ADMITTED IN NEW YORK
• ALSO ADMITTED IN WISCONSIN
• ALSO ADMITTED IN CALIFORNIA

MEMORANDUM

TO: Janet Jones, Chair

CC: Trailer Estates Board of Trustees

THRU: Mark P. Barnebey, Esquire *MB 10/22/07*

FROM: Scott E. Rudacille, Esquire *SEK 10/22/07*

RE: Trustee/Committee issues

DATE: October 22, 2007

Questions have been raised regarding the proper treatment of Trustees and spouses of Trustees on Trailer Estates committees. Specifically, the first question is whether two Trustees may attend the same meeting of a Trailer Estates committee. The second question is whether it is advisable to have spouses of Trustees on a Trailer Estates committee. We will address each question individually below.

We have advised previously that the Board may want to avoid having two Trustees on the same committee, because there are inherent issues that arise with such situations. For example, when two Trustees are present discussing matters which may come before the Board, the committee meeting must be noticed as a Board meeting. Otherwise, a Sunshine violation may occur.

Secondly, the Board should consider the policy reasons behind the work of committees. Generally committees are charged with administrative, fact-finding, or advisory rolls, which work allows the Board to concentrate on policy issues. So, while it may make sense to have one Trustee present to act as a liaison with the committee, if multiple Trustees are present, it may

KIRK - PINKERTON

Janet Jones, Chair
October 22, 2007
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begin to defeat the purpose of having a committee. If a number of Trustees want to work on an issue, it may make more sense for the Board to just hold workshops on that particular issue.

As for spouses, the Sunshine Laws consider them to be separate individuals, but there are, once again, inherent issues that arise. The Attorney General previously opined that husband and wife may serve on the same governing board. FL AGO 89-06. Even though there are inherent issues with such an arrangement, there is no per se violation of the Sunshine Laws. The husband and wife would be prohibited from discussing matters in private which might foreseeably come before the board.

The same rationale would apply for committee members at Trailer Estates. If a husband and wife serve on the same committee, and that committee is subject to the Sunshine Laws, the husband and wife are prohibited from discussing committee business when they are together in private. However, if a Trustee's spouse serves on a committee, the Trustee and spouse may discuss park business in private, as they do not serve on the same board.

If you have any questions or wish to discuss this further, please do not hesitate to contact us.

TRAILER ESTATES PARK & RECREATION DISTRICT

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MEMO

TO: – Bruce Smith

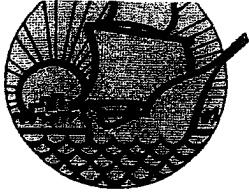
FROM: Janet Jones - Chairman *JJ*

DATE: January 23, 2008

SUBJECT: Router

Regarding questions about the router my advice is to use the phone line in the Computer Room and contract with Brighthouse for Internet service, which would be charged to the Web Site Committee's budget. This way using the router would not effect the efficiency of office business.

Thank you!



MANATEE COUNTY

OFFICE OF THE COUNTY ATTORNEY

Tedd N. Williams Jr., County Attorney

October 20, 2006

Ms. Mary Lou Smith
6309 Porter Avenue
East Lansing, MI 48823

Re: Trailer Estates
CAO File No. 1014B-018

James A. Minix, Chief Assistant County Attorney
Patricia McVoy, Senior Assistant County Attorney*
Maureen S. Sikora, Senior Assistant County Attorney*
Robert M. Eschenfelder, Assistant County Attorney
Rodney C. Wade, Assistant County Attorney*
William E. Clague, Assistant County Attorney
James R. Cooney, Assistant County Attorney
Sarah A. Schenk, Assistant County Attorney*
Jason C. Henbest, Associate County Attorney

Dear Ms. Smith:

Your letter of October 18, 2006 to Commissioner Ron Getman was forwarded to me for response. You included with your letter a copy of the minutes of a meeting of the Trailer Estates Board of Trustees (the minutes) and an e-mail from Jack Gaskins, the Director of the Florida Department of Community Affairs (the e-mail).

You questioned the interpretation in the minutes of a previous memorandum from Mr. Eschenfelder in my office (the memorandum) where the minutes characterized the memorandum as stating that "the Trustees are within their powers according to the Special Act Charter...". I agree that the minutes do not correctly characterize the memorandum. Regarding the e-mail and the memorandum, no statement in either document is inconsistent with the other.

As you have been previously informed, the issues between you and the Trustees are private legal issues. The County Attorney's Office has no legal authority to give you an opinion on the propriety of the actions or omissions of the Board of Trustees. If you question or wish to challenge the actions of the Board of Trustees, you have every right to do so on your own. If you need legal counsel, you must make your own arrangements to have private legal counsel. Neither the Board of County Commissioners, Commissioner Getman, nor the Office of the County Attorney has legal authority to intervene in this matter.

Sincerely,

Tedd N. Williams, Jr.
County Attorney

TNW/mlk

cc: Board of County Commissioners
Robert M. Eschenfelder, Assistant County Attorney

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