

8/16/07 Mailed a copy to each Committee Member and Bernie Dent - See attached

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8/16/07 Gave a copy to each Trustee

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MEMORANDUM



TO: Bernie Dent, Future Planning Committee Member
CC: Trailer Estates Board of Trustees ✓
Trailer Estates Committee Members ✓
T.J. Miller, Office Manager ✓
THRU: Mark P. Barnebey, Board Attorney ^{8/14/07} MPB
FROM: Scott E. Rudacille, Esquire ^{8/14/07} SER
RE: Public Records
DATE: August 14, 2007

Your e-mail of yesterday to Janet Jones and Pam Cole raised some questions regarding my memorandum to all Trailer Estates committee members requiring them to produce certain records in their possession. While we certainly sympathize with your concerns, any e-mails or correspondence sent or received by committee members in connection with the transaction of their committee business are public records under Florida law, as explained in further detail below.

Public records are defined in Section 119.011(11), Florida Statutes, to be "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency" (emphasis added). E-mails are clearly included in this definition. See FL AGO 96-34 and 2007-14. However, in response to your question, telephone conversations are not public records, unless they have been taped or reduced to some other physical form.

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P.O. BOX 3798
SARASOTA, FLORIDA 34230
ATTORNEY AT LAW/PLANNING CONSULTANT

720 SOUTH ORANGE AVENUE
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RECEIVED
8/16/07

Bernie Dent, Future Planning Committee Member
August 14, 2007
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The term "agency", as used in the Public Records Act includes advisory committees. See FL AGO 96-32 and *Town of Palm Beach v. Gradison*, 296 So.2d 473 (Fla. 1974). However, it only includes records made or received in connection with the transaction of official Trailer Estates business. Because committee members are appointed for a specific task, only e-mails and correspondence that relate to the business of that particular committee are public records in regard to that committee member.

Your e-mail indicated that some committee members may be "volunteers" that were not appointed by the Board of Trustees. Under the By Laws of the District, all committee members must be appointed by the Board of Trustees. Any other Park owners who are participating in the committee meetings are doing so as a non-voting attendees, and they are not subject to the Public Records Act.

We recommended for the future that all e-mails meeting the above definition of a public record be brought to the Trailer Estates Office for filing. This is not required by law, but may be a good way to ensure compliance in the future. If the records are in e-mail form, they may be forwarded to the District Office for filing.

Mailed 8/16/07 (7a)

**TRAILER ESTATES PARK & RECREATION DISTRICT
COMMITTEE & MEMBERS
2007**

FUTURE PLANNING COMMITTEE

- ✓ Herb MacFarlane - 3-200 Grand Place Dr. - Fergus Ontario CWK1M2C1
- ✓ Esther Callahan - 1515 Woodlawn - Waterford, MI 48328
- ✓ Bernie Dent - 743 Birchwood Dr. - Greenville, OH 45331
- ✓ Walter Dietz - 15 Hamilton St. - Berea, OH 44017
- ✓ Fred Hoch - P.O. Box 6325, Bradenton, FL 34281
- ✓ Ruth Langton - P.O. Box 6614, Bradenton, FL 34281
- ✓ Flo Mallory - 4817 Lakeside Blvd., Hale, MI 48739
- ✓ Dorothy Naugle - 6640 Pearl Road, Unit 202 - Parma HTS. OH 44130
- ✓ John White - 401 Pennsylvania Ave. - Marion, OH 43302
- ✓ Chet Force - P.O. Box 5009 - Bradenton, FL 34281
- ✓ Emma Tuttle - P.O. Box 5463 - Bradenton, FL 34281
- ✓ Liaison - Mary Lou McNulty - put in office mail box 8/16/07

POLICY & PROCEDURE COMMITTEE

- ✓ Martha Brauer - 15980 W Four Seasons, Hayward, WI 54843
- ✓ Bob Durrin - 1 Avenue B - Cambridge, NY 12816
- ✓ Terry Neally - (31 Copper Ln - Centerville, MA 02021)
(P.O. Box 5927 - Bradenton, FL 34281)

MARINA COMMITTEE

- ✓ Robert Baugh - P.O. Box 5589 - Bradenton, FL 34281
- ✓ John Lea - P.O. Box 5115 - Bradenton, FL 34281
- ✓ Ken Meierjürgen - P.O. Box 6511 - Bradenton, FL 34281
- ✓ Bill Mumford - P.O. Box 331 - Sunapee, NH 03782
- ✓ Ben Garrigus - P.O. Box 5678 - Bradenton, FL 34281
- ✓ Liaison - Bruce Smith - put in office mail box 8/16/07

ARCHITECTURAL REVIEW COMMITTEE

- ✓ John Vander Molen - put in office mail box 8/16/07
- ✓ Fred Hoch - P.O. Box 6325 - Bradenton, FL 34281
- ✓ Hank Gatti - P.O. Box 5750 - Bradenton, FL 34281
- ✓ Marion Bartholf - P.O. Box 6164 - Bradenton, FL 34281
- ✓ Ken Ilg - c/o B. Leavitt - 3 Dorwood Cir - Falmouth, MA 02540
- ✓ Bill Vander Beck - 621 Regency Dr. Charlotte, NC 28211

WEB SITE COMMITTEE

- ✓ Key Hislop - P.O. Box 6573 - Bradenton, FL 34281
- ✓ Ed Ogle - P.O. Box 6457 - Bradenton, FL 34281
- ✓ John White - 401 Pennsylvania Ave. - Marion, OH 43302
- ✓ Liaison - Mary Lou McNulty - put in office mail box 8/16/07

DEED RESTRICTION COMMITTEE

- ✓ John Buric - 312 Ridgview Dr. N. Braddock, PA 15104
- ✓ Mary Huston - P.O. Box 6568 - Bradenton, FL 34281
- ✓ Kay Killian - P.O. Box 5914 - Bradenton, FL 34281
- ✓ Bob Moore - P.O. Box 6504 - Bradenton, FL 34281
- ✓ Tony Battaglia - P.O. Box 6524 - Bradenton, FL 34281
- ✓ Joe Salerno - 192 Onset Ave. - Onset, MA 02558

BEAUTIFICATION COMMITTEE

- ✓ Joe Trinkle - 111 Vera Circle - Ithaca, NY 14850
- ✓ Bob Durrin - 1 Avenue B - Cambridge, NY 12816
- ✓ Lillian Walsh - P.O. Box 221 - Eliot, ME 03903

COMMITTEE MEMBERS 2007.DOC

COPY
8/8/07 [initials]

MEMO TO: EACH COMMITTEE MEMBER
FROM: TJ MILLER PER REQUEST OF ATTORNEY SCOTT RUDACILLE
DATE: August 8, 2007

SEK 8/8/07
[initials] 8/8/07

In response to a recent public record request received by the park, each appointed committee member is required to provide to the office with all of the following documents:

Any e-mail, letter, note, memo, etc., incoming or outgoing no matter who it is to or from, even though it was sent or received from your home, which relates to or even just mentions any of the following issues:

Committee or Board workshops, Executive or Administration Committee, Policy and Procedure Committee, budget, special assessments, user fees, maintenance of public records and park revenue for parking, boat slips and marina.

This information needs to be turned into the office by 3:00 p.m. on Thursday, August 9, 2007, or as soon as possible thereafter.

This is a good reminder that because you are an appointed member of a District committee, all e-mail's, letters, etc., sent or received by Trustees, which relate to business of the park, are public records and must be preserved and made available for inspection upon request. A good way to ensure compliance in this regard is to print out all such correspondence when sent or received and bring a copy to the office.

MEMO TO TRUSTEES AUGUST 8, 2007.DOC