

November 10, 2006

6907 Tarpon Ln.
Bradenton, FL

Trailer Estates Park and Recreation District
PO Box 6298
Bradenton, FL 34281-6298
Attn: Mary Lou McNulty, Chairman, Board of Trustees

Dear Mrs. McNulty:

This is a formal complaint regarding the approval of the minutes of the October 16, 2006 meeting at the November 6th meeting.

The minutes contain false information purported to be conveyed in a letter from Assistant Manatee County Attorney Eschenfelder, about your authority as a board. You knew the information contained in the minutes was false when you approved them. You did nothing to correct the false information, despite the fact that I furnished you a letter from Attorney Tedd Williams, County Attorney, disputing your interpretation of the letter issued by his office.

I have several objections, as follows:

1. The letter from Attorney Eschenfelder, Assistant County Attorney, read at the October 16th meeting was a copy of a letter sent to me in response to questions I had asked Commissioner Getman. My questions were; can you help me, and if not, what do you suggest? The letter you received was a copy of the letter sent to me. It was never identified as such, and was presented as though it was sent to you to affirm your authority to charge fees for use of some common areas.
2. The letter from Attorney Eschenfelder was read in the October 16th board meeting. There was no discussion in the meeting as to the meaning of the letter. It was merely read along with other correspondence. The published draft minutes contained an "interpretation" of the letter. There should have been no interpretation in the minutes. It is beyond the scope of your authority to "guess at" the meaning of what someone says without asking them. The letter was read and should have stood on its own, for people to interpret for themselves.
3. When I read the draft copy of the minutes, I immediately took the minutes to the County Attorney and asked him if he stood behind the interpretation in the minutes. He responded to me in writing that he did not agree with the interpretation. You, Mary Lou McNulty were furnished with a copy of the letter.
4. The "interpretation" was done by someone, and was brought forth by one or more board members. If it was interpreted by more than one board member, it was done in an illegal meeting. If it was interpreted by one board member, that board member took on the responsibility to provide an accurate interpretation to the remainder of the board and to the public, if it was going to be published as fact. The board could have contacted the County Attorney for an interpretation, as I did.
5. I furnished you with indisputable proof subsequent to the meeting, which was the letter from the County Attorney, stating that your interpretation in the October 16th minutes was incorrect.
6. You did not read the letter from Attorney Williams, County Attorney, at the November 6th meeting, which disagreed with your interpretation of the letter from his office. He

was the only person who could definitively interpret the letter. He did interpret the letter. You intentionally concealed his letter from the public. There was no "correspondence" read at the November 6th meeting, although you had the letter. This is called censorship. You chose to read the copy of Attorney Eschenfelder's letter to me as "correspondence" at the Oct. 16th meeting. There is inconsistency in the selection of correspondence to read. I could find no document that gives you authority to censor information.

7. You did not read my letters to Peg Durham requesting minutes' corrections.
8. You approved the minutes, which by the November 6th meeting, you knew beyond a doubt, were false.
9. You have now, with malice, approved the publication of a false public record for the purpose of misleading residents of Trailer Estates into thinking the County Attorney has affirmed your authority.

I expect this letter to be read at the next board meeting. I expect Attorney Williams' letter to be read at the next board meeting. Article II of the Trailer Estates By-Laws, ORDER OF BUSINESS, lists "correspondence" as item #4 in the proceedings of the meetings. You have no authority to withhold selected correspondence from the public.

I expect the minutes of the October 16th meeting to be amended to accurately reflect what happened at the meeting in regards to Attorney Eschenfelders' letter, per Robert's Rules of Order. Article II of the Trailer Estates By Laws, ORDER OF BUSINESS, states that "The Chairman will be guided by Robert's Rules of Order".

In conclusion, I refuse to accept your blatant disregard of your responsibilities as board members. Each board member is individually responsible for his or her behavior, which includes the decision to vote to approve minutes known to contain false statements.

You have routinely violated the Open Meetings Act and ignored Public Records Laws. You continue to overstep your authority in many areas. You have ignored the legitimate questions and requests from myself and others, and are failing to represent the residents of Trailer Estates in good faith. You have publicly maligned me. You are now lying to the residents of Trailer Estates by claiming the County agrees that you have the authority to charge fees for use of some common areas, which are not authorized in the Trailer Estates Charter. You continue to violate the public trust. I hold my elected officials to a much higher standard than is being displayed by this Board of Trustees.

Sincerely,

Mary Lou Smith
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