

October 19, 2006

Mary Lou Smith
6907 Tarpon Lane

Peg Durham, Secretary
Board of Trustees

Dear Peg;

Having read the "minutes" of the October 16th Board of Trustees meeting, I find there are many inaccuracies, some more serious than others. I must address two more (I addressed one in another correspondence).

At the meeting, you read a copy of a letter from the County Attorney, forwarded to me by Commissioner Ronald Getman. You merely read the letter along with other correspondence. There were no comments made by anyone about the letter. There was never any discussion of any kind during the meeting about the meaning of the contents of the letter. It was simply read. When I read the "minutes", I was greatly surprised that you reported that it had been concluded from reading the letter that the letter meant that you have the authority as a board to continue the illegal activities I have raised issue about. I wonder why you have also reported one sentence from the letter, concerning his statement that I should seek answers to my questions from a private attorney. Of course I can seek counsel from a private attorney. That has always been, and continues to be an option. Jack Gaskins of the Florida Department of Community Affairs said the same thing. That is a right of a citizen at any time. That is my right. It is not new information. Why was that sentence singled out from the letter to be reported in the "minutes"? It appears to me that it was meant to intentionally mislead the residents of Trailer Estates, and support your contention that you are acting within your authority.

I asked Commissioner Getman two questions in my request to him; can you help me; and if not can you advise me as to my alternatives. Here is my interpretation of the letter:

Trailer Estates is an Independent Special District, re-created in 2002 by the Florida legislature (2002-981). We have the authority granted in our charter to "behave" like a city (local government). Attorney Eschenfelder stated he has **no legal authority to help** me by assuming an oversight role over Trailer Estates. His **advice** to me is to seek my answers from a private attorney, because it is beyond the scope of his authority to assume an oversight role of Trailer Estates. Even Attorney Eschenfelder has limits to his authority. **This is very different from him saying what the board is doing is within its authority.** He simply said the County couldn't legally help me.

What he did not directly say is that the responsibility to follow the law is also in the hands of the board, as with any public board. **There is no mention in the letter of the rightness or wrongness of the behavior of the Trailer Estate Board of Trustees.** It was never addressed in the letter. Local governments cannot exceed their authority. Neither can Trailer Estates. Citizens

of Trailer Estates have the right to expect the Board of Trustees to conform to the law and to the same standards as other public boards.

I want to know in writing, how you, as the secretary, were able to report the "conclusion" about what the letter meant, when it was never discussed in the public meeting. How did you decide that it was important to put the sentence in the "minutes" about my consulting a private attorney? Did you draw the conclusion on your own, and publish it as fact? If not, then when was it discussed and how was the conclusion drawn that the letter authorized the board to continue engaging in activities beyond the scope of its authority? Who was present at the time? **Please explain how something appears in the "minutes" that didn't happen at the meeting.**

I want the "minutes" (reflecting date, time, attendance and details) to the meeting when the letter was discussed, and it was decided that it conferred a "stamp of approval" of your actions. I want to know WHO suggested that the letter conferred approval of the boards' actions. I want to know WHY Pam Cole was not included. I want to know WHO suggested and WHO voted to "report" this interpretation in the "minutes". This is an official Sunshine Law request.

I gave you copies of pages from the *Florida Sunshine Manual* accompanying a letter dated September 22, 2006, which detailing what constitutes an illegal meeting, yet, it appears, the behavior continues.

Concerning the same issue, why was it **conspicuously absent** from the "minutes" that Trustee Pam Cole objected strongly to the fact she did not receive a copy of the letter forwarded by Commissioner Getman when everyone else on the board did? I wonder if it could be because it was feared that she might interpret the letter differently and so it was decided to exclude her from the "interpretation" session. She is my representative, along with all of the other board members. She is entitled to know **everything available to the board** that concerns the residents of Trailer Estates. How can board members represent the people of Trailer Estates, when vital information is withheld from them? Who "chooses" which board members get to see what information? How is this done? From the Bruce Smith "conflict of interest" fiasco, and now this letter, it appears that the board carefully "orchestrates" situations to exclude any board member(s) who might object.

I have worked closely with a number of public boards, and have **never** experienced such behavior by public officials. I am holding each and every one of you accountable for your own behavior as public officials.

It would appear that the "minutes" reflect not what actually happened at the meeting, but what the board wants people to think happened at the meeting. This situation is getting more serious by the minute. The "minutes" appear to be being used as a tool to keep support for the board's engagement in unauthorized activities. This is not the purpose of minutes.

I expect an independent response from you, the secretary, not the results of yet another secret meeting to decide in private, how to respond to this letter. The minutes are an official public record when you finish transcribing them. You, alone are responsible for their accuracy. You are held to certain standards as a public official, elected by the board to act as secretary.

If you do meet with one or more board members to discuss this letter, the meeting must be announced, public, and minutes must be taken. I plan to attend. A phone call or written communication, or any other method of communication with another board member is also defined as a meeting, according to the Sunshine Laws.

Please send the response to my Michigan address, which is: 6309 Porter Avenue, East Lansing, MI 48823.

Sincerely,

Mary Lou Smith