

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

CIRCUIT CIVIL CASE NO. 08-CA-11315

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----- X
MARY LOU SMITH, an individual, )
and SHARON DENSON, an individual, )
                                     )
                               Plaintiffs, )
                                     )
Vs.                                     )
                                     )
TRAILER ESTATES PARK AND RECREATION )
DISTRICT, an independent special )
taxing district, JANET JONES, an )
individual, JOSEPH SALERNO, an )
individual, and MARY LOU MCNULTY, )
an individual, )
                                     )
                               Defendants. )
----- X

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DEPOSITION OF JOHN VANDER MOLEN

TAKEN BY: THE PLAINTIFFS HEREIN

BEFORE: DIANE GULDIN-TEMPLETON  
Court Reporter  
Notary Public  
State of Florida at Large

DATE: April 16, 2009  
Commencing at 1:03 P.M.

PLACE: Vincent M. Lucente & Associates  
526 Twelfth Street West  
Bradenton, Florida

1 not produce any particular documents, if requested?

2 A I don't remember.

3 Q Would that be within your responsibility as,  
4 I guess maintenance trustee dealing with the public  
5 records of the district?

6 A It would not be within my responsibility,  
7 no.

8 Q Whose responsibility would it be?

9 A Office manager designated as record  
10 keeper --

11 Q Okay.

12 A -- keeper of public records.

13 Q Well, if she has questions, who does she go  
14 to?

15 A She reports to the chairman.

16 Q Okay. So, she could receive direction from  
17 the chairman?

18 A That is my understanding.

19 Q Can she go directly to the district  
20 attorney?

21 A Yes.

22 Q Okay. To your knowledge has she?

23 A Pardon me?

24 Q To your knowledge has she made requests of  
25 the district attorney with regard to public records

1 **issues?**

2 A Not to my knowledge.

3 Q Okay. To your knowledge does the board have  
4 a policy concerning the handling of public records  
5 requests?

6 A I don't recall that it does.

7 Q Okay. You don't recall if it was ever an  
8 issue that was presented to the board?

9 A I do not remember.

10 Q Okay.

11 MR. HENNESSY: I guess I'm up to Exhibit 6  
12 (Thereupon, Exhibit Number 6 was marked  
13 for identification by the court reporter.)

14 MR. HENNESSY: Take those.

15 BY MR. HENNESSY:

16 Q I'm showing you what's been marked trailer  
17 -- what's been marked Exhibit 6, and is titled,  
18 Trailer Estates Park and Recreation District Public  
19 Records Policy and Procedure; do you recognize this  
20 document?

21 A Yes.

22 Q What do you recognize it to be?

23 A PP 24.

24 Q And what does PP 24 stand for?

25 A Policy and procedures.

1           Q     Okay. Does that mean it's a policy and  
2 procedure of the district?

3           A     Yes.

4           Q     Down at the bottom it has an adopted date,  
5 and a public records policy --

6           A     Yes.

7           Q     -- do you see that? It says, adopted  
8 1/7/2008. Do you recall that -- that would have been  
9 a time while you were a board member; correct?

10          A     Yes.

11          Q     And -- and this would -- as a policy of the  
12 board, it would have to be -- or the district, it  
13 would have to be adopted by the board?

14          A     Yes.

15          Q     So, do you recall this coming before you,  
16 and you voting on it?

17          A     I don't remember.

18          Q     Okay. Is it possible that this policy could  
19 have been adopted outside of a board meeting?

20          A     Not possible.

21          Q     Okay. So, for it to be adopted it would  
22 have to have been presented at a board meeting, and  
23 voted on by the board, and received a favorable vote?

24          A     Yes.

25          Q     Okay. Did you have a part at all in

1 **drafting this policy?**

2 A No.

3 **Q Who did?**

4 A Many of our policies and procedures were  
5 drafted by Martha Brauer.

6 **Q Uh-huh. Just on her own?**

7 A I don't know.

8 **Q Okay. Do you believe that this policy was**  
9 **drafted by Martha Brauer?**

10 A I don't know.

11 **Q Was there anything that would indicate that**  
12 **it was drafted by Martha Brauer?**

13 A No.

14 **Q Have you ever assisted Martha Brauer in**  
15 **drafting policies for the board?**

16 A At a board meeting --

17 **Q Uh-huh.**

18 A -- this would have come before a board  
19 meeting.

20 **Q Okay.**

21 A Drafted by whoever drafted it, it would have  
22 been under discussion at a public meeting.

23 **Q Okay.**

24 A Perhaps reworked, and then voted on, and  
25 approved.

1 Q Okay.

2 A So, if that's working with Martha, the  
3 answer would be, yes.

4 Q Well, outside of a board meeting have you  
5 worked with Martha on drafting policies for the  
6 board?

7 A No.

8 Q Okay. In 2008 was there a policy and  
9 procedure committee?

10 A I don't remember.

11 Q Currently is there a policy and procedure  
12 committee?

13 A I do not believe so.

14 Q Okay. So, in the absence of a policy and  
15 procedure comment, could an individual board member  
16 draft a policy for the board to consider?

17 A Yes.

18 Q To your knowledge has that been done in the  
19 past?

20 A No.

21 Q To your knowledge is that what was done with  
22 this policy?

23 A I wouldn't know that.

24 Q Okay. So, to the best of your recollection  
25 this policy was approved by the board in January of

1 2008, and you had no involvement outside of that  
2 board meeting in -- with this policy, and you don't  
3 know who did, and how it came to be in front of the  
4 board?

5 MR. SHULTS: Object to form.

6 THE DEPONENT: There's several parts to that  
7 question --

8 BY MR. HENNESSY:

9 Q Yes.

10 A -- could you break them down individually?

11 MR. HENNESSY: Can you just reread the  
12 question for me? I'm sorry to do that to you.

13 (Thereupon, the last question referred to  
14 was read back by the court reporter.)

15 MR. SHULTS: Same objection to form.

16 MR. CARROLL: Join.

17 MR. GILL: If you know the answer, Mr.  
18 Vander Molen, then you can speculate as to what  
19 it is, but I caution you not to.

20 THE DEPONENT: I don't know the answer.

21 BY MR. HENNESSY:

22 Q Okay. All right. To your knowledge has  
23 this policy ever been amended?

24 A To my knowledge it has not been amended.

25 Q Okay. Okay. So, to your knowledge is this

1 policy the original public records policy of the  
2 board, and the existing public record policy of the  
3 board?

4 A The original and existing, yes.

5 Q Okay. Would the development of that policy  
6 be falling into -- under your responsibility as vice  
7 chair?

8 A No.

9 Q Would the development of that policy fall  
10 into your responsibility as maintenance trustee?

11 A No.

12 Q Would the development of that policy fall  
13 into any responsibility, particularly to you, other  
14 than to vote on it as a board member?

15 A No.

16 Q Okay. Who would have primary responsibility  
17 for developing this policy that's identified in  
18 Exhibit 6?

19 A This policy?

20 Q Yes, sir. Which of the board members?

21 A No specific board member was assigned that  
22 that I recall.

23 Q Okay. Well, in terms of the various trustee  
24 responsibilities, would it -- or officer  
25 responsibilities, is there any particular person who

1 would have that duty?

2 A To the best of my knowledge, no.

3 Q Okay. There's no -- none of the officers  
4 have the specific duty, I guess to maintain or  
5 develop policies and procedures for the board?

6 A Organizational chart does not indicate that  
7 that -- that no one has responsibility, the chairman  
8 has general overall responsibility for all matters.

9 Q Okay. What about the secretary?

10 A No.

11 Q Okay. Would -- would they have supervisory  
12 -- the secretary, would they have supervisory  
13 responsibility over -- in any way over -- over the  
14 public records of the district?

15 A (No verbal response. The deponent shakes  
16 his head from side to side.)

17 Q No?

18 A No. I'm sorry. I'm sitting here shaking my  
19 head, you can't read shakes; can you?

20 MR. HENNESSY: Let me have this marked  
21 Exhibit 7.

22 (Thereupon, Exhibit Number 7 was marked  
23 for identification by the court reporter.)

24 BY MR. HENNESSY:

25 Q I'd like you to look at it, and I'm going to

1 ask you some questions about it.

2 Have you had a chance to look over --

3 A Uh-huh. Yes.

4 Q -- Exhibit 7?

5 A Yes.

6 Q Mr. Vander Molen, Exhibit 7 is a two page  
7 document; correct?

8 MR. GILL: Well, I object, because the  
9 second page says it's Page 4 of 4, where -- where  
10 is Pages 1 through 3?

11 MR. HENNESSY: Objection noted.

12 MR. GILL: Okay.

13 MR. HENNESSY: But that's all there is.

14 MR. GILL: Is Exhibit 6 one through three,  
15 and Page 2 of Exhibit 7 is supposed to be Page 4?

16 MR. HENNESSY: Well, I guess we will just  
17 have to ask him, and find out.

18 MR. GILL: Well, it's your document, and  
19 you're presenting it to him.

20 MR. HENNESSY: No. No, we're not. It's the  
21 public record document --

22 MR. GILL: Well --

23 MR. HENNESSY: -- and it's all I have. And  
24 I'm going to ask him the question.

25 MR. GILL: Was it presented to you in this

1 format?

2 MR. HENNESSY: Yes, sir. Yes.

3 MR. GILL: All right. Go ahead.

4 MR. HENNESSY: All right.

5 BY MR. HENNESSY:

6 Q Mr. Vander Molen, Page 1 of Exhibit 7  
7 purports to be an E-Mail from you to the board  
8 members; do you recall this E-Mail?

9 MR. SHULTS: Object to form.

10 THE DEPONENT: That's not an E-Mail.

11 BY MR. HENNESSY:

12 Q I'm sorry. A memo. Well, let me start --  
13 let me ask you a different question.

14 Do you recall Exhibit 7?

15 A I do not recall it.

16 Q Do you recall preparing Exhibit 7?

17 A I do not recall preparing Exhibit 7.

18 Q Do you see your name, John Vander Molen, on  
19 the first page of Exhibit 7?

20 A Yes, I see my name.

21 Q Do you see your signature next to it?

22 A Yes.

23 Q Okay. That is, in fact, your signature;  
24 correct?

25 A It appears to be.

1           Q     All right, sir. Okay. This memo is dated  
2     March 18th, 2008, approximately a year ago, and it  
3     states that it's regarding public records policy  
4     fees; do you recall preparing this memo with regard  
5     to a fee schedule for public records?

6           A     I do not recall that.

7           Q     The second page appears to be Page 4 of 4 of  
8     the Trailer Estates Parks and Recreation District  
9     Public Records Policy and Procedure; have you seen  
10    that document before?

11          A     I don't remember.

12          Q     Well, Mr. Vander Molen, do you have any --  
13    anything that you can tell me as to how this memo and  
14    this attachment to this memo came to exist in the  
15    public records of the district?

16          A     No.

17          Q     Okay.

18          A     I'm sorry.

19          Q     Do you recall presenting this matter of a  
20    fee schedule to the board, the Trailer Estates Park  
21    and Recreation District Four?

22          A     I don't remember.

23          Q     Do you recall the issue of fees for public  
24    records request ever coming before the board?

25          A     I do recall, yes.

1           Q     What is it that you recall about such a  
2     discussion?

3           A     There was some discussion.

4           Q     H'm. That's any -- anything specific that  
5     you recall?

6           A     Nothing specific.

7           Q     Outside of the board meetings, do you ever  
8     recall having discussions with district staff or  
9     district board members about your concerns about the  
10    costs, and the -- or the number of public records  
11    requests that the district was having to deal with?

12           MR. CARROLL: Form.

13           MR. HENNESSY: That's fine. Let me break it  
14    up.

15           BY MR. HENNESSY:

16           Q     Do you recall having discussions outside of  
17    district board meetings concerning the number of  
18    public records requests -- requests the district was  
19    having to deal with?

20           A     Yes.

21           Q     Okay. Who were those conversations with?

22           A     I don't remember.

23           Q     Okay. Were they with another board member?

24           A     I don't remember.

25           Q     Okay. Were they with T. J. Miller?

1           A     I don't remember.

2           Q     Okay. Do you recall having a discussion  
3 about the need to start charging people for public  
4 records requests?

5           A     That's -- help me with the question, what --

6           Q     Well, Mr. Vander Molen, did you prepare the  
7 second page of Exhibit 7?

8           A     No.

9           Q     Do you know who did?

10          A     No.

11          Q     Do you have any idea how this document came  
12 to be?

13          A     No.

14          Q     Do you know why it would be attached to an  
15 E-Mail from you concerning the very same topic?

16               MR. GILL: Objection. It's not an E-Mail.

17               MR. SHULTS: Objection.

18               MR. HENNESSY: I'm sorry. Correction.

19               BY MR. HENNESSY:

20          Q     Memorandum from you to the board?

21          A     Please state the question again.

22          Q     Do you have any -- can you -- do you have  
23 any idea how the memo, which is the first page of  
24 Exhibit 7 came to be?

25          A     I -- I don't remember.

1           Q     Okay. Do you recall Joe Salerno -- Joe  
2     Salerno is another board member; correct?

3           A     Yes.

4           Q     And he was a board member in 2008?

5           A     Yes.

6           Q     Okay. Do you recall of Mr. Salerno  
7     providing a memo to the board stating or discussing  
8     the possibility for low interest rate loans?

9           A     No.

10          Q     Okay. Have you ever had a conversation  
11     outside of a board meeting with Mr. Salerno  
12     discussing the availability to the board or the  
13     district of low interest rate loans?

14          A     No.

15          Q     Do you recall ever meeting with Mr. Salerno  
16     to discuss the district financial form -- district  
17     financials or budget preparation outside of the  
18     district board member -- meeting?

19          A     A meeting with Mr. Salerno?

20          Q     Yes, sir.

21          A     No meeting.

22          Q     Okay. Okay. Well, do you recall ever  
23     getting together with Mr. Salerno, at which time a  
24     discussion ensued concerning district financials or  
25     budget preparation, and that get together being

1 outside of a formal district board meeting?

2 A Get together with?

3 Q Yes. You know, like you and I are getting  
4 together here today, except the court reporter  
5 present?

6 A His desk is -- is alongside or behind me.

7 Q Okay. You can --

8 A You asked adjacent to is -- why, yes, here  
9 is his, mine is there.

10 Q When you're sitting at your desk, can you  
11 see Mr. Salerno?

12 A If I turn around, yes.

13 Q So, he can see your face, and you can see  
14 his face if he turns towards you?

15 A If he turns around --

16 Q Okay.

17 A -- he's facing the wall.

18 Q Okay. So, let's call that a get together.

19 A Okay.

20 Q You both lean back from your desks, and you  
21 start chatting, have you ever had such a situation  
22 where you at that time talked about district  
23 financials?

24 A Mr. Salerno is interested in that as I am,  
25 and we may have, yes.

1           Q     Okay.  And have you ever talked to him as --  
2           in that kind of scenario as well about budget  
3           preparation?

4           A     Yes.

5           Q     Okay.  Do you recall at a time when you had  
6           such a conversation, and my client, Ms. Denson, came  
7           upon you, and was asked to join in that discussion?

8           A     No.

9           Q     Okay.

10           MR. HENNESSY:  Let's have this marked as  
11           Exhibit 8.

12                     (Thereupon, Exhibit Number 8 was marked  
13           for identification by the court reporter.)

14           BY MR. HENNESSY:

15           Q     Mr. Vander Molen, I'm handing you what's  
16           been marked as Exhibit 8 to the deposition, it's a  
17           letter May 29th, 2008, to you and Joe Salerno from  
18           Sharon Denson.  Subject being discussion on mailing  
19           budget and audit.  I'd like you to take a look at it,  
20           and tell me after you've had a chance if you recall  
21           receiving this letter?

22           A     I do not recall seeing this.

23           Q     Okay.  In the first paragraph Ms. Denson  
24           refers to a budget and audit being mailed together  
25           this year in April, this year being 2008.  She states

1 that she did not hear any public discussion on this  
2 decision or vote by the board. The only discussion  
3 that I heard was the day I came into the office, and  
4 the two of you were discussing it in the back room,  
5 this was prior to the budget mailing; do you recall  
6 that conversation?

7 A Do you have a specific date?

8 Q Well, it would appear to be in April of  
9 2008.

10 A We could have discussed that, yes.

11 Q Okay. Well -- and do you recall then as it  
12 indicates in the second paragraph asking Ms. Denson  
13 if she agreed with your opinion that you could do one  
14 mailing instead of two, and show -- showing her  
15 section 12 of the charter?

16 A I don't recall that.

17 Q Okay. Do you recall her indicating to you  
18 that she couldn't make it out, because she didn't  
19 have her reading glasses?

20 A I don't recall that.

21 Q All right. And, I'm sorry, was it your  
22 testimony that you don't recall receiving this  
23 letter?

24 A Yes, it was my testimony, I don't recall  
25 seeing it -- receiving it.

1 Q Well, I'm going to assume, but I'm not  
2 supposed to assume, so I'll just ask you, did you  
3 prepare any kind of a response to this letter?

4 A I don't recall receiving it.

5 Q Right. So, it's fair to say you didn't  
6 respond to it?

7 A Correct.

8 Q Okay.

9 MR. HENNESSY: Nine.

10 (Thereupon, Exhibit Number 9 was marked  
11 for identification by the court reporter.)

12 BY MR. HENNESSY:

13 Q Mr. Vander Molen, I'm showing you what's  
14 marked Exhibit 9 to the deposition, it's a memo dated  
15 March 18th, 2008, approximately a year ago, and it's  
16 indicated as being from you as first vice chair to  
17 the Board of Trustees; do you recall preparing this  
18 memo?

19 A No.

20 Q Is that your signature?

21 A I believe that's my signature, yes.

22 Q It appears to be a note as well that was  
23 attached to this, and copied when we received this in  
24 response to our public records request; is that note  
25 your note, is it your handwriting?

**TRAILER ESTATES PARK AND RECREATION DISTRICT  
PUBLIC RECORDS POLICY AND PROCEDURE****PP 24**

This policy shall provide for access to all public records, both generated and received, which are included in the transactions of the official business of the Trailer Estates Park and Recreation District. Official recordings of the meetings shall be made available for copying or inspection in the form in which they are maintained. Public records may have to be altered to redact exempt or confidential information, such as certain medical information, social security numbers, etc. If such information is redacted from requested records, the District shall provide a written explanation as to why the district believes the information is exempt or confidential.

A charge shall be made for providing the requestor with copies of documents or recordings of such meetings. Requests for information will be processed as soon as possible. All public records in possession of the District will be made available for inspection upon request. However, if the nature or volume of the request is such as would require either extensive clerical work to compile the requested records or extensive supervisory assistance, staff will work with the requestor to provide the records as soon as possible.

**PUBLIC RECORDS PROCEDURE**Access

1. Request access to review public records. Complete Request Form, (OPTIONAL).
2. Discuss timetable for review with office manager.

Duplication/Copies

1. Request public documents. Complete Request Form, (OPTIONAL).
2. Discuss the fee and timetable with office manager. Fee is due when the request is satisfied.

Requests for information will be processed as soon as possible. All public records in possession of the District will be made available for inspection upon request. However, if the nature or volume of the request is such as would require either extensive clerical work to compile the requested records or extensive supervisory assistance, staff will work with the requestor to provide the records as soon as possible.

**EXHIBIT**

**TRAILER ESTATES PARK AND RECREATION DISTRICT  
PUBLIC RECORDS POLICY AND PROCEDURE**

**PP 24**

**DISTRICT OFFICE REQUEST FORM**

This form is not required, and is only used to assist District Office staff in providing the requested documents. Fee is due when the request is satisfied.

Date \_\_\_\_\_ Requestor (optional) \_\_\_\_\_

Material Requested \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Review Date/Time \_\_\_\_\_

\_\_\_\_\_

Office Personnel/Trustee/District Designee \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Completed \_\_\_\_\_

\_\_\_\_\_

Date Picked Up \_\_\_\_\_ Fee \_\_\_\_\_ Paid \_\_\_\_\_

Notes \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FEE SCHEDULE 2008**

Copies: \$ .10 per page, \$ .15 two-sided page  
Audiotape Cassette \$ 1.00 CD Disc \$1.25

Note: Public record requests requiring extensive clerical or supervisory assistance, extensive research (i.e. legal, paralegal, etc.), or extensive use of information technology resources may be charged an additional fee on a case by case basis.

**TRAILER ESTATES PARK AND RECREATION DISTRICT  
PUBLIC RECORDS POLICY AND PROCEDURE**

PP 24

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**OFFICE PROCEDURE FOR PUBLIC RECORDS REQUESTS**

1. When a request for public records/district documents is made, district staff may complete request form.
2. Questions may be asked about the request to clarify and facilitate completion of the request.
3. Requests will be fulfilled as soon as reasonably possible.
4. Public record requests will be handled in a professional, respectful, and courteous manner.
5. If the requested information is thought to be confidential or prohibited from being inspected by the public, district office staff will contact the Chairman of the Board of Trustees, who may consult with the Board Attorney. If the Chairman is unavailable, the 1<sup>st</sup> Vice or 2<sup>nd</sup> Vice will be contacted accordingly.
6. An additional fee may be charged for requests which require an extensive amount of clerical or supervisory assistance (more than 15 minutes), or an extensive use of information technology resources (for definition, see Government-in-the-Sunshine Manual, 2007 Edition, Volume 29, Part II: Public Records, Section L, Number 11b, p. 172).
7. Fees will be set according to the provisions of Florida Public Records Law, Chapter 119. Fees for requests requiring extensive assistance are calculated based on the information technology resources or labor costs actually incurred by the district (see Government-in-the-Sunshine Manual, 2007 Edition, Volume 29, Part II: Public Records, Section L, Number 11, p. 171- 172; Number 11c (1) and (2), p. 172 - 173).
8. Fees will be reviewed in January of each year.

C

**TRAILER ESTATES PARK & RECREATION DISTRICT**

TO: Board Members  
FROM: John Vander Molen *JVM*  
DATE: March 18, 2008  
RE: Public Records Policy/Fees (FYI)

Attached is the fee schedule related to our public records policy that was adopted January 7, 2008. This page was designed to assist the office staff in their implementation of our policy, identifying specifics about the additional fee that may be charged.

**EXHIBIT**

**TRAILER ESTATES PARK AND RECREATION DISTRICT  
PUBLIC RECORDS POLICY AND PROCEDURE**

**PP 24**

**FEE SCHEDULE 2008**

Copies: \$ .10 per page, \$ .15 two-sided page  
Audiotape Cassette \$ 1.00 CD Disc \$1.25

Note: Public record requests requiring extensive clerical or supervisory assistance, extensive research (i.e. legal, paralegal, etc.), or extensive use of information technology resources may be charged an additional fee on a case by case basis.

**ADDITIONAL FEE INFORMATION**

**Extensive Clerical or Supervisory Assistance**

Office Manager	16 minutes or more	\$ 4.85
	30 minutes or more	\$ 9.75
	45 minutes or more	\$ 14.60
	60 minutes	\$ 19.50.
	More than 60 minutes	Prorated at the rate of \$19.50 per hour

Office Staff	16 minutes or more	\$ 3.25
	30 minutes or more	\$ 6.50
	45 minutes or more	\$ 9.75
	60 minutes	\$ 13.00
	More than 60 minutes	Prorated at the rate of \$13.00 per hour

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An additional fee may be charged for requests which require an extensive amount of clerical or supervisory assistance (more than 15 minutes), or an extensive use of information technology resources (for definition, see Government-in-the-Sunshine Manual, 2007 Edition, Volume 29, Part II: Public Records, Section L, Number 11b, p. 172).

Fees will be set according to the provisions of Florida Public Records Law, Chapter 119. Fees for requests requiring extensive assistance are calculated based on the information technology resources or labor costs actually incurred by the district (see Government-in-the-Sunshine Manual, 2007 Edition, Volume 29, Part II: Public Records, Section L, Number 11, p. 171- 172; Number 11c (1) and (2), p. 172 - 173).

May 29, 2008

To: John Vandermolen  
Joe Salerno

Subject: Discussion on mailing Budget and Audit

The budget and audit were mailed together this year in April. I did not hear any public discussion on this decision or a vote by the board. The only discussion that I heard was the day I came into the office and the two of you were discussing it in the back room. This was prior to the budget mailing.

John, you asked me if I agreed with your opinion that you could do one mailing instead of two and you showed me section 12 of the Charter. You asked me what I thought about it and I told you I did not have my glasses and could not read what you were trying to show me. The sentences that you read to me were at the beginning of the paragraph, I believe that the pertinent part is at the end of the paragraph. Since I have been home and had a chance to review the charter I find the following:

“The trustees shall on or before April 1 of each year, prepare an annual financial statement of income and disbursements during the prior fiscal year....” (emphasis added)

“On or before April 1 of each year, the trustees shall prepare and adopt an itemized budget showing the amount of money necessary for the operation of the district for the next fiscal year, .....

“A copy of said statement and a copy of said budget shall also be furnished by mail to each taxpayer within the district within 30 days after its preparation .....

The changing of the fiscal year by the legislature must be factored into this section of the charter. The change in the fiscal year has created the discrepancy. If we were still on the January 1 fiscal year, it would be possible to send the statement and budget at the same time. The April 1 deadline is for the Park to get the assessment to the County. This no longer corresponds with our fiscal year; however, I do not believe that changes the language of this section of the charter. Our audit must be done after the end of the fiscal year and reported to the State. The charter, I believe is clear that the reports are sent within 30 days of preparation.

The phrase its preparation refers to both the budget and the statement and plainly states that it shall be furnished to each taxpayer within the district within 30 days.

**EXHIBIT**

Section 15. "The trustees shall supervise all real and personal property owned by the district, and shall have the following powers in addition to those already herein enumerated:" (emphasis added)

Section 17 of the Charter tells us that," A record shall be kept of all meetings of the Board of Trustees and in such meetings a concurrence of a majority of said trustees shall be necessary for any affirmative action taken by the board....." (emphasis added)

I find no authority in the charter for a decision to be made to change the mailing of the two items other than by a public discussion and vote based on facts. A legal opinion would have protected the Board had they chosen to change to a one mailing a year with both the statement and budget documents in the same mailing.

I believe that this should have been a public discussion and a vote.

Thank you for the opportunity to address these two issues.

Sharon Denson