



Florida Commission on Ethics

P. O. Drawer 15709, Tallahassee, Florida 32317-5709

"A Public Office is a Public Trust"

FLORIDA
COMMISSION ON ETHICS

SEP 30 2024

RECEIVED

ORIGINAL

COMPLAINT

24-235

1. PERSON BRINGING COMPLAINT:

Name: Jeani Duarte Telephone Number: (760) 553-5998

Address: 24 Cloverdale Ct, S.

City: Palm Coast County: Flagler State: Florida Zip Code: 32137

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Use a separate complaint form for each person you wish to complain against:

Name: Mayor Alfin (David) Telephone Number: (386) 986-3713

Address: 160 Lake Avenue

City: Palm Coast County: Flagler Zip Code: 32164

Title of office or position held or sought: Mayor

3. STATEMENT OF FACTS:

Please provide a full explanation of your complaint, describing the facts and the actions of the person named above and why you believe he or she violated the law. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. Please do not submit more than 15 pages, including this form. Please do not submit video or audio tapes, CDs, DVDs, flash drives or other electronic media; such material will not be considered part of the complaint and will be returned.

4. OATH

STATE OF Florida

COUNTY OF Flagler

Sworn to (or affirmed) and subscribed before me by means

of physical presence or online notarization, this

21 day of September,

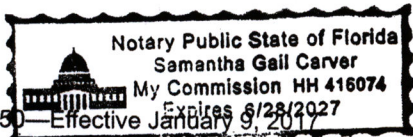
20 24, by Jeani Duarte

(name of person making statement)

Jeani Duarte
SIGNATURE OF COMPLAINANT

Samantha Gail Carver
(Signature of Notary Public)

Samantha Gail Carver
(Print, Type, or Stamp Commissioned Name of Notary Public)



CE FORM 50 - Effective January 9, 2017
Incorporated by reference in Rule 34-7.010(1)(b), F.A.C.

Personally Known SC OR Produced Identification _____
Type of Identification Produced: _____

Complaint About
Mayor David Alfin's Conduct at The Post Office.

Misuse of Power.

I, Jeani Duarte, saw Mayor Alfin at the Palm Coast Post Office 3:20pm Sept.12,2024. He attempted to intercept mail from an address he does not reside at. He stood there for a while asserting himself with Cashier Kecia.

I heard Mr. Alfin tell Cashier Kecia,

" Well, I Control The City Of Palm Coast!".

Kecia's reply was,

"Well, Your gonna have to bring proof that you are who you say you are and evidence like a death certificate."

It was nice to see he doesn't control everyone.

It's my understanding that The Unethical Use of Power like this is expressly prohibited by Law. And, to intercept mail at an address you do not reside at without going through proper channels, documentation and rightful cause could be considered a federal offense.

I swear under penalty of perjury that this statement made here is true and correct to the best of my knowledge so help me God !

Jeani Duarte

Jeani Duarte

Sept 16, 2024

Published in 2004 by Order of the City Council

Adopted: January 18, 2005

Effective: January 18, 2005

municode

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info@municode.com | 800.262.2633 | www.municode.com

P.O. Box 2235 Tallahassee, FL 32316

CURRENT OFFICIALS

of the

CITY OF

PALM COAST, FLORIDA

David Alfin

Mayor

Ed Danko—District 1

Teresa Pontieri →

John M. Fanelli III—District 2

Nick Klufas—District 3

Cathy Neighter →

Eddie Branquinho—District 4

City Council Members

*Printed
09/16/2024*

Denise Bevan - Terminated 03/19/2024

City Manager -

Replaced with
Acting City Manager
Lauren Johnston
03/ /2024

Replaced 04/1/2024 → Neysa Borkert

by Marcus Duffy

City Attorney

Replaced By → Virginia A. Smith, MMC, CP

Kaley Cook

July 18, 2023

City Clerk

Printed
09/16/2024

PREFACE

This Code constitutes a complete codification of the general and permanent ordinances of the City of Palm Coast, Florida.

Source materials used in the preparation of the Code were the ordinances adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the

Urgent Help needed in Palm Coast.

1 message

Jeani Duarte <jeani3d@gmail.com>

Fri, Sep 20, 2024 at 10:25 AM

To Whom this may concern,

Our Mayor and Council have placed a Referendum with Deceptive language on a ballot for vote at the upcoming November election.

A Motion to remove the language from the ballot was made and 2nded.

There were only 2 Council members physically present that day as well as the Mayor.

Both Council members voted to have the language removed.

The Mayor and someone on voice call representing or was the absent Council member Nick Klufas voted to keep it on the ballot.

Claiming a 50/50 vote leaves it on the ballot.

Our Mayor and 2 Council Members were voted out in our recent primary.

All of our Charter Gate Keepers have been "REPLACED".

07/18/2023 City Clerk was "REPLACED".

03/19/2024 City Manager "terminated without cause" and "REPLACED."

04/??/2024 City Attorney was REPLACED

08/19/2024 Our District 4 seat was Deserted. — Vacant!

The Mayor and Council are currently attempting to appoint the vacant seat and refuse the public's repeated request for a special election.

Jeani Duarte
(760)553-5998



"Shared Costs Across Generations"

SHARED COSTS ACROSS GENERATIONS
Ensures future residents who benefit from projects also help pay for them, promoting fairness.

We will NEVER Recover!!!

Cons of the Charter Amendment if approved:

• **Potential for Increased Debt:** Expanding funding options could lead to higher debt levels if not managed carefully.

• **Risk of Mismanagement:** New funding methods, like public-private partnerships, may carry risks if not properly overseen.

• **Reduced Direct Control:** Public input may be diluted. The financial decisions would move from direct public input (referendum vote) to indirect representation (vote of the city council).

• Removes Public's right to vote
• Removes Referenda
• Replaces us with them

Shared Costs Across Generations:
Will Bankrupt Palm Coast for Generations

• **Faster Project Completion:**
Will allow for too much too fast!

Listed as Pros
But clearly are NOT!!!

↓ Charter Amendment Ordinance

↓ Municipal Financing

Mayor Alfin discussed recent national political events and community collaboration.

E. MINUTES

**1. MINUTES OF THE CITY COUNCIL:
JULY 2, 2024, BUSINESS MEETING
JULY 9, 2024, WORKSHOP MEETING**

Motion by Vice Mayor Danko, seconded by Council Member Klufas, to approve the minutes of the July 2, 2024, Business Meeting.

Council Member Pontieri requested to amend the July 2, 2024, Business Meeting Minutes to include the details of the amended motion for item G4 of the agenda, A Proposed Amendment to the Charter of the City of Palm Coast.

The motion and second were withdrawn.

Pass

Motion made to approve the July 2, 2024, Business Meeting Minutes as amended by Council Member Pontieri and seconded by Vice Mayor Danko

Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

Pass

Motion made to approve the July 9, 2024, Workshop Meeting Minutes by Vice Mayor Danko and seconded by Council Member Pontieri

Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

F. ORDINANCES SECOND READ

2. ORDINANCE 2024-13 A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF PALM COAST AMENDING ARTICLE VI, BUDGET AND APPROPRIATIONS TO DELETE FROM OUTDATED PROVISION RELATING TO LIMITATIONS TO COUNCIL'S CONTRACTING AUTHORITY WHICH SHALL BE CONSIDERED BY BALLOT

Attorney Duffy read the title into the record.

Vice Mayor Danko asked Attorney Duffy to read the ballot language into the record.

Vice Mayor Danko shared that he was not sure how the item relates to an emergency, that the language does not tell an individual what they are voting for, and found the language confusing.

Mayor Alfin asked Vice Mayor for any requested changes.

Vice Mayor Danko suggested to remove the word "emergency."

Mayor Alfin discussed emergency services and the magnitude of an emergency.

Council Member Klufas asked who the contracting authority is for emergencies.

Ms. Johnston provided a response.

City Council held lengthy discussion on national disasters, emergencies, and support from FEMA and the State of Florida.

Council Member Pontieri believed that the word "emergency" should be included and discussed budget, inflation, and provided a suggestion to remove the word "bond."

City Council held discussion on funding and bonds.

Attorney Blocker provided details of the item for consideration, limitations, challenges with FEMA, and encouraged flexibility.

Mayor Alfin asked if this can be described as another form of home rule.

Attorney Blocker responded yes and that the item allows the City more local control.

Mayor Alfin shared that as previously discussed by City Council, there will be a robust education campaign for voters on the topic.

City Council held lengthy discussion on the ballot language.

Public Comment:

Mike Norris was not in favor of the Ordinance and provided a recommendation.

Mayor Alfin wanted all Council Members to be aware of the timeline, education component, City staff availability for public questions on the topic, transparency, communication, and education.

Council Member Pontieri discussed constraints for future councils and recommended potential policy changes in an effort to ensure transparency and Council accountability.

Mayor Alfin asked Ms. Alves if the current policies protect the City financially.

Helena Alves, Financial Services Director, discussed the policies as set by Council and provided the process for adjusting the policy.

Mayor Alfin asked Ms. Johnston to schedule a policy discussion at a future workshop as discussed and found it helpful to include in the educational component.

Vice Mayor Danko asked if this allows Council, including any future Council, to borrow freely.

Mayor Alfin responded that there will still be policies and requirements in place.

Council Member Klufas encouraged discussion on potential nefarious acts and how this action can be exploited.

Council Member Pontieri agreed with the comments of Council Member Klufas and sought details of the current policy.

Attorney Blocker read the title into the record.

Council Member Pontieri provided revised ballot language.

Attorney Blocker read the amended title into the record:
Shall Article VI of the Charter be amended by removing provision (3)(e) related to fiscal Contracting Authority that limits the City's ability to enter into public private partnerships, have the ability to address growth by having future residents contribute to infrastructure costs, respond to emergencies and use available financial instruments including, but not limited to, bonds.

Pass

Motion made to be adopted as amended on second reading by Council Member Pontieri and seconded by Council Member Heigher

Council Member Klufas shared comments on the ballot language and educational components.

Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

G. ORDINANCES FIRST READ

3. ORDINANCE 2024-XX VOLUNTARY ANNEXATION OF APPROXIMATELY 31.680 ACRES OF PROPERTY OWNED BY BJ'S WHOLESALE CLUB, INC., AND SEMINOLE WOODS INVESTMENTS, LLC

Attorney Duffy read the title into the record.

Phong Nguyen, Senior Planner, presented the topic to Council.

City Council held discussion on the City's requirement to provide utility services and the commercial zoning of the property.

Public Comment:

Jeani Duarte

P.O. Box 352073

Palm Coast, Florida 32135

(760)553-5998

Jeani3D@gmail.com

City Of Palm Coast

160 Lake Avenue

Palm Coast, Florida 32164

(386)986-3713

www.palmcoastgov.com

1 of 2

Mayor David Alfin

Vice Mayor Ed Danko

Council Member Nick Klufas

Council Member Teresa Pontieri

Acting City Manager Lauren Johnston

City Attorney, Marcus Duffy

City Clerk, Kaley Cook

Demand to Immediately Cease and Desist

Via USPS Certified Mail

September 14,2024

You are hereby notified of this Demand to Immediately Cease and Desist.

From making or causing to make any and all changes to the Existing Sovereign Power of the Palm Coast Charter which govern the City of Palm Coast.

For the remainder of your terms of office and pending ongoing investigations.

For individually (and or) collectively, you are in violation of, (one or more), but not limited to the current **Palm Coast Charter, Sunshine Laws, Florida Statute, Federal Laws and the U.S. Constitution.**

The Purpose of this Demand is to maintain the Status Quo, to Protect the Rights of the People and Prevent Further Harm to the Citizens of Palm Coast.

This action is taken based on the recent discoveries revealed to me through Public Live testimonies at the City's Town Council Meetings, witnessed on August 27,2024 and Sept.03,2024.

My observations conclude that the scope of violations may include but are not limited to the following:

Florida Statutes:

Title VI Civil Practices and Procedures, **Title X** Public Officers, Employees and Records, **Title XII** Municipalities, **Title XIV** Taxation and Finance, **Title XVIII** Public Land and Property, **Title XXVII** Natural resources, Conservation, Reclamation, and use, **Title XXXIII** Regulations of Trade, Commerce, Investments and

Demand to Immediately Cease and Desist

Scope of Violations Continued;

Florida Statutes:

Solicitation, Title XXVI Business Organization. Title XXXVIII Banks and Banking Title XXXIX Commercial Relations. Title XL Real and Personal Property, Title XLI Statutes Of Fraud, Fraudulent Transfers, and General Assignments, Title XLIII Domestic Relations, Title XLIV Civil Rights.

Charter

Sec.4., Sec.5., Sec.6., Sec.7., Sec.8., Sec.9., Sec.10., Sec.11., Sec.12., Sec.13(3)

Sunshine Law:

Title X, Chapter 112 Public Officers and Employees: General Provisions 112.311 Legislative Intent and Declaration of Policy. 166

Ordinance 792,2018, (6) Mayor—Voting Power

Ordinance 2018 9 / Ordinance 2024—13 Amending The City Charter

Burden Of Proof / Live testimonies / Local, State and Federal Laws/ Constitution

Live Testimonies on Youtube Videos Palm Coast City Council Meetings

Aug. 27, 2024 @42 minutes @1:15 minutes & By Jeani Duarte Parts 1 & 2

Sept. 03, 2024 @45 minutes /@1 Hour & 18 minutes/ @1 Hour & 35 Minutes /@4 Hours & 15Minutes

Sept. 05, 2024 @ 3 Minutes

Sun Shine Laws 166, Palm Coast Current Charter, Florida Statues, Constitution

Actions To Take: "IMMEDIATE RESTORATION" of the "STATUS QOU!"

Your Actions to Restore shall be reported at the next Scheduled Town Council Meeting

I Swear Under Penalty of Perjury that this statement and its content

are true and correct to the best of my knowledge,

So Help Me God !

Notary Public State of Flor
Samantha Gail Carver
My Commission HH 4160
Expires 6/28/2027

Jeani Duarte
09/17/2024

Samantha Gail Carver

Formal Complaint

09/17/2024

In just 2 meetings,

I witnessed serious unethical behavior from each and every one of you.

And being silent in the face of evil is evil.

You knowingly and willingly placed Deceptive Language on a ballot for vote and used unethical voting practices to do so.

It has become clear that you have already implemented Changes to our Charter and have saturated the City's website with your intentions.

This is unlawful and violates Charter Law, as well as Florida Statutes, Federal Laws and the Constitution of the United States Of America.

You are hereby Notified of this demand to Immediately Cease and Desist.

From making or causing to making any and all changes to the existing Sovereign Power of the Charter which govern the City Of Palm Coast. For the remainder of your terms and pending further investigations.

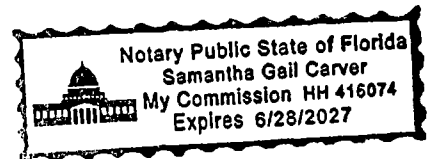
For individually or collective you are harming the Citizens of Palm Coast.

Jeani Duarte

(760)553-5998

Jeani3D@gmail.com

Jeani Duarte



Samantha Gail Carver

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Sent To: *Maya Allen*
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Sent To: *Nick Klufas*
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Sent To: *Marcus Deffy Attorney*
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Sent To: *Ed Danko*
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| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$1.50

Total Postage and Fees \$6.35



Sent To *Kaley Cook*
City Clerk
 Street and Apt. No., or PO Box No.
 City, State, ZIP+4® *Demand Letter*

17

PLEASE HELP !!!

The Citizens of Palm Coast, Florida are at Risk of Irreparable Injury !!!

Mayor / Council

- Violated current Charter, Sunshine, Local, State and Federal Laws.
Knowingly Placed **Deceptive Language on a Ballot for Vote** at the next Election
- Engaged in **Deceptive Roll Call to Count absent Councilman** present for the **purpose of voting**.
- Misuse of Voting Privileges, **A Mayors vote counts toward breaking ties** of the Council. **Not Create one.**
- Failed Transparency to Inform the Public of the full legal impacts **which will change the form of our local government when removing or changing Charters Provision (3)(e)**
- **Failed to Ensure Transparency to the People** of Palm Coast.
- **Failed to include Referendum** and its content on the **Public's Meeting Agenda** for Public Discussion.
- **Approved** Known **Deceptive Language** to be **placed on a Ballot for Vote** at the upcoming Election.
- Participated in Deceptive Behavior and Language with Council disguising intentions of the Referendum.
Participated in **Unethical Behavior**.
- **Failed to be accountable** for **State funds of \$105,000,000,00**. spent on the Westward Expansion.
- **Exceeded** (and or) **trying to Eliminate the \$15,000,000,00** spending cap set by Charter Provision (3)(e)
- **Attempting to Eliminate the 36 month Repayment Deadline.**
- **Failed to serve the People Of Palm Coast** while **Empowering Developers** and **Personal Interests.**
Mayors Misuse of Power at the Post Office at 2 Pine Cone Dr. Sept.12,2024 around 3:25pm asserting himself saying, **" I Control The City Of Palm Coast !"** in attempt to Intercept Mail from an address he does not reside at. He was Dismissed By teller, **Kecia. Who told him, "Well your gonna have to bring proof that you are who you say you are and evidence like a death certificate.**

Please see Live Testimonies

Burden Of Proof / Live testimonies / Local, State and Federal Laws

Live Testimonies on Youtube Videos Palm Coast City Council Meetings

Aug. 27, 2024 @42 minutes @1:15 minutes and

Youtube video By Jeani Duarte Parts 1 & 2 of Meeting August 27,2024

Sept. 03, 2024 @45.minutes /@1 Hour & 18 minutes/ @1 Hour & 35 Minutes /@4 Hours & 15 Minutes

Sept. 05, 2024 @ 3 Minutes

SunShine Laws 166, Palm Coast Current Charter, Florida Statutes

**I Swear Under Penalty of Perjury that this statement and its content
are true and correct to the best of My knowledge.**

Complaint Concerning

The Mayor, Council Mmembers, City Manager, City Attorney

09/11/2024

Ms. Johnston has been Acting Manager for 6 months now.

They have no intentions to

replace her.

She replaced the Terminated City Manager in March 2024.

The Terminated City Manager was let go without cause.

The City's Attorney also was replaced in April 2024

by Marcus Duffy, both who do not hold Mayor and Council accountable.

Council Member Cathy Heigher Abandoned her post August 19,2024.

Mayor Alfin, Ed Danko, Teresa Pontieri, Nick Klufas have all placed a Deceptive Referendum on the ballot to Vote at the Upcoming Election. To remove Provision 3e.

This will remove the citizens right to vote,

Remove the spending cap

and the 36 month repayment deadline.

It will also give them Full Financial Power and Say of All Growth.

They have already violated the charter, Sunshine laws, local, Florida Statutes and the U.S. Constitution.

They seem to be in heavy with Developers for a Westward Expansion.

Willing to Bankrupt Palm Coast Residents for Generations to do so.

There is \$105,000,000,00. of state funds that have already been misappropriated while current infrastructure is in desperate need.

Our Cities Mayor and Council Members have plotted to put a referendum with misleading language on our ballot for the upcoming election. This is to vote to Change the Charter by removing Provision (3)(e) The language in the proposed amendment is misleading and has caused quite an up roar in our city the past 2 weeks. If passed, we will lose our right to vote, we won't have a voice on the development of our community, it will change the form of our local government and allow Council unlimited use of funds with no repayment deadline and no accountability. The language going on the ballot reads as follows;

Shall Article VI of the Charter be amended by removing provision (3)(e) related to fiscal Contracting Authority that limit the City's ability to enter into public private partnerships, have the ability to address growth by having future residents contribute to infrastructure costs, respond to emergencies and use available financial instruments including, but not limited to, bonds.

One of the Council Members, Teresa Pontieri responsible for writing this is an attorney and ended up voting to have it removed from the ballot but they did a suspicious 50/50 vote with an absent council member and an empty resigned seat. Both present council member voted it off. The Mayor, who's vote counts to break a tie, voted to keep it on. Then an absent Council member or someone representing him on a voice call voted with the Mayor to keep it on. So it remains on the ballot against the people's demand for removal. And now we also have to be worried about how it's titled on the ballot. Title has not been revealed yet.

The original Charter Provision Protects the rights of the people, protects our votes, sets a \$15,000,000,00. Spending Cap and Sets a 36 month Repayment Deadline. It's easy for them to just ask for more time and more money. There is evidence that the current Charter has already been violated of these terms. There is \$105,000,000,00. in State funds meant for our local infrastructure that was "accidentally" without approval, been redirected to a Westward Expansion project that has not been approved and has not started. None of this was approved by the electors of the City which are currently the people of Palm Coast. All while they were trying to get us to agree to a \$90,000,000,00 Stadium and Commercial Development in that Westward Expansion. While our local infrastructure suffers. The sudden announcement of the \$105 Million was brought to our attention as if it were an accident. Councilwoman Pontieri is quoted as saying she "doesn't expect a check back to the state of Florida but expects quite a bit in infrastructure." Another Councilwoman resigned August 19th. Possibly because of this. 3 of the other seats were just voted out in the recent Primary. The Mayor and these council members are trying to cover their butts. By forcing an immediate change in our local government that would allow them to have no accountability for the damages already done, continue to bankrupt our City and cause irreparable harm to the citizens of Palm Coast.

By Removing or changing this Charter Provision (3)(e), the vote of the people will be replaced with Council & controlled by Developers. Which they may have ties to. One councilman offered to set me up with an attorney and told me to keep quiet and just follow the attorneys lead. It seems like he is desperately trying to save his own butt. I told him not to contact me any further, that I have formed my own opinions just from the 2 council meetings I attended. I have all my information gathered and need to talk to someone about what we can legally do to stop them. It's been said that the Mayor is also part of a special interest group. It appears they are doing this for personal gains.

The current Charter Provision (3)(e) reads as follows

" Unless authorized by the electors of the city at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which extends in excess of 36 months; or exceeds \$15,000,000,00."

It's all on Youtube, Please Help Us.

Respectfully,

Jeani Duarte 760)553-5998 Jeani3D@gmail.com

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Jeani Duarte

Case # _____

Plaintiff

Judge _____

Vs

City Of Palm Coast, Mayor, Council, Manager, Attorney, and Associates

Defendants

Certification of Emergency / Request ExParte / We will Be Harmed!

Violations Of Laws, Deceptive Practices to Trick Voters

URGENT/ MOTION FOR INJUNCTIVE RELIEF

Violations include but not limited to;

Misleading Language on Ballot, Attempts to change the form of our Local Government, Acts Against Palm Coast Charter, Acts Against Sun Shine Law, Acts Against Florida Statues, Acts Against Ordinances, Unauthorized Distribution of Funds, Acts Against Constitutional Rights, Misuse of Power, Failure to Notify, Engaging in Unauthorized Agreements, Refusing Forensic Audit, Attempts to block issues from the public. Willful Misconduct.

Remedies Sought:

Immediate Emergency Injunctive Relief, Mandatory Protection Necessary to Restore and Maintain Order of the Status Quo, Balance of Equity / Forensic Audit.

Descriptions of Violations are as follows;

Referendum / Deceptive Language

The Council members of the City of Palm Coast are taking steps to change the form of our local government, by willful deception on the new ballot referendum to the electors for the scheduled upcoming election. Expressly prohibited by law. Title VII Chapter 166.021—Powers. The deceptive language proposes to remove Charter Provision (3)(e). Our current Charter laws protects the voice and vote of the citizens of Palm Coast and sets limits on the city's ability to enter into public private partnerships, sets a \$15,000,000.00 cap on spending and sets a 36 month repayment deadline. By removing this provision and or changing the language, the residents of Palm Coast will suffer Irreparable Damages.

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Original Charter, Provision (3)(e) Language:

“ Unless authorized by the electors of the city at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds \$15,000,000.00.”

Language for the ballot to remove Provision (3)(e)

Shall Article VI of the Charter be amended by removing provision (3)(e) related to fiscal Contracting Authority that limit the City’s ability to enter into public private partnerships, have the ability to address growth by having future residents contribute to infrastructure costs, respond to emergencies and use available financial instruments including, but not limited to, bonds.

Descriptions of further Concerns of Violations;

Mayors Misuse Of Voting Privileges - Chapter 260.030 (6)

The Mayors vote counts toward breaking ties of the council, not to create a tie.

Misleading Presence of Council Members for Voting Purposes

Violation of Sun Shine law, that a requisite # of members must be physically present to create a quorum for voting purposes. On Sept.03,2024, only 2 council members and the Mayor were physically present to vote on the referendum to be removed from the ballot. Both present council members, Mr. Danko and Ms. Pontieri voted yes to have it removed. Mayor Alfin voted No, along with Councilman Klufas who was not physical present in his attendance.

Misused Vote Of an “Absent” Council Member

Council member Klufas or someone acting on his behalf was on a voice call. Both Mayor and Absent Councilman voted against removing the referendum. Creating a tie to keep the intended referendum and its deceptive language on the ballot.

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Changing the Form Of Government / Violation of Our Constitutional Rights

By removing Charter Provision (3)(e). The citizens of Palm Coast will lose our rights to vote. The referendum of electors which is currently the voting people of Palm Coast will then be replaced by the electors of Council which eliminates the rights, voice and votes from the residents of Palm Coast. Council woman Pontieri tried to ensure our trust of replacing our right as electors with their "Super Vote". Ms. Pontieri has 2 more years on her seat and she has lost our trust.

Available Financial Instruments

Referendum language on the ballot lacks specificity but states that they shall "use available financial instruments, including, but not limited to, bonds." This will give the Council of the City unlimited access and power over all available stocks, Bonds, Real Estate, Deposits, Contract, Loans, Cd's, Mutual funds, etc. Without limit, size, quantity or accountability for a proposed **\$90,000,000.00 Westward Expansion** which will Bankrupt Palm Coast and Mortgage our future generations. With concerns for possible Eminent Domains.

Unauthorized Distributions of Funds

No transparency or accountability for at least **\$105,000,000.00. (Yes, 105 Million)** already Spent? With No consideration for the \$15,000,000,00 Cap! With No consideration for the 36 month repayment deadline! Who signed the checks? Who engaged and agreed to these unauthorized expenses? Please See, Palm Coast City Councils Youtube video Sept.03,2024, 4 hours and 15 minutes into the video for Council Woman Pontieri's live testimony.

Vacant Seat

A seat on the Council was resigned on August 19,2024, effective on August 23,2024. Council and Mayor are seeking to **appoint** this seat when law clearly states the vote belongs to the electors of Palm Coast which are currently the People. It is now 2 months before the next scheduled election, plenty of time to add candidates for this seat to the ballot. Charter law states that Council can only appoint if the seat becomes empty more than 6 months of a scheduled election and gives them 90 days to do so. Anything within 6 months of a scheduled election belongs to the vote of the electors of Palm Coast. If Necessary, with time constraints, this would call for a special election to fill that seat. Title XII Chapter 166 Part 1.

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Descriptions of further Concerns of Violations ;

Violation of City Elections / Charter Sec. 8 1 & 2, ELECTIONS;

Knowingly print deceptive language on a ballot for vote. And Ballot issues.

City Elective Offices shall be conducted on a nonpartisan basis without designation of Party.

Mayors Aggressive and Willful Interception of the Referendum Topic at Public Meetings

Mayor Alfin, aggressively attempted to block Councilman Danko from going public with the misleading language of the referendum. Council Woman Pontieri was unable to read the language of the referendum out loud without adding further confusion. She admitted to her involvement in writing the language.

Bonds

“Unlimited” Bonds will Bankrupt and Mortgage the future of the citizens of Palm Coast.

Attorneys Failure to Advise

Seated and present, Advisory Attorney Marcus Duffy repeatedly failed to advise the Council of their unlawful misconduct.

Once our votes are taken, we wont get them back ! Once we are bankrupt, we won't recover! There is No Accountability!

City Manager Failure To Account.

Lacking reasonable effort and accountability for transparency of relative, unauthorized spent funds.

State Appropriations paid for by the Tax payers in the sum of **\$105,000,000,00. (YES, 105 Million)**

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Descriptions of further Concerns of Violations ;

Teresa Pontieri is quotes as saying ;

" And it falls on the backs of the tax payers".

" I don't expect a \$105,000,000,00. Check to the residents of Florida but I do expect quite a bit of infrastructure improvements."

See, Live testimonies on Youtube, Sept.3,2024., 4 hours and 15 minutes into a public meeting.

Comp Plan (2050 DRI/MPD) New Development Orders

Westward Expansion / Developer Rayonier / Westward Development / Sports Complex

Sudden plans for change, suggests intentions of moving forward. Council has engaged in agreements prohibited by the existing current Charter. With a Proposed Spending Budget of \$90,000,000,00. But has already cost \$105,000,000,00. in Unauthorized Use of Funds! **A forensic Audit is in order!**

Land Use and Boundaries of 20 Thousand Acres

Effects On Areas Which includes land?

Ballots are already printed

Rushed to print Ballots with challenged, misleading Referendum Language included.

Failure to Include Referendum Topics on Public Meeting Agendas

Violation of Sun Shine Law Chapter 286.011 Public Inspection. Failure to inform or be transparent to the Public on the Topic or Topics of the Referendum which proposes to remove Provision (3)(e) which will eliminate the rights of the residents of Palm Coast to vote, removes the \$15,000,000,00. spending cap and eliminates the 36 month repayment deadline. Recently Exposed and observed at Public Meetings, **August 27,2024 / Sept.03,2024 / Sept.05,2024.**

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Council Flip Flop

Council Woman Teresa Pontieri and Councilman Ed Danko openly admitted to writing the language together. Then retracted, stating they had help from council, etc. "then", they revised the referendum "together" and approved it for the ballot. Ms. Pontieri stated August 27, 2024 that from the time she took the seat, she has pushed for commercial growth for Westward Expansion, then flipped the following week to suddenly say she cares about local infrastructure "like roads" while still supporting the referendum after she voted to drop it. Sept. 03, 2024, 4 hours and 15 minutes into the public meeting Council Woman Pontieri revealed the Comp Plan 2050 (DRI / MPD) New Development Orders. With the disturbing news of the **\$105,000,000.00.** that the Developer was supposed to have paid for but somehow has been placed on the "backs of the tax payers" In her timely performance, Ms. Pontieri also stated she **"doesn't expect a check back to the state of Florida but expects quite a bit in infrastructure."** The spending cap and repayment deadlines has been disregarded. Councilman Danko has also flipped as well, going from exposing the referendum after being voted out of office during the primary to suddenly supporting an "after the fact" Resolution Proposed by Ms. Pontieri of language that is identical but replaces some words with the word "Unlimited".

Burden Of Proof / Live testimonies / Local, State and Federal Laws

Live Testimonies on Youtube Videos Palm Coast City Council Meetings

Aug. 27, 2024 @42 minutes @1:15 minutes & By Jeani Duarte Parts 1 & 2

Sept. 03, 2024 @45 minutes /@1 Hour & 18 minutes/ @1 Hour & 35 Minutes /@4 Hours & 15Minutes

Sept. 05, 2024 @ Minutes

Sun Shine Laws 166, Palm Coast Current Charter, Florida Statues

Please see attached documents.

I Swear Under Penalty of Perjury that this statement and its content

are true and correct to the best of My knowledge,

So Help Me God !

Signed Jeani Duarte Samantha Gail Carver
Date _____ SAMANTHA GAIL CARVER

