

**TOWN ATTORNEY'S RESPONSE  
PALM BEACH POST QUESTIONS  
MONDAY, APRIL 1, 2024**

**PBP QUESTION 1: Is this an effort to shut down the union's attempt to put the question on the 2025 ballot?**

The Town filed a Complaint for Declaratory Relief. The complaint was not filed against residents or citizens of the Town of Jupiter. It was filed against a Political Action Committee (PAC) that was created by a union. The PAC *purports* to be composed of Jupiter residents. The PAC **sued the town first** seeking to compel the placement of a confusing, misleading and illegal ballot question on the ballot of the next general election in Jupiter. The Town's Complaint asks the court to declare the ballot question circulated by the PAC, which is *labeled* "Jupiter Residents" as misleading because its real purpose is an unconstitutional attempt to restrict the decision-making authority of an elected town council from deciding what departments it will operate and how tax dollars are to be spent in the town on behalf of its real residents. These are *fundamental functions* that are delegated by the Florida Constitution and Florida Statutes to *elected* council members in the state of Florida. They are not functions that are to be delegated to a referendum process. Nor is it the function of unions to interfere with what an elected council determines to be in the best interests of the town's real residents. If governance by referendum, as is suggested by the PAC and the union's pursuit of an amendment to the town charter is the case, then municipal residents would not need to elect council members to govern their community.

The managers of the PAC are directly connected to the county fire union. The named petitioners and representatives of the PAC are Ryan Sweeny, an employee of Palm Beach County, employed as a firefighter, and a county fire union member; and Michael Kurth, a personal injury lawyer whose wife is a "civilian" employee of Palm Beach County Fire Rescue. The PAC was created by William S. Jones of Gainesville, Florida who creates many PACs for his political clients, including, apparently the county fire union. The managers of the PAC's website are connected to the fire union. The fire union has funded the PAC (approximately \$250,000 compared to \$35 from two Jupiter residents) and it is believed that representatives of the county fire union crafted the misleading and inaccurate messages being posted on the PAC's website about the town's creation of its own fire department and on other social media pages. The PAC has even notified those that visit its website that it will use AI to craft messages for individuals. In some cases it has allegedly used AI to change an individual's message from one indicating that the individual supports the town council's creation of its own fire department, to a message that is critical of the council's decision to create its own fire department.

**PBP QUESTION 2: Are you aware of any other municipality in the county that has a similar clause in its charter that allows the town to create its own fire department?**

All municipalities have the authority to create fire departments, or any other departments that the elected governing body deems appropriate to serve the municipality's residents. The Florida Constitution and Statutes call this "home rule."

We have learned that the Village of Wellington's charter prohibits it from creating its own fire department. This amendment to the Village Charter was conceived years ago and was sponsored by a then council member of the village, Matt Willhite, who was then (and may still be) a PBC firefighter and member of the same union that seeks to prohibit Jupiter from creating its own fire department.

**PBP QUESTION 3: What is the correct legal term for what the town has filed on Dec. 13 ... "complaint" or "lawsuit"?**

Complaint

**PBP QUESTION 4: What do you expect to be discussed during the hearing on April 9<sup>th</sup> at 8:45 a.m.?**

The PAC has refused to disclose certain information requested by the Town's attorneys about the union's involvement in crafting the referendum question to change the town's charter similar to what happened in Wellington. The PAC's refusal to provide documents pursuant to the town's legitimate and reasonable request for documents, texts, and posts that will show that the union and not real residents of Jupiter is responsible for creating the referendum question and is behind the political campaign. Real Jupiter residents understand that the creation of a town fire department will save Jupiter property owners from having to pay twice the taxes it actually costs to operate a town fire department.

Another ironic (?) fact about the PAC's campaign is that *the same law firm that represents the PAC represents the county fire union*. The town is having to resort to asking a judge to compel the disclosure of records from the PAC and the fire union which if produced will confirm that the PAC is nothing more than a Trojan Horse for the county fire union. On behalf of the PAC/Fire Union, the law firm that represents both entities has objected to providing the town with these records based on the law firm's attorney/client privilege with the union. **Obviously, the county fire union does not want to be transparent about its efforts and is withholding these records because it knows that these records confirm that it is not "Jupiter residents" but the county's fire union that seeks to prohibit the town council from doing what town council members are elected to do, i.e. provide public services that are financially responsible.**