

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME CASTILLO ANGELO	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Pembroke Pines City Commission
MAILING ADDRESS 455 SW 200 Thruway 33029	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Pembroke Pines, FL COUNTY Broward	NAME OF POLITICAL SUBDIVISION: Pembroke Pines
DATE ON WHICH VOTE OCCURRED April 7, 2021	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

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CITY CLERK'S OFFICE

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, ANGERO CASTILLO, hereby disclose that on April 7, 2021, 20__ :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss; or appearance thereof
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

See attached statement, 4 pages

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

April 12, 2021

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Statement Attached to Form 8B

This is to disclose the reasons why I, Angelo Castillo, Pembroke Pines City Commissioner District 4 abstained from voting, in accordance with Section 286.12, Florida Statutes, on the appointment of a Vice Mayor for the period of April 2021 through April 2022. Said vote occurred on Wednesday, April 7, 2021 at the Pembroke Pines City Commission's Regularly Scheduled meeting.

As the sponsor of city ordinance governing the appointment of Vice Mayor in our city, Ordinance No. 1647, Proposed Ordinance No. 2009-14, which was adopted unanimously, I am familiar with the contents of the ordinance, the intent expressed as it was written and when it was adopted, and the city charter provision which it enables by procedure. In brief, the city charter provision for the appointment of a Vice Mayor is found in section 8.06 and reads as follows:

The City Commission, at the first regularly scheduled meeting in April of each year, shall elect, by majority vote, the Vice Mayor. The Vice Mayor shall have the privileges, powers and duties of the Mayor in the Mayor's absence or disability.

City Ordinance states as follows:

30.01 (B) The Vice-Mayor shall be selected in accordance with the Charter of the city and shall be a member of the City Commission who has not just recently served as the Vice-Mayor or Vice Mayor Designate, where possible. Note: Vice Mayor Designate is automatically set by the ordinance as the last serving Vice Mayor and the term of Vice Mayor Designate is set for the same one year term as Vice Mayor.

The relevant portion of that section goes on to state:

To the extent possible, that the members of the City Commission deem it appropriate, the regular order of nominating a member of the City Commission to serve as Vice Mayor is presumed as to be as follows: Commissioner from District 4, Commissioner from District 2, Commissioner from District 3, and Commissioner from District 1. Beginning with the second meeting in April of each year, upon the election of a new Vice Mayor in accordance with the Charter, the Vice Mayor shall become the Vice Mayor Designate for the following year.

Section C establishes a very specific seating chart mirroring the legislative intent of this ordinance to establish a certain rotation, where possible, one might say wherever possible, when appointing a Vice Mayor yearly among the 4 elected commissioners. Proceeding in that manner is also always consistent always with the applicable charter provision. As the Vice Mayoralty rotates, the seating arrangement at the dais likewise rotates around the chair of the Mayor which, among the elected officials, does not change. Thus is the precision the City Commission envisioned in adopting the ordinance unless the rotation had to be interrupted because it wasn't possible.

The ordinance has been successful in resolving the prior, uncomfortable, tension filled, too often politically motivated chore of appointing a Vice Mayor yearly without a governing procedure and also the thorny task of determining where on the dais Commissioners would sit. Both of these issues had been hotly contested matters causing disagreement and challenge to esprit de corps among Commission members. Before the ordinance, these conversations were very uncomfortable. Once the ordinance was passed the discomfort gave way to an orderly procedure that, until 2018, was followed precisely.

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In 2018, a serious concern arose that caused the commission to break the rotation because it deemed following it not possible for cause. The Commission was sent a letter from our Chamber of Commerce accusing a member of the commission, whose turn it was to serve as Vice Mayor, with using his public office for personal gain. A copy of that letter is attached for reference. There were also allegations of interference with city staff shared by the City Manager at a Commission Workshop. The video of this workshop is a public record which should be easily retrievable on the city's website. Both the letter and the video are public records. The discomfort with the allegations made was such that the Mayor to move to skip the order of rotation in 2018. That motion carried with only the Commissioner involved voting no.

In contrast, without cause, where it was clearly possible to follow the rotation, in April 2019, when I was not a member of the City Commission, the body voted to split the term of Vice Mayor between two members out of order. This unprecedented political act violated the City Charter which calls for the election of the (as in one) Vice Mayor annually.

But it also violates the rotation section of the ordinance in several ways, first because returning to the regular order was possible. Next, because same pattern continued through 2020 though the motion was made in 2019, with the same two commissioners swapping 6 month terms, when the ordinance mirrors the charter provision for one Vice Mayor serving a one year terms. Apart from violating the rotation, but it also violated the "recently serving" prohibition among Vice Mayors and Vice Mayor Designates. All of these requirements were violated for no cause and despite the fact that returning to the regular order, at the earliest moment possible, thus being true to the law, was possible.

The language of the ordinance does grant discretion to the City Commission in following the rotation. But it is unreasonable to conclude that the discretion granted authorizes the City Commission to disregard the ordinance entirely, without a good reason as it did in 2018. Engaging in that kind of deviation from the law gives rise to suspicions about the legitimacy of the Commission's intent and erodes public trust.

Indeed, in the Whereas clauses to the ordinance, it states that the intent is clearly to offer an orderly process, where members each take turns; that under the ordinance this better developed method ensures each member of the City Commission an equal chance and an equal opportunity to represent the city as Vice Mayor. Legitimate, ethical cause sufficient to interrupt that process is required. This is my sincere belief. All this taken together with the actual language in the Charter and Ordinance indicates to me that the City Commission deviated from the regular order established by law when selecting Vice Mayors in 2019, 2020 and 2021.

Indeed, a pattern of noncompliance with the law is therefore established over those years giving rise to what motivations were behind it. Was it political payback because I chose to run for Mayor? Is it being done to position certain commissioners for future elections or the Mayoralty? All those suspicions are now in play because the Commission chose to violate the law. None of that is in legal furtherance of either the spirit or the letter either of City Charter or the enabling Vice Mayor ordinance in my view. To be sure, the appearance of impropriety exists which should have been predicted and could have been avoided. It casts a bad light upon the city and I cannot participate in that ethically.

Following my Attorney's advice, in order for me to abstain under the governing state statute, an economic benefit or the appearance of such must exist. I have concluded this benefit does exist. Under

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the regular order of rotation set forth in the ordinance, the current period of April, 2021 through April, 2022 would fall by law to Commissioner District 4, which I occupy. There is no disputing that fact.

While there is no additional compensation associated with the position of Vice Mayor, Commissioners in our city are paid a salary. The Vice Mayor position carries added responsibilities, both actual and ceremonial, which create an economic benefit that exists somewhere in the range between a tangible and intangible benefit. Actual or not, it definitely creates the appearance of benefit among the general public because of added clout and authority. In politics, that's very clearly a benefit leading to possible advantage potentially in elections, and there's just no getting around that reality. Thus, by opposing the appointment for 2020, as I might ordinarily do, it would appear that I was advancing a self-interest – protecting a benefit to me -- where in fact my opposition has to do the City Commission not proceeding lawfully. Voting no would create for me an ethical barrier.

I also find myself in a situation where I cannot in good conscience vote in favor of the current motion because I am personally convinced that the Commission has operated in violation of the ordinance since 2019 and also in violation of the City Charter. Voting yes would create for me an ethical barrier.

Feeling constrained by law and ethics to not be able to cast a vote for or against the motion, I have very respectfully concluded that I have no choice but to abstain in order to avoid any appearance of impropriety. In consultation with our City Attorneys, they agree that I had the right to avail myself of the option to abstain under the statute. I was advised by council that I was eligible to abstain under state law and I did so do on April 7, 2021.

CITY CLERK'S OFFICE
CITY OF PEMBROKE PINES
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MIRAMAR PEMBROKE PINES
REGIONAL CHAMBER OF COMMERCE

February 20, 2018

Executive Committee

HENRY ROSE
Chairman
CV Marketing & Falcon Foundation

LEAH A. CARPENTER
Chair Elect Vice Chair of Governance
Memorial Hospital West

CHAD BRADY
Vice Chair of Finance
PNF Bank - Pembroke Gardens

TONY GORDON
Vice Chair of Membership & External Relations
AAMCO

ISABELL MARTIN
Secretary
Celebration Time Florists

JOHN COLLIER
Immediate Past Chair
Collier Consulting & Design Development

Board of Directors

ALAN ROISVERT
Youthful Bodies by Gettin Fit

ANNETTE M. ALVAREZ, CMD
The Shops at Pembroke Gardens

CARLA SOCARRAS
The Shoe Trust

JAMES KNAPP
Florida International University

JUSTIN NEPOLA, Esq.
Nepola Youth Attorneys at Law

MARC LIEBESKIND, LUTCF
Principal Financial Group

MARIO COSTA
Mx MTP Property Management

PATRICIA GARCIA
R&D Systems Group

DR. ROLANDO GARCIA
Broward College South Campus

TIM BOWERS
Waite Pro of Florida

JEFFREY DINETZ
Lared Media

MICHAEL STAMM
City of Pembroke Pines

DEBORAH STEVENS
City of Miramar

TERESA JUSTICE
Teresa S. Justice Consulting

ROBERT GOLTZ, BSM, FCCP
PRESIDENT/CEO

City of Pembroke Pines
Attn: Mayor Frank Ortis & Commission
601 City Center Way
Pembroke Pines, FL 33025

Dear Mr. Dodge,

I am writing this letter on behalf of the Board of Directors of the Miramar Pembroke Pines Regional Chamber of Commerce. At our January 25, 2018 Board meeting, a motion was made and seconded, and after discussion, passed, without objection, to put into writing the actions City of Pembroke Pines Commissioner Jay Schwartz has taken against the Chamber.

Specifically, and most recently, Commissioner Schwartz, put an item on the commission agenda of the January 17, 2018 meeting, to make the Chamber enforce a city ordinance in exchange for continuing the city's Trustee level membership with the Chamber. Fortunately, all the other members of the commission saw through this charade and did not even second the motion for discussion.

While other similar actions taken by Commissioner Schwartz are too many to detail here, a couple of other examples will give you good insight into the continuing harassment he has directed at the Chamber.

When the new city hall was being constructed, the Chamber took this opportunity to review its options on a new office location. Commissioner Schwartz said to at least one Board officer, that if the Chamber did not keep its offices in city hall, he would stop the Chamber from using the Southwest Focal Point Center for its monthly membership breakfast.

The final example happened in front of at least three Board officers, where Commissioner Schwartz, threatened that if the Chamber enforced one of its policies that he felt affected him personally, he would make public, potentially embarrassing information about a Chamber member. The Chamber chose to adhere to its policy.

In summary, Commissioner Schwartz's actions are at least bullying, and he quite possibly has even used his position of power to coerce the Chamber, the Board of Directors, and its members. Finally, the Chamber Board recognizes that by sending this letter to the city commission and other city officials, it becomes a matter of public record under Florida law and that is our intention.

Sincerely,


Henry A. Rose
Chair of the Board of Directors
Miramar Pembroke Pines Regional Chamber of Commerce