

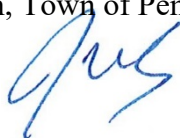


## BROWARD OFFICE OF THE INSPECTOR GENERAL

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### MEMORANDUM

To: Honorable Geoffrey Jacobs, Mayor, Town of Pembroke Park,  
and Members, Town Commission, Town of Pembroke Park

From: John W. Scott, Inspector General 

Date: November 15, 2021

Subject: **OIG Final Report Re: *Pembroke Park Commissioners Violated Florida's Sunshine Law by Privately Meeting About Town Business, Ref. OIG 20-010-M***

Attached please find the final report of the Broward Office of the Inspector General (OIG) regarding the above-captioned matter. The OIG substantiated an allegation that Former Vice Mayor Howard Clark and then-Commissioner Reynold Dieuville violated Florida's open meetings law (the Sunshine Law) by meeting in private to discuss a matter on which the commission was to take foreseeable action.

The OIG investigation determined that, on September 22, 2020, Vice Mayor Clark, who was then the town's vice mayor and who resigned on September 22, 2021, intentionally sought to speak privately with Commissioner Dieuville about what to do about then-Commissioner G.J.'s official town roles as clerk-commissioner and police liaison, given denigrating claims about Commissioner G.J.'s past that had surfaced.

At a commission workshop meeting held the next day, on September 23, 2020, the former vice mayor read a letter from a former town commissioner that raised the question of whether to remove Commissioner G.J. from his special town roles. He set two resolutions for a commission vote on October 14, 2020, one to replace Commissioner G.J. as clerk-commissioner and one to replace him as police liaison. We found the subject and purpose of the private meeting was something that was foreseeable to Vice Mayor Clark but not known to Commissioner Dieuville until sometime later in their conversation on September 22, 2020.

The OIG concluded that Vice Mayor Clark knowingly and Commissioner Dieuville unknowingly violated Florida's Sunshine Law that requires certain government business be open to the public, reasonably noticed to the public, and recorded through minutes. For this, the vice mayor committed a second degree misdemeanor, and the commissioner committed a noncriminal infraction.

In a written response to the OIG's preliminary report, Vice Mayor Clark denied the OIG's findings with a version of events we decline to accept. In accordance with our charter mandate, we are referring this matter to the Broward State Attorney for whatever action that agency deems appropriate.

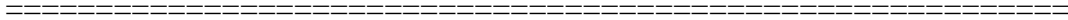
Attachment

cc: Melissa P. Anderson, Town Attorney  
J.C. Jimenez, Town Manager  
Hon. Barbara Sharief, Broward County Board of County Commissioners

# **BROWARD OFFICE OF THE INSPECTOR GENERAL**



## **FINAL REPORT**



**OIG 20-010-M**  
**November 15, 2021**

*Pembroke Park Commissioners Violated Florida's Sunshine Law by  
Privately Meeting About Town Business*



## BROWARD OFFICE OF THE INSPECTOR GENERAL

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### **FINAL REPORT RE: *PEMBROKE PARK COMMISSIONERS* *VIOLATED FLORIDA'S SUNSHINE LAW BY PRIVATELY MEETING ABOUT TOWN BUSINESS***

#### **SUMMARY**

The Broward Office of the Inspector General (OIG) has concluded its investigation into whether Town of Pembroke Park Commissioners Howard Clark and Reynold Dieuville violated Florida's open meetings law (the Sunshine Law) by meeting in private to discuss a matter on which the commission was to take foreseeable action. We substantiated the allegation.

The OIG investigation determined that, on September 22, 2020, Vice Mayor Clark, who was then the town's vice mayor and who resigned on September 22, 2021, intentionally sought to speak privately with Commissioner Dieuville about what to do about then-Commissioner G.J.'s official town roles as clerk-commissioner and police liaison, given denigrating claims about Commissioner G.J.'s past that had surfaced.<sup>1</sup> Vice Mayor Clark and Commissioner Dieuville had this conversation alone in the town hall gym.

We found that when Vice Mayor Clark first approached Commissioner Dieuville to speak to him on September 21, 2020, and again on September 22, 2020, Vice Mayor Clark knew but Commissioner Dieuville did not know they would discuss an item that was the subject of an upcoming commission meeting. Indeed, at a commission workshop meeting held the next day, on September 23, 2020, the vice mayor, using a letter from a former commissioner, raised the question of whether to remove Commissioner G.J. from his special town roles, a matter that was not on the agenda. Vice Mayor Clark set two resolutions for a commission vote on October 14, 2020, one to replace Commissioner G.J. as clerk-commissioner and one to replace him as police liaison. Specifically, we found the subject and purpose of the town hall gym meeting was something that was foreseeable to Vice Mayor Clark but not known to Commissioner Dieuville until sometime later in their conversation on September 22, 2020.

The OIG concluded that Vice Mayor Clark knowingly and Commissioner Dieuville unknowingly violated Florida's Sunshine Law that requires certain government business be open to the public, reasonably noticed to the public, and recorded through minutes. For this, the vice mayor committed a second degree misdemeanor, and the commissioner committed a noncriminal infraction, both of which constitute misconduct.<sup>2</sup>

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<sup>1</sup> Although many of the persons referenced in this report have resigned or changed titles, to avoid confusion, this report will refer to them with the town titles that they held at the time of the events reported.

<sup>2</sup> Misconduct is "any violation of the state or federal constitution, any state or federal statute or code, any county or municipal ordinance or code; or conduct involving fraud, corruption, or abuse." Broward County Charter Sec. 10.01 A.(2).

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW**  
**BY PRIVATELY MEETING ABOUT TOWN BUSINESS**

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Although he declined our offer to interview, in a written response to the OIG's preliminary report, Vice Mayor Clark denied the OIG's findings with a version of events we decline to accept.

In accordance with our charter mandate, we are referring this matter to the Broward State Attorney for whatever action that agency deems appropriate.

### **OIG CHARTER AUTHORITY**

Section 10.01 of the Charter of Broward County empowers the Broward Office of the Inspector General to investigate misconduct and gross mismanagement within the Charter Government of Broward County and all of its municipalities. This authority extends to all elected and appointed officials, employees and all providers of goods and services to the County and the municipalities. On his own initiative, or based on a signed complaint, the Inspector General shall commence an investigation upon a finding of good cause. As part of any investigation, the Inspector General shall have the power to subpoena witnesses, administer oaths, require the production of documents and records, and audit any program, contract, and the operations of any division of the County, its municipalities, and any providers.

The Broward Office of the Inspector General is also empowered to issue reports, including recommendations, and to require officials to provide reports regarding the implementation of those recommendations.

### **INDIVIDUALS COVERED IN THIS REPORT**

#### ***Howard Clark, Former Pembroke Park Commissioner***

Vice Mayor Clark was appointed to the town commission in November 1990 and elected commissioner in March 1991. He had been re-elected every four years until he resigned his seat on September 22, 2021. Over the years, his fellow commissioners have designated him to various positions on the commission, including mayor, vice mayor, and clerk-commissioner. At all times relevant to this report, he served as the vice mayor.

#### ***Reynold Dieuville, Pembroke Park Commissioner***

Commissioner Dieuville was elected to office for the first time when he was elected town commissioner in March 2019. He is presently the town's clerk-commissioner.

## **RELEVANT GOVERNING AND ADMINISTRATIVE AUTHORITIES**

### ***Florida Open Meetings (Sunshine) Law***

**Florida Constitution Article I, Section 24 - Declaration of Rights, Access to public records and meetings, provides in part:**

(b) All meetings of any collegial public body of a . . . municipality . . . at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public . . . .

**Section 286.011, Florida Statutes (referred to as the "Sunshine Law") - Public meetings and records; public inspection; criminal and civil penalties, provides in part:**

(1) All meetings of any board or commission . . . of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. . . .

(3) (a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500. (b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

### ***Florida Code of Ethics for Public Officers and Employees (State Ethics Code)***

**Section 112.3142. Ethics training for specified constitutional officers and elected municipal officers, provides in part: . . .**

(b) All elected municipal officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered. . . .

***Broward County Code***

**Sec. 1-19. – Code of ethics for elected officials. (December 10, 2015) . . .**

**(d) Training and Education. . . .**

(2) Annual Training Requirement. Each Elected Official shall, on an annual basis, attend or participate in a minimum of four (4) hours of continuing education training on the topics of Sunshine Law, public records, and public service ethics. These programs may be available through regional universities, municipal or local government organizations, or through state or regional Bar associations. The four (4) hour annual training requirement shall be met on a term year basis, and at least two (2) hours of annual training during each term year shall be received in an interactive setting (group or individual). Each Elected Official shall annually certify that he or she has met this requirement in a form filed for public inspection within thirty (30) days after the end of each term year.

(3) The revisions made to paragraph (2) above shall become effective (a) for County Commissioners, on the first day of their term years commencing in November 2015; and (b) for Municipal Officials, on the first day of their applicable terms which commence in or after November 2015. . . .

**Sec. 1-19 – Code of ethics for elected officials. (January 11, 2017) . . .**

**(d) Training and Education. . . .**

(2) Annual Training Requirement. Each Elected Official shall, on an annual basis, attend or participate in a minimum of four (4) hours of continuing education training which addresses ethics topics including Section 8, Article II, of the Florida Constitution, the state's Code of Ethics for Public Officers and Employees (Chapter 112, Part III, Florida Statutes), Florida's public records and public meetings laws, and the ethical standards imposed by the Board pursuant to its authority under Section 112.326, Florida Statutes. Training programs may be available through regional universities, municipal or local government organizations, or through state or regional Bar associations. Commencing January 1, 2017, the four (4) hour training requirement shall be met on a calendar-year basis, and at least two (2) hours of annual training during each calendar year shall be received in an interactive setting (group or individual). . . .

***Town of Pembroke Park Charter***

**Sec. 9. - Town Commission.**

Election of Commissioners: The government of the Town of Pembroke Park shall be vested in a Commission consisting of five (5) members elected from five (5) separate geographic districts. . . .

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW**  
**BY PRIVATELY MEETING ABOUT TOWN BUSINESS**

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The Commission shall be composed of a Mayor-Commissioner, Vice-Mayor Commissioner, Clerk-Commissioner, and two (2) other Commissioners. At the first regular meeting of the Commission following every election as herein provided, the Commission shall, by Resolution, appoint one of its members as and to be Mayor of said municipality and another of its members as and to be Vice-Mayor of said municipality, and another of its members as and to be Clerk-Commissioner of said municipality. . . .

Sec. 14 – [Duties of officers.]

The Mayor-Commissioner, Vice-Mayor-Commissioner, Clerk-Commissioner and the two (2) other Commissioners shall each perform the duties of his or her office until his or her successor is duly elected and qualified. . . .

## **INVESTIGATION**

### ***Investigation Overview***

This investigation was predicated on information alleging that Vice Mayor Clark, a town commissioner who was then also serving as the town's vice mayor, and Commissioner Dieuville, another town commissioner, met privately to discuss Commissioner G.J.'s roles as clerk-commissioner and police liaison, a matter that would foreseeably come before the town commission for action. The OIG substantiated the allegation, finding that Vice Mayor Clark engaged in a criminal violation of the Sunshine Law because he knew he was going to bring the same matter up before the commission when he sought out and privately met with Commissioner Dieuville. Furthermore, our investigation established that Commissioner Dieuville engaged in a civil violation of the Sunshine Law where, although he privately met with the vice mayor, he did not become aware of the unlawful nature of the private meeting until after it was under way. That is, he only realized that the vice mayor wanted to bring the subject of the discussion to the commission for a vote after the private conversation started.

The investigation involved the review of documentation by OIG Special Agents including but not limited to town hall security video footage, town commission meeting video footage, town meeting agendas, draft town commission resolutions, town text message records, town correspondence and attachments, and written statements by town officials and employees. The OIG also interviewed several current and former town officials and employees.

### ***Florida's Sunshine Law: A Brief Overview***

In an acknowledgement of the value of public discussion as well as other benefits that come with a culture of transparency such as public trust and confidence in government decisions, Florida is widely known for its commitment to provide the public with unfettered access to government meetings and records. Florida has established some of the most comprehensive open government laws in the country, to include the Sunshine Law articulated in the Florida Constitution's declaration of rights and codified in Florida Statutes chapter 286.

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW**  
**BY PRIVATELY MEETING ABOUT TOWN BUSINESS**

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The Sunshine Law requires that meetings of governing bodies be (1) open to the public, (2) reasonably noticed to the public, and (3) memorialized by promptly produced minutes.

The Florida Supreme Court has made it clear that the Sunshine Law was enacted to protect the public from “closed door” politics. *Wood v. Marston*, 442 So. 2d 934, 938 (Fla. 1983).

***Roles Within the Town Commission***

According to the town’s charter, at the first regular commission meeting following an election, the commission votes on the question of who among the sitting commissioners should take on the roles and responsibilities of mayor, vice mayor, and clerk-commissioner. By practice, the commission also appoints a liaison for law enforcement, referred to as the police-commissioner or police liaison. The charter also specifies that the mayor, vice mayor, and clerk-commissioner shall perform their duties until a successor is duly elected to the role.

Following the election of March 12, 2019, the town commission voted for the following individuals to assume the charter roles, as follows: (1) A.M. to the role of mayor, (2) Commissioner Clark to the role of vice mayor, and (3) Commissioner G.J. to the role of clerk-commissioner. (Exhibit 1) Commissioner G.J. also took on the role of police liaison.

***Clark Approached Dieuville to Privately Discuss the Revocation of Town Roles From G.J.***

As an elected municipal official in Broward County, Vice Mayor Clark has been under the legal obligation to follow Florida’s Sunshine Law since he took office. Beginning on January 1, 2015, he also had an ongoing obligation under the State Ethics Code and then the Broward Code of Ethics for Elected Officials to attend training on good governance topics including Florida’s public meetings laws. The law imposed a requirement that he attend a minimum of four hours of such training annually. Vice Mayor Clark was aware of the Sunshine requirement not to discuss upcoming commission business between commissioners and suggested being overly cautious. According to Commissioner Dieuville, when he first took office in March 2019, it was primarily Vice Mayor Clark who advised him not to be seen talking with other commissioners at all.

The evidence shows that, on September 21, 2020, Vice Mayor Clark, who by that time had been an elected official for over 29 years, approached Commissioner Dieuville in town hall and asked to discuss an urgent matter. As Vice Mayor Clark did not have with him the documents he wanted to show Commissioner Dieuville, he told the commissioner he would leave town hall and return with them. Instead, sometime later, Vice Mayor Clark called Commissioner Dieuville, told him he would not be returning to town hall that evening, and arranged to meet him the following evening.

The OIG obtained security camera footage of town hall for both September 21 and September 22, 2020. On September 21, 2020, the video footage shows Vice Mayor Clark and Commissioner Dieuville conversing with each other just outside the lobby. The video footage for September 22, 2020, shows Vice Mayor Clark and Commissioner Dieuville meeting in the lobby before heading toward the elevators. On this occasion, a file or pouch can be seen in the vice mayor’s hand.

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW**  
**BY PRIVATELY MEETING ABOUT TOWN BUSINESS**

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According to Commissioner Dieuveille, as he was on his way to exercise, they proceeded to the gym on the second floor. This is where they had a private conversation about removing Commissioner G.J. as the clerk-commissioner and police liaison. In his interviews with the OIG, Commissioner Dieuveille was specific about how, when, and where the meeting took place and provided numerous details about the conversation. He estimated the conversation lasted for approximately 40 minutes to over one hour, during which time no one else was in the gym. He recalled that Vice Mayor Clark had a brief case or file pouch with him and that during their conversation he pulled documents out of the pouch and showed them to him.

Upon seeing the documents in the gym, Commissioner Dieuveille recognized them as the same ones he had received in a package through the mail from an anonymous sender. The OIG interviewed witnesses who together established that the same package of documents was mailed to at least one other commissioner, G.C., who has since resigned from the town commission. Commissioner G.C. requested the Deputy Town Clerk to photocopy the documents, and the OIG reviewed those copies that were in the Deputy Town Clerk's possession. They contained denigrating information regarding Commissioner G.J.'s past.

After showing Commissioner Dieuveille the documents, Vice Mayor Clark said that, given this negative information about Commissioner G.J.'s past, the town could not have him as the commissioner responsible for the police department. Vice Mayor Clark reiterated many times that Commissioner G.J. needed to be removed as the commissioner responsible for the police department.

After hearing what Vice Mayor Clark had to say about Commissioner G.J.'s past and the need to remove him from his duties as the clerk-commissioner and police liaison, Commissioner Dieuveille "brushed it off" and told Vice Mayor Clark that he thought Commissioner G.J. was doing a great job. But Vice Mayor Clark persisted and emphasized that residents would say the commission was incompetent for allowing someone with Commissioner G.J.'s background to be in the lead role over the police.

***At a Commission Meeting the Next Day, Clark Suggested Revoking Official Roles From G.J.***

On September 23, 2020, the day after Vice Mayor Clark and Commissioner Dieuveille's private meeting in the town hall gym, the commission held a previously noticed workshop meeting. (Exhibit 2) The OIG interviewed several town officials and employees who attended the meeting and reviewed a video recording of it.

Although neither Commissioner G.J.'s past nor the removal of his roles and responsibilities as the clerk-commissioner and police liaison was on the meeting's agenda (Exhibit 2), "out of the blue" according to Commissioner G.C., Vice Mayor Clark read aloud the letter of a former commissioner that raised the issue, and a discussion ensued. Ultimately, Vice Mayor Clark asked the now former town attorney whether the commission could remove a commissioner's assigned duties, and the attorney advised that it could. Vice Mayor Clark then requested the attorney to draft resolutions to remove Commissioner G.J. from those roles and to have the draft resolutions ready for the next commission meeting.

On October 14, 2020, the town held a regular commission meeting (Exhibit 3). Two resolutions—one to remove Commissioner G.J. as the clerk-commissioner and another to remove him as the police liaison—were on the agenda. (Exhibits 4 and 5) At some point after the first of these resolutions was presented to

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW**  
**BY PRIVATELY MEETING ABOUT TOWN BUSINESS**

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the commission, Commissioner G.J. asked Vice Mayor Clark if he had discussed these agenda items with any other commissioners. Vice Mayor Clark responded “no,” and Commissioner Dieuville said nothing.

The commission discussed both items, and during the reading of the first one, Vice Mayor Clark advised the town attorney to insert Commissioner Dieuville’s name as the replacement clerk-commissioner. Commissioner Dieuville told the OIG that he did not know that Vice Mayor Clark was going to do that, and he said he speculated that the vice mayor did this to get his (Commissioner Dieuville’s) vote. Commissioner Dieuville informed the commission that he would accept the clerk duties only if Commissioner G.J. agreed to willingly step down, saying he thought Commissioner G.J. was doing a good job as the clerk-commissioner. Commissioner G.J. did not agree to step down.

Prior to the vote on the first resolution, the attorney who had succeeded the former town attorney since the time of the workshop meeting raised a Sunshine Law concern on the record. She stated, “I think that it has been brought to my attention that there may have been conversations on this item outside of the Sunshine. I am not saying whether that is so or not; but I think it is important, as we move forward with this item, that each commissioner affirm that their vote is based on the information presented to them today and the conversations taking place today, so please keep that in mind as you discuss and vote.”

She continued, “In order to make sure this vote, whatever it is, is legal and in the Sunshine, each of you, as you vote, need to affirm that you are basing your vote on conversations taking place today in the Sunshine with information provided in the Sunshine.” The Deputy Town Clerk asked each commissioner to make their affirmative statement and then asked for their vote. Each commissioner made such a statement. Commissioners G.C., Dieuville, and G.J. voted no on the item; and Mayor A.M. and Vice Mayor Clark voted yes.

Likewise, prior to the vote on the second resolution, the town attorney again asked the commissioners to make an affirmative statement that their votes were being made based on “conversations taking place today in the Sunshine.” The Deputy Town Clerk asked each commissioner to make their affirmative statement, and each of them did. She then asked for their vote. Commissioners G.C., Dieuville, and G.J. voted no on the item; and Mayor A.M. and Vice Mayor Clark voted yes.

### ***Dieuville’s Statements About the Private Meeting***

Commissioner Dieuville told the OIG that, in their private meeting in the town hall gym, Vice Mayor Clark reiterated many times that Commissioner G.J. needed to be removed as the commissioner responsible for the police department and stated, “We need to get him out; we need to remove him from those positions.” Commissioner Dieuville also told the OIG that he thought Vice Mayor Clark “was bringing it up to my attention” because he did not think the town should have someone with Commissioner G.J.’s background being the police liaison. He said he did not know Vice Mayor Clark was going to bring up the issue of removing Commissioner G.J. as the clerk-commissioner and police liaison at the September 23, 2020, meeting. “Again, I thought nothing of it. I thought maybe it was just information.” When the OIG asked whether Vice Mayor Clark had indicated during their conversation that this issue might come up at a

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: *PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW***  
***BY PRIVATELY MEETING ABOUT TOWN BUSINESS***

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future commission meeting, he responded, "Well he did not say that exactly, I drew that conclusion myself because it came up at the following meeting."

However, Commissioner Dieuveille also said something that revealed that he suspected, during the course of their conversation, that the issue would come before the commission. After telling the OIG that he "thought nothing of" the conversation, he went on to say, "I did not know whether it was Sunshine or not until I was getting the hint that he was saying it might be coming up at a meeting or a voting item and that he might want me, probably try to sway me to vote a certain way if it does come up."

Commissioner Dieuveille further told the OIG that, after what happened at the September 23, 2020, workshop meeting, "That's when I started to think, started to connect the dots, that you know what, maybe that's what the whole meeting was about, prior, because he knew that item was coming up or that he was going to bring it up." He said that he considered whether it was something he could get in trouble for and, if so, what he should do about it. He thought he needed to speak with someone about what had happened and sought to talk to the Building Department Assistant. He told the OIG the Building Department Assistant was shocked, went into a "panic attack," thought it was "absolutely" a Sunshine violation, and advised the commissioner to speak with the Deputy Town Clerk, which he did immediately. He also spoke with the Town Manager about the situation right after that and later met with the town attorney about it.

The OIG interviewed the Building Department Assistant, the Deputy Town Clerk, and the Town Manager about what Commissioner Dieuveille had told them about his meetings with Vice Mayor Clark and, with one exception, what he told them was consistent with what he told the OIG. The one exception is that he told the OIG that he was getting the "hint" but did not know Vice Mayor Clark was going to bring up the issue of removing Commissioner G.J. as the police- and clerk-commissioner and at the September 23rd meeting—but that is not what he told the Building Department Assistant, the Deputy Town Clerk, and the Town Manager.

According to the Building Department Assistant, Commissioner Dieuveille and she were talking about what had happened at the workshop meeting when he told her that Vice Mayor Clark earlier had privately told him that he had "to vote with him to remove Commissioner [G.J.]" and that Vice Mayor Clark was going to bring up the damaging information during the meeting. But, Commissioner Dieuveille did not specifically say what meeting he was referring to—the workshop meeting the next day, September 23, 2020, or some future meeting. Commissioner Dieuveille told the Deputy Town Clerk something very similar. According to the Deputy Town Clerk, Commissioner Dieuveille told her that Vice Mayor Clark told him that he had some documents that would hurt Commissioner G.J., that they needed to "get rid of him," and that they needed to make sure they all voted together to do so. Commissioner Dieuveille also told the Deputy Town Clerk that Vice Mayor Clark told him that "he was going to bring it forth at the meeting so that they could get rid of him." As in his conversation with the Building Department Assistant, Commissioner Dieuveille did not specifically state to which meeting he was referring. The Town Manager's account of what Commissioner Dieuveille told him about his September 22, 2020, meeting with Vice Mayor Clark was nearly identical to the accounts that the Building Department Assistant and the Deputy Town Clerk provided. The Town Manager told the OIG that he recalled Commissioner Dieuveille telling him that Vice Mayor Clark intended to bring up the issue the next day at the commission workshop meeting.

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW**  
**BY PRIVATELY MEETING ABOUT TOWN BUSINESS**

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With only slight variations, the Building Department Assistant, the Deputy Town Clerk, and the Town Manager each recalled Commissioner Dieuville telling them that Vice Mayor Clark asked him for his vote on removing Commissioner G.J.'s duties as the clerk-commissioner and police liaison and that he, Vice Mayor Clark, was going to bring the issue before the commission at a meeting. In the case of the Building Department Assistant and the Deputy Town Clerk, Commissioner Dieuville did not specify at which commission meeting he was going to raise the issue, but said he believed Vice Mayor Clark wanted to raise it with the commission in the foreseeable future.

We sought to interview Vice Mayor Clark to hear any explanation he might want to give, but he had not accepted the OIG's March 26, 2021, offer to interview by the time he resigned due to health concerns on September 22, 2021. On September 23, 2021, Mr. Clark's attorney informed us that Mr. Clark was unable to interview because of those health concerns.

***Clark Knowingly and Dieuville Unknowingly Violated the Sunshine Law***

The OIG investigated the allegation whether Vice Mayor Clark and Commissioner Dieuville met in private on September 22, 2020, in violation of the Sunshine Law.

That law requires all meetings between members of governing bodies of municipalities be held in public, reasonably noticed, and recorded through official minutes. Private meetings of two or more such members to discuss upcoming municipal business are forbidden by this law. Knowing violations of the Sunshine Law are criminal in nature, and unknowing violations are civil infractions.

Vice Mayor Clark had been subject to the Sunshine Law for over 29 years by the time he met with Commissioner Dieuville privately in the town hall gym. At the time of that meeting, he was also in his sixth year of undergoing annual training including the Sunshine Law. He was aware of the Sunshine Law requirement not to discuss upcoming commission business between commissioners and even suggested being overly cautious and not being seen talking with another commissioner off the dais at all.

According to Commissioner Dieuville, Vice Mayor Clark approached him in town hall and, alone in the gym on the second floor, spoke privately with him about removing Commissioner G.J. from his official town roles as clerk-commissioner and police liaison. The following day at a commission workshop meeting, Vice Mayor Clark raised the question of whether Commissioner G.J. should remain in those official roles, and he requested the town attorney to draft resolutions and arranged for a vote to be taken on the matter in a meeting the following month.

Commissioner Dieuville's voluntary statements to town staff soon after the September 23, 2020, workshop meeting were generally quite consistent and, notably, made against his own interest. Those voluntary statements corroborated what the commissioner later told us in his interviews with the OIG. Security video footage of town hall corroborated Commissioner Dieuville's claim that Vice Mayor Clark and he met on the days and at the times he stated and that the vice mayor held a packet of materials as they walked toward the elevators to go to the town hall gym on the second floor. For these reasons, the OIG concluded that Commissioner Dieuville was truthful in his statements to us that Vice Mayor Clark and he had the

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW**  
**BY PRIVATELY MEETING ABOUT TOWN BUSINESS**

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conversation as the commissioner described it, including that it was the vice mayor's idea to remove Commissioner G.J. from his special town roles.

We also found that Commissioner Dieuville had told others that Vice Mayor Clark said he needed to vote with him to remove Commissioner G.J. from his special town roles but then only told the OIG he got the "hint" that the vice mayor wanted to bring the issue before the commission. We did not find this inconsistency to mean that Commissioner Dieuville had reason to know the subject or purpose of the town hall gym conversation from its beginning. On the other hand, all the circumstances point to Vice Mayor Clark knowing the subject or purpose of the discussion prior to their conversation.

The OIG concluded that, from before the start of their private conversation in the town hall gym on September 22, 2020, Vice Mayor Clark knew the subject or purpose of their meeting and that he was going to bring the subject of their discussion before the town commission for action. We concluded that Commissioner Dieuville came to that realization before their private meeting concluded. By engaging in this discussion out of the Sunshine, Vice Mayor Clark committed a second degree misdemeanor, and Commissioner Dieuville committed a noncriminal infraction.

## **INTERVIEW SUMMARIES**

As a part of the investigation, OIG Special Agents conducted numerous witness interviews. As noted above, Vice Mayor Clark declined the OIG's offer to interview. Significant interviews are summarized below:

### ***1. Interviews of Reynold Dieuville***

Commissioner Dieuville was a first-time town commissioner for one and one-half years at the time of his first OIG interview [of October 2020].

Once on September 21, 2020, and a second time on September 22, 2020, Vice Mayor Clark talked to Commissioner Dieuville about an issue that shortly thereafter became an issue before the town commission.

Commissioner Dieuville often exercised in the gym located on the second floor of town hall, and after walking into the main entrance of the building on the night of September 21, 2020, he "bumped into" a surprised and excited Vice Mayor Clark. Vice Mayor Clark said he had something he wanted to talk about. Commissioner Dieuville told the vice mayor that he was going up to the gym. Vice Mayor Clark then said that he did not have with him certain information that he wanted Commissioner Dieuville to see and would need to go home to get it. Commissioner Dieuville told Vice Mayor Clark he would be in the gym for about an hour or hour and a half, and Vice Mayor Clark said he would go home to get the documents and return. However, a short time later, Vice Mayor Clark called and said he could not come back. After Commissioner Dieuville said he would be at the gym the following day around the same time, Vice Mayor Clark said he would meet him then.

**BROWARD OFFICE OF THE INSPECTOR GENERAL**

**FINAL REPORT RE: *PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW  
BY PRIVATELY MEETING ABOUT TOWN BUSINESS***

---

When Commissioner Dieuville arrived at town hall on September 22, 2020, Vice Mayor Clark was waiting for him in the lobby and had a brief case or file pouch with him. Vice Mayor Clark said he wanted to speak with him in the lobby, but Commissioner Dieuville asked if he would follow him up to the gym and talk with him while he was exercising. While up in the gym, Vice Mayor Clark took a file out of the pouch or what appeared to be a brown folder with papers or files in it. Once Commissioner Dieuville saw the documents, he recognized them because he had received the same documents—and he told Vice Mayor Clark this.

Commissioner Dieuville received the same documents in the mail about one to one and one-half weeks prior to this conversation. Commissioner Dieuville could not recall exactly what was in the documents, but they included old records from Commissioner G.J.'s past. The commissioner did not provide the information packet to the town attorney, any commissioner, or any town staff. He did not know who mailed out the documents. He could not locate them after receiving the OIG's letter of request, but he did provide an email with a photo of the envelope.

After showing Commissioner Dieuville the documents, Vice Mayor Clark said that, given this negative information about Commissioner G.J.'s past, the town could not have him as the commissioner responsible for the police department. Vice Mayor Clark reiterated many times that Commissioner G.J. needed to be removed as the police-commissioner responsible for the police department and stated, "We need to get him out; we need to remove him from those positions."

At the time of the September 22, 2020, meeting, Commissioner Dieuville thought that Vice Mayor Clark "was bringing it up to my attention because he did not want—he did not feel the town wanted a police-commissioner who had that sort of background. Again, I thought nothing of it. I thought maybe it was just information. I did not know whether it was Sunshine or not until I was getting the hint that he was saying it might be coming up at a meeting or a voting item and that he might want me, probably try to sway me to vote a certain way if it does come up."

Vice Mayor Clark did not indicate "exactly" that the issue of removing Commissioner G.J.'s clerk-commissioner and police liaison duties might come up at a future meeting. "I drew that conclusion myself because it came up at the following meeting." He would say that Vice Mayor Clark did not ask him for any support, cooperation, favorable discussion, or his potential vote, because at the time the vice mayor was talking to him at the gym, Commissioner Dieuville did not know the item was going to be brought up at a commissioner meeting. He did not recall Vice Mayor Clark saying he needed his vote.

After hearing what Vice Mayor Clark had to say about Commissioner G.J.'s past and the need to remove him from his duties as the clerk- and police-commissioner, Commissioner Dieuville "brushed it off." He recalled telling Vice Mayor Clark, "I thought [Commissioner G.J.] was doing a great job" and that removing him as the police-commissioner would not make much

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: *PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW***  
***BY PRIVATELY MEETING ABOUT TOWN BUSINESS***

---

difference since “he is still going to be a commissioner; he would still have access to the police department.”

But Vice Mayor Clark persisted and emphasized that residents would say the commission was incompetent for allowing someone with Commissioner G.J.’s background to be in the lead role over the police. “The way he carried on, even though I tried to brush it aside,” led Commissioner Dieuveille to think, in hindsight, that there was more behind what Vice Mayor Clark did on September 22, 2020, than just provide him with some information. He believed Vice Mayor Clark was trying to get his support to remove Commissioner G.J. from his roles as the police- and clerk-commissioner during their September 22, 2020, conversation, “because he was so adamant about it.”

The conversation in the gym lasted for approximately 40 minutes or over an hour. No one else was in the gym during their conversation.

Commissioner Dieuveille did not recall specific discussions during the September 23, 2020, workshop meeting, as it was “blurry,” and the meeting was a while back. He did not know Vice Mayor Clark was going to bring up the issue of removing Commissioner G.J. as the police- and clerk-commissioner at the September 23, 2020, meeting. Nor did he know anything about the “concerned resident” letter that Vice Mayor Clark read at the meeting, which the commissioner confirmed was from former commissioner E.S. After Vice Mayor Clark read the letter, “That’s when I started to think, started to connect the dots, that you know what, maybe that’s what the whole meeting was about, prior, because he knew that item was coming up or that he was going to bring it up.” It raised questions in his mind about the previous night’s conversation in the gym. “The synchronizations of the way it happened back to back, that’s a short period of time, everything fit in too perfectly.”

Even though he did not know Vice Mayor Clark’s motivation for bringing up the issue at the workshop meeting on September 23, 2020, the vice mayor and Commissioner G.J. “do not get along, that’s for sure.”

After the September 23, 2020, workshop meeting, Commissioner Dieuveille thought about what had taken place and asked himself if the conversation he had with Vice Mayor Clark constituted a Sunshine violation, and, if so, whether it was something he could get in trouble for and what should he do about it. Commissioner Dieuveille thought he needed to speak with someone about what had happened, and he sought out a trusted friend, the Building Department Assistant. Commissioner Dieuveille told her the story about Vice Mayor Clark and his conversation in the gym and what occurred at the workshop meeting the next day. She was shocked, went into a “panic attack,” thought it was “absolutely” a Sunshine violation, and advised the commissioner to speak with the Deputy Town Clerk. He immediately met the Deputy Town Clerk and discussed his concerns. Then he went upstairs to see the Town Manager to inform him of the situation, and the Town Manager had the same reaction as the Building Department Assistant and the Deputy Town Clerk. He later met with the town’s attorney about it.

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: *PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW***  
***BY PRIVATELY MEETING ABOUT TOWN BUSINESS***

---

Due to recent negative publicity about the town, Commissioner Dieuville told the Deputy Town Clerk she could report the incident, but he did not want to report it outside the town. The Deputy Town Clerk suggested that he report it to protect himself against Vice Mayor Clark.

On October 14, 2020, the commission meeting agenda listed the draft resolutions to remove Commissioner G.J. as the clerk-commissioner and police liaison. There was discussion on both items, and during the reading of the first one, Vice Mayor Clark advised the town attorney to insert Commissioner Dieuville's name as the new clerk-commissioner. Commissioner Dieuville did not know that Vice Mayor Clark was going to do that; he speculated that the vice mayor did this to get his (Commissioner Dieuville's) vote. The commissioner informed the commission that he would accept the clerk duties if Commissioner G.J. agreed to willingly step down, saying he thought Commissioner G.J. was doing a good job as the clerk-commissioner.

Before the vote, the new town attorney requested all the commissioners to make an affirmative statement that they were voting on the items based upon information they received on the dais that day. The item failed on a vote of three to two, with Commissioners Dieuville, G.J. and G.C. voting against, and Mayor A.M. and Vice Mayor Clark voting for. The second item was also voted down three to two, along the same way.

Commissioner Dieuville had taken two ethics and Sunshine Law training courses [by his interview in October 2020]. Both were four hours each. When he first took office, it was primarily Vice Mayor Clark who advised him not to be seen talking with other commissioners. It was Vice Mayor Clark who told Commissioners G.J., who was also a new commissioner, and Dieuville that they should not talk with each other, and he emphasized this rule to the point that Commissioner Dieuville was scared to even say hello to Commissioner G.J. In one example, if they were talking to each other about their kids, Vice Mayor Clark would come up and tell them they should not be talking and that it was about perception. In another example, if Vice Mayor Clark drove by and saw their cars in the parking lot at town hall, he would call Commissioner Dieuville and say, "Hey, what are you guys doing? Are you guys in the same building? That is unacceptable," and that they should not be doing that, as it might be a Sunshine violation.

Later he started realizing that commissioners could talk about things as long as they were not town-related that could be brought up on the agenda or brought up in the future.

On October 15, 2020, the day after the votes on the draft resolutions, Commissioner Dieuville was in the town hall parking lot talking to a staff member when Vice Mayor Clark walked by, greeted him, and asked, "What was up about this Sunshine violation thing?" The commissioner responded that he did not know and suggested that the vice mayor speak with the town attorney, as she was the one who had brought it up. There was no discussion; Vice Mayor Clark just made the comment as he walked by. They did not discuss it further. He had no communication or contact with Vice Mayor Clark on the subject since then.

## ***2. Interview of the Building Department Assistant***

The Building Department Assistant had been a town employee since January 2014. She handled all functions of the building department, including taking in permit applications, issuing permits and fees, closing permits, and creating department-related reports. She reported directly to the town's building official.

She talked with Commissioner Dieuville on September 24, 2020, at town hall, and commented to the commissioner that she thought the commission workshop meeting the night before was "crazy." Commissioner Dieuville responded by saying something like, "You think the meeting was crazy?" and started telling her about a conversation he had with Vice Mayor Clark in the town hall's second floor gym prior to the September 23<sup>rd</sup> commission workshop meeting.

Commissioner Dieuville told the Building Department Assistant that in the evening of September 21, 2020, he had bumped into Vice Mayor Clark in the lobby of town hall and that Vice Mayor Clark told him that he needed to talk with him and wanted to show him some documents. Vice Mayor Clark then asked Commissioner Dieuville if he would be working out the next day and Commissioner Dieuville said he would be.

The next evening Vice Mayor Clark came to the gym at town hall and met with him. Commissioner Dieuville told the Building Department Assistant that Vice Mayor Clark told him that "he had some damaging information on [Commissioner G.J.], and he has to vote with them." Vice Mayor Clark showed Commissioner Dieuville some papers he had in his hand and said they were going to use that information during the meeting. Vice Mayor Clark further told Commissioner Dieuville that he had "to vote with him to remove" Commissioner G.J. and that he was going to bring up the damaging information during the meeting. Commissioner Dieuville told the Building Department Assistant that he and Vice Mayor Clark were the only two people in the gym at the time of their conversation.

Commissioner Dieuville told her that Vice Mayor Clark had shown him some papers containing damaging information about Commissioner G.J. Although Commissioner Dieuville did not show the Building Department Assistant any papers, the commissioner's workshop meeting took place on September 23, 2020, and she spoke to Commissioner Dieuville on September 24, 2020, so it was easy for her to understand what documents he was referring to.

The Building Department Assistant understood that the documents that Vice Mayor Clark had would finish Commissioner G.J.'s political career and that "he would be removed out of his office, out of his position." The word "police" was not there, so it was about the position of town commissioner.

It was the Building Department Assistant's impression that Commissioner Dieuville was "very uncomfortable with what [Vice Mayor Clark] was telling him and suggesting him to do, and that he was very nervous." Commissioner Dieuville felt "that he had to vote with them." In her "personal opinion," Commissioner Dieuville was referring to Vice Mayor Clark and Mayor A.M.

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW**  
**BY PRIVATELY MEETING ABOUT TOWN BUSINESS**

---

Commissioner Dieuveille was also “puzzled” about a letter that Vice Mayor Clark brought up at the commission workshop on [September 23, 2020]. The vice mayor read a letter from a “concerned citizen” who had wanted to remove Commissioner G.J. because of his past. Vice Mayor Clark did not mention anything about the letter to Commissioner Dieuveille at their meetings in the gym on September 21 or September 22, 2020. He said he had never heard about this letter or how it came about, and this made him more nervous about what was going on.

With Commissioner Dieuveille’s consent, the Building Department Assistant called the Deputy Town Clerk to discuss the situation. She thought the Deputy Town Clerk would be a good person to speak to because she knew more about the Sunshine Law. The Deputy Town Clerk agreed to speak with Commissioner Dieuveille. The Building Department Assistant secured a room in the building department for the two to talk in private. She was not present when they did so. She heard that, afterward, they went up to the second floor to speak with the Town Manager.

The Building Department Assistant provided a written statement to the town regarding the conversation she had with Commissioner Dieuveille regarding this matter. She gave it to either the Deputy Town Clerk or the Town Manager. It basically summarized the same information as she was giving in her interview.

The Building Department Assistant virtually attended both the September 23, 2020, and October 14, 2020, commission meetings.

### ***3. Interview of the Deputy Town Clerk***

The Deputy Town Clerk had worked in municipal government positions for over 30 years, including seven years as an elected city commissioner. She had been a town employee since November 2019, initially hired as the interim deputy clerk as a consultant and then promoted to town clerk in November 2020. She was the records custodian for the town; oversaw and attended all town meetings and executive board meetings; and maintained the execution of meeting agendas, meeting minutes, resolutions, and ordinances. She was hired by the town commission and reported to the Town Manager.

She received a telephone call from the Building Department Assistant on September 24, 2020. The Building Department Assistant asked if she thought there was a possible Sunshine Law violation if two commissioners talked to each other. She told the Building Department Assistant that it would depend on what the two commissioners discussed and whether the discussion regarded an item that was to go before the commission. The Building Department Assistant informed the Deputy Town Clerk that she thought the conversation she was referring to did meet that criteria.

The Deputy Town Clerk then went to the building department and met alone with Commissioner Dieuveille. He told her that, on two separate occasions in September 2020 at town hall, Vice Mayor Clark had approached him. The Deputy Town Clerk said that Commissioner Dieuveille told her that on the second occasion, Vice Mayor Clark was waiting for him in the lobby of town

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: *PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW***  
***BY PRIVATELY MEETING ABOUT TOWN BUSINESS***

---

hall. Vice Mayor Clark and Commissioner Dieuveille then went up to the gym on the second floor. Commissioner Dieuveille told the Deputy Town Clerk that there were no other people in the gym at that time. While in the gym, Vice Mayor Clark told Commissioner Dieuveille that he had documents that would “hurt” Commissioner G.J., that they needed to “get rid of him,” and that they needed to make sure they all voted together to rid him of his titles but not as a commissioner. Vice Mayor Clark continued to speak with Commissioner Dieuveille and tried to influence him with additional information about Commissioner G.J.’s past.

Commissioner Dieuveille was “definitely” saying that Vice Mayor Clark said that Commissioner Dieuveille needed to vote a certain way or was trying to influence him. The commissioner had told her that Vice Mayor Clark told him, “He had all of this damaging information and he was going to bring it forth at the meeting so that they could get rid of him.” He needed Commissioner Dieuveille’s vote to remove him; he needed the commissioner to vote with him.

Commissioner Dieuveille told the Deputy Town Clerk that, during their meeting in the gym, Vice Mayor Clark had some papers with him regarding Commissioner G.J.’s past. The Deputy Town Clerk was aware of the documents Commissioner Dieuveille was referring to because in early September 2020, she, in her job as the town clerk, had also received a packet of documents concerning Commissioner G.J. Commissioner G.C. gave the Deputy Town Clerk those documents along with the postal envelope in which they came. Commissioner G.C. was upset because the address label indicated she was the sender when she was not. Commissioner Dieuveille did not provide the documents to the Deputy Town Clerk, but he did give her the postal envelope the documents came in. Vice Mayor Clark told the Deputy Town Clerk that he had received the same documents in the mail.

The Deputy Town Clerk was concerned for Commissioner Dieuveille since he was a relatively new commissioner and may not have been fully aware of the situation Vice Mayor Clark had put him in. She was concerned that a conversation with another commissioner could turn into “the opposite” for him, where a more tenured commissioner like Vice Mayor Clark could blame him for initiating the meeting. The Deputy Town Clerk told Commissioner Dieuveille that he should bring the issue forth since it was not his fault. Commissioner Dieuveille was hesitant but agreed to speak with the Town Manager.

Commissioner Dieuveille and the Deputy Town Clerk then went to speak with the Town Manager. The Deputy Town Clerk stayed in the meeting and heard Commissioner Dieuveille tell the Town Manager the same story he had just told her. After this meeting, they both thanked Commissioner Dieuveille for speaking with them and told him they would discuss the situation to determine the next step. Commissioner Dieuveille expressed that he hoped this issue would not go beyond the town.

The Deputy Town Clerk and the Building Department Assistant each provided a written statement to the town about their discussions with Commissioner Dieuveille regarding his conversation with Vice Mayor Clark.

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW**  
**BY PRIVATELY MEETING ABOUT TOWN BUSINESS**

---

The Deputy Town Clerk attended the September 23, 2020, commission workshop meeting and recalled that Vice Mayor Clark brought up the issue of removing Commissioner G.J. as the police- and clerk-commissioner. He said a citizen, former town commissioner E.S., had brought to his attention information that she thought Commissioner G.J. should be removed from his commissioner roles. This issue was not an agenda item. As a vote was needed to remove him, Vice Mayor Clark requested the town attorney to draft a resolution to remove Commissioner G.J. from those roles and to have the drafts ready for the next commission meeting.

As E.S. had not sent any letter directly to the town clerk, it was not a properly received town record when Vice Mayor Clark read it at the meeting. The Deputy Town Clerk thought that Vice Mayor Clark handled the reading and submission of the letter poorly and told him that he should have routed the letter through her as the town clerk, as a public record, so she could have read into the record properly at the meeting.

The Deputy Town Clerk attended the October 14, 2020, commission meeting. As Vice Mayor Clark had requested, the new town attorney had drafted resolutions to remove Commissioner G.J. as the clerk- and police-commissioner, and this was on the agenda. Public comments were made about the removal, with one of the residents showing the commission denigrating records about Commissioner G.J.'s past. Vice Mayor Clark requested Commissioner Dieuveille's name be added as the replacement clerk-commissioner, but Commissioner Dieuveille said he would serve as the clerk-commissioner only if Commissioner G.J. stepped down from the role, stating he thought that Commissioner G.J. was doing a good job.

The new town attorney made comments to the commission prior to the vote on the resolutions, saying that there may have been a Sunshine violation because there may have been conversations on the item outside of the Sunshine. Without saying whether there was such a violation, the town attorney thought it was important that each commission member make an affirmative statement that they were voting on the item based upon information and discussion that was presented at the meeting, and the Deputy Town Clerk confirmed that each had done so.

Commissioners G.C., Dieuveille, and G.J. voted against the resolutions.

The new town attorney was not the town attorney when the incident occurred. The Deputy Town Clerk and the Town Manager advised her of the incident shortly after she started at the town on October 1, 2020.

#### ***4. Interview of the Town Manager***

On September 24, 2020, while working in his office, Commissioner Dieuveille and the Deputy Town Clerk came to see him to discuss an incident that had happened between Commissioner Dieuveille and Vice Mayor Clark on the evening of September 22, 2020. Commissioner Dieuveille told him that Vice Mayor Clark had approached him in town hall while he was walking to the gym and told him that he needed to discuss an issue with him. Commissioner Dieuveille said that Vice Mayor Clark followed him up in the elevator and they went into the gym. When

they arrived in the gym, Vice Mayor Clark told Commissioner Dieuveille that he needed the commissioner's support on an issue he intended to bring up the next day during the September 23, 2020, commission workshop meeting.

Commissioner Dieuveille further told the Town Manager that Vice Mayor Clark asked him to support his argument to have the clerk- and police-commissioner duties removed from Commissioner G.J. According to the Town Manager, Vice Mayor Clark told Commissioner Dieuveille that he wanted to remove these duties from Commissioner G.J. because Vice Mayor Clark thought he was a "horrible person," he had no faith in him, and that he should not be overseeing those two departments. Commissioner Dieuveille also told the Town Manager that Vice Mayor Clark showed him some documents about Commissioner G.J.

Commissioner Dieuveille also told the Town Manager that he thought Vice Mayor Clark was out of line and may have committed a Sunshine Law violation for speaking to him about an issue that he wanted to bring before the commission the following day.

Commissioner Dieuveille told the Town Manager that he had previously advised the Deputy Town Clerk and the Building Department Assistant of the incident.

Vice Mayor Clark raised the Commissioner G.J. matter under the "additions, deletions, or withdrawals" section to the agenda of the September 23, 2020, commission workshop meeting. As the Town Manager recalled, Vice Mayor Clark brought the issue up as an additional agenda item, and he wanted to discuss it at the next commission meeting on October 14th. Vice Mayor Clark read a letter from "a concerned citizen" at the meeting; he also recorded the letter with the Deputy Town Clerk. Vice Mayor Clark spoke about how he did not think Commissioner G.J. should be the clerk- and police-commissioner and that he should be removed from his role as the commissioner over those two departments.

There was a recorded video showing Commissioner Dieuveille entering town hall and Vice Mayor Clark meeting him at the elevator on the evening of the incident. There were no video cameras in the gym.

### ***5. Interview of Commissioner G.C.***

Commissioner G.C. had been a town commissioner for over 14 years. She became the vice mayor a few months before her interview [in March 2021].

She received a packet of documents in the mail at her home regarding Commissioner G.J.'s past. She received the documents on September 9, 2020, and as soon as she opened the envelope and read the documents, she immediately went to town hall and showed them to the Deputy Town Clerk, who made copies of the original documents. Commissioner G.C. did not know who had mailed the documents. The Deputy Town Clerk told her that Commissioner Dieuveille also received the same documents.

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW**  
**BY PRIVATELY MEETING ABOUT TOWN BUSINESS**

---

Commissioner G.C. attended the September 23, 2020, workshop meeting but did not recall the specifics of the meeting. She said the discussion to remove Commissioner G.J. as the police- and clerk-commissioner was not a listed agenda item and that Vice Mayor Clark had brought the issue up “out of the blue” with a letter from a citizen who was identified as former commissioner E.S.

Commissioner G.C. attended the October 14, 2020, commission meeting but did not recall the specifics of the meeting. She did recall that members of the public spoke about it. She also recalled the new town attorney saying something about how she (the attorney) had heard there may have been a possible Sunshine violation and that the commissioners should make an affirmative statement that they were basing their vote on information and conversations that were taking place at the meeting.

**6. Interview of Commissioner G.J.**

Commissioner G.J. had been a town commissioner for approximately two years. He became the mayor a few months before his OIG interview [in March 2021].

Commissioner G.J. did not receive any documents in the mail regarding his past. He said he was aware that the former town attorney, Commissioner G.C., and Commissioner Dieuveille had received the documents in the mail. He did not know if Mayor A.M. or Vice Mayor Clark received the documents.

Commissioner G.J. attended the September 23, 2020 commission workshop meeting. During the meeting Vice Mayor Clark brought up the topic of removing him from his role as the town’s clerk- and police-commissioner. Vice Mayor Clark stated that he had received a letter from a “concerned citizen” who had requested that he read it at the meeting. Vice Mayor Clark then read the letter. The “concerned citizen” was identified as former commissioner E.S. Commissioner G.J. recalled that E.S.’s letter expressed her concerns with him being in his position based on information she had received about him, and that she believed he should be removed from his position.

Commissioner G.J. found it “pretty alarming” that one complaint letter could lead to his removal from his duties as the police- and clerk-commissioner. E.S. “wrote a letter, then [Vice Mayor Clark] wanted a vote to remove me from my position.”

Commissioner G.J. did not believe the issue of removing him from his role as the clerk- and police-commissioner was a listed item on the agenda. Vice Mayor Clark did try to get him removed, but at some point, the former town attorney advised the commission that a resolution and vote would be needed to remove him from his roles. No vote was taken that night, but Commissioner G.J. was pretty sure Vice Mayor Clark had requested that draft resolutions be prepared for the next commission meeting. He believed that Vice Mayor Clark provided the E.S. letter to the Deputy Town Clerk after the September 23, 2020, workshop meeting. He thought that the article that was discussed at the meeting was eventually provided to the Deputy Town Clerk.

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: *PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW***  
***BY PRIVATELY MEETING ABOUT TOWN BUSINESS***

---

Commissioner G.J. attended the October 14, 2020, meeting and recalled asking Vice Mayor Clark why he was bringing a resolution for his removal since the resident's letter had not asked for it. Several residents verbally attacked him based on records about his past. Commissioner G.J. was upset that the mayor allowed the attacks to continue.

Four members of the public, including the mayor's mother, attacked him at the meeting. He noted that the mayor and her mother came to the meeting with the same exact story and complaint as the others. "I know Clark is a huge Sunshine violator." He thought Vice Mayor Clark and Mayor A.M. were in communication with each other.

He also recalled that during the meeting Vice Mayor Clark had requested Commissioner Dieuville be named as his replacement for the clerk position. Commissioner G.J. did not think anything about Vice Mayor Clark proposing Commissioner Dieuville as his replacement and did not think Vice Mayor Clark and Commissioner Dieuville had conspired to remove him.

Commissioner G.J. recalled that the commission voted three to two to reject the resolutions, with Vice Mayor Clark and Mayor A.M. voting to remove him.

Prior to the vote on the resolutions, the new town attorney made a statement indicating that she had heard there may have been conversations regarding the resolutions that may have involved a Sunshine violation. The attorney requested each commissioner to make an affirmative statement saying that they were voting on the resolutions based upon information and discussion they had on the dais or something to that effect. Commissioner G.J. made an affirmative statement before he voted.

Vice Mayor Clark was the force behind requesting him being removed as the police- and clerk-commissioner. He believes that Vice Mayor Clark has "no clue" what the Sunshine Law really is, even though he has attended years of training. Vice Mayor Clark "either doesn't know it, or he doesn't care."

Sometime after the October 14th meeting, he became the mayor of the town. He has retained the title and role of police-commissioner. Commissioner Dieuville became the clerk- and fire-commissioner. Commissioner G.C. was the public works commissioner. Vice Mayor Clark no longer held a commissioner liaison role.

## **RESPONSES TO THE PRELIMINARY REPORT AND OIG COMMENT**

In accordance with Section 10.01 D.(2)(a) of the Charter of Broward County, preliminary copies of this report were provided to the Town of Pembroke Park and any implicated parties for their discretionary written responses. The OIG received responses from the Town of Pembroke Park and Howard Clark. These responses are attached and incorporated as Appendix A and Appendix B. We appreciate receiving these responses.

### ***1. Response of the Town of Pembroke Park***

The town's response takes no issue with the factual determinations or conclusions of the OIG report. It declares that it is committed to transparent governance, to following the Sunshine Law, and to taking "proactive measures" such as the ongoing education of officials and employees to ensure that Sunshine requirements are upheld.

### ***2. Response of Howard Clark***

In his response, Vice Mayor Clark denies that he ever spoke with Commissioner Dieuveille about removing Commissioner G.J. from his official roles. He also proffers that he did not know the issue would be coming up for commission action. He reflects, "It is unfortunate that, following his tenure with the Town, some officials and employees would attempt to cast doubt on him." Of course, the OIG collected all the reported evidence against Vice Mayor Clark before he resigned his seat in September 2021.

His response raises the existence of an updated agenda for the September 23, 2020, town commission workshop meeting, one that reflected that the commission discussed the letter from E.S., the "concerned citizen" who served her entire tenure as town commissioner from 1997 to 2018 with Vice Mayor Clark. E.S.'s letter, which Vice Mayor Clark read at the meeting, called for the commission to remove Commissioner G.J. from his official town roles. Vice Mayor Clark alleges the OIG did not provide the "*actual* agenda" (emphasis in original) and that OIG Exhibit 2 was a "purported agenda" for the September 23, 2020, commission workshop meeting. He asserts that E.S. sent her letter on the same day of the meeting. He writes, "The [E.S.] letter was noticed and attached in Section 5: Additions, Deletions or Withdrawals (Exhibit B) and a discussion of such can be heard in the video recording." As proof, Vice Mayor Clark provided his own Exhibit A, an agenda for the September 23, 2020, commission workshop meeting which included Item 5.1, "Letter from [E.S.]," with numbers 7-11, indicating the pages in the agenda packet where the letter could be found.

Vice Mayor Clark explains that his Exhibit A establishes that the E.S. letter did not arrive at the town until September 23, 2020, and therefore Vice Mayor Clark could not know that the subject of Commissioner G.J. was foreseeably coming before the commission for action.

But Vice Mayor Clark's Exhibit A did not exist at the time of the workshop meeting. The clerk's office did not receive the E.S. letter until September 24, 2020, and its records show that the agenda and backup was updated to incorporate the letter and discussion no earlier than October 6, 2020.

The fact is that, on September 23, 2020, Vice Mayor Clark alone had a copy of E.S.'s letter, which he read aloud at the meeting. The video recording of the meeting shows he told the commission he had an addition to the agenda and a letter he "was asked" to read. He also told the town clerk on the record that he would give her a copy of the letter, saying, "I'll turn over all

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW**  
**BY PRIVATELY MEETING ABOUT TOWN BUSINESS**

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this to you tomorrow.” Indeed, the clerk’s office received E.S.’s letter for the first time the next day, September 24, 2020.

We did not omit the existence of the letter, that witnesses to the meeting stated the issue came “out of the blue,” that Vice Mayor Clark read the letter into the record, or that he asked whether the commission could vote to remove Commissioner G.J. from his roles. To address the former vice mayor’s concern that we may have obscured the fact that he read E.S.’s letter into the record, we have clarified that fact within the Summary, Investigation, and Conclusion sections of this report.

In any event, as is well understood by elected officials who are required to undertake annual training on the Sunshine Law, the law did not require Vice Mayor Clark to have known that the subject of Commissioner G.J.’s background was on the workshop agenda. The law required only that the subject was one “on which foreseeable action will be taken.” *Sarasota Citizens for Responsible Government v. City of Sarasota*, 48 So. 3d 755, 764 (Fla. 2010).

We note that Vice Mayor Clark’s claimed ignorance that the matter was coming up for commission action is of consequence only if one believes that Vice Mayor Clark and Commissioner Dieuville did privately discuss removing Commissioner G.J. from his official town roles.

But Vice Mayor Clark denies that Commissioner Dieuville and he ever discussed Commissioner G.J.’s removal. He writes that, sometime prior to September 22, 2020, they met “outside of Town Hall in the Orchard,” where Commissioner Dieuville asked Vice Mayor Clark to deliver a copy of the article and related documents regarding Commissioner G.J. to him. According to Vice Mayor Clark, he did bring those copies to Commissioner Dieuville the following day (although he did not hand the copies over to Commissioner Dieuville at the time they met, which was on video), the “majority of the on-camera conversation” was about the former mayor, and they never discussed “any vote or official action” related to G.J.

This flawed version of events, which Vice Mayor Clark makes to the OIG for the first time despite our invitation to him to interview that remained open for six months, does not explain why Commissioner Dieuville would have exposed himself to town staff and the town manager and spoken out in a way that made him vulnerable to prosecution. Commissioner Dieuville’s voluntary statements within the town were consistent with what he told the OIG. Significantly, Commissioner Dieuville interviewed with the OIG and gave his credible account, corroborated by witnesses and documentary evidence, under oath.

## **CONCLUSION**

The OIG investigation substantiated the allegation that Vice Mayor Clark approached Commissioner Dieuville in town hall to have an unnoticed, one-on-one, private meeting about what to do about Commissioner G.J. and that, at a commission meeting the next day, Vice Mayor Clark, using a letter from a

**BROWARD OFFICE OF THE INSPECTOR GENERAL**  
**FINAL REPORT RE: *PEMBROKE PARK COMMISSIONERS VIOLATED FLORIDA'S SUNSHINE LAW***  
***BY PRIVATELY MEETING ABOUT TOWN BUSINESS***

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former commissioner, raised the question of whether to remove Commissioner G.J. from his roles as clerk-commissioner and police liaison and set the matter for a vote at the next regular commission meeting.

The OIG concluded that, from the start of their private conversation in the town hall gym on September 22, 2020, Vice Mayor Clark knew that he was going to bring the same subject before the town commission for action and that Commissioner Dieuville came to that realization before their private meeting concluded. By engaging in this discussion out of the Sunshine, both officials engaged in misconduct. Vice Mayor Clark committed a second degree misdemeanor, and Commissioner Dieuville committed a noncriminal infraction.

In a written response to the OIG's preliminary report, Vice Mayor Clark denied the OIG's findings with a version of events we decline to accept. In accordance with our charter mandate, we are referring this matter to the Broward State Attorney for whatever action that agency deems appropriate.

**OIG 20-010-M**

# **EXHIBIT 1**

RESOLUTION NO. 19-04-08

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA APPOINTING AND DESIGNATING A MAYOR, VICE-MAYOR, AND CLERK-COMMISSIONER OF THE TOWN OF PEMBROKE PARK, FLORIDA; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Florida Statutes and Charter of the Town of Pembroke Park, a General Election for the purpose of electing five (5) members of the Commission of the Town of Pembroke Park was held on March 12, 2019; and

WHEREAS, four (4) of the candidates for Town Commissioner did not draw an opponent, and they were elected without opposition, and the only contested election was for District 4 Commissioner; and

WHEREAS the results of the election for District 4 Commissioner have been canvassed by the Broward County Canvassing Board pursuant to law, and the Canvassing Board has certified the election of Reynold Dieuveille as District 4 Commissioner for Town of Pembroke Park; and

WHEREAS, said Broward County Canvassing Board has certified that the following individuals have been duly elected as members of the Commission of the Town of Pembroke Park, to wit:

District 1:	GEORGINA COHEN
District 2:	HOWARD P. CLARK, JR.
District 3:	GEOFFREY JACOBS
District 4:	REYNOLD DIEUVEILLE
District 5:	ASHIRA A. MOHAMMED

WHEREAS, said individuals have taken and subscribed to the Oath of Commissioner of the Town of Pembroke Park, in accordance with the provisions of the Florida Statutes and Charter of Town of Pembroke Park; and

WHEREAS, as a result of the foregoing, said individuals do now constitute the Commission of the Town of Pembroke Park, having been duly elected and qualified for said office; and

WHEREAS, Section 9, Charter of Town of Pembroke Park, provides that at the first regular meeting of the Commission following every election there shall be appointment by said Commission from its membership one individual to serve as Mayor, one individual to serve as Vice-Mayor, and one individual to serve as Clerk-Commissioner; and

WHEREAS, the first regular meeting of the Commission following the March 12, 2019 election is April 10, 2019, and said Commission desires to make the aforesaid appointments in accordance with the provisions of the Charter of the Town of Pembroke Park.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA:

Section 1: That Ashira A. Mohammed, be and she is hereby designated and appointed as Mayor of the Town of Pembroke Park, Florida.

Section 2: That Howard P. Clark, Jr., be and he is hereby designated and appointed as Vice-Mayor of the Town of Pembroke Park, Florida.

Section 3: That Geoffrey Jacobs, be and he is hereby designated and appointed as Clerk-Commissioner of the Town of Pembroke Park, Florida.

Section 4: That the designated and appointed Mayor, Vice-Mayor, and Clerk-Commissioner shall serve in their respective offices until their resignation, removal according to law, or their successor is duly designated and appointed by the Commission.

Section 5: That all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby superseded to the extent of such conflict.

Section 6: That this Resolution shall be in force and take effect immediately upon its passage and adoption.

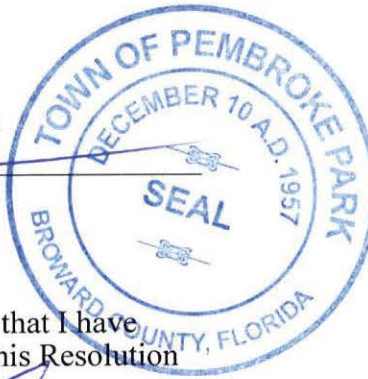
PASSED AND ADOPTED this 10<sup>th</sup> day of April, 2019.

ATTEST:

  
GEOFFREY JACOBS  
Clerk-Commissioner

I HEREBY CERTIFY that I have  
approved the form of this Resolution

  
CHRISTOPHER J. RYAN  
Town Attorney



  
ASHIRA A. MOHAMMED  
Mayor-Commissioner

Howard Clark  
Vice Mayor

**OIG 20-010-M**

# **EXHIBIT 2**



# Town of Pembroke Park

## Agenda

### WORKSHOP COMMISSION MEETING Wednesday, September 23, 2020 @ 6:00 PM VIRTUAL MEETING

Page

#### 1. VIRTUAL INSTRUCTIONS

**NOTICE IS HEREBY GIVEN** that the Town Commission of the Town of Pembroke Park, Florida, will hold a "Virtual" Workshop Commission Meeting utilizing communications media technology ("CMT"), in accordance with Governor Ron DeSantis' Executive Order No. 20-69, dated March 20, 2020, pertaining to conducting local government meetings while under the public health emergency related the spread of Novel Coronavirus Disease 2019 (COVID- 19)

#### **Workshop Commission Meeting**

**Wednesday, September 23, 2020 7:00 PM 6:00 - 11:00 PM**

You can dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

**Access Code:** 134-596-013

**Two hours** prior to the meeting you can submit a text or voicemail at (954) 707-9820.

Any member of the public wishing to comment publicly on any matter, including on items on the agenda, may submit their comments by email to the Deputy Town Clerk at [townclerk@tppfl.gov](mailto:townclerk@tppfl.gov).

All comments submitted by email that, if read orally, are three minutes or less shall be read into the record. All comments submitted by email shall be made a part of the public record. If any member of the public requires additional information about this Town Commission meeting or has any questions about how to submit a public comment at the meeting, please contact:

Marlen D. Martell, Deputy Town Clerk

Town of Pembroke Park

3150 SW 52 Avenue Pembroke Park, FL 33023

954-966-4600, ext: 235

#### 2. CALL TO ORDER

#### 3. PLEDGE OF ALLEGIANCE

#### 4. ROLL CALL

#### 5. ADDITIONS, DELETIONS OR WITHDRAWALS TO THE AGENDA

##### 5.1. ADDITION TO AGENDA - 2020-006 Police Department Ordinance

##### **ORDINANCE NO. 2020-006**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **RELATING TO CHAPTER 2, ADMINISTRATION; PROVIDING FOR ESTABLISHMENT OF POLICE**

7 - 10

**DEPARTMENT, POLICE CHIEF, POWERS AND DUTIES OF POLICE OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.**

[2020-006 Police Department](#)

6.	TOWN PLANNER	
6.1.	Fence Encroachment - Town Planner Miller <a href="#">MMiller encroachment</a> <a href="#">Planner 2757 Park Road Fence ROW Encroach</a>	11 - 35
7.	REPORTS OF COMMITTEES AND CITY STAFF	
7.1.	Broward Sherrif's Office - Captain Coker <a href="#">BSO Report</a>	36 - 39
8.	BUILDING AND CODE ENFORCEMENT DEPARTMENT	
8.1.	Proposed Building Department Fee Schedule for FY 20-21 - Interim Building Official Nunez <a href="#">Building Fees added</a>	40 - 45
8.2.	Building Department Report - Interim Building Official Nunez <a href="#">Building memo report</a> <a href="#">Building Monthly September Report</a>	46 - 51
8.3.	Building Platinum - Interim Building Official Nunez <a href="#">Building Platinum Permitting Program memo</a> <a href="#">Building Key Points of the Platinum Permitting Program for a Municipality</a> <a href="#">Building Platinum City Permitting Concierge Job Description</a> <a href="#">Building Platinum Permitting Concierges - 2262020</a> <a href="#">Building Platinum Permitting Resolution</a>	52 - 58
8.4.	Code Enforcement Report - Chief Code Enforcement Officer Louis <a href="#">Code Enforcement September 23 Report</a>	59 - 63
9.	FINANCE DEPARTMENT	
9.1.	Bills over \$500 - Assistant Finance Director Taubenfeld <a href="#">Finance Bills Over \$500 September23</a>	64
9.2.	Renewal for Adobe Acrobat 1 year License - IT Administrator Pakula <a href="#">Agenda Item Report - AIR-20-090 - Pdf</a> <a href="#">Quotation #0222747708 - Town Of Pembroke Park</a>	65 - 69
9.3.	Air conditioning for the server room - IT Administrator Pakula <a href="#">Agenda Item Report - AIR-20-095 - Pdf</a> <a href="#">Estimate 2765 - revised</a> <a href="#">estimate 10000000262</a> <a href="#">Town of Pembroke Park</a>	70 - 80
9.4.	Blue Beam software for the Building Department - IT Administrator Pakula <a href="#">Agenda Item Report - AIR-20-096 - Pdf</a>	81 - 86

10. HUMAN RESOURCES DEPARTMENT

- 10.1. Town Attorney Contract - Town Attorney Ryan 87 - 99  
**RESOLUTION NO. 2020-112**  
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **AUTHORIZING THE TOWN TO MAKE AND ENTER INTO THE EMPLOYMENT AGREEMENT FOR TOWN ATTORNEY WITH MELISSA P. ANDERSON**; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE SAID EMPLOYMENT AGREEMENT FOR AND ON BEHALF OF THE TOWN; PROVIDING FOR SEVERABILITY; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.  
[Town Attorney Agreement](#)  
[2020-112 Town Attorney Anderson](#)
- 10.2. Personnel Manual - Clerk Commissioner Jacobs, Human Resource Director Menegazzo 100 - 173  
[Personnel New LOGO employee handbook](#)
- 10.3. Organizational Chart - Vice Mayor Clark, HR Director Menegazzo 174 - 175  
[Organizational Chart Current and Proposed](#)
- 10.4. Succession Plan and Salary Adjustment for Michelle Grooms BTR and Billing Administrator Position - HR Director Menegazzo, Assistant Finance Director Taubenfeld 176  
[HR Grooms Salary Adjustment Memorandum](#)
- 10.5. Approval of increase in salary for Events Coordinator/Administrative Assistant to Commissioners Brown - Clerk Commissioner Jacobs, Commissioner Dieuveille 177 - 178  
[PSC Joy Brown](#)  
[REVISED Personnel Status Change Form Joy Brown](#)
- 10.6. Resolution for Interim Public Services Director Jacques - Vice Mayor Clark 179 - 180  
**RESOLUTION 2020-114**  
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **APPOINTING MYRIAM JACQUES AS INTERIM PUBLIC SERVICES DIRECTOR; PROVIDING FOR PUBLIC SERVICES DIRECTOR'S COMPENSATION**; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.  
[2020-114 Interim Public Services Director](#)
- 10.7. Approval of increase for Interim Public Services Director Jacques - Vice Mayor Clark, Town Manager Jimenez, HR Director Menegazzo 181  
[Personnel Action Form - Acting Public Services Director](#)
- 10.8. Approval to Attend Training to Obtain Stormwater Operator Certificate and MS4 Certification - Vice Mayor Clark, Interim Public Services Director Jacques 182 - 188  
[Agenda Item Report - AIR-20-093 - Pdf](#)  
[FSA Training Fees](#)  
[FSA Training Dates](#)  
[Level 2 Agenda](#)

11. PUBLIC SERVICE DEPARTMENT

11.1.	Awarded and Recommended Funding (or Grants) for Projects - Vice Mayor Clark, Interim Public Services Director Jacques <a href="#">Agenda Item Report - AIR-20-094 - Pdf</a> <a href="#">Awarded and Recommended Grants rev6</a>	189 - 195
11.2.	Monthly Status Report for Public Services Projects - Vice Mayor Clark, Interim Public Services Director Jacques <a href="#">Agenda Item Report - AIR-20-091 - Pdf</a> <a href="#">Monthly Project Status Report 202009</a>	196 - 200
11.3.	3520 WHBB Sewer Improvements - Vice Mayor Clark, Interim Public Services Director Jacques <a href="#">Agenda Item Report - AIR-20-092 - Pdf</a> <a href="#">3520 WHBB Sewer</a>	201 - 203
11.4.	Renovations for Public Services and Commissioner Offices' - Vice Mayor Clark, Interim Public Services Director Jacques <a href="#">Agenda Item Report - AIR-20-079 - Pdf</a> <a href="#">PS renovation</a> <a href="#">PS 2 Floor</a> <a href="#">PS 3rd Floor REVISED</a>	204 - 207
12.	TOWN BUSINESS	
12.1.	Special Election Details - Vice Mayor Clark, Town Attorney Ryan, Deputy Town Clerk Martell <a href="#">Special Election</a>	208 - 209
12.2.	Update of Projects - Vice Mayor Clark, Interim Public Services Director Jacques Agro-Eco - Hands on Broward <a href="#">Newsletter The Food Forest vs the Food Desert Vol I final edits</a>	210 - 214
12.3.	Florida League of Cities - Land Use and Economic Development Committee - Vice Mayor Clark Annexation <a href="#">FLC</a> <a href="#">FLC_001</a>	215 - 219
12.4.	Konoinia Church - Legal opinion Broward County traffic ways right-of-way - Vice Mayor Clark, Town Attorney Ryan	
12.5.	Public Storage - Sign Variance - Vice Mayor Clark, Interim Public Services Director Jacques, Town Attorney Ryan <a href="#">Sign Variance Approval Public Storage 202009</a>	220 - 233
12.6.	Issuing Credit Cards - Vice Mayor Clark, Town Manager Jimenez, Assistant Finance Director Taubenfeld <a href="#">Agenda Item Report - AIR-20-078 - Pdf</a>	234
12.7.	Ole Wingo Report - Vice Mayor Clark	
12.8.	Furniture for Mayor's Office - Clerk Commissioner Jacobs	
12.9.	Broward Sheriff Office Outstanding Invoices - Clerk Commissioner Jacobs,	235 - 238

- 12.10. Code of Conduct Resolution - Mayor Mohammed, Town Attorney Ryan 239 - 246

**RESOLUTION NO. 2020-090**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **ADOPTING A CODE OF CONDUCT FOR ELECTED AND APPOINTED TOWN OFFICIALS**; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

[2020-090 Code of Conduct Civility](#)

13. ORDINANCES

- 13.1. Town Attorney Ordinance - Town Attorney Ryan 247 - 264

**ORDINANCE NO. 2020-008A**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, RELATING TO CHAPTER 2, ADMINISTRATION; **PROVIDING FOR THE ESTABLISHMENT OF THE OFFICE OF TOWN ATTORNEY, APPOINTMENT, QUALIFICATIONS, COMPENSATION AND DUTIES AND RESPONSIBILITIES OF THE TOWN ATTORNEY**; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

**ORDINANCE NO. 2020-008B**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, RELATING TO CHAPTER 2, ADMINISTRATION; **PROVIDING FOR THE ESTABLISHMENT OF THE OFFICE OF TOWN ATTORNEY, APPOINTMENT, QUALIFICATIONS AND COMPENSATION; PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE TOWN ATTORNEY**; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

[Attorney Ordinance](#)

[2020-008 Town Attorney option A](#)

[2020-008 Town Attorney option B](#)

- 13.2. Amending the Emergency Powers Ordinance - Mayor Mohammed, Town Attorney Ryan 265 - 281

**ORDINANCE NO. 2020-007**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA RELATING TO CHAPTER 2, ADMINISTRATION; AMENDING ARTICLE IV, EMERGENCY MANAGEMENT; PROVIDING FOR DELETION OF SECTIONS 2-101 THROUGH 2-106; PROVIDING FOR NEW SECTIONS ENTITLED INTENT AND OBJECTIVES, DECLARATION OF STATE OF EMERGENCY BASED UPON SUBSTANTIAL HARM, DECLARATION OF STATE OF EMERGENCY BASED UPON CIVIL UNREST, NOTICE, DISCRETIONARY EMERGENCY MEASURES OF THE TOWN MANAGER, CLEARING OF DEBRIS FROM PRIVATE STREETS, ROADS, AND ROADWAYS, AND OTHER PRIVATE PROPERTY AFTER A DECLARED EMERGENCY OR DISASTER, PENALTY, AND IMMUNITY;

PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

[2020-007 REVISED Emergency Order 9 01 2020](#)

14. ANNOUNCEMENTS

Hands on Broward every Saturday from 1 to 5 PM at the Community Garden

15. ADJOURNMENT

IN ACCORDANCE WITH THE PROVISIONS OF F.S. SECTION 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ANY PERSON REQUIRING AUXILIARY AIDS AND SERVICES AT THIS MEETING MAY CALL THE TOWN CLERKS OFFICE AT 954-966-4600 AT LEAST TWO CALENDAR DAYS PRIOR TO THE MEETING. IF YOU ARE HEARING OR SPEECH IMPAIRED PLEASE CONTACT THE FLORIDA RELAY SERVICES BY USING THE FOLLOWING NUMBERS: 1-800-955-8770 (VOICE) OR 1-800-955-8771 (TDD)

DECORUM - ALL COMMENTS MUST BE ADDRESSED TO THE COMMISSION AS A BODY AND NOT TO INDIVIDUALS. ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS, OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION, SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION IS GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR IN OPPOSITION TO A SPEAKER OR HIS/HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBERS. PLEASE MUTE OR TURN OFF YOUR CELL PHONE OR PAGER AT THE START OF THE MEETING. FAILURE TO DO SO MAY RESULT IN BEING BARRED FROM THE MEETING. PERSONS EXITING THE CHAMBER SHALL DO SO QUIETLY.

**OIG 20-010-M**

# **EXHIBIT 3**



# Town of Pembroke Park

## Agenda

**REGULAR COMMISSION MEETING**  
**Wednesday, October 14, 2020 @ 7:00 PM**  
**Virtual Regular Commission Meeting**

Page

1. VIRTUAL INSTRUCTIONS

**NOTICE IS HEREBY GIVEN** that the Town Commission of the Town of Pembroke Park, Florida, will hold a "Virtual" Regular Commission Meeting utilizing communications media technology ("CMT"), in accordance with Governor Ron DeSantis' Executive Order No. 20-69, dated March 20, 2020, pertaining to conducting local government meetings while under the public health emergency related the spread of Novel Coronavirus Disease 2019 (COVID- 19).

**Virtual Regular Commission Meeting**  
**Wednesday, October 14, 2020 7:00 PM - 10:00 PM**

**You can dial in using your phone.**

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

**Access Code:** 676-358-085

**Two hours prior to the meeting you can submit a text or voicemail at (954) 707-9820**

Any member of the public wishing to comment publicly on any matter, including on items on the agenda, may submit their comments by email to the Deputy Town Clerk at [townclerk@tppfl.gov](mailto:townclerk@tppfl.gov). All comments submitted by email that, if read orally, are three minutes or less shall be read into the record. All comments submitted by email shall be made a part of the public record. If any member of the public requires additional information about this Town Commission meeting or has any questions about how to submit a public comment at the meeting, please contact:

Marlen D. Martell, Deputy Town Clerk  
Town of Pembroke Park  
3150 SW 52 Avenue  
Pembroke Park, FL 33023  
954-966-4600, ext: 235

2. CALL TO ORDER

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. ADDITIONS, DELETIONS OR WITHDRAWALS TO THE AGENDA

6. PUBLIC COMMENTS RELATED TO AGENDA ITEMS / GOOD & WELFARE

7. CONSENT AGENDA

7.1	APPROVAL OF MINUTES - Clerk Commissioner Jacobs, Deputy Town Clerk Martell 08 26 2020 Special Commission Meeting 08 27 2020 Executive Special Meeting 09 09 2020 Regular (1) (2) 09 16 2020 Budget Hearing 09 16 2020 Special Commission Meeting Grant 09 29 2020 Budget Hearing Meeting	10 - 49
7.2	Fence Encroachment - Town Planner Miller <b>RESOLUTION NO. 2020-117</b> A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, <b>AUTHORIZING THE TOWN TO MAKE AND ENTER INTO A LICENSE AGREEMENT WITH 2757 S PARK LLC, A FLORIDA LIMITED LIABILITY COMPANY;</b> AUTHORIZING AND DIRECTING THE MAYOR AND APPROPRIATE TOWN OFFICIALS TO EXECUTE AND DELIVER SAID AGREEMENT FOR AND ON BEHALF OF THE TOWN; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. 2020-117 Fence Encroachment 2757 South Park 2020-117 Agreement MMiller encroachment Planner 2757 Park Road Fence ROW Encroach	50 - 85
7.3	Building Platinum - Interim Building Official Nunez <b>RESOLUTION NO. 2020-093</b> A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, <b>AUTHORIZING THE TOWN BUILDING DEPARTMENT TO PARTICIPATE IN THE ALLIANCE PLANTINUM PERMITTING PROGRAM;</b> AUTHORIZING CHIEF BUILDING OFFICIAL MIGUEL A. NUÑEZ TO DESIGNATE TOWN CONCIERGES FOR THE PROGRAM; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. 2020-093 Alliance Platinum Permitting Program Building Platinum Permitting Program memo Building Key Points of the Platinum Permitting Program for a Municipality Building Platinum City Permitting Concierge Job Description Building Platinum Permitting Concierges - 2262020 Building Platinum Permitting Resolution	86 - 94
7.4	Bills Over \$500 - Assistant Finance Director Taubenfeld Agenda Item Report - AIR-20-102 - Pdf Finance REVISED Bills \$500 October14th2020	95 - 96
7.5	Fiscal Year End Bank Balances - Assistant Finance Director Taubenfeld Agenda Item Report - AIR-20-103 - Pdf Finance Bank Balances - Oct 14th Meeting	97 - 98
7.6	Revenue & Expense Summary as of 9-30-2020 - Assistant Finance Director Taubenfeld Agenda Item Report - AIR-20-105 - Pdf Finance REVISED Sept- 2020 Revenue Expenditures	99 - 114

7.7	Employee Leave Report - Assistant Finance Director Taubenfeld Agenda Item Report - AIR-20-104 - Pdf Finance Leave Report - October 14th Meeting	115 - 126
7.8	Health Reimbursement Account - Assistant Finance Director Taubenfeld Agenda Item Report - AIR-20-101 - Pdf	127
7.9	Proposed Building Department Fee Schedule for FY 20-21 - Interim Building Official Nunez <b>RESOLUTION NO. 2020-115</b> A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, <b>ESTABLISHING A SCHEDULE OF BUILDING PERMIT AND PROCESSING FEES FOR THE TOWN OF PEMBROKE PARK BUILDING DEPARTMENT;</b> PROVIDING FOR SEVERABILITY; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. Building Fees added 2020-115 Building Permit and Processing Fees REVISED	128 - 135
7.10	Renewal for Adobe Acrobat 1 year License - IT Administrator Pakula Agenda Item Report - AIR-20-090 - Pdf Quotation #0222747708 - Town Of Pembroke Park	136 - 140
7.11	Air conditioning for the server room - IT Administrator Pakula Agenda Item Report - AIR-20-095 - Pdf Estimate 2765 - revised estimate_10000000262 Town of Pembroke Park	141 - 151
7.12	Blue Beam software for the Building Department - IT Administrator Pakula Agenda Item Report - AIR-20-096 - Pdf	152 - 157
8.	<b>NEW BUSINESS</b>	
8.1	Removal of Clerk Commissioner Jacobs duties as Clerk Commissioner - Vice Mayor Clark <b>RESOLUTION NO. 2020-119</b> A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA <b>REMOVING COMMISSIONER JACOBS AS CLERK-COMMISSIONER AND APPOINTING _____AS CLERK- COMMISSIONER OF THE TOWN OF PEMBROKE PARK, FLORIDA;</b> SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. 2020-119 Clerk Commissioner Duties	158 - 159

8.2	Removal of Clerk Commissioner Jacobs duties as Police Liaison - Vice Mayor Clark <b>RESOLUTION NO. 2020-120</b> A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA <b>REMOVING COMMISSIONER JACOBS AS POLICE-LIAISON AND APPOINTING _____ AS POLICE-LIAISON</b> OF THE TOWN OF PEMBROKE PARK, FLORIDA; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. 2020-120 Police liaison	160
8.3	Redistribution of all Commissioners' Duties - Clerk Commissioner Jacobs Resolution No. 19-04-08 Commissioner Designation Resolution No. 19-04-09 Acting Clerk Commissioner Resolution No. 19-04-10 Signatures Reference for Clerk Commissioner Jacobs	161 - 169
8.4	Special Election Details - Vice Mayor Clark, Town Attorney Anderson, Deputy Town Clerk Martell Special Election Special Election cost	170 - 173
8.5	Succession Plan and Salary Adjustment for Michelle Grooms BTR and Billing Administrator Position - HR Director Menegazzo, Assistant Finance Director Taubenfeld Michelle Grooms - Salary Adjustment Memorandum Michelle Grooms Personnel Action Form	174 - 175
8.6	Resolution for Interim Public Services Director Jacques and approval of salary increase - Vice Mayor Clark, Town Manager Jimenez, HR Director Menegazzo <b>RESOLUTION 2020-114</b> A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, <b>APPOINTING MYRIAM JACQUES AS INTERIM PUBLIC SERVICES DIRECTOR; PROVIDING FOR PUBLIC SERVICES DIRECTOR'S COMPENSATION;</b> SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. 2020-114 REVISED Personnel Action Form - Interim Public Services Director	176 - 178
8.7	Resolution designating Harry Taubenfeld as the Interim Finance Director and retroactive pay - Town Manager Jimenez, HR Director Menegazzo <b>RESOLUTION NO. 2020-124</b> A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, <b>AUTHORIZING BACK PAY FOR ASSISTANT BUDGET AND FINANCE DIRECTOR HARRY TAUBENFELD;</b> SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. 2020-124 Interim Finance Director	179 - 180

- 8.8 COMMUNITY DEVELOPMENT & FINANCIAL SOFTWARE - IT Administrator 181 - 244  
Pakula and Assistant Finance Director Taubenfeld

**RESOLUTION NO. 2020-121**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **AUTHORIZING THE TOWN TO MAKE AND ENTER INTO AN AGREEMENT WITH DUDE SOLUTIONS, INC. FOR THE PURCHASE OF COMMUNITY DEVELOPMENT AND FINANCIAL SOFTWARE AT A COST OF \$99,167.40 FOR THE FIRST TERM;** AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND DELIVER SAID AGREEMENT FOR AND ON BEHALF OF THE TOWN; SUPERSEDING CONFLICTING RESOLUTIONS, AND PROVIDING AN EFFECTIVE DATE.

**RESOLUTION NO. 2020-126**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **AUTHORIZING THE TOWN TO MAKE AND ENTER INTO AN AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR FINANCIAL ACCOUNTING SOFTWARE;** AUTHORIZING THE MAYOR AND APPROPRIATE TOWN OFFICIALS TO EXECUTE AND DELIVER SAID AGREEMENT FOR AND ON BEHALF OF TOWN; PROVIDING FOR SEVERABILITY; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

Agenda Item Report - AIR-20-106 - Pdf

IT Software Proposal

IT Dude Solutions Contract

2020-121 Dude Revised

2020-126 Tyler Software

- 8.9 Foster & Foster - Town Manager Jimenez, Assistant Finance Director 245 - 250  
Taubenfeld

**RESOLUTION NO. 2020-122**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **AUTHORIZING THE TOWN TO MAKE AND ENTER INTO AN AGREEMENT WITH FOSTER AND FOSTER, INC. FOR ACTUARIAL SERVICES AT A COST OF \$3,040 FOR FISCAL YEAR 2020 AND \$1850 FOR FISCAL YEAR 2021;** AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND DELIVER SAID AGREEMENT FOR AND ON BEHALF OF THE TOWN; SUPERSEDING CONFLICTING RESOLUTIONS, AND PROVIDING AN EFFECTIVE DATE.

Agenda Item Report - AIR-20-110 - Pdf

Finance Foster & Foster AMM OPEB Contract FY 2020 FY 2021

2020-122 Foster & Foster

8.10	Waste Management Contract Renewal - Town Manager Jimenez <b>RESOLUTION NO. 2020-118</b> A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, <b>AUTHORIZING THE TOWN TO MAKE AND ENTER INTO THE THIRD AMENDMENT TO EXCLUSIVE FRANCHISE AGREEMENT BETWEEN TOWN OF PEMBROKE PARK AND WASTE MANAGEMENT INC. OF FLORIDA FOR FURNISHING SOLID WASTE COLLECTION SERVICES;</b> AUTHORIZING THE MAYOR AND APPROPRIATE TOWN OFFICIALS TO EXECUTE AND DELIVER SAID THIRD AMENDMENT FOR AND ON BEHALF OF THE TOWN; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. Waste Management MEMO Ryan 2020-118 Waste Management 2020-118 EXHIBIT Agreement WASTE MANAGEMENT CPI-Disposal October 2020 Waste Management ORIGINAL agreement	251 - 288
8.11	Public Storage - Sign Variance - Vice Mayor Clark, Interim Public Services Director Jacques, Town Attorney Anderson Sign Variance Approval Public Storage 202009	289 - 302
8.12	FDOT Condemnation - Vice Mayor Clark, Interim Public Services Director Jacques PS FDOT Condemnation PS FDOT Condemnation Concept plans	303 - 311
8.13	Furniture for Mayor and Town Attorney Office - Clerk Commissioner Jacobs Furniture Town of Pembroke Pines_Law May_Lay out A B Furniture Layout	312 - 324
8.14	Renovation of Administrative Assistant/Events Coordinator's Office - Clerk Commissioner Jacobs and Administrative Assistant Brown	
9.	OLD BUSINESS	
9.1	Renovations for Public Services - Vice Mayor Clark, Interim Public Services Director Jacques PS 2nd Floor Final	325 - 326
9.2	Personnel Manual - Clerk Commissioner Jacobs, Human Resource Director Menegazzo <b>RESOLUTION NO. 2020-123</b> A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, <b>APPROVING AND ADOPTING THE TOWN OF PEMBROKE PERSONNEL MANUAL;</b> SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. REVISED EmployeeHandbook Final 2020-123 Personnel Manual	327 - 402

9.3	Organizational Chart - Vice Mayor Clark, HR Director Menegazzo <b>RESOLUTION NO. 2020-125</b> A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, <b>APPROVING AND ADOPTING THE TOWN OF PEMBROKE PARK NEW ORGANIZATIONAL CHART</b> ; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. Organizational Chart Current and Proposed 2020-125 Organizational Chart	403 - 406
9.4	Broward Sheriff Office Outstanding Invoices from Fiscal Year 2018/2019 - Clerk Commissioner Jacobs, Assistant Finance Director Taubenfeld Finance BSO Law Enforcement FY18-19	407 - 437
9.5	Plante Moran - Outstanding Invoice from 2018 - Clerk Commissioner Jacobs, Assistant Finance Director Taubenfeld Agenda Item Report - AIR-20-088 - Pdf Plante Moran Outstanding Invoice	438 - 448
9.6	Building Department - Surplus Corrective Action Needed - Interim Building Official Nunez, Assistant Finance Director Taubenfeld Agenda Item Report - AIR-20-071 - Pdf Building Surplus Revised	449 - 456
9.7	52nd Avenue Budget Increase - Vice Mayor Clark, Interim Public Services Director Jacques PS SW52nd Ave Repair	457 - 468
10.	RESOLUTIONS	
10.1	Code of Conduct Resolution - Mayor Mohammed, Town Attorney Anderson <b>RESOLUTION NO. 2020-090</b> A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, <b>ADOPTING A CODE OF CONDUCT FOR ELECTED AND APPOINTED TOWN OFFICIALS</b> ; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. 2020-090 REVISED 10 14 2020	469 - 476
11.	ORDINANCES - 1ST READING	
11.1	Town Attorney Ordinance - Town Attorney Anderson <b>ORDINANCE NO. 2020-008</b> AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, RELATING TO CHAPTER 2, ADMINISTRATION; <b>PROVIDING FOR THE ESTABLISHMENT OF THE OFFICE OF TOWN ATTORNEY, APPOINTMENT, QUALIFICATIONS AND COMPENSATION; PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE TOWN ATTORNEY</b> ; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE. Attorney Ordinance 2020-008 Town Attorney option B	477 - 491

- 11.2 Amending the Emergency Powers Ordinance - Mayor Mohammed, Town Attorney Anderson 492 - 508  
**ORDINANCE NO. 2020-007**  
 AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA RELATING TO CHAPTER 2, ADMINISTRATION; AMENDING ARTICLE IV, EMERGENCY MANAGEMENT; PROVIDING FOR DELETION OF SECTIONS 2-101 THROUGH 2-106; PROVIDING FOR NEW SECTIONS ENTITLED INTENT AND OBJECTIVES, DECLARATION OF STATE OF EMERGENCY BASED UPON SUBSTANTIAL HARM, DECLARATION OF STATE OF EMERGENCY BASED UPON CIVIL UNREST, NOTICE, DISCRETIONARY EMERGENCY MEASURES OF THE TOWN MANAGER, CLEARING OF DEBRIS FROM PRIVATE STREETS, ROADS, AND ROADWAYS, AND OTHER PRIVATE PROPERTY AFTER A DECLARED EMERGENCY OR DISASTER, PENALTY, AND IMMUNITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.  
 2020-007 REVISED Emergency Order 9 01 2020
12. ORDINANCES - 2ND READING
- 12.1 **SECOND READING** 509 - 512  
**2020-006 Police Department Ordinance-** Clerk Commissioner Jacobs, Town Attorney Anderson  
**ORDINANCE NO. 2020-006**  
 AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **RELATING TO CHAPTER 2, ADMINISTRATION; PROVIDING FOR ESTABLISHMENT OF POLICE DEPARTMENT, POLICE CHIEF, POWERS AND DUTIES OF POLICE OFFICERS;** PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.  
 2020-006 Police Department
13. DISCUSSION/UPDATES
- 13.1 Tallahassee in November and Broward Days in March - Clerk Commissioner Jacobs and Administrative Assistant Brown 513  
 Broward Days 1
- 13.2 Turkey Giveaway Update - Clerk Commissioner Jacobs and Administrative Assistant Brown 514  
 Turkey Giveaway Flyer
- 13.3 Update of Projects - Vice Mayor Clark, Interim Public Services Director 515 - 520  
 Jacques  
 Agro-Eco - Hands on Broward  
 Food Forest vs the Food Desert Vol I final edits  
 PS Awarded and Recommended Grants
- 13.4 SW 30th Avenue Property Flooding issue from property owner Mike Mears - Vice Mayor Clark

13.5 Sewer Master Plan - Vice Mayor Clark and Interim Public Services Director Jacques

13.6 Stormwater Master Plan - Vice Mayor Clark and Interim Public Services Director Jacques

14. TOWN ATTORNEY REPORT

15. TOWN MANAGER REPORT

16. COMMISSION REPORTS

17. ANNOUNCEMENTS

October 28, 2020 - Workshop Commission Meeting at 6:00 PM

November 10, 2020 - Regular Commission Meeting at 7:00 PM

18. ADJOURNMENT

IN ACCORDANCE WITH THE PROVISIONS OF F.S. SECTION 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ANY PERSON REQUIRING AUXILIARY AIDS AND SERVICES AT THIS MEETING MAY CALL THE TOWN CLERKS OFFICE AT 954-966-4600 AT LEAST TWO CALENDAR DAYS PRIOR TO THE MEETING. IF YOU ARE HEARING OR SPEECH IMPAIRED PLEASE CONTACT THE FLORIDA RELAY SERVICES BY USING THE FOLLOWING NUMBERS: 1-800-955-8770 (VOICE) OR 1-800-955-8771 (TDD)

DECORUM - ALL COMMENTS MUST BE ADDRESSED TO THE COMMISSION AS A BODY AND NOT TO INDIVIDUALS. ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS, OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION, SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION IS GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR IN OPPOSITION TO A SPEAKER OR HIS/HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBERS. PLEASE MUTE OR TURN OFF YOUR CELL PHONE OR PAGER AT THE START OF THE MEETING. FAILURE TO DO SO MAY RESULT IN BEING BARRED FROM THE MEETING. PERSONS EXITING THE CHAMBER SHALL DO SO QUIETLY.

**OIG 20-010-M**

# **EXHIBIT 4**

## RESOLUTION NO. 2020-119

A RESOLUTION OF THE TOWN COMMISSION  
OF THE TOWN OF PEMBROKE PARK, FLORIDA  
REMOVING COMMISSIONER JACOBS AS  
CLERK-COMMISSIONER AND APPOINTING  
\_\_\_\_\_ AS CLERK-COMMISSIONER OF THE  
TOWN OF PEMBROKE PARK, FLORIDA;  
SUPERSEDING CONFLICTING RESOLUTIONS  
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Commission of the Town of Pembroke Park previously designated Commissioner Jacobs as Clerk-Commissioner; and

WHEREAS, the Commission deems it appropriate to remove the Commissioner Jacobs from his position as Clerk-Commissioner and appoint Commissioner \_\_\_\_ as Clerk-Commissioner.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION  
OF THE TOWN OF PEMBROKE PARK, FLORIDA:

Section 1: That Commissioner Jacobs shall no longer serve as Clerk-Commissioner.

Section 2: That Commissioner \_\_\_\_\_ shall henceforth serve as Clerk-Commissioner.

Section 3: That all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby superseded to the extent of such conflict.

Section 4: That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 14th day of October, 2020.

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_

GEOFFREY JACOBS  
MOHAMMED  
Clerk-Commissioner

ASHIRA A.  
Mayor-Commissioner

I HEREBY CERTIFY that I have  
approved the form of this Resolution

\_\_\_\_\_

MELISSA ANDERSON

Town Attorney

**OIG 20-010-M**

# **EXHIBIT 5**

## RESOLUTION NO. 2020-120

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA REMOVING COMMISSIONER JACOBS AS POLICE-LIAISON AND APPOINTING \_\_\_\_\_ AS POLICE-LIAISON OF THE TOWN OF PEMBROKE PARK, FLORIDA; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Commission of the Town of Pembroke Park previously designated Commissioner Jacobs as Police-Liaison; and

WHEREAS, the Commission deems it appropriate to remove the Commissioner Jacobs from his position as Police-Liaison and appoint Commissioner \_\_\_\_ as Police-Liaison.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA:

Section 1: That Commissioner Jacobs shall no longer serve as Police-Liaison.

Section 2: That Commissioner \_\_\_\_\_ shall henceforth serve as Police-Liaison.

Section 3: That all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby superseded to the extent of such conflict.

Section 4: That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 14<sup>th</sup> day of October, 2020.

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_  
GEOFFREY JACOBS  
MOHAMMED  
Clerk-Commissioner

ASHIRA A.  
Mayor-Commissioner

I HEREBY CERTIFY that I have  
approved the form of this Resolution

\_\_\_\_\_

MELISSA ANDERSON  
Town Attorney

**OIG 20-010-M**

# **APPENDIX A**



November 12, 2021

John W. Scott, Inspector General  
Broward Office of the Inspector  
GeneralOne North University Drive,  
Suite 111 Plantation, FL 33324

Re: Town of Pembroke Park  
Response to Office of Inspector  
General Report Dated 10/13/21  
OIG File: 20-010-M

Dear Inspector General Scott:

The Town of Pembroke Park (the "Town") has reviewed the above referenced preliminary report prepared by the Office of the Inspector General ("OIG") regarding the investigation of former Pembroke Park Commissioner Howard Clark (the "Report"), and appreciates the opportunity to respond. This response is submitted pursuant to Section 10.01(D)(2)(a) of the Charter of Broward County. Please note that this response is submitted solely on behalf of the Town.

The Town has at all times, now and in the past, has taken stringent measures to ensure that Town staff and elected officials comply with Florida's open meeting laws ("Government in the Sunshine"). The Town would like to emphasize that Town takes proactive measures in enforcing Government in the Sunshine regulations, both state and local. Such measures include the on-going education of the Town's staff and elected officials in regard to Government in the Sunshine requirements.

The Town of Pembroke Park realizes the vital importance of Florida's Government in the Sunshine laws in ensuring transparent governance and is committed to enforcing such regulations here in the Town.

If you need any additional information, please do not hesitate to contact me.

Sincerely,

J.C. Jimenez  
Town Manager

**OIG 20-010-M**

# **APPENDIX B**

LAW OFFICES

LARRY S. DAVIS, P.A.

1926 HARRISON STREET  
HOLLYWOOD, FLORIDA 33020

TELEPHONE (954) 927-4249  
TELEFAX (954) 927-1653

Carol "Jodie" Breece  
Counsel, Broward Office of the Inspector General  
1 North University Drive, Suite 111  
Plantation, Florida 33324

November 8, 2021

Re: Former Vice Mayor Howard Clark; OIG 20-010-M.

*via e-mail: InspectorGeneral@Broward.org*

Dear Ms. Breece,

Please allow this letter to serve as a response to the Broward Office of the Inspector General's (OIG) Preliminary Report (the Report) dated October 13, 2021. Based upon our review, any allegation that Vice Mayor Clark knowingly violated Florida's Sunshine Law cannot be substantiated by competent, truthful evidence.

The most glaring issue in the OIG's Report is Exhibit 2, the purported agenda for the September 23, 2020 workshop meeting at issue. Pursuant to the Sunshine Law, the Town of Pembroke Park archives recordings of its meetings and agendas, among other things. There is a *material* difference between Exhibit 2 and what was on the *actual* agenda which reflects what occurred at the workshop meeting. (Exhibit A) Namely, on the same day of the meeting, Emma Shoaff, a longtime citizen and former Commissioner, sent a letter to the Commission detailing concerns with Commissioner Jacobs and requesting the Commission remove him from his official capacities; attaching a *Phoenix New Times* article. The Shoaff letter was noticed and attached in *Section 5: Additions, Deletions or Withdrawals* (Exhibit B) and a discussion of such can be heard in the video recording.

Following a formal addition to the agenda and a reading of the Shoaff letter into the record, Former Vice Mayor Clark asked the Town Attorney if the action requested was something that the

Commission could do, and explained that he felt it was his duty based on the community's concern. The Town Attorney stated that such an action would be within the Commission's authority.

Regardless, the Report's conclusion is based on Commissioner Dieuveille's account of a conversation with Vice Mayor Clark, and the accounts of others with whom Commissioner Dieuveille spoke. The Report maintains that Commissioner Dieuveille "did not become aware of the unlawful nature of the private meeting [which occurred the day *before* the workshop meeting] until after it was under way" and that "he only realized that the vice mayor wanted to bring the subject of the discussion to the commission for a vote after the private conversation started." These presumptions are both inaccurate.

It is most unfortunate that the video footage from Town Hall does not have audio, as the true substance of the conversation cannot be heard. Commissioner Dieuveille failed to disclose a material fact to the OIG about why the two met in the first place. Prior to September 22, 2020, Commissioner Dieuveille approached Vice Mayor Clark outside of Town Hall in the Orchard where Mr. Clark was working, and asked him whether he had received the article and related documents regarding Commissioner Jacobs. When Vice Mayor Clark acknowledged that he had, Commissioner Dieuveille told Vice Mayor Clark that he had turned his over to the Town and would appreciate if Vice Mayor Clark could provide him a copy.

On September 22, 2020, Vice Mayor Clark brought the documents to Commissioner Dieuveille, as requested. Commissioner Dieuveille failed to relay to the OIG that the majority of the on-camera conversation with Vice Mayor Clark was about Former Mayor Ashira Mohammed. In fact, the OIG had released its report on Mayor Mohammed the very same week. During this conversation, Commissioner Dieuveille aired his grievances about Mayor Mohammed and accused Clark of knowing about her alleged misconduct given his position as Vice Mayor. There was *never* a discussion of any vote or official action related to Commissioner Jacobs and, without Commissioner Dieuveille's request for the documents, Mr. Clark would never have provided them to him.

Commissioner Dieuville told the OIG that he did not “know anything about the ‘concerned resident’ letter that Vice Mayor Clark read at the meeting.” The Town had not received the letter until the *date of the workshop meeting* itself. Prior to the receipt of the Shoaff letter, Commissioner Jacobs’ official duties were not a matter on which the Commission was to take foreseeable action. The Shoaff letter requested the Commission take the *exact* action that Vice Mayor Clark later proposed. The OIG never considered this letter as Vice Mayor Clark’s motivation for his request to take official action. Instead, it was briefly raised and dismissed in the OIG’s Investigation and Report, and excluded from its Exhibits.

Any belief that Vice Mayor Clark considered taking official action on this issue, prior to receipt of the Shoaff letter, and had a private conversation with Commissioner Dieuville, knowingly violating the Sunshine Law is nothing more than conjecture. Former Vice Mayor Clark was appointed to the Town Commission in November 1990 and elected Commissioner in March 1991. For nearly thirty years, Mr. Clark has been cognizant of the Sunshine Law and has never taken any action or had any conversations that would be violative of its spirit or intent. It is unfortunate that, following his tenure with the Town, some officials and employees would attempt to cast doubt on him. Former Vice Mayor Clark remains honest, transparent, and proud of the progress the Town has made in the decades he has served on its Commission.

We respectfully request the OIG take no further action in this matter as Mr. Clark *never* knowingly violated the Sunshine Law. Thank you for your time and attention.

Sincerely,



Larry S. Davis

# EXHIBIT A



# Town of Pembroke Park

## Agenda

### WORKSHOP COMMISSION MEETING Wednesday, September 23, 2020 @ 6:00 PM VIRTUAL MEETING

Page

#### 1. VIRTUAL INSTRUCTIONS

**NOTICE IS HEREBY GIVEN** that the Town Commission of the Town of Pembroke Park, Florida, will hold a "Virtual" Workshop Commission Meeting utilizing communications media technology ("CMT"), in accordance with Governor Ron DeSantis' Executive Order No. 20-69, dated March 20, 2020, pertaining to conducting local government meetings while under the public health emergency related the spread of Novel Coronavirus Disease 2019 (COVID- 19)

#### **Workshop Commission Meeting**

**Wednesday, September 23, 2020 7:00 PM 6:00 - 11:00 PM**

You can dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

**Access Code:** 134-596-013

**Two hours** prior to the meeting you can submit a text or voicemail at (954) 707-9820.

Any member of the public wishing to comment publicly on any matter, including on items on the agenda, may submit their comments by email to the Deputy Town Clerk at [townclerk@tppfl.gov](mailto:townclerk@tppfl.gov).

All comments submitted by email that, if read orally, are three minutes or less shall be read into the record. All comments submitted by email shall be made a part of the public record. If any member of the public requires additional information about this Town Commission meeting or has any questions about how to submit a public comment at the meeting, please contact:

Marlen D. Martell, Deputy Town Clerk

Town of Pembroke Park

3150 SW 52 Avenue Pembroke Park, FL 33023

954-966-4600, ext: 235

#### 2. CALL TO ORDER

#### 3. PLEDGE OF ALLEGIANCE

#### 4. ROLL CALL

#### 5. ADDITIONS, DELETIONS OR WITHDRAWALS TO THE AGENDA

5.1. Letter from Emma Shoaff  
Emma Shoaff

7 - 11

5.2. 2020-006 Police Department Ordinance  
**ORDINANCE NO. 2020-006**

12 - 15

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF  
PEMBROKE PARK, FLORIDA, **RELATING TO CHAPTER 2,  
ADMINISTRATION; PROVIDING FOR ESTABLISHMENT OF POLICE  
DEPARTMENT, POLICE CHIEF, POWERS AND DUTIES OF POLICE  
OFFICERS;** PROVIDING FOR SEVERABILITY; PROVIDING FOR  
INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING  
CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN  
EFFECTIVE DATE.

2020-006 Police Department

6.	TOWN PLANNER	
6.1.	Fence Encroachment - Town Planner Miller MMiller encroachment Planner 2757 Park Road Fence ROW Encroach	16 - 40
7.	REPORTS OF COMMITTEES AND CITY STAFF	
7.1.	Broward Sherrif's Office - Captain Coker BSO Report	41 - 44
8.	BUILDING AND CODE ENFORCEMENT DEPARTMENT	
8.1.	Proposed Building Department Fee Schedule for FY 20-21 - Interim Building Official Nunez Building Fees added	45 - 50
8.2.	Building Department Report - Interim Building Official Nunez Building memo report Building Monthly September Report	51 - 56
8.3.	Building Platinum - Interim Building Official Nunez Building Platinum Permitting Program memo Building Key Points of the Platinum Permitting Program for a Municipality Building Platinum City Permitting Concierge Job Description Building Platinum Permitting Concierges - 2262020 Building Platinum Permitting Resolution	57 - 63
8.4.	Code Enforcement Report - Chief Code Enforcement Officer Louis Code Enforcement September 23 Report	64 - 68
9.	FINANCE DEPARTMENT	
9.1.	Bills over \$500 - Assistant Finance Director Taubenfeld Finance Bills Over \$500 September23	69
9.2.	Renewal for Adobe Acrobat 1 year License - IT Administrator Pakula Agenda Item Report - AIR-20-090 - Pdf Quotation #0222747708 - Town Of Pembroke Park	70 - 74
9.3.	Air conditioning for the server room - IT Administrator Pakula Agenda Item Report - AIR-20-095 - Pdf Estimate 2765 - revised estimate_10000000262 Town of Pembroke Park	75 - 85

- 9.4. Blue Beam software for the Building Department 86 - 91

The Town purchase Bluebeam software from Taradigm.  
Agenda Item Report - AIR-20-096 - Pdf

10. HUMAN RESOURCES DEPARTMENT

- 10.1. Town Attorney Contract - Town Attorney Ryan 92 - 104

**RESOLUTION NO. 2020-112**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **AUTHORIZING THE TOWN TO MAKE AND ENTER INTO THE EMPLOYMENT AGREEMENT FOR TOWN ATTORNEY WITH MELISSA P. ANDERSON**; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE SAID EMPLOYMENT AGREEMENT FOR AND ON BEHALF OF THE TOWN; PROVIDING FOR SEVERABILITY; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Agreement  
2020-112 Town Attorney Anderson

- 10.2. Personnel Manual - Clerk Commissioner Jacobs, Human Resource Director Menegazzo 105 - 178

Personnel New LOGO employee handbook

- 10.3. Organizational Chart - Vice Mayor Clark, HR Director Menegazzo 179 - 180  
Organizational Chart Current and Proposed

- 10.4. Succession Plan and Salary Adjustment for Michelle Grooms BTR and Billing Administrator Position - HR Director Menegazzo, Assistant Finance Director Taubenfeld 181  
HR Grooms Salary Adjustment Memorandum

- 10.5. Approval of increase in salary for Events Coordinator/Administrative Assistant to Commissioners Brown - Clerk Commissioner Jacobs, Commissioner Dieuville 182 - 183  
PSC Joy Brown  
REVISED Personnel Status Change Form Joy Brown

- 10.6. Resolution for Interim Public Services Director Jacques - Vice Mayor Clark 184 - 185  
**RESOLUTION 2020-114**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **APPOINTING MYRIAM JACQUES AS INTERIM PUBLIC SERVICES DIRECTOR; PROVIDING FOR PUBLIC SERVICES DIRECTOR'S COMPENSATION**; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

2020-114 Interim Public Services Director

- 10.7. Approval of increase for Interim Public Services Director Jacques - Vice Mayor Clark, Town Manager Jimenez, HR Director Menegazzo 186  
Personnel Action Form - Interim Public Services Director

- 10.8. Approval to Attend Training to Obtain Stormwater Operator Certificate and MS4 Certification - Vice Mayor Clark, Interim Public Services Director Jacques 187 - 193  
Agenda Item Report - AIR-20-093 - Pdf

FSA Training Fees  
FSA Training Dates  
Level 2 Agenda

11. PUBLIC SERVICE DEPARTMENT

- |       |  |           |
|-------|--|-----------|
| 11.1. | Awarded and Recommended Funding (or Grants) for Projects - Vice Mayor Clark, Interim Public Services Director Jacques<br>Agenda Item Report - AIR-20-094 - Pdf<br>Awarded and Recommended Grants rev6                  | 194 - 200 |
| 11.2. | Monthly Status Report for Public Services Projects - Vice Mayor Clark, Interim Public Services Director Jacques<br>Agenda Item Report - AIR-20-091 - Pdf<br>Monthly Project Status Report 202009                       | 201 - 205 |
| 11.3. | 3520 WHBB Sewer Improvements - Vice Mayor Clark, Interim Public Services Director Jacques<br>Agenda Item Report - AIR-20-092 - Pdf<br>3520 WHBB Sewer  | 206 - 208 |
| 11.4. | Renovations for Public Services and Commissioner Offices' - Vice Mayor Clark, Interim Public Services Director Jacques<br>Agenda Item Report - AIR-20-079 - Pdf<br>PS renovation<br>PS 2 Floor<br>PS 3rd Floor REVISED | 209 - 212 |

12. TOWN BUSINESS

- |       |   |           |
|-------|---|-----------|
| 12.1. | Special Election Details - Vice Mayor Clark, Town Attorney Ryan, Deputy Town Clerk Martell<br>Special Election  | 213 - 214 |
| 12.2. | Update of Projects - Vice Mayor Clark, Interim Public Services Director Jacques<br>Agro-Eco - Hands on Broward<br>Newsletter The Food Forest vs the Food Desert Vol I final edits | 215 - 219 |
| 12.3. | Florida League of Cities - Land Use and Economic Development Committee - Vice Mayor Clark<br>Annexation<br>FLC<br>FLC_001   | 220 - 224 |
| 12.4. | Konoinia Church - Legal opinion Broward County traffic ways right-of-way - Vice Mayor Clark, Town Attorney Ryan   |           |
| 12.5. | Public Storage - Sign Variance - Vice Mayor Clark, Interim Public Services Director Jacques, Town Attorney Ryan<br>Sign Variance Approval Public Storage 202009                   | 225 - 238 |
| 12.6. | Issuing Credit Cards - Vice Mayor Clark, Town Manager Jimenez, Assistant Finance Director Taubenfeld<br>Agenda Item Report - AIR-20-078 - Pdf                                     | 239       |

- 12.7. Ole Wingo Report - Vice Mayor Clark
- 12.8. Furniture for Mayor's Office - Clerk Commissioner Jacobs
- 12.9. Broward Sheriff Office Outstanding Invoices - Clerk Commissioner Jacobs, Assistant Finance Director Taubenfeld 240 - 243  
 Agenda Item Report - AIR-20-089 - Pdf  
 BSO Article 10 26 2013
- 12.10. Code of Conduct Resolution - Mayor Mohammed, Town Attorney Ryan 244 - 251  
**RESOLUTION NO. 2020-090**  
 A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **ADOPTING A CODE OF CONDUCT FOR ELECTED AND APPOINTED TOWN OFFICIALS;** SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.  
 2020-090 Code of Conduct Civility Option A
13. ORDINANCES
- 13.1. Town Attorney Ordinance - Town Attorney Ryan 252 - 269  
**ORDINANCE NO. 2020-008A**  
 AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, RELATING TO CHAPTER 2, ADMINISTRATION;**PROVIDING FOR THE ESTABLISHMENT OF THE OFFICE OF TOWN ATTORNEY, APPOINTMENT, QUALIFICATIONS, COMPENSATION AND DUTIES AND RESPONSIBILITIES OF THE TOWN ATTORNEY;**PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.  
**ORDINANCE NO. 2020-008B**  
 AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, RELATING TO CHAPTER 2, ADMINISTRATION; **PROVIDING FOR THE ESTABLISHMENT OF THE OFFICE OF TOWN ATTORNEY, APPOINTMENT, QUALIFICATIONS AND COMPENSATION; PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE TOWN ATTORNEY;** PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.  
 Attorney Ordinance  
 2020-008 Town Attorney option A  
 2020-008 Town Attorney option B
- 13.2. Amending the Emergency Powers Ordinance - Mayor Mohammed, Town Attorney Ryan 270 - 286  
**ORDINANCE NO. 2020-007**  
 AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA RELATING TO CHAPTER 2, ADMINISTRATION; AMENDING ARTICLE IV, EMERGENCY MANAGEMENT; PROVIDING FOR DELETION OF SECTIONS 2-101 THROUGH 2-106; PROVIDING FOR NEW SECTIONS ENTITLED INTENT AND OBJECTIVES, DECLARATION OF STATE OF EMERGENCY BASED UPON SUBSTANTIAL HARM, DECLARATION OF STATE OF EMERGENCY BASED UPON CIVIL

UNREST, NOTICE, DISCRETIONARY EMERGENCY MEASURES OF THE TOWN MANAGER, CLEARING OF DEBRIS FROM PRIVATE STREETS, ROADS, AND ROADWAYS, AND OTHER PRIVATE PROPERTY AFTER A DECLARED EMERGENCY OR DISASTER, PENALTY, AND IMMUNITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

2020-007 REVISED Emergency Order

14. ANNOUNCEMENTS

15. ADJOURNMENT

IN ACCORDANCE WITH THE PROVISIONS OF F.S. SECTION 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ANY PERSON REQUIRING AUXILIARY AIDS AND SERVICES AT THIS MEETING MAY CALL THE TOWN CLERKS OFFICE AT 954-966-4600 AT LEAST TWO CALENDAR DAYS PRIOR TO THE MEETING. IF YOU ARE HEARING OR SPEECH IMPAIRED PLEASE CONTACT THE FLORIDA RELAY SERVICES BY USING THE FOLLOWING NUMBERS: 1-800-955-8770 (VOICE) OR 1-800-955-8771 (TDD)

DECORUM - ALL COMMENTS MUST BE ADDRESSED TO THE COMMISSION AS A BODY AND NOT TO INDIVIDUALS. ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS, OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION, SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION IS GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR IN OPPOSITION TO A SPEAKER OR HIS/HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBERS. PLEASE MUTE OR TURN OFF YOUR CELL PHONE OR PAGER AT THE START OF THE MEETING. FAILURE TO DO SO MAY RESULT IN BEING BARRED FROM THE MEETING. PERSONS EXITING THE CHAMBER SHALL DO SO QUIETLY.

# **EXHIBIT B**

**Emma Shoaff**  
506 5th St. Green Acres  
Plantation, Fl. 33322  
Pembroke Park Fl. 33009

September 23, 2020

To: Town of Pembroke Park Mayor and Commissioners.

Dear Madam Mayor and Commissioners:

Please read this letter of concern into the public records.

Due to my health issues, I am unable to convey my concerns personally.  
I do however, request that they be brought forward to all town commissioners, as well as the town attorney, and be addressed formally.

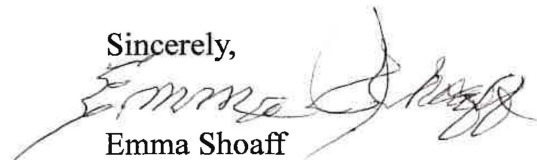
I am a concerned citizen, long time resident, and retired commissioner of Pembroke Park.

Based on information circulating in the town regarding commissioner Geoffrey Jacobs background and records, it is my personal opinion that he should not be serving as police commissioner, clerk commissioner, or a Pembroke Park commissioner.

It is also my personal opinion, that the town should remove him from his title and position as police commissioner, and title and position as clerk commissioner.

Thank you for addressing this matter.

Sincerely,

  
Emma Shoaff

Town of Pembroke Park  
Clerk's Office  
SEP 24 2020  
Received

# PHOENIX New Times

## Geoffrey Jacobs, Fired From DPS After Scandal With Director's Daughter, Running for JP

RAY STERN | OCTOBER 15, 2014 | 6:30AM

An ex-state trooper who was fired in 2009 after a rocky affair with the state Department of Public Safety director's daughter is running for Maricopa County Justice of the Peace.

Candidate Geoffrey Jacobs is seeking the position in the northwest Valley's Hassayampa district court, one of 26 county Justice Courts. But he has some serious obstacles to overcome: He's a Democrat running in a Republican-leaning district. He's running against two competitors for the November 4 election, a Republican and a Libertarian.

And he's got baggage -- lots of it.

### See also:

-

*DPS Pilot Fired After Bitter Ex-Lover Complains to Daddy -- Now the Agency's Director*

-

*DPS Director Wins Soap-Opera Case Versus Ex-DPS Officer Geoff Jacobs*

Ironically, as a former motorcycle cop, patrolman and DPS pilot, Jacobs is in some ways more qualified for the JP job than either of his two opponents.

**Town of Pembroke Park  
Clerk's Office**

**SEP 24 2020**

**Received**

But his qualifications, unfortunately for him, aren't necessarily the most interesting -- or the most important -- things for voters to know about Jacobs as a political candidate.

As covered in a 2010

*New Times*

feature article, "The Hot Mess at the DPS," Jacobs was at the center of an infamous scandal that included tales -- made public after Jacobs sued the DPS in federal court -- of rough sex, allegations of rape, and wild cop parties. An investigation into the allegations against Jacobs, though of questionable origin and scope, confirmed at least one instance of Jacobs being dishonest.

Jacobs dated Ami Halliday in late 2008, about three months before her father, Robert, would be named the DPS director by Governor Jan Brewer. When his daughter came home with bruises on her arm and leg one day, Bobby Halliday, (then still retired after serving 35 years with the agency), began his own investigation, taking pictures of the marks and complaining to the internal affairs department of his former workplace rather than calling Glendale police.

Ami Halliday later told investigators that she and Jacobs had an unusually rough physical relationship. He would sometimes hurt her while they had sex, but in a way that kept her coming back to him. They "would always play and just smack each other," a report stated. She accused him of videotaping their sex acts without her consent, posting nude pictures of her online, and also said Jacobs' roommate had once pointed a gun at her. After their bitter breakup, stories began swirling around DPS about bizarre, sexually charged behavior related to Jacobs. In one incident, for example, a passed-out woman at Jacobs' home was allegedly sexually assaulted by Jacobs' stud bulldog. In other gossip, Jacobs reportedly used a DPS airplane to locate and circle around the home of an ex-girlfriend, who was a fellow DPS officer.

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None of the criminal allegations tied to Jacobs directly or indirectly were supported by enough evidence to warrant prosecution, Glendale police found. Then DPS looked into Jacobs' computer hard drives -- illegally, he maintains -- and found other concerns.

Among other things, investigators discovered that Jacobs had submitted a bogus obituary to Hawaiian Airlines about his DPS ex-girlfriend so he could transfer her nonrefundable airline ticket to a new girlfriend.

Jacobs sued in federal court over the atypically intense investigation of him, which he claimed violated his rights. He alleged the probe had been conducted with a heavy hand because Halliday, who became DPS director in January of 2009, had taken sides in a complex, adult relationship.

The sordid details unveiled in the investigation of the allegations against Jacobs were made public due to the lawsuit, resulting in articles in this newspaper, the *Arizona Republic* and elsewhere.

In March of 2011, a judge dismissed the suit, saying Jacobs had never proved or even alleged that Halliday -- a private person when he launched the complaint against Jacobs -- had held a meeting with other DPS officials with the intent of targeting the trooper.

Jacobs admits he shouldn't have tried to obtain the airline ticket that way, but says he did it only upon the advice of an airline representative who was trying to help him.

"I'm human, just like anyone else," Jacobs says in an interview this week. "The punishment I went through was ridiculous. (DPS) violated my civil rights in investigating me."

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The scandal hurt Jacobs' reputation at DPS and with potential employers, he says. He was unemployed for more than three years. He hasn't been able to land another job as a pilot. But he's found a strong source of good in his life at this point: This year he got married to a woman with a young son he's helping to raise, and they own a limo business together.

Being a justice of the peace is "not super rocket-science," Jacobs says, insisting he's well-qualified for the position. Under state law, JPs don't need a law degree -- they just need to reside in their district, be a registered voter and understand English.

Jacobs claims he can be impartial with DPS cases that will come before him if he's elected.

With his history, though, it's clear that would be another challenge for him as an elected judge.

Jacobs is running against Republican Miles Keegan, the current elected constable in the Hassayampa district (and son of retired JP John Keegan), and Fred Scotty, a Libertarian who's studying criminal justice at Phoenix College. Scotty's using Jacobs' past in his campaign, revealing that he was fired from DPS and raising questions about Jacobs' trustworthiness. (Jacobs' campaign website, interestingly, says nothing about why he left DPS.)

**Got a tip? Send it to:** Ray Stern.

**Follow Valley Fever on Twitter at @ValleyFeverPHX. Follow Ray Stern on Twitter at @RayStern.**

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