

**Comments to the Hallandale Beach Charter Review Committee on December 19<sup>th</sup>, 2019.**

**Submitted to the City Clerk's Office on December 16<sup>th</sup>, 2019**

**by Vice Mayor Sabrina Javellana**

First, thank you sincerely for your time and dedication in serving on the Charter Review Committee. It is no easy task to research in depth and recommend amendments to any document as important and what stands as our City's constitution. Secondly, thank you for inviting me to speak before the CRC and provide my input on changes I believe would be beneficial to our operations in the Charter. Below, I will discuss my initial amendments I have considered as positive additions. This list is not exhaustive, and I may think of additional potential changes as I conduct more research or engage in conversations at which point, I will appear before the CRC again or send via communications through the City Clerk's office.

1. The addition of a City Auditor as in the City of Hallandale Beach. Fiscal oversight is a benefit in any government agency and just this year the auditor of Broward County found \$182,000 in misspent funds on "beer cozies" by an employee who owned the company the items were from which they were purchased. Achieving fiscal stability and accountability is important and a part of the newly launched City of Hallandale Beach strategic plan. I am not attached to an internal City Auditor or the hiring of an outside Certified Public Account or firm. I think there must be consideration though of the relationships an auditor may have with City employees that would prevent them from investigating purchases or departments without fear or bias. <https://www.sun-sentinel.com/local/broward/fl-ne-broward-convention-bureau-koozies-20191123-2ar7gkued5fqjkukbn63d4ifre-story.html>
2. The deletion of gender-based language in the Charter, Division 3 – City Manager, Section 6.05. Hallandale Beach has had a diverse field of City Managers in its' history who have been men and women. I have attached Section 6.05 below copied from Municode and highlighted and bolded the problematic areas I wish to see amended to

include gender neutral language that does not assume the City Manager is male identifying:

**“Sec. 6.05: - Powers and duties.**

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city coming under **his** jurisdiction and **he** shall:

1. Appoint all heads of departments after notification of the city commission, and all city employees and officers, except as otherwise provided by law, by this Charter, or by personnel rules adopted pursuant to this Charter.
2. When **he** deems it necessary for the good of the city, suspend any department head under **his** jurisdiction for a period not to exceed fifteen (15) days. **He** may remove the heads of city departments, except the legal department, provided **he** does so only after notification with the city commission.
3. When **he** deems it necessary for the good of the administrative service, suspend or remove all other city officers or employees, in accordance with the personnel rules of the municipality. **He** may authorize any administrative officer who is subject to **his** direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
4. Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law.
5. Attend all commission meetings and shall have the right to take part in discussion but shall not vote.
6. See that all laws, provisions of this Charter and acts of the commission, subject to enforcement by **him** or by those officers subject to his direction and supervision, are faithfully executed.
7. Prepare and submit the annual budget and capital program to the commission as provided under article V.
8. Submit to the commission and make available to the public within a reasonable time a report on the finances and administrative activities of the city as of the end of each fiscal year.

9. Make such other reports as the commission may require concerning the operations of city departments, offices and agencies subject to **his** direction and supervision.
10. Keep the commission advised as to the financial condition and future needs of the city and make recommendations to the commission concerning the affairs of the city.
11. Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances.
12. Perform such other duties as are specified in this Charter, by law, or as required by the commission.
13. In time of emergency or disaster, assume full temporary direction of all municipal operations.

(Ord. No. 2003-28, § 2, 11-18-2003)”

3. Protection of whistleblowers. I think the addition of protections for whistleblowers would provide fair and justified protections for City employees and appointees as well as encourage them to speak out against any potential violations of law or abuse without fear of retribution or firing. [The Broward County Government Charter](#) includes the following language in Article III - Administrative Branch: County Administrator and Administration, Section 3.08, that protects the rights of whistleblowers:

“Section 3.08 PROTECTION OF WHISTLEBLOWERS Protection of Whistleblowers:  
The County Commission shall establish protections for all County employees and appointees who report violations of any local, state, or federal law or regulation, or policy or procedure with respect to an alleged abuse of authority, misuse of public funds, or the existence of a danger to the public health, safety, or welfare. The County Commission shall also establish a prohibition on any retaliatory conduct against anyone who acts as a whistleblower and reports a violation. Procedures related to the reporting of violations shall be contained in the Administrative Code. The procedures shall ensure that the

County Commission shall designate a person to receive and evaluate the alleged violations diligently, independently and confidentially.”

4. Citizens bill of rights. Broward County’s Charter also includes a Citizens Bill of Rights. Though it is too long to attach and can be found in the link above to their Charter in Article I – Creation of County and Powers of Government, Section 1.04. The stated and solidified protections of citizens in Hallandale Beach whether they are residents, business owners, visitors, consumers, etc. from any discrimination based on gender, gender identity, sexual orientation, religion, ethnicity, nationality, disability, or age would be beneficial in creating a safe and equitable city as stated in our charter.
5. Adoption of Broward Code of Ethics. The 2011 Hallandale Beach Charter Review Committee in their convening discussed the creation of a Hallandale Beach Code of Ethics. Though the Committee ultimately did not make an overall amendment I think the official adoption of the Broward Code of Ethics would fulfill the need for a codified Code of Ethics. The Broward Code of Ethics presently applies to municipal elected officials. <https://www.broward.org/OpenGovernment/Documents/EthicsOrdinance2015-55.pdf>
6. Implementation of ranked choice voting and requirement of voter registration to be offered by the City Clerk’s Office. My last recommendation (for now) is that the City adopt the election system of Ranked Choice Voting (RCV) and require the City Clerk’s office to offer voter registration as part of their services. Miami Shores and Sarasota utilize the RCV system in their elections and in November of this year New York City overwhelmingly voters approved a charter amendment known as “Ballot Question 1” approving the switch to the RCV election system beginning in 2021. The State of Maine will also be using the RCV system in the general Presidential election. I believe Ranked Choice Voting is the most democratic form of elections that can truly reflect

the voters candidate preferences. A person's vote holds more weight in this system and also creates a more positive campaign environment. RCV allows for voters to rank the candidates on the ballot in order of preference. If one candidate wins a majority of first place rankings they simply win as in today's electoral environment. However, if no candidate wins a majority in the first round the last place finishing candidate is eliminated and the voters who had ranked them their first choice then have their second-choice candidate votes counted and so on until a candidate wins a majority. Candidates would still have to engage with voters throughout the City in this process and studies in cities and states that have implemented RCV have seen an increase in women and minority candidates because the campaigning in this system is less negative. Voters will also be encouraged to research candidates and not be forced to choose in between candidates they like equally or must choose between what they perceive as the lesser of two evils or even so choose to skip that election because of these reasons. I will attach more information on RCV. <https://www.fairvote.org/solutions>, <https://www.vox.com/policy-and-politics/2019/11/5/20948376/new-york-election-results-ranked-choice-voting>, [https://www.huffpost.com/entry/maine-ranked-choice-voting-2020\\_n\\_5d72ca74e4b06451356df0f3](https://www.huffpost.com/entry/maine-ranked-choice-voting-2020_n_5d72ca74e4b06451356df0f3), <https://www.theatlantic.com/politics/archive/2019/09/ranked-choice-voting-2020/598303/>, <https://time.com/5718941/ranked-choice-voting/>, <https://www.politico.com/interactives/2019/how-to-fix-politics-in-america/polarization/ranked-choice-voting/>, <https://www.youtube.com/watch?v=oHRPMJmzBBw>.

Thank you for your time and consideration,

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