

Rec'd 8-22-85

Sec. 202.3. Volusia Growth Management Commission.

There is hereby created the Volusia Growth Management Commission (hereafter commission). The commission shall have the power and the duty to determine the consistency of the municipalities' and the county's comprehensive plans and any amendments thereto with each other. The commission may perform such other directly related duties as the commission from time to time deems necessary.

The determination by the commission shall be binding on the submitting government. No plan, element of a plan, or amendment of a plan adopted after the date this article becomes law shall be valid or effective unless and until such plan, element of a plan, or amendment has been reviewed by the commission and has been certified as consistent.

The review of any such determination of the commission shall be by certiorari.

The commission shall be composed of voting and nonvoting members. There shall be one voting member from each municipality within the county and five voting members from the unincorporated area of the county. The appointment of each voting representative shall be made by the governing body of each respective jurisdiction. The Volusia County School Board, the St. Johns River Water Management District, and the Volusia County Business Development Corporation shall each designate one nonvoting member to serve on the commission. The term of office of the commission members shall be fixed by the rules of procedures of the commission but shall not exceed four years.

Each voting member shall have a weighted vote. Each municipality represented shall have a vote equal to the percentage of its population with the overall county population.

The unincorporated area representatives' combined vote shall not exceed the percentage of the unincorporated area's population with the overall county's population, and the individual vote of each unincorporated area representative shall be equal to the other. The determination of the weight of each vote shall be determined annually.

Rules of procedure for the commission's consistency review and for the manner in which this section is to be enforced and implemented, and amendments thereto, shall be proposed by the commission and shall not become effective until adopted by ordinance approved by a two-thirds vote of the entire membership of the council.

The commission, by a two-thirds vote, shall adopt an annual budget which may provide for independent staff and which shall be funded by the county. The budget may be amended upon two-thirds vote of the full council.

(Res. No. 86-136, Amend. No. 2, 9-18-86; Res. No. 96-121, Amend. No. 1, 6-20-96)

**(1) PUBLIC PARTICIPATION LIMITED AND DIFFICULT**

- a. Consultant/planners meet with city officials, but will not meet with the public
- b. The public is instructed to forward all documents to the consultant/planners for review. The planners do not have to include this information in their staff report, or even mention it, nor do they have to provide copies to Commission members.
- c. Scheduled public hearings can be unilaterally cancelled even one day prior, with no public notice or input, by an applicant (city), for any reason.
- d. On the other hand, a request for continuance by the public must be voted on by the Commission prior to the formal hearing. Thus, the public must be fully prepared for a hearing in the event that the continuance is not granted, including paying experts, etc. to appear without knowing whether they will even be needed.
- e. Members of the public are "discouraged" from speaking to Commission members.
- f. Public notice of a VGMC-received comp plan amendment application consists of a small, one-time published legal notice. The requirements for filing public objections are intimidating and complicated.
- g. The public faces possible "standing" issues that would be more appropriate in a court of law.
- h. The planner/consultants are under no obligation to provide documents in a timely manner. For example, it took 30 days to get a copy of 113 page staff report - 10 days before a hearing.

(2)

**COMMISSION MEMBERS NOT ABLE TO INFORM  
THEMSELVES EFFICIENTLY OR THOROUGHLY**

- a. Other than the 3 "officers" of the VGMC, pending applications and accompanying documents are not furnished to commission members until staff report is complete and item is put on the agenda.
- b. In order to review a pending application earlier, Commission members would have to go to VGMC office in Daytona, which is open only from 9:00-2:00 Mon.-Thurs. Nobody does this.
- c. Commission members are discouraged about questioning the planners or attorneys about pending applications "because of the expense" before the public hearing.
- d. Maps included with information furnished to commission members are in black and white.
- e. Commission members were told it is "unrealistic" to expect to be able to study an application packet of hundreds of pages more than 20 days prior to a meeting.
- f. The public is not permitted to send any information or factual evidence to the Commission. Rather, documents must be sent to the planners, who may or may not even forward to the members.

(3)

**112.311 Legislative intent and declaration of policy.--**

(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

**112.313**

**(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.--**

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

**(4) VGMC PROCEDURES ARE SELF-SERVING & NOT GEARED  
TO THE PUBLIC BENEFIT**

- a. The same planning and law firms have been advising the Commission since its inception. Suggestions of putting consultant contracts out for bid met with ridicule, resistance and hostility from some Commission members.
- b. Some Commission members evidence a strong "Us" vs. "Them" mentality against Volusia County.
- c. The rationale for using consultants based in Orange County rather than Volusia County is faulty and has led to a sterile, one-size-fits-all approach. Volusia County is not Orlando, nor should its land uses be approached as such.
- d. According to the VGMC office staff, the planner/consultant's "WORD IS LAW" on questions of procedure.
- e. Relevant portions of county's comp plan omitted from staff report and recommendations.
- f. Important issues of flooding and traffic problems, were downplayed over the objections of an adjacent and affected jurisdiction.
- g. VGMC planner/consultants requested from the State Dept. of Community Affairs approval without review on a controversial plan amendment, despite huge amounts of public input and participation at city level.