

CHARTER REVIEW COMMISSION



Members

Hyatt Brown
Chair

Glenn Ritchey Sr.
Vice Chair

Dr. T. Wayne Bailey

Frank Bruno Jr.

Frank Darden

Patricia Drago

Ambassador
Stanley Escudero

Dr. Philip Fleuchaus

David Haas

Peter Heebner

James Morris

Patricia Northey

Glenn Ritchey Sr.

Derek Triplett

Mark Watts

Lisa Ford Williams

CHARTER REVIEW COMMISSION DAYTONA BEACH INTERNATIONAL AIRPORT VOLUSIA ROOM

**Monday, October 12, 2015
5:30 p.m.**

A G E N D A

- I. Call to Order**
- II. Roll Call**
- III. Approval of minutes of September 3, 2015, Listening Sessions of September 15, September 16, September 21, September 23, September 29, 2015.**
- IV. Public Participation (Limit 3 minutes)**
- V. Rules & Procedures**
- VI. Issues Submitted for Consideration**
- VII. Trend Analysis Data**
- VIII. Discussion by Commission of matters not on the agenda**
- IX. Adjourn – next meeting, November 9, 2015 at 5:30 at the DBIA – Volusia Room**

III. Approval of minutes of September 3, 2015,
Listening Sessions of September 15,
September 16, September 21, September 23,
September 29, 2015.

**CHARTER REVIEW COMMISSION
VOLUSIA COUNTY, FLORIDA**

**MINUTES OF THE MEETING OF SEPTEMBER 3, 2015
DAYTONA BEACH INTERNATIONAL AIRPORT
VOLUSIA ROOM**

CALL TO ORDER/ROLL CALL

Volusia County Council Chair Jason P. Davis called the Organizational Meeting of the Charter Review Commission to order at 6:03 p.m. in the Volusia Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida. Roll Call was conducted by Administrative Aide Christine Beccaris. The following members were present: Dr. T. Wayne Bailey, Hyatt Brown, Frank Bruno Jr., Frank Darden, Patricia Drago, Ambassador Stanley Escudero, Dr. Phillip Fleuchaus, David Haas, Peter Heebner, James Morris, Patricia Northey, Glenn Ritchey Sr., Derek Triplett, Mark Watts, Lisa Ford Williams. Also present were County Manager James Dinneen, County Attorney Dan Eckert, Community Assistance Director Dona DeMarsh Butler, Budget and Administrative Services Director Tammy Bong, and support staff: Corry Brown, Brittany Scott, John Duckworth, and Charli King and approximately 16 members of the public.

WELCOMING REMARKS

Mr. Davis welcomed all members, staff and the general public to the meeting. Mr. Davis encouraged the public to participate and put all their comments in writing. He then asked each member of the Charter Review Commission to give some personal background information about themselves.

Mr. Davis then asked Mr. Dinneen, Dona DeMarsh Butler and Tammy Bong to introduce themselves. Mr. Eckert gave a brief introduction as well. Mr. Davis stated that agenda item six will be heard next which was the election of the Chair and Vice-Chair of the Charter Review Commission.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Davis then called for nominations for the Chair of the Charter Review Commission. Mr. Bruno nominated Mr. Brown for Chair. Mr. Brown acknowledged his nomination and asked if any other committee member would be interested in being appointed as Chair. He stated his concern about the listening session schedule. Mrs. Butler then advised that either the Chair or the Vice-Chair must be in attendance at all of the listening sessions. All members of the commission were in favor of Mr. Brown as Chair. Mr. Brown then nominated Mr. Ritchey as Vice Chair. The motion passed unanimously.

Mr. Davis turned the meeting over to Chair Brown, who stated that he felt Volusia County was at a crossroad with regard to growth challenges and income disparity versus the state median. Chair Brown further stated that we must create a climate now to allow for expansion in the future.

OVERVIEW OF THE CHARTER REVIEW PROCESS

Mr. Dinneen was then called upon by the Chair to address the group and give an overview of the Charter Review process. Mr. Dinneen started off with stating that Mrs. Butler and Mrs. Bong are the main staff contacts at Volusia County throughout the entire Charter Review Commission process. Mr. Dinneen then asked all members to call attention to the hard copy of the power point presentations in the notebooks that were provided to them. Public participation was encouraged and the website was given so that the public who are unable to attend any meetings can listen as well as provide a comment via the website. In addition he announced that everything will be public record.

The meeting was turned back over to Chair Brown, who asked for a discussion regarding meeting times. Some had indicated that 6:00 p.m. was a bit late in the day and perhaps the meetings could start earlier. Another member offered up a 4:00 p.m. meeting time. Several members noted that they are actively working and would like to get in a full day before attending the meetings. Concern was also expressed that many members of the public may be unable to participate at the earlier time because of work conflicts. After more discussion a motion was made for a 5:30 p.m. starting time. A second was received and the meeting times were set for 5:30 p.m.

Mr. Darden made a motion to operate under Robert's Rules of Order to ensure that meetings are moved along as quickly and efficiently as possible. Mr. Morris seconded the motion. It was approved unanimously.

Chair Brown next stated that he felt the listening session schedule was too tight, and that three sessions in a week were too many. A discussion ensued regarding public notice. It was felt that adequate notice would need to be given, so spreading the listening session out over a few more weeks would be beneficial for all. It was noted that an email would be sent to the group with a modified schedule of the listening sessions.

OVERVIEW OF SUNSHINE LAW

County Attorney Eckert provided an overview of the Sunshine Law. The Sunshine Law states that any discussion of two or more members must be advertised as a meeting, held in a public place, and minutes must be completed. The commission members are allowed to have one way communication but no interaction. Mr. Eckert cautioned against inadvertently violating the laws. He stated that private email should not be used, as all communication of the group must be archived as public record. Mr. Darden asked a clarifying question regarding discussions of members from different boards. Mr. Eckert stated that members who communicated from different boards would not be in violation of the law. Social matters and unrelated business is typically allowable. Mr. Eckert then

recommended that the commission members refer to the Government in the Sunshine manual provided to them as well as the Florida attorney general's website. Several different scenarios were given on what is acceptable and what is unacceptable according to the Sunshine Law. Questions were presented for Mr. Eckert such as: Is a financial disclosure needed from the commission members? No, not needed. Can the Charter Review Commission speak with Mrs. Butler? Yes, but not about a matter that is likely to come before the Charter Review Commission that requires action. Mrs. Butler can deliver messages via the website if need be. Mr. Eckert concluded his overview of the Sunshine Law.

Mr. Eckert finished up by reminding members not to use a third party as a conduit to any substantive communication. He added that it is best to avoid any appearance of impropriety regarding communication.

Chair Brown next asked for a motion to approve the proposed schedule dates for regular Commission meetings. A motion was offered, which was seconded. The meeting schedule was passed as offered.

EXPLANATION OF COUNTY PROVIDED BOOKS

Mrs. Bong then gave a brief explanation of the notebooks provided and stated that they are to be used as a reference tool. The notebooks included: 2005-2006 Charter, Annotated Charter, rules and procedures and the tentative meeting schedule. Mrs. Butler called attention to the previously adopted rules and procedures. The Chair moved to review the rules and procedures at the next meeting.

PUBLIC PARTICIPATION

The Chair explained the importance of following the specific rules of the meeting and gave a three minute time limits to all those who wished to speak during the public participation portion of the meeting.

Vernon Weatherholtz's spoke on beach driving, term limits, boardwalk extension, and the commercial aspects of the county.

Bob Walker discussion was based on the VCSO (Volusia County Sherriff's Office) Personnel Board. He stated that the system is outdated and needs to be changed. Asked that the Charter Commission reevaluate the current policies.

Greg Gombert requested that the time limit for the public participation portion of the meeting to be extended to six minutes. He also asked not to eliminate the resign to run process.

Jeff Marris spoke on behalf of the Volusia County Professional Firefighters in support of the reevaluation of the Personnel Board.

Michael Ledbetter spoke on the topics of beach issues, beach driving, and potential dangers of off-beach parking.

Brodie Hughes, president of the Volusia County Deputy Association, spoke regarding the Personnel Board. He stated that the board doesn't work the way that it should. He stated the deputies want binding arbitration.

DISCUSSION – BY CHARTER REVIEW COMMISSION MEMBERS

After the conclusion of the public participation the Chair discussed past subcommittees and asked for thought and input. Both Dr. Bailey and Ambassador Escudero suggested that the listening sessions should take place prior to the discussion on whether subcommittees will be needed or not. Discussion ensued on whether there would be a need for subcommittees. Mr. Heeber saw a need to have subcommittees as they are valuable in determining what the community needs. Dr. Fluechaus and Ambassador Escudero would like to act as a whole group in lieu of subcommittees. It was agreed that the issue of subcommittees would be discussed after all the listening sessions have been conducted.

Dr. Bailey suggested that the Charter Review Commission may need some funding from the County to pay for expenses incurred during the Charter Review process. Mr. Dinneen stated that the County will provide any resource that is necessary.

Mr. Heebner and Mr. Darden made a motion for the commission to act as a whole but the Chair declined the motion.

The Chair stated that the meeting scheduled for September 14, 2015 will be canceled as the listening sessions will not yet be completed. The next meeting will take place on October 12, 2015 at 5:30 p.m. in the Volusia Room at the Daytona Beach International Airport.

Ambassador Escudero would like a trend report compiled so that the commission can consider all factors, such as: general population, income, intelligence ect. Mr. Dinneen commented that the County will provide factual information and that staff will look into it and find a way to consolidate the report.

Vice Chair Ritchey would like the County to reach out to local businesses to give input because he would rather have direct input from the public.

DISCUSSION – LISTENING SESSIONS

Questions were presented to Mrs. Butler in regards to how the listening sessions were conducted in the past. Discussion ensued about the listening sessions and their importance. Dr. Bailey asked that we contact the Mayors, and City Commissions. He also asked how we will advertise for the listening sessions such as web/press release/news. The topic of social media was discussed, Mr. Eckert advised that the

Charter Review Commission can post on social media but he reiterated that every post is public record and by using social media a public record is being created. A Charter Review only Facebook page was discussed.

DISCUSSION – PRESS/MEDIA

Ambassador Escudero expressed that all press should go through the Chair. The Chair would like to discuss how he should address the media.

ADJOURNMENT

There being no further business for discussion, the meeting was adjourned at 7:43 p.m. The next meeting will take place on October 12, 2015 at 5:30 p.m. in the Volusia Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.

CHARTER REVIEW COMMISSION

MINUTES OF THE LISTENING SESSION

**NEW SMYRNA BEACH PUBLIC LIBRARY
1001 S. DIXIE FREEWAY, NEW SMYRNA BEACH
TUESDAY, SEPTEMBER 15, 2015**

CALL TO ORDER

Commission Chair Hyatt Brown convened the first listening session of the Volusia County Charter Review Commission at 5:35 p.m. The meeting was held at the New Smyrna Beach Public Library, New Smyrna Beach, Florida.

Members of the Commission in attendance were Dr. T. Wayne Bailey, Dr. P.T. Fleuchaus, Mark Watts, Frank Bruno, Glenn Ritchey, Hyatt Brown, James Morris, Patricia Drago, Ambassador Stanley Escudero, and David Haas. Each gave a brief introduction. Also present were Council Member Deborah Denys, County Manager Jim Dinneen, County Attorney Dan Eckert, Dona DeMarsh Butler, Tammy Bong, county support staff, and members of the public.

PUBLIC PARTICIPATION

Chair Brown opened the floor to public participation. Each member of the public had been asked to complete a public participation form which included their name, address, and brief description of the topic they wished to address. Each speaker was allotted three minutes.

Shelly Vincent, New Smyrna Beach, spoke about the need for economic development for Daytona Beach. She felt that compromise is necessary with certain developments regarding beach driving in order to positively impact economic development. She opposed spending money for surveys.

Chair Brown asked Ms. Vincent if she were in the real estate business. Ms. Vincent responded that although she has a real estate license, her business is political consulting (Darden/Vincent).

Patricia Cobb, New Smyrna Beach, thanked the members for serving on the commission. She spoke about Section 1307 – Political Activities, and asked for it to be reviewed in order to protect employees who want to run for office. She further spoke about resigning to run for office as well as integrity in government.

Mr. Ritchey asked Ms. Cobb if she were for, or against, the requirement to resign if running for office.

Ms. Cobb stated that she tried to view the requirement from both sides. She felt that if a county employee would run for office, they would have an unfair advantage. She further stated that they should resign if running, or at the very least move to another department if they are employed by the department of elections.

Dr. Bailey asked Ms. Cobb is she was satisfied with the status-quo. Ms. Cobb stated that she would discuss it with him separately. Ms. Cobb stated that she just felt it was a very important topic for the Commission to review.

Dave Wahl, New Smyrna Beach, asked the Commission is it were possible for citizens to issue a recall for an elected official, for example, the Sheriff or a Council Member. He stated that he would like a mechanism through the Charter to do so. He knew of an example where the Governor chose the replacement for an office vacancy. He stated that he would like to see a mechanism where a certain percentage of voter signatures could force a recall. If an office were vacant, he would like the citizens to choose, through a special election, the replacement, instead of the Governor.

Dr. Bailey stated that he believed that state statute preempts the Charter.

The Commission took several minutes to discuss the issue of preemption of the Charter and office vacancies. Mr. Watts stated that a charter county can exercise any authority that is not in conflict with general law but cannot change what the general law already provides. He suggested the Commission review the issue to see if there is a gap. Mr. Morris stated the issue that was being discussed was that of preemption, which means that if the state has taken a position, local government cannot override it. He stated that they did not have all of the answers regarding preemption. Mr. Ritchey gave an example of the Daytona Beach mayoral vacancy which he filled, and further stated that the Commission could look at the issue. Mr. Morris stated that they would ask the legal staff to take a look at the topic.

Erik Halleus, New Smyrna Beach, briefly gave an overview of his educational background in engineering, physics, and electronics/technology. He spoke about the importance of promoting high tech industry in Volusia County.

Chair Brown asked Mr. Halleus how he would suggest attracting high tech, high paying jobs to the county. Mr. Halleus stated that there is a need for teaching a technology curriculum in high schools. He suggested that students who excel in these areas often go elsewhere to find tech jobs.

Ambassador Escudero stated that some businesses have decided not to locate in the county because they felt that the education level of our area was not up to standards. He asked to meet with Mr. Halleus separately to further discuss the topic.

Jake Sachs, New Smyrna Beach Commissioner of Zone 2, supported the need for high tech/clean jobs in the area, as he feels graduates looking for technology jobs are

currently going elsewhere. He also thanked the members for the good governance that they bring as Commission members.

Lyn Seaward, Oak Hill, spoke about the cost implications of special elections and suggested that many citizens would not want to spend thousands of dollars for a special election.

Dr. Fleuchaus asked County Attorney Dan Eckert to address the issue of recall elections and office vacancies. Mr. Eckert stated that the Charter relies on the Constitution regarding office vacancies. Dr. Bailey asked if state law would prevent the County Council from making a vacancy appointment if it was written into the Charter. Mr. Eckert responded that state law would not prevent it. He stated that the Charter could be written to provide its own remedy, but currently if the period remaining is less than twenty-eight months, the Governor appoints a replacement. David Haas clarified that the original question referred to a citizen initiated recall of a County Council member and stated that there could be a difference between charter and non-charter counties. Mr. Eckert stated there is a general law provision for recalls under certain circumstances, but the Charter could be amended to provide a recall provision. Dr. Bailey asked about constitutional officers. Mr. Eckert stated that the only constitutional officer in Volusia County is the Clerk of Court, and the Charter does not pertain to that position.

Chair Brown adjourned the meeting at 6:05 p.m.

CHARTER REVIEW COMMISSION
MINUTES OF THE LISTENING SESSION

DELTONA REGIONAL LIBRARY
2150 EUSTACE AVE., DELTONA
SEPTEMBER 16, 2015

CALL TO ORDER:

Charter Review Commission Chair Hyatt Brown convened the Listening Session of the Volusia County Charter Review Commission at 5:31 p.m. The meeting was held at the Deltona Regional Library, Deltona, Florida. The following Commission members were present: Dr. T. Wayne Bailey, Chair Brown, Patricia Drago, Ambassador Stanley Escudero, Dr. Phillip Fleuchaus, David Haas, Patricia Northey, Glenn Ritchey Sr., Mark Watts, and Lisa Ford Williams. Also present were County Manager Jim Dinneen, County Attorney Daniel Eckert, Management and Budget Director Tammy J. Bong, and Community Assistance Director Dona DeMarsh Butler.

PUBLIC PARTICIPATION REMARKS:

Chair Brown began public participation, calling on Brian Glaze. Mr. Glaze, a resident of Daytona Beach, stated that Let Volusia Vote should be on the ballot. He stated observations of media coverage and polls indicating that the majority of people want the opportunity to vote on the issue. Ambassador Escudero asked if the matter was currently in the hands of the courts, further clarifying that he believes there are three separate ordinances being decided in court. Mr. Glaze agreed, stating that he was under the impression that this group would discuss the issue as well. Ambassador Escudero expressed that there was not a lot to discuss on the issue currently, but stated that he would like to hear from Mr. Glaze and others after the court's decision.

REMARKS BY ELECTED OFFICIAL AND COMMISSION

Deltona Mayor John C. Masiarczyk addressed the low turnout, noting the schedules and commutes of residents preventing them from being at a 5:30 p.m. meeting. Dr. Fleuchaus asked how the listening sessions were being advertised, adding that the previous meeting had a low turnout as well. Ms. Butler listed several advertising methods used: press releases, letters to the mayors of cities, website postings, and informing public information officers for each city. Mr. Dinneen stated that it may not be a matter of advertisement; the Charter Review might not be as big of an issue as it was in previous years. Ambassador Escudero asked if it would be worth having a later meeting. Following some discussion on the matter Mayor Masiarczyk said there are no issues with the Charter for residents to discuss at this time, but once there is a preliminary list of proposed changes to the Charter, residents may be more apt to discuss and take sides.

Dr. Bailey brought up the issue of homelessness and the way that the County and cities intersect in handling these issues. He stated that ten years ago it was the opinion of himself and Dr. Fleuchaus that the Charter should not solve the issue of homelessness, but could possibly provide a framework to do so. Mayor Masiarczyk responded by noting the differences in homelessness in different areas within the County, mentioning the lack of a homeless population in the City of Deltona. Mr. Dinneen addressed the homelessness subject briefly, stating that it is a healthy discussion to have. He acknowledged that the County does a lot and spends a lot relating to homelessness and homelessness prevention. The Council will be part of the solution, but not the entire solution. The importance of maintaining private support was expressed.

Mr. Eckert spoke about recall, an issue that had come up at a previous listening session. He stated that there is a general law provision that provides a recall provision even if it is not in the Charter, and it is pre-emptive. Mr. Watts asked if the provision applied to vacancies. Mr. Eckert said that the statute is 100.361 in the election code and it does not apply to vacancies.

There being no further business, the meeting was adjourned at 5:49 p.m.

CHARTER REVIEW COMMISSION

MINUTES OF THE LISTENING SESSION

**ORMOND BEACH REGIONAL LIBRARY
30 S. BEACH STREET, ORMOND BEACH
SEPTEMBER 21, 2015**

CALL TO ORDER

Commission Chair Hyatt Brown convened the third listening session of the Volusia County Charter Review Commission at 5:33 p.m. The meeting was held at the Ormond Beach Regional Library, Ormond Beach, Florida.

Members of the Commission in attendance were Hyatt Brown, Frank Darden, Patricia Drago, Ambassador Stanley Escudero, Dr. P.T. Fleuchaus, David Haas, Peter Heebner, Pat Northey, Glenn Ritchey, and Mark Watts. Also present were County Manager Jim Dinneen, County Attorney Dan Eckert, Dona DeMarsh Butler, Tammy Bong, county support staff, and members of the public.

Chair Brown commented that future commissions may want to consider later starting times for the listening sessions as public attendance has been low.

PUBLIC PARTICIPATION

Chair Brown opened the floor to public participation. Each member of the public had been asked to complete a public participation form which included their name, address, and brief description of the topic they wished to address. Each speaker was allotted three minutes.

Richard Lohmann, Ormond by the Sea, spoke about being in favor of the Charter, although he felt that there may be portions of the county, such as the unincorporated areas, adversely affected by it. He would like a forum held in his area, attended by the representing councilman, to hear concerns and issues brought by the public. He gave an example of an emergency traffic signal being present in the incorporated area, but not in the unincorporated area of Ormond by the Sea. He voiced safety concerns of people crossing A1A when leaving the beach. He spoke against the county purchasing property and suggested council members should be penalized when it occurs.

Greg Gimbert, Daytona Beach, quoted Dr. Bailey regarding the charter review process, as it being the opportunity to get the Charter back in sync with the needs and wants of the community. He felt that it is the Commission's obligation to do the things that the County Council may not have the political will to do. He spoke in favor of the Let Volusia Vote movement, and allowing the issue of beach driving to be placed on the ballot. He suggested that the Commission members have not received a "pass" regarding the

issue in light of Judge Upchurch's ruling. He spoke about voting requirements regarding the issuing of bonds and compared it to the prohibition by the Legislature of voting regarding the setting of millage rates. He felt that there was nothing illegal about asking for a ratifying vote regarding the removal of beach driving.

Chair Brown asked County Attorney Dan Eckert to address the issues currently before the judge regarding beach driving. Mr. Eckert stated that a motion to dismiss in the case regarding the Sons of the Beach v. the County of Volusia is set for hearing on Thursday, October 1, 2015. He further stated that the plaintiffs argue the prohibition by the County Council regarding vehicles on the beach cannot be combined with an economic incentive, that the ordinances violate provisions of the Charter and that it violates the public trust doctrine. Mr. Eckert asserted the County moves to dismiss the complaint.

Mr. Brown asked if a summary judgement had been rendered relative to the previous issue.

Mr. Eckert stated that a final summary judgement had been rendered, ruling the amendment was considered unconstitutional and should not be placed on the ballot, but the decision could be appealed.

Mr. Haas asked if there had been a question regarding the process, notice, or advertising of the three ordinances.

Mr. Eckert replied that there was not, but that the issues were whether the Charter petition was consistent with the statute and whether the Charter amendment would have only perspective affect if it were approved by the voters. The court did not reach the second issue of having perspective affect.

Chair Brown adjourned the meeting at 5:45 p.m.

CHARTER REVIEW COMMISSION

MINUTES OF THE LISTENING SESSION

**DAYTONA BEACH REGIONAL LIBRARY
105 E. MAGNOLIA AVE., DAYTONA BEACH
SEPTEMBER 23, 2015**

CALL TO ORDER:

Charter Review Commission Chair Hyatt Brown convened the Listening Session of the Volusia County Charter Review Commission at 5:33 p.m. The meeting was held at the Daytona Beach Regional Library, Daytona Beach, Florida. The following Commission members were present: Dr. T. Wayne Bailey, Chair Brown, Frank T. Bruno Jr., Frank Darden, Ambassador Stanley T. Escudero, David Haas, Pete Heebner, and Glenn S. Ritchey, Sr. Also present were County Manager Jim Dinneen, County Attorney Dan Eckert, Management and Budget Director Tammy J. Bong, Community Assistance Director Dona DeMarsh Butler, County staff Corry Brown and Brittany Scott and seven members of the public.

PUBLIC PARTICIPATION REMARKS:

Chair Brown began public participation by calling on Mike Denis. Mr. Denis suggested that advisory boards should not be abolished and explained that the County Council voted to eliminate the Beach Advisory Board, and allowed the ECHO advisory board to be by-passed when necessary. Mr. Denis also recommended that a first and second reading of all proposed ordinances be mandatory to allow for public input. Ambassador Escudero asked for an example of particular ordinances in which Mr. Denis's proposals would apply. Mr. Denis responded that the 2015-06, -07, -08 ordinances only included one reading and did not allow for public discussion.

Chair Brown called upon John Bandorf to speak next. Mr. Bandorf stated that he represented a website called Volusiaexposed.com. Mr. Bandorf recommended that the Medical Examiner's office be run by the state rather than by the county, and that the Sheriff's office take over the jail. Mr. Bandorf further stated that the county does not have a Sheriff Department, but a Public Safety Department instead. Ambassador Escudero inquired what advantages the Sheriff Department had over the Department of Public Safety. Mr. Bandorf replied by stating that the Department of Public Safety should be disbanded and that the Sheriff should have constitutional power. Chair Brown asked what can a Sheriff with constitutional power do that a Department of Public Safety Sheriff can't do. While Mr. Bandorf replied "nothing" He further stated that the Sheriff would be honest with the public.

Tony Welch spoke about fairness and stated that part time representatives are working full time, thus, council members should have their own staff outside of the County

Manager. Mr. Welch suggests that two to three people work directly for members of the County Council to conduct research.

ITEMS FOR CONSIDERATION

Jim Dinneen, County Manager discussed items for consideration. Mr. Dinneen distributed a handout and briefly proposed to amend the Volusia County Home Rule Charter to eliminate the Volusia Growth Management Commission (VGMC) due to the role being fulfilled. Dan Eckert, County Attorney explained that the VGMC was established in the 1986 charter as a result of an extensive comprehensive plan. Mr. Eckert further explained that that VCGM provides conflict resolution amongst cities and municipalities. Ambassador Escudero asked whether the Planning and Land Development Regulation Commission (PLDRC) and the Department of Economic Opportunity (DEO) duplicate tasks of the VGMC and if the VGMC is dissolved, how much money would the county save. Mr. Eckert responded by stating that the county would save approximately \$288,255. Chair Brown provided an example of the VGMC and asked what the effect would be if the VGMC voted no against the DEO's yes vote. Mr. Eckert stated that appeals are made through the circuit court. Mr. Darden then spoke and stated that the imposed issue should be discussed at a regular commission meeting rather than at the listening session. Commission member Mr. Heebner agreed.

Mr. Dinneen also suggested to amend Volusia County Home Rule Charter to provide the at large council member to serve as the vice chair of the County Council instead of council election of the vice chair and to reimburse County Council members for mileage, parking fees, tolls, and when a member is attending a public or social event in which they are participating in an official capacity in Volusia County. Mr. Heebner stated that section 304 of the Volusia County Home Rule Charter allows costs out of county, however, prohibits in County costs. Discussion ensued amongst Commission members. Mr. Bruno suggested that the discussion should continue at the October 12th meeting.

TREND ANALYSIS

Chair Brown advised that at the Charter Review Commission organizational meeting, Ambassador Escudero requested economic data and allowed him to explain his request. Ambassador Escudero stated that he feels the Charter Review Commission should make use of existing data to provide a comprehensible picture of economic trends issues within the county for the past ten years. Ambassador Escudero further advised that he received a formal proposal by Dr. Mark Soskin, Professional Economist at the University of Central Florida to conduct the research.

Mr. Dinneen declared that factual data can be produced by the county rather than by an economist at no additional cost to tax payers and suggested that he could invite the County's Economic Development Director to a Charter Review Commission meeting to further discuss the County's economic trends for the past 10 years. Mr. Bruno suggested that the information be provided by October 12th so that members of the

commission can discuss as a whole. Mr. Dinneen agreed, Chair Brown requested that Polk County be included in the research.

Meeting adjourned at 6:37 p.m.

DRAFT

Tony Welch Marketing

Advertising, PR, Political Consulting, Social Media

divisions of deHaven Communications
SUGGESTION FOR VOLUSA COUNTY CHARTER REVIEW COMMITTEE

Since our system of government is based on the "part time" elected official and the full time manager and staff an idea that might help getting better decisions.

At present, the manager and staff brief the Council members and then present their ideas at a public meeting.

This means that the Council only gets one point of view..that of the manager and staff. Contrary ideas are either not presented or played down as the staff wants their ideas to prevail.

Since the Council is part time they are not as well versed on details as the manager and staff and often just accept what they are told. They don't have the information to ask the tough questions and reveal any downside to ideas presented.

So

I would suggest the creation of a small department that is beholden only to the Council. They choose the personnel and set the budget thereby insulating this department from real or imagined pressure.

This department's main job is to present the "downside" to all the manager and staff's ideas. Presented forcefully without fear of reprimand or retaliation.

I can see where this idea would draw opposition from the staff and manager. But if their ideas can't stand the scrutiny of an outside observer they don't need to be voted on.

Should the manager or staff "stonewall" this group the Council has the power to change manager and staff.

Our representatives need to hear both sides of every issue.. right now they don't.

Please give my idea some thought.

Thank You

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Mike Denis
9/23/15
listening session

I'll start with a Yogism, in honor of the man.

You've got to be very careful if you don't know where you are going, because you might not get there.

Two Points

1. The abolishment and/or bypassing of Advisory Boards

- The county has many advisory boards to help create a public forum and awareness of actions that will soon rise up to the Commission Level.
- These boards act as a public forum and second opinion of what the County Staff advises the Commissioners.
- This public filter and debate are a way to publicize and add opportunity to the public debate process.
- Without this format of public awareness and input, it becomes a one sided agenda until it's passed. *OR Rejected*
- In the not so recent past, the Council voted to eliminate the Beach Advisory Board, and to allow the council to by-pass the ECHO advisory board when it deems it so.
- It sounds like the council can do just about anything it wants.
- I submit that these advisory boards, which yes, do serve at the pleasure of the Commissioners, be a little more difficult to eliminate or bypass. Maybe a 3 month period between the suggestion of ~~sun-shining~~ ^{ELIMINATION} a board, or better yet, wait until the next election cycle of the commissioners.

Second point

- Require that a first and second reading of all ^{Proposed} Ordinances be mandatory, giving the public more opportunity for input. *& DISCUSSION & PUBLIC DEBATE*

2015 06-07 & 08

Volusia County Charter Review

Request for Consideration

1. Amend the Volusia County Home Rule Charter to eliminate the Volusia Growth Management Commission due to role has being fulfilled.

History:

Established November 4, 1986, Volusia County by ballot – 454,174 for, 32,072 against

The Volusia Growth Management Commission (VGMC) is established by Section 202.3 of the Volusia County Code and is comprised of 21 voting and two non-voting members. The voting members include one representative appointed by each of the 16 municipalities in Volusia County, and five members appointed by the County Council to represent the unincorporated area of Volusia County. The two non-voting members represent the Volusia County School Board and the St. Johns Water Management District.

The VCMC's primary duty and responsibility is to review the comprehensive plans and any plan amendments thereto for each governmental entity in Volusia County to determine the extent to which it is consistent with the comprehensive plans of adjacent and/or affected jurisdictions, and to ensure intergovernmental coordination and cooperation. The VGMC utilizes contract legal and planning services and also has one part-time permanent staff member. During FY2013-14, Ordinance 2014-02 was approved by County Council making the part-time staff member a County employee with benefits.

Actual FY10-11	Actual FY11-12	Actual FY12-13	Actual FY13-14	YTD FY14-15	Request FY15-16
Expenses:					
256,838	121,418	113,265	170,448	101,994	288,225
Plan reviewed:					
59	33	94	46	60 est.	60 est.

2. Amend Volusia County Home Rule Charter to provide the at large council member to serve as the vice chair of the County Council instead of council election of the vice chair.
3. Reimburse County Council members for mileage, parking fees, tolls, and when a member is attending a public or social event in which they are participating in an official capacity.

Charter Review Commission - County Data

[10 year history]

Category	Sub-Category [add as needed]
Economic	Property Taxes & Millage Rates
	Budget General Fund per capita
	State Comparisons (County & School)
	Property Values - taxable & classifications
	Sales Taxes
	Local Option - Fuel Tax
Transportation	Consumer price index
	Lane Miles
	Road Condition
	VOTRAN Ridership
Education	K-12
	College
	Job Training
Crime	Inmate Population
	Arrests
Construction	Building Permits
	Housing Availability
Employment	Wages
	Per capita personal income
	Unemployment Rate

Category	Sub-Category [add as needed]
	Employment
Demographic	Population Land Mass Beach Miles and beach safety Ethnic/Race Diversity Median Age
Health	Health indicators - obesity/mortality/morbidity/ Clinical care - uninsured/access to care environment - air pollution/drinking water
Social	Homeless

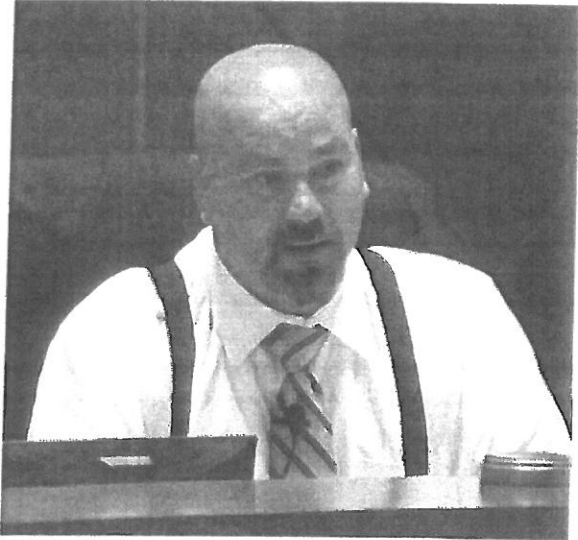
Resources

List here as they may be useful for other team members.

Local Government Financial Information Handbook	http://edr.state.fl.us/Content/local-government/reports/
Department of Revenue	http://dor.myflorida.com/Pages/forms_index.aspx
BEBR - Bureau of Economic and Business Research	https://www.bebr.ufl.edu/
FL Dept. of Transportation	http://www.dot.state.fl.us/planning/statistics/mileage-rpts/city-county.shtml
FDOT Office of Policy Planning	http://www.floridatransportationindicators.org/index.php?chart=13a
Building Permits Survey	http://www.census.gov/construction/bps/
Housing and Urban Development	http://www.huduser.org/portal/datasets/il/il14/index.html
FHDC	http://flhousingdata.shimberg.ufl.edu/
Robert Wood Johnson Foundation	http://countyhealthranking.org

Davis suggests 67% raise for himself

County chair's proposal would nearly double his own pay



Jason Davis

By Chris Graham
chris.graham@news-jrnl.com

Published: Wednesday, September 23, 2015 at 2:06 p.m.

Last Modified: Wednesday, September 23, 2015 at 3:49 p.m.

A proposed charter amendment submitted by Volusia County Chair Jason Davis would nearly double his salary if re-elected in 2016, according to records obtained by the News-Journal.

Davis' other proposals obtained through a public records request suggest eliminating the Volusia County Growth Management Commission, creating an ethics board, imposing stricter term limits and allowing the County Chair to render tie-breaking votes in private.

Davis submitted the list of amendments to Hyatt Brown, who is chair of the Volusia County Charter Review Commission, and they are the only recommendations from citizens that been given to the county — at least in writing.

Reached for comment this week, Davis said increasing the chair's salary was first discussed by Volusia Republicans three or four years ago — around the time he was running for office. While he wouldn't say he is underpaid for what he does, he said the job certainly has taken its toll on his finances after having to leave his job at a local AM radio station to focus on his county duties.

"I was well aware of what the position paid — it was no big surprise. I didn't run for the money, but for the love for the county and the state," Davis said, adding that local Democrats haven't taken umbrage with the idea. "With the economy tanking and fuel costs going up, it's quite costly. It gets expensive to the point where you're almost working for free."

Tony Ledbetter, chairman of the Volusia Republican Executive Committee, and Leslie Pearce, chairwoman of the Volusia County Democratic Party, both said they did not approach Davis about increasing the salaries of the chair and other council members, though Ledbetter said it has been discussed in the past.

Salaries for county elected officials are set through state statutes using a formula that takes into account the county's population. According to the state Office of Economic and Demographic Research, Volusia County Council members would be in line to be paid \$85,316 in the upcoming fiscal year. Officials in Broward, Hillsborough, Miami-Dade and Orange counties would receive the most compensation — \$95,888 — while elected leaders in Liberty County will only be paid \$24,719.

But county charters can set different limits. For instance, the Volusia County Charter stipulates the County Chair may only receive 60 percent of what is allowed under state law while the rest of the council is limited to 50 percent of the allowable compensation. Based on the upcoming fiscal year under the charter's provisions, Davis will make \$51,189.60 and county council members will receive \$42,658.

Davis' proposed amendment would change the amounts to 100 and 60 percent, respectively. Anyone elected county chair would also not be allowed to have outside employment, according to the proposal.

"It's like this: Nobody else would work for 60 percent of what they're supposed to get," Davis said.

He pointed out that the County Council does not receive compensation for travel inside the county and thousands of miles are racked up on their personal vehicles. If he went to every county event, Davis said he would be broke.

"That would be nice," Davis said of an increase in pay. "I'd be able to get out there more often. I wouldn't have to count the pennies."

Along with the proposed pay increase amendment, Davis suggested an amendment that would require council members be compensated for travel in and outside of the county while another would allow people to serve a maximum of eight years on the council. One amendment proposal would give the county chair final say on items placed on meeting agendas.

Another of Davis' proposals would have all council members vote in open chambers except for the county chair. In the event of a tie vote, "it is the discretion of the chair to render the tie breaking vote either in chambers (or) outside of chambers." If a decision is made after the

council meeting, a synopsis of the chair's decision would accompany the vote according to the amendment. Davis later conceded that idea would not work.

When asked who came up with the ideas, Davis said they were all offered up by constituents during his time in office.

"These are all suggestions that were made to me and I gave (Hyatt Brown) the ones I thought were worthy," he said, adding one-year terms did not make his cut.

Brown declined to comment on the proposed amendments other than to say they will be forwarded to the other members of the charter review commission.

Some council members laughed off Davis' proposals while others were befuddled. Council members Doug Daniels and Fred Lowry could not be reached for comment.

"Some of them make sense; some of them are different," Councilman Josh Wagner said after reading Davis' proposals, adding he believes council members are overpaid.

Council member Pat Patterson said Davis "didn't think this one out very well."

"I'm just amazed," he said.

Councilwoman Deb Denys offered even sharper criticism, saying it appears that Davis is trying to set up his own kingdom.

"When you're the chair and you submit this under your name you don't hide behind anybody else," she said. This says, "I'll vote if I want and where I want, and I'm going to control the agenda. This was not made with a servant's heart."

At-large Councilwoman Joyce Cusack said Davis was well within his rights to give suggestions to the charter review commission, but no other citizen has exercised that right so far. County officials say Davis is the only one in the county to have submitted anything to the commission and a series of listening sessions held by the charter review commission have been sparsely attended.

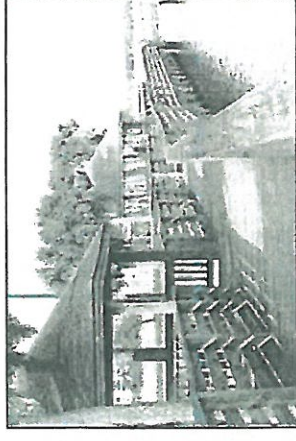
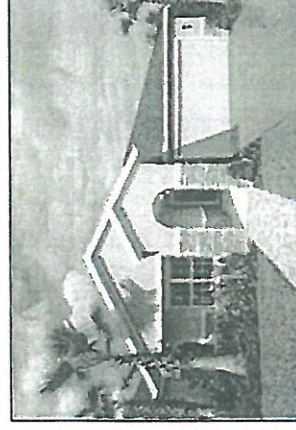
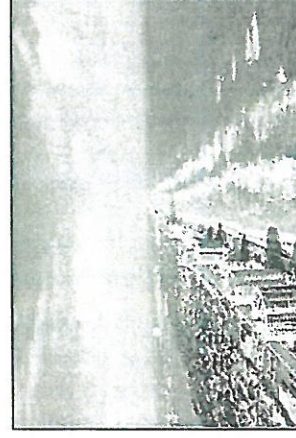
"Every citizen has the opportunity to say what they think," Cusack said.

Davis said he was just acting as "a conduit for the citizens" and implored others to get involved with the charter review process.

"These are not orders; these are just suggestions," he said. "If they pass, then life is beautiful. If not, so be it."

Consolidated-Tomoka Land Co. (NYSE MKT: CTO)

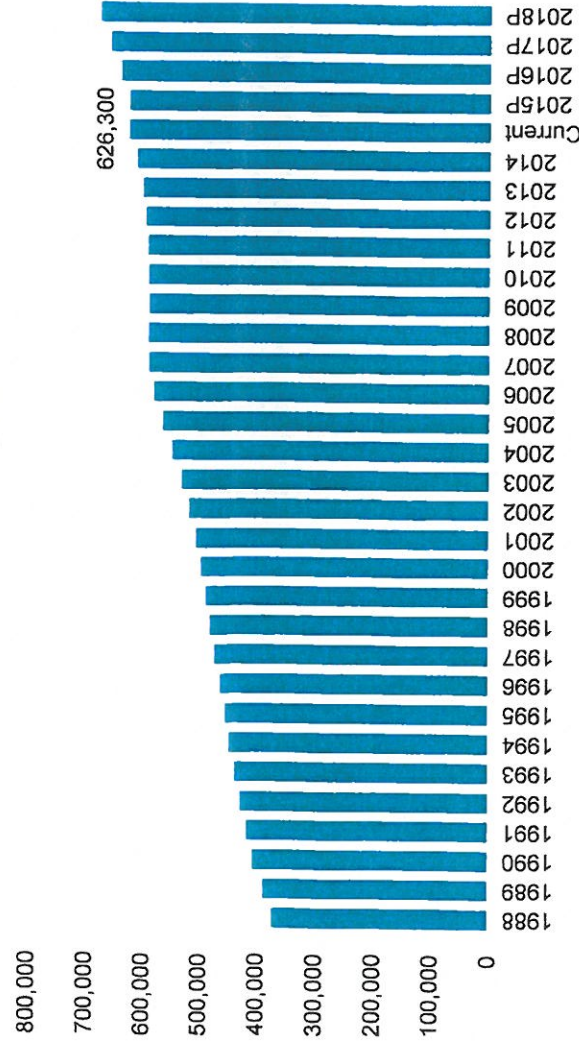
CITY OF DAYTONA DEMOGRAPHIC OVERVIEW



Daytona MSA and City of Daytona: Population Growth

The population of the Daytona MSA has recovered since suffering losses in 2009 and is currently projected to reach pre-Recession growth levels by 2016. Since 2005 the Daytona MSA population has grown by 60,900 people. The city of Daytona lost approximately 3,100 residents from 2000 to 2010, but the outflow trend is changing. From 2010 to 2014, the city of Daytona added approximately 1,600 residents, a small, but notable recovery.

Daytona MSA Population

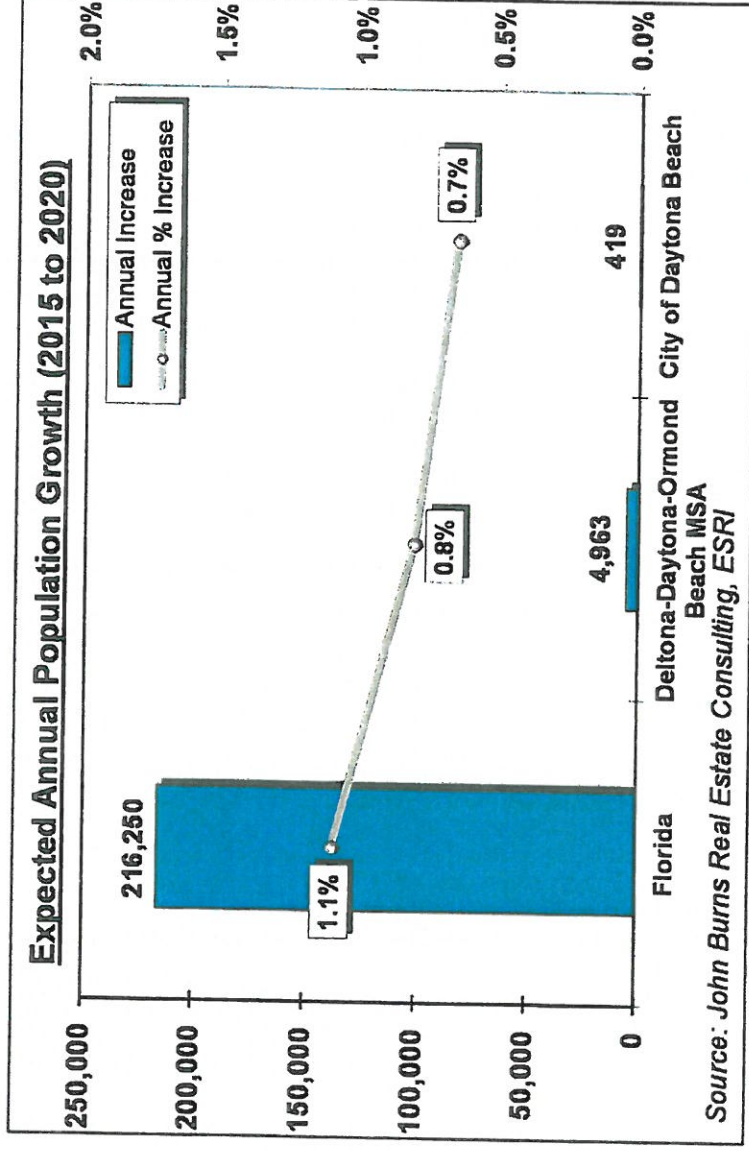


City of Daytona Population

1980	54,176
1990	61,991
2000	64,112
2010	61,005
2014	62,622

Households – Daytona MSA

The state of Florida is projected to experience a higher rate of household growth compared to the entire United States: 1.1% compared to 0.8%. The Daytona MSA will experience a growth rate closer to the projected national average as this market is still in the early stages of recovery.

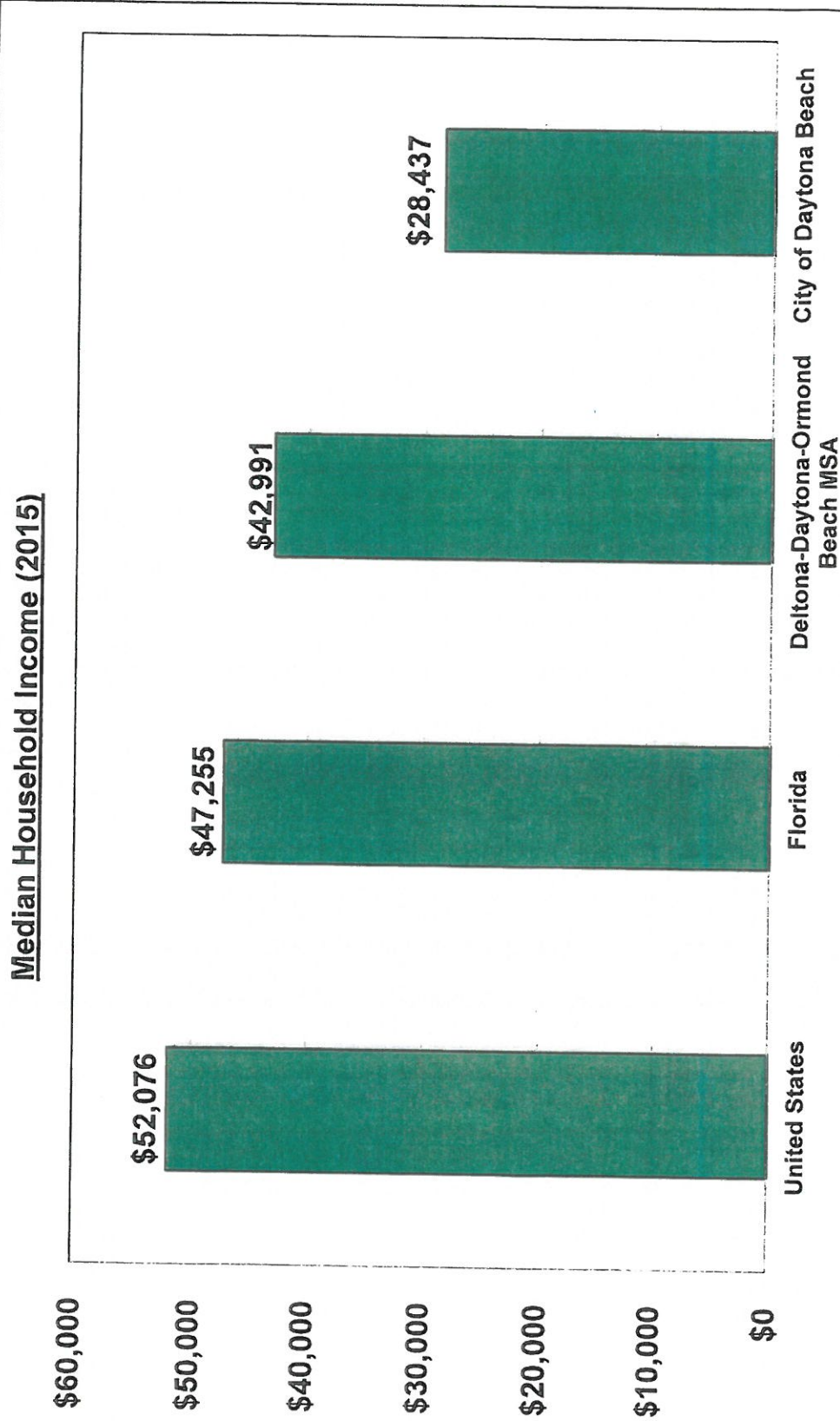


Daytona MSA Household Formation			
	2010	2015	2020P
Total Households	247,422	255,232	265,537
Increase	41,405	7,810	10,305
Annual % Change	2.0%	0.6%	0.8%

Mirrored national average household formation, which slowed due to the Recession

Median Household Income

Since many of the jobs in Daytona are Leisure & Hospitality related, the market has a lower median income; nearly \$10,000 less than the national average. This translates to a greater concentration of first-time homebuyers in Daytona that need affordable housing options (i.e. homes under \$250,000). The city of Daytona Beach has an even lower median income.

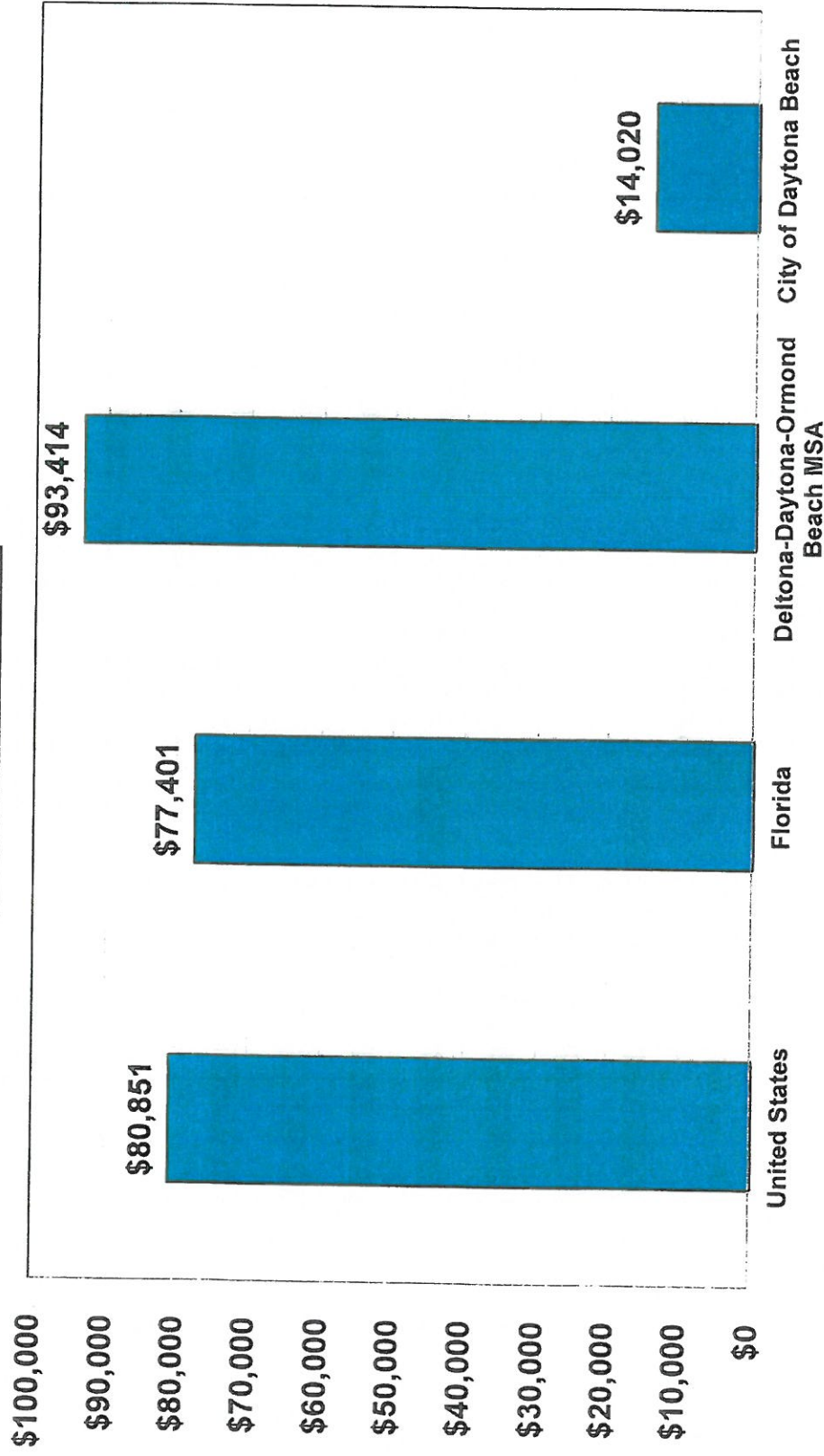


Source: John Burns Real Estate Consulting, ESRI

Daytona MSA: Median Net Worth

Although Daytona has a low median income, the median net worth is higher than the national and state average. Again, this is due to the predominance of retirees in the market who have retirement savings and equity in their homes. The City of Daytona Beach has such a low median net worth due to the high rental pool versus home owners.

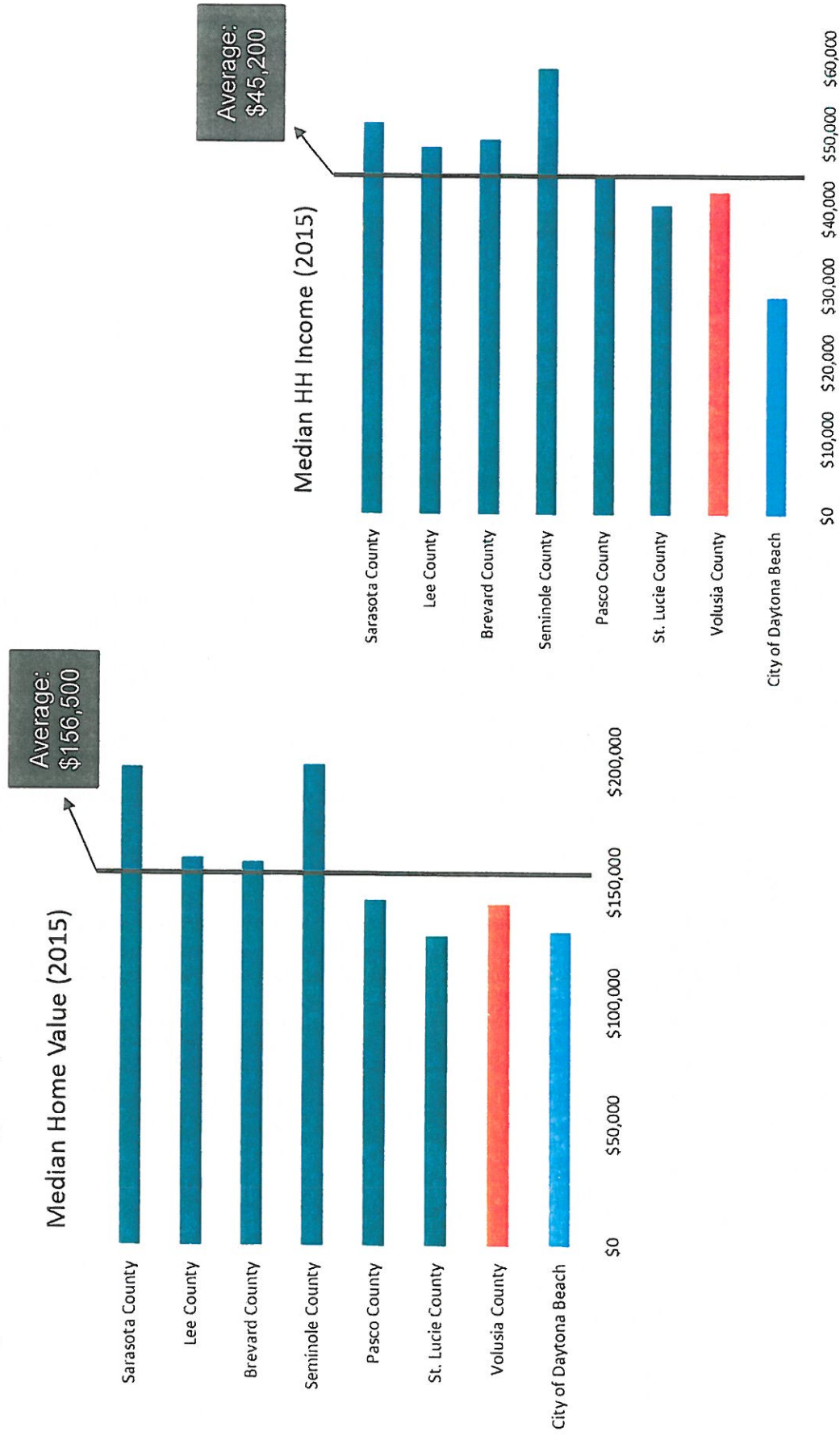
Median Net Worth (2014)



Source: John Burns Real Estate Consulting, ESRI

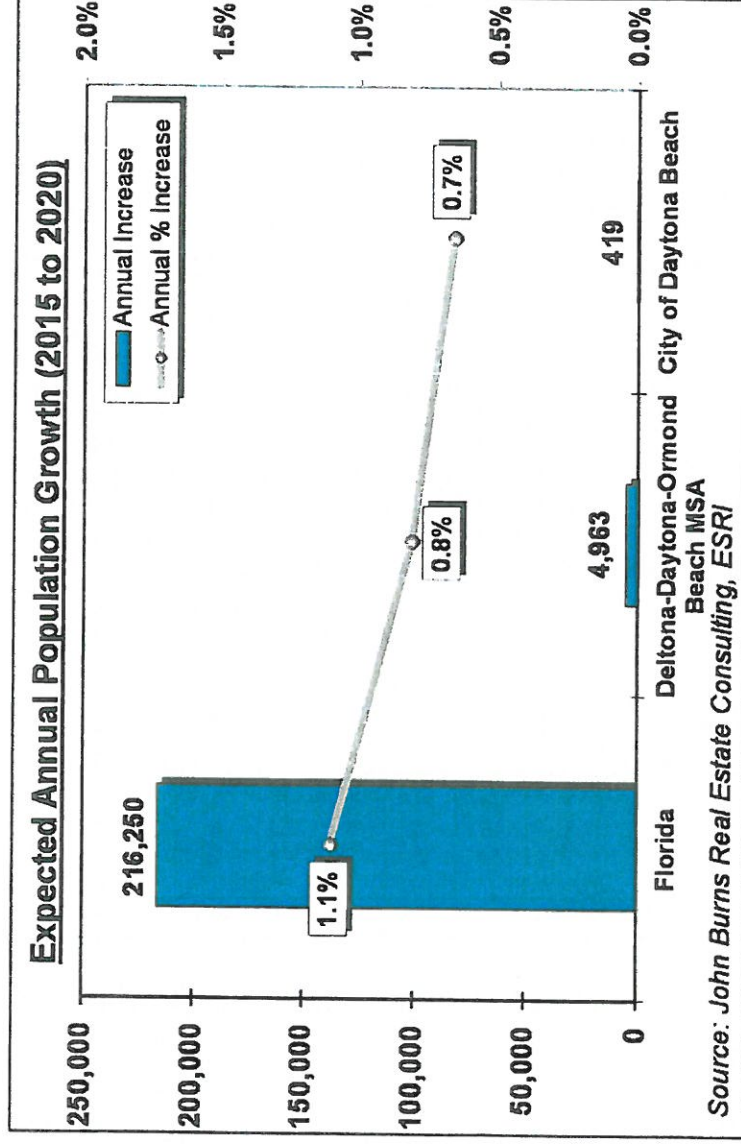
Median Home Value & Income

The Daytona MSA primarily consists of Volusia County, which is compared to the following Florida counties of similar population size where there is significant new housing activity.



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Why Volusia County?

The Daytona MSA primarily consists of Volusia County, which is compared to the following Florida counties of similar population size where there is significant new housing activity.

	City of Daytona Beach	Volusia County	St. Lucie County	Pasco County	Seminole County	Brevard County	Lee County	Sarasota County
Population (2015)	63,186	506,494	287,560	483,188	436,035	553,805	666,270	390,962
Projected Growth (2015 - 2020)	0.65%	0.60%	0.87%	0.94%	0.82%	0.52%	1.65%	0.80%
Median Age (2015)	40.7	46.6	43.7	45	38.9	46.9	47.1	54.9
Total Employment (Dec 2014)	30,336	158,906	71,310	108,585	173,081	193,135	237,881	158,630
Unemployment Rate (July 2015)	6.3%	6.0%	6.9%	6.0%	4.9%	6.1%	5.5%	5.2%
Median HH Income (2015)	\$28,437	\$42,109	\$40,402	\$44,131	\$58,481	\$49,078	\$48,180	\$51,296
Median Home Value (2015)	\$129,338	\$141,002	\$127,301	\$142,657	\$197,940	\$157,858	\$159,416	\$196,662
% of homes built prior to 2000	88.5%	81.1%	68.1%	74.7%	81.9%	79.6%	65.8%	79.6%
Total Permits (2014)	302	1,373	962	2,785	967	1,286	4,095	2,093

CHARTER REVIEW COMMISSION

MINUTES OF THE LISTENING SESSION

**VOLUSIA COUNTY HISTORIC COURTHOUSE
125 W. NEW YORK AVENUE, DELAND, FLORIDA
TUESDAY, SEPTEMBER 29, 2015**

CALL TO ORDER

Commission Chair Hyatt Brown convened the fifth listening session of the Volusia County Charter Review Commission at 5:33 p.m. The meeting was held at the Volusia County Historic Courthouse, DeLand, Florida.

Members of the Commission in attendance were Dr. T. Wayne Bailey, Hyatt Brown, Frank Bruno, Ambassador Stanley Escudero, Dr. P.T. Fleuchaus, David Haas, Peter Heebner, Pat Northey, Glenn Ritchey, Derek Triplett, Mark Watts, and Lisa Ford Williams. Also present were County Attorney Dan Eckert, Dona DeMarsh Butler, county support staff, and members of the public.

PUBLIC PARTICIPATION

Chair Brown opened the floor to public participation. Each member of the public had been asked to complete a public participation form which included their name, address, and brief description of the topic they wished to address. Each speaker was allotted three minutes.

Deanie Lowe, Ormond Beach, stated that she had served ten years on the Ormond Beach planning board, four years on the County Council, part of which was Chairman, had served as Supervisor of Elections, and was a member of the 1985-1986 Charter Review Commission. She stated that in the past there had been a lot of conflict between the cities and the County, with issues including annexation, planning, and land uses. She felt that the cities did not have the legal resources that the County had in fighting for their issues. She asked the Commission to keep in mind the amount of lawsuits filed against the County and the Growth Management Commission when reviewing the Growth Management Commission budget. She stated that there had been talk that the County wanted to take over the planning not only for the un-incorporated areas, but also for the incorporated areas of the cities, which caused major concern. She mentioned that each city has its own character and personality, and citizens choose to live in those areas based on that unique character. The Growth Management Commission was put on the ballot to create a level playing field for the cities and the County. Each get to be represented equally. She would never ask the Commission not to put an amendment on the ballot to allow voters to decide and reminded that ten years ago there were questions regarding the Growth Management Commission placed on the ballot. She provided a written copy of her comments (attached).

Chair Brown asked Ms. Lowe asked if the number of lawsuits had been reduced as a result of the Growth Management Commission.

Ms. Lowe answered that Jim Wachtel, the current Chairman of the Growth Management District, could give more specifics regarding the number of lawsuits. She stated that one lawsuit could amount to one year's budget. She also mentioned that the amendments placed on the ballot ten years ago went down in flames.

Mr. Heebner asked Ms. Lowe if her position was to maintain the Growth Management Commission.

Ms. Lowe answered that she would love to see the Commission stay in place as it still has a usefulness and purpose. We can expect an enormous growth in population over the next 20 years. She also wanted to again make it clear that she is not asking the Charter Review Commission not to place the issue regarding the Growth Management Commission on the ballot but to be careful with the wording.

Dr. Bailey stated that the mission on the Growth Management Commission has changed as the rules of the game with the Department of Community Affairs and management decision makers have gone through some major changes over the years. He asked Ms. Lowe if she would bring back recommendations to the Commission to improve the system.

Ms. Lowe stated that she would be happy to continue working with the Charter Review Commission to make recommendations. An option is to work with the Growth Management Commission to submit a report to the Council to tweak the procedures of the Growth Management Commission. She stated that with population growth, there needs to be a Growth Management Commission to be looking at consistency and how decisions affect neighboring municipalities.

Mr. Watts asked Ms. Lowe to expand on the proposed changes on the ballot ten years ago.

Ms. Lowe responded that although she is a big County proponent, she also stands up for the individual cities. She stated that one of the ballot issues in 1986 was regarding comprehensive planning districts and she read the amendment which was defeated. Another proposed amendment she read was regarding the growth management dispute resolution commission which was also defeated. The final defeated amendment she read was regarding the County planning authority.

Jim Wachtel, DeLand, current Chairman of the Growth Management Commission, stated the he was surprised by comments he had heard recently about abolishing the Commission and that the Growth Management Commission was being unfair to the business community as he felt that the Commission was doing a pretty good job. He stated that he went back to look at the intent of the establishment of the Growth

Management Commission in the Charter, which was to provide consistency between the municipalities in their comprehensive plans. He added that the early history of it was not very consistent through the County. He further stated that almost every application that had come through in the last six years had been discussed between the municipalities and differences had been resolved between them. He stated that the Growth Management Commission has done its job by having that consistency although there have been some controversies. He added that the Commission has a series of rules that were established, regarding the Commission's procedures, which can be changed without going to the Charter. He reminded the Commission that the Growth Management Commission is totally independent of any political municipality.

Mr. Heebner asked Mr. Wachtel how many appeals on average were heard by the Growth Management Commission in a calendar year.

Mr. Wachtel responded that there had been two in the past year. Both were from affected parties and not municipalities. Prior to that there had been appeals regarding the Farmton project and the Oak Hill project.

Mr. Heebner asked if most of the appeals were not coming from municipalities.

Mr. Wachtel responded that they were not.

Suze Peace, DeLand, stated that she wanted to speak about the environment and felt that there were good laws and direction in place regarding environmental issues. She felt that there is a problem with updating the ordinances, such as the fertilizer ordinance and springs initiatives. She also felt there is a problem with non-partisan elected positions that are being influenced by partisan groups in a heavy footed manner.

Clay Henderson, DeLand, Director of Stetson Institute of Water and Environment, stated that he is in a new role to address water and environmental policy issues and to leverage the intellectual capital at Stetson to deal with many of these problems in this community. He offered to provide research to the Commission for environmental and growth management topics. He added that environmental issues have been part of the Charter since its inception, including section 202.2 Abuse of the Environment, which has been there since the beginning, although it has probably not lived up to its expectations. He stated that the Charter Review in 1986 brought minimum standards for the environment, the Growth Management Commission, and tweaks to bonding authority which led the way for two historic bond issues for land conservation. In 1996, recommendations for the County Water Review Commission which led to the establishment of WAVE and the Water Alliance. Ten years ago all environmental amendments failed. He added that there are issues in Volusia County; all bodies of water are designated as impaired by the EPA, we almost lead the State of Florida in the number of septic tanks, and springs are impaired from pollution from septic tanks. He

added there are still 2,500 septic tanks along the Indian River lagoon despite laws being passed ten years ago.

Chair Brown asked Mr. Henderson if those living in boats on the Halifax River are dumping sewage into the river.

Mr. Henderson stated that more likely than not they are dumping their waste into the river as there is no convenient place for them to dispose of it.

Chair Brown asked Mr. Henderson if there were current laws prohibiting the dumping of waste into the river.

Mr. Henderson answered that they are violating both federal and state laws.

Ms. Northey asked Mr. Henderson if there were specific environmental legislation or amendments that they should consider placing on the ballot or provide as management recommendations.

Mr. Henderson responded that he could provide that information and stated that there are various ways and mechanisms of addressing environmental issues.

Ambassador Escudero stated that the State legislature still has not decided what to do with the Amendment 1 money. He agreed that there was a problem with septic tanks in the Mosquito Lagoon and the core area of Daytona. He added that some of the amendment money could be used to remediate septic tank issues. He asked if Mr. Henderson would be lobbying the state for these issues.

Mr. Henderson stated that he has given up lobbying. He added that he is working closely with staff regarding these and other budget issues and that it is both a funding and a regulatory issue.

Ambassador Escudero asked if there were any other potential funding sources.

Mr. Henderson stated that user fees could be used and there are places in the County that have gone above and beyond what is needed as well as places that have not done anything to correct the septic issues.

Mr. Watts asked if Mr. Henderson could bring back solution examples.

Mr. Henderson stated that he would be happy to do that as it is time to get creative about solving these environmental issues.

Judge Michael McDermott, Port Orange, retired Volusia County Judge, reminded the Commission of the "war" he waged against the County Manager years ago regarding the proposed location of the County courthouse. He stated that he wanted the location centralized and not directly next to the jail. After two years he added, the people of the

County won and the Justice Center was located in downtown Daytona Beach. His desire is to amend the Charter to give guidance to a County Manager who is willful and on his own agenda, but cannot see a way to amend it that would be appropriate. He provided written comments to the Commission (attached).

Ambassador Escudero asked Judge McDermott what his objection was to the current arrangement.

Judge McDermott responded that it is better for decision to be made by an elected official than by an appointed official. He stated the Charter specifies that the County Council make decisions on policy and the County Manager implements that policy. He continued that the people of the county should be the ones to decide through influencing their elected officials.

Ambassador Escudero stated that the County Council cannot influence policy implementation and there would need to be considerable change in the Charter to make it possible for the County Council to adopt the role that the County Manager currently implements. He asked if that was Judge McDermott's intention.

Judge McDermott responded that was his original inclination, but after reading over the Home Rule Charter several times realized it would be an attempt to create something that would ultimately be unworkable. He further stated that he had a problem with the County Council making a decision and the County Manger continuing to further advocate his own position.

Dr. Fleuchaus stated that Judge McDermott kept bringing up one example. He added that the only alternative would be for the County Manager to be elected which is a considerably different form of government. He suggested that Judge McDermott should have been able to influence the County Council to affect the change needed.

Judge McDermott responded that eventually he was able to do some with additional help.

Dr. Bailey suggested that the document given provides evidence that the Charter worked since the Justice Center was built in the location that Judge McDermott desired. He further stated that he did not feel that this was evidence that the Charter needed to be amended and asked if there was an additional problem.

Judge McDermott responded that one member of the County Council had spoken to demolish the Courthouse Annex and library on City Island and replace them with condominiums and to move the courthouse out to be near the jail building. He further added that there is some room still left for judge growth in most buildings. He felt that we may be revisiting this issue of where to place a courthouse in the future and that there should be a way for the people of Volusia to decide where to build public buildings.

Linda Smiley, Daytona Beach, spoke about term limits of County Council members and she felt that the limit should be reduced to two years. She also felt that officials should not be able to move back and forth between the Council Chair, District Representative, and At-Large Representative positions continually. She wants there to be a more clearly defined policy and review process regarding the spending of Eco-funds. She also felt that there should be a beach advisory committee and that tolls should be removed for beach access. She stated that there should be boundaries for conflict of interest in regard to appointing spouses and close friend to various committees.

This concluded the public participation portion of the meeting.

Chair Brown asked the Committee members for suggestions relating to procedure or process.

Dr. Bailey stated that County Manager Dinneen would be providing a report on county economic and demographic data.

Dona DeMarsh Butler added that staff was working to compile the information for that meeting.

Mr. Heebner suggested that there should be some additional groups to provide information regarding economic development or other issues and that members may have additional suggestions.

Mr. Bruno asked that a summary of the listening session issues be provided.

Dona DeMarsh Butler confirmed that the listening session information would be provided.

Chair Brown recapped that County data information would be provided by Mr. Dinneen and asked that it be circulated prior to the next meeting, a list of issues brought before the Commission from the listening session would be provided, and asked Mr. Heebner to provide suggestions of groups whom he would like to provide presentations to the Commission.

Dr. Fleuchaus added that there are fifteen bright people on the Commission who may have additional suggestions of what to look at regarding the Charter and issues relating.

Chair Brown asked that Charter suggestions/issues be sent in to Ms. Butler to be added to the agenda.

Mr. Ritchey asked that County Attorney Dan Eckert review the Charter to determine items that may be outdated because of legislation changes and to provide a marked copy to the Commission.

County Attorney Dan Eckert stated that he could provide a copy with items marked that are functionally or legally obsolete.

Mr. Watts stated that it would be helpful to look at what has come in and have the conversation of whether the group will look at policy versus structural issues.

Chair Brown asked what Mr. Watts meant regarding policy versus structural issues.

Mr. Watts stated that he is interested in the conversation regarding the appropriate nature of changes to recommend into the Charter, whether they are limited to structure of governance or whether the Commission would entertain policy issues.

Chair Brown asked whether the elimination of the Growth Management Commission is characterized as a policy or structural issue.

Mr. Watts responded that he felt it was more of a structural issue.

Chair Brown adjourned the meeting at 6:23 p.m.

Deanie Lowe
10 years OBPD
4 years CC (chair 92)
12 years SOE

During my 7th year on OBPD, appointed to serve on Charter Review Commission – Secy

At that time there had been a history of conflicts between cities and the County about land uses and annexations.

The conflicts were sort of like the fight between David & Goliath, but the cities had no sling shots. The County had a staff of attorneys while most cities had only one, and in many cases there would be one atty shared among 2-3 cities (still)

And at that time, there was talk of the County going to try to take over all land use planning for all areas – not only unincorporated, but also incorporated - and this was of major concern to the cities.

Recognizing that each of our cities has its own character and personality, and that residents choose to live in those cities because they like that character and personality....

the Charter Review Commission decided to recommend to the voters the means to create a level playing field – the Growth Management Commission.

On this Commission, each of the cities and the County has weighted votes, representative of their percentage of population, so there is no Goliath in the mix.

As a former SOE, there is no way I would ever ask you to not put a question on the ballot. However, I will ask that you not throw the baby out with the bath water. Perhaps a tweaking of the rules and procedures that the GMC follows for determining consistency would suffice.

In closing, I would like to point out that the last Charter Review Commission put three questions on the ballot in 2006 that would have abolished the GMC, replacing it with a Dispute Resolution Commission and would have given the County massive control countywide of land use planning – all of those questions went down in flames.

Michael McDermott
P.O. Box 291520
Port Orange, FL 32129

29 September 2015

TO: The Charter Review Commission
of Volusia County, Florida
Historic Courthouse
Deland, Florida

I hereby submit the following as a proposed amendment to the Home Rule Charter of the County of Volusia, Florida:

“Location of Court facilities. A Court building, whether it is known as a Courthouse, a Courthouse Annex, a Branch Courthouse, a Justice Center or by some other name, shall be in a neutral location which is conveniently accessible to the public. To ensure this, such a building shall be maintained in the middle of a well-populated part of the County.

“If the County of Volusia makes a decision to construct or maintain such a building in violation of this requirement, any resident of Volusia County shall have standing to bring an action in Court to enjoin such an act. The prevailing party shall be entitled to the award of an attorney’s fee and costs.”

Attached is a copy of the presentation I made to the Volusia County Council on August 21, 1986.

Sincerely,

Michael McDermott

Attachment

Presentation To The County Council in DeLand on Thursday, August 21, 1986

My name is Michael McDermott. I am a resident of DeLand. For the last 9½ years, I have been one of your County Court Judges. However, I am appearing before you today more as a concerned citizen of this County than as a Judge, because the matter with which I am concerned is one which does not require any special knowledge or expertise.

At present, the plans are for our new Criminal Justice Center to be built on Indian Lake Road, which is a rural location far from the centers of population in this County, and is occupied by a Juvenile Detention Center and two County Jail facilities for adults. Indian Lake Road also provides access to a State Prison nearby.

We urgently need a Criminal Justice Center for many of our criminal cases; we urgently need a courtroom building which is designed with the proper security features, such as isolated corridors for prisoners, adequate holding cells and a closed area for loading and unloading prisoners from transport vehicles. But as urgently as we need this new courtroom building, Indian Lake Road is the wrong location for it. There are at least three reasons for this.

First, the remoteness of the Indian Lake Road location is totally unsuitable for a courtroom building in a free society. In America, we believe that we should trust the people; where our court system is concerned, this means that the people should have ready access to their courts, so that the people may know what is

happening to their fellow citizens whose rights are being determined in those courts. I cannot think of any courtroom building in this State or this Nation which is at any location other than in the center of a well-populated area.

Second, both the remoteness of the Indian Lake Road location and its proximity to three adult penal facilities together create a chilling environment which can seriously undermine the right of every accused person to a fair trial. A fair trial is one which is decided by a neutral jury, which is presided over by a neutral judge, who are all gathered in a public place in a neutral setting. Indian Lake Road is a setting which is not neutral, but which rather is strongly prosecutorial.

Misfortune in life is not something that always happens to somebody else. We are all frail, and vulnerable to misfortune. And one of the most tragic of misfortunes occurs when a decent and law-abiding citizen is wrongly accused of a crime. We need to do everything possible to make sure that our new Criminal Justice Center is dedicated in all respects to doing Justice. Which of us would want to see a friend or relative go to trial at Indian Lake Road?

Third, the remoteness of Indian Lake Road will create a serious inconvenience for large numbers of ordinary citizens in this County if the new Criminal Justice Center is located there, because there has been considerable discussion of having most or all

County Court misdemeanor and ordinance violations heard there as well. It is only a matter of time before City Island will have to be devoted solely to Civil matters, even for County Court.

I have been stationed in the Courthouse Annex in New Smyrna Beach as long as I have been a Judge, and I have discovered over the years that a surprisingly large number of people get to court by means of a bicycle, or on foot. If our Criminal Justice Center is built on Indian Lake Road, I wonder how many citizens in this County who are of modest means will be able to get there.

In the last twenty-five years, we have seen a movement in this County toward bringing our courts to the people; Courthouse Annexes have been built in New Smyrna Beach and on City Island in Daytona Beach. The proposal to consolidate some or all criminal court activities on Indian Lake Road will be a step backward and make the Courts aloof and remote from the people whom they are supposed to serve. Our Courts exist to serve the people of this County; it is not the other way around.

In recent weeks, I have spoken with many citizens of this County who believe that our new courtroom building must be located at a site other than at Indian Lake Road. These people would like an opportunity to appear before this Council. Accordingly, I request that the County Council, as the elected representatives of the people, place this matter on its printed Agenda for Thursday, September 4, 1986, so that all viewpoints may be given a full and public hearing.

Volusia County Council, 8/21/86

When we make a decision on the location of a courtroom building, we are making a decision about the conditions under which Justice will be administered in our County for several decades into the future. This is a vital matter, which deserves our fullest attention and our most serious discussion.

Thank you.

V. Rules and Procedures

CHARTER REVIEW COMMISSION
RULES OF PROCEDURE
2015-2016

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RULE 1. Public Meetings

All meetings of the Commission, including all meetings of its committees and study committees, shall be open to the public. Notice of the date, time and place of said meetings shall be made available to the public in advance of the meetings by notifying the press, ~~posting on the County's website and using social media, and by posting upon a public bulletin board at the County Administration Building and at regional libraries at least one day before the meeting.~~

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RULE 2. Proposals for Charter Review

Proposals for Charter review being made by anyone other than Commissioners should be submitted to the Charter Review Commission using the comment link available on the Charter Review Commission page or in written form and should include:

1. Name, address, and telephone number of the presenter and the name of the Organization being represented, if any.
2. The current wording of the article of the Charter that the presenter desires to change.
3. An explanation of the weaknesses of the article as currently written, and the reason for the changes and what would be improved.
4. The exact way the presenter would like the Charter article rewritten.

RULE 3. Citizen Participation at Meetings

Whenever possible, any and all interested citizens shall be afforded an opportunity to comment on matters before the Commission or any study committee. Citizens wishing to comment should, in the general case, give written notice of their desire to make such comment at or prior to the meeting.

The remarks of any citizen should be germane to the agenda or topics then under consideration. Each agenda shall include and prescribe a certain portion of the meeting at which "Remarks of Interested Citizens" may be made. The Chairman of the Commission, committee, or study committee may impose reasonable limitations on the time allotted to any citizen. Such limitations shall be imposed only in the interest of fairness to all citizens desiring to be heard.

RULE 4. Frequency of Meetings

There shall be at least one (1) meeting of the full Commission each month.

RULE 5. Place of Meetings

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The meetings of the Commission, committees or study committees should be at a meeting place large enough to accommodate not only the Commission, committee or study committee, as the case may be, but also interested citizens. Unless otherwise specified, An eastside and Westside location was identified the meetings of the Charter Review Commission. The eastside location will be Daytona Beach Community College, Building 110 in Room 112, International Speedway Boulevard, Daytona Beach, Florida. The Westside location for these meetings will be TCK Administration Center in the Training Room at 123 West Indiana Avenue, DeLand, Florida. Commission meetings will be held at the Daytona Beach International Airport, second floor Volusia Room, 700 Catalina Drive, Daytona Beach, FL 32114. And, The sSubcommittee meetings will be were held at the Emergency Operations and Sheriffs Communication Center, 3825 Tiger Bay Road, Daytona Beach, FL 32124 Volusia County School Facilities Building, 3750 Olsen Drive, Daytona Beach, Florida, unless otherwise specified by the Commission. Meetings conducted by study committees or committees should be held at a location selected by the chairman of such study committee or committee.

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RULE 6. Call and Notice of Meetings

Date, time and place of each regular meeting of the Commission shall be announced at the preceding regular or special meeting of the Commission. The agenda of each regular or special meeting shall include the fixing of the date of the next regular meeting. Special meetings may be called by the Chairman of the Commission, or by any eight (8) members of the Commission requesting such special meeting in writing filed with the Secretary. The Secretary of the Commission shall be responsible for mailing a written notice of the date, time and place of meetings of the Commission to the members of the Commission. All such notices shall be mailed not later than four (4) days prior to the noticed meeting. The notices shall be mailed to the members of the Commission at their addresses listed on an appropriate form kept by the Secretary. It shall be the responsibility of any members of the Commission to notify the Secretary of any change of address. The chairman of each study committee or committee shall be responsible for giving sufficient written or telephone notice of study committee or committee meetings to members. A written notice of special meetings of the entire Commission shall be given in the same manner as written notices of regular meetings, except that the written notice of a special meeting shall include the purpose for the call of such special meeting.

RULE 7. Agenda for Regular Meetings

Unless otherwise ordered by the Commission, the agenda for regular meetings of the Commission shall be as follows:

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes of Previous Meeting(s)
- IV. Public Participation (Limit 3 minutes)
- V. Presentation of Issue
- VI. Reports of Subcommittees
- VII. Discussion by Commission of Matters Not on the Agenda
- VIII. Adjournment with Day Fixed for Next Meeting

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RULE 8. Recording of Minutes

Meetings of the Commission, committees and study committees shall be recorded. The tapes of all such meetings shall be preserved for a period of two years after the minutes are approved by the Commission. The Secretary shall be responsible for ensuring that the recording apparatus is available at each meeting of the Commission and each meeting of the committees and study committees. The Secretary shall further be responsible for safeguarding the [audio recordings tapes](#) of such meetings. In addition to the tape recordings of the meetings, the Secretary shall take minutes of the proceedings of the Commission and the chairman of each study committee or a person designated by such chairman shall take minutes of all proceedings of the study committees. All records of the Commission, including the [tape recordings](#)[audio recordings](#) of the meetings, shall be made available to the public. Minutes of the study committee proceedings shall be filed with the Secretary at least once per month.

RULE 9. Quorum

A majority of the members of the Commission shall constitute a quorum at all meetings of the Commission. A majority of study committees or other committees shall constitute a quorum.

RULE 10. Proxy Voting

No member of the Commission or any of its study committees or committees shall have the power to vote by proxy. Only those members physically present shall be entitled to vote.

RULE 11. Preliminary or Tentative Votes

Any member may move for a tentative vote on any question or motion pending before the Commission or any committee or study committee. Such motion shall have the same precedence as a motion for the previous question; unamendable, not debatable, and requiring a majority vote for adoption. If the motion carries, a preliminary or tentative vote shall be immediately taken on the question or motion before the Commission, committee or study committee. The results of such vote shall not be determinative of the motion or question thereto pertaining. There shall be no limit to the number of times a preliminary or tentative vote may be taken.

RULE 12. Official Rules of Order

Except as otherwise provided in these rules of procedure, [Robert's Rules of Order Revised](#) (the most recent edition) is hereby adopted as the official rules of order of the Commission and all committees and study committees.

RULE 13. Duties of the Chairman

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The Chairman shall:

- a) Preside at all regular and special meetings of the Commission;
- b) Represent the Commission at all functions and activities;
- c) Serve as ex-officio (non-voting) member of all committees and study committees;
- d) Be charged with the responsibility of making all committee assignments and appointment of all chairmen of committees and study committees;
- e) Call special meetings when necessary;
- f) Coordinate publicity with the Executive Committee;
- g) Co-sign all disbursement requests, certifying that the disbursement has been duly approved by resolution of the entire Commission.

RULE 14. Duties of the Vice-Chairman

The Vice-Chairman shall perform the duties of the Chairman in the absence or inability to serve of the latter.

RULE 15. Duties of the Secretary

The Secretary shall:

- a) Be custodian of all records of the Commission;
- b) Keep an address and attendance roster;
- c) Attend to all correspondence for the Commission as a whole;
- d) The above duties may be supervisory in nature, and the Secretary may delegate any of the above duties to staff assigned by the County Manager to support the Commission. The Secretary shall make all minutes available to the public and open for inspection at all reasonable times. The attendance roster shall likewise be open for inspection by any member and by the public at any reasonable time;
- e) Maintain accurate records showing the nature, purpose, and amount of all expenditures made on behalf of the Commission;
- f) Co-sign all disbursement requests with the Chairman.

RULE 16. Executive Committee

The Executive Committee shall be composed of the Officers of the Commission and the chairman of each subcommittee.

The purpose of the Executive Committee is to coordinate the activities of the study committees and committees and to prepare an agenda and timetable of Commission activities and to coordinate the drafting of the final report and such recommendations as might be necessary for presentation to the Commission.

RULE 17. Policy on Publicity

Every effort shall be made to ensure that the proceedings of the Commission are made available to the news media. No attempt shall be made to inhibit the normal processes

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of the news media. Public statements by the Commission or by study committees shall be coordinated through the Executive Committee. Members of the Commission may make public or private statements of their personal feelings, attitudes or beliefs at any time. In making such statements, however, members of the Commission shall on every occasion make an affirmative statement that their views are not represented as the views of the Commission as a whole. The Chairman of the Commission shall be responsible for announcing the position of the Commission as a whole.

RULE 18. Policy on Attendance

Attendance at all meetings of the Commission, including meetings of committees and study committees, is mandatory. Any member having two (2) absences from regular or special meetings of the entire Commission without written request and prior approval or, in the case of an emergency, oral approval, by the Chairman, will be dropped and a vacancy declared. Absences from meetings of the committees or study committees shall be subject to approval by the chairman of the committee or study committee.

RULE 19. Vacancies on Commission

A vacancy on the Commission shall exist upon the death, resignation, or disqualification of any member. The vacancy shall be filled by the designation of a replacement member by the Volusia County Council.

RULE 20. Amendment

These rules and procedures shall be the by-laws of the Commission and may be amended by an affirmative vote of a majority of the members of the Commission present and voting or, if the amendment is included in the notice of the meeting, then by a majority vote of members present and voting.

RULE 21. Rules and Procedures Not Covered

Any question on procedure or policy of the Commission which is not expressly covered by these rules shall be referred to the Executive Committee for its recommendation. Any new rules and procedures proposed by the Executive committee shall be adopted by majority vote of Commission members present and voting.

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VI. Issues Submitted for Consideration

2015-16 Charter Review Commission

Commission members suggested groups/speakers:

- Kent Sharples – VGMC
- Economic development entities
- City of Jacksonville on consolidation
- Morgan Gilreath
- VCARD
- Team Volusia
- Practitioners Council
- Chamber of Commerce
- Hispanic Chamber of Commerce
- Sierra Club
- Audubon
- Dr. Bonnie Sorenson – County Health Rankings

From: <pnorthey@cfl.rr.com>
To: Philip Fleuchaus <ptbud@att.net>, Christine Beccaris <cbeccaris@volusia....
CC: Stanley Escudero <CRCEscudero@volusia.org>, Derek Triplett <CRCDTriplett...
Date: 9/30/2015 6:13 PM
Subject: Re: Charter Review Commission

Same here! I leave in the morning for Colorado and return Sunday the 11th. However, off the top of my head I am interested in reviewing Ethics legislation for the Charter and environmental minimum standards. As to groups I would extend an invitation to the Hispanic Chamber of Commerce; Team Volusia; Sierra Club; Audubon and VCARD.

If I think of any others while away I will email you.

---- Philip Fleuchaus <ptbud@att.net> wrote:

=====

Will do but leave 4 NY in am
And return on 5 th. Bud

Sent from my iPhone

> On Sep 30, 2015, at 4:41 PM, Christine Beccaris <cbeccaris@volusia.org> wrote:
>
> Charter Review Commission Members,
>
> During the listening session last night the consensus by those members present was to have all members of the Charter Review Commission submit any issues that they wish to discuss regarding the charter and to provide the names of any agency/organization that they wish to invite to future Charter Review Commission meetings.
>
> If you could please submit the above information to me by Monday, October 5th in order to have our agenda reflect these issues.
>
>
> Christine L. Beccaris
>
> Assistant to Dave Byron
> Community Services Department
> (386) 943-7029 ext. 12956
>
> Assistant to Dona DeMarsh Butler
> Community Assistance Division
> (386) 943-7039 ext. 12908
>
>
>
> <Beccaris, Christine.vcf>

From: philip fleuchaus <ptbud@att.net>
To: Christine Beccaris <CBeccaris@volusia.org>
Date: 10/6/2015 10:45 AM
Subject: Suggestions for Charter Commission discussuin

Christine, I am sending you my suggestions for the Charter Commission review . I don't know how to include all so please forward

Suggestions for discussion by Charter Commission made from my copy.

1. Section 202.3 VCMG needs review.
2. Section 205.1 Beach Regulations should be reviewed.
3. Section 301 thru 304 Legislation Branch. Compensation, at-large position, districts, terms and compensation for review.
4. Section II in my copy refers to election in 22002. Has this been removed?
5. Section 1302 the amendment by petition. Is 5% the right number?
6. Section 1303 and 2311.2 in my copy both refer to the Charter Commission. Is this just an old copy. Looking forward to new copy with amendments and changes thru the years.

Sorry for the lateness but have been OOT>

Bud Fleuchaus

From: Peter Heebner <pheebner@lawdaytona.com>
To: 'Christine Beccaris' <cbeccaris@volusia.org>, 'Patricia Drago' <patddrag...
CC: 'Derek Triplett' <dtriplett@hopefellowship.org>, 'David Hass' <CRCDHaas@...
Date: 10/5/2015 2:39 PM
Subject: Charter Review Commission

Dear Chairman Brown,

As you requested, I give you my thoughts on some agenda discussion for our next official meeting of the Volusia County Charter Review Commission on October 12, 2015.

1. Legal review of the Charter. Glenn Ritchey's excellent suggestion is the classic initial Charter Review process. That is, lawyers schooled in these areas examine the Charter to determine if over the last 10 years legislative changes, judicial changes, or administrative changes justify modifications to the language in the Charter. In my examination of the Charter, I have not seen any, but I would rely on Dan Eckert's shop on those issues.

2. In County reimbursement of expenses for County Councilmen, which is currently prohibited by Section 304 of the Charter. You may recall this modification was recommended by County Manager, Jim Dineen.

3. A discussion of the future of the Volusia County Growth Management Commission (VCGMC). We have had conflicting input by members of the public regarding the viability of that organization. County Manager, Jim Dineen, has recommended its abolition or modification, though we have heard few specifics. I recommend we invite Kent Sharples to speak on his experiences with the VGMC.

4. Are there changes that can be made in the Charter which would improve our competitiveness in the economic development market place? I would suggest that we ask representatives of the economic development recruiting entities to hear from them their perception of restrictions in their ability to recruit and compete with other counties.

5. Another issue which may require some discussion is whether or not the issues before our Commission are sufficient in number and complexity that would justify our appointing subcommittees from the Commission to study specific issues and return with a report to the Commission. If not, if the issues are scant and not difficult, the Commission can act as a committee of the whole.

6. Although we are awaiting demographic and economic information from the County Manager's office, the statistics are clear that Volusia County lags behind the balance of the state in mean household incomes. Are there charter enactments that might assist in elevating those numbers?

7. To Volusia County, the environment is always an issue. Our growth is going to become much greater. How do we protect our most important assets, our unique springs system, our Halifax River, and the iconic Mosquito Lagoon?

8. Recommendations by the County Chair, Jason Davis. Though obviously recommendations made from a partisan source, some may be worthy of discussion. However, do any of those recommendations really improve the governess and the economics of Volusia County?

Summary:

Having served on the last Charter Review Commission (where I thought we took on more issues than necessary and created friction between the cities and the County) I see few significant issues that this Commission needs responsibly to respond to. There are obvious topics of great interest to all of us who are citizens of Volusia County, but may not necessarily represent issues or problems that can be resolved by modifications to our Charter.

I modestly hope this is helpful.

Peter B. Heebner, Esquire
Heebner, Baggett, Upchurch & Garthe, P.L.
523 North Halifax Avenue
Daytona Beach, FL 32118
386-255-1428 phone
386-253-1765 fax
pheeber@lawdaytona.com

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From: <fdarden@cfl.rr.com>
To: Stanley Escudero <CRCSEscudero@volusia.org>, Derek Triplett <CRCDTriplet...
CC: VCCharterReview <VCCharterReview@volusia.org>
Date: 10/4/2015 1:40 PM
Subject: Re: Charter Review Commission

I think it is a great idea to request agenda items from the VCCRC members. In response to the request, I offer the following for discussion issues and agencies that I'd like to hear from:

1. Sheriff: Why is our Constitutional Officer Sheriff regulated by the Volusia Charter, titled "Public Safety Officer" and does that change his effectiveness or status in the law enforcement community? If one constitutional officer could be regulated under the Charter, could others be absorbed into County Government? For instance, the School Board, Supervisor of Elections, etc.
2. Government Consolidation: I would like to hear from Jacksonville official(s) regarding the effectiveness and efficiency of consolidated government implemented through their charter. An aside, the Sheriff in Jacksonville is treated like all other Constitutional officers, contrary to what was stated in one of our meetings.
3. Property Taxes: I'd like to hear from Morgan Gilreath regarding Volusia County Property taxes as compared to other Florida Counties. Are we high, low, average, etc.

Thank you very much for requesting this information and including it in our agenda.

--- Christine Beccaris <cbeccaris@volusia.org> wrote:

=====

Charter Review Commission Members,

During the listening session last night the consensus by those members present was to have all members of the Charter Review Commission submit any issues that they wish to discuss regarding the charter and to provide the names of any agency/organization that they wish to invite to future Charter Review Commission meetings.

If you could please submit the above information to me by Monday, October 5th in order to have our agenda reflect these issues.

Christine L. Beccaris

Assistant to Dave Byron
Community Services Department
(386) 943-7029 ext. 12956

Assistant to Dona DeMarsh Butler
Community Assistance Division
(386) 943-7039 ext. 12908

From: "Lisa Williams" <estrobeck@cfl.rr.com>
To: "Christine Beccaris" <cbeccaris@volusia.org>, "Patricia Drago" <patddrag...>
CC: "VCCharterReview" <VCCharterReview@volusia.org>
Date: 10/4/2015 12:58 PM
Subject: Re: Charter Review Commission

Good afternoon,

Issues I wish to discuss have been brought forth previously either by the public or the county manager. I do like the suggestion of dedicating one of our meetings to VGMC as there's such varying, passionate opinions about the future of the commission.

VCARD, Team Volusia and the Practitioners' Council along with representatives from the Chambers of Commerce are suggested organizations to invite to our future meetings.

Warm regards,
Lisa Ford Williams

-----Original Message-----

From: Christine Beccaris
Sent: Wednesday, September 30, 2015 4:41 PM
To: Patricia Drago ; Philip Fleuchaus ; Hyatt Brown ; Lisa Williams ; Frank Darden ; Patricia Northey ; Mark Watts ; Frank Bruno ; Derek Triplett ; M. Haas ; James Morris ; Glenn Ritchey ; Peter Heebner ; Stanley Escudero ; T Dr ; David Hass ; Derek Triplett ; Frank Bruno ; Frank Darden ; Glenn Ritchey ; Hyatt Brown ; James Morris ; Lisa Ford Williams ; Mark Watts ; Patricia Drago ; Phillip Fleuchaus ; Peter Heebner ; Patricia Northey ; Stanley Escudero ; T. Wayne Bailey
Cc: VCCharterReview
Subject: Charter Review Commission

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Christine L. Beccaris

Assistant to Dave Byron
Community Services Department
(386) 943-7029 ext. 12956

Assistant to Dona DeMarsh Butler
Community Assistance Division
(386) 943-7039 ext. 12908

From: Pat Drago <patddrago@aol.com>
To: Christine Beccaris <cbeccaris@volusia.org>, Philip Fleuchaus <ptbud@att...>
CC: VCCharterReview <VCCharterReview@volusia.org>
Date: 10/2/2015 11:35 AM
Subject: RE: Charter Review Commission

The issues that concern me are better coordination and cooperation with the cities and a second concern is human services. I am unsure how and if either of those could be addressed through the charter. I would be interested in whether other charter counties have charter language on these issues.

Sent from my Verizon Wireless 4G LTE smartphone----- Original message -----From: Christine Beccaris <cbeccaris@volusia.org> Date: 9/30/2015 2:41 PM (GMT-07:00) To: Patricia Drago <patddrago@aol.com>, Philip Fleuchaus <ptbud@att.net>, Hyatt Brown <ahawkins@bbins.com>, Lisa Williams <estrobeck@cfl.rr.com>, Frank Darden <fdarden@cfl.rr.com>, Patricia Northey <pnorthey@cfl.rr.com>, Mark Watts <Mark.Watts@cobbcole.com>, Frank Bruno <franktbrunojr@gmail.com>, Derek Triplett <dtriplett@hopefellowship.org>, "M. Haas" <dhaas@iclhomes.com>, James Morris <jim@jamesmorrispa.com>, Glenn Ritchey <gritchey@jonhall.com>, Peter Heebner <pheebner@lawdaytona.com>, Stanley Escudero <stanleyescudero@msn.com>, T Dr <wbailey@stetson.edu>, David Hass <CRCDHaas@volusia.org>, Derek Triplett <CRCDTriplett@volusia.org>, Frank Bruno <CRCFBruno@volusia.org>, Frank Darden <CRCFDarden@volusia.org>, Glenn Ritchey <CRCGRitchey@volusia.org>, Hyatt Brown <CRCHBrown@volusia.org>, James Morris <CRCJMorris@volusia.org>, Lisa Ford Williams <CRCLFWilliams@volusia.org>, Mark Watts <CRCMWatts@volusia.org>, Patricia Drago <CRCPDrago@volusia.org>, Phillip Fleuchaus <CRCPFleuchaus@volusia.org>, Peter Heebner <CRCPHeebner@volusia.org>, Patricia Northey <CRCPNorthey@volusia.org>, Stanley Escudero <CRCEscudero@volusia.org>, "T. Wayne Bailey" <CRCTWBAiley@volusia.org> Cc: VCCharterReview <VCCharterReview@volusia.org> Subject: Charter Review Commission
Charter Review Commission Members,

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Christine L. Beccaris

Assistant to Dave Byron
Community Services Department
(386) 943-7029 ext. 12956

Assistant to Dona DeMarsh Butler
Community Assistance Division
(386) 943-7039 ext. 12908

From: stanley escudero <stanleyescudero@msn.com>
To: Christine Beccaris <cbeccaris@volusia.org>
Date: 10/6/2015 10:14 AM
Subject: Proposed Charter Changes
Attachments: ChrtrReviewStaffMembr.docx; ChrtrReviewLeglServices.docx;
ChrtrReviewTransitnProvisn.docx; ChrtrReviewSecn202.3 Removal.docx;
ChrtrReviewSecn304Compensation.docx

Christine,

Attached are five (5) proposed changes to the county charter. These are my personal proposals. I have already sent one set of proposed changes which came from a Mr. Jim Donahue and anticipate sending you one more set of proposals, in addition to Mr. Donahue's and mine, before the end of the day tomorrow, Wednesday October 7th.

Best regards,
Stan Escudero

Christine,

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I have already sent one set of proposed changes which came from a Mr. Jim Donahue and anticipate sending you one more set of proposals, in addition to Mr. Donahue's and mine, before the end of the day tomorrow, Wednesday October 7th.

Best regards,

Stan Escudero

SECTION 301.2. STAFF SUPPORT FOR COUNCIL MEMBERS

At present the county charter provides no independent staff support for the elected members of the county council. Requests for information normally gathered by personal staffers must currently be made to county employees whose lines of authority run to other than the council members making the request. This is contrary to common practice at the federal and at many state levels and can impede the capacity of council members to propose policy measures fully in keeping with broader budgetary or other county realities. Each council member should have one staffer responsible to the member alone and who has full and immediate access to any and all information available to any or all county employees.

PROPOSED BALLOT LANGUAGE:

Shall the following be added to the county charter as Section 301.2?

Each elected member of the county council shall have the power to hire, direct and/or fire one staff member who shall be responsible only to the county council member employer. Such staffers shall be paid from county funds at a level equal to that of department heads among county employees and shall be entitled to all pension, health care, travel and other benefits to the same extent as county employees of the same rank. Staffers employed by elected county council members shall be empowered to become and remain promptly and fully informed on any matter related to county government as requested by the employing council member.

SECTION 601.2. Department of Legal Services.

This section of the county charter currently reads as follows:

Section 601.2. Department of Legal Services. The county attorney shall be the director of the Department of Legal Services and may hire licensed attorney assistants to perform the duties of the department. All such attorneys shall devote their entire practice to the representation of the county charter government. They shall represent the county charter government, the county council, the county manager and the elected and appointed department heads as county officers, all other departments and divisions of county government and all adjustment, regulatory and advisory boards in all legal matters affecting the county government. Special attorneys and experts shall be employed only when required in specific matters upon the recommendation of the county attorney and approved budgetary expenditure in the best interests of the county. (Ch. 70-966, Laws of Florida (Sp. Acts), Art VI ' 601.2)

As the people's representatives, the elected members of the county council should have power of approval over the hiring of licensed attorney assistants.

PROPOSED BALLOT LANGUAGE: Should Section 601.2 of the county charter be amended as follows to give the elected county council approval power over the hiring of licensed attorney assistants?

The first sentence of Section 601.2 would be amended to read as follows, while the remainder of that section would be unchanged:

The county attorney shall be the director of legal services and may hire licensed attorney assistants to perform the duties of the department upon approval of a simple majority of the full council.

TRANSITION PROVISION – 2004 ELECTION

The transition Provision of the County Charter presently reads as follows:

Transition Provision – 2004 Election. At the election of 2004, the voters shall choose council members from districts 2 and 4 for 4-year terms, council members from districts 1,3 and 5 for 2-year terms and a county chair for a 4-year term. The terms shall commence January 1, 2005. The council member elected at large whose 4-year term commences January 1, 2003, shall continue in office for the remainder of the term. This transition shall be repealed and deleted from the charter January 1, 2005. (Res. No. 2002-149, S 1, 9-5-02)

As the above paragraph remains in the current copy of the county charter it appears that its provisions were never implemented, although they must have been approved by the people in referendum ten years ago. If that is the case it would seem to me unnecessary to include a provision removing the Transition Provision from the charter. It should simply not be included in future versions. However, if the above paragraph was not included on the ballot a decade ago then it should be included as follows:

PROPOSED BALLOT LANGUAGE:

Should the Transition Provision be deleted from the county charter as intended and proposed ten years ago?

ELIMINATION OF SECTION 202.3. Volusia Growth Management Commission

Section 202.3 describes the powers, responsibility and makeup of the Volusia Growth Management Commission. This body is a relic of a time when there were considerable ongoing problems and lack of coordination between the County Council and various of the cities of Volusia County. That time is long past and many of the Growth Management Commission's functions have been taken over by other bodies. Elimination of the Commission would save the County some \$250,000 per year.

Proposed Ballot Language:

Shall the Volusia Growth Management Commission be eliminated as no longer necessary, Section 202.3 of the County Charter deleted and those of its functions which remain be transferred to the PLDRC?

SECTION 304. COMPENSATION.

Section 304 currently reads as follows:

The salary of a council member shall be 50 percent of that prescribed by law for the office of county commissioner. The salary for county chair shall be 60 percent of that prescribed by law for the office of county commissioner. The salaries shall constitute full compensation for all services and in-county expenses, except that out-of-county expenses, as permitted by law, shall be authorized. (Ch. 70-966, Laws of Florida (Sp. Acts) Art III, s 304; Res. No. 84-155, Amend No. 1, 9-6-84; Res No. 2002-149, s 1, 9-5-02)

As presently written the county Charter unfairly denies to council members reimbursement for legitimate expenses related to their office and incurred within Volusia County. In light of the low salaries paid to council members, the expectation that proper job performance requires very substantial travel and event attendance both within and without Volusia County, and the fact that other Florida counties have broader reimbursement policies, Volusia should ensure that council members are compensated for all legitimate expenses related to their elected offices.

PROPOSED BALLOT LANGUAGE:

Shall Section 304 of the County Charter be changed to read as follows to permit compensation of county council members for legitimate expenses incurred within and without Volusia County?:

Section 304. Compensation. The salary of a council member shall be 50 percent of that prescribed by law for the office of county commissioner. The salary of the county chair shall be 60 percent of that prescribed by law for the office of county commissioner. The salaries shall constitute full compensation for services, except that properly receipted expenses for office – related activities undertaken either within or without Volusia County, as permitted by law, shall be authorized. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, s 304; Res. No 84-155, Amend No. 1, 9-6-84; Res. No. 2002-148, s 1, 9-5-02)

2015-16 Charter Review Commission

Issues submitted by members of the public for discussion

- Beach driving – 3 (meetings and email)
- Beach tolls removed – 86 (email – not included in packet)
- Personnel Board – 4 (meetings and email)
- Economic development – 1 (meeting)
- Resign to run – 1 (meeting)
- Recall of elected officials – 1 (meeting)
- High tech industry recruitment – 2 (meeting)
- Medical examiner run by state of Florida – 1 (meeting)
- Sheriff department vs. Public Safety department – 1 (meeting)
- Staff for council members – 1 (meeting)
- VGMC – 3 (meeting and email)
- Environment – 2 (meeting)
- Location of county court facilities – 1 (meeting)
- Term limits – 1 (meeting)
- Votes that require 2/3 of full council – 1 (email)
- Division of powers – 1 (email)
- Setting of council agenda – 1 (email)
- Review of budgetary process – 1 (email)
- Non-interference by County Council – 1 (email)
- Department directors -1 (email)

From: Greg Gimbert <greggimbert@hotmail.com>
To: "vccharterreview@volusia.org" <vccharterreview@volusia.org>
CC: "jdavis@volusia.org" <jdavis@volusia.org>
Date: 9/29/2015 5:04 PM
Subject: Proposed Amendment Regarding Beach Tolls

Dear Committee Members,

I would like to propose a change to our Volusia County Charter to prohibit beach tolls. While some see them as a user fee and complain that their removal would transfer the costs for beach driving on the backs of non beach drivers I ask you to step back and look bigger. The cost of beach services do not equate to the cost of beach driving.

First, if there was no beach driving we would still be paying for our beach services as evidenced by the fact that the same services are offered in the no drive areas. Then there is the fairness issue of discriminating against locals who drive to the beach in favor of hotel guests, parking lot visitors, and beach side residents who walk to the beach for free. In this age of a county government so large that it can give away millions of dollars every year why do we still single out the beach drivers with an additional bill? Certainly the million (or once almost two) in net profit from beach tolls sounds like a great deal of money but in reality it is less than 2/10 of one percent of our county's budget. The tolls are statistically insignificant at the county budget level so lets look a little deeper. Compare them to the other county giveaways like "economic development" schemes and then there are the CRAs too. Unlike those other giveaways removing beach tolls would be different in 1) that we stop collecting money the county obviously does not need and 2) the greater benefit of open gates for all residents, all beach side businesses, and all visitors. Finally does removing the beach tolls and letting our residents keep their money to spend as they see fit better than what the county has done with the money? Considering the long train of politicians who ran promises to remove the tolls only to then expand them I think the voters would like a chance to weigh in on this one.

Now the upside. The positive impact on tourism, A1A corridor renewal, and residential quality of life is undeniable. We have tried everything else so far, some debacles costing us hundreds of millions of dollars only to make economic conditions worse. Just from a tourism perspective nothing says DAYTONA BEACH IS BACK! like all the gates open and the toll booths gone. It would make the beach a much safer place too drivers. No tolls and open gates mean we would not have to drive unnecessarily long distances to and from the few open gates we have now. Whether you support beach driving or not I hope you will recognize this has been a contentious issue since the county chose to impose tolls decades back. Please use this once every 10 year opportunity you all have to put this issue before your friends and neighbors, the voters.

I know this is a big ask but you signed up for a big job. Thank you for your consideration.

Respectfully submitted,

Greg Gimbert 255 Euclid Ave Daytona Beach, FL 32118 386 852-0751

TITLE: Beach Access Fees

SUMMARY: Prohibits fees for access

of any type to Volusia County beaches including but not limited to beach tolls, parking meters in which the primary purpose is for beach access parking, charges for parking garages in which the primary purpose is for beach access parking and any other type of charge for pedestrian, vehicular or other access to the beach.

Article II, Section 205 of the
County Charter is amended to read as follows:

Section 205.
Unified Countywide Beach Regulations.

Section 205.1.

The Beach: Public Right of Free Access and Use. The public has a right of free access to the beaches and a right to use the beaches for recreation and other customary purposes. This right of free access and use is a public trust, which the council shall by ordinance define, protect, and enforce. Because prohibiting motor vehicle access to the beaches would deny beach use to many, the council shall authorize, as permitted by law, free vehicular access to all any part of the beach not reasonably accessible from public parking facilities. (Res. No. 86-136, Amend. No. 4, 9-18-86; Res. No. 96-121, Amend. No. 3, 6-20-96)

Section 205.2.

Unified Beach Code. The council shall have the power and it shall be its duty to enact an ordinance, to be known as the Unified Beach Code ("code"), comprehensively regulating public health, safety, and welfare on and pertaining to the beach, including, but not limited to, regulation of: individual conduct; pedestrian safety; vehicular access and fees; operation and parking of vehicles on beaches and approaches; and vendors, concessionaires, and special events. (Res. No. 86-136, Amend. No. 4, 9-18-86; Res. No. 96-121, Amend. Nos. 1, 2, 6-20-96)

Section 205.3. Vehicular

Beach Access Fees Prohibited. The council shall not have the exclusive power to impose a uniform, reasonable vehicular beach access fee of any kind, but no other fee shall be charged for individual beach access or use. Revenues derived from vehicular access fees and all other revenues derived from the beach shall be expended solely for direct beach purposes permitted by law. Directly and by grants to municipalities, the council shall expend such revenues to maintain a uniform level of services responsive to use and demand. This would include not only beach tolls but also parking meters in which the primary purpose is for beach access parking, fees for parking garages in which the primary purpose is for beach access parking and any other type of charge for pedestrian, vehicular or other access to the beach. (Res. No. 86-136, Amend. No. 4, 9-18-86; renumbered Res. No. 96-121, Amend. No. 2, 6-20-96)

From: "Mikedenis@cfl.rr.com" <mikedenis@cfl.rr.com>
To: <vccharterreview@volusia.org>
Date: 10/1/2015 4:27 PM
Subject: Compromise Proposal for Beach Driving.

The Ruling by Circuit Judge Upchurch keeps the final decision about changes to beach driving in the County Council and requires a 3/5 majority. But what happens before that is undefined.

Have a two step process for changes to beach access and driving. A proposal is made by any source, Staff, Developer, or . The Council votes, up or down, that this proposal is worthy of the process. This becomes a simple majority item, pass or fail. If the simple majority of the Council agrees it should be moved to the next stage, the item is put on the ballot on the next general election (November in even years). If the requestor does not wish to wait until the next general election, they pay the cost to the county for a special election. If the Council votes against the proposal, it is considered as not a valid proposal.

The Ballot item is voted on by the citizens of the county, and if it passes a simple majority, then it goes for final 3/5 majority approval by the County Commission, as it is today. If the electorate votes it down, then it is considered as not a valid proposal, and is withdrawn.

To me this makes sense, as the council has the final say, in line with the court ruling, and the people have a say.

Mike Denis

625 Lenox Ave #2

Daytona Beach, FL 32118

From: stanley escudero <stanleyescudero@msn.com>
To: Christine Beccaris <cbeccaris@volusia.org>
Date: 10/6/2015 10:06 AM
Subject: FW: Charter
Attachments: 151005C Charter Sect 202.3 Pargph 6.docx; 151005D Charter Sect 301.1.docx; 151005L Charter Sect 203.docx; 151005F Charter Sect 307 Ss (4).docx; 151005N Charter Sect 307.3.docx; 151005R Charter Sect 1103.3.docx; 151005B Charter Sect 202.3 Pargph 5.docx; 151005M Charter Sect 306.docx; 151005S Charter Sect 602.docx; 151005K Charter Sect 1302.1.docx; 151005T Charter Sect 1005 Ss (3).docx; 151005H Charter Sect 307 Ss (9).docx; 151005G Charter Sect 307 Ss (7).docx; 151005J Charter Sect 1009.docx; 151005E Charter Sect 307 Ss (1).docx; 151005Q Charter Sect 404.docx; 151005I Charter Sect 1003.1.docx

Christine,

Attached are 17 (seventeen) proposed changes to the county charter suggested by Mr. Jim Donahue on behalf of the organization known as Taxpayers' Action Group. I anticipate receiving other proposed changes from a different source within the next 24 hours.

My own proposed changes follow via separate email.

Best regards,
Stan Escudero

From: jim@sterlingyes.com
To: stanleyescudero@msn.com
Subject: FW: Charter
Date: Tue, 6 Oct 2015 05:57:56 -0400

Stan – Here they are again. Jim From: Jim Donahue [mailto:jim@sterlingyes.com]

Sent: Monday, October 05, 2015 7:51 PM

To: Stanley Escudero <stanleyescudero@msn.com>; 'econnor' <econnor@cfl.rr.com>

Subject: Charter Stan & Ed – I am sending along the TAG recommendations for changes to the county charter which I was assigned at our last meeting. I followed the template which I sent to you earlier.

There is a separate document for each one of the proposed sections to be changed. These are MS Word files. If you are submitting them electronically, it may be wise to convert them to a .pdf format so they cannot be altered without our knowledge. I believe my job is complete on this one. Jim Donahue

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 202.3. Volusia Growth Management Commission. Paragraph 5. 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.

WEAKNESS

The requirement for a two-thirds majority of the entire council in this paragraph renders the possibility that it will ever be adopted very unlikely. By so doing, it dwindles and dissipates the ability of the electorate to have their wishes enacted by their elected officials. It creates an unfair advantage to maintaining the status quo and diminishes the ability of the public to effect change.

RECOMMENDED WORDING

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 simple majority vote of the of the council members in attendance.

(151005B)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 202.3. Volusia Growth Management Commission. Paragraph 6. 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)

WEAKNESS

The requirement for a two-thirds vote in one sentence and a two-thirds majority of the entire council in another sentence, this paragraph renders the possibility that it will ever be adopted very unlikely. By so doing, it dwindles and dissipates the ability of the electorate to have their wishes enacted by their elected officials. It creates an unfair advantage to maintaining the status quo and diminishes the ability of the public to effect change.

RECOMMENDED WORDING

The commission, by a majority 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 a majority vote of the council members in attendance.)

(151005C)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 301.1. Council Districts. After every decennial census and prior to the next ensuing general election, the council shall prepare a plan for the reapportionment of the five districts to insure division into contiguous territory as nearly equal in population as practicable. The council shall review and adopt the reapportionment plan as an ordinance by a two-thirds vote of the full council. If the council is unable to complete the reapportionment of the council districts within six months after the official publication of the census, the county attorney upon authorization of the council or petition of twenty-five electors of the county shall petition the circuit court having jurisdiction in the county to make such reapportionment. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, § 301.1; Res. No. 96-121, Amend. No. 1, 6-20-96; Res. No. 2002-149, § 1, 9-5-02)

WEAKNESS

The requirement for a two-thirds majority of the entire council in this paragraph renders the possibility that changes will ever be adopted very unlikely. By so doing, it dwindles and dissipates the ability of the electorate to have their wishes enacted by their elected officials. It creates an unfair advantage to maintaining the status quo and diminishes the ability of the public to effect change.

RECOMMENDED WORDING

After every decennial census and prior to the next ensuing general election, the council shall prepare a plan for the reapportionment of the five districts to insure division into contiguous territory as nearly equal in population as practicable. The council shall review and adopt the reapportionment plan as

an ordinance by a majority vote of the full council. If the council is unable to complete the reapportionment of the council districts within six months after the official publication of the census, the county attorney upon authorization of the council or petition of twenty-five electors of the county shall petition the circuit court having jurisdiction in the county to make such reapportionment.

(151005C)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 307. Powers. (1) Appoint by a two-thirds (2/3) vote of the full council and remove by a majority vote of the full council, the county manager.

WEAKNESS

The requirement for a two-thirds (2/3) vote of the full council in this paragraph renders the possibility that changes will ever be adopted very unlikely. By so doing, it dwindles and dissipates the ability of the electorate to have their wishes enacted by their elected officials. It creates an unfair advantage to maintaining the status quo and diminishes the ability of the public to effect change.

RECOMMENDED WORDING

Appoint by a majority vote of the council members in attendance and remove by a majority vote of the council members in attendance, the county manager.

Volusia County Florida
Citizen Recommendation for Charter Change

(151005E)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 307. Powers. (4) Adopt, amend and repeal an administrative code by a two-thirds (2/3) vote of the full council.

WEAKNESS

The requirement for a two-thirds (2/3) vote of the full council in this paragraph renders the possibility that changes will ever be adopted very unlikely. By so doing, it dwindles and dissipates the ability of the electorate to have their wishes enacted by their elected officials. It creates an unfair advantage to maintaining the status quo and diminishes the ability of the public to effect change.

RECOMMENDED WORDING

Adopt, amend and repeal an administrative code by a majority vote of the council members in attendance.

(151005F)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 307. Powers. (7) Adopt by a two-thirds (2/3) vote of the full council such rules of parliamentary procedures as shall be necessary for the orderly transaction of the business of the council.

WEAKNESS

The requirement for a two-thirds (2/3) vote of the full council in this paragraph renders the possibility that changes will ever be adopted very unlikely. By so doing, it dwindles and dissipates the ability of the electorate to have their wishes enacted by their elected officials. It creates an unfair advantage to maintaining the status quo and diminishes the ability of the public to effect change.

RECOMMENDED WORDING

Adopt by a majority vote of the council members in attendance such rules of parliamentary procedures as shall be necessary for the orderly transaction of the business of the council.

(151005G)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 307. Powers (9) Appoint by a two-thirds (2/3) vote of the full council and remove by a majority vote of the full council, the county attorney. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, ' 307; Res. No. 76-89, Amend. No. 6, 9-16-76; Res. No. 96-121, Amend. No. 4, 6-20-96)

WEAKNESS

The requirement for a two-thirds (2/3) vote of the full council in one sentence and requiring a majority vote of the full council in this paragraph renders the possibility that changes will ever be adopted very unlikely. By so doing, it dwindles and dissipates the ability of the electorate to have their wishes enacted by their elected officials. It creates an unfair advantage to maintaining the status quo and diminishes the ability of the public to effect change.

RECOMMENDED WORDING

Appoint by a majority vote of the council members in attendance and remove by a majority vote of the council members in attendance, the county attorney.

(151005H)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 1003.1. Appointment - Removal. There shall be a personnel board consisting of five (5) members who shall be appointed by the council. The personnel board shall designate its own chair and vice chair at least every two (2) years from the date of its first appointment. Members of the personnel board shall serve for a term of six (6) years, except that of the members first appointed, one (1) shall be appointed to serve for six (6) years and two (2) for four (4) years and two (2) for two (2) years. Vacancies in an unexpired term shall be filled by the council by appointment for the remainder of the term. A member of the personnel board may be removed by the council by a two-thirds (2/3) vote, only for cause and after being given a written statement of the charges against the member and in a public hearing thereof, if the member so requests. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1003.1; Res. No. 96-121, Amend. No. 1, 6-20-96)

WEAKNESS

The requirement for a two-thirds (2/3) vote of in this paragraph renders the possibility that a member of the personnel board will be removed as very unlikely. By so doing, it dwindles and dissipates the ability of the electorate to have their wishes enacted by their elected officials. It creates an unfair advantage to maintaining the status quo and diminishes the ability of the public to effect change.

RECOMMENDED WORDING

There shall be a personnel board consisting of five (5) members who shall be appointed by the council. The personnel board shall designate its own chair and vice chair at least every two (2) years from the date of its first appointment. Members of the personnel board shall serve for a term of six (6) years, except that of the members first appointed, one (1) shall be appointed to serve for six (6) years and two (2) for four (4) years and two (2) for two (2) years. Vacancies in an unexpired term shall be filled by the council by appointment for the remainder of the term. A member of the personnel board may be removed by the council by a majority vote, only for cause and after being given a written statement of the charges against the member and in a public hearing thereof, if the member so requests.

(151005I)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 1009. Amendment to Rules and Regulations. A two-thirds (2/3) vote of the full council shall be required to amend the rules and regulations of the merit system. (Ch. 70. 966, Laws of Florida (Sp. Acts), Art. X, ' 1009)

WEAKNESS

The requirement for a two-thirds (2/3) vote of the full council in this paragraph renders the possibility that it will ever be changed very unlikely. By so doing, it dwindles and dissipates the ability of the electorate to have their wishes enacted by their elected officials. It creates an unfair advantage to maintaining the status quo and diminishes the ability of the public to effect change.

RECOMMENDED WORDING

A majority vote of the council members in attendance shall be required to amend the rules and regulations of the merit system.

(151005J)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 1302.1. Amendment by Council. The council, by a two-thirds (2/3) vote of its full membership, shall have the authority to propose amendments to this charter. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII, ' 1302.1)

WEAKNESS

The requirement for a two-thirds (2/3) vote of its full membership in this paragraph renders the possibility that it will ever be changed very unlikely. By so doing, it dwindles and dissipates the ability of the electorate to have their wishes enacted by their elected officials. It creates an unfair advantage to maintaining the status quo and diminishes the ability of the public to effect change.

RECOMMENDED WORDING

The council, by a majority vote of the members in attendance, shall have the authority to propose amendments to this charter.

(151005K)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 203. Division of Powers. This charter hereby establishes the separation between legislative and administrative functions of this government. The establishment and adoption of policy shall be the responsibility of the council and the execution of that policy shall be the responsibility of the county manager. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. II, ' 203)

WEAKNESS

The original wording excludes two vital areas of responsibility for members of the council: the definition(s) used in said policy and the oversight of its execution. These two roles needs to be clearly articulated so as to prevent a challenge from the executive. By so doing, it dwindles and dissipates the ability of the electorate to have their wishes enacted by their elected officials.

RECOMMENDED WORDING

This charter hereby establishes the separation between legislative and administrative functions of this government. The establishment, definition, adoption and oversight of policy shall be the responsibility of the council and the execution of that policy shall be the responsibility of the county manager.

(151005L)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 306. Meetings and Organization. The organizational meeting of the council shall be held on the first Thursday after the first Monday of January. The council shall provide for the manner, time and place for holding all regular council meetings. The county manager shall prepare and the county chair may supplement an agenda prior to each meeting. Upon the commencement of the meeting, the agenda is subject to action of the council. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, § 306; Res. No. 96-121, Amend. No. 1, 6-20-96; Res. No. 2002-149, § 1, 9-5-02)

WEAKNESS

The original wording is ambiguous. It leaves unclear whether or not the council, by majority vote, may alter, subtract or add items to each meeting agenda. The proposed change removes any ambiguity. It vests with the council the ability for the public's desires to be acted upon through their elected representatives.

RECOMMENDED WORDING

The organizational meeting of the council shall be held on the first Thursday after the first Monday of January. The council shall provide for the manner, time and place for holding all regular council meetings. The county manager shall prepare and the county chair may supplement an agenda prior to each meeting. Upon the commencement of the meeting, the agenda is subject to alteration and acceptance by the council.

(151005M)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 307. Powers. (3) Review the budgetary requests including salaries and make the final budgetary determinations and appropriations for all county governmental operations including, but not limited to county management, all administrative departments of the government, the judicial system, adjustment boards and special authorities and tax districts which request a portion of the millage levied for county purposes under the Constitution of Florida or such other millage as may be levied by the county for municipal service districts excepting the school system.

WEAKNESS

The original wording is ambiguous: "Review the budgetary requests ..." It leaves unclear whether or not the council, by majority vote, may alter the budgetary requests. The proposed change removes any ambiguity. It vests with the council the ability for the public's desires to be acted upon through their elected representatives.

RECOMMENDED WORDING

Review and by majority vote of the council alter the budgetary requests including salaries and make the final budgetary determinations and appropriations for all county governmental operations including, but not limited to county management, all administrative departments of the government, the judicial system, adjustment boards and special authorities and tax districts which request a portion of the millage levied for county purposes under the Constitution of Florida or such other millage as may be

Volusia County Florida
Citizen Recommendation for Charter Change

levied by the county for municipal service districts excepting the school system.

(151005N)

TO: Charter Review Commission Chair
123 West Indiana Avenue
DeLand, FL 32720-4209

FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
(386) 763-3000
Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 404. Non-Interference by County Council. Except for the purposes of inquiry and information, the council and committees or members thereof are expressly prohibited from interfering with the performance of the duties of any employee of the county government who is under the direct or indirect supervision of the county manager. Such action shall be malfeasance within the meaning of Article IV, Section 7 (a) of the Florida Constitution. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. IV, ' 404)

WEAKNESS

The significant problem with the current wording is that it severely limits and restricts the ability of the elected representatives of the public to act on the public's behalf. It has a chilling effect on elected officials who want to make inquire, confirm that legally enacted policies and ordinances are being carried out, and probe into the conduct of the county's hired staff. In their place, an excessive amount of authority is vested in the hands of a single individual: the county executive who is a hired staff having no direct accountability to the electorate. This entire scheme contradicts the concepts of our republic as envisioned by the Framers.

RECOMMENDED WORDING

The council shall have the responsibility of oversight of implementation of its policies by all county employees. This shall include but not be limited to full and timely access to all

information necessary to conduct oversight of implementation of the administrative code and of implementation of budgets and ordinances as well as the power to require implementation in accordance with the council's definition of its policies and ordinances. Directives to the county manager regarding implementation shall be issued by majority vote of the council.

(151005Q)

TO: Charter Review Commission Chair
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FROM: Jim Donahue
5291 Plantation Home Way
Port Orange, FL 32128-7547
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Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 1103.3. Review. The council shall review the tentative budget as submitted by the county manager, together with the manager's recommendations and shall make such additions, deletions or changes as may be necessary to insure the proper funding of all operations of county government. The council shall take action to insure that the total budget provides sufficient funds on an annual basis for all agencies and departments to carry out their duties and functions as provided by the Constitution, laws of Florida and this charter. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XI, 1103.3)

WEAKNESS

The current wording lacks clarity on this point: it is the responsibility of the council – rather than the executive – to ensure that the council's policies and plans are being supported and advanced with the allocation of funding. In words of a famous President, "The buck stops here [the council]." The executive is a hired member of the staff with no direct responsibility to the electorate. That responsibility belongs solely to members of the council. The wording of this section should make that fact crystal clear.

RECOMMENDED WORDING

The council shall review the tentative budget as submitted by the county manager, together with the manager's recommendations and shall make such additions, deletions or changes as may be necessary to insure the proper funding of all operations of county government and to insure the budgetary expenditures advance and support the policies of the council. The council shall take action to insure that the total budget provides sufficient funds on an annual basis for all agencies and departments to carry out their duties and functions as provided by the Constitution, laws of Florida and this charter.

Volusia County Florida
Citizen Recommendation for Charter Change

(151005R)

TO: Charter Review Commission Chair
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FROM: Jim Donahue
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Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 602. Department Directors. The director of each department shall be the principal officer of the department and responsible for all its operations and such division heads as may be necessary. Each director and division head except as otherwise provided in this charter shall be appointed by the county manager subject to confirmation by the council and shall serve at the pleasure of the county manager. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. VI ' 602)

WEAKNESS

The current wording vests too much authority in the hands of one person: an unelected, hired member of the staff in the form of the county executive. The dismissal of a department director should require the approval of a majority of the members of the county council as the elected representatives of the people.

RECOMMENDED WORDING

The director of each department shall be the principal officer of the department and responsible for all its operations and such division heads as may be necessary. Each director and division head except as otherwise provided in this charter shall be appointed by the county manager subject to confirmation by the council and shall serve at the pleasure of the county council.

(151005S)

TO: Charter Review Commission Chair
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FROM: Jim Donahue
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Port Orange, FL 32128-7547
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Representing: Taxpayer Action Group (TAG)

CURRENT SECTION & WORDING

Section 1005. Unclassified and Classified Service. (3) The determination of the personnel board shall be final as to whether offices and positions are under classified service. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1005; Res. No. 76-89, Amend. No. 4, 9-16-76)

WEAKNESS

The current wording vests too much authority in an unelected body: the Personnel Board. Neither members, individually, nor the Board, as a whole have any direct responsibility to the voting public. The issue of this subsection adjudicates the decision of whether or not individual county staff positions are under classified service. While the Board should be allowed to rule, said decision must be subject to review by the representatives of the people: the county council.

RECOMMENDED WORDING

The determination of the personnel board as to whether offices and positions are under classified service can be appealed to the county council. Their decision, by majority vote of the members in attendance, will be final and binding.

(151005T)