

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.