

# **Volusia Growth Management Commission Budget Meeting Notice and Agenda**

**6:30 p.m.      January 22, 2020**

County Council Chambers Conference Room  
Thomas C. Kelly Administration Center  
123 W. Indiana Avenue  
DeLand, FL

- I.      Roll Call
- II.     Approval of Minutes – August 28, 2019 Budget Committee Meeting
- III.    Review 2019-20 Fiscal YTD Expenditures
- IV.    Review Preliminary Proposed 2020-21 Budget
- V.     Other Business

If a person decides to appeal any decision by the VGMC of any matter considered at such public meeting, (s)he will need to ensure that a verbatim record of such meeting is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with The Americans with Disabilities Act (ADA), if a person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, (s)he should contact the VGMC office at least 48 hours prior to the proceeding at 140 S. Beach, Daytona Beach, FL, (386) 947-1875.

**Budget Committee  
Volusia Growth Management Commission**

**MINUTES FOR MEETING HELD  
Wednesday, August 28, 2019**

Daytona Beach City Hall  
301 S. Ridgewood Avenue  
Conference Room #149B  
Daytona Beach, FL

The meeting was called to order at 6:29 p.m. by Budget Committee Chair Loretta Arthur. The following committee members were present: Loretta Arthur, Harold Briley, Christy Gillis and Joe Hammett. It was determined that a quorum was present.

**Approval of Minutes**

March 27, 2019 Budget Committee Meeting

Harold Briley made a motion to approve the minutes of the March 27, 2019 Budget Committee meeting as presented; motion seconded by Joe Hammett. Motion carried unanimously.

**Review 2018-19 Fiscal YTD Expenditures**

The committee briefly reviewed the year-to-date expenses which are at 46% of total budget through August 12, 2019. There were no discrepancies or concerns noted.

**2019-20 VGMC Budget Update**

Ms. Arthur reported that the County Budget office has recommended the \$10,000 litigation contingency be removed, and they have also made minor adjustments to several other line items. In total, the total budget recommendation is \$192,241 which is approximately \$10,600 less than the VGMC budget request. The County Council is scheduled to hold two public hearings on the 2019-20 proposed budget in September.

**Adjournment**

There being no further business, the meeting was adjourned at 6:33 p.m.

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Budget Committee Chair

**VGMC Budget Worksheet**  
**2019-20 Budget Expenses as of January 6, 2020**

| <b>Object Code</b> | <b>Short Description</b> | <b>Original Budget</b> | <b>Amended Budget</b> | <b>Total Expenses</b> | <b>Budget Balance</b> | <b>% of Budget</b> |
|--------------------|--------------------------|------------------------|-----------------------|-----------------------|-----------------------|--------------------|
| 1201               | Salaries                 | \$27,650               | \$27,650              | \$5,579               | \$22,071              | 20%                |
| 2100               | FICA                     | \$2,132                | \$2,132               | \$305                 | \$1,827               | 14%                |
| 2200               | Retirement               | \$2,368                | \$2,368               | \$473                 | \$1,895               | 20%                |
| 2301               | Group Insurance          | \$4,500                | \$4,500               | \$4,500               | \$0                   | 100%               |
| 2302               | Life Insurance           | \$308                  | \$308                 | \$55                  | \$253                 | 18%                |
| 2303               | Dental Insurance         | \$176                  | \$176                 | \$0                   | \$176                 | 0%                 |
| <b>Totals</b>      | <b>Personal Services</b> | <b>\$37,134</b>        | <b>\$37,134</b>       | <b>\$10,912</b>       | <b>\$26,222</b>       | <b>29%</b>         |

| <b>Object Code</b> | <b>Short Description</b> | <b>Original Budget</b> | <b>Amended Budget</b> | <b>Total Expenses</b> | <b>Budget Balance</b> | <b>% of Budget</b> |
|--------------------|--------------------------|------------------------|-----------------------|-----------------------|-----------------------|--------------------|
| 3320               | Comm. Fees               | \$250                  | \$250                 | \$0                   | \$250                 | 0%                 |
| 3400               | Contract Services        | \$130,000              | \$130,000             | \$13,216              | \$116,784             | 10%                |
| 3710               | Computer Replacemen      | \$816                  | \$816                 | \$816                 | \$0                   | 100%               |
| 3810               | Training & Education     | \$200                  | \$200                 | \$0                   | \$200                 | 0%                 |
| 3820               | Registration Fees        | \$250                  | \$250                 | \$0                   | \$250                 | 0%                 |
| 4000               | Travel                   | \$4,410                | \$4,410               | \$0                   | \$4,410               | 0%                 |
| 4100               | Communications           | \$600                  | \$600                 | \$300                 | \$300                 | 50%                |
| 4211               | Postage                  | \$1,500                | \$1,500               | \$89                  | \$1,411               | 6%                 |
| 4250               | Mileage                  | \$300                  | \$300                 | \$0                   | \$300                 | 0%                 |
| 4400               | Rent                     | \$9,000                | \$9,000               | \$3,998               | \$5,002               | 44%                |
| 4510               | Liability Insurance      | \$281                  | \$281                 | \$281                 | \$0                   | 100%               |
| 4700               | Printing                 | \$500                  | \$500                 | \$0                   | \$500                 | 0%                 |
| 4711               | Xerox - Copier           | \$1,000                | \$1,000               | \$0                   | \$1,000               | 0%                 |
| 4910               | Legal Ads                | \$4,000                | \$4,000               | \$0                   | \$4,000               | 0%                 |
| 5100               | Office Supplies          | \$1,000                | \$1,000               | \$0                   | \$1,000               | 0%                 |
| 5102               | Office Equipment         | \$500                  | \$500                 | \$0                   | \$500                 | 0%                 |
| 5230               | Food & Dietary           | \$500                  | \$500                 | \$0                   | \$500                 | 0%                 |
| <b>Totals</b>      | <b>Operating</b>         | <b>\$155,107</b>       | <b>\$155,107</b>      | <b>\$18,700</b>       | <b>\$136,407</b>      | <b>12%</b>         |

|              |                    |                  |                  |                 |                  |            |
|--------------|--------------------|------------------|------------------|-----------------|------------------|------------|
| <b>TOTAL</b> | <b>VGMC Budget</b> | <b>\$192,241</b> | <b>\$192,241</b> | <b>\$29,612</b> | <b>\$162,629</b> | <b>15%</b> |
|--------------|--------------------|------------------|------------------|-----------------|------------------|------------|

Contract Services YTD Actual Expenses Paid break down as follows:

\$ 1,306 Legal - GrayRobinson

\$11,030 Planning - SME

\$ 880 Planning - VHB

Currently \$1,010 pending Contract Services expenses



## Volusia Growth Management Commission

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TO: Members of the VGMC Budget Committee

FROM: Merry Chris Smith, Operations Manager

DATE: January 7, 2020

RE: Preliminary Draft 2020-21 Proposed Budget

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Attached please find a preliminary budget package for the 2020-21 fiscal year for your review and discussion.

Many of the proposed budget figures are consistent with the current 2019-20 approved budget, with a few minor revisions described below.

The first page of the attached package is a worksheet which provides a 5-year budget history, the current approved budget, and preliminary proposed budget figures for the 2020-21 fiscal year. Page two is a budget justification form which provides more specific detail relating to the individual line items. Page three provides the objectives, measurements, and budget request overview. The final page is information that is included in the program book when the County presents the budget to the Council next year.

Following are additional comments/information relating to some of the individual line items that I would like to specifically expand upon:

- 1) Object Codes 1201 thru 2303: The Personal Services category relates specifically to the Operations Manager position. The County Human Resources division calculates all of the individual line items within this category. The proposed 2020-21 budget figures are based upon the current approved budget and will likely be modified somewhat by the County.
- 2) Object Code 3400: The Contract Services budget of \$120,000 is based upon estimates provided by VGMC staff and breaks down as follows: GrayRobinson (\$25,000 + \$15,000 litigation contingency), S&ME (\$65,000) & VHB (\$15,000\*). \*I am currently awaiting the VHB budget estimate and will update this if necessary. The total proposed contract services budget of \$120,000 represents a \$10,000 reduction from the current approved budget and is a result of a \$10,000 decrease in the legal budget estimate.

Memo to Budget Committee

January 7, 2020

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- 3) I've included slight reductions in the Postage (4211), Printing (4701) and Legal Ads (4910) budgets.

Based upon the figures included in the attached worksheet, the total preliminary proposed budget for 2020-21 is \$180,441 which represents an approximately \$12,000 reduction from the current budget.

If you have any questions in advance of the meeting, please do not hesitate to contact me.

Thank you.

cc: Debbie Connors, VGMC Chair

## VGMC Budget Worksheet

| Object Code | Short Description    | Actuals 2014-15     | Actuals 2015-16     | Actuals 2016-17     | Actuals 2017-18     | Actuals 2018-19     | Adopted 2019-20     | 5 Year Average      | Proposed 2020-21    |
|-------------|----------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| 1201        | Salaries             | \$24,412.00         | \$25,873.00         | \$25,435.00         | \$26,057.00         | \$27,258.00         | \$27,650.00         | \$25,807.00         | \$27,650.00         |
| 2100        | FICA                 | \$1,453.00          | \$1,528.00          | \$1,453.00          | \$1,461.00          | \$1,498.00          | \$2,132.00          | \$1,478.60          | \$2,132.00          |
| 2200        | Retirement           | \$1,791.00          | \$1,899.00          | \$1,943.00          | \$2,090.00          | \$2,269.00          | \$2,368.00          | \$1,998.40          | \$2,368.00          |
| 2301        | Group Insurance      | \$4,774.00          | \$5,214.00          | \$5,520.00          | \$5,520.00          | \$5,516.00          | \$4,500.00          | \$5,308.80          | \$4,500.00          |
| 2302        | Life Insurance       | \$250.00            | \$255.00            | \$249.00            | \$255.00            | \$267.00            | \$308.00            | \$255.20            | \$308.00            |
| 2303        | Dental Insurance     | \$0.00              | \$5.00              | \$60.00             | \$0.00              | \$0.00              | \$176.00            | \$13.00             | \$176.00            |
|             | Personal Services    | \$32,680.00         | \$34,774.00         | \$34,660.00         | \$35,383.00         | \$36,808.00         | \$37,134.00         | \$34,861.00         | \$37,134.00         |
| 3320        | Comm., Fees          | \$175.00            | \$175.00            | \$175.00            | \$175.00            | \$175.00            | \$250.00            | \$175.00            | \$250.00            |
| 3400        | Contract Services    | \$75,553.00         | \$160,898.00        | \$69,024.00         | \$85,533.00         | \$60,992.00         | \$130,000.00        | \$90,400.00         | \$120,000.00        |
| 3710        | Computer Replacement | \$792.00            | \$792.00            | \$918.00            | \$808.00            | \$808.00            | \$816.00            | \$823.60            | \$816.00            |
| 3810        | Training & Education | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$200.00            | \$0.00              | \$200.00            |
| 3820        | Registration Fees    | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$250.00            | \$0.00              | \$250.00            |
| 4000        | Travel (Members)     | \$3,850.00          | \$4,970.00          | \$1,645.00          | \$1,540.00          | \$1,540.00          | \$4,410.00          | \$2,709.00          | \$4,410.00          |
| 4100        | Communications       | \$600.00            | \$600.00            | \$600.00            | \$600.00            | \$600.00            | \$600.00            | \$600.00            | \$600.00            |
| 4211        | Postage - CNTY       | \$1,202.00          | \$1,341.00          | \$1,044.00          | \$864.00            | \$606.00            | \$1,500.00          | \$1,011.40          | \$1,000.00          |
| 4250        | Mileage              | \$125.00            | \$175.00            | \$43.00             | \$0.00              | \$0.00              | \$300.00            | \$68.60             | \$300.00            |
| 4400        | Rent                 | \$7,588.00          | \$7,569.00          | \$7,747.00          | \$7,778.00          | \$8,090.00          | \$9,000.00          | \$7,754.40          | \$9,000.00          |
| 4510        | Liability Insurance  | \$0.00              | \$0.00              | \$324.00            | \$566.00            | \$633.00            | \$281.00            | \$304.60            | \$281.00            |
| 4701        | Printing C/R         | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$500.00            | \$0.00              | \$200.00            |
| 4711        | Xerox - C/R          | \$644.00            | \$1,158.00          | \$434.00            | \$386.00            | \$242.00            | \$1,000.00          | \$572.80            | \$1,000.00          |
| 4910        | Legal Ads            | \$14,920.00         | \$12,765.00         | \$702.00            | \$986.00            | \$729.00            | \$4,000.00          | \$6,020.40          | \$3,000.00          |
| 5100        | Office Supplies      | \$223.00            | \$570.00            | \$288.00            | \$165.00            | \$314.00            | \$1,000.00          | \$312.00            | \$1,000.00          |
| 5102        | Office Equipment     | \$117.00            | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$500.00            | \$23.40             | \$500.00            |
| 5230        | Food & Dietary       | \$139.00            | \$200.00            | \$94.00             | \$0.00              | \$15.00             | \$500.00            | \$89.60             | \$500.00            |
| 5440        | Software             | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$328.00            | \$0.00              | \$65.60             | \$0.00              |
|             | Operating Totals     | \$105,928.00        | \$191,213.00        | \$83,038.00         | \$99,401.00         | \$75,072.00         | \$155,107.00        | \$110,930.40        | \$143,307.00        |
|             | <b>Totals</b>        | <b>\$138,608.00</b> | <b>\$225,987.00</b> | <b>\$117,698.00</b> | <b>\$134,784.00</b> | <b>\$111,880.00</b> | <b>\$192,241.00</b> | <b>\$145,791.40</b> | <b>\$180,441.00</b> |

**Volusia Growth Management Commission (VGMC)  
Budget Justification – FY 2020-21**

| <b>Object Code/<br/>Description</b> | <b>Budget<br/>Amount</b> | <b>Justification</b>   |
|-------------------------------------|--------------------------|--|
| 1201-Salaries                       | \$27,650                 | ALL LINE ITEMS DETERMINED BY THE COUNTY  |
| 2100-FICA                           | \$2,132                  |  |
| 2200-Retirement                     | \$2,368                  |  |
| 2301-Group Insurance                | \$4,500                  |  |
| 2302-Life Insurance                 | \$308                    |  |
| 3203-Dental Insurance               | \$176                    |  |
| 3320-Comm. Fees                     | \$250                    |  |
| 3400-Contract Services              | \$120,000                | \$ 40,000 -- Legal Staff<br>\$ 80,000 -- Planning Staff (\$65,000-SME; \$15,000-VHB)                                 |
| 3710-Computer Replacement           | \$816                    | Desktop and laptop computer replacement program -- this amount is established by the County                          |
| 3810-Training & Education           | \$200                    | Fees for administrative staff to attend education/training class relating to records management                      |
| 3820-Registration Fees              | \$250                    | Fees for Chair or other designated member to attend VCARD sponsored events   |
| 4000-Travel                         | \$4,410                  | Member travel reimbursements – Calculated at 21 members, 6 meetings per year at a rate of \$35/meeting               |
| 4100-Communications                 | \$600                    | Broadband Internet Connection -- \$50/month  |
| 4211-Postage                        | \$1,000                  | Postage Costs for VGMC mailings  |
| 4250-Mileage                        | \$300                    | Mileage expense reimbursement for travel related to VGMC activities  |
| 4400-Rent                           | \$9,000                  | - Annual rent for VGMC office space (currently \$615.00/month)<br>- Rental expense for offsite storage of VGMC files |
| 4510-Liability Insurance            | \$281                    | Liability insurance charged back from the County   |
| 4701-Printing C/R                   | \$200                    | Reproduction of VGMC materials (outside)   |
| 4711-Xerox – C/R                    | \$1,000                  | Use of County copier   |
| 4910-Legal Ads                      | \$3,000                  | Advertising hearings, meetings, etc.   |
| 5100-Office Supplies                | \$1,000                  | Projected cost for VGMC office supplies  |
| 5102-Office Equipment               | \$500                    | Budgeting for purchase of small office equipment   |
| 5230-Food & Dietary                 | \$500                    | To cover miscellaneous items such as meeting refreshments  |

# Volusia Growth Management Commission

## FY 2020-21 Annual Budget Request

### Key Objectives:

Review the Comprehensive Plans and any plan amendments thereto for each governmental entity in Volusia County to insure intergovernmental coordination and cooperation.

### Performance Measures:

|                          | FY<br>2016-17 | FY<br>2017-18 | FY<br>2018-19 | FY<br>2019-20<br>(est.) | 2019-20<br>YTD<br>(1/7/20) | FY<br>2020-21<br>(est.) |
|--------------------------|---------------|---------------|---------------|-------------------------|----------------------------|-------------------------|
| Applications<br>Reviewed | 49            | 78            | 63            | 90                      | 25                         | 70                      |

### Mission Statement:

To provide an effective means for coordinating the plans of municipalities and the County, in order to provide a forum for units of local government in Volusia County to coordinate decision making related to land use, the environment and public services for the citizens of Volusia County.

### Budget Request Overview:

The number of new applications reviewed by the VGMC has remained consistent over the past several years. In 2016, the VGMC Consistency Certification Rules were amended. While the standard of review by the VGMC remains the same, the changes, in part, limited the ability of the commission to independently request additional information and/or request a public hearing in many cases.

The requested VGMC budget represents anticipated expenses to be incurred by the VGMC to carry out the duties of the commission under the current rules and regulations.

Program Book Information:

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 VGMC'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 insure intergovernmental coordination and cooperation. The Commission utilizes contract legal and planning services, and also has one permanent staff member.

Heather M. Ramos

407-244-5670

HEATHER.RAMOS@GRAY-ROBINSON.COM

December 12, 2019

Debbie Connors, Chair  
Volusia Growth Management Commission  
140 S. Beach Street, Suite 305  
Daytona Beach, FL 32114

Re: Legal Representation and Revised Budget Estimate for Fiscal Year 2020/2021  
GR Client-Matter No. 40080-1

Dear Ms. Connors:

This letter is sent in response to the Volusia Growth Management Commission's budget estimate for the fiscal year 2020/2021 for our firm's continued legal representation of the Volusia Growth Management Commission ("Commission"). I understand that this budget estimate will be reviewed by the Budget Committee in February 2020.

Over the years, it has been our experience that things go more smoothly if we have a clear understanding of your needs and the role we need to play. The purpose of this engagement letter is to confirm an agreement concerning representation and the payment of our fees and expenses. This engagement letter will govern all subsequent matters in which we may become involved on your behalf unless a separate arrangement is made.

We will do our very best to meet your needs in any matters we undertake for you, but as you know, we cannot and do not make any representations or warranties concerning the outcome. We will give you our best advice, render opinions, and seek to obtain the desired result. In this regard, it is most important that we communicate regularly.

As general counsel to the Commission, our duties will include:

- (i) Attendance at all meetings of the full Commission as directed by the Commission Chair and provide oral or written reports on legal activities;
- (ii) Analyze and comment on applications to the Commission for consistency certification when a request for comment is received from planning staff;
- (iii) Prepare draft resolutions regarding consistency certification applications for consideration by the Commission;

Debbie Connors, Chair  
December 12, 2019  
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(iv) Consult with the Commission Operations Manager and chairman on procedural matters and prepare procedural memorandums as so directed in the Commission's Rules of Procedure;

(v) Upon prior approval from the chairman, meet with the local governments and proponents of a comprehensive plan change to discuss and review legal issues on particular applications to the Commission; in the event there are exigent circumstances to attend such a meeting and prior approval from the chairman is not possible, authorization to attend said meeting may be obtained from the vice chairman or the secretary to the Commission;

(vi) Attend the Commission's committee meetings as directed by the committee chair;

(vii) Undertake special projects and prepare reports as directed by the Commission;  
and

(viii) Immediately address and respond to new litigation matters so as to preserve jurisdiction of the Commission and subsequently present the litigation matter to the full Commission for direction on the litigation position of the Commission and for direction as to whether general counsel shall pursue such litigation on behalf of the Commission.

GrayRobinson will begin performance of the above services on the date written authorization to proceed is received. The duration of this continuing services Agreement shall be one (1) year. The Commission shall have the option of extending this Agreement for two additional one (1) year terms; however, this Agreement will revert to a month-to-month contract under the current terms until such time as a new Agreement is reached.

In the event GrayRobinson elects to withdraw from representation, or if the Commission, by a weighted majority vote of the Commission, elects to terminate the services of GrayRobinson, a minimum of 90 days written notice will be provided to the affected party.

GrayRobinson strives to maintain the highest ethical standards. GrayRobinson is governed by the Florida Bar's Rules of Professional Conduct, including but not limited to, Rule 4-1.7, Conflict of Interest, Current Clients, and Rule 4-1.9, Conflict of Interest, Former Client, and represents that GrayRobinson will at all times perform any and all services under this Agreement in compliance with the Rules of Professional Conduct.

GrayRobinson agrees that, if changes, including additions, to the facts disclosed by it prior to execution of this Agreement, occur during performance of this Agreement, it shall make an immediate and full disclosure of such changes in writing to the Commission. GrayRobinson shall not undertake any representation of other clients which may result in a conflict of interest, without first obtaining written informed consent from each affected client(s), including the Commission, prior to commencement of such representation consistent with Rule of Professional Conduct 4-1.7(b).

Debbie Connors, Chair  
December 12, 2019  
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I am submitting the following arrangements with our firm regarding fees and costs:

1. Our fees will be based on an hourly rate of \$225.00 for attorneys and \$105.00 for paralegals. As you are aware, this hourly attorney and paralegal rate is considerably below the hourly rates normally charged our clients. I will be primarily responsible for your work, and will be assisted by other legal staff as necessary.

2. Our statement for fees and costs will be submitted on a monthly basis and are normally to be paid within thirty days of receipt of the statement. Enclosed, please find a copy of our firm's "Additional Understanding Regarding Representation". All conditions in that document are incorporated by reference as a part of this letter. Also enclosed is a copy of our current cost recovery rates/charges. Mileage will be computed at 44.5 cents per mile for all travel related to the Commission per Section 112.061(7)(d)1, Florida Statutes.

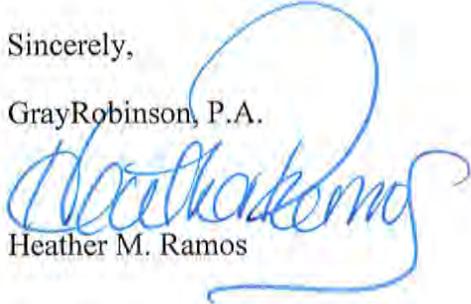
We estimate our fees will be approximately \$25,000.00 for the Commission's 2020/2021 fiscal year. If there is no longer a separate contingent amount for litigation, we would recommend including an additional \$15,000.00 for litigation into the budgeted amount.

If the foregoing meets with the approval of you and the Commission, please have the Commission's authorized representative execute this letter agreement in the space provided, and return it to me. Your acceptance of our representation will include our agreement regarding fees and costs.

Our firm looks forward to continuing to work with you and all the Commissioners in the future. If you have any questions regarding this representation letter or any other matter, do not hesitate to call me.

Sincerely,

GrayRobinson, P.A.

  
Heather M. Ramos

HMR/sdh

Enclosures

Debbie Connors, Chair  
December 12, 2019  
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ACCEPTED BY:

**VOLUSIA GROWTH MANAGEMENT COMMISSION**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

Date: \_\_\_\_\_

# **Additional Understanding Regarding Representation**

## **Payment of Invoices**

In the event that our invoices are not timely paid, or that payment terms satisfactory to us are not established, we reserve the right to renegotiate the terms of this engagement and/or to pursue our other remedies, including the right to charge you interest of 1<sup>1</sup>/<sub>2</sub>% per month for any invoice which has not been paid within 30 days of the date the invoice is mailed or emailed to you. We also reserve the right to withdraw as your counsel in the event you fail to honor your agreement with respect to our legal fees or for any just reason as permitted or required under the Florida Code of Professional Responsibility or as permitted by the rules of courts of the State of Florida. In the event of our withdrawal, you will promptly pay for all services rendered by us prior to the date of withdrawal.

## **Electronic Data**

This will serve as our disclosure that the Firm does presently and will continue to maintain confidential and privileged information in electronic form. This practice will be followed in our work on this matter. The Firm does take measures that it understands to be reasonable and consistent with current business practices to protect that information.

## **Outcome or Result**

We will strive to do our best to meet your needs in this and other any matter we subsequently undertake for you. Either at the commencement, or during the course of our representation, we may express opinions or beliefs concerning the litigation or various courses of action and the results that might be anticipated. Any such statement made by any attorney, consultant or employee of our Firm is intended to be an expression of opinion only, based on information available to us at the time, and should not be construed as a promise or guarantee. We cannot and do not make any representations, warranties or guarantees concerning the outcome of this or any representation we undertake. We will give you our best advice, render opinions, and seek to obtain the desired result. In this regard, it is most important that we communicate regularly.

## **File Retention**

Following the termination of the representation/engagement, any otherwise nonpublic information you have supplied to the Firm (unless previously removed or destroyed by specific request) will be retained by us and kept confidential in accordance with applicable rules of professional conduct, and the Firm reserves the right to send such materials to off-site storage at any time. Any retrieval of material once the file is closed may incur an expense for which you will be responsible. The Firm's retention policy provides that we retain stored and closed files for a period of ten (10) years after which they may be destroyed. Thus, if there are any documents which you need from those we possess, we recommend that you obtain them at the conclusion of our work on this matter. Failure to do so will waive and indemnify the Firm from any liability for the destruction of materials.

In representing the Volusia Growth Management Commission, our firm could be deemed to be “acting on behalf” of the Commission as contemplated under section 119.0701 of the Florida Statutes. In an abundance of caution, we have always complied in such representations with the letter and spirit of Florida’s Public Records Act, Chapter 119 of the Florida Statutes including specifically subsection 119.0701(2), which requires the firm to:

- a. Keep and maintain public records required by the Commission to perform the services under this Agreement.
- b. Upon request from the Commission’s custodian of public records, provide the Commission with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119 of the Florida Statutes or otherwise provided by law.
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement if the firm does not transfer the records to the Commission.
- d. Upon completion of the Agreement, transfer, at no cost, to the Commission all public records in our possession or keep and maintain public records required by the Commission to perform the services under this Agreement. If the firm transfers all public records to the Commission upon the expiration or termination of this Agreement, the firm shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the firm keeps and maintains public records upon the expiration or termination of this Agreement, the firm shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Commission, upon request from the Commission’s custodian of public records, in a format that is compatible with the information technology systems of the Commission.

IF GRAYROBINSON HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO GRAYROBINSON’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO GRAYROBINSON’S LEGAL REPRESENTATION OF THE VGMC, GRAYROBINSON SHOULD CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT [VGMC@VOLUSIA.ORG](mailto:VGMC@VOLUSIA.ORG) (386) 947-1875, VOLUSIA GROWTH MANAGEMENT COMMISSION, 140 S. BEACH STREET, #305, DAYTONA BEACH, FL 32114.

## **CLIENT CHARGES**

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December 17, 2019

Merry Chris Smith  
Operations Manager  
Volusia Growth Management Commission  
140 S. Beach Street, #305  
Daytona Beach, FL 32114

Reference: Volusia Growth Management Commission 2020-2021 Budget  
Project No. 20140535

Dear Ms. Smith:

S&ME is pleased to present our estimated budget for fiscal year 2020-2021. After discussions with VGMC staff, review of the previous year budget versus actual expenses, continued increase in economic growth and development activities in Volusia County, S&ME has prepared an estimated budget of \$65,000.00 for fiscal year 2020-2021. We understand that the actual expenses are based upon the number and complexity of the amendments to be reviewed in 2020-2021. We hope that this estimated budget will be helpful to you in budgeting for the next fiscal year.

If you should have any questions regarding the projected budget, please feel free to contact me at (407) 975-1273 or at [cdougherty@smeinc.com](mailto:cdougherty@smeinc.com). We look forward to assisting the Commission with next year's upcoming endeavors.

Sincerely,

**S&ME, Inc.**

A handwritten signature in blue ink, appearing to read "Chris R. Dougherty".

Chris R. Dougherty, AICP  
VGMC Planner