



Volusia Growth Management Commission

TO: POP Committee

FROM: Merry Chris Smith, VGMC Operations Manager *MCS*

DATE: February 13, 2019

RE: POP Committee Meeting, February 27, 2019

Attached please find the agenda package for the next POP meeting scheduled for Wednesday, February 27, 2019 beginning at **6:00 p.m.** in the Daytona Beach City Commission Chambers

Please be sure to complete the annual performance evaluation in advance of the meeting and submit it to POP Chairman James Wachtel at the meeting.

If you have any questions or are unable to attend the meeting, please let me know at your earliest convenience.

Thank you.

POP Committee:

James Wachtel, Committee Chairman
Sandy Lou Gallagher
John Meikle
Larry Saffer
Robert Storke
Mary Swiderski
Sid Vihlen, Jr.

cc: Debbie Connors, VGMC Chair

**Volusia Growth Management Commission
Personnel, Operations & Procedures Committee Meeting
Notice and Agenda**

6:00 p.m.

February 27, 2019

City Commission Chambers
Daytona Beach City Hall
301 S. Ridgewood Avenue
Daytona Beach, FL

- I. Roll Call
- II. New Business
 - 1) Approval of Minutes – September 26, 2018 POP Committee Meeting
 - 2) Annual Performance Evaluation of VGMC Operations Manager
 - 3) Review VGMC Rules of Procedure for Meetings, Membership and Operations
 - 4) Discuss Application Review Process
- III. Old Business
- IV. Other Business
- V. Adjournment

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.

**Personnel, Operations & Procedures Committee
Volusia Growth Management Commission**

MINUTES FOR
MEETING HELD
Wednesday, September 26, 2018

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

The meeting was called to order at 6:30 p.m. by VGMC Chair Debbie Connors.

The following POP Committee members were also present, Sandy Lou Gallagher, Robert Lovelace, John Meikle, Larry Saffer, Robert Storke and Mary Swiderski. VGMC member Thomas Wright was also in attendance.

NEW BUSINESS

- 1) Approval of the minutes of the January 24, 2018 POP Committee meeting.

Robert Storke made a motion to approve the minutes of the January 24, 2018 POP Committee meeting as presented; seconded by Sandy Lou Gallagher. Motion carried unanimously.

- 2) Consider recommendation for renewal of GrayRobinson legal services contract for 2018-19 FY

Mary Swiderski made a motion to recommend the commission approve the renewal of the GrayRobinson contract for the 2018-19 fiscal year; seconded by John Meikle. Motion carried unanimously.

- 3) Consider recommendation for renewal of S&ME planning services contract for 2018-19 FY

Member Storke pointed out that in Article 7, page 7, the term of the contract needs to be changed from September 30, 2018 to September 30, 2019.

Sandy Lou Gallagher made a motion to recommend the commission approve the renewal of the S&ME contract for the 2018-19 fiscal year with a change to the term date on page 7 to September 30, 2019; seconded by Larry Saffer. Motion carried unanimously.

- 4) Consider recommendation for renewal of VHB planning services contract for 2018-19 FY

Ms. Connors pointed out that there is a small increase in rates proposed by VHB. She also stated that VHB primarily serves as a back-up planner. Discussion ensued regarding VHB's role and it was suggested that we may want to send applications to VHB for review periodically to keep all parties in the loop and familiar with the process.

Larry Saffer made a motion to recommend the commission approve the renewal of the VHB contract for the 2018-19 fiscal year; seconded by John Meikle. Motion carried unanimously.

General discussion ensued. Ms. Smith joined the meeting at approximately 6:40.

Ms. Connors asked Ms. Smith if there was opportunity to utilize VHB periodically to review applications. Ms. Smith responded that VHB (formerly Miller-Sellen and MSCW) was the VGMC primary planner since the inception of the VGMC up until a couple of years ago. She stated at that time Jim Sellen was planning retirement and they felt it was time to step back from the lead VGMC planning role. VHB agreed at the time to stay on as a back-up planner in the event of a conflict or other need. The committee suggested that new applications be sent periodically to VHB for review in order to keep them in the process and current. Ms. Smith will contact Erika Hughes at VHB to discuss.

OLD BUSINESS

None

OTHER BUSINESS

Mr. Lovelace asked how the application review process has been working under the revised rules. Ms. Smith responded that the process is generally working well. She pointed out one issue that has come up recently regarding the tolling of time on large scale amendments. She explained that the only provision in the rules that tolls the time to act on an application is a request for additional information (RAI) by VGMC staff. Under the new rules, the VGMC has 14 days to issue an RAI, yet other units of local government continue have 28 days to comment. As a result, if an RAI is not issued in the first 14 days, and if a unit of local government has comments or objections to an application which they submit by day 28, time is not tolled. Furthermore, if the commenting unit of local government does not specifically request a public hearing, there is nothing in the rules that compels the applicant local government to work with or respond to the concerns of the commenting local government, and the VGMC has no alternative than to issue a consistency certification. The committee suggested monitoring the issue to determine if further changes in the rules or processing need to be addressed.

ADJOURNMENT

Ms. Connors thanked everyone for attending. There being no further business, the meeting was adjourned at 6:52 p.m.

POP Committee Chair

Date

VGMC OPERATIONS MANAGER EVALUATION

EMPLOYEE: **Merry C. Smith**

DATE: _____

PERFORMANCE STANDARDS:

- 1) Quality of Work – Consider the quality of work and the promptness with which it is completed.

 () Outstanding () Very Good () Below Average () Unsatisfactory

- 2) Working Relationships – Consider the willingness to produce quality work with and to help others, the ability to accept constructive criticism.

 () Outstanding () Very Good () Below Average () Unsatisfactory

- 3) Attendance – Consider attendance records and punctuality.

 () Outstanding () Very Good () Below Average () Unsatisfactory

- 4) Productivity – Consider the ability to produce quantity of acceptable work.

 () Outstanding () Very Good () Below Average () Unsatisfactory

- 5) Reliability and Dependability – Consider the amount of supervision required, job performance regarding timely completion and follow up.

 () Outstanding () Very Good () Below Average () Unsatisfactory

- 6) Initiative – Consider the extent to which new work assignments and additional duties are sought out.

 () Outstanding () Very Good () Below Average () Unsatisfactory

- 7) Adherence to Policies – Follows policies and procedures.

 () Outstanding () Very Good () Below Average () Unsatisfactory

- 8) Job Knowledge – Consider the knowledge of present job and the equipment necessary to perform job functions.

 () Outstanding () Very Good () Below Average () Unsatisfactory

- 9) Creativity – Consider the ability to offer suggestions and propose new and creative ideas and solutions.

 () Outstanding () Very Good () Below Average () Unsatisfactory

Comments: _____

Signature _____ Date: _____



Volusia Growth Management Commission

TO: POP Committee

FROM: Merry Chris Smith, VGMC Operations Manager *MCS*

DATE: February 13, 2019

RE: VGMC Rules of Procedure

Attached please find the current VGMC Rules of Procedure for Meetings, Membership and Operations which are to be reviewed every two years. These are internal processing rules that are approved by the commission and do not require County approval.

I've made one suggested change on page 6 which would delete the requirement that the Budget Committee meet a minimum of four times per year. Please review the rules in advance of the meeting so that the committee can discuss any questions, comments or proposed changes at the meeting.

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

**VOLUSIA GROWTH
MANAGEMENT COMMISSION**

Resolution No. 1987-6,

**(as amended by
Resolution No. 1993-2, 2000-02, 2001-05, 2006-03, 2008-05, 2009-
03, 2010-05, 2010-08, 2012-04, and 2016-04)**

**Rules of Procedure
for
Meetings, Membership, and Operations**

**Adopted by the Commission on
June 24, 1987, and amended on
February 24, 1993, April 26, 2000,
April 25, 2001, April 26, 2006, August
27, 2008, February 25, 2009, March
24, 2010, November 17, 2010,
November 28, 2012, and September
28, 2016**

**Resolution No. 1987-6,
as amended by Resolution No. 1993-2,
Resolution No. 2000-02,
Resolution No. 2001-05,
Resolution No. 2006-03,
Resolution No. 2008-05,
Resolution No. 2009-03,
Resolution No. 2010-05,
Resolution No. 2010-08,
Resolution No. 2012-04,
Resolution No. 2016-04**

**VOLUSIA GROWTH
MANAGEMENT COMMISSION**

**RULES OF PROCEDURE
for
MEETINGS, MEMBERSHIP, AND OPERATIONS**

ARTICLE I. NAME AND PURPOSE

Section 1. Name. As specified in Section 202.3, Article II of the Volusia County Charter (the "Charter") this body shall be known as the Volusia Growth Management Commission (hereinafter, the "Commission").

Section 2. Purpose. Pursuant to the Charter, the purposes of this Commission shall be to:

(a) Determine the consistency of the comprehensive plans, the elements thereof, and the amendments thereto of the county and all municipalities in the county.

(b) Perform such other directly related duties as the Commission from time to time deems necessary.

ARTICLE II. MEETINGS

Section 1. Open Meetings. All meetings of the Commission, including all meetings of its committees and subcommittees, shall be open to the public in the manner prescribed by Section 286.011 of Florida Statutes (the "Government in the Sunshine" law).

Section 2. Frequency, Time, and Place of Meetings. Regular meetings of the Commission will be held at a time and location to be specified in the annual meeting schedule described in Section 6 of this Article II, unless such time or location is changed (i) by a weighted majority vote of the Commission or (ii) by order of the Commission Chairman after reasonable notice to Commission members.

Section 3. Special and Emergency Meetings; Annual Meetings. Special meetings may be held either (i) by order of the Chairman after at least 7 days written or verbal notice to members of the Commission or (ii) by order of the Commission by motion approved by a weighted majority vote at a previous meeting. Emergency meetings may be held as necessary with reasonable notice to all Commission members, but any action taken at an emergency meeting shall be void unless subsequently ratified by the Commission at its next regular meeting. Special and emergency meetings will be limited to the matters of business for which the meeting is called. The Commission may also establish an annual meeting under such circumstances as it deems appropriate.

Section 4. Continuation of Meetings. The Commission may continue a meeting if all agenda items cannot be completed at the meeting.

Section 5. Cancellation of Meetings. Upon written or oral notice to all members at least 48 hours before the meeting, a Commission meeting may be canceled by the Chairman when there is no substantial business to be conducted. The meeting may also be canceled without prior notice when there has been a death of a Commission member or a natural disaster, or when there exists severe weather or the threat of severe weather.

Section 6. Public Notice of Meetings. The Commission will publish its annual schedule of regular meetings on the Commission website. The Commission will also file annually a schedule of its regular meeting dates with Volusia County, each municipality in Volusia County, and in a newspaper of general circulation in Volusia County. The schedule shall include the date, time and location of each regular meeting and shall constitute full and adequate public notice of regular meetings. However, if the date, time or location of any regular meeting is changed by either the Commission or its Chairman pursuant to Sections 2 or 3 of this Article II, notice of the change shall be given to the public in a manner complying with the Government in the Sunshine Law.

The Commission will provide the county and municipalities with written or verbal notice of all special and emergency meetings. The Commission will advertise the day, time, place and purposes of any special meeting at least 7 days prior to the meeting in a newspaper of general circulation in the county. Emergency meetings may be held with reasonable notice to the public.

The Commission shall notify Volusia County and all municipalities in Volusia County of any cancellation of a meeting. Notice of cancellation of any regular meeting will also be published on the Commission website.

Section 7. Hearing Documentation.

- a. All documentation required for a Commission public hearing shall be received by the Commission office at least twenty (20) working days prior to the hearing/meeting date.

Section 8. Agenda for Regular Meetings. Unless otherwise modified by the Commission Chairman, the agenda for regular meetings of the Commission shall include the following:

1. Call to order
2. Roll Call
3. Citizen Comments on matters other than scheduled hearings
4. Approval of minutes of previous meeting
5. Public hearings
6. Reports from Planning Consultant
7. Reports from Legal Counsel
8. Reports from Commission Operations Manager
9. Reports from Commission Chairman
10. Unfinished business
11. New business
12. Commissioner Requests or Remarks
13. Adjournment

Section 9. Order for Public Hearings. Unless otherwise modified by the Commission Chairman, the order for public hearings shall be as follows:

1. VGMC Staff will present their final report.
2. Those who support the application will be allowed to speak:
 - a. The applicant local government;
 - b. The entity on whose behalf the local government filed the application;
 - c. All other persons in support.
3. Those who oppose the application will be allowed to speak.
4. A brief time for rebuttal of those supporting the application.
5. Public input portion of the hearing is closed and the matter will be considered by the commission.

Section 10. Order for Party Status Determinations. When a unit of local government has petitioned to be a party in a proceeding, the commission will consider the request and determine party status prior to the VGMC Staff report presentation outlined in Section 9.1. Unless otherwise modified by the Commission Chairman, the order for determining party status shall be as follows:

1. VGMC Legal Staff will present an overview and analysis.
2. The Petitioner will address the commission.
3. The application jurisdiction will be allowed to speak.
4. Any others wishing to speak on the limited matter of party status.
5. The commission will consider the matter and make a determination on whether or not to grant party status.

When considering party status, the basic test for a substantially affected or aggrieved party is to establish that:

- a. They are in close proximity to the area under consideration for the amendment; and
- b. They are affected by the amendment to a degree greater than the general public.

Section 11. Recording of Minutes. Following each meeting, the Secretary will insure minutes are prepared and distributed to Commission members for approval at a subsequent meeting. All records of the Commission shall be available to the public in the manner provided by Chapter 119 of Florida Statutes.

ARTICLE III. QUORUM AND VOTING

Section 1. Voting/Non-voting Members. The Commission shall be composed of voting and non-voting members as provided in the Charter.

Section 2. Weighted Votes. Voting members of the Commission shall have weighted votes initially according to the percentages set forth in Commission Resolution 87-2 and thereafter as the Commission may determine for each calendar year.

Section 3. Quorum. No action may be taken by the Commission unless a quorum is present. A quorum shall exist only when there is present both (i) a majority of the currently serving voting members of the Commission without regard to the weight of votes and (ii) voting members representing more than 50% of all weighted votes of currently serving voting members.

Section 4. Majority Rule. Except where otherwise provided in these rules, an affirmative vote of a majority of the voting members present at a meeting and an affirmative vote of more than 50% of the total weighted votes of the voting members present at a meeting shall be necessary for the Commission to take any action.

Section 5. Proxy Voting. No Commission member shall have the power to vote by proxy. Only those members present at a meeting may vote.

Section 6. Conflict of Interest. Voting members shall vote on all actions except as provided in Section 112.3143(3) of Florida Statutes or other applicable law.

ARTICLE IV. CONSISTENCY DETERMINATIONS

The rules of procedure for the Commission's consistency review and the manner in which Section 202.3 of the Charter is to be enforced, including guidelines and criteria to be used by the Commission in determining consistency of comprehensive plans, are contained within the Volusia County Ordinance known as the "Volusia Growth Management Commission Comprehensive Plan Consistency Certification Rules and Organization."

ARTICLE V. COMMISSIONER REQUESTS

Section 1. Commissioner Requests.

- (a) A request from a Commissioner outside of a Commission meeting shall be directed to the Operations Manager. Requests shall not be sent directly to the legal or planning staff of the Commission.
 - (i) A request for an information item shall be responded to by the Operations Manager and provided to the Commissioner.
 - (ii) A request for an item requiring research shall be forwarded by the Operations Manager to the Chairman for determination on how to proceed in accordance with Article VII, Section 3(i), (j) or (k), as appropriate, of this Resolution, as amended.
- (b) A request from a Commissioner for information, research or a proposal may be made at any regular Commission meeting in accordance with Article II, Section 8.12 of this Resolution, as amended. Upon approval by the Commission to proceed with the request, the written response shall be presented to the Commission at a future meeting.

ARTICLE VI. COMMITTEES

Section 1. Committees Generally. The Commission may from time to time create such standing or ad hoc committees as are deemed necessary or desirable. Standing committees may have subcommittees appointed by the chairman of the respective committees.

Section 2. Committee Terms. Except when provided otherwise in these rules, the chairmen and members of all standing committees will be appointed by the Commission Chairman no more than 30 days after the annual election of the Commission Chairman. The term of the members and the chairmen of all standing committees shall be one year. In the event of a vacancy in the membership or chair of a standing or ad hoc committee, the Commission Chairman shall appoint a replacement for the unexpired term.

Section 3. Creation of Certain Standing Committees.

(a) Personnel, Operations and Procedures Committee. There is hereby created the Personnel, Operations & Procedures Committee to consist of 7 voting members, to be chaired by the Vice Chairman of the Commission, and to perform such functions as assigned by these rules or from time to time by the Commission.

(b) Budget Committee. There is hereby created the Budget Committee to consist of 7 voting members, to be chaired by the Secretary of the Commission, and to perform such functions as assigned by these rules or from time to time by the Commission. ~~Budget Committee will meet a minimum of four times during a calendar year.~~

Section 4. Committee Chair. In the absence of the Committee Chair and Commission Chair, the Committee Chair may, through direction to administrative staff, delegate a member of the committee to chair a committee meeting.

Section 5. Committee Attendance. Attendance at all standing or ad hoc committee meetings by the committee members is mandatory. If a committee member fails to attend three committee meetings during any calendar year ending December 31, the committee member shall be deemed removed from the committee appointment and the Committee Chairman shall provide notice of such removal to the committee member and the Chairman of the Commission. The vacancy shall thereafter be filled by the Chairman of the Commission.

Section 6. Committee Authority. All recommendations voted upon by committees shall serve as a motion and second for consideration and final action by the full Commission at a regular meeting of the Commission.

ARTICLE VII. OFFICERS

Section 1. Officers. The Commission shall elect a Chairman, Vice-Chairman, and Secretary.

Section 2. Term of Office. The election of Commission officers shall be conducted at the first regular meeting in September of each year. If no regular meeting of the Commission is scheduled in September, the election of Commission officers shall occur at the first regular meeting scheduled thereafter. Officers shall be determined by a weighted vote of a majority of the Commission and shall serve for terms of one year, or until a successor is elected. No officer shall serve more than 2 consecutive full terms in the same office.

Section 3. Duties of Chairman. The Chairman shall:

- (a) preside at all meetings of the Commission;
- (b) execute correspondence and documents on behalf of the Commission;
- (c) act as Commission spokesperson on behalf of the Commission, or may delegate representation on behalf of the Commission to a member or other appropriate individual;
- (d) approve and execute expenditures, but only those expenditures budgeted and approved by the Commission;
- (e) appoint all committee members and, except as otherwise provided in these rules, the chairmen of all committees;
- (f) shall carry out the duties of the Vice Chairman as described in Article VII, Section 4.(c) in the absence of the Vice Chairman;
- (g) shall carry out the duties of the Secretary as described in Article VII, Section 5. in the absence of the Secretary;
- (h) representation on behalf of the Commission can be delegated;
- (i) upon receipt of a proposal not directly related to review of an application, including but not limited to specific projects and study requests, forward such proposal to the Budget and the Personnel, Operations and Procedures Committees for review in accordance with Article IX, Section 5, of this Resolution, as amended;
- (j) upon receipt of a request for activities within the scope of being directly related to review of an application, review such request and, if warranted in the Chairman's judgment, authorize such request for action by forwarding such request to the Planning Consultant or Legal Counsel, as appropriate; and
- (k) upon receipt of a procedural issue, review such issue and, if warranted in the Chairman's judgment, forward such issue to Legal Counsel for a response.

Section 4. Duties of the Vice-Chairman. The Vice-Chairman shall:

- (a) assume all duties of Chairman in his or her absence or inability to act; and
- (b) serve as acting Chairman in the absence of a Chairman.
- (c) act as personnel officer for the Commission, with such authority as granted to him by these rules or as specified from time to time by the Commission, and serve as Chairman of the Personnel, Operations and Procedures Committee.

Section 5. Duties of Secretary. The Secretary shall:

- (a) insure minutes of meetings are prepared and presented to the commission for approval;
- (b) attest the minutes of the meetings, and other documents and certificates of the Commission;
- (c) insure agenda packages are prepared and distributed to members of the Commission;
- (d) insure all minutes and other Commission records are available for public inspection as required by Chapter 119 of the Florida Statutes;
- (e) insure all required public notices are prepared and timely filed;
- (f) insure the Commission membership list is maintained and updated; and
- (g) serve as Chairman of the Budget Committee.

Section 6. Vacancies of Offices. In the event a vacancy occurs in one of the elected offices, the vacancy shall be filled by the majority vote of the Commission members present at the meeting at which the vacancy occurs or at the next regularly scheduled meeting.

ARTICLE VIII. STAFFING

In accordance with Section 90-54 of the Volusia County Code, the commission may retain attorneys, planners and other experts only as independent contractors. The commission with the approval of the county manager may employ administrative staff who shall be employees of the county; otherwise any administrative staff of the commission shall be leased employees. Any such county employee shall serve at the direction and pleasure of the commission; shall be unclassified under the provisions of the merit system; shall be paid according to the county compensation and classification plan in a range designated by the county personnel director; shall receive only those pay increases to which other county employees would be entitled or eligible; shall accrue leave and benefits otherwise applicable to a county employee; and shall comply with all rules and policies applicable to county employees not inconsistent with the

direction of the commission. The commission shall select any such county employee under a competitive application process administered by the county personnel director who shall approve the starting salary of the employee. The commission shall adhere to the advice of the personnel director regarding the law governing the county as an employer and rules and policies applicable to county employees.

Section 1. Administrative Staff. The Commission staff shall consist of such personnel or consultants determined from time to time by the Commission to be needed to implement and administer Commission directives and policies or organization. The Commission currently has one (1) administrative staff member, the Commission Operations Manager, who is an employee of Volusia County. The Commission may also contract with an organization which has no conflicts with the interests of the Commission to perform ministerial, office functions.

Section 2. Employees. Administrative employees, whether leased, contracted or employees of Volusia County shall be hired based upon the approval of a majority vote of the Personnel, Operations and Procedures Committee and the approval by a majority weighted vote of the Commission. Administrative employees who are an employee of Volusia County shall also be hired in accordance with Section 90-54 of the Volusia County Code.

Section 3. Staff Duties. A staff report shall be presented to the Commission every thirty days. The Commission's staff shall otherwise perform such duties as the Commission assigns from time to time.

To avoid confusion, "Staff Reports" and "Final Staff Report" by persons other than salaried Commission employees shall be designated as "Commission Planning Consultant Report" or "Commission Legal Counsel Report".

Section 4. Commission Offices. The offices of the Commission, where the Commission's staff shall be located, where the Commission's records shall be kept, and where the Commission shall accept deliveries, mail and application for consistency determinations, shall be at locations as deemed appropriate by the Commission from time to time.

Section 5. Employee Salaries and Policies.

Salary ranges for staff who are hired as Volusia County employees shall be established in accordance with Section 90-54 of the Volusia County Code. For leased or contracted staff, the Personnel, Operations and Procedures Committee will recommend salary ranges for all employees. Salaries will be approved by an un-weighted majority vote of the Commission as part of the approval of the budget for each fiscal year. Personnel policies will be prepared and revised as necessary by the Executive Director and recommended to the Commission by the Personnel, Operations and Procedures Committee. An un-weighted majority vote of the Commission will be required for adopting and revising the Personnel Policies.

Section 6. Clerical Service Requirements. In the event that the commission decides to contract with an organization for clerical service, the following shall apply:

- (a) The organization cannot at any time have a conflict with the interest of the Commission.
- (b) The organization will agree to comply with all reasonable requests for assistance to the Commission, including supervision.
- (c) Compensation for the organization, staff, supplies, and expenses shall be budgeted during the regular Commission process. Any excesses in expenditures by category will be reported to the Budget Committee within five working days and scheduled for review at the next regular or special meeting of the Budget Committee.
- (d) The organization shall designate the responsible staff person from within the organization that will work directly with the Commission and its staff and consultants.
- (e) All employees will work for the organization and the organization will be responsible for all employee compensation, benefits, insurances, and other costs. The organization will have sole authority to hire, discipline, evaluate, and fire its employees.

Section 7. Consultant Staff. The Commission may contract with outside professionals to provide services such as legal and planning consultation to the Commission. The Commission shall solicit proposals from time to time as determined by the Commission following a solicitation and selection process consistent with Volusia County Purchasing policies. A professional consultant and award of contract shall be approved by a majority vote of the Commission upon the recommendation of the Personnel, Operations and Procedures Committee.

ARTICLE IX. BUDGET

Section 1. Fiscal Year. The Commission's fiscal year will be the same as for Volusia County.

Section 2. Preparation of Budget. The Budget Committee will present a proposed budget to the Commission at the first regular meeting of each calendar year for the purpose of soliciting comments from the Commission members. Thereafter, the Budget Committee will finalize the proposed budget and present it to the Commission for final approval prior to the established deadline for submission to Volusia County. Pursuant to Section 202.3 of the Volusia County Charter, the annual budget must be approved by a two-thirds vote of the Commission.

Section 3. Financial Reports. A budget use report (that is, a report on revenue and expenditures) will be presented to the Commission each quarter during the budget year.

Section 4. Deviations. Any budget deviation exceeding 10% of any material line item shall be reported by the Executive Director (or otherwise by the Commission's senior employee) to the Chairman of the Budget Committee within ten days of discovery.

Section 5. Proposals.

- a. All proposals, including special projects and study requests, will include a comprehensive, itemized budget.
- b. All proposals, special projects and study requests must be found to be reasonable and necessary by the Commission. The Budget and Personnel and Operations Committees shall provide a recommendation to the full Commission prior to presentation for review and approval/disapproval by the Commission.
- c. All unsolicited proposals, special projects and study requests must be presented as separate entities and considered for the fiscal year's budget.

Section 6. Reimbursements and Billing – Consultant Staff.

- a. No itemized budgets, statements, billings, or requests for reimbursements from the Commission consultants will be approved for any billing category labeled "Commission General Administration," "General Administrative Work" or any similar title duplicating the responsibilities of the Commission office.
- b. The scope of work shall include meetings of contracted Commission consultants with Volusia County and county municipalities. Other, non-Commission meetings are not reimbursable expenses.
- c. Travel will be reimbursed at the hourly rate of pay approved for contracted staff. Travel costs for mileage will be limited to the then current rate approved by Florida Law.
- d. All reimbursable expenses for consultants will be paid in accordance with the total approved budget. No expenses shall be considered reimbursable that have not been either pre-authorized or specifically requested by the Commission.
- e. Invoices for reimbursable expenses will correspond to and include services rendered during that billing period.
- f. Invoices will include an itemized justification that clearly indicates the Commission case number for each service rendered, including: individual consultant staff performing each service, service/work performed and time spent on each activity.

- g. All invoices/billings shall be submitted during the fiscal year in which the services were rendered.
- h. Consultants will use E-mail and FAX to expedite documents to the Commission office unless specifically requested on a case-by-case basis by a Commission officer or the Commission Operations Manager.
- i. All invoices/billings are to be first reviewed by the Commission Operations Manager. The Commission Operations Manager is authorized to correct, return as incomplete, return with questions of justification, or return with questions regarding compliance with billing procedures.
- j. All invoices/billings receive final review and authorization for payment by at least one (1) Commission officer. Such Commission officer may correct, return as incomplete, return with questions of justification, return with questions regarding compliance with billing procedures, or refuse payment on any portion of an invoice.

Section 7. Reimbursement - Members. The members of the Commission shall not receive compensation for the performance of their duties hereunder, but a member shall be paid his or her necessary expenses incurred on behalf of the Commission as approved by an officer of the Commission. Members shall also be reimbursed a flat rate travel allowance, as determined by the Commission, for attendance at regular meetings of the Commission. Committee meetings scheduled at times other than when a regular meeting is held, or other such meetings where attendance is deemed necessary and approved in advance by an officer of the Commission, shall also be reimbursed.

ARTICLE X. MISCELLANEOUS

Section 1. Amendments. These Rules of Procedure may be amended by a weighted majority vote of the Commission during any regular meeting. The meeting in which the vote is taken regarding the amendment must be immediately preceded by a regular meeting in which the amendment is included as an agenda item for discussion.

Section 2. Suspension of Rules. A rule may be suspended at anytime upon approval by a weighted majority vote of the members present. However, no more than one rule may be suspended at any one meeting, no one rule may be suspended at two consecutive meetings, and in no event may the rules in Article III ever be suspended at any meeting.

Section 3. Review of Rules. Rules will be reviewed no less than every two years.

Section 4. Roberts Rules of Order. In those circumstances in which these Rules of Procedure do not address a procedural situation, the commission shall refer to Roberts Rules of Order for guidance.

Section 5. Effective Date. These rules shall be effective immediately upon their approval by a weighted majority vote of the Commission.

Adopted this 28th day of September, 2016.

VOLUSIA GROWTH MANAGEMENT COMMISSION

By: _____
VGMC Chair

By: _____
POP Committee Chair

ATTEST:

VGMC Secretary

FILED WITH THE SECRETARY THIS ____ DAY OF _____.

Merry Chris Smith, VGMC Operations Manager



Volusia Growth Management Commission

TO: POP Committee Members

FROM: Merry Chris Smith, Operations Manager *MCS*

DATE: February 13, 2019

RE: Large Scale Amendment Review Process

In the latter part of 2018, VGMC staff identified a timing concern with respect to the large scale amendment review procedures as amended in 2016. Specifically, if a formal Request for Additional Information (RAI) is not issued within 14 days of receiving the application, there is no other provision in the rules that would toll time to act on the application. Furthermore, if a unit of local government requires further clarification or additional information in order to measure potential impacts, yet fails to request that information within the initial 14 days nor specifically petitions for a public hearing on the application, the VGMC has no alternative than to certify the amendment(s) consistent.

On December 4, 2018, an email was sent to all of the local units of government and VGMC members, a copy of which is attached. VGMC staff would like to discuss the concern with the POP Committee, as well as possible internal procedural changes which may help address the issue.

From: VGMC
To: Baker, Jake; Boerger, Matt; Bowley, Chris; Cruz, Penelope; Cruz, Ste...
CC: VGMC Members & Staff
Date: 12/4/2018 12:13 PM
Subject: VGMC Application Processing

Recently a question was raised relating to the large scale amendment review process, specifically Section 90-35(d) of the VGMC rules, which were modified in May, 2016 through the Charter Review Process.

The current rules require a Request for Additional Information (RAI) be issued within 14 days of the application being deemed complete. If an RAI is issued, time is tolled to act on the application.

Units of local government have 28 days to submit written comments and/or request a public hearing on the application. However, if a unit of local government requires additional information on an application and it is not requested within the initial 14 days, there currently is no provision in the rules that tolls the time to further act on the application. Additionally, if a unit of local government does not specifically request a public hearing on an application within 28 days, they waive their right to hold a public hearing.

Since the commission's ability to independently request additional information is limited, the VGMC strongly urges all units of local government to review each new application upon receipt, and if you find additional information is necessary to evaluate impacts, submit your request for additional information to the VGMC within 12 days of the application being deemed completed. This will allow the VGMC to formally issue an RAI within the required 14 days which will then toll time and provide the opportunity for the local governments to address the issues. In addition, if you have questions or concerns on an application, you may want to consider specifically requesting a public hearing within the 28 day time frame in order to preserve the ability to address these concerns through the public hearing process if necessary. If your concerns are resolved in advance of a hearing, the commenting unit of local government can simply withdraw the public hearing request.

In the absence of an RAI being issued within the first 14 days, and if no request for public hearing is filed within 28 days, the VGMC has no alternative under the present rules than to certify the amendment(s) as consistent, regardless of whether or not there are outstanding comments issued by a unit of local government.

Thank you.

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