

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

6:30 p.m.

March 27, 2019

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

- I. Roll Call
- II. New Business
 - 1) Approval of Minutes – February 27, 2019 POP Committee Meeting
 - 2) Consider recommendation relating to Resolution #2019-02 proposing amendments to the VGMC Rules of Procedure for Meetings, Membership and Operations reducing the minimum meeting requirements for the Budget Committee to two times per year
- 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, Suite #305, Daytona Beach, FL, 32114, (386) 947-1875.

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

MINUTES FOR
MEETING HELD
Wednesday, February 27, 2019

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

The meeting was called to order at 6:11 p.m. by Committee Chair James Wachtel.

The following POP Committee Members were present: Committee Chair James Wachtel, John Meikle, Larry Saffer, Robert Storke, Mary Swiderski and Sid Vihlen, Jr. Also in attendance were VGMC Chair Debbie Connors, VGMC Legal Counsel Heather Ramos, VGMC Planning Consultant Chris Dougherty and VGMC Operations Manager Merry Chris Smith.

NEW BUSINESS

- 1) Approval of the minutes of the September 26, 2018 POP Committee meeting

Mary Swiderski made a motion to approve the minutes of the September 26, 2018 POP Committee meeting as presented; seconded by John Meikle. Motion carried unanimously.

- 2) Annual Performance Evaluation of VGMC Operations Manager

The committee members present and Chair Connors submitted their evaluations of Ms. Smith's performance to Committee Chair, James Wachtel. After perusing the evaluations, Mr. Wachtel stated they reflect nearly a unanimous ranking of outstanding on each of the performance criteria. He expressed appreciation to Ms. Smith for her work.

- 3) Review VGMC Rules of Procedure for Meetings, Membership and Operations

Mr. Wachtel stated the VGMC Rules of Procedures presently contain a provision requiring the Budget Committee to meet a minimum of four times per year. He stated that in some years, the commission doesn't even meet four times per year. There is a recommendation to strike that language from the Rules of Procedure, however, Mr. Wachtel suggested that since the committee and commission must meet at least twice to prepare and approve the budget each year, the language be changed to reflect the Budget Committee must meet a minimum of two times per year. Several members expressed agreement.

Larry Saffer made a motion for legal to draft a resolution changing the Budget Committee meeting requirement in the Rules of Procedure from meeting a minimum of four times per year, to meeting a minimum of two times per year. Mary Swiderski seconded the motion. The motion carried unanimously. Ms. Ramos will draft the resolution and bring it back for further consideration by the POP Committee and commission at the March 27, 2019 meeting.

Commissioner Storke asked if the information sent out from the VGMC office each month covers the provision in Article VIII, Section 3 which states “A staff report shall be presented to the Commission every thirty days.” Ms. Smith responded that she provides each commission member with a pending case log and year-to-date budget expense report each month, either as part of an agenda package or notice of meeting cancellation, which she has considered satisfies this requirement of the rules.

4) Discuss Application Review Process

Chairman Wachtel asked Ms. Smith to provide some background on this issue. Ms. Smith explained that when the Consistency Certification Rules & Regs were amended in 2016 through the Charter Review process, there were several changes to the review process and timeline, specifically with respect to the large scale process, which have recently raised some question.

Ms. Smith stated the only provision in the rules that tolls time to take action on an application is the issuance of a Request for Additional Information (RAI). The timeline to issue an RAI was reduced from 30 days to 14 days (from the date the application is received) when the rules were amended. Therefore, if a formal RAI is not issued within the first 14 days, and if another unit of local government issues comments or requests additional information within their 28 day review period but fails to specifically request a public hearing, the VGMC has no option under the new rules than to certify the amendment as consistent.

Mr. Wachtel asked Mr. Dougherty and Ms. Ramos to comment on the issue and provide any suggested ways to address the matter. Mr. Dougherty stated he felt there may be several contributing factors, including possible confusion at the local government level in terms of what changed during the rules amendments and the impact on the review process, and perhaps reluctance on the part of the local governments to issue objections. He then discussed a specific application in which a local government recently issued comments in the form of an RAI on day 28, however, time could not be tolled to act on the application. Additionally, since the commenting local government did not request a public hearing, the VGMC planning report was issued citing the findings and concerns, however, the VGMC was compelled to issue a certificate of consistency despite the existence of outstanding concerns.

Ms. Smith stepped out the meeting at approximately 6:30 p.m. to attend the Budget Committee meeting.

Mr. Dougherty suggested that a reorientation of the current VGMC rules with the local government planners may be necessary. He also discussed the State review process of the local government comprehensive plan amendments.

Ms. Ramos explained that any proposed changes to the Consistency Rules and Regulations would require County Council approval. Instead, she stated staff feels the issue could in part be addressed by adding more precise language to the communications that go out to the local governments

which, for example, would provide the specific date a response is necessary in order to issue an RAI.

Mr. Vihlen commented on the rules amendment process from several years ago, the substantial number of meetings which occurred and included representation of the local governments, the concerns raised about the VGMC at the time, and the changes made that were in part intended to reduce the review time and to give the local governments the control of whether or not an application came before the VGMC at a public hearing. Several committee members commented that the issue which has surfaced relating to the change in the RAI timeline is likely an unintended consequence of the change in rules.

There was general discussion regarding the process and timeframe that some of the larger local governments have in place in terms of authorizing comments to be issued and/or a public hearing be requested on an application. Mr. Dougherty added that he feels there are local governments that do not necessarily understand the significance of the change in the processing and timeframes.

Mr. Wachtel asked if staff has seen turnover in the planning departments of the local governments which would contribute to the lack of understanding of the VGMC rules. Ms. Ramos commented that she felt adding specific dates and language to the communications the VGMC sends out to the local governments will help in that respect as well.

Ms. Connors asked for clarification regarding the ability of the VGMC staff to independently issue an RAI. Mr. Dougherty responded that since the rules were amended and based upon comments made by the local government representatives throughout the rules review process, it was generally interpreted that once the application is received and “deemed complete”, an RAI should only be issued if another unit of local government requested information. Ms. Ramos stated the VGMC is allowed to independently request an RAI under the provision in the rules. Ms. Connors commented that we should ask for information if it is necessary for our review.

Discussion ensued relating to adding more specific language to the communications that are sent to the local government, as well as contacting the local governments by phone if issues are identified by staff.

Mr. Saffer commented that it appears to be an educational and discipline issue, and he asked if staff felt 14 days was sufficient time to issue an RAI. Mr. Dougherty responded that he felt 14 days was sufficient.

Ms. Ramos stated that staff also discussed holding a workshop with the local government planners to review the current rules with them. The committee discussed possible venues where the local government planners convene. Doug Gutierrez stated the local planning forum is the FPZA who provides educational sessions. Mr. Gutierrez stated he could provide Mr. Dougherty with the contact for FPZA.

Mr. Wachtel asked Ms. Ramos & Mr. Dougherty to make some suggestions and pass the information through Ms. Smith. He added that we don't necessarily need to meet again on the issue, but this appears to be an unintended consequence that puts the local government in a bind and needs to be dealt with.

OLD BUSINESS

None

OTHER BUSINESS

None

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:50 p.m.

POP Committee Chairman

Date

RESOLUTION 2019-02

A RESOLUTION OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION, AMENDING VOLUSIA COUNTY GROWTH MANAGEMENT COMMISSION RESOLUTION 1987-6, AS AMENDED BY RESOLUTIONS 1993-2, 2000-02, 2001-05, 2006-03, 2008-5, 2009-03, 2010-05, 2010-08, 2012-04, AND 2016-04; PROVIDING FOR FINDINGS; AMENDING AND RESTATING THE RULES OF PROCEDURE FOR MEETINGS, MEMBERSHIP, AND OPERATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Be it resolved by the Volusia Growth Management Commission:

Section 1. Modifying the VGMC Rules of Procedure for Meetings, Membership and Operations. The Volusia Growth Management Commission wishes to adopt modifications to the Rules of Procedure for Meetings, Membership and Operations adopted by Volusia Growth Management Commission Resolution 1987-6, as amended by Resolutions 1993-2, 2000-02, 2001-05, 2006-03, 2008-5, 2009-03, 2010-05, 2010-08, 2012-04 and 2016-04 as more particularly set forth below.

Section 2. Findings. The Volusia Growth Management Commission hereby makes the following findings:

- A) The Volusia Growth Management Commission (VGMC) desires to adopt revisions to its Rules of Procedure as those rules are set forth in VGMC Resolution 87-6, as amended as stated above (Rules of Procedure).
- B) The Personnel, Operations and Procedures (POP) Committee of the VGMC at its advertised regular meeting of February 27, 2019, placed the proposed revisions to the Rules of Procedure on the on the agenda and discussed the revisions.
- C) Through the Personnel, Operations and Procedures (POP) Committee of the VGMC the proposed revisions have been thoroughly reviewed and recommended for approval.
- D) Such recommendations from the POP were forwarded to the VGMC for consideration.
- E) The VGMC at its advertised regular meeting of February 27, 2019, discussed the recommendation from the POP Committee and approved the proposed revisions to the Rules of Procedure.

Section 3. Amendment and Restatement of the Rules of Procedure for Meetings, Membership, and Operations. The VGMC hereby amends and restates the Rules of Procedure for Meetings, Membership and Operations as adopted by VGMC Resolution No. 1987-6, as amended by Resolutions 1993-2, 2000-02, 2001-05, 2006-03, 2008-05, 2009-03, 2010-05, 2010-

08, 2012-04 and 2016-04 to read as shown on **Attachment A** attached hereto and incorporated herein by this reference.

Section 4. Effective Date. This Resolution shall take place immediately upon adoption.

Resolved this 27th day of March, 2019.

VOLUSIA GROWTH MANAGEMENT COMMISSION

By: _____
Debbie Connors, Chair

ATTEST:

By: _____
Loretta Arthur, Secretary

APPROVED AS TO FORM, CONTENT, AND LEGALITY.
FOR USE AND RELIANCE OF VOLUSIA
GROWTH MANAGEMENT COMMISSION ONLY.

GrayRobinson, P.A.
General Counsel to Volusia Growth Management Commission

Dated: _____, 2019

FILED WITH THE SECRETARY THIS _____ DAY OF _____, 2019.

Merry Chris Smith, VGMC Operations Manager

ATTACHMENT A

VOLUSIA GROWTH MANAGEMENT COMMISSION
---Amended and Restated---
Rules of Procedure for Meetings, Membership and Operations

**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, and 2019-02-)**

**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, and March 27, 2019**

**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,
[Resolution No. 2019-02](#)**

**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~~two 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~~ 27th day of ~~September, 2016~~ March, 2019.

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