TO: VGMC Members & Staff
FROM: Merry Chris Smith, Operations Manager
DATE: June 9, 2021
RE: VGMC Regular Meeting, June 23, 2021

Attached please find the agenda package for the regular meeting of the VGMC scheduled for Wednesday, June 23, 2021. The meeting will begin at 7:00 p.m. and will be held in Conference 149B on the first floor at Daytona Beach City Hall.

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

Thank you and I look forward to seeing you on the 23rd.

Merry Chris
Volusia Growth Management Commission
Meeting Notice and Agenda

7:00 p.m. June 23, 2021

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

I. Call Meeting to Order

II. Roll Call

III. Citizen Comments on matters other than scheduled hearings

IV. Approval of Minutes:
   1) February 24, 2021 Regular Meeting

V. Public Hearings
   1) Consideration of draft amendments to the VGMC Consistency Certification Rules to allow for electronic transmission of VGMC applications, and action on VGMC Resolution #2021-02 authorizing transmittal of the proposed amendments to the Volusia County Council for consideration and action
   2) Consider modifications to the VGMC application which would be implemented upon final adoption of amendments to the Consistency Certification Rules

VI. Report from Planning Consultant

VII. Report from Legal Counsel

VIII. Report from Commission Operations Manager

IX. Report from Commission Chairman

X. Reports from Committees:
   1) P.O.P. Report
   2) Budget Report
      a) 2020-21 Year to Date Expenses
      b) 2021-22 Proposed Budget Update

XI. Old Business

XII. New Business
   1) Review VGMC Rules of Procedure for Meetings, Membership, and Operations

XIII. Commissioner Requests or Remarks

XIV. 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.

*There will be a meeting of the Budget Committee beginning at 6:45 p.m. in Conference Room #149A
**There will be a meeting of the Personnel Operations and Procedures Committee beginning at 6:00 p.m. in Conference Room #149B
Volusia Growth Management Commission

MINUTES FOR MEETING HELD
Wednesday, February 24, 2021

Thomas C. Kelly Administration Center
Frank T. Bruno Jr. County Council Chambers
123 W. Indiana Avenue
DeLand, FL

MEMBERS PRESENT IN PERSON

Sid Vihlen, Jr., Chairman
DeBary
Debbie Conners, Vice Chair
Port Orange
Christy Gillis, Secretary
South Daytona
Doug Gutierrez
Daytona Beach
Mary Swiderski
DeLand
Loretta Arthur
Holly Hill
Robert Storke
Orange City
Paul Manning
Ponce Inlet
Jon Greene
Volusia County
John Samuelson
Volusia County
Thomas Wright
Volusia County

MEMBERS NOT PRESENT

Larry Saffer
Daytona Beach Shores
Sandy Lou Gallagher
Deltona
Teresa Pope
Edgewater
Joseph Hammett
Lake Helen
Harold Briley
Ormond Beach
Jack Surrette
Volusia County

NON-VOTING MEMBERS

Stephanie Doster (not present)
Volusia County Schools
Steven Fitzgibbons (not present)
SJRWMD

OTHERS PRESENT

Merry Chris Smith, VGMC Operations Manager

CALL TO ORDER

VGMC Chairman Sid Vihlen, Jr. called the meeting to order at 7:02 p.m.
ROLL CALL

Roll call was taken and it was determined there was a quorum present.

CITIZEN COMMENTS

There were no citizens present who wished to speak at this time.

APPROVAL OF MINUTES

Mary Swiderski made a motion to approve the minutes of the January 27, 2021 meeting as presented; seconded by Loretta Arthur. Motion carried unanimously.

PUBLIC HEARING

There were no items scheduled for public hearing.

REPORT FROM PLANNING CONSULTANT

Chair Vihlen stated that since the items before the commission tonight are primarily budget related, we excused our planner(s) from attending the meeting.

REPORT FROM LEGAL COUNSEL

Chair Vihlen stated that VGMC legal counsel was also excused from attending for the same reason.

REPORT FROM COMMISSION OPERATIONS MANAGER

Ms. Smith stated that since the agenda packages were distributed with the pending case log, VGMC Case Nos. 21-001 through 21-009 all had been certified as consistent, and one new application was received from the City of Ormond Beach.

REPORT FROM COMMISSION CHAIR

Chairman Vihlen asked Ms. Smith if the prior meeting performance evaluations had been submitted into the permanent record. Ms. Smith responded affirmatively. He also commented that although new applications have slowed down over the past couple of weeks, VGMC staff continues to remain busy.

REPORTS OF COMMITTEES

POP Report: The POP Committee did not meet, therefore, there was no report.
Budget Report: Committee Chair Christy Gillis stated the Budget Committee met immediately prior to the regular meeting.

- **2020-21 Year-to-Date Expenses:** Ms. Gillis stated the 2020-21 YTD expenses are on target. She explained the line items that are currently at 100% of budget is due to those items being charged one time in full. There were no concerns raised by committee.

- **2021-22 Proposed Budget:** Ms. Gillis stated the committee reviewed the proposed 2021-22 budget and are bringing forward a recommendation to the full commission for approval as presented.

There were no questions or comments from the commission members.

Mary Swiderski made a motion to approve the 2021-22 budget as presented; motion seconded by Doug Gutierrez. Motion carried unanimously.

Ms. Smith stated she will transmit the proposed budget to the County budget office and will report back to the Budget Committee Chair if there are any questions or changes by the County.

**OLD BUSINESS**

There was no old business to discuss.

**NEW BUSINESS**

There was no new business scheduled for discussion.

**COMMISSIONER REQUESTS OR REMARKS**

There were no comments by commission members.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:09 p.m.

_________________________________________________  
Attest:                                              Chair
TO: VGMC Members
FROM: Merry Chris Smith, Operations Manager
DATE: June 8, 2021
RE: Online Application Submittal

In an effort to streamline the application submittal process to save time and money, reduce environmental impacts, and improve overall efficiency, VGMC staff is proposing simple changes to the Consistency Rules & Regulations in order to allow local governments to submit applications electronically. These changes would eliminate the current requirement to transmit paper copies, however, would still allow local governments to submit paper applications if they so choose.

Staff has drafted the attached rules revisions and Resolution #2021-02 for your review. The Personnel, Operations & Procedures (POP) Committee will be meeting immediately prior to the VGMC meeting to consider the proposed changes and will bring a recommendation forward to the full commission at the regular meeting. Any changes approved by the VGMC will be forwarded to Volusia County with a recommendation for Council adoption. You will recall that Chairman Vihlen wrote to the County Manager seeking conceptual support of such a change. The County Manager’s office responded in support of establishing an online application submittal process.

Concurrent with the implementation of any rules revisions to allow applications to be submitted electronically, several minor changes to the VGMC application are also necessary. Staff has drafted modifications to the application which are also attached for your review and consideration.

The Florida Department of Economic Opportunity (FDEO) recently established an online portal for local governments to submit comprehensive plan amendments. With the assistance of Volusia County IT personnel, we have created an SFU (Secure File Upload) site which is very similar to that used by the state. It is user friendly and requires little time to complete and upload a file. An example of the SFU site is attached for your reference, as well as a sample of the online site utilized by the FDEO for comparative purposes. If approved, the SFU site would serve as the method for local governments to deliver applications electronically to the VGMC.

If you would like further information or have any questions in advance of the meeting, please do not hesitate to contact me.

Thank you.

Merry Chris
June 23, 2021

Following is a summary of the proposed amendments contained within the attached VGMC Consistency Certification Rules:

- Page 2, Definition of ‘Written or in writing’:

  Amended to include “electronic transmission” as part of the definition and remove the sentence requiring electronic transmissions to be followed up with a hard copy.

- Pages 4 & 5, Section 90-341(b) relating to the Streamlined Review Process:

  Amended to add a reference to Section 90-35(c) which outlines the application submittal requirements, and also added language to codify the VGMC administrative process for noticing and processing an application. This language is consistent with the provisions in Section 90-35(c).

- Page 7, Section 90-35(c) relating to large scale amendment submittal and processing requirements:

  Amended to allow for the electronic transmittal of applications, and reduce the number of paper copies required if a local government chooses to submit a printed application. Additionally, the reference to the application being notarized has been removed as staff is recommending this current requirement be deleted from the application.

- Page 8, 90-35(c)(4)a. relating to the Notice of Application:

  Amended to allow petitions for hearing to be transmitted electronically.

- Page 16, 90-42 relating to the waiting period for reapplication:

  Amended to delete the requirement that electronic transmissions must be followed up with a hard copy.
ARTICLE II. VOLUSIA GROWTH MANAGEMENT COMMISSION
CONSISTENCY CERTIFICATION RULES AND ORGANIZATION

DIVISION 1 – DEFINITIONS AND INTERPRETATION OF ARTICLE

Sec. 90-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adjacent jurisdiction means a unit of local government whose territorial boundaries are physically contiguous to the land to be affected by a comprehensive plan or amendment thereto for which an applicant jurisdiction has applied to the commission for a certification or certificate. For purposes of these consistency certification rules, the School Board of Volusia County is considered an adjacent jurisdiction.

Applicant jurisdiction means a unit of local government which has applied to the commission for a certification or certificate regarding a comprehensive plan or amendment thereto.

Area and area of jurisdiction mean the total area qualifying under the provisions of F.S. § 163.3171, as amended from time to time, whether this be all of the lands lying within the limits of an incorporated municipality, lands in and adjacent to an incorporated municipality, unincorporated lands within the county, or areas comprising combinations of lands in incorporated municipalities and unincorporated areas of the county.

Certification and certificate mean a letter, resolution or other written document from the commission determining consistency or inconsistency of a comprehensive plan, element, plan amendment or portion thereof with other applicable plans.

Charter means the county Home Rule Charter, as amended.

Commission means the Volusia Growth Management Commission, a governmental entity created by the Charter. As used in these rules, the term commission is interpreted to include its staff.

Comprehensive plan means a plan that meets or is intended to meet the requirements of F.S. §§ 163.3177 and 163.3178.

Large scale comprehensive plan amendment means any plan amendment that requires a transmittal and adoption hearing and does not qualify for adoption pursuant to F.S.§ 163.3187 (small-scale comprehensive plan amendments) as amended from time to time.
Unit of local government means Volusia County, each municipality within Volusia County and the School Board of Volusia County.

Small scale comprehensive plan amendment means any plan amendment that only requires an adoption hearing and qualifies for adoption pursuant to F.S. § 163.3187(1)(c) as amended from time to time.

Written or in writing means a piece of correspondence or document, as context dictates, that must be provided on paper and delivered by either electronic transmission, hand delivery, U.S. Mail or courier service. Electronic transmissions are sufficient to be deemed “written” or “in writing” if followed up as soon as possible with a hard copy transmittal delivered by hand delivery, U.S. Mail or courier service.

Sec. 90-32. Interpretation of article.

In the interpretation and application of this article, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the commission;

(3) Deemed not to limit or repeal any other powers granted by other state statutes, the Charter, county ordinances or commission resolutions; and

(4) Interpreted in a manner consistent with Section 202.3 of the Volusia County Charter and the Community Planning Act (F.S. § 163.3161 et seq.).

DIVISION 2 – Volusia Growth Management Commission Consistency Certification Rules

Sec. 90-33. Findings, purpose and intent.

In adopting this article, the county council makes and expresses the following findings, purpose and intent:

(1) In accordance with section 1303 of the county Charter, the 1985-1986 county Charter review commission was formed to prepare necessary amendments to the Charter.
(2) In consideration of the rapid growth of the county in recent years and the adoption of landmark comprehensive planning legislation in the state, the Charter review commission determined that growth management was a top priority among its objectives.

(3) As a result of information, evidence and testimony received at numerous public meetings and hearings, the Charter review commission proposed the creation of the Volusia Growth Management Commission to determine the consistency of the municipalities’ and the county’s comprehensive plans and any amendments thereto with each other.

(4) The citizens of the county voted at a referendum held on November 4, 1986, to adopt Charter amendments creating the commission and granting certain powers to the commission.

(5) The purpose of the commission is to provide an effective means for coordinating the plans of municipalities and the county, in order to provide a forum for the units of local government in the county to cooperate with each other in coordinating the provision of public services to and improvements for the citizens of the county, and create incentives to foster intergovernmental cooperation and coordination.

(6) The commission held an organizational meeting on February 25, 1987, and then, through its committee on growth management related issues, duly noticed and held further public hearings on May 18, 1987, and May 21, 1987, and held commission hearings on June 10, 1987, and June 24, 1987, to develop rules of procedure for and enforcement of the commission’s consistency review within the time provided for under the Charter amendment.

(7) On June 24, 1987, the commission adopted Resolution No. 87-5, which recommended that county council adopt this article, which contains the rules of procedure for consistency review and enforcement as required by the Charter amendment.

(8) Since the Volusia County Council adoption of Ordinance No. 87-24, the commission has undertaken a diligent process with numerous public hearings to consider amendments to the commission’s certification rules as codified in Volusia County Code Chapter 90, Article II. The commission has addressed revisions to the procedures for submitting and processing applications and has acknowledged advances in technology recognizing the use of electronic communications in defined circumstances.

(9) For clarification of the statement in the Volusia County Charter Section 202.3 which, in part, reads “The commission may perform such other directly related duties as the commission from time to time deems necessary”, the commission
has recommended to the council and the council hereby agrees that “other directly related duties” is limited to the following:

(a) Analysis and studies needed for the commission or commission staff to determine consistency or inconsistency of a comprehensive plan, element of a comprehensive plan, or amendment.

(b) Administrative duties for the operation of the commission.

(c) The commission acting as a mediator when requested by two or more units of local government to address an issue between such units of local government.

(d) Those duties necessary to meet the requirements of F.S. § 163.3177(6)(h).

(Ord. No. 87-24, § 1, 7-23-87; Ord. No. 2012-16, § 1, 10-4-12; Ord. No. 2016-10, § 1, 5-5-16)

Sec. 90-34. Certificate of plan consistency required. A certificate of consistency is hereby established. No comprehensive plan, element of a comprehensive plan or amendment of a comprehensive plan adopted after November 4, 1986, shall be valid or effective unless and until such comprehensive plan, element of a comprehensive plan or amendment has been reviewed by the commission and has been certified consistent in accordance with this article. This certificate of consistency will be required in addition to any other necessary licenses, permits and/or approvals applicable to land development.

(Ord. No. 87-24, § 3, 7-23-87)

Sec. 90-341. Application for certificate under the “streamlined” review process; procedure for issuance; public hearing requirements.

(a) For applications received after May 5, 2016, commission staff shall utilize a “streamlined” review process for the following types of comprehensive plan amendments:

1. a small scale comprehensive plan amendment (upon adoption), and
2. comprehensive plan amendments subject to one of the following types of agreements entered into among the applicant jurisdiction and adjacent jurisdiction(s):
   i. a joint agreement pursuant to F.S. § 163.3171, or
   ii. other similar type of interlocal agreement which addresses land use and/or the provision of public services.

(b) An application as prescribed by the commission shall be forwarded to the commission and units of local government by the applicant jurisdiction in accordance with Section 90-35(c). When the commission receives the application its administrative staff
shall date-stamp the application. Within two days after which the VGMC office is open for business, the administrative staff shall conduct a completeness review of the application to ensure that the application is completely filled out and all information required by the application is included. If any of the application information is incomplete, the administrative staff shall contact the applicant jurisdiction to obtain the necessary information. If the application is deemed incomplete, the applicant jurisdiction shall provide any missing information to the administrative staff and adjacent jurisdictions. An application shall be deemed complete once all information is provided in electronic format, either at the initial submission of the application or after receipt of all of the minimum requirements described in the application based upon the determination of the administrative staff (the “complete application”). The administrative staff shall thereafter send a dated cover letter and notice of application by electronic transmission to the applicant jurisdiction and all units of local government, as well as post the notice of application on the commission website. The administrative staff shall thereafter also send an electronic version of the complete application to the commission’s professional planning staff.

(c) Within fourteen (14) days of receipt of the complete application, planning staff shall prepare a written report which shall be transmitted in electronic format to the VGMC administrative staff concerning whether, based on the information provided in the application, the proposed amendment meets the criteria in Section 90-37(c) and 90-37(d), below. In the event the information provided in the application is not sufficient for the planner to make a determination on some or all of the factors, the written report shall provide a statement to this effect.

(d) The administrative staff shall thereafter send an electronic version of the written report prepared by the planner to the applicant jurisdiction and units of local government. Such comprehensive plan amendment shall be deemed to be consistent twenty-one (21) days after receipt of the complete application by the commission, unless a written objection is filed by a unit of local government. Notice of the comprehensive plan application shall be provided in accordance with Section 90-35(c), below, with the dates modified in accordance with this Section 90-341.

(e) If an objection is filed by a unit of local government within twenty-one (21) days of the date of the complete application, a hearing shall be held in accordance with Sections 90-35 and 90-37. The hearing shall be limited to the subject matter of the objection that was filed. If an objection is filed but withdrawn prior to the hearing, the application shall be deemed consistent as of the date the objection is withdrawn, or twenty-one (21) days after receipt of the complete application, whichever comes later. If no objection is filed, the commission shall issue a certificate of consistency, effective twenty-one (21) days after receipt of the complete application by the commission.

(Ord. No. 2016-10, § 1, 5-5-16)
Sec. 90-35. Application for certificate for large-scale comprehensive plan amendments; procedure for issuance; public hearing requirements.

(a) After November 4, 1986, all units of local government who desire to adopt or amend a comprehensive plan or element or amendment thereof, in accordance with this article, shall submit an application on forms as the commission may prescribe, and shall submit such information as the commission may require for the proper evaluation of the application.

(b) An applicant jurisdiction shall, at a minimum, submit the following information and documents with any application filed under this section with the commission:

(1) Information required by rule or order of the commission, which shall include, at a minimum, a detailed inquiry into:

a. The extent to which any plan, element, or plan amendment submitted proposes to create adjacent, incompatible land uses and the manner in which the adverse impact of these incompatible uses may be eliminated or mitigated; and

b. The extent to which any plan, element, or plan amendment proposes policies and/or physical improvements which may adversely impact the objective of promoting the coordination of infrastructure affecting more than one unit of local government.

(2) An application shall, at a minimum, contain the following information in addition to that required in subsection (b)(1) of this section:

a. The application shall contain a list of all adjacent jurisdictions and units of local government.

b. For each entity listed in subsection (b)(2)a of this section, the application shall indicate the following:

1. Existing coordination mechanisms used in preparation of the plan, element, or plan amendment being submitted.

2. Any recommendations contained in the proposed plan, element, or plan amendment which affect the plans for land use or infrastructure contained in the plans of a unit of local government.

3. The facts supporting the recommendations contained in subsection (b)(2)b.2 of this section and the identification of recommended measures which may be used to mitigate or eliminate any adverse impacts resulting from these recommendations.
4. Identification of specific problems and needs within the comprehensive plans of said adjacent jurisdictions which would benefit from improved or additional intergovernmental coordination, and recommended solutions for resolving these potential problems and needs.

(c) The applicant jurisdiction shall (i) submit an application and all supporting documents electronically as prescribed by the commission, or (ii) submit one original and five-two printed copies of each application and supporting documents. The original application and two copies of each application and all supporting documents filed with the commission’s administrative staff must be a hard copy in writing; the remaining copies may be in either hard copy or electronic format. The commission shall process all applications and shall cause public notice of receipt of all applications to be given as provided in this article. When the commission receives an application for approval of a comprehensive plan or amendment thereto, its administrative staff shall date-stamp the application. Within two days on which the VGMC office is open for business, the administrative staff shall conduct a completeness review of the application to ensure: the application is completely filled out; required signatures are present; and notarized; if printed copies are submitted, the required number of copies are included; notification to required jurisdictions and agencies as indicated on application has been accomplished; summary of amendment(s) is provided; verification of the acreage and location for map amendments; verification that staff reports, and current and proposed land use maps, where applicable, are included. If any of the foregoing information is incomplete, the administrative staff shall contact the applicant jurisdiction to obtain the necessary information. An application shall be deemed complete once all information is provided, either at the initial submission of the application or after receipt of all of the minimum requirements described in this subsection (c) based upon the determination of the administrative staff and such application shall have placed upon the written application an additional date designating such application as a complete application (the "complete application"). The administrative staff shall thereafter send a dated cover letter and a notice of the complete application to the applicant jurisdiction by electronic transmission and direct that electronic versions of the complete application be sent by the applicant jurisdiction to all units of local government. The administrative staff shall also send a copy of the complete application to the commission’s professional staff. Notice of the complete application shall be provided-electronically transmitted by commission administrative staff by US Mail to each unit of local government and posted on the commission’s website. Such notice shall be in substantially the form provided below:

VOLUSIA COUNTY
VOLUSIA GROWTH MANAGEMENT
COMMISSION
Notice of Application

(1) The type of application (e.g., adoption of or amendment to a comprehensive plan);
(2) A description and location of the subject matter or activity covered by the action, and the commission’s case number, and the name and address of any person at the applicant jurisdiction to whom comments should be directed;

(3) A copy of the complete application and accompanying material are available for public inspection at the commission’s offices at (commission’s address);

(4) The notice shall contain paragraphs which read substantially as follows:

a. Any unit of local government shall have a right pursuant to the Volusia Growth Management Commission Comprehensive Plan Consistency Certification Rules to petition for a public hearing on the application. The petition must contain the information set forth below and must be received by the commission electronically, or at the address set forth above within 28 days of the receipt of the complete application with such date being [insert date]. A copy of the petition must also be mailed at the time of filing with the commission to (the named contact person at the address indicated to whom comments should be directed at the applicant jurisdiction).

b. Failure to file a petition within 28 days of the receipt of the complete application, that date being [insert date], constitutes a waiver of any right any unit of local government may have to a public hearing pursuant to the Volusia Growth Management Commission Comprehensive Plan Consistency Certification Rules.

c. The petition shall contain the following information:

   i. The name, address and telephone number of the petitioning unit of local government; the commission’s case number and the location of the proposed activity;

   ii. A statement of how and when each petitioning unit of local government received notice of the application;

   iii. A statement of how the petitioning unit of local government’s substantial interests are affected by the proposed application;

   iv. A statement of the material facts disputed by the petitioning unit of local government, if any;

   v. A detailed statement outlining the reasons why the proposed amendment violates the criteria for evaluating compatibility in Sec. 90-37; and

   vi. A statement of relief sought by the petitioning unit of local government, stating precisely the action the petitioning unit of local
government wants the commission to take with respect to the pending application.

d. Any person who believes the unit of local government in which they reside could be substantially affected or aggrieved by the application is directed to address that concern with the elected governing body of the unit of local government in which they reside. Nothing in this section shall be deemed to prohibit or prevent members of the public from being heard at the public hearing required by section 90-35 pursuant to § 286.011 of the Florida Statutes.

(d) Applications received by the commission under this section shall be processed and all determinations of consistency shall be made as provided in this subsection unless a public hearing is held on an application. If the commission holds a public hearing on an application as allowed pursuant to this subsection, the commission shall determine consistency pursuant to the criteria provided in section 90-37.

(1) Review by commission.

a. Within 30 days after the date of the complete application, the commission’s professional staff shall examine the complete application; determine whether any adjacent jurisdiction or any other unit of local government has commented or requested a public hearing; notify the applicant jurisdiction of any apparent errors or omissions; request any additional information pertinent to the application; and determine whether the applicant jurisdiction has addressed the conditions of approval of past commission resolutions and whether the application meets the consistency test as set forth in this article.

b. If the commission’s professional staff needs additional information to review the application, a request for additional information (RAI) shall be forwarded in writing to the applicant jurisdiction. Such RAI shall be forwarded within 14 days after the date of the complete application. The written request for additional information shall toll the running of the time provided by this article for the commission to act on the application until either: (i) the RAI response is deemed complete by the commission’s professional staff; or (ii) the applicant jurisdiction provides written notice that no further information in response to the RAI will be provided.

c. The commission’s professional staff shall prepare a written report regarding the application, which may include information regarding whether the applicant jurisdiction has (i) provided a complete application, (ii) complied with one or more RAIs, if applicable, and (iii) addressed the commission’s professional staff’s conditions of approval, if any. Further, the written report shall set forth the commission’s professional staff’s determination regarding whether an application may be inconsistent under
the test set forth in section 90-37. Such written report shall be sent electronically to all units of local government.

(2) Units of local government.

a. Within 28 days after the date of the complete application any unit of local government may:

(i) Submit written comments regarding the merits or the sufficiency to the commission regarding the complete application; or

(ii) Request a public hearing in accordance with Section 90-35(c).

b. If the unit of local government requesting the hearing is an adjacent jurisdiction then the unit of local government shall participate as a party and is deemed to be substantially affected and aggrieved upon requesting a public hearing.

(3) When a public hearing is requested by the applicant jurisdiction pursuant to subsection (d)(1)a. of this section or by a unit of local government, the commission shall hold a public hearing on the complete application within 60 days after the public hearing is requested but in no event more than 90 days from the date of the complete application (less any tolled time), unless the commission shall not have a regular meeting scheduled or a quorum of the members of the commission shall not be obtained for the regular meeting, which shall by necessity extend the date of the public hearing beyond 90 days. At any public hearing held by the commission to determine whether the adoption of a comprehensive plan or amendment thereto is or can be made to be consistent through conditions, the commission shall comply with the criteria of section 90-37.

(4) Unless a public hearing is otherwise required pursuant to this article, no public hearing shall be held on any complete application received by the commission unless timely requested by a unit of local government. If no public hearing is requested, it shall be presumed that all units of local government approved the adoption of or amendment to the comprehensive plan of the applicant jurisdiction.

(5) Nothing in this section shall be construed to prohibit the submission of relevant evidence to the commission at any time up to and including a public hearing called by the commission pursuant to this article.

(e) Nothing contained in this article shall preclude the concurrent processing of applications for certification and the state’s related review pursuant to the Community Planning Act (F.S. § 163.3161 et seq.), as amended from time to time. For large scale comprehensive plan amendments the application for certification by the commission shall be submitted to the commission simultaneously with, or prior to, transmittal of a proposed plan amendment to the Florida Department of Economic Opportunity ("DEO"). The
commission shall have 30 days from receipt of any large scale comprehensive plan application to make comments to the DEO. The commission shall have 30 days from the date of the complete application to make comments to the applicant jurisdiction. For all comprehensive plan amendments other than those listed in Sec. 90-341, the commission certification shall be a prerequisite to any final public hearing on a comprehensive plan amendment by the applicant jurisdiction. The applicant jurisdiction's response shall be to both the commission and DEO and shall occur simultaneous with or prior to the applicant local government's response to the objections, recommendations and comments report by the DEO for the comprehensive plan amendment, if applicable.

(f) Every application under this section shall be approved, conditionally approved, or denied within 90 days after the date of the complete application by the commission unless either: (i) the 90-day time period on a complete application has been tolled pursuant to subsection (d)(1) of this section in which case the 90-day time period does not include that period from the date of commencement of the tolling until the tolling is stopped; or (ii) if anytime on or after 60 days from the date of the complete application there occurs a force majeure event/emergency/natural disaster which disrupts normal governmental functions within any part of the county then there shall be an automatic extension of the 90-day time period for an additional 30 days. The chairman of the commission shall provide written notice to the applicant of implementation of an automatic extension under subsection (ii) above. Within 15 days after the conclusion of a public hearing held on the complete application, the applicant jurisdiction shall be notified if the complete application is approved, conditionally approved or denied. Failure of the commission to approve, conditionally approve or deny an application within the time period set forth in this subsection shall be deemed an approval of the application. For every conditional approval, the applicant jurisdiction shall comply with the requirements set forth in the conditional approval including, but not limited to, incorporating into the proposed comprehensive plan amendment referenced in the application those changes recommended by the commission. Failure to incorporate the commission’s recommended changes shall result in automatic revocation of the certificate thereby rendering both the complete application and the proposed comprehensive plan amendment of the applicant jurisdiction invalid and ineffective. For those conditional approvals granted prior to the effective date of this ordinance, revocation where provided shall occur in accordance with the terms of the resolution of certification. Continuances of hearings may be granted upon a request for a waiver by the applicant jurisdiction of the 90-day period referred to in this subsection, for up to an additional 90-day period as determined by the chairman of the commission. Any requests for continuances totaling longer than 90 days may only be granted by the commission at a noticed hearing.

(g) Within 30 days after final adoption pursuant to state law of any plan, element, or plan amendment previously certified by the commission, the local government adopting said plan, element, or plan amendment shall transmit a true and correct copy of said plan, element, or plan amendment to the commission.

(h) For any unit of local government, other than an adjacent jurisdiction, asserting that it is a substantially affected or aggrieved party pursuant to section 90-35(c) as the first item
of business at the public hearing pertaining to the certificate of consistency of a comprehensive plan or element or amendment thereof, the commission shall render a determination of such unit of local government’s status as a party to the public hearing based upon the contents of the required petition under section 90-35(c) as applicable and testimony and evidence presented at the hearing. In the event party status is denied by the commission, the unit of local government denied party status shall be entitled to be heard at the public hearing as a member of the public. In the event there are (1) no units of local government with party status, and (2) the commission does not have the ability to hold the public hearing as set forth in Sec. 90-38, the hearing will not proceed. As used in this section, the term “substantially affected or aggrieved party” means any unit of local government that will suffer an adverse effect to an interest protected or furthered by its comprehensive plan when compared to the applicant jurisdiction’s local government comprehensive plan, element or amendment thereof based on the review criteria set forth in Section 90-37(c).

(Ord. No. 87-24, §4,7-23-87; Ord. No. 89-39, § 1,9-7-89; Ord. No. 91-39, § 1,11-21-91; Ord. No. 92-87, § 2, 10-8-92; Ord. No. 93-13, § 2, 5-20-93; Ord. No. 98-17, § I, 9-3-98; Ord. No. 99-16, §§ 1--3, 5-13-99; Ord. No. 2007-05, § 2, 2-22-07; Ord. No. 2012-16, § 1, 10-4-12; Ord. No. 2016-10, § 1, 5-5-16)

Sec. 90-36. Consultation with commission regarding application for certificate.

The applicant or his representative may consult with the staff of the commission concerning the application for certificate under this article. However, any representation by the staff of the commission shall not relieve any person of any requirement of applicable special acts, general laws, articles, the Charter, this article or any other commission rules, regulations or standards, or constitute approval, express or implied.

(Ord. No. 87-24, § 5, 7-23-87)

Sec. 90-37. Criteria for issuance of certificate.

(a) Consistency shall be determined and a certificate shall be issued to the applicant, upon such conditions as the commission may direct, if the applicant jurisdiction affirmatively provides the commission with reasonable assurance based upon competent, substantial evidence that the proposed plan, element, or plan amendment is consistent with the comprehensive plans of all other units of local government.

(b) For the purpose of subsection (a) of this section, a plan, element, or plan amendment shall be consistent if it is compatible with and in furtherance of such adjacent and substantially affected comprehensive plans when all such plans are construed as a whole. For purposes of this section, the phrase “compatible with” means that the plan, element, or plan amendment is not in conflict with such adjacent and substantially affected comprehensive plans. The phrase “in furtherance of” means to take action in the direction of realizing the goals or policies of such adjacent and substantially affected comprehensive plans. In addition to such requirements, consistency shall not be deemed
to exist if the commission affirmatively determines that the plan, element, or plan amendment adversely affects intergovernmental cooperation and coordination.

(c) In determining whether a plan, element, or plan amendment adversely affects intergovernmental cooperation and coordination, the commission may, in its sole discretion, consider one or more of the following factors:

1. The extent to which the plan, element, or plan amendment provides for areawide or central utility service solutions;

2. The extent to which the plan, element, or plan amendment provides for areawide or regional transportation solutions;

3. The extent to which the plan, element, or plan amendment causes or may reasonably be anticipated to cause significant adverse impacts on infrastructure beyond the boundaries of one jurisdiction;

4. The extent to which the plan, element, or plan amendment causes or may reasonably be anticipated to cause significant adverse impacts on natural resources which extend beyond the boundaries of one jurisdiction;

5. The extent to which the plan, element, or plan amendment provides for the coordination of the timing and location of capital improvements in a manner to reduce duplication and competition; and

6. The existence of an agreement among all substantially affected units of local government and the applicant jurisdiction which provides for all said governments' consent to the application. If the commission determines that such an agreement exists for any given application, then it shall be rebuttably presumed that said application does not adversely affect intergovernmental cooperation and coordination.

(c) In determining whether a plan, element, or plan amendment adversely affects intergovernmental cooperation and coordination, the School Board of Volusia County shall consider if adequate public schools can be timely planned and constructed to serve the proposed increase in student population, as set forth in Sec. 206 of the Charter.

(e) For purposes of determining consistency under this section, the plan, element, or plan amendment and the comprehensive plans against which it is compared and analyzed shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from the other goals and policies in the plans. The commission and its professional staff shall not evaluate or make consistency determinations on whether a proposed comprehensive plan amendment is internally consistent with the comprehensive plan of the applicant jurisdiction.
(f) The commission may deny certification where a preponderance of the evidence, as determined by the commission, establishes that the proposed plan, element or plan amendment is not consistent with other comprehensive plans and adversely affects intergovernmental cooperation and coordination based on the criteria contained in Section 90-37(c) above.

(g) Notwithstanding the other provisions of this article, for any comprehensive plan amendment the failure to file a written objection to any such comprehensive plan amendment shall be deemed a waiver of any right to object.

(h) Notwithstanding anything to the contrary contained in this article, any modifications to the capital improvements element of a comprehensive plan done pursuant to F.S. § 163.3177(3)(b), which would otherwise be reviewable by the commission, and are not deemed to be amendments to the comprehensive plan pursuant to that statute, shall be exempt from further review by the commission.

(i) Each applicant has a continuing affirmative duty to submit the objections, recommendations and comments (ORC) report and any and all additional correspondence, notices, documentation, orders, proposed orders, agreements or other information except adversarial administrative pleadings in formal F.S. § 120.57(1) proceedings (collectively referred to in this section as "additional information") prepared by, transmitted by, received from or agreed to by either the State of Florida Department of Economic Opportunity or the applicant, related to any comprehensive plan, element, or amendment previously certified as consistent by the commission. The commission shall have the right, power and authority to reopen and reconsider its decision to certify consistency and change or modify its conditions of certification applicable to any such plan, element, or amendment should the commission determine in its sole discretion that the additional information changes the facts and circumstances related to its prior certification until a final determination as to the validity of the plan, element of a plan, or plan amendment is made pursuant to the Community Planning Act (F.S. § 163.3161 et seq.), as amended from time to time. Should the applicant fail to submit to the commission a copy of any and all additional information within 30 days after receipt, transmittal, execution or creation (as applicable) by the applicant, the commission shall likewise have the right, power and authority to reopen and reconsider said certificate of consistency. The commission may initiate any such reconsideration proceeding by sending written notice to the applicant/certificate holder and all units of local government. If an objection is filed by a unit of local government within 14 days, the commission shall schedule and advertise such reconsideration proceeding as a public hearing no less than 60 days after the date of said notice, and may consider any issue and receive such evidence in said public hearing and its subsequent decision that it deems relevant. The commission shall render a written decision by resolution within 30 days from the date of said public hearing. Appeal from said decision shall be in the manner provided in this article for appeal of certifications of consistency.

(j) Notwithstanding any provision of this section to the contrary, an application for a certificate of plan consistency shall not be reviewed at a public hearing except as provided
in section 90-35(d). When no public hearing is held, the chairman of the commission, based upon the recommendation of the professional staff of the commission, shall issue by letter a certificate of plan consistency as provided in section 90-35(d). This issuance of the certificate of plan consistency by letter is the final administrative action by the commission on the application. However, if a public hearing is held pursuant to the request of a unit of local government, the commission shall determine consistency pursuant to the criteria contained in this section and based upon a preponderance of competent, substantial evidence presented at the hearing to determine whether the application meets the criteria specified in this section.

(Ord. No. 87-24, § 6, 7-23-87; Ord. No. 90-46, § 1, 12-20-90; Ord. No. 91-39, § 2, 11-21-91; Ord. No. 92-87, § 3, 10-8-92; Ord. No. 93-13, § 3, 5-20-93; Ord. No. 2007-05, § 3, 2-22-07; Ord. No. 2012-16, § 1, 10-4-12; Ord. No. 2016-10, § 1, 5-5-16)

Sec. 90-38. Application for certificate subject to a resolution of the commission.

The commission’s staff may request a public hearing in the event an application is received by the commission and the comprehensive plan element, amendment, or portion thereof (i) is subject to a resolution adopted by the commission, and (ii) the proposed plan element, amendment, or portion thereof is inconsistent with some or all of the conditions in the resolution adopted by the commission.

(Ord. No. 2016-10, § 1, 5-5-16)


If the commission's professional staff advises the commission that the applicant jurisdiction or its agent submitted false or inaccurate material information in its complete application or at a public hearing, the commission shall hold a public hearing and if the commission shall vote to revoke a certificate of plan consistency such action shall invalidate the plan, element, or plan amendment certified thereby.

(Ord. No. 87-24, § 8, 7-23-87; Ord. No. 2012-16, § 1, 10-4-12)

Sec. 90-40. Appeals.

(a) Any unit of local government which is either the applicant jurisdiction or unit of local government which has requested a public hearing pursuant to section 90-35(d)(2)(a)(ii), may contest the issuance, denial or revocation of a certificate of consistency by filing a petition for writ of certiorari along with a complete record of the proceeding(s) from which said certificate emanated so certified by the commission’s records custodians, in the manner prescribed by the state appellate rules to the circuit court of the county, within 30 days after the date the commission’s decision is filed with its secretary. The court shall not conduct a trial de novo. The proceedings before the commission, including the testimony of witnesses, and any exhibits, photographs, maps or other documents filed before them, shall be subject to review by the circuit court. The petition for writ of certiorari
shall state how the commission erred and shall include all of the documents, papers, photographs, exhibits and transcripts constituting the record upon which the action appealed from was taken, or properly certified copies thereof in lieu of originals. The petition, along with the record, shall be filed in the circuit court within 30 days after the filing of the decision by the commission to which such petition is addressed. The court may extend the time for filing the record, including the transcript and exhibits, for good cause shown. The unit of local government filing the petition for certiorari shall be responsible for filing a true and correct transcript of the complete testimony of the witnesses.

(b) The petition for writ of certiorari shall be furnished to the original applicant, the owner of record of the subject property, to each attorney at law appearing for any person at the hearing before the Volusia Growth Management Commission, and to the Volusia Growth Management Commission. The commission shall suspend the issuance of its permit until the court has ruled upon the petition.

(c) The Volusia Growth Management Commission shall be a necessary and indispensable party to any appeal of its decisions. Any unit of local government may intervene, pursuant to Florida Rule of Civil Procedure 1.230, as a respondent in the certiorari proceeding authorized by this section.

(Ord. No. 87-24, § 9, 7-23-87; Ord. No. 99-16, § 4, 5-13-99; Ord. No. 2016-10, § 1, 5-5-16)

Sec. 90-41. Enforcement.

The commission may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this article or any certificate issued pursuant to this article.

(Ord. No. 87-24, § 10, 7-23-87)

Sec. 90-42. Waiting period for reapplication for certificate.

No unit of local government shall have the right to file an application for certification pursuant to section 90-35 if the same plan, element, or plan amendment for which certification is applied has been the subject of an application before the commission within a period of six (6) months prior to the filing of the application. However, the applicant jurisdiction has the right to withdraw, without the penalty of the six (6) month waiting period, an application at any time up to fifteen (15) days before either (i) the issuance of a letter of certificate of plan consistency pursuant to section 90-37(j) or (ii) the date of the scheduled public hearing on the application pursuant to section 90-35(e). Such withdrawal of the application shall be made either electronically or in writing and delivered by hand delivery, U.S. Mail or courier service to the commission. Electronic transmissions must be followed up by the applicant jurisdiction with a hard copy transmittal delivered to the commission as soon as possible.
Sec. 90-43. Article not to affect preexisting rights.

Nothing in this article shall alter or affect rights previously vested or plans, elements, or plan amendments previously, finally and completely adopted in accordance with applicable state law prior to November 4, 1986.

Sec. 90-44. Ratification of past agreements.

Notwithstanding anything to the contrary contained in this article, the following agreements are hereby ratified and confirmed and the plans, elements, and plan amendments involved therein are certified consistent for purposes of this article:


5. Agreement between the City of Port Orange, Sandalwood Inc., and the County dated January 5, 1987.

6. Agreement between the City of Port Orange, Jennie M. Krol and the County dated January 5, 1987.

7. County Council Ordinance No. 87-19, approving, among other things, amending the County comprehensive plan amendments related to Mosquito Lagoon, Hontoon Island and the North Peninsula.

Secs. 90-45 thru 90-50 – Reserved
DIVISION 3 – VOLUSIA GROWTH MANAGEMENT COMMISSION
ORGANIZATION

Sec. 90-51. Member Appointments

There shall be one voting member from each municipality within the county and five voting members from the unincorporated area of the county. The appointment of each voting representative shall be made by the governing body of each respective jurisdiction. A voting member of the commission may be appointed to the commission so long as the voting member at such time of the appointment: (i) is not a candidate for elective office and does not hold elective office with respect to any municipality in Volusia County or Volusia County; (ii) would not violate the dual-office holding provision of the Florida Constitution, and (iii) maintains a residence within the boundary of the appointing jurisdiction or the unincorporated area of Volusia County. In the event clause (i) or (ii) shall apply to a voting member during the term of appointment, there shall be declared an immediate vacancy on the date such voting member officially files the paperwork as a candidate for elective office or the date the voting member assumes the position creating the dual-office. The Volusia County School Board and the St. Johns River Water Management District shall each designate one nonvoting member to serve on the commission. All members will serve until successors are appointed and qualified. Nonvoting members shall serve at the pleasure of their appointing authorities. Any voting or nonvoting member may be reappointed.

Sec. 90-52. Membership Term

All terms of the current members appointed by a municipality and Volusia County shall expire based upon the original three year term of appointment previously designated by the commission. For the period July 1, 2013, to and including July 1, 2015, the term for members of the commission appointed by a municipality and Volusia County shall be transitioned so that the terms shall expire on a bi-annual basis and the approximately one-half of the current weighted vote shall be subject to appointment on a bi-annual basis. Members appointed by a municipality to a term beginning on July 1, 2012, shall be appointed to a three year term expiring on June 30, 2015. Members that are appointed by a municipality, other than the City of Deltona, for a term beginning July 1, 2013, shall be appointed for a four year term, expiring on June 30, 2017. The member appointed by the City of Deltona for a term beginning July 1, 2013, shall be appointed for a two year term expiring on June 30, 2015. Members that are appointed by a municipality for a term beginning July 1, 2014, shall be appointed for a three year term expiring on June 30, 2017. All members that are appointed by a municipality for a term beginning on and after July 1, 2015 shall be appointed to a four year term. The current terms for the two Volusia County members expiring on June 30, 2013, shall initially be for two years expiring on June 30, 2015, and thereafter shall for a four year term. The current terms for the three Volusia County members expiring on June 30, 2014, shall initially be for three years expiring on June 30, 2017, and thereafter shall be for a four year term.

Sec. 90-53. Member Removal, Attendance and Vacancies
(1) Action by the commission.

a. A member or officer may be removed by a weighted vote of two-thirds of the commission for the intentional failure to disclose a voting conflict of interest as required by the Florida Statutes or for misfeasance or malfeasance. Misfeasance shall be any lawful action which is performed on behalf of or in connection with the commission which is found to have been done in an illegal or improper manner. Malfeasance shall be any action which is performed on behalf of or in connection with the commission which is found to be an act of wrongdoing or intentional misconduct.

b. Attendance at all regular meetings of the commission is mandatory. If any member fails to attend three regularly scheduled commission meetings during any calendar year ending December 31, the member’s seat shall be deemed vacant. The chairman of the commission shall notify the member and appointing jurisdiction after two missed regular meetings. A vacancy on the commission shall also occur upon the death of the commission member, upon the member's resignation, upon the refusal of an appointee to accept a position as a member of the commission, upon conviction of a felony, or upon adjudication of the member by a court to be mentally incompetent.

c. Upon such removal or vacancy, the member’s seat shall be deemed vacant and the chairman of the commission shall send written notification of the vacancy to the member and their appointing jurisdiction. A member may be reappointed by their respective jurisdiction if the seat is deemed vacant due to the failure to attend meetings of the commission. Appointments to fill any vacancy shall be for the remainder of the unexpired term. The weighted vote apportioned to a vacant seat shall not be counted in determining whether or not a majority of the weighted vote is present and voting at a meeting of the commission.

(2) Action by the Appointing Unit of local government.

The appointing governing body of each jurisdiction of a voting representative shall retain those rights, if any, to remove the appointed voting representative as contained in the appointing governing body’s code of ordinances. If the appointing governing body’s code of ordinances does not provide for removal of an appointed voting representative from office then such appointee shall have the right to carry out his or her full term. In the event an appointed voting representative is removed from office, then the replacement appointed voting representative shall serve for the remainder of the prior appointed voting representative’s term.
Sec. 90-54. Staff.

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.

Secs. 90-55 – 90-70. – Reserved.
RESOLUTION 2021-02

A RESOLUTION OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION; PROVIDING A RECOMMENDATION OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION TO THE VOLUSIA COUNTY COUNCIL TO ADOPT AMENDMENTS TO THE GROWTH MANAGEMENT COMMISSION CONSISTENCY CERTIFICATION RULES AS CODIFIED IN ARTICLE II OF CHAPTER 90 OF THE VOLUSIA COUNTY CODE TO ESTABLISH AND PERMIT ON-LINE SUBMITTAL OF COMPREHENSIVE PLAN AMENDMENT APPLICATIONS; PROVIDING A RECOMMENDATION ON THE EFFECTIVE DATE OF THE AMENDMENTS TO THE CERTIFICATION RULES; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE VOLUSIA GROWTH MANAGEMENT COMMISSION:

Section 1. Findings. The Volusia Growth Management Commission (the “Commission”) makes the following findings:

(1) Section 202.3 of the Volusia County Home Rule Charter establishes a Growth Management Commission and provides “rules of procedure for the commission’s consistency review and for the manner in which this Section is to be enforced and implemented, and amendments thereto shall be proposed by the commission and shall not become effective until adopted by a two-thirds vote of the entire membership of the council.”

(2) The Commission has held public hearings to consider amendments to the Commission’s certification rules as codified in Article II of Chapter 90 of the Volusia County Code (the “Certification Rules”).

(3) The Commission desires to revise the Certification Rules to establish and allow an on-line submittal process for comprehensive plan amendment applications, and the Commission finds that such a process will streamline the application submittal process, will result in time and cost savings to the Volusia Growth Management Commission applicants and to the Volusia Growth Management Commission itself, and will favorably impact the environment by reducing the need for submitting numerous paper copies.

Section 2. Recommendation of proposed amendments to the Certification Rules. The Commission hereby requests and directs the Commission Chairman to forward this resolution to the Volusia County Council and, in accordance with Volusia County Charter Section 202.3, the Commission hereby recommends and respectfully requests that the Volusia County Council adopt the amendments shown on Attachment A, attached hereto and incorporated herein by this reference, to Article II of Chapter 90 of the Volusia County Code of Ordinances.

Section 3. Recommended effective date of the proposed amendments. The Commission recommends to the Volusia County Council that the effective date of the amended and restated Chapter 90, Article II of the Volusia County Code be the date of adoption by 2/3
vote of the Volusia County Council and, until such effective date, the Commission will continue to process any properly filed application pursuant to the existing Certification Rules.

Section 4. Effective date. This Resolution shall take effect immediately upon its adoption.

RESOLVED this 23 day of June 2021.

VOLUSIA GROWTH MANAGEMENT COMMISSION

By: __________________________________________
    Sid Vihlen, Jr., Chair

ATTEST:

________________________________________
Christy Gillis, Secretary

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

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

Dated: ________________________________

FILED WITH THE SECRETARY THIS 23 DAY OF JUNE, 2021.
VOLUSIA GROWTH MANAGEMENT COMMISSION
Application for Comprehensive Plan Amendment Consistency Certification

Jurisdiction: ______________________________________________

Address: ______________________________________________

Applicant: _____________________ ____________________
Name  Title

Contact Person: _____________________ ____________________
Name  Title

Telephone & Email: ______________________________

1. TYPE OF AMENDMENT: Please indicate below the elements of your comprehensive plan affected by this amendment.

{  } Future Land Use  {  } Coastal Management
{  } Transportation  {  } Capital Improvements
{  } Public Facilities  {  } Intergovernmental Coordination
{  } Conservation  {  } Housing
{  } Recreation & Open Space  {  } Public Schools Facilities
{  } Other _______________________

Is this submittal eligible for VGMC streamlined review process in accordance with Section 90-341 of the Volusia County Code? {  } Yes  {  } No  If yes, please complete the following:

a) Is this a small scale amendment as described under 163.3187? {  } Yes  {  } No
b) Is this an amendment subject to a joint planning area (JPA) or other similar type of interlocal agreement which address land use and/or the provision of public services?  {  } Yes  {  } No

_____ A copy of the subject agreement is attached; or
_____ A copy of the subject agreement is on file with the VGMC office
2. STATUS OF SUBMITTAL:

Local Planning Agency hearing date: ______________________
Governing Body (transmittal hearing) date: ______________________
Submitted to FDEO & Agencies date: ______________________
Governing Body adoption scheduled date: ______________________

3. SUBMITTAL TO VOLUSIA GROWTH MANAGEMENT COMMISSION:

Please transmit the application electronically, along with all supporting documentation described below, including colored maps, in one consolidated PDF file through the commission online portal. Alternatively, you may submit one (1) original and two (2) printed copies of this complete application package by US Mail or hand delivery to the VGMC office and the supporting documentation described below, including colored copies of maps. If available, please provide an electronic or disk copy of the complete application package as well.

Merry Chris Smith, Operations Manager
Volusia Growth Management Commission
140 South Beach Street, Suite #305
Daytona Beach, FL 32114
(386) 947-1875
vgmc@volusia.org

A. Notice summarizing the substance of the proposed plan amendment. For map amendments, please include acreage, location, current and proposed land uses, and current and proposed densities/intensities.

B. A staff report or other detailed report describing the proposed amendment. The report should include, at a minimum, existing and proposed land use maps, a statement as to whether there is an increase, decrease or no change in the density or intensity of the proposed land use, and an analysis of impacts to utility services, transportation, infrastructure and natural resources to support the statement. Additionally, please submit a copy of the application submitted to the local government by, or on behalf of, the property owner, if applicable.

C. Description of the intergovernmental coordination efforts used in preparation of the plan amendment, including efforts with the Volusia County School Board.

D. Indicate and explain any recommendations contained in this application which may affect the plans for land use or infrastructure contained in the plans of the adjacent units of local government within Volusia County.
E. Please provide the facts which support the recommendations identified in Paragraph D above and identify those measures which may be used to mitigate or eliminate any adverse impacts resulting from these recommendations.

4. SUBMITTAL TO ADJACENT GOVERNMENTS:

A copy of the application and all supporting documentation as described in Section 3 above must be submitted to all local governments that are contiguous to or may be substantially affected by the proposed amendment.

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5. SUBMITTAL OF SUMMARY NOTICE TO NON-ADJACENT MUNICIPALITIES AND OTHER GOVERNMENTAL UNITS:

A copy of the application and the summary notice required under Section 3(A) above must be submitted to non-adjacent municipalities and other governmental units. (It is not necessary to submit an additional summary notice to units of government identified in Section 4.)

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6. CERTIFICATION:

This application is submitted pursuant to the Volusia Growth Management Commission Consistency Certification Rules, the provisions of which are incorporated in the application.

I HEREBY CERTIFY to the best of my knowledge that the application is complete and accurate to the submittals required under Sections 3, 4 and 5, and have been submitted as described under the method to the appropriate agencies.

_______________________________ ____________________
Signature of Applicant  Date

This application may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. For purposes of this application, an electronic signature includes a faxed version of an original signature, an electronically scanned and transmitted version (via PDF) of an original signature, and portable document formats such as Adobe or DocuSign.

STATE OF FLORIDA
COUNTY OF VOLUSIA, to wit:

Subscribed and sworn before me this _______ day of ______________________, ______ by means of { } physical presence or { } online notarization, and who is { } personally known to me or { } produced the following identification _______________________.

________________________________
Notary Public, State of Florida
Printed Name, Stamped Commission Seal and Term
Volusia Growth Management Commission
Online Application Submittal
Main Menu

Secure Upload
Volusia Growth Management Commission
This website is used to securely deliver documents to the Volusia Growth Management Commission liaison.
Permitted file types include:
PDF, DOC, DOCX

Applicant Local Government: [Volusia County]
Amendment Type: [Small Scale Amendment]
Eligible for VGMC Streamline Review Process in accordance with Section 98-341 of the Volusia County Code?: [Yes]
Amendment Stage: [Proposed]
First Name: [Field]
Last Name: [Field]
Email Address: [Field]
File 1 of 1:

Each amendment package should be uploaded as one consolidated PDF file (including the VGMC application and transmittal letter)

BEGIN UPLOAD
Select the submitting local government from the drop down menu
° Select the amendment type from the drop down menu
Select whether or not the amendment is eligible for the VGMC streamlined review process from the drop down menu.
Secure Upload
Volusia Growth Management Commission

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Applicant Local Government: Volusia County
Amendment Type: Small Scale Amendment
Eligible for VGMC Streamline Review Process in accordance with Section 90-341 of the Volusia County Code?: Yes
Amendment Stage: Adopted
First Name:
Last Name:
Email Address:
File 1 of 1

I'm not a robot

Each amendment package should be uploaded as one consolidated PDF file (including the VGMC application and transmittal letter)

* Select whether the amendment is proposed or has been adopted from the drop down menu*
° Type in first name, last name, and email address of the person submitting.
° Select the file you wish to upload. **Each application package should be submitted in one consolidated PDF file.**
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° Begin upload – wait until the site indicates the file was uploaded before closing browser.
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Comprehensive Plan and Amendment Upload

Upload to Plan Processing Unit

Ray Eubanks
Plan Processing Administrator
(850) 717-8483
E-mail

1. Each Amendment Package Should Be Uploaded as One Consolidated PDF file (including transmittal letter)
2. Select a local government
3. Select the Amendment Type (e.g. Capital Improvement, Small Scale)
4. Select the Amendment Stage (e.g. Approved, Proposed)
5. Enter Email Address
6. Enter Name
7. Choose and Upload file

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Upload Selected File:

Local Government


Volusia County

Amendment Type


State Coordinated Review

Amendment Stage


Proposed

Email Address

First Name

Last Name

Browse...

Upload
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<th>File #-Applicant</th>
<th>Acres</th>
<th>Location &amp; Applicant</th>
<th>Existing Use</th>
<th>Proposed Use</th>
<th>Large/Small</th>
<th>App Received/Complete</th>
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<th>Object Code</th>
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**TOTAL**VGMC Budget $181,854 $181,854 $66,982 $114,872 37%

Contract services YTD expenses breaks down as follows:
$ 5,411 Legal - GrayRobinson
$ 22,387 Planning - SME
$ 3,275 Planning - VHB

$593 Currently pending in contract services expenses
TO: VGMC Budget Committee
FROM: Merry Chris Smith, Operations Manager
DATE: June 9, 2021
RE: 2021-22 Budget Update

Attached please find a worksheet showing the 2021-22 budget as approved by the VGMC compared to what County staff is recommending for approval by the County Council.

The County has recommended a total VGMC budget of $183,965 which is approximately $1,800 more than proposed by the commission. The changes are attributed to the personal services object codes, as well as the 3710-Computer and 4510-Insurance-Liability budgets. These are all line items in which expenses are determined each year by the County and generally vary slightly from what the commission has approved.

The County will hold their budget hearings in September. There is no action necessary on the part of the Budget Committee or VGMC at this time. If you have any questions in advance of the meeting, please do not hesitate to contact me.

Merry Chris
# 2021-22 Budget Worksheet Comparison

## VGMC Proposed vs. County Recommendation

<table>
<thead>
<tr>
<th>Object Code</th>
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<th>VGMC Proposed</th>
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TO: POP Committee
FROM: Merry Chris Smith, VGMC Operations Manager
DATE: June 8, 2021
RE: VGMC Rules of Procedure

Attached please find the current VGMC Rules of Procedure for Meetings, Membership and Operations. In accordance with Article X., Section 3, the rules are to be reviewed by the commission no less than every two years, with the last occurring in 2019.

There are several minor amendments proposed in the attached rules for consideration by the committee:

1) Page 4, Article II., Section 10 – clerical correction;
2) Page 8, Article VII., Section 4 – clerical correction; and
3) Page 12, Article IX, Section 7 – clarified that in-person attendance is necessary to be eligible for travel reimbursement.

Please review the rules in advance of the meeting so the committee can discuss any questions, comments or additional proposed changes.

These are internal VGMC processing rules that are approved by the commission and do not require County approval. In accordance with Article X., Section 1, there will not be a vote on any proposed changes at this time. The committee will bring this matter before the commission for discussion at the June 23, 2021 regular meeting, and any proposed changes will be scheduled for a vote at the next scheduled regular meeting of the commission.

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

Merry Chris

cc: VGMC Members & Staff
VOLUSIA GROWTH

MANAGEMENT COMMISSION

Resolution No. 1987-6,


Rules of Procedure for Meetings, Membership, and Operations

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 applicant 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 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; and
(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 in-person 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 in-person 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 27th day of 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