

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

MINUTES FOR
MEETING HELD
Monday, November 3, 2014

City of Daytona Beach
Room #116
301 S. Ridgewood Avenue
Daytona Beach, FL

The meeting was called to order at 1:00 p.m. by Committee Chairman, Gerald Brandon.

The following POP Committee Members were present: Committee Chairman Gerald Brandon, Sandy Lou Gallagher, Robert Lovelace, Don Romanik, Robert Storke and Rich Walton. Also in attendance were VGMC Chairman James Wachtel, Paul Chipok, VGMC Legal Counsel, Merry Smith, VGMC Operations Manager, George Kramer and Chris Dougherty both from Littlejohn.

NEW BUSINESS

Approval of Minutes

Robert Storke made a motion to approve the minutes of the August 5, 2014 committee meeting as presented; motion seconded by Sandy Lou Gallagher. Motion carried unanimously.

Consider recommendation for proposed planning contract with Littlejohn

Mr. Brandon stated when the original proposed contract was received from Littlejohn, there were a number of items that needed further clarification. He stated he discussed those first with Mr. Chipok and then made some recommended changes to Littlejohn. Mr. Brandon stated Littlejohn has made those changes and the proposed contract before the committee includes those changes.

Mr. Lovelace asked if the proposed contract is standardized to what the VGMC has utilized in the past. Mr. Chipok responded that the standard provisions the VGMC has used in prior planning contracts are included in the contract, and that some of the components of the contract are standard to Littlejohn.

Mr. Wachtel pointed out the payment requirements in Article V and asked about the turnaround time for receiving invoices, submitting them to the County for processing and payments being issued. Ms. Smith described the County's accounting cycle and stated 30 days to issue a payment from the date the invoices are approved generally should be sufficient. She also discussed changes that are underway with respect to the processing of VGMC consultant staff invoices. Mr. Wachtel stated that we generally should meet the 30 day payment requirement but if an occasion arises where payment goes beyond 30 days, he asked if Littlejohn would work with the commission. Mr. Kramer stated it's important for Littlejohn to have the provision in the contract, but added that they understand sometimes things happen and they would rather preserve the relationship than charge a late fee.

Mr. Romanik raised a question concerning Section 4.2 relating to rights of the work performed under the contract. Mr. Wachtel stated this is a pretty standard concept in a consultant contractual agreement.

Mr. Walton raised a question concerning billing. Specifically, he asked how much of the time billed is expected to be at the Project Manager rate as opposed to rates of others listed on the fee schedule. Mr. Brandon responded that ordinarily the work is done by the Project Manager unless there is a need relating to a specific area of expertise. Mr. Kramer stated they expect the majority of the work to be done by the Project Manager, Chris Dougherty, and that he and Ms. Tyjeski will be available to support Mr. Dougherty on applications that may be more complex.

Mr. Brandon stated the proposed contract includes \$1 million in professional liability coverage and commented that many contracts have increased professional liability insurance requirements to \$2 million. He asked how the other committee members felt in terms of the adequacy of the coverage. Following brief discussion, the committee directed Ms. Smith to contact the County to verify whether or not \$1 million in professional liability coverage was sufficient.

With respect to Section 1.4 of the contract relating to file maintenance, Mr. Lovelace asked if this language meets file retention requirements and obligations of the VGMC. Mr. Chipok responded that the VGMC Operations Manager is the official record keeper of VGMC documents and anything from a public records standpoint would be held by the VGMC office. He further stated that Littlejohn's documents are not the official VGMC documents and that this section addresses their internal retention of documents related to the VGMC.

Mr. Lovelace also raised a question relating to the VGMC conveying access rights to the consultant under Section 2.2. Mr. Chipok responded that if the VGMC requires the consultant to perform a site visit, the VGMC would clear that first with the local jurisdiction, and the local jurisdiction would have it cleared with the landowner. Mr. Brandon stated that a site visit is very rare, although it has occurred in the past. Mr. Chipok added that a site visit is generally at the request of the landowner.

Mr. Lovelace asked if the language in Section 3.4 relating to payment upon termination is generally standard language. Mr. Chipok and Mr. Brandon responded affirmatively.

There being no further questions of the committee members, Mr. Kramer stated Littlejohn appreciates the opportunity to provide planning services to the VGMC.

Don Romanik made a motion to recommend the commission approve the contract as presented with the caveat that sufficient professional liability insurance coverage is verified with the County; seconded by Robert Storke. Motion carried unanimously.

Mr. Wachtel stated the next regular meeting of the VGMC is scheduled for November 19th in DeLand and this item will be scheduled for consideration and approval by the commission.

Ms. Smith asked if the POP Committee was planning to meet immediately prior to the November 19th regular meeting. Mr. Brandon stated the committee had completed their current task and there is no need to schedule a meeting.

OLD BUSINESS

None

ADJOURNMENT

There being no further business, Mr. Brandon thanked everyone for attending, and the meeting was adjourned at 1:27 p.m.



Gerald T. Brandon
POP Committee Chairman

Date