

Personnel, Operations & Procedures Committee
Volusia Growth Management Commission

MINUTES FOR
MEETING HELD
Thursday, June 28, 2012

City of Daytona Beach
Room #149A
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, James Wachtel, Robert Storke, Joan Spinney, and Richard Walton. Also in attendance were Steven Katz, VGMC Chairman and Merry Chris Smith, VGMC Coordinator.

OLD BUSINESS

None

NEW BUSINESS

Approval of the minutes of the March 28, 2012 POP Committee Meeting:

James Wachtel made a motion to approve the minutes of the March 28, 2012 POP Committee meeting as presented; seconded by Joan Spinney. Motion carried unanimously.

Consideration of Amendments to the Consistency Certification Rules:

Mr. Brandon reminded the committee their role is to review the rules and bring recommended changes to the full commission for approval.

VGMC Chairman Katz addressed the committee regarding his meeting with the County Attorney, Dan Eckert, regarding the proposed amendments to the rules which were previously reviewed and approved by the commission. He stated they discussed the issues of member removal and term limits. With respect to removal of a member, Mr. Katz stated they came to agreement that an appointing jurisdiction should not be able to remove a member. He also stated that Mr. Eckert suggested four year terms be established for members, alternating every two years, with the five County appointments staggered so that two appointments would occur in one cycle and the other three in the following cycle. Mr. Eckert also requested that membership be addressed within the Consistency Certification Rules so that all of the jurisdictions are operating and bound by the same rule. Mr. Katz stated the draft Consistency Certification Rules include a new section he prepared addressing membership, including the transitional process to four-year terms, to replace the membership section which is presently in the VGMC Rules of Procedure.

Mr. Katz stated that Mr. Eckert also questioned why our Rules of Procedure make distinctions between weighted and unweighted votes on certain matters, yet the Charter states "weighted" votes. Mr. Katz stated he looked at the Charter and agreed there is nothing in there that

distinguishes between a weighted and unweighted vote. He added the Charter also states a 2/3 vote of the commission is necessary for the budget, without specific reference to "weighted". Mr. Brandon commented that historically, votes relating to comp plans have been weighted, while votes on all other internal VGMC business have been unweighted.

Mr. Walton asked for clarification with respect to the members serving at the will of the appointing jurisdiction. Mr. Katz replied that there is nothing in the draft amendments to the rules that allows a member to be removed by their appointing jurisdiction, adding the only way a member could be removed is by the commission for a wrongful act.

Several members asked about the rationale for taking the membership section out of the Rules of Procedure and moving it to the Consistency Certification Rules. Mr. Katz stated that since the consistency rules are approved by the County, the change will put the cities and County on notice that they have no ability to remove a member. Several members commented that addressing membership in the consistency rules did not seem to be an appropriate fit, however, if that would assist in getting the other proposed amendments approved they would be receptive to the change. Ms. Spinney raised concern that if the language is included in the consistency rules, then the County will feel they have the ability to make changes at any time. Mr. Katz responded that he discussed that with Mr. Eckert and Mr. Eckert agrees the VGMC provides the rule changes. He added that the Charter states the VGMC provides the rules for the County's consideration. Mr. Brandon expressed concern, stating this has been a point of contention between the County and VGMC in the past.

General discussion ensued relating to the proposed four-year term limits and the process for implementing the change. There was a general consensus to recommend approval of the proposed four-year term limit and the process for implementation.

The committee then discussed the proposed amendments relating to attendance and the automatic removal for three missed meetings. Several members felt removal of a member for three missed meetings was too stringent. Following considerable discussion and potential modifications to the rule, there was a general consensus to add language that the Chairman will notify a jurisdiction after their member has missed two meetings in order to provide advance notice of a potential vacancy. In addition, there was a general consensus to add language that the jurisdiction has the ability to reappoint the same member whose seat is vacant due to absences.

With respect to the membership section being moved from the Rules of Procedure and into the Consistency Certification Rules, Ms. Spinney and Mr. Brandon felt the issue of membership is internal and voiced opposition to the change. Mr. Wachtel commented that it does not make logical sense to address membership within the consistency rules, however, he felt it would carry more weight if included there. Mr. Walton concurred and commented that the cities and County would be bound by the rule. Mr. Storke stated he did not feel it belonged in the consistency rules, however, he understood the rationale for doing so. Further discussion ensued regarding the County potentially making changes to the membership section in the future if it is part of the consistency rules.

Mr. Storke suggested moving the last three paragraphs of the member section which relate to attendance and vacancies back into the Rules of Procedure, and leave the first two paragraphs relating to term limits in the Consistency Certification Rules.

James Wachtel made a motion to move the last three paragraphs of the proposed membership section back into the Rules of Procedure; seconded by Robert Storke. Motion carried unanimously.

Mr. Wachtel excused himself at 2:05 p.m. to attend a previously scheduled engagement.

Several members commented they did not feel membership should be addressed in the consistency rules at all, however, were hopeful this would allow the amendments to the Consistency Certification Rules to move forward and garner approval by the County Council. Mr. Katz stated he would like the full commission to vote on the amendments to the Consistency Certification Rules at the July 25th regular meeting so they can be forwarded to the County and scheduled for approval. He also stated he would send Mr. Eckert a message to let him know the three paragraphs relating to membership were being moved back to the Rules of Procedure.

Rules of Procedure Discussion

On page 3, Section 7.b., Ms. Spinney questioned the proposed removal of the rule which indicates there will be no changes in the agenda once published in the newspaper. Mr. Katz stated there is no legal requirement to publish the agenda in the newspaper, adding that most local governments publish a notice of meeting in the newspaper and post the agenda on their website. General discussion ensued relating to items being added to an agenda once it is set.

With respect to Section 8 on page 3 which sets the agenda for meetings, Mr. Storke stated he is not in favor of removing the agenda order from the rules, however, stated the committee may wish to look at modifying the listed agenda items. Mr. Katz suggested having a list of items for the agenda, but also allow the Chairman to have the ability to modify the agenda without having to wait until the commission meets next to approve a revised agenda. Following discussion, there was a general consensus that an agenda order needs to remain in the rules, and that the Chairman should have the ability to add items to the agenda.

The committee then discussed the order and items listed in the agenda. Proposed modifications were suggested and will come back for consideration at the next POP committee meeting.

On page 4, Article V., the committee confirmed that the three paragraphs from the consistency rules membership section will be moved back here, and also that the title of the article should remain "Membership".

Brief discussion ensued relating to the duties of the Secretary and also the reference to an "Executive Director" for the commission.

There were no further comments of the committee members regarding the proposed amendments. Mr. Brandon stated he would like to schedule a POP Committee meeting prior to

the July 25th regular meeting to review and finalize the recommended amendments to both the Consistency Certification Rules and Rules of Procedure so they can be presented to the full commission at the regular meeting.

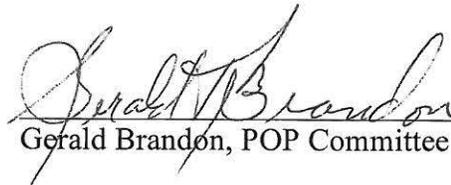
The Commission Coordinator reviewed the changes made by the committee to the Rules of Procedure amendments which included: 1) Rewording Article II, Section 8 to allow the Chairman to modify the agenda, as well as changes to the agenda order; and 2) The addition of the three paragraphs with modifications previously discussed relating to membership, and changing the title of the article back to "Membership".

OTHER BUSINESS

None

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:45 p.m.


Gerald Brandon, POP Committee Chairman