

Personnel, Operations & Procedures Committee
Volusia Growth Management Commission

MINUTES FOR
MEETING HELD
Thursday, July 20, 2012

City of Daytona Beach
Room #149A
301 S. Ridgewood Avenue
Daytona Beach, FL

The meeting was called to order at 10:00 a.m. by Committee Chairman, Gerald Brandon.

The following POP Committee Members were present: Committee Chairman Gerald Brandon, James Wachtel, Robert Storke, Joan Spinney, and Kenneth Kuhar. Also in attendance were Steven Katz, VGMC Chairman and Merry Chris Smith, VGMC Coordinator.

OLD BUSINESS

Consideration of amendments to the VGMC Rules of Procedure & Consistency Certification Rules:

Ms. Spinney commented that the drafts before the committee today are not consistent with the action taken at the June 28, 2012 POP committee meeting. In response to a question from Mr. Wachtel, she stated she does not have a problem with the changes made to the language of the proposed rules, however, she expressed strong objection to moving the membership section from the Rules of Procedure into the Consistency Certification Rules, citing past issues with the County Council. Mr. Brandon concurred with Ms. Spinney's comments.

Mr. Brandon thanked Chairman Katz for discussing the proposed changes with the County Attorney and feels the commission should try to work with the County as much as possible, however, he expressed concern that the County is dictating how our procedures should be written. Mr. Katz responded that in his conversations with the County Attorney, Mr. Eckert indicated the County would defer to the VGMC on how membership is handled, however, felt it should be addressed in the County ordinance (Consistency Certification Rules) which would bind all of the jurisdictions to the same rule. Mr. Katz stated he did not feel the County Attorney would recommend the County Council approve the proposed changes to the consistency rules without addressing membership. He added that he felt the window of opportunity is short for getting our proposed rules approved since a number of the current County Council members will no longer be on the Council following the upcoming election.

Mr. Brandon stated a consensus of the committee had been reached with the proposed language relating to membership, however, the outstanding issue is where the membership rule should be addressed. Mr. Katz stated he felt including it in the Consistency Certification Rules would bring finality to previous inconsistencies and conflicts with appointment actions taken by the local governments. Mr. Brandon further commented on his concerns and stated he plans to schedule another POP committee immediately prior to the July 25th regular meeting and would request VGMC's legal counsel attend as well. Ms. Spinney concurred with Mr. Brandon. Mr. Wachtel commented on the proposed membership language and stated he generally does not

have a problem including it in the Consistency Certification Rules. Mr. Storke commented that logically the membership section belongs in the Rules of Procedure, however, expressed concern that the County may not approve the proposed amendments to the consistency rules without including the membership rule. Mr. Kuhar stated he feels the membership section belongs in the Rules of Procedure, however, he added that it may be a matter of give and take in terms of what the County would approve.

General discussion continued relating to the County's role in approving the VGMC rules. Further discussion ensued regarding the distinction between internal (Rules of Procedure) and external (Consistency Certification Rules) procedures.

There was a general consensus that the wording of the membership section is acceptable. The committee also agreed to meet one hour prior to the July 25th regular meeting, with VGMC's legal counsel present, to decide where the membership rule should be placed.

The committee then discussed the proposed amendments to the Rules of Procedure. On page 3, Section 8 relating to the agenda order, Mr. Brandon suggested item 3 be changed to read "Citizen comments on matters other than scheduled hearings", and item 12 be changed to read "Commissioner Requests or Remarks". There was a consensus of the committee to make both changes.

Mr. Brandon raised a question regarding the change to Article III, Section 3 relating to quorum. Mr. Katz stated this language will eliminate vacant seats being counted for purposes of determining a quorum. The committee discussed the term "currently sitting" and there was a consensus to change it to "currently serving".

Mr. Brandon also raised a question regarding the addition of items (f) & (g) in Article VII, Section 3, Duties of the Chairman. Mr. Katz stated the intention is to avoid any gaps in the ability to carry out the duties of the Vice Chairman and Secretary in the event of their absence. Mr. Brandon stated he would like to discuss this further at the next POP meeting.

The committee discussed the duties of the Secretary and the ability to delegate duties to staff. Mr. Wachtel pointed out that staff cannot serve as the Chairman of the Budget Committee and recommended adding language to reflect that. There was a consensus of the committee to add language which indicates serving as the Chairman of the Budget Committee cannot be delegated to staff.

Mr. Brandon stated the POP committee will meet again on July 25th to review the rules amendments and determine where the membership section should be placed. Chairman Katz suggested the commission approval of the rules amendments be postponed from the July 25th regular meeting and moved to the August 22nd regular meeting so the commission members can receive the final approved recommendations from the POP committee in advance. The committee members concurred. It was also decided to cancel the regular meeting of the commission scheduled for July 25, 2012 and instead hold just a POP committee beginning at 6:00 p.m. in DeLand. The committee requested the entire membership section be pulled out of

the consistency certification rules as presently drafted for purposes of consideration at the next POP meeting.

NEW BUSINESS

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

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

OTHER BUSINESS

None

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:05 a.m.



Gerald Brandon, POP Committee Chairman