

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

MINUTES FOR
MEETING HELD
Wednesday, September 9, 2015

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

The meeting was called to order at 10:35 a.m. by Committee Chairman, Gerald Brandon.

The following POP Committee Members were present: Committee Chairman Gerald Brandon, Don Romanik, Robert Storke and Rich Walton. Also in attendance was Merry Smith, VGMC Operations Manager.

OLD BUSINESS

RSQ #15-01 – Formalize recommendation for award of legal services contract to GrayRobinson

Mr. Brandon asked if any of the members had any questions or comments relating to the proposed contract. Mr. Romanik asked if the contract was any different than what was submitted by GrayRobinson previously. Mr. Brandon stated the only change was the addition of language relating to public records requirements as a result of new legislation. He also stated this language has been added to each of the two planning contracts as well.

Mr. Walton pointed out in the August 12, 2015 GrayRobinson letter, page 3 under item 2. it state their invoices are normally to be paid within 10 days, although the policy fees in the contract reflect payment in 30 days. Following discussion, the committee agreed that item 2., page 3 of the August 12, 2015 letter should be changed from 10 days to 30 days.

Robert Storke made a motion to recommend the VGMC approve the GrayRobinson contract as amended; seconded by Don Romanik. Motion carried unanimously.

NEW BUSINESS

Approval of Minutes – June 11, 2015 Committee Meeting

Mr. Walton pointed out that the first sentence of the last paragraph on page 1 of the minutes did not read properly. The committee concurred and recommended amending the minutes be changed by inserting the word “it” between the words “if” and “is” so that the sentence begins “Mr. Lovelace asked if it is contemplated....”

Richard Walton made a motion to approve the minutes of the June 11, 2015 committee meeting as corrected; seconded by Robert Storke. Motion carried unanimously.

Consider renewal contract with VHB to provide professional planning services for the 2015-16 fiscal year

Mr. Brandon stated the proposed contract with VHB is consistent with past contracts, except that language has been added relating to public records requirements. There were no comments of the committee members.

Don Romanik made a motion to recommend the commission approve the renewal contract with VHB to provide planning services for the 2015-16 fiscal year; seconded by Robert Storke. Motion carried unanimously.

Consider renewal contract with Littlejohn to provide professional planning services for the 2015-16 fiscal year

There were no comments or recommended changes to the proposed contract.

Robert Storke made a motion to recommend the commission approve the renewal contract with Littlejohn to provide planning services for the 2015-16 fiscal year; seconded by Robert Storke. Motion carried unanimously.

Review VGMC Rules of Procedure for Meetings, Membership and Operations

Mr. Storke asked for clarification as to whether or not these rules require County Council approval. Mr. Brandon responded that these are internal VGMC rules and any amendments to them are approved only by the VGMC.

Mr. Brandon suggested the committee review the various topics which have been raised for discussion as outlined in the agenda materials.

1) Consider adding a provision in Article II. Meetings to clarify time limits for speakers during a public hearing:

Mr. Brandon expressed apprehension in defining time limits in the rules. He stated each meeting is different and he felt the subject of the meeting, the types of speakers and number of speakers in attendance really dictates the timeframe for speakers. Mr. Brandon stated he felt it should be at the discretion of the Chair to decide if time limits would be imposed based on the individual public hearings, rather than creating a policy that may handicap the Chair in future situations. Mr. Storke concurred that speaking timeframes should be left to the discretion of the Chair.

Ms. Smith stated this topic was raised by Chairman Wachtel for discussion by the POP Committee. She stated that generally speaking, the commission typically would limit citizen comments to 3 minutes during a public hearing, but there is also the question of other speakers, such as: 1) The applicant local government; 2) The applicant to the local government; 3) A

petitioning local government; and 4) Petitioners, whether individual or group, who are granted party status to an application.

The committee members commented they felt that it should be left to the discretion of the Chair to evaluate the situation based upon the individual hearing and speakers. Mr. Romanik commented that each situation is different and is not in favor of artificially imposed guidelines that may not be applicable or correct in a particular situation.

There was general consensus not to create a policy imposing time limits for speakers, but rather leave that determination to the discretion of the meeting Chair.

2) Consider adding the order of public hearing and order for party status determination to Article II. Meetings

Ms. Smith explained that “order” refers to the order in which the hearing will proceed. For example, VGMC staff presents their staff report and recommendation, followed by the applicant local government, followed by the applicant to the jurisdiction and so on. She stated there is an established order that the commission follows, however, that order is not presently in the rules. Ms. Smith added that she recently received a request for the VGMC order of public hearing from an attorney representing a petitioning group on an application that will be heard by the commission at the September 23, 2015 VGMC meeting.

Mr. Romanik commented that in Section II of the rules we address the order/agenda for the meeting and we may want to consider adding the order for public hearings. Mr. Brandon initially expressed concern that including the order in the rules may limit the flexibility to change. Mr. Storke suggested that the policy could be kept simple by just listing the order in which the parties would present/speak. Mr. Brandon commented that adding it to the rules may be helpful for future Chairs of the commission.

Mr. Walton stated that the order of public hearing is generally straight forward until the issue of standing comes into play.

Mr. Romanik felt there is merit for adding the order of public hearing to the rules for the benefit of any parties participating in a hearing as well as future Commission Chairs. He also stated he views standing/party status as a subset to that.

Ms. Smith stated there is an established order for public hearings, as well as an order when the commission is considering party status of a petitioner. She stated she could prepare draft language within the Rules of Procedure for the committee to review and consider. There was general agreement by the committee for Ms. Smith to prepare draft language for them to review.

Mr. Walton commented that at the March, 2015 meeting, Mr. Chipok provided a detailed review of the process for public hearings and the commission’s review of standing determinations in preparation of the Oak Hill public hearing which was heard by the VGMC in April, 2015. He

stated that Mr. Chipok indicated in March that legal would provide a recommendation to the commission with respect to the standing determinations, however, he stated that did not occur at the hearing. For clarification, Mr. Romanik stated he felt there are two different types of legal recommendations: 1) Legal would provide recommended guidelines for the commission to utilize when considering party status; or 2) Legal would specifically recommend that a certain party shall or shall not be granted party status. Mr. Romanik stated he felt the latter was prejudicial and inappropriate. He added that within the subset of the order of hearing for standing procedures, there could be a subsection which would lay out the guidelines the commission members should consider when determining party status of a petitioner.

Mr. Walton commented that he liked the way the public hearing and standing process was presented by Mr. Chipok at the March, 2015 meeting. Mr. Romanik requested that a copy of that portion of the minutes be provided to the committee members when the revised Rules of Procedure draft goes out. He also commented there should be absolute consistency in the process utilized by the commission as a whole, and individually as members, in how standing is determined.

Ms. Smith stated she understood the committee would like her to draft language in the rules that would address the order of public hearing, as well as a section addressing the party status determination which includes the order of that portion of the hearing and a subsection which includes the guidelines for considering party status. The committee concurred.

3) Add a provision in Article VI. Committees which allows the Chair of a committee to delegate a member of the committee to Chair a meeting the absence of the Committee Chair and Commission Chair

Mr. Brandon stated he raised this topic to address a situation that may arise if a committee meeting is scheduled and neither the Committee Chair or Commission Chair are in attendance. Following brief discussion, the committee concurred a policy should be added to allow the Committee Chair, through direction to the VGMC administrative staff, to delegate a member of the committee to chair a meeting where the Committee Chair and Commission Chair are not in attendance.

With respect to the Section 5. Duties of the Secretary on page 7, Mr. Storke raised a question relating to the duties of the Secretary and the subsequent language which states the duties of the Secretary "may be supervisory". He suggested that we may want to reword the specific duties that the Secretary does not directly perform to indicate the Secretary "oversees" those functions, rather than saying the Secretary "shall" perform those duties and later say the "may be supervisory". Following discussion, Mr. Brandon suggested the committee members give it more thought and the issue could be revisited.

4) Modify Article VIII. Staffing to be consistent with Section 90-54 of the VGMC Consistency Certification Rules

General discussion ensued relating to the current staffing policy contained in Section 90-54 of the Consistency Certification Rules. Mr. Brandon stated this is the section which was created within the past couple of years which provides the option for the VGMC Operations Manager to be a County employee and receive the associated benefits. He added that the commission alternatively has the option to hire a contracted employee, and there are currently provisions in the Rules of Procedure which reference that.

Mr. Romanik raised a question relating to the language in the Consistency Certification Rules which states: "The commission with the approval of the county manager may employ administrative staff who shall be employees of the county..." Ms. Smith stated her understanding is that county manager approval is required if the individual is going to be an employee of the county. She does not believe it is intended for the county manager to have to approve "who" the commission hires, but the county manager has to approve the employee to be a county employee. Mr. Walton commented that it is consistent with most jurisdiction policies, the jurisdictional manager has to approve the position, but not necessarily the employee.

Mr. Romanik summarized that essentially the county manager has approved VGMC to hire administrative staff who then shall be employees of the county. Under that scenario, the county would provide a pool of candidates for consideration, and the ultimate decision on who to hire would be made by the commission.

Ms. Smith explained that the language addressing staffing the committee is discussing is a policy that is currently in Section 90-54 of the VGMC Consistency Certification Rules, and not in the VGMC Rules of Procedures. Additionally, she stated the staffing policy in Section 90-54 is not consistent with what is presently outlined in the staff section of the VGMC Rules of Procedures. Ms. Smith asked if the committee wanted her to redraft Article VIII. Staffing of the Rules of Procedures to incorporate the staff policy contained in Section 90-54. There was a general consensus to incorporate the provisions of Section 90-54 into the Rules of Procedure and directed Ms. Smith to prepare a redraft of the staffing section.

General discussion ensued relating to the provisions in the Rules of Procedure relating to an Executive Director and their authority and responsibilities. The ability for the commission to hire an Executive Director, similar to other agency organizations such as VCOG had, has always been in the rules, however, the commission has not hired an Executive Director in the past. Mr. Brandon stated the provision has been left in the Rules of Procedures so that the commission would have the ability to move in that direction if it became necessary. He added that if we decide it is not necessary at this time and choose to remove the section, it could be added back later by approval of the commission without the need for County Council approval.

Mr. Storke suggested any reference to Executive Director should be eliminated from the Rules of Procedure. Ms. Smith concurred, stating that the policy in Section 90-54 does not restrict the number of employees the VGMC hires, nor the role/position of the administrative staff. Several members concurred. Mr. Romanik suggested changing the title of Article VIII, Section 5 and inserting the staffing policy from Section 90-54 of the Consistency Certification Rules into this

section. He stated he was not suggesting removing the reference to Executive Director, but rather a rework of Section 5 to include policies relating to staffing procedures. Mr. Romanik added that he felt the available staff positions should be delineated in this section of the rules.

Ms. Smith stated that based upon the staffing policy in Section 90-54, if the commission chooses to add an administrative position where the individual would be a County employee, the County Personnel Director would review the job description and assign a title, classification and salary range consistent with County approved positions. She suggested the committee may want to consider referring to the position(s) as “administrative staff” in the Rules of Procedure instead of “Executive Director”.

Mr. Walton commented that he was in favor of eliminating the reference to Executive Director since the commission has never utilized that position. He stated if the commission is looked at through the charter review process, it could be perceived unfavorably in terms of increased costs and an additional layer of bureaucracy.

Following further discussion, there was general consensus that the language relating to staff should be more generic in nature. The committee suggested eliminating the reference to Executive Director and changing the reference to the position(s) as “administrative staff”. Mr. Walton concurred, however, he recommended before any changes are drafted to eliminate the Executive Director language that we get direction from VGMC legal counsel to determine if there would be any legal hurdles or other downsides if the commission needed to add it back at some point in the future. Ms. Smith will run it by Mr. Chipok prior to drafting any changes.

Mr. Romanik pointed out that the Rules of Procedure spell out specific rules relating to hiring contract clerical staff, however, there are no rules relating to hiring professional consultant staff. There was general agreement that the Rules of Procedure should also address professional consultant staff hiring and requirements. Mr. Storke commented that the policies listed in Section 6. Clerical Service Requirements would also be applicable to the professional consultants contracted by the commission.

Mr. Brandon stated the committee discussed a number of recommended changes and that Ms. Smith would prepare draft revisions to the Rules of Procedure based upon the comments and bring it back to the POP Committee for review. Mr. Walton requested the committee also be provided a copy of any policies in the Consistency Certification Rules that relate to the changes being made in the Rules of Procedure so they can determine if there are any limitations to the proposed changes.

5) Add language to Article IX. Budget, Section 7. Reimbursement relating to member travel reimbursement

Ms. Smith stated the members are reimbursed annually for travel expenses based upon a flat rate per meeting attended, however, this policy is not reflected in any of the rules. She asked if the committee wished to include that in the Rules of Procedure.

There was general discussion relating to flat rate travel reimbursements versus mileage reimbursements. Mr. Walton suggested the VGMC travel reimbursements should be consistent with how they are handled with other County boards. The committee suggested checking with the County to see how they handle board member travel payments, and there was also agreement that a general statement be added to the Rules of Procedures addressing member travel reimbursements.

OTHER BUSINESS

The committee discussed whether or not to schedule another POP Committee meeting immediately prior to the September 23, 2015 meeting. Mr. Brandon stated it is likely the draft revisions will not be ready in advance of September 23rd, and the other items including the consultant contracts have already been reviewed, therefore, it does not appear necessary to schedule a meeting of the POP Committee on September 23rd.

Mr. Brandon discussed the Charter Review Commission and upcoming listening sessions. He stated the VGMC members need to reach out to their appointing jurisdictions to garner support of the commission. Mr. Brandon stated his Mayor contacted him recently concerning the City of Oak Hill public hearing, and there is negative discussion in the community regarding the action taken by the VGMC at that hearing. General discussion ensued relating to the Oak Hill public hearing and the Charter Review Commission. Mr. Brandon encouraged the members to discuss the positive aspects of the VGMC with their jurisdictions. He also mentioned that VGMC staff would be making a presentation to the commission and there was discussion of inviting the Charter Review Commission members and others. Ms. Smith stated the presentation is currently planned for the October 28th meeting and she understands that Chairman Wachtel plans to invite the Charter Review members to attend.

ADJOURNMENT

There being no further business, Mr. Brandon thanked everyone for attending, and the meeting was adjourned at 11:56 a.m.


POP Committee Chairman 1/21/16
Date