

# CHARTER REVIEW

C O M M I S S I O N



## Members

Hyatt Brown  
Chair

Glenn Ritchey Sr.  
Vice Chair

Dr. T. Wayne Bailey

Frank Bruno Jr.

Frank Darden

Patricia Drago

Ambassador  
Stanley Escudero

Dr. Philip Fleuchaus

David Haas

Peter Heebner

James Morris

Patricia Northey

Derek Triplett

Mark Watts

Lisa Ford Williams

## CHARTER REVIEW COMMISSION DAYTONA BEACH INTERNATIONAL AIRPORT DENNIS R. MCGEE ROOM

Monday, May 9, 2016  
5:30 p.m.

## A G E N D A

- I. Call to Order**
- II. Roll Call**
- III. Public Participation (Limit 3 minutes)**
- IV. Approval of minutes of previous meetings on March 23, 2016 (Pages 2-10), April 4, 2016 (Pages 11-23), and April 11, 2016 (Pages 24-29)**
- V. Charter Review Commission Final Report (Pages 30-93)**
- VI. Discussion by Commission of matters not on agenda**
- VII. Adjourn – set next meeting date if necessary**

**CHARTER REVIEW COMMISSION  
VOLUSIA COUNTY, FLORIDA**

**MINUTES OF THE MEETING OF  
March 23, 2016**

**CALL TO ORDER**

Chair Brown called the meeting to order at 9:03 a.m. in the Dennis R. McGee Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.

**ROLL CALL**

Members present included Chair Hyatt Brown, Frank Bruno Jr., Frank Darden, Patricia Drago, Ambassador Stanley Escudero, Dr. Phillip Fleuchaus, David Haas, Peter Heebner, James Morris, Patricia Northey, Glenn Ritchey Sr., Mark Watts, and Lisa Ford Williams. Dr. T. Wayne Bailey was present by phone. Also present were County Attorney Dan Eckert, county support staff and members of the public.

**PUBLIC PARTICIPATION**

Chair Brown opened the floor to public participation, noting that one request to appear before the Commission had been received and speakers are allotted three minutes.

Saralee Morrissey, of Daytona Beach spoke about the Volusia Growth Management Commission (VGMC). Ms. Morrissey, Volusia County School Board Planning Director, expressed concern with the proposed charter amendment and the VGMC Rules of Procedure change. She stated that these changes would eliminate the School Board's opportunity to object to projects.

Chair Brown clarified that the role of the school board will not be changed, a revised version of a proposed charter amendment has been distributed which makes this clear. Mr. Brown noted that the previously distributed proposed charter amendment included changes that were not intended by the Commission.

County Attorney, Dan Eckert, spoke about the school board's role in the charter, stating that they currently have veto power in Section 206 of the charter, and this will remain the same in the proposed charter amendment.

Ms. Morrissey stated that they do not have veto power because they do not issue development orders; they are not looking for veto power, but rather would like to operate the way they have been operating with standing ability. She also stated that they did not have notice of this change and their attorney had not had an opportunity to review the documents.

Chair Brown stated that Ms. Morrissey would be called back during the agenda item related to the VGMC.

## **MODIFICATION OF LEGISLATIVE PROCEDURES**

Chair Brown stated that a straw vote had been conducted regarding the charter cleanup language previously, he would allow for a final vote on this item to be recommended to go on the ballot as a charter amendment.

Mr. Eckert stated that this proposed amendment was a previous request of the commission including repeal of obsolete special districts. Mr. Eckert stated that a section had been added to the proposed amendment stating that the special districts could not be re-established.

Discussion ensued regarding the advertising districts and bed tax. Mr. Eckert clarified that the changes are not necessary legally, but were drafted by request of the Commission.

Ambassador Escudero made a motion for approval of the proposed charter amendment. The motion was seconded by James Morris. The motion was approved unanimously.

Ambassador Escudero made a motion for approval of the proposed ballot title and question. The motion was seconded by James Morris. The motion was approved unanimously.

## **PAYMENT OF IN-COUNTY EXPENSES OF COUNTY COUNCIL**

Mark Watts inquired as to additional ways to go about the charter amendment to allow it to be self-executing.

Mr. Eckert stated that while it would be possible to make the amendment more self-executing, it freezes things in place. The type of amendment being discussed would require the Commission to go through and state what is and is not included for reimbursement.

Mr. Morris stated that he would be against a self-executing version of the amendment as it would not leave room for adjustments.

Glenn Ritchey Sr. made a motion for an amendment to the motion to insert the word state in Section 304 to read, "... 50 percent of that prescribed by state law..." The motion was seconded by Frank Bruno Jr. The motion was approved unanimously.

James Morris made a motion for approval of the proposed charter amendment. The motion was seconded by Mark Watts. The motion was approved unanimously.

James Morris made a motion for approval of the proposed ballot title and question. The motion was seconded by Mark Watts. The motion was approved unanimously.

## **COUNTY COUNCIL CONFIRMATION OF COUNTY MANAGER**

County Attorney, Dan Eckert, explained that the drafted amendment would result in County Council no longer confirming division heads; however, they would still confirm department heads. He also noted that the current charter is silent on the matter of deputy county managers or assistant county managers, which is included in the drafted amendment as well. Mr. Eckert stated that the administrative code already requires confirmation of deputy county managers, but it would be amended to avoid redundancy.

James Morris asked Mr. Eckert to clarify that division heads are currently confirmed by County Council and if this amendment was approved division heads will no longer be confirmed by County Council. Mr. Eckert stated that he was correct.

Pat Northey stated that she would not be supporting the amendment, as she did not recall County Council ever having a problem with any confirmations, so there was no need for the change. She also stated that it was an issue of transparency.

Frank Bruno, Jr. expressed uncertainty about supporting the amendment. Like Ms. Northey, Mr. Bruno had never seen County Council disagree with a confirmation brought forth by a County Manager. Mr. Bruno was unsure if there was a need for change if there had never been a problem, he stated that he had not discussed the issue with the County Manager.

James Morris stated that he would not be supporting the amendment as he did not want the County Council powers limited without knowing what the future circumstances would be.

Chair Brown deferred the issue due to the County Manager not being able to be present at this meeting.

## **VOLUSIA GROWTH MANAGEMENT COMMISSION**

Chair Brown gave a summary of what happened at the last Charter Review Commission meeting regarding the Volusia Growth Management Commission (VGMC), as well as what had happened since the last meeting. Mr. Brown stated that proposed amendments had been distributed that were not what the Commission had asked to be drafted. In one version of a proposed amendment, the school board's role was changed and terms were changed.

Chair Brown advised the Commission to review proposed amendment titled Revised Version 1 in the agenda packet. The intent of this version of the proposed amendment was to make the necessary changes while also ensuring that the school board's role in the Charter was unchanged.

County Attorney, Dan Eckert, verified that the newest version includes non-voting members, which an earlier version had eliminated. The school board has standing rights in the current charter, and the proposed amendment does not include that, as the school board has rights according to Section 206 of the Charter based on facilities. Mr. Eckert stated that the absolute authority of the school board given in Section 206 would be watered down by giving them standing rights within the VGMC instead.

Patricia Drago contested that the school board has used VGMC standing rights as a venue to voice concerns of projects in the past to avoid having to go to court. She acknowledge that they have rights to oppose projects, but that it can mean going to court which is not something the school board wants to do.

James Morris stated that projects being presented should already have a letter from the school board relating to facilities prior to review by the VGMC reviewing the project. Mr. Morris also inquired as to the projects that the school board has utilized their standing privileges for in the past, asking if the concerns are budget related or policy related.

Saralee Morrissey, Volusia County School Board Planning Director, stated that the lawyer for the school board is Michael Dyer. She also stated that she was attending on her own as she was just alerted of the proposed changes. No one from the school board, including their lawyer, had been briefed on the matter or been made aware of pending changes. Ms. Morrissey addressed Mr. Morris' question about policy versus budget concerns, stating that the school board sections of each jurisdictions comprehensive plan is policy related.

Chair Brown stated that the issue of the school board as it relates to the proposed Charter amendment would be put on hold and reviewed further.

Peter Heebner asked if the amendment would include terminology regarding standing relating to adjacent municipalities only. Mr. Eckert stated that currently the jurisdiction would not have to be adjacent, but impact does have to be shown in order for the jurisdiction to have standing ability.

Mr. Heebner asked a follow up question regarding the ability of VGMC staff to independently call for a public hearing based on their review of inconsistency. Mr. Eckert stated that this is currently the case. Mr. Eckert stated two possible reasons staff may call for a hearing, impact of a regional asset, or it is in violation of a prior condition of the VGMC.

Deanie Lowe, Ormond Beach, stated that going over the proposed charter amendments prior to the final rules of procedure of the VGMC being approved is confusing. Ms. Lowe

reviewed several topics relating to the proposed amendments and the proposed changes to the Rules of Procedure of the VGMC; the school board, adjacent jurisdiction standing, non-adjacent jurisdiction standing, and level of reviews.

Patricia Drago stated concerns regarding the language drafted and whether it was stating what the Commission intended. Ms. Drago commented that the language is preclusive, and it would prevent staff from choosing to review projects if there were no valid objections.

Mark Watts stated that with the current language drafted the staff would not have the authority or budget to review small-scale projects if there were no objections. Mr. Watts stated that although the Commission was not addressing or changing the budget of the VGMC, the proposed rule changes and Charter amendment would inherently change the ability of the VGMC to request a budget including reviews of projects which had not been objected.

Chair Brown asked Mr. Eckert if under the proposed amendment and rules staff would be able to review a project if there were no objections. Mr. Eckert confirmed that VGMC staff would not review small-scale amendments if there were no objections by municipalities.

Pat Northey discussed the impact of eliminating citizen standing, adding that an elected official no longer has the ability to object to a plan on their own, but they are instead depending on staff to do so. Ms. Northey confirmed that all three draft versions of proposed amendments provided eliminated citizen standing, she noted that she is opposed to eliminating citizen standing.

Discussion ensued regarding the different versions of the proposed amendments and the previous discussions that had brought about the proposed amendments. Several Commission members noted the ample opportunities given to the public to voice concerns over a project.

Gerald Brandon, Vice Chairman of the VGMC, voiced concerns over all versions of the proposed amendment. He asked for an opportunity to collaborate with the County Attorney to find a solution. Mr. Brandon stated that the legal counsel of the VGMC feels they do not need an amendment to the Charter to effectuate the necessary changes, adding that these can be accomplished through changes to the Rules of Procedure alone.

Heather Ramos, general counsel of the VGMC, provided a handout (attached) to the Commission. The handout gave comments to the proposed Charter amendment, version 2. Ms. Ramos reviewed the document and explained each of the changes she had suggested.

The Commission directed staff to schedule a meeting to collaborate with impacted parties to revise the proposed charter amendment. Staff was directed to include legal

counsel of the Volusia County School Board, legal counsel of the Volusia Growth Management Commission and the County Attorney in the meeting.

### **DISCUSSION BY COMMISSION OF MATTERS NOT ON THE AGENDA**

Patricia Northey asked that the temperature of the room be addressed for the next meeting as it was very cold during this meeting. The commission discussed holding a meeting the following week. A meeting was tentatively scheduled for March 30, 2016 at 9:00 a.m.

### **ADJOURNMENT**

Chair Brown adjourned the meeting at 11:23 a.m. The next meeting was scheduled to take place on March 30, 2016 at 9:00 a.m. in the Dennis R. McGee Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.

DRAFT

**Attachment to the minutes of the meeting of March 23, 2016**

DRAFT

**AMENDMENT**

The proposed amendment, in full, shall read as follows:

The Volusia County Home Rule Charter, Chapter 70-966, Laws of Florida (Sp. Acts), as previously amended, shall be further amended effective in in pertinent part as follows:

(Except as provided herein or as otherwise provided by separate amendment, charter provisions not shown are not amended.)

(Words struck are deletions; words underscored are additions.)

**ARTICLE II. - POWERS AND DUTIES OF THE COUNTY**

...

**Sec. 202.3. - Volusia Growth Management Commission.**

There is hereby created the Volusia Growth Management Commission (hereafter commission). The commission shall have the power and the duty as provided herein to determine the consistency of the municipalities' and the county's comprehensive plans and any amendments thereto with each other. The commission may perform such other directly related duties as ~~the commission from time to time deems necessary~~ may be provided by the rules of procedure to be adopted pursuant to this section.

The parties to any commission proceeding shall be limited to the county, the School Board of Volusia County, and municipalities. The determination by the commission shall be binding on the submitting government. No plan, element of a plan, or amendment of a plan adopted after the date this article becomes law for which the commission has the power and duty to determine consistency shall be valid or effective unless and until

Each voting member shall have a weighted vote. Each municipality represented shall have a vote equal to the percentage of its population with the overall county population. The unincorporated area ~~representatives' combined~~ vote shall ~~not exceed~~ equal the percentage of the unincorporated area's population ~~with~~ of the overall county's population, ~~and the individual vote of each unincorporated area representative shall be equal to the other.~~ The determination of the weight of each vote shall be determined annually.

~~The county council, shall adopt or amend by a two-thirds vote of its membership. 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 rules shall not become effective until adopted by ordinance approved by a two-thirds vote of the entire membership of the council. The commission shall have the opportunity to advise on such rules. The rules of procedure shall provide for the same review and certification of county and municipal plan amendments. The ordinance adopting the rules of procedure shall prevail over conflicting provisions of any municipal ordinance.~~ 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 rules shall not become effective until adopted by ordinance approved by a two-thirds vote of the entire membership of the council. [Reverts to current language].

The commission, by a two-thirds vote, shall adopt an annual budget which may provide for independent staff and which shall be funded by the county. The budget may be amended upon two-thirds vote of the full council.

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**CHARTER REVIEW COMMISSION  
VOLUSIA COUNTY, FLORIDA**

**MINUTES OF THE MEETING OF  
APRIL 4, 2016**

**CALL TO ORDER**

Chair Brown called the meeting to order at 1:02 p.m. in the Dennis R. McGee Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.

**ROLL CALL**

Members present included Chair Hyatt Brown, Frank Bruno Jr., Patricia Drago, Ambassador Stanley Escudero, David Haas, Peter Heebner, Glenn Ritchey, Derek Triplett, Mark Watts and Lisa Ford Williams. Dr. Bailey attended via conference line. Dr. Phillip Fleuchaus, James Morris, and Patricia Northey arrived after roll had been taken. Also present were County Attorney Dan Eckert, County Manager Jim Dinneen, county support staff and members of the public.

**CORRESPONDENCE RECEIVED**

Chair Brown called attention to the copies of the correspondence received and opened the floor to any comments. There were none.

**PUBLIC PARTICIPATION**

Chair Brown opened the floor to public participation.

Suze Peace, 1571 Alanson Drive, DeLand, FL, spoke about citizen standing as relating to the Volusia Growth Management Commission (VGMC). She stated that there have been twenty-eight public hearings in the past ten years, of which only six were a result of a citizen petition. She recounted a VGMC meeting she attended where the Audubon Society protested a planned spaceport. She strongly believes that citizens should have standing before the VGMC.

Patricia Gadbow, 7 Venetian Circle, Port Orange, FL, member of the League of Women Voters, read a statement from the President of the League of Women Voters. The statement conveyed the League of Women Voters had worked very hard to ensure that citizens were represented on the VGMC. The League of Women Voters have supported the VGMC's independence and provision for standing of citizens. Having an unelected body hear a citizens concerns can often resolve concerns or issues.

Scott Simpson, asked to speak, if necessary, later in the meeting.

Jim Dinneen, County of Volusia County Manager, reminded the commission that he had previously brought items to them from county council members, one was a review of the VGMC, and the other was whether the council at large representative should be considered the council vice chair. He reviewed the two items that he had brought personally before the commission, compensation for expenses of county council members within the county, and the confirmation process for county division directors. He explained his reasoning for bringing forward the confirmation request, but to be as transparent as possible he no longer wished to pursue changing the confirmation process for county division directors. Ambassador Escudero asked if there was draft language covering Mr. Dinneen's original request. Mr. Dinneen stated that he thought it had been created, but ultimately did not want to encourage any voter confusion with other items.

Chair Brown confirmed that Mr. Dinneen was withdrawing his request, although if a member of the commission wanted to advance the request they could do so. Dan Eckert confirmed that the language relating to Mr. Dinneen's original request was in the agenda package from the last meeting, and it was not republished as the focus of the current meeting was the VGMC. Chair Brown asked to defer the issue to the next meeting. Mr. Dinneen reminded Chair Brown that April 11, 2016 is the one meeting of which he would not be able to attend. Chair Brown stated that it could be discussed at the next meeting and Mr. Dinneen could come to the following meeting if there were questions.

## **VOLUSIA GROWTH MANAGEMENT COMMISSION DISCUSSION**

Chair Brown recapped the timeline of events relating to the commissions interest in the VGMC. The commission identified issues that were important and considered for change. The VGMC drafted a rules change resolution to address those issues. The commission was advised that in order to effectuate the rules change resolution, the county charter would need to be altered. The draft charter amendment raised issues with the Volusia County School Board as they felt that they were being excluded. Those issues have been addressed in collaboration with the attorneys for the county and the school board. The VGMC has voted and passed the draft rules change resolution with the condition that the rules revert to their previous version if the charter amendment does not pass with the voters. The VGMC had expressed early on that they would be willing to make changes to their rules, but did not support changes to the charter. There has been interest in supporting rules changes that did not require a change to the charter.

James Morris asked about the resolution provided by the VGMC as part of the agenda package correspondence which mentions repeal on event of voter disapproval. Chair Brown stated that the commission cannot draft VGMC rules, but by working together with the VGMC, something could be effectuated that would be in the best interest of the people.

Chair Brown stated that a straw vote would be taken regarding the draft amendment by Dan Eckert. Chair Brown asked Gerald Brandon, VGMC POP Committee Chair, to come forward in case there needed to be additional information provided. Chair Brown asked Mr. Brandon for their next meeting date. Mr. Brandon replied that the next meeting of the POP Committee has been set for Thursday, April 7, 2016, 10:30am at the Daytona Beach City Hall, with a full VGMC meeting set for April 13, 2016. Chair Brown asked VGMC attorney, Heather Ramos, to also come forward, to confirm that the revised set of rules, A.2, would accomplish the same objectives as the previously approved resolution. Ms. Ramos, confirmed that they would, except that there would be limited review of small scale amendments.

Chair Brown suggested that a straw vote be taken on the amendment after Mr. Eckert has had a chance to discuss it. If that passes, he would like an expression of opinion that if the rules under A.2 are adopted by the VGMC, the Charter Review Commission would be willing not to pursue a charter change. Chair Brown asked for the date of the first County Council meeting in May. Mr. Eckert responded that the first meeting is set for May 5, 2016, and the next scheduled Charter Review Commission meeting is May 9, 2016. Chair Brown also asked if there would be time for proper public notice to allow for a vote on the VGMC rules at the May 5, 2016 meeting. Mr. Eckert responded that there would be sufficient time.

Mr. Eckert spoke about the draft charter amendment. Much discussion had gone into the sentence addressing the school board which allows for party status as relating to Section 206 of the Charter. The school board superintendent and the VGMC counsel have approved the added language. The draft substitutes Team Volusia for the defunct Volusia County Business Development Corporation. Language has been added to allow for the VGMC to dispense with required review of applications in certain circumstances to align with the VGMC proposed rules change. Mr. Eckert confirmed that the school board approved the proposed amendment language.

Chair Brown asked for questions relating to the draft charter amendment. Mr. Heebner was concerned that the VGMC rules could be changed again in the future without charter language directly addressing the issues of the development community and who has party status. Mr. Eckert responded that the first two sentences address who has party status. The role of the school board is also clarified. The current proposed rules of procedure allow for the VGMC to request a hearing when there is a change that violates a previous VGMC requirement. Mr. Heebner stated that it is currently a subjective internally controlled process as opposed to one where the process has certainty with who can request a hearing.

Chair Brown asked if the county council could change the VGMC rules by their own accord. Mr. Eckert replied that the VGMC would say no, but that is not a definitive answer as the County Council is the legislative governing body. The Charter, however, states that the Rules of Procedure are initiated by the VGMC. Chair Brown reiterated that it is possible then, that the county council could change the rules. Mr. Eckert stated that it could be possible in certain circumstances, but it has not needed to be done in

the past. Chair Brown asked if the VGMC could change rules without two-thirds majority vote of the county council. Mr. Eckert stated that they could not.

Mr. Heebner asked if the proposed amendment would allow a private person or entity to petition the VGMC. Mr. Eckert stated that he believed that is what the amendment states. Mr. Heebner added that the amendment should go forward as rules could be changed in the future.

Ambassador Escudero proposed that an amendment be added to the final paragraph stating that the county council may, by ordinance adopted by two-third vote, amend the rules of procedure of the VGMC. Mr. Morris asked if the VGMC could undo a rule change without approval of the county council. Mr. Eckert stated that any change would need to be approved by a two-third vote of the county council. Ambassador Escudero stated that the group should do everything they can to increase the capacity of the people, through their elected representatives, to have something to say about what the VGMC does. Chair Brown asked to talk about the request prior to making a motion.

Pat Drago asked what would happen to citizen standing if the amendment fails before the voters. Mr. Eckert responded that if the charter amendment language failed, the county council could still adopt rules of procedure which eliminate citizen standing.

Pat Northey stated that Mr. Eckert had been adamant that this language must go to voters to make changes. Mr. Eckert responded that he had been, only in respect to determining if the proposed VGMC rules of procedure, which dispensed for review of certain categories of plan amendments, would require a charter change. The initially proposed VGMC rules changes are not consistent with the charter text. Ms. Northey stated that the VGMC rules without a charter amendment seem to say the same thing. Mr. Eckert stated that the commission has been provided with rules that provide a continuation of review for all plan amendments including small scale. Mr. Watts clarified that the initial draft stated that there would not be a review of applications in certain circumstances, but the charter states that there must be a review so there was an inconsistency. The VGMC has, in version A.2, removed the inconsistency. Ms. Northey asked whether public standing has been eliminated in both versions. Mr. Eckert stated that to address his consistency concern, public standing did not need to be eliminated, but that has been the proposal of the VGMC. Ms. Northey asked whether the county council has the responsibility to set the VGMC Rules of Procedure because they did so originally. Mr. Eckert responded that the county council is required to amend the procedure if there is an amendment to be accomplished. Ms. Northey asked for clarification as to whether version A.2 is just a recommendation to the county council. Mr. Eckert responded that the VGMC is proposing an ordinance to the county council. Ms. Northey asked how long the public has had the ability to request standing on VGMC applications. Mr. Eckert stated that he has been the county attorney for twenty seven years, and the initial action happened prior to that time. Ms. Northey reiterated that the public has had standing for twenty seven years. Mr. Eckert stated that it was the view of the VGMC at the time that the property owner should have standing in order to advocate for their interests. Ms. Northey asked whether this happened during the

comprehensive plan changes in the 1990s. Mr. Eckert stated that it was probably adopted in or around 1987, although he did not work directly on that draft.

Ms. Drago asked whether the issue of citizen standing, staff review, the authority of VGMC to call for a public hearing on their own, all of the items that mattered to her, were out of the rules with or without a charter amendment. Ms. Ramos stated that was correct.

Chair Brown asked whether the School Board has the same posture in the proposed rules change as they do currently. Ms. Ramos responded that they currently have no limit as to what they can raise as an issue. Chair Brown read from Section 206 of the Charter. Ms. Ramos stated that Section 206 is capacity related.

Chair Brown asked for Ms. Ramos to explain the two versions of the rules. Ms. Ramos reviewed the summary of change (attached) for both versions. Chair Brown asked if a change was recommended by a unit of local government, and there were no objection, could the VGMC staff review and sent to that government a critique of why the large scale application may be good/bad. Ms. Ramos stated that she believed that is how the process currently works and would continue to do so. Merry Chris Smith, VGMC Operations Manager, stated that under the 3/30/16 proposed rules, the VGMC staff would not review any small scale or JPA unless there was an objection. Under large scale proposals, staff would continue to review the applications and could request additional information within fourteen day. If issues were found, they could notify jurisdictions of issue, but could not call a hearing directly. Ms. Ramos stated that the 3/31/16 version enhances small scale reviews.

Mr. Morris stated that the he believes the A.2 rules version accomplishes the majority of the objective and it does not require a charter amendment which he believes is a better path than a charter amendment which may not be passed by the voters.

Ambassador Escudero disagreed with Mr. Morris' point of view. He stated the matter should be put to a vote before the people in the form of a charter amendment.

Ambassador Escudero made a motion to amend the draft charter amendment by adding a final sentence which states that the VGMC Rules of Procedure may be amended by ordinance approved by a two-thirds vote of the Volusia County Council. Dr. Fleuchaus seconded the motion. Mr. Haas stated that there are more issues with rules version A.2 other than just the issue identified in the motion. He believes it is open to interpretation as to when staff of VGMC could get involved with an application, and wonders if enough time has been taken to read through all of the other changes made between the versions. Ms. Ramos confirms the only change made was for the review of small scale applications.

Chair Brown asks for discussion relating to Ambassador Escudero's motion.

Mr. Heebner stated that he would like to make a motion to amend the amendment as he did not think the language is as clear as it should be. Mr. Heebner made a motion to

add to paragraph two of 202.3 that no petition to determine consistency of a large scale comprehensive plan may be filed except by the county or a municipality. Dr. Fleuchaus seconded the motion. Scott Simpson asked if the School Board would then be exempt from participating in the VGMC process. Mr. Heebner stated that the School Board should be included. Chair Brown asked Mr. Heebner for clarification of his motion. Mr. Morris stated that the amendment as written currently states the same as Mr. Heebner's request, and sees no reason for the motion. Dr. Fleuchaus withdrew his second, and as such the motion did not carry.

Chair Brown asked for the original motion to be restated. Ambassador Escudero repeated the motion.

Deanie Lowe asked to speak to the motion. She stated that one of the teams cannot be allowed to make up the rules. In her view, the motion would allow the County to write their own rules and they are one of the units of local government that have to come before the VGMC.

Mr. Watts agreed with Ms. Lowe's point. He stated that the VGMC is a body that has jurisdiction between the County and municipalities and if you give the County the authority over the rules then it creates a disparity under the structure.

Mr. Morris also expressed that he was opposed to the motion and questioned whether a charter change would ultimately be adopted by voters. He continued that rules changes would be an improvement in the current circumstances. It may not be the specific methodology that some members were envisioning as to how we improve the circumstances in the county, but it is a significant improvement with how things are done. He expressed that he will vote no to the current motion, and will vote no on rules revision A.1 but he will support rules revision A.2.

Ambassador Escudero closed by stating that in referring to the teams, the elected team should be considered superior by virtue of the political philosophy by which our country operates. He believes that the VGMC has shown itself capable of altering the nature and extent of its rules of operation which is why we have spent several months considering changes to make the activities of the VGMC more productive, efficient, effective, and with the desires of the people of this area. He gave an example where groups have made their voices be heard by electing those who agree with their desires. Ambassador Escudero stated that the VGMC can interpret the rules without any accountability to elected officials, and that his motion would rectify that problem.

A vote was taken on the motion. Mr. Heebner and Ambassador Escudero voted in favor of the motion. The remaining members who were present, including Dr. Bailey via phone, voted against the motion. The motion did not pass.

Mr. Watts stated that he was of the same opinion as Mr. Morris of the two rules revisions. Mr. Watts suggested that a motion should be made to table any charter amendment relating to VGMC until the May 9, 2016 meeting. Chair Brown stated that

he would not yet recognize that type of motion and suggested that a straw vote be taken to approve the VGMC rules revision A.1 and a tacit approval of the rules that follow that. Assuming that straw vote is positive, he would like to consider a motion to give guidance to the VGMC that revision A.2 is the proper approach to take. The VGMC would then have the ability to effectuate those rules with a two-thirds vote of the county council. If that occurs, then the Commission may not want to press the charter amendment. A clarification was made between the revisions.

Chair Brown asked for a straw vote to indicate support to approve VGMC rules revision A.1 which includes a charter amendment. Mr. Watts initiated the motion. Mr. Heebner seconded the motion. There was no discussion. Ms. Drago and Ms. Northey voted against the motion. Dr. Bailey abstained via phone. The remaining present members voted for the motion. The motion carried.

Chair Brown asked for motion to show support of the VGMC rules revision A.2 which shall be considered by review of the VGMC and if passed, taken to the county council for consideration. Mr. Haas initiated the motion. Mr. Ritchey seconded the motion. Ambassador Escudero stated that he would only favor a proposal that favors the charter amendment and would not support a revision which did not. Mr. Haas stated that in its current form, version A.2 needs work, but he supports the process and concept. Chair Brown suggested Mr. Haas get with the VGMC and Ms. Ramos to review and suggest changes as necessary. Mr. Eckert asked for clarification regarding Ambassador Escudero's vote. Mr. Morris clarified that Ambassador Escudero stated he would vote no on the current motion. Dr. Fleuchaus asked if there would be a possibility for third ballot question, such as should the VGMC be dissolved. Dr. Fleuchaus stated he would make that motion after this vote had been taken. Mr. Triplett asked for clarification on what would happen if the charter amendment was voted down. Chair Brown stated that nothing happens at it would revert to status quo. The motion was repeated. A vote was taken. Ms. Drago, Ms. Northey, Mr. Escudero, and Mr. Heebner voted against the motion. Dr. Bailey abstained via phone. The motion carried.

Dr. Fleuchaus made a motion to dissolve the VGMC. Ambassador Escudero seconded the motion. Dr. Fleuchaus stated that with the amount of time spent trying to resolve this problem and because there has been such an improvement with the planning departments of the cities, there is little need for the expense of the VGMC. Almost every issue can be resolved by the elected local governments. Mr. Haas agreed with everything Dr. Fleuchaus stated but he saw little chance for a ballot question passing with the voters, and he would like to move the needle a little to accomplish some change with the VGMC. Ambassador Escudero asked if we put this on the ballot would that exclude all of the other suggestions put forward, and if so, that might be a valid argument. He continued that the VGMC is no longer necessary and it has become an impediment. Mr. Morris stated that he would support the compromises brought forward and vote no on Dr. Fleuchaus' motion. Mr. Watts stated that he would also be voting no, and that there is certainty with the rules changes that have been reached through compromise. Mr. Triplett stated he is not sure that we have decided how the VGMC should function going forward. He continued that the issue is whether the VGMC should

exist, and how should it function if it exists. He stated that he sees a shell game right now, with the Commission trying to figure out how much power they can control and who is going to control that power, rather than how the VGMC should function for the good of development as well as the protection of the environment. He states that the issue has become muddy for him. Dr. Fleuchaus provided his closing comments, and reminded that in 2006 the Commission proposed an amendment to dissolve the VGMC and no one was really opposed to it at that time. Now, every city is opposed so there would be a better chance of it passing a vote to dissolve. A vote was taken. Dr. Fleuchaus and Ambassador Escudero voted for the motion. The remaining commission members present voted against the motion. The motion did not carry.

Chair Brown asked county at large representative, Joyce Cusack, to come forward to discuss her request to amend the Charter to allow for the at large member to be named as the vice chair of the county council.

Representative Cusack stated that the at large member is elected county-wide. There are five districts that have between 80,000 to 100,000 people each. The county chair position has a half million people, and so the at large position also has half million people. She stated that the county chair moved from an appointed to an elected position. The at large position has to be elected the same way and wonders why then, is the at large position not the vice chair and believes it was an oversight. She also believes it takes the politics from the council. She suggests to let the voters decide if they would like an elected vice chair in the at large position.

Chair Brown restated Rep. Cusack's request, in that they consider a Charter amendment to name the at large member as the vice chair of the county council. Ms. Northey stated that an amendment went before the voters ten years ago and it was turned down. Mr. Bruno agreed with Rep. Cusack on this issue. He stated that she is not asking for more money, just a title. Mr. Bruno made a motion to create an amendment to name the at large council position as the vice chair of the County Council. Mr. Morris seconded the motion. Dr. Fleuchaus stated that the at large position is more costly, and there are no other benefits. He also stated that there should be additional thought in the future with how the charter recognizes the at large position and this is the minimum recognition. Chair Brown stated that the motion was to ask the county attorney to create an amendment to be considered at the next meeting. Mr. Bruno confirmed that was the correct motion being made. Ms. Northey wanted to confirm that they are just requesting language from Mr. Eckert to be provided for consideration at the next meeting. The motion passed unanimously.

Rep. Cusack thanked the commission members for their service.

## **ADJOURNMENT**

There being no further business for discussion, Chair Brown adjourned the meeting at 2:52 p.m. The next meeting will take place on April 11, 2016 at 5:30 p.m. in the Dennis

R. McGee Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.

DRAFT

DRAFT

407-244-5670

HEATHER.RAMOS@GRAY-ROBINSON.COM

## MEMORANDUM

**TO:** Volusia County Charter Review Commission  
**FROM:** Heather M. Ramos  
**DATE:** April 4, 2016  
**SUBJECT:** VGMC Proposed Rules of Procedure

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### Status of Rules of Procedure

- On March 23, 2016, the VGMC Commission approved the March 30, 2016 version (requires Charter amendment) of the Rules in the Commission package beginning at page 27.
- On April 7, 2016, the VGMC POP Committee will review the March 31, 2016 version (does not require a Charter amendment) of the Rules in the Commission package beginning at page 50.
- On April 13, 2016, the VGMC Commission will review and take action on the March 31, 2016 version of the Rules.

### Summary of the March 30, 2016 Version of the Rules – Charter Amendment Required

1. **Small scale comprehensive plan amendments and large-scale comprehensive plan amendments subject to a joint agreement or other similar type of interlocal agreement [Sec. 90-341]:**
  - Presumed consistent unless a unit of local government files an objection within 21 days.
  - Applicant jurisdiction still has duty to submit notice of amendment to VGMC and other jurisdictions.
  - In the case of an objection, VGMC reviews the application and prepares a staff report, and a hearing is held unless the objection is withdrawn.
2. **All other large scale comprehensive plan amendments [Sec. 90-35]:**
  - No change, except that staff must issue an RAI within 14 days after receipt of the completed application.
3. **Standing [Sec. 90-35(c)(4)]:**

Volusia County Charter Review Commission  
April 4, 2016  
Page 2

- Limited to “units of local government” defined as “county, municipalities and school board”.
  - Standing is automatic for adjacent jurisdictions and the “school board” [Secs. 90-31 & 90-35(c)(4)].
  - Non-adjacent units of local government have to prove standing.
4. **School Board Review [Sec. 90-37(d)]:**
- Limited to whether 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 County Charter.
5. **Notice of applications [Sec. 90-35(c)]:**
- Deleted newspaper ad notice provisions.
  - Added provision for posting application notice on VGMC website.
  - Actual notice of each application provided to each unit of local government.
6. **VGMC’s ability to call a public hearing [Sec. 90-38]:**
- Only if an application is received by the commission and the plan element, amendment, or portion thereof is subject to a prior resolution adopted by the commission and it is inconsistent with the prior resolution.
7. **Intervention [Sec. 90-38]:**
- Process has been removed.
8. **Commission member removal [Sec. 90-53]:**
- Appointing governing body has the right to remove the appointed voting representative as set forth in the appointing body’s code of ordinances.

If the Charter amendment is not approved by a majority of the electors of the county, the resolution adopting the rules expires and is repealed without further actions by the Commission.

**Summary of the March 31, 2016 Version of the Rules – No Charter Amendment Required**

1. **Small scale comprehensive plan amendments and large-scale comprehensive plan amendments subject to a joint agreement or other similar type of interlocal agreement [Sec. 90-341]:**
- Presumed consistent unless a unit of local government files an objection within 21 days.
  - Applicant jurisdiction still has duty to submit notice of amendment to VGMC and other jurisdictions.
  - Planning staff prepares a report based on the information provided in the application package (does not request additional information).
  - In the case of an objection, a hearing is held unless the objection is withdrawn.

Volusia County Charter Review Commission  
April 4, 2016  
Page 3

2. All other amendments to the rules remain the same as the March 30 version outlined above.

If this version of the rules are adopted by the VGMC Commission at the April 13 VGMC Commission meeting, this version will require approval by 2/3rds of the members of the County Council.

**CHARTER REVIEW COMMISSION  
VOLUSIA COUNTY, FLORIDA**

**MINUTES OF THE MEETING OF  
APRIL 11, 2016**

**CALL TO ORDER**

Chair Brown called the meeting to order at 5:32 p.m. in the Dennis R. McGee Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.

**ROLL CALL**

Members present included Chair Hyatt Brown, Frank Bruno Jr., Frank Darden, Patricia Drago, Ambassador Stanley Escudero, Dr. Phillip Fleuchaus, David Haas, Peter Heebner, Glenn Ritchey Sr., Derek Triplett, Mark Watts and Lisa Ford Williams. Dr. Bailey attended via conference line and Patricia Northey arrived after roll had been taken. Also present were County Attorney Dan Eckert, County Manager Jim Dinneen, county support staff and members of the public. Chair Brown informed the Commission that Jim Morris would not be attending.

**PUBLIC PARTICIPATION**

Chair Brown opened the floor to public participation and there was none.

Chair Brown made reference to an editorial that was published in the News Journal regarding the Volusia Growth Management Commission.

**APPROVAL OF MINUTES**

David Haas made a motion to approve the minutes of the March 14, 2016 meeting and the minutes of the March 7, 2016 Charter Review Commission Subcommittee meeting. The motion was seconded by Frank Bruno, Jr. The motion was approved unanimously.

**VOLUSIA GROWTH MANAGEMENT COMMISSION REPORT OF POP COMMITTEE**

Heather Ramos, Attorney gave a report to the Commission on the Volusia Growth Management Commission's POP Committee. Ms. Ramos stated that the POP Committee approved the version of the rules that would go with the no charter amendment during their April 7<sup>th</sup> meeting. She advised that the full commission's meeting will be held on April 13, 2016 at 7:00 p.m. in Deland. Ms. Ramos added that she anticipates that the Volusia Growth Management Commission (VGMC) will approve the same version of the rules. Once approved by the full VGMC, she states that the recommendation will then be forwarded to the Volusia County Council.

Chair Brown asked Ms. Ramos whether or not there was a unanimous vote of the no charter amendment by the POP Committee. Ms. Ramos affirmed.

## **COUNCIL MEMBER AT-LARGE TO BE VICE CHAIR OF COUNTY COUNCIL AMENDMENT**

Before further discussion, Chair Brown acknowledged Dan Eckert, County Attorney and asked him to speak to the Commission about the provision of designating the at-large member as county council vice chair.

Mr. Eckert began by stating that he drafted a ballot question similar to the proposed amendment ten years ago.

Mr. Eckert referenced Section 307.1 of the charter and made mention of the duties of the chair and methods of selection. He stated that the textual changes to make the at-large member serve state "at large member shall serve as vice chair of the county council and shall preside in the temporary absence, disqualification or disability of the county chair at county council meetings and perform other duties assigned by the county chair."

Mr. Eckert stated that he hoped the Commission would find the amendment to be clear and concise. He also stated that the proposal is a full text amendment and that it would be published for voters at least thirty days in advance.

Frank Bruno Jr. asked Mr. Eckert if it is necessary to have at the end of the question, "instead of the annual election by the county council of one of its members?" Mr. Eckert advised that the task of the ballot summary is to indicate the chief purpose of measure and to explain how it varies. Mr. Bruno asked Mr. Eckert if the proposed language needs to be on everything that the Commission is asking for a vote on. Mr. Eckert clarified by stating that the questions have been designed to do so.

Chair Brown opened the floor for discussion and discussion ensued amongst members of the Commission.

Mr. Eckert stated that charter amendments, unless otherwise specified, become effective upon approval by the voters.

Dr. Fleuchaus asked Mr. Eckert if the wording on the proposed amendment is identical to the ballot question ten years ago. Mr. Eckert advised that the wording was not identical and been changed slightly. Mr. Eckert stated that he hoped the revisions were clearer than they were in the past. Dr. Fleuchaus stated that the amendment did not pass ten years ago. Mr. Eckert stated that the question was clear ten years ago and does not believe that was why the amendment did not pass.

Mr. Bruno stated that it has always been used for everyone to be given an opportunity to gain additional experience and take on leadership positions. He added that in this particular case, because the at-large member does not make any additional money, the request made by council member Joyce Cusack merits the request.

Pat Northey stated that she does not believe any council member serves on county council for the money or status. Mr. Bruno concurred.

Ambassador Escudero asked Chair Brown if they would be voting on the proposed amendment at this time. Chair Brown stated that the Commission would take straw votes on all of the proposed amendments because the intent was to approve the straw votes so that the recommendations can be forwarded to county council. Ambassador Escudero made a motion to approve the straw vote as presented. The motion was seconded by Glenn Ritchey. Pat Northey opposed.

### **REVIEW OF CHARTER REVISIONS TO BE CONSIDERED FOR FINAL APPROVAL IN MAY MEETING**

Chair Brown opened the floor for discussion on the clean-up of Charter amendments, expense reimbursement and the VGMC.

Dan Eckert began by referencing page 80 of the Charter Review Commission agenda packet. He stated that at a previous Commission meeting, Glenn Ritchey requested a word insertion to Section 304 that should read "prescribed by state law." Mr. Eckert reassured the Commission that he has not forgotten about the request and would provide the change at the next meeting. Chair Brown asked Mr. Eckert for clarification. Mr. Eckert clarified that the word "state" would be added to the third sentence of Section 304. He also stated that Jim Morris asked whether or not the word insertion would affect the ballot question. Mr. Eckert does not believe that the word insertion would affect the ballot question.

Lisa Ford Williams asked if the word "state" should also be inserted in the first line of Section 304. Mr. Eckert confirmed that the word "state" should be inserted in the first line of Section 304.

Dr. Fleuchaus referenced pages 76 and 77 of the Charter Review Commission agenda packet. He asked Mr. Eckert why obsolete provisions have to be voted on and not just omitted when there is language that states that the district shall cease to exist on the effective date of the charter and said act is hereby repealed. Mr. Eckert stated that it was the desire of the Commission and he wanted to create any possible inference of revival by implications. Dr. Fleuchaus asked whether or not this would be a separate question on the ballot. Mr. Eckert confirmed that it would be a separate question on the ballot. Mr. Eckert referred to page 77 of the Charter Review Commission agenda packet and stated that it summarizes the major effect of the specified provisions.

Mr. Eckert advised that State law states that the ballot title is limited to fifteen words and seventy five words to describe the amendment. He mentioned that the footnotes will not be on the ballot. He suggested that as the Commission begins to prepare the final report, it may be desirable for members to consider the order in which the questions should appear on the ballot.

Dr. Fleuchaus referenced page 77 of the Charter Review Commission agenda packet. He asked why the Halifax Advertising Tax District had been crossed out. Mr. Eckert advised that the County is not authorized by reason of state law to levy the tax in that district any longer. At a previous Commission meeting, Mr. Eckert suggested that it be eliminated from the county charter because it was no longer necessary to preserve that district.

Mr. Eckert reemphasized that the amendment contains footnotes as an FYI to the Commission and will not appear in the final report or on the ballot.

Chair Brown stated that the rules in which the Commission approved has been approved unanimously by the POP Committee and will go before the full VGMC on Wednesday, April 13<sup>th</sup>. Assuming that the VGMC approve the rules, Chair Brown advised that the rules would then go before county council. Chair Brown asked Heather Ramos to discuss the procedure for bringing the recommendation to county council.

Chair Brown mentioned that the Commission cannot have the vote prior to May 5<sup>th</sup>. Mr. Eckert confirmed.

Chair Brown asked if this proposal and meeting had to be advertised and if it becomes an ordinance. Mr. Eckert replied by saying that the ballot question will be advertised to summarize the main purpose of the ordinance. He added that the public notice would have to appear no less than 10 days before the county council considers the recommendation.

Chair Brown asked Ms. Ramos if the VGMC would be responsible for getting the document to county council. Ms. Ramos confirmed that they would be responsible for getting the document to county council.

Mr. Eckert advised that Ms. Ramos would be responsible for getting the rules approved and his responsibility to draft the ordinance and present it to county council. Chair Brown reiterated what Mr. Eckert stated and asked how long it would take to get the rules approved and draft the ordinance. Mr. Eckert advised that they will be ready to present the information to county council by May 5<sup>th</sup>. He explained the procedure of presenting a county ordinance.

Chair Brown summarized Mr. Eckert's explanation and asked if there was any reason that county staff would not meet the deadline. Mr. Eckert reassured Chair Brown that staff would have all of the information needed by the deadline.

## **DISCUSSION OF MATTERS NOT ON THE AGENDA**

Chair Brown opened the floor for the discussion of matters not on the agenda.

Dr. Fleuchaus asked how many amendments would be presented on the ballot. Mr. Eckert advised that based upon the straw vote taken today, there would be three amendments on the ballot and if the Commission decided on the VGMC amendment, that would make four.

Glenn Ritchey stated that the editorial published in the News Journal regarding a VGMC compromise was well written and very comprehensive.

Chair Brown advised that since there were no obvious concerns regarding the amendments, staff suggested that the Commission make a final vote. Chair Brown asked if anyone objected to taking a final vote on the amendments presented. With no objections, Chair Brown proceeded with the votes.

Glenn Ritchey made a motion to move the clean-up Charter language. The motion was seconded by Pete Heebner. The motion passed unanimously.

Frank Bruno made a motion to approve the expense reimbursement. The motion was seconded by Glenn Ritchey. The motion passed unanimously.

Frank Bruno made a motion to approve the council member At-Large to be Vice Chair of the county council. The motion was seconded by Ambassador Stanley Escudero. Pat Northey opposed.

Chair Brown advised that the three amendments will be presented on the ballot. He also stated that the only thing left to vote on is VGMC.

Dona D. Butler, Community Services Director and Charter Review Commission Staff Support, discussed the final report and expectations of the Commission. Ms. Butler advised that the final report documents everything that happened during the Commission members' term. Typically the final report is presented to the Commission prior to signing the final document; however, there is a decision that will impact that. Ms. Butler advised that staff will have everything finalized in the final report with the exception of the VGMC report. Chair Brown summarized the information provided by Ms. Butler and asked if he would submit the final report to county council. Ms. Butler confirmed.

Without objection from members of the Commission, Chair Brown asked staff to prepare the final report for the next meeting. Ms. Butler stated that staff would have two versions of the final report prepared for the next meeting to reflect the outcome of VGMC.

## **ADJOURNMENT**

There being no further business for discussion, Chair Brown adjourned the meeting at 5:55 p.m. The next meeting will take place on May 9, 2016 at 5:30 p.m. in the Dennis R. McGee Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.

DRAFT

**CHARTER**



**REVIEW**

**C O M M I S S I O N**

**Final Report 2016**



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**Volusia County Charter Review Commission  
2015-2016**

The 2015-2016 Volusia County Charter Review Commission respectfully submits the Final Report to the Volusia County Council on this 19<sup>th</sup> day of May, 2016.

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**J. Hyatt Brown, Chair**

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**Glenn S. Ritchey, Sr., Vice Chair**

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**Dr. T. Wayne Bailey**

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**Frank Bruno, Jr.**

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**Frank Darden**

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**Patricia Drago**

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**Ambassador Stanley Escudero**

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**Dr. Phillip T. "Bud" Fleuchaus**

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**M. David Haas**

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**Peter B. Heebner**

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**Patricia Northey**

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**James Morris**

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**Bishop Derek Triplett**

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**Mark Watts**

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**Lisa Ford Williams**

# CHARTER REVIEW

C O M M I S S I O N



## Final Report 2016



### Biographies

**Biographical Information**  
**Members of the Volusia County Charter Review Commission**  
**2015-2016**



**J. Hyatt Brown, Chair**, Ormond Beach, has been a Volusia County resident for 77 years. He is Chairman of the Board of Brown and Brown, Inc. Hyatt served in the Florida House of Representatives for the 31st district from 1972 to 1980, and served as Speaker from 1978 to 1980. He serves on the board of directors of International Speedway Corporation and Verisk Analytics, and is also a member of the Council of 100. He is a past vice chair of the Florida Residential Property and Casualty Joint Underwriting Association; past chair of the Council of Insurance Agents & Brokers; and a past director of BellSouth Corporation, SunTrust Banks, Inc., NextEra Energy, Inc. and Rock-Tenn Company (now WestRock Company). He has served on Stetson's Board of Trustees since 1981, including one term as chair and is currently chair of the Finance Committee.



**Glenn S. Ritchey, Sr., Vice Chair**, Daytona Beach, has been a Volusia County resident for 54 years. President and CEO of John Hall Auto Group, Glenn serves on the Board of Trustees and Facilities & Capital Planning and Finance Committee of Embry Riddle Aeronautical University; is a board member of the CEO Business Alliance; is Chairman of the Halifax Health Board of Commissioners where he has served since 2000; has served on the Halifax Health - Foundation Board of Directors since 1993; and was the Halifax Health - Foundation's President from 1999 - 2011. Former Mayor of Daytona Beach, he has also served on the Daytona Beach Visioning Steering Committee; Economic Development Board; Board of Adjustments; and is an active member of the Civic League of Halifax Area, Halifax Area Chamber of Commerce, United Way, Rotary and a host of other worthy community causes.

**Biographical Information**  
**Members of the Volusia County Charter Review Commission**  
**2015-2016**



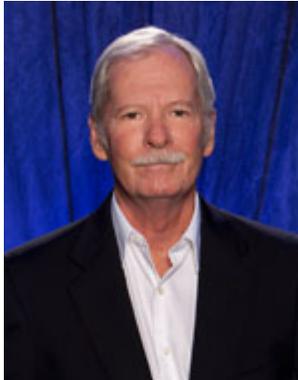
Hospital.

**Dr. T. Wayne Bailey**, DeLand, has been a Volusia County resident for 52 years. Chairman of the Stetson University Department of Political Science, Dr. Bailey served on the Volusia County Charter Review Commission in 1975, 1985, 1995, and 2005 and was Chair of the group in 1975 and 1985. He also was Chair of the Charter Review Commission Structure Committee from 1995-96 and was Vice Chair of the Charter and Study Commission from 1969-71. He has held various leadership positions in the Florida Democratic Party and the American Lung Association and is a Foundation board member of Florida



**Frank T. Bruno, Jr.**, Ponce Inlet, has been a resident of Volusia County for 45 years. He founded Lithocraft Printing in 1976 and grew the business until he sold it in 2000. Frank's long resume of distinguished service includes having served as Vice Mayor of Ponce Inlet, and the first elected Chair of Volusia County. Upon retirement from his twenty years of service to the council in 2012, the council chambers were named in his honor. During his career as an elected official, Frank chaired the Tourist Development Council, the Transportation Disadvantage Local Coordinating Board, the Metropolitan Planning Organization, Central Florida Commuter Rail Commission, the Volusia Council of Governments and the Congress of Regional Leaders of Central Florida. Frank also held chairmanships or board memberships in several community organizations and has been honored with many awards. Today, he is a residential and commercial Realtor with Keller Williams Florida Realty Partners and is actively engaged in a variety of community organizations.

**Biographical Information**  
**Members of the Volusia County Charter Review Commission**  
**2015-2016**



**Frank Darden**, New Smyrna Beach, a lifetime resident of Florida, graduated from the University of Florida with his Bachelor's and Master's degrees. He began his career in New Smyrna Beach, Florida, teaching at Coronado Beach Elementary followed by professional positions including: Assistant Principal; Federal Education Administrator; Florida Department of Education Administrator; and Assistant Commissioner of Education for the State of Florida. In the private sector, Darden served as Assistant Director of The Florida School Boards Association, consultant to the Florida School Superintendent's Association, and President of Darden Consulting (a national political consulting firm focused on education funding issues). In retirement, Darden now represents Volusia County as a member of the United States of America Selective Service System and owns and operates "Concealed Carry Certification," a firearms instruction school.

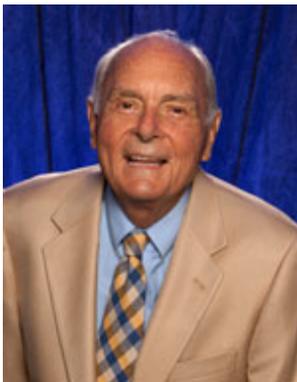


**Patricia Drago**, Daytona Beach, has been a Volusia County resident for 58 years. The former Executive Director of Facilities for the Volusia County School Board, Pat retired in 2009. She currently serves as Secretary on the board of directors for the League of Women Voters of Florida; serves as Co-Chair to the Education Committee; and is a member of the Daytona Beach Planning Board. Pat previously served as a former member of the Daytona Historic Preservation; the 2005 Volusia County Charter Review Commission; was president of the Volusia Women's Network in 1993-94; Secretary/Treasurer of the Florida Planning and Zoning Association, Surf Coast Chapter, 1991-93; President of the League of Women Voters in 1984-85; and Chair of the League's Natural Resources Committee from 1980-83. She is also a registered Real Estate Broker.

**Biographical Information**  
**Members of the Volusia County Charter Review Commission**  
**2015-2016**



**Ambassador Stanley Escudero**, Daytona Beach Shores, has been a resident of Volusia County for 73 years. While completing the high honors program and graduating in 1965 with a degree in history and international relations from the University of Florida, he applied for entry into the Foreign Service. Ambassador Escudero, now a retired diplomat, served the U.S. Foreign Service in multiple capacities from 1967 -1992. He served as U.S. Ambassador to Tajikistan, 1992–1995; U.S. Ambassador to Uzbekistan, 1995–1997; and U.S. Ambassador to Azerbaijan, 1997-2000. After a short retirement, Stan and his wife returned to Azerbaijan in a private capacity. As a private businessman, Stan was President or Vice-President of the American Chamber of Commerce in Azerbaijan for virtually all of the decade he spent in there. In 2009, after returning to the states, Stan was elected as Chairman of the Republican Executive Committee of Volusia County where he worked to bring reform and organization. He became President of the Republican Club of South East Volusia in 2013 and is currently Vice Chair of the Board of Trustee to Daytona State College.



**Dr. Phillip T. "Bud" Fleuchaus**, Ormond Beach, has been a Volusia County resident for 55 years. Bud is a retired oral and maxillofacial surgeon at the Oral and Facial Surgical Association in Daytona Beach and current Chairman of the Board of Directors of Gateway Bank since 2006. Bud served on the 2005 Volusia County Charter Review Commission and was a member of the Volusia County Council from 1976-84 where he served as the Council Chair in 1980 and in 1984. Bud also has served as the Chair of the Volusia County Charter and Study Commission from 1969-70 and the Vice Chair of the Charter Review Commission Structure Committee from 1995-96. He is past Chair and a member of the Volusia County Beach Advisory Board and is a past member of the Board of Directors for the YMCA and the United Way of Volusia County.

**Biographical Information**  
**Members of the Volusia County Charter Review Commission**  
**2015-2016**



**M. David Haas**, Flagler Beach, David Haas has been a resident of the Volusia Flagler area for over 35 years. After owning and operating his own business for 17 years he served as both a City Manager and a County Administrator for over twelve years. For the last 10 years he has worked for ICI Homes and is currently its Chief Development Officer. David has served on numerous Boards and Committees in the area over the last several years providing David has provided strong business leadership in Volusia County. Current Chairman of the Technical Review Committee for Embry Riddle

Aeronautical University, David also serves the Board of Directors for Team Volusia.



**Peter B. Heebner**, Daytona Beach, has been a Volusia County resident for 40 years. Peter is an attorney specializing in construction, environmental banking and business litigation. Peter served on the 2005 Volusia County Charter Review Commission. He has been president of the Daytona Beach Halifax Area Chamber of Commerce; Chairmen of the Board Floridian Financial Group Inc.; Chairman of the Civic League of the Halifax Area; Chairman of the Board of Tomoka State Bank; President of the Oceanside Country Club; President of the Daytona Beach Community Foundation; and President of

the Stewart-Marchman Foundation, as well as numerous other cultural and civic organizations.

**Biographical Information**  
**Members of the Volusia County Charter Review Commission**  
**2015-2016**



**Patricia Northey**, Deltona, has been a Volusia County resident for 41 years. Pat is a Project Manager for Ghyabi and Associates and former president and Chief Executive Officer for the Chamber of Commerce of West Volusia. Pat is currently a member of the ECHO Board and serves on the VCARD executive board. She served on the 2005 Volusia County Charter Review Commission; and on the Volusia County Council from 1993-2004 and 2007-2014, where she was Chair in 1996 and 1999. Pat is active in a wide variety of cultural, civic and government organizations and has held leadership positions in many, including Chair of Healthy Start; Chair of the River to Sea TPO; Vice Chair of the Central Florida MPO Alliance in 2004; President of the Four Towns Rotary in 2002-2003; Chair of Leadership West Volusia from 2001-2003; Chair of the Historical Courthouse Renovation Committee; president of the Boys and Girls Club of Volusia Flagler counties; and Chair of the Women's Network of Southwest Volusia in 1998.



**James Morris**, Ponce Inlet, is a lifelong resident of Volusia County. James is a lawyer specializing in local government, land use, zoning, real estate and administrative law. With a Masters Degree in Urban and regional Planning from UF, he has also worked as a Land Use Planner for both Volusia County and Ormond Beach. With the combined skills of law and land planning, he brings over 30 years of experience to address long term policy issues that are a concern to local government.

**Biographical Information**  
**Members of the Volusia County Charter Review Commission**  
**2015-2016**



**Derek Triplett**, Daytona Beach, has been a resident of Volusia County for 26 years. The founding pastor of Hope Fellowship Church in Daytona Beach, Derek is a member of the Daytona Beach Rotary Club and the Civic League of the Halifax Area and has been involved in many community efforts. He presently serves as board chair for Career Source Flagler/Volusia and is a member of the City of Daytona Economic Development Advisory Board and the Volusia County Affordable Housing Advisory Committee and is a class 19 graduate of Leadership Daytona. Derek formally served Daytona Beach YMCA corporate board and the Daytona Beach Racing and Recreation Commission.



**Mark Watts**, DeLand, has been a Volusia County resident for 32 years. An Attorney, Mark specializes in administrative, land use and environmental law. He has served as President and Chair to Volusia County Association for Responsible Development; DeLand Area Chamber of Commerce; President of DeLand Breakfast Rotary; Board Member of 1,000 Friends of Florida; and Assistant Governor of Rotary District 6970.



**Lisa Ford Williams**, DeLand, has been a DeLand resident for 53 years, graduating from DeLand High School and Stetson University. Lisa is employed by Ford Properties, a family-owned and operated business primarily focused on real estate and agriculture, including olives, citrus, timber and cattle. Lisa is Chair of Team Volusia, Chair of Halifax Hospice of Volusia/Flagler Advisory Board and VP of The O'Neill Foundation for Community Health. Currently serving on the DeLand 2015 - 2025 Strategic Plan Steering Committee, she is also involved with DeLand MainStreet Association's SunRail committee, is a member of VCARD (previously served as Chair) and the DeLand Area Chamber of Commerce.

## **In Recognition**

The Members of the Volusia County Charter Review Commission acknowledge and extend their sincere appreciation to the Volusia County Council, for the opportunity to serve, and to the County Manager and the County Attorney, for providing liaison services to the Charter Review Commission.

The following members of the Volusia County staff served to support the efforts of the Commission in a commendable manner:

James T. Dinneen, County Manager  
Daniel Eckert, County Attorney  
Tammy Bong, Director of Budget and Administrative Services  
Dona DeMarsh Butler, Director of Community Services  
Christine Beccaris  
Corry Brown  
Jeff Crumbley  
John Duckworth  
Chandra King  
Brittany Scott

## **Introduction and Overview of the 2015-16 Charter Review Commission**

The Volusia County Council on July 2, 2015 approved Resolution No. 2015-087, which created the 2015-16 Volusia County Charter Review Commission. The Charter Review Commission consists of 15 voting members and was assembled by having each County Council member select two members and the entire Council selecting the 15<sup>th</sup> member for appointment to the Commission.

The Charter Review Commission members include (see bios for additional information):

- J. Hyatt Brown, Chair
- Glenn Ritchey, Sr., Vice Chair
- Dr. T. Wayne Bailey
- Frank Bruno, Jr.
- Frank Darden
- Patricia Drago
- Ambassador Stanley Escudero
- Dr. Phillip T. "Bud" Fleuchaus
- M. David Haas
- Peter Heebner
- James Morris
- Patricia Northey
- Bishop Derek Triplett
- Mark Watts
- Lisa Ford Williams

In accordance with Section 1303 of the Volusia County Charter, the Charter Review Commission assembled on September 3, 2015 for its organizational meeting. The Commission had one year from the date of this meeting to make its final report to Volusia County Council.

Charged with three major tasks, the Commission began discussion of how best to complete its duties within the one year time span allotted by the County Charter. The Home Rule Charter established the duties of the Charter Review Commission as follows:

1. Review the Volusia County Charter and present any recommendations for amendments;
2. Review the operations of Volusia County Government and present any management recommendations; and
3. Prepare and distribute a Final Report of the Charter Review Commission's findings and recommendations.

After receipt of the Commission's recommendations, the county council will conduct a series of not less than three public hearings on the recommended changes to the Charter. The recommendations for Charter amendments will be placed on the ballot for citizen referendum in the 2016 general election.

The Commission formed one ad-hoc subcommittee, comprised of the Charter Review Vice-Chairman, and three commission members. The subcommittee reviewed issues relating to the Volusia Growth Management Commission.

The following is a listing of the ad-hoc subcommittee.

**Volusia Growth Management Commission Subcommittee:**

- Glenn S. Ritchey, Sr., Subcommittee Chair
- Frank Bruno, Jr.
- Patricia Drago
- Ambassador Stanley Escudero

To ensure order and efficiency, the Commission adopted Rules of Procedure, which included such items as citizen participation at publicized meetings, adoption of the most recent edition of Robert's Rule of Order as the official procedural rules at all meetings, appointment of the Charter Review Commission and subcommittee officers and the formalization of the process for proposals to be reviewed by the Commission.

**Charter Review Commission Timeline**

- The Council made its appointment to the Commission in July, 2015.
- An organizational meeting was held on September 3, 2015.
- The Chair and Vice-Chair were elected.
- Five citizen listening sessions were held in September, 2015.
- Rules of Procedure were established for the Commission.
- One subcommittee was created in December, 2015 to study the Volusia Growth Management Commission.
- The Commission met, at a minimum, on a monthly basis and the subcommittee met a total of three times.
- The Final Report was presented to the County Council in May, 2016, within one year of the Commission's first meeting.
- Three public hearings will be held in July and August, 2016.
- Resolutions calling for a referendum and advertisement of such are scheduled to be adopted in August, 2016.
- Voters to consider the Charter amendments at the November 2016 General Election.

**Meeting Dates**

The Charter Review Commission decided to meet on the second Monday of each month at 5:30 p.m. Meetings were held in the Dennis R. McGee Room of the Daytona Beach International Airport, 700 Catalina Dr., Daytona Beach. Additional Commission meetings were scheduled as necessary.

Subcommittee meetings were held at the Daytona Beach International Airport in the Dennis R. McGee Room, 700 Catalina Dr., Daytona Beach. Meetings began at noon. The subcommittee met twice in January and once in March.

Citizen participation in each step of the process was welcomed and encouraged. The Charter Review Commission established the following guidelines for Volusia residents wishing to suggest a change to the Charter.

### **Citizen Recommendations for Charter Change**

Citizens were provided multiple methods to submit comments or recommendations for Charter change. Name, street address, phone number, and email address were asked to be provided for all submission types.

1. Public participation at meetings was requested by completing a Request to Appear Form.
2. Submit to Charter Review Commission Support Staff by e-mail at [VCCharterreview@volusia.org](mailto:VCCharterreview@volusia.org). Information was copied to all Charter Review Commission members and placed on the agenda for discussion and consideration by members.
3. Submit to Charter Review Commission Chair at 123 West Indiana Avenue, DeLand, FL 32720. Information will be copied to all Charter Review Commission members and placed on the agenda for discussion and consideration by members.

RESOLUTION 2015-087

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA ESTABLISHING A CHARTER REVIEW COMMISSION: PROVIDING FOR APPOINTMENT OF MEMBERS THERETO; PROVIDING FOR THE TERM; PROVIDING WHEN THE REPORT OF THE COMMISSION SHALL BE DUE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 1303 of the Volusia County Home Rule Charter provides that there will be a charter review commission appointed at least every ten years to review the charter and ordinances of the county; and

WHEREAS, the last charter review commission was appointed in 2005,

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY COUNCIL OF THE COUNTY OF VOLUSIA, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY ADMINISTRATION CENTER, DELAND, FLORIDA THE 2<sup>ND</sup> DAY OF JULY, A.D. 2015, AS FOLLOWS:

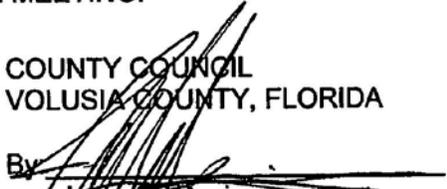
SECTION I: There is hereby appointed a charter review commission consisting of fifteen members whose names are listed on the attachment hereto. Any appointment which may become necessary to fill a vacancy may be made by motion without further resolution. The charter review commission shall review the county charter and ordinances and recommend such charter amendments it would find to be desirable.

SECTION II: The charter review commission shall make its final recommendation to the county council within one year from the date of its first meeting. It may adopt its own rules as to meeting dates, times, and procedures.

SECTION III: This resolution shall take effect immediately upon its adoption.

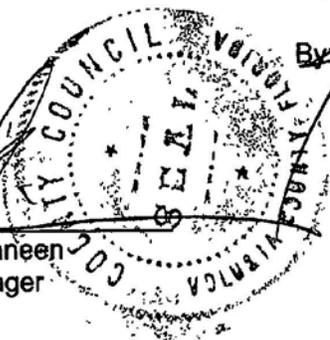
DONE AND ORDERED IN OPEN MEETING.

COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

By:   
Joseph Davis  
County Chair

ATTEST:

By:   
James T. Dinneen  
County Manager



# CHARTER REVIEW

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## Executive Summary

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## **Charter Review Commission Executive Summary**

The Volusia County Charter Review Commission is pleased to present this Final Report regarding the Volusia County Home Rule Charter and government operations.

The Charter requires the Volusia County Council to convene a Charter Review Commission (CRC) at least once every ten years. The Commission members are to examine the workings of County government and, if needed, recommend Charter amendments to be placed on the general election ballot. The process for the review of the Charter was examined at the initial meeting of the Charter Review Commission on September 3, 2015. The Commission encouraged public participation from the beginning, ensuring that additional efforts would be made to include more residents through the use of social media, the County of Volusia website, and email.

Rules and Procedures were adopted by the Charter Review Commission at the meeting held on October 12, 2015. The Rules and Procedures emphasized the public nature of all meetings, and afforded all interested citizens the opportunity to comment on matters before the Commission in person or by utilizing the Charter Review Commission website. Listening sessions were held throughout the county, taking place on five different dates in September of 2015.

A variety of ideas were produced by means of the listening sessions, emails, recommendations from county council members and recommendations from the Commission members. The ideas brought forth and discussed included: repeal of ineffectual charter provisions, the Volusia Growth Management Commission (VGMC), compensation for travel expenses within Volusia County for county council members, the council member at large to be vice chair of county council, and beach driving.

The County Attorney, Dan Eckert, located all charter provisions no longer having utility and proposed an amendment which would repeal these items. The Commission felt that any wording that was no longer relevant or needed should be removed from the Charter if possible. The Commission also discussed the idea of updating additional wording or terms. The original charter was drafted in 1970, and from that time until now the language used in government has changed slightly.

The Volusia Growth Management Commission was created by means of a charter amendment in 1986. The VGMC was revisited by previous Charter Review Commissions. The 2005-2006 Charter Review Commission brought an amendment regarding the VGMC before voters, which was defeated. This issue was brought up by several citizens, municipalities, and business groups to the current Charter Review Commission. The input received included recommendations to abolish the VGMC, recommendations to change the rules

and guidelines of the VGMC, taking a closer look at issues involving standing, weighted voting, threshold for review, and unintended expansion of duties and functions of the VGMC.

The Charter Review Commission heard suggestions regarding the compensation of county council members. While some discussion involved their salary, a more common topic was the expenses incurred while traveling within Volusia County. Mileage, parking, meals, event admissions, seminars, conferences, and training fees are all expenses that are not currently reimbursable when a county council member incurs the costs within the boundaries of Volusia County. Due to the need for county council members to attend several events and meetings throughout the county districts several recommendations were made that the Home Rule Charter be amended to allow for repayment of in-county expenses.

Proposals were brought before the Charter Review Commission asking that the vice chair of the county council be elected by the voters. Currently, the vice chair of the county council is elected by the council members for a one year term each January. It was suggested that the elected at large member become the vice chair of the county council.

Beach driving was a common subject matter for members of the public during Charter Review meetings and correspondence received. This topic was not able to be discussed between the public and the Commission members as the topic was under litigation.

At the organizational meeting on September 3, 2015 the Charter Review Commission discussed the idea of acting as a whole rather than developing subcommittees, electing to discuss the need for subcommittees at a later meeting if needed. The Chair created the Volusia Growth Management Commission Subcommittee at the December 14, 2015 meeting to address issues identified by Commission members or voiced by the public regarding the VGMC, appointing four members to the subcommittee.

A concerted effort was made to keep all interested citizens involved in the Charter review process. A website was developed for the Charter Review Commission on Volusia County Government's website, [www.volusia.org](http://www.volusia.org). This website contained a wide variety of Charter Review Commission information, including:

- Biographical information on each Commission member;
- Meeting dates of the Commission and subcommittee;
- Agendas, handouts and other materials from the Commission and the subcommittee, meeting audio, approved minutes; and
- Information on how citizens could submit proposed changes to the Charter including a contact link.

The Commission felt it was imperative to involve the residents of Volusia County in the Charter Review process in as many ways as possible. Social media was used to reach out to citizens. A Volusia County Charter Review Commission Facebook page was created and updated with listening session dates, Committee and subcommittee meeting dates, topics of discussion, audio, minutes and requests for input.

The Charter Review Commission considered four amendments to the Charter.

1. Modification of legislative procedures to conform to law; and repeal of superseded or obsolete provisions
2. Authorization for payment of in-county expenses of county council members
3. Designation of at large member as county council vice chair
4. Volusia Growth Management Commission

**Modification of legislative procedures to conform to law; and repeal of superseded or obsolete provisions**

During several meetings the Commission considered whether certain wording that remained in the charter needed to be removed or altered. The Charter Review Commission took on the task of cleaning up the Charter, removing language that was outdated, references that no longer applied, and ensuring all language included was consistent with state law.

After discussing the potential changes and eliminations the Commission asked the County Attorney to review the Charter and generate a proposed amendment which includes all requested modifications. The proposed amendment would repeal several obsolete provisions within the charter and update the legislative procedures.

**Authorization for payment of in-county expenses of county council members**

The Charter Review Commission discussed concerns related to the compensation and reimbursements that the county council members receive. While the Commission decided not to pursue an amendment related to compensation, all members felt that in-county expenses needed to be addressed. Currently, the Charter allows for reimbursement of out of county travel and expenses, but specifically excludes reimbursement for expenses that occur within the boundaries of Volusia County.

The Commission was in consensus that most council members incur extensive personal costs while conducting council business. The proposed amendment would provide authorization for adoption by ordinance of policies and procedures for repayment or reimbursement of in-county expenses of county council members.

### **Designation of at large member as county council vice chair**

When the Charter was created there were five district representatives and two at large representatives, every January the council would elect a chair to serve for a one year term. In 2002, an amendment was passed by voters which changed the chair position to one elected by voters for a period of four years.

Following the change in 2002 the other at large position remained in place without changing responsibilities or duties. The council continues to elect a vice chair of the county council each January for a one year term. The Commission debated what changes ought to be made to the at large position, which is elected by the entire county.

In addition to discussion among members, the Commission heard from the current at large council member, who is finishing their second term in that role, regarding this issue at two Charter Review Commission meetings. A majority of the Commission were in favor of having the voters elect the vice chair of the county council every four years. The proposed Charter amendment would change the at large seat to one that is elected by the citizens to be the Vice Chair of the county council.

### **Volusia Growth Management Commission**

The most prevalent concern and topic of discussion during Charter Review meetings was the Volusia Growth Management Commission (VGMC). A variety of ideas for changes regarding the VGMC were heard, while the Commission also heard from those who were in support for the VGMC. Several versions of amendments were drafted, and then revised further at the Commissions direction.

The Commission went back and forth between amending the Charter, supporting an amendment to the VGMC Rules of Procedure, or a combination of both. The final amendment brought forward involved proposed changes to the Volusia Growth Management Commission's Rules of Procedure which would require a Charter amendment to effectuate the changes. Ultimately the Commission chose to support an amendment to the Rules of Procedure that would not require an amendment to the Charter. The Commission felt that these rule changes, the second version presented by the VGMC, would effectuate the essential changes to occur and a Charter amendment would not be necessary.

### **Management Recommendation**

The Charter Review Commission approved one management recommendation that was forwarded to the County Council for its consideration. The Commission approved a revised amendment to the Volusia Growth Management Commission's Rule of Procedure, recommending that the Rules of Procedure amendment go before the VGMC for approval and the Volusia County Council for approval.

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## Final Report 2016



### Listening Sessions

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## **Charter Review Commission Listening Sessions**

The process for the review of the Charter was addressed at the organizational meeting of the Charter Review Commission on September 3, 2015. During the organization meeting the Commission reviewed a proposed listening session schedule. The schedule was revised in an effort to ensure there was ample time for publication of all listening sessions. The Commission felt strongly that the residents of Volusia County have the opportunity to voice their concerns regarding the Home Rule Charter, and the Commission would determine how to move forward after residents were provided with this opportunity.

To accomplish the goal of public participation, five listening sessions were scheduled throughout Volusia County to allow residents to conveniently attend and address the Charter Review Commission about specific issues they felt were essential to the success of the review process. The Commission agreed they would wait to address the need, or lack thereof, to organize into smaller groups dedicated to focusing on areas of emphasis based on the issues raised during the five listening sessions.

Listening sessions took place during September in five different locations:

- September 15, 5:30 – 6:05 p.m., New Smyrna Beach Regional Library;
- September 16, 5:30 – 5:49 p.m., Deltona Regional Library;
- September 21, 5:30 – 5:45 p.m., Ormond Beach Regional Library;
- September 23, 5:30 – 6:37 p.m., Daytona Beach Regional Library; and
- September 29, 5:30 – 6:23 p.m., DeLand Historic Courthouse.

The purpose of having several meetings in different geographical areas of the County was to ensure that the public could have a time and place for their input to be heard. The listening sessions were publicized through press release, the County of Volusia website, and social media. Notifications were sent to municipality officials.

The listening sessions were sparsely attended. The DeLand and New Smyrna Beach sessions had six members of public that wished to speak, the largest number of all the sessions.

A variety of topics regarding the charter were brought forth during the five listening sessions. One of the most popular issues discussed by the public was beach driving. Due to this item being in litigation at the time of the Home Rule Charter Review it was not discussed by the Commission.

Residents concerned with the future of Volusia County spoke about economic development, the recruitment of high-tech industries, and the environment.

A final area of concern was the Volusia Growth Management Commission (VGMC). Residents attended listening sessions in support of the Commission, requesting that

Charter Review Commission members look at ways to make necessary changes rather than abolishing the VGMC. A majority of the public, whether through listening sessions, emails, memos, or reports, called for a review of the process and guidelines of the Volusia Growth Management Commission.

The issues identified by the Commission members or voiced by the public in the five listening sessions were primarily addressed by the Commission as a whole. One topic led to lengthy discussion and a number of guest speakers, this led to the creation of one Charter Review Commission subcommittee. During the December 14, 2015 meeting a subcommittee was formed to concentrate specifically on concerns regarding the Volusia Growth Management Commission and bring their findings back before the entire Commission.

Public participation was encouraged during the Volusia Growth Management Commission Subcommittee meetings. The subcommittee heard guest speakers, analyzed reports, discussed situational illustrations, and reviewed proposed management recommendations, presenting summaries and significant findings to the Charter Review Commission.

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Final Report 2016



## Charter Amendments and Management Recommendation

Draft Final Report  
Thursday May 5, 2016

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## **Charter Review Commission Final Report of Charter Amendments**

The Volusia County Charter Review Commission 2015-16 hereby submits the following items for Home Rule Charter Amendments:

**AMENDMENT 1**

**(Modification of legislative procedures to conform to law; and repeal of superseded or obsolete provisions)**

The proposed amendment, in full, shall read as follows:

The Volusia County Home Rule Charter, Chapter 70-966, Laws of Florida (Sp. Acts), as previously amended, shall be further amended in pertinent part as follows:

(Except as provided herein or as otherwise provided by separate amendment, charter provisions not shown are not amended.)

(Words ~~struck~~ are deletions; words underscored are additions.)

**ARTICLE III. - LEGISLATIVE BRANCH—COUNTY COUNCIL**

...

**Sec. 308. Legislative procedures.**

The council may take official action only by the adoption of ordinances, resolutions or motions. Except as otherwise provided by this charter, all ordinances, resolutions or motions shall be adopted by majority vote in accordance with the provisions of the Constitution and laws of Florida. A majority of the full council shall constitute a quorum and shall be required to adopt, amend or repeal any ordinance. A majority of those present shall be required to adopt, amend or repeal a resolution or motion under the terms of this provision. All members in attendance, ~~including the chairman or presiding officer,~~ shall vote on all council actions except as otherwise provided by state law.

...

**ARTICLE VI. ADMINISTRATIVE DEPARTMENTS OF THE GOVERNMENT**

...

~~**Section 604. Administrative Code.**~~

~~The county manager shall prepare the initial administrative code which shall set forth the department organization of the government and the nature and scope of each department~~

~~together with all required rules and procedures for the operation of said departments. The administrative code shall then be submitted to the council for review, amendment and adoption. The council shall adopt the code within three (3) months of the date submitted. If not adopted within three (3) months, the code as originally prepared by the county manager shall be considered approved and shall remain in force until such time as it may be formally amended by the council.~~

## **ARTICLE VII. ADJUSTMENT, REGULATORY AND ADVISORY BOARDS**

### **Sec. 701. ~~Initial~~ Boards.**

...

## **ARTICLE IX. ELECTIONS**

...

### **Sec. 904. Nonpartisan elections.**

Elections for all offices shall be on a nonpartisan basis. No candidates shall be required to pay any party assessment or be required to state the party of which they are a member or the manner in which they voted or will vote in any election. All candidates names shall be placed on the ballot without reference to political party affiliation. ~~School board members elected after January 1, 1995 shall be elected on a nonpartisan basis in the manner provided in section 901.1(3) of the charter.~~

## **ARTICLE X. PERSONNEL ADMINISTRATION**

...

### **Sec. 1004. - Personnel Human resources director.**

#### **Sec. 1004.1. - Qualifications.**

The ~~personnel~~ human resources director shall be chosen on the basis of professional training and experience in personnel administration.

**Sec. 1004.2. - Powers and duties.**

The ~~personnel~~ human resources director shall have all of the powers and duties as described in the merit system rules and regulations as adopted by the council.

...

~~**Sec. 1007. Employee representatives.**~~

~~Classified service employees as provided in the administrative code may elect annually, representatives who may attend the personnel board meetings to bring to the attention of the personnel board complaints, requests and considerations of the employees.~~

**Sec. 10078. Oaths.**

For the purpose of the administration of the personnel provisions of this charter, any member of the personnel board shall have the power to administer oaths.

**Sec. 10089. Amendment to rules and regulations.**

A two-thirds (2/3) vote of the full council shall be required to amend the rules and regulations of the merit system.

~~**Sec. 1010. Retirement system.**~~

~~All officers and employees of the charter government shall be covered by the "state and county officers retirement system" as provided by law.~~

**Sec. 10094. Adoption of merit system.**

The county manager shall be responsible for the preparation and presentation to the council of the proposed merit system complete with classification, pay plan or amendments thereto. The initial proposal shall be presented prior to the adoption of the first budget by the charter government.

**ARTICLE XI. FINANCE**

...

**~~Sec. 1103.4. Reduction of millage.~~**

~~In the event that the council shall determine that the millage to be levied for county purposes in any year will be such that said millage together with all special district millages subject to the millage limitation fixed by Article VII, Section 9 of the Florida Constitution for county purposes will exceed that limitation, then the council shall have the power to reduce the millage requested by any or all of such districts after a public hearing so that the total shall not exceed the maximum millage for county purposes.~~

**Sec. 1104. Bonds.**

**~~Sec. 1104.1. Outstanding bonds.~~**

~~All outstanding bonds issued by former governments including the board of county commissioners of Volusia County and all special districts or authorities abolished or altered by this charter are obligations of the county government; however, payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this charter not become effective.~~

**Sec. 1104.12. Authority to issue.**

The charter government shall have the authority to issue any bonds, certificate of indebtedness or any form of tax anticipation certificates authorized by the Constitution which cities, counties or districts are empowered by law to issue.

**Sec. 1104.23. Bond administration.**

The charter government shall have the necessary authority to administer the collection of funds and the payments of amounts due on any bonds.

**ARTICLE XIII. - MISCELLANEOUS PROVISIONS**

...

**Sec. 1312. No revival by implication.**

The repeal of any provision of this charter which repealed all or any portion of a former charter section or special act shall not be construed to revive those former charter sections or special acts; provided that the transfer of functions, responsibilities, duties, and obligations of former special districts and authorities which were repealed upon adoption of the charter are hereby ratified and confirmed.

...

**ARTICLE XIV. - SPECIAL TAX DISTRICTS AND AUTHORITIES**

**~~Sec. 1401. - East Volusia Navigation District.~~**

~~The functions, duties and obligations of the East Volusia Navigation District as provided in Chapter 37-18967, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1402. - Halifax Area Research Commission.~~**

~~The functions, responsibilities, duties and obligations of the Halifax Area Research Commission as provided in Chapter 59-1950, Laws of Florida as amended are hereby repealed.~~

**~~Sec. 1403. - Halifax Drainage District.~~**

~~The functions, responsibilities, duties and obligations of the Halifax Drainage District as provided in Chapter 19-7968, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1404. - Halifax River Waterways Improvement District.~~**

~~The functions, responsibilities, duties and obligations of the Halifax River Waterways Improvement District as provided in Chapter 53-29596, Laws of Florida as amended are~~

hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.

**~~Sec. 1405. - Lake Ashby Drainage District.~~**

~~The functions, responsibilities, duties and obligations of the Lake Ashby Drainage District as provided in Chapter 18-7760, Laws of Florida are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1406. - New Smyrna Inlet District.~~**

~~The functions, responsibilities, duties and obligations of the New Smyrna Inlet District as provided in Chapter 25-10448, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1407. - North Ormond Drainage District.~~**

~~The functions, responsibilities, duties and obligations of the North Ormond Drainage District as provided in Chapter 27-12107, Laws of Florida are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1408. - Northeast Volusia Development Authority.~~**

~~The functions, responsibilities, duties and obligations of the Northeast Volusia Development Authority as provided in Chapter 61-02977, Laws of Florida are hereby transferred and vested in the charter government and said authority shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1409. - South County Drainage District.~~**

~~The functions, responsibilities, duties and obligations of the South County Drainage District as provided in Chapter 67-1022, Laws of Florida are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1410. - Turnbull Hammock Drainage District.~~**

~~The functions, responsibilities, duties and obligations of the Turnbull Hammock Drainage District as provided in Chapter 17-7611, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1411. - Volusia County Sanitary District.~~**

~~The functions, responsibilities, duties and obligations of the Volusia County Sanitary District as provided in Chapter 53-29587, Laws of Florida are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1412. - Volusia County Water and Sewer District.~~**

~~The functions, responsibilities, duties and obligations of the Volusia County Water and Sewer District as provided in Chapter 59-1951, Laws of Florida are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1413. - Volusia County Water District.~~**

~~The functions, responsibilities, duties and obligations of the Volusia County Water District as provided in Chapter 51-27960, Laws of Florida are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1414. - Water Conservation and Control Authority.~~**

~~The functions, responsibilities, duties and obligations of the Water Conservation and Control Authority as provided in Chapter 63-1019, Laws of Florida are hereby transferred and vested in the charter government and said authority shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1415. - Daytona Beach Special Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the Daytona Beach Special Road and Bridge District as provided in Chapter 25-11783, Laws of Florida as amended are hereby~~

~~transferred and vested in the charter government and said district shall cease to exist on October 1, 1971, and said act is thereupon repealed.~~

**~~Sec. 1416. - DeLand-Lake Helen Special Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the DeLand-Lake Helen Special Road and Bridge District as provided in Chapter 25-11275, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on October 1, 1971, and said act is thereupon repealed.~~

**~~Sec. 1417. - DeLeon Springs-Glenwood Special Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the DeLeon Springs-Glenwood Special Road and Bridge District as provided in Chapter 27-13493, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1418. - DeLeon Springs-Seville Special Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the DeLeon Springs-Seville Special Road and Bridge District as provided in Chapter 21-8851, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on October 1, 1971, and said act is thereupon repealed.~~

**~~Sec. 1419. - Halifax-St. Johns River Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the Halifax-St. Johns River Road and Bridge District as provided in Chapter 27-498, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1420. - Halifax Special Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the Halifax Special Road and Bridge District as provided in Chapter 27-13514, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on October 1, 1971, and said act is thereupon repealed.~~

**~~Sec. 1421. - Lake Helen-Osteen Special Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the Lake Helen-Osteen Special Road and Bridge District as provided in Chapter 23-9654, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

~~**Sec. 1422. - New Smyrna-Coronado Beach Special Road and Bridge District.**~~

~~The functions, responsibilities, duties and obligations of the New Smyrna-Coronado Beach Special Road and Bridge District as provided in Chapter 27-13497, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

~~**Sec. 1423. - New Smyrna Beach Special Road and Bridge District.**~~

~~The functions, responsibilities, duties and obligations of the New Smyrna Beach Special Road and Bridge District as provided in Chapter 19-8205, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

~~**Sec. 1424. - Orange City-Enterprise Special Road and Bridge District.**~~

~~The functions, responsibilities, duties and obligations of the Orange City-Enterprise Special Road and Bridge District as provided in Chapter 23-9653, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on October 1, 1971, and said act is thereupon repealed.~~

~~**Sec. 1425. - Orange City-Lake Helen Special Road and Bridge District.**~~

~~The functions, responsibilities, duties and obligations of the Orange City-Lake Helen Special Road and Bridge District as provided in Chapter 27-13496 Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on October 1, 1971, and said act is thereupon repealed.~~

~~**Sec. 1426. - Osteen-Enterprise Special Road and Bridge District.**~~

~~The functions, responsibilities, duties and obligations of the Osteen-Enterprise Special Road and Bridge District as provided in Chapter 29-14447, Laws of Florida as amended are~~

hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.

**~~Sec. 1427. - Osteen-Maytown, Oak Hill Special Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the Osteen-Maytown, Oak Hill Special Road and Bridge District as provided in Chapter 27-13491, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1428. - Port Orange-Inlet Special Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the Port Orange-Inlet Special Road and Bridge District as provided in Chapter 27-13492, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1429. - Port Orange-South Peninsula Special Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the Port Orange-South Peninsula Special Road and Bridge District as provided in Chapter 49-26288, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1430. - Port Orange Special Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the Port Orange Special Road and Bridge District as provided in Chapter 41-21057, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1431. - Special Road and Bridge District.~~**

~~The functions, responsibilities, duties and obligations of the Special Road and Bridge District as provided in Chapter 61-2973, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed.~~

**~~Sec. 1432. - Turnbull Special Road and Bridge District.~~**

~~The Turnbull Special Road and Bridge District, Chapter 23-9051, Laws of Florida as amended is hereby amended by adding a new section to read:~~

~~Section \_\_\_\_\_ . The Turnbull Special Road and Bridge District shall continue in effect with all necessary powers, including the power to levy taxes and special assessments, solely for the purpose of fulfilling the contractual obligations of the district to the holders of bonds or certificates of indebtedness and to the former state road department of Florida (now the department of transportation), including lease purchase agreements which exist on the effective date of this act or thereafter arise from such existing contracts, bonds, certificates or agreements. All other powers or duties and all real or personal property not included in the performance of such contracts, bonds, certificates or agreements are hereby transferred and vested in the charter government on October 1, 1971. From and after October 1, 1971, said district shall not levy any tax, special assessment or millage for any purpose except as hereinabove expressly authorized.~~

~~**Sec. 1433. - Special road and bridge districts; transfer of assets, etc.**~~

~~Upon the abolishment of each and every special road and bridge district by this charter, all assets, rights-of-way of public roads and bridges and all agreements, including lease purchase agreements between such district and the former state road department, now the department of transportation of Florida, shall become vested in the county of Volusia and the county of Volusia shall automatically become a party to all such agreements in lieu of said districts and shall be entitled to all of the benefits thereof and the county of Volusia shall perform all obligations of said districts under said agreements.~~

~~**Sec. 1434. 1401. - Other special districts and authorities.**~~

~~The special acts of the legislature related to Volusia County listed below are hereby amended to add the following section: [In furtherance of the orderly exercise of the power of local government for the benefit of the people in Volusia County, the act creating this district may be amended by the legislative procedures and powers vested in the charter government of Volusia County and by the Constitution and laws of Florida.]~~

- ~~(1) East Volusia Mosquito Control District, Chapter 37-18963, Laws of Florida as amended.~~

(2) Ponce DeLeon Inlet and Port Authority, Chapter 65-2363, Laws of Florida as amended.

~~(3) Halifax Advertising Tax District, Chapter 49-26294, Laws of Florida as amended.~~

In no event shall such special acts be amended to re-establish a governing body other than the county council.

The title and ballot question shall be as follows:

**MODIFICATION OF LEGISLATIVE  
PROCEDURES TO CONFORM TO  
LAW; AND REPEAL OF  
SUPERSEDED OR OBSOLETE  
PROVISIONS.**

Shall the Volusia County Home Rule Charter be amended to repeal provisions which either have been superseded by state law or have become obsolete by other conditions; and to conform county council voting procedures to state law regarding voting conflicts?

YES - FOR APPROVAL  
NO - AGAINST APPROVAL

## AMENDMENT 2

### **(Authorization for payment of in-county expenses of county council members)**

The proposed amendment, in full, shall read as follows:

The Volusia County Home Rule Charter, Chapter 70-966, Laws of Florida (Sp. Acts), as previously amended, shall be further amended in pertinent part as follows:

(Except as provided herein or as otherwise provided by separate amendment, charter provisions not shown are not amended.)

(Words ~~struck~~ are deletions; words underscored are additions.)

### **ARTICLE III. LEGISLATIVE BRANCH - COUNTY COUNCIL**

...

#### **Sec. 304. Compensation.**

The salary of a council member shall be 50 percent of that prescribed by state law for the office of county commissioner. The salary for the county chair shall be 60 percent of that prescribed by state law for the office of county commissioner. The salaries shall constitute full compensation for all services and ~~in-county expenses, except that out-of-county expenses, as permitted by law, shall be authorized.~~

...

#### **Section 307. Powers.**

...

(4) Adopt by ordinance policies and procedures for payment or reimbursement of expenses by county council members determined by the ordinance to be incidental to official business, including out-of-county travel; in-county mileage; parking; meals; event admissions; seminar, conference, or training fees; and sundries.

(4 5) Adopt, amend and repeal an administrative code by a two-thirds (2/3) vote of the full council.

(5 6) In addition to the state audit provided by law, shall cause an annual independent post-audit by a certified public accountant of any and all government operations of the charter government.

(6 7) Adopt and amend a merit system which shall include a salary schedule for all personnel in accordance with the provisions of this charter.

(7 8) Adopt by a two-thirds (2/3) vote of the full council such rules of parliamentary procedures as shall be necessary for the orderly transaction of the business of the council.

(8 9) The council shall designate which officers and employees shall be bonded and shall fix the amount and approve the form of the bond.

(9 10) Appoint by a two-thirds (2/3) vote of the full council and remove by a majority vote of the full council, the county attorney.

...

The title and ballot question shall be as follows:

**AUTHORIZATION FOR  
PAYMENT OF IN-COUNTY EXPENSES  
OF COUNTY COUNCIL MEMBERS**

Shall the Volusia County Home Rule Charter be amended to provide for payment or reimbursement by the county for in-county expenses of county council members incidental to official business according to policies and procedures to be established by ordinance?

YES - FOR APPROVAL  
NO - AGAINST APPROVAL

### **AMENDMENT 3**

#### **(Designation of at large member as county council vice chair)**

The proposed amendment, in full, shall read as follows:

The Volusia County Home Rule Charter, Chapter 70-966, Laws of Florida (Sp. Acts), as previously amended, shall be further amended effective in in pertinent part as follows:

(Except as provided herein or as otherwise provided by separate amendment, charter provisions not shown are not amended.)

(Words struck are deletions; words underscored are additions.)

#### **ARTICLE III. LEGISLATIVE BRANCH - COUNTY COUNCIL**

...

Sec. 307.1. - The county chair.

The office of the county chair shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida provided that such powers shall be exercised in a manner consistent with this charter. The county chair, in addition to the powers and duties provided by this charter, shall have the specific powers and duties to:

1. Serve as the official and ceremonial representative of the government.
2. Issue proclamations on behalf of the government, which shall be reported to the county council upon issuance.
3. Preside as chair of and in all other respects participate in the meetings of the county council and have an equal vote on all questions coming before it.
4. Execute ordinances, resolutions and other authorized documents of the government.
5. Serve ex-officio as the county government's representative, and appoint others to serve in the county chair's stead, on other bodies external to county government.

6. Serve as the county council representative, and appoint county council members to serve in the county chair's stead, on other bodies internal to county government.

~~The county council shall elect at its first meeting in January a council member to serve at its pleasure for a one-year term~~ at large member shall serve as vice chair of the county council ~~to~~ and shall preside in the temporary absence, disqualification or disability of the county chair at county council meetings and perform other duties assigned by the county chair.

...

The title and ballot question shall be as follows:

**DESIGNATION OF AT LARGE MEMBER AS  
COUNTY COUNCIL VICE CHAIR**

Shall the Volusia County Home Rule Charter be amended to provide for continuing designation of the council member elected at large as the vice chair of the county council instead of annual election by the county council of one of its members?

YES - FOR APPROVAL  
NO - AGAINST APPROVAL

## **Charter Review Commission Management Recommendation**

The Charter Review Commission approved the following management recommendation to be presented to the county council for their consideration.

### **Volusia Growth Management Commission**

The Commission recommends the Rules of Procedure of the Volusia Growth Management Commission be amended. The Commission supports a proposed amendment to the Rules of Procedure which addresses a number of concerns, including the level of review required, standing by citizens and non-adjacent units of local government, application notices, VGMC's ability to call a public hearing, and member removal.

# CHARTER REVIEW

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Volusia Growth  
Management Commission

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# Volusia Growth Management Commission

## Introduction

A significant focus of the Charter Review Commission (VGMC) was regarding the Volusia Growth Management Commission. Members of the public, area business leaders, and local municipalities provided differing opinions regarding the desired future direction and focus of the VGMC. The Commission felt a great responsibility to work with all stakeholders to encourage a solution to be in the best interest of all citizens of Volusia County.

Because of the extensive discussion and consideration required, a subcommittee was formed consisting of vice chair, Glenn Ritchey, Sr., who served as the chair of the subcommittee, and members, Frank Bruno, Jr., Patricia Drago, and Ambassador Stanley Escudero. The Volusia Growth Management Commission Subcommittee met over a period of three months gathering information on, and analyzing various issues regarding the Volusia Growth Management Commission.

## Overview

Several concerns/issues were identified regarding the Volusia Growth Management Commission:

- The weighted vote requirement allows for larger municipalities to impact projects in smaller, non-adjacent municipalities;
- Charter language concerning “other directly related duties as the commission from time to time deems necessary” could allow for unintentional expanding of the commission’s functions;
- Citizens/groups given legal standing as related to applications and petitions for hearings;
- The “duty” of the commission to review each application, even when consistent;
- Thresholds for what the commission must review;
- Lack of an appeals process when applications have been denied;
- Review process not expeditious and timeline not consistent with the Community Planning Act; and
- Commission members act autonomously from the elected officials who appoint them.

## Public Feedback

The subcommittee heard from several citizens and groups offering their opinions on how the Volusia Growth Management Commission should be changed.

There were individuals and groups who felt that the scope of the commission had expanded over time, that the Volusia Growth Management Commission was inconsistent with the Community Planning Act, and commission members could act independently of the elected officials who appoint them.

Some felt that citizen standing had become an important tool for those who had issues with applications and should not be eliminated, while others believed standing should be

limited only to government entities. In addition, there were those who believed the VGMC should not have standing to call a hearing when consistency was not in question by local municipalities.

There was varying opinion on how to solve the identified issues. Some believed that many of the raised issues could be solved by amending the current Volusia Growth Management Commission Rules of Procedure, and others, especially many municipalities and the business sector, felt that the Volusia Growth Management Commission should be abolished altogether or limited in scope via a Charter amendment. Team Volusia submitted a white paper signed by over forty local business leaders and/or municipalities who desired the VGMC to be eliminated. Thirteen of the sixteen local municipalities indicated support to limit the duties of the VGMC or eliminate it altogether.

### **Volusia Growth Management Commission Suggestions**

The VGMC – Personnel, Operations, and Procedures (POP) Committee met several times during the charter review process to develop an amendment to their current Rules of Procedure to address a majority of the identified issues of importance to the community including eliminating citizen standing, thresholds for detailed application review, expediting the review process, limiting other directly related duties, and aligning member removal with each municipalities' code of ordinances.

Two revisions of the rules changes were approved by the VGMC. The first version approved on March 23, 2016 required changes to the Charter to be consistent. After conversation with community leaders and the Charter Review Commission, a second version was adopted on April 13, 2016 which did not require changes to the Charter to be effectuated.

The second version of the Rules of Procedure amendment was presented to the Volusia County Council on May 5, 2016. The Council voted to accept the changes as presented by the VGMC and an ordinance was enacted.

### **Subcommittee Recommendation**

The subcommittee's in-depth review and discussion resulted in the subcommittee presenting Rules of Procedure changes as recommended by the VGMC – POP Committee to the Charter Review Commission as a whole.

### **Overall Discussion**

Early in the process, the Charter Review Commission determined that resolving the identified VGMC issues would require considering VGMC Rules of Procedure changes, an amendment to the Charter, or a combination of both. After the VGMC – POP Committee presented the first version of their recommended Rules of Procedure changes, the Commission determined that in order to effectuate those rules changes, specifically changes to small plan amendment applications automatically being deemed consistent, an amendment to the Charter would be necessary. An amendment to the

Charter was authored to resolve any inconsistency between it and the pending Rules of Procedure.

As there would be some risk in a charter amendment not passing by citizen vote, discussion with stakeholders resulted in an effort to work on a version of the Rules of Procedure that would accomplish the desired changes while not requiring a change to the Charter. The Commission felt a duty to respect the current role and standing of the Volusia County School Board, ensuring proposed changes did not limit their current rights. The VGMC – POP Committee presented a second version of the changed Rules of Procedure to the Charter Review Commission which solved the issue of non-compliance with the existing Charter.

Summary of changes to the Volusia Growth Management Commission Rules of Procedure:

1. Small scale comprehensive plan amendments and large-scale comprehensive plan amendments subject to a joint agreement or other similar type of interlocal agreement:
  - Presumed consistent unless a unit of local government files an objection within twenty-one days;
  - Applicant jurisdiction still has duty to submit notice of amendment to VGMC and other jurisdictions;
  - Planning staff prepares a report based on the information provided in the application package (does not request additional information); and
  - In the case of an objection, a hearing is held unless the objection is withdrawn.
2. All other large scale comprehensive plan amendments:
  - Staff must issue a request for additional information within fourteen days after receipt of the completed application.
3. Standing:
  - Limited to "units of local government" defined as "county, municipalities and school board";
  - Standing is automatic for adjacent jurisdictions and the "school board"; and
  - Non-adjacent units of local government have to prove standing.
4. School Board Review:
  - Limited to whether adequate public schools can be timely planned and constructed to serve the proposed increase in student population, as set forth in Section 206 of the County Charter.
5. Notice of applications:
  - Deleted newspaper advertisement notice provisions;
  - Added provision for posting application notice on VGMC website; and
  - Actual notice of each application provided to each unit of local government.

6. VGMC's ability to call a public hearing:
  - Only if an application is received by the commission and the plan element, amendment, or portion thereof is subject to a prior resolution adopted by the commission and it is inconsistent with the prior resolution.
7. Intervention:
  - Process has been removed.
8. Commission member removal:
  - Appointing governing body has the right to remove the appointed voting representative as set forth in the appointing body's code of ordinances.

### **Charter Review Commission Recommendation**

The Charter Review Commission reviewed the Rules of Procedure revisions and agreed to support that the changes would accomplish most of their concerns without requiring a change to the Charter. The Volusia County Council voted to accept the Rules of Procedure changes as presented by the VGMC on May 5, 2016.

### **Timeline of Meetings Relating to Discussion of the Volusia Growth Management Commission**

- |                    |  |
|--------------------|--|
| September 23, 2015 | Daytona Beach Library Listening Session – request for consideration to review the VGMC   |
| September 29, 2015 | DeLand Library Listening Session – public comments regarding the VGMC  |
| October 28, 2015   | Volusia Growth Management Commission Meeting – overview presentation   |
| December 14, 2015  | Charter Review Commission Meeting – VGMC discussion <ul style="list-style-type: none"> <li>• Correspondence from public/municipalities/businesses regarding VGMC</li> <li>• Guest speakers:             <ul style="list-style-type: none"> <li>○ Joseph Yarbrough, South Daytona City Manager</li> <li>○ Deanie Lowe, Former Volusia County Council Chair and Director of Elections</li> <li>○ Volusia Growth Management Commission, Gerald Brandon Vice-Chairman</li> <li>○ Team Volusia, Dwight Durant Secretary</li> <li>○ CEO Business Alliance – Kent Sharples President</li> </ul> </li> <li>• Subcommittee established</li> </ul> |

January 21, 2016	Volusia Growth Management Commission – Personnel, Operations, & Procedures (POP) Committee Meeting
January 25, 2016	Charter Review Subcommittee Meeting <ul style="list-style-type: none"> <li>• VGMC POP Committee presentation regarding recommendations for rules/procedure changes. Recommendations have not been ratified yet by the VGMC as a whole.</li> </ul>
February 1, 2016	Charter Review Commission meeting – subcommittee update
February 4, 2016	Volusia Growth Management Commission – Personnel, Operations, & Procedures (POP) Committee Meeting
February 24, 2016	Volusia Growth Management Commission – Personnel, Operations, & Procedures (POP) Committee Meeting
March 3, 2016	Volusia Growth Management Commission – Personnel, Operations, & Procedures (POP) Committee Meeting
March 7, 2016	Charter Review Subcommittee Meeting <ul style="list-style-type: none"> <li>• VGMC POP Committee presentation regarding recommendations for rules/procedure changes. Recommendations have not been ratified yet by the VGMC as a whole.</li> <li>• Timeline discussed</li> <li>• Voted to move item forward to full Charter Review Commission for continued discussion</li> </ul>
March 14, 2016	Charter Review Commission Meeting
March 23, 2016	Charter Review Commission Meeting
March 23, 2016	Volusia Growth Management Commission – Personnel, Operations, & Procedures (POP) Committee Meeting
March 23, 2016	Volusia Growth Management Commission Meeting <ul style="list-style-type: none"> <li>• Voted and accepted version 1 of the Rules of Procedure which would require a charter change.</li> </ul>
April 4, 2016	Charter Review Commission Meeting <ul style="list-style-type: none"> <li>• Tentative vote regarding support of VGMC rules changes and draft of a possible charter amendment</li> </ul>

- April 7, 2016 Volusia Growth Management Commission – Personnel, Operations, & Procedures (POP) Committee Meeting
- April 11, 2016 Charter Review Commission Meeting
- April 13, 2016 Volusia Growth Management Commission – Special Meeting
- Voted and accepted version 2 of the Rules of Procedure which would not require a charter change.
- May 5, 2016 Volusia County Council Meeting
- Council votes to accept VGMC rules change.
- May 9, 2016 Charter Review Commission Meeting

# CHARTER REVIEW

C O M M I S S I O N



## Final Report 2016



### History

## **History of the Charter Review Process**

In 1970, Volusia voters adopted the Volusia County Home Rule Charter, which governs County government. It provides for local lawmaking, the establishment of the Volusia County Council, the election of the Sheriff, the Elections Supervisor and the Property Appraiser. It mandates that County government provide a wide variety of essential services.

Volusia was the first County in Florida to adopt a Home Rule Charter, subsequent to the 1968 revisions in the Florida Constitution. Today, most urban counties in Florida have some form of Charter government. Many of those Charters have borrowed heavily from Volusia's Charter.

The Volusia County Charter calls for citizens to be appointed to a Charter Review Commission to be assembled at least every 10 years to review the Charter and County ordinances. The Commission is to present its recommendations to the Volusia County Council within one year of the commencement of its work. If Charter amendments are recommended, they go directly to the voters in the next general election.

The Volusia County Council established the latest Charter Review Commission in 2015. It consisted of 15 members. Volusia County Council members appointed two members each and the entire County Council selected the 15<sup>th</sup> member for appointment to the Commission. The Commission convened for its organizational meeting in September, 2015 and presented its recommendations to the County Council in May, 2016. After the County Council has received the Commission's recommendations, three public hearings on the recommendations will be scheduled.

The public was encouraged to follow the progress of the Charter Review Commission by attending scheduled meetings, reading the meeting minutes on the County's website or discussing its work with the Commission members.

The 2015-2016 Charter Review Commission was chaired by J. Hyatt Brown, a former Florida House of Representative for the 31st district from 1972 to 1980, and Speaker from 1978 to 1980. Mr. Brown is Chairman of the Board of Brown and Brown, Inc. and has served as Vice-Chair and Chair for several corporations. Glenn S. Ritchey, Sr., former Mayor of Daytona Beach serves in many capacities on a number of boards within the community.

## **Volusia County's Home Rule Charter**

The Volusia County Home Rule Charter is the foundation for Volusia County's Council/Manager form of government. It provides the framework for self government within the guidelines of Florida law.

The Home Rule Charter was approved by Volusia voters in a special countywide referendum on June 30, 1970. The Charter was created by a 21-member citizens committee which spent nine months of intensive study developing the framework for local government in Volusia County.

The passage of the Home Rule Charter set a precedent, as Volusia was the first County in Florida to adopt home rule powers, pursuant to the 1968 Florida Constitution. Today, most of Florida's urban counties have followed Volusia's leadership and have approved their own versions of home rule charters.

The Home Rule Charter created a Council/Manager form of government which took effect January 1, 1971. The County Council is the legislative arm of Volusia County and sets policy for the government.

The County Manager, who serves at the pleasure of the County Council, executes the policies established by the County Council and oversees the daily operations of the government. County employees work under the direction of the County Manager within the structure of the system of merit rules and regulations.

The Charter was amended by voters during a special referendum election on November 5, 2002. Some of the changes included County Council term length and making the County Chair an elected (not appointed), four-year position.

### **Amendment to the Volusia County Home Rule Charter**

The Home Rule Charter mandates a review at least every ten years by a Charter Review Commission. Proposed amendments to the Home Rule Charter must be approved in a countywide referendum. The Charter was reviewed in 1975, 1985, 1995, and 2005. This most recent review began in 2015.

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## Rules of Procedure

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## **Charter Review Commission Rules of Procedure 2015-2016**

### **RULE 1. Public Meetings**

All meetings of the Commission, including all meetings of its committees and study committees, shall be open to the public. Notice of the date, time and place of said meetings shall be made available to the public in advance of the meetings by notifying the press, posting on the County's website and using social media.

### **RULE 2. Proposals for Charter Review**

Proposals for Charter review being made by anyone other than Commissioners should be submitted to the Charter Review Commission using the comment link available on the Charter Review Commission page or in written form and should include:

1. Name, address, and telephone number of the presenter and the name of the Organization being represented, if any.
2. The current wording of the article of the Charter that the presenter desires to change.
3. An explanation of the weaknesses of the article as currently written, and the reason for the changes and what would be improved.
4. The exact way the presenter would like the Charter article rewritten.

### **RULE 3. Citizen Participation at Meetings**

Whenever possible, any and all interested citizens shall be afforded an opportunity to comment on matters before the Commission or any study committee. Citizens wishing to comment should, in the general case, give written notice of their desire to make such comment at or prior to the meeting.

The remarks of any citizen should be germane to the agenda or topics then under consideration. Each agenda shall include and prescribe a certain portion of the meeting at which "Remarks of Interested Citizens" may be made. The Chairman of the Commission, committee, or study committee may impose reasonable limitations on the time allotted to any citizen. Such limitations shall be imposed only in the interest of fairness to all citizens desiring to be heard.

### **RULE 4. Frequency of Meetings**

There shall be at least one (1) meeting of the full Commission each month.

## **RULE 5. Place of Meetings**

The meetings of the Commission, committees or study committees should be at a meeting place large enough to accommodate not only the Commission, committee or study committee, as the case may be, but also interested citizens. Unless otherwise specified, Commission meetings will be held at the Daytona Beach International Airport, second floor Volusia Room, 700 Catalina Drive, Daytona Beach, FL 32114. Subcommittee meetings will be held at the Emergency Operations and Sheriffs Communication Center, 3825 Tiger Bay Road, Daytona Beach, FL 32124.

## **RULE 6. Call and Notice of Meetings**

Date, time and place of each regular meeting of the Commission shall be announced at the preceding regular or special meeting of the Commission. The agenda of each regular or special meeting shall include the fixing of the date of the next regular meeting. Special meetings may be called by the Chairman of the Commission, or by any eight (8) members of the Commission requesting such special meeting in writing filed with the Secretary. The Secretary of the Commission shall be responsible for mailing a written notice of the date, time and place of meetings of the Commission to the members of the Commission. All such notices shall be mailed not later than four (4) days prior to the noticed meeting. The notices shall be mailed to the members of the Commission at their addresses listed on an appropriate form kept by the Secretary. It shall be the responsibility of any members of the Commission to notify the Secretary of any change of address. The chairman of each study committee or committee shall be responsible for giving sufficient written or telephone notice of study committee or committee meetings to members. A written notice of special meetings of the entire Commission shall be given in the same manner as written notices of regular meetings, except that the written notice of a special meeting shall include the purpose for the call of such special meeting.

## **RULE 7. Agenda for Regular Meetings**

Unless otherwise ordered by the Commission, the agenda for regular meetings of the Commission shall be as follows:

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes of Previous Meeting(s)
- IV. Public Participation (Limit 3 minutes)
- V. Presentation of Issue
- VI. Reports of Subcommittees
- VII. Discussion by Commission of Matters Not on the Agenda
- VIII. Adjournment with Day Fixed for Next Meeting

## **RULE 8. Recording of Minutes**

Meetings of the Commission, committees and study committees shall be recorded. The tapes of all such meetings shall be preserved for a period of two years after the minutes are approved by the Commission. The Secretary shall be responsible for ensuring that the recording apparatus is available at each meeting of the Commission and each meeting of the committees and study committees. The Secretary shall further be responsible for safeguarding the audio recordings of such meetings. In addition to the tape recordings of the meetings, the Secretary shall take minutes of the proceedings of the Commission and the chairman of each study committee or a person designated by such chairman shall take minutes of all proceedings of the study committees. All records of the Commission, including the audio recordings of the meetings, shall be made available to the public. Minutes of the study committee proceedings shall be filed with the Secretary at least once per month.

## **RULE 9. Quorum**

A majority of the members of the Commission shall constitute a quorum at all meetings of the Commission. A majority of study committees or other committees shall constitute a quorum.

## **RULE 10. Proxy Voting**

No member of the Commission or any of its study committees or committees shall have the power to vote by proxy. Only those members physically present shall be entitled to vote.

## **RULE 11. Preliminary or Tentative Votes**

Any member may move for a tentative vote on any question or motion pending before the Commission or any committee or study committee. Such motion shall have the same precedence as a motion for the previous question; unamendable, not debatable, and requiring a majority vote for adoption. If the motion carries, a preliminary or tentative vote shall be immediately taken on the question or motion before the Commission, committee or study committee. The results of such vote shall not be determinative of the motion or question thereto pertaining. There shall be no limit to the number of times a preliminary or tentative vote may be taken.

## **RULE 12. Official Rules of Order**

Except as otherwise provided in these rules of procedure, Robert's Rules of Order Revised (the most recent edition) is hereby adopted as the official rules of order of the Commission and all committees and study committees.

### **RULE 13. Duties of the Chairman**

The Chairman shall:

- a) Preside at all regular and special meetings of the Commission;
- b) Represent the Commission at all functions and activities;
- c) Serve as ex-officio (non-voting) member of all committees and study committees;
- d) Be charged with the responsibility of making all committee assignments and appointment of all chairmen of committees and study committees;
- e) Call special meetings when necessary;
- f) Coordinate publicity with the Executive Committee;
- g) Co-sign all disbursement requests, certifying that the disbursement has been duly approved by resolution of the entire Commission.

### **RULE 14. Duties of the Vice-Chairman**

The Vice-Chairman shall perform the duties of the Chairman in the absence or inability to serve of the latter.

### **RULE 15. Duties of the Secretary**

The Secretary shall:

- a) Be custodian of all records of the Commission;
- b) Keep an address and attendance roster;
- c) Attend to all correspondence for the Commission as a whole;
- d) The above duties may be supervisory in nature, and the Secretary may delegate any of the above duties to staff assigned by the County Manager to support the Commission. The Secretary shall make all minutes available to the public and open for inspection at all reasonable times. The attendance roster shall likewise be open for inspection by any member and by the public at any reasonable time;
- e) Maintain accurate records showing the nature, purpose, and amount of all expenditures made on behalf of the Commission;
- f) Co-sign all disbursement requests with the Chairman.

### **RULE 16. Executive Committee**

The Executive Committee shall be composed of the Officers of the Commission and the chairman of each subcommittee.

The purpose of the Executive Committee is to coordinate the activities of the study committees and committees and to prepare an agenda and timetable of Commission activities and to coordinate the drafting of the final report and such recommendations as might be necessary for presentation to the Commission.

## **RULE 17. Policy on Publicity**

Every effort shall be made to ensure that the proceedings of the Commission are made available to the news media. No attempt shall be made to inhibit the normal processes of the news media. Public statements by the Commission or by study committees shall be coordinated through the Executive Committee. Members of the Commission may make public or private statements of their personal feelings, attitudes or beliefs at any time. In making such statements, however, members of the Commission shall on every occasion make an affirmative statement that their views are not represented as the views of the Commission as a whole. The Chairman of the Commission shall be responsible for announcing the position of the Commission as a whole.

## **RULE 18. Policy on Attendance**

Attendance at all meetings of the Commission, including meetings of committees and study committees, is mandatory. Any member having two (2) absences from regular or special meetings of the entire Commission without written request and prior approval or, in the case of an emergency, oral approval, by the Chairman, will be dropped and a vacancy declared. Absences from meetings of the committees or study committees shall be subject to approval by the chairman of the committee or study committee.

## **RULE 19. Vacancies on Commission**

A vacancy on the Commission shall exist upon the death, resignation, or disqualification of any member. The vacancy shall be filled by the designation of a replacement member by the Volusia County Council.

## **RULE 20. Amendment**

These rules and procedures shall be the by-laws of the Commission and may be amended by an affirmative vote of a majority of the members of the Commission present and voting or, if the amendment is included in the notice of the meeting, then by a majority vote of members present and voting.

## **RULE 21. Rules and Procedures Not Covered**

Any question on procedure or policy of the Commission which is not expressly covered by these rules shall be referred to the Executive Committee for its recommendation. Any new rules and procedures proposed by the Executive committee shall be adopted by majority vote of Commission members present and voting.

# CHARTER REVIEW

C O M M I S S I O N



## Final Report 2016



## Meeting Schedule

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## Charter Review Commission Meeting Schedule

DATE	PLACE	PURPOSE
September 3, 2015	Dennis R. McGee Room Daytona Beach Airport	Organizational Meeting
September 15, 2015	New Smyrna Beach Regional Library	Listening Session
September 16, 2015	Deltona Regional Library	Listening Session
September 21, 2015 Regional Library	Ormond Beach	Listening Session
September 23, 2015	Daytona Beach Regional Library	Listening Session
September 29, 2015	Deland Historic Courthouse Training Room	Listening Session
	Dennis R. McGee Room Daytona Beach Airport	
November 9, 2015	Dennis R. McGee Room Daytona Beach Airport	Regular Meeting
December 14, 2015	Dennis R. McGee Room Daytona Beach Airport	Regular Meeting
January 11, 2016	Dennis R. McGee Room Daytona Beach Airport	Regular Meeting
February 1, 2016	Dennis R. McGee Room Daytona Beach Airport	Regular Meeting
March 14, 2016	Dennis R. McGee Room Daytona Beach Airport	Regular Meeting
March 23, 2016	Dennis R. McGee Room Daytona Beach Airport	Regular Meeting
April 4, 2016	Dennis R. McGee Room Daytona Beach Airport	Regular Meeting

May 9, 2016

Dennis R. McGee Room  
Daytona Beach Airport

Regular Meeting

### **Volusia Growth Management Commission Subcommittee Meetings**

<b>DATE</b>	<b>PLACE</b>	<b>PURPOSE</b>
January 4, 2016	Dennis R. McGee Room Daytona Beach Airport	Subcommittee Meeting
January 25, 2016	Dennis R. McGee Room Daytona Beach Airport	Subcommittee Meeting
March 7, 2016	Dennis R. McGee Room Daytona Beach Airport	Subcommittee Meeting

# CHARTER REVIEW

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## Final Report 2016



## Citizen Recommendations

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## Issues of Consideration from the Public

Issue for Consideration	Charter Section (if applicable)
<b>Beach</b>	
Beach Driving	
Beach Tolls	
<b>Volusia Growth Management Commission</b>	Section 202.3
<b>Economic Development</b>	
<b>Human Services</b>	
<b>Environment</b>	Section 202.4
Minimum standards	
Protection of waterways	
<b>Personnel Board</b>	Section 1003
<b>Legal Review</b>	Section 307
<b>Ethics</b>	Article XII
<b>Governance</b>	
Review need for charter government	Section 101
Division of Powers	Section 203
Staff support for council members	Article III
Background investigations of candidates	Article III
Non interference by County Council	Section 303.1
Compensation	Section 304
Review of budgetary process	Section 304
Reimbursement of Council expenses	Section 304
Votes that required 2/3 of Council	Section 306
Term limits of Council	Section 307
Strategic planning	Section 307.2
Medical Examiner – Florida Statute 406	Section 404
Location of County court facilities	Section 501
Sheriff jail	Section 601.1
Confirmation of legal assistance by Council	Section 601.2
Setting of Council agenda	Section 1103
Government consolidation	Section 1307
Resign to run for elected office	Section 1307
Improved communication with Cities	
Recall of elected official – Florida Statute 100.361	
Sheriff – constitutional officer	
Cap fees, penalties, and interest rates of cities	