

**CHARTER REVIEW COMMISSION
VOLUSIA COUNTY, FLORIDA**

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

CALL TO ORDER

Chair Brown called the meeting to order at 5:31 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, Peter Heebner, Patricia Northey, Glenn Ritchey Sr., Derek Triplett, and Mark Watts. 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 Lisa Ford Williams and Dr. Bailey would not be attending. David Haas had previously advised of his absence for this meeting. James Morris arrived during the meeting.

APPROVAL OF MINUTES

Frank Bruno Jr. made a motion to approve the minutes of the December 14, 2015 meeting. The motion was seconded by Dr. Fleuchaus. The motion was approved unanimously.

CORRESPONDENCE RECEIVED

Chair Brown mentioned that the correspondence received was included in the agenda packet and asked if anyone wished to comment on the correspondence; there were no remarks from the commission.

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.

Mike Denis, 625 Lenox Avenue, Daytona Beach spoke about Section 306 of the Charter. Mr. Dennis began speaking about Let Volusia Vote. Chair Brown noted that items under litigation would not be discussed and asked him to speak to the specific part of Section 306 that he was concerned with. Mr. Denis discussed how items end up on the County Council agenda, noting that the County Manager sets the agenda.

Dr. Fleuchaus stated that he believed County Council could also get items on to the agenda by majority vote, which Mr. Denis disagreed with. Frank Bruno Jr. reiterated what Dr. Fleuchaus had stated, adding that an article in the newspaper on Sunday stating otherwise was incorrect.

ARTICLE III – LEGISLATIVE BRANCH – COUNTY COUNCIL

Chair Brown stated that he would read the title of each section and the Commission Members should notify him if they wish to discuss an item.

Dr. Fleuchaus discussed the original charter in which there were five council members representing districts and two at-large positions. The districts were elected for a term of two years and the at-large for four years, with the Chair holding a position for one year that could not be repeated. Changes to the charter allowed the district representatives to hold office for four years and changed an at-large position to an elected four-year position as County Chair to the ballot. Dr. Fleuchaus expressed that this lead to some inequality with the other at-large position that should be addressed in some manner.

Frank Bruno noted that the idea of having the at-large position automatically hold the vice-chair position had been looked at previously. Pat Northey noted that this was a proposed charter amendment on the ballot in 2006. Discussion ensued as to whether this item was on the ballot. Chair Brown read the previously proposed amendment number five on November 7, 2006. Commission members discussed the Vice-Chair and at-large County Council positions at length.

Dr. Fleuchaus made a motion to make the at-large Council member the Vice-Chair. The motion was seconded by Frank Bruno Jr. Chair Brown opened the floor for discussion relating to the motion made.

Glen Ritchey Sr. asked if the proposed amendment would cause the Vice-Chair to become the Chair if the Chair was unable to complete their term. Dan Eckert mentioned that the duties of the Vice-Chair are listed in section 307.1, he stated that this position is a Vice-Chair of the County Council and not the Vice-County Chair; the duties are largely internal to the Council. Mr. Eckert stated that if the Chair was not able to complete their term a replacement would be appointed by the governor, as is the process with all Council positions.

Commission members discussed the possible reason for and benefits of running at-large under the current charter. Peter Heebner, Jim Morris and Pat Northey reiterated the need for Council to be able to work well together and have flexibility.

Chair Brown determined that the motion would be tabled until a further meeting giving members an opportunity to think about the proposed amendment.

Peter Heebner asked the County Attorney about Section 301.1 and the wording concerning Council being unable to complete the reapportionment the districts. Dan Eckert stated that this had not been an issue in the past.

Frank Darden asked if there were other counties that did not follow the state formula and asked if anyone had any comments on that. Pat Northey stated that there were counties that do not follow the state formula, but that situation is rare. Frank Bruno Jr. stated that it would be nice for Council Members to make more. He mentioned that Volusia County has a lower income than other counties and the past proposed amendment to raise the salary of County Council members was unsuccessful on the ballot.

Amabassador Escudero spoke on Section 303.5 regarding the limitation of tenure for Council Members. He expressed concern regarding the ability, under the current charter, for an individual to hold office for a total of 24 years by being a district representative for eight years, an at-large representative for eight years, and the County Council Chair for eight years.

Pat Northey discussed the opportunity and the possible intent of the charter providing a method for County Council members to graduate from a district position and/or to the position of chair.

Commission members discussed the benefits and disadvantages relating to limiting tenure, fresh ideas, leadership experience, retaining knowledge, and name recognition with voters.

Chair Brown stated that it appeared the Commission was not overwhelmed with issue or limitation of tenure; therefore, they could not expect the voters to be overwhelmed with the issue and they would move on.

Patricia Drago spoke on Section 307, pointing out that during previous public participation a citizen had expressed a desire to change the method by which council adopts parliamentary procedures. The current charter requires a two-thirds vote, and the citizen had recommended a simple majority. Ms. Drago asked if anyone on the commission wished to consider this, stating that she did not. There were no comments from the commission regarding this issue.

Ambassador Escudero spoke about the possibility of having staff support for County Council members being added to the Charter. He proposed that each Council member have one employee that they were responsible for hiring and firing to assist them.

Pat Northey expressed agreement in regards to the need for additional staff for Council members. Ms. Northey did voice concern about giving each Council Member the ability to hire and fire employees.

James Morris stated that the County Council can direct the County Manager to make personnel changes by majority vote. Due to concerns of fractiousness within administration chambers, Mr. Morris stated the need for staff changes to take place within the manager form of government.

Frank Bruno Jr. explained his experience with staff. He stated that as County Chair he never had a problem accessing department heads, information or staff as needed. He reminded everyone that the employees work for the County Manager.

County Manager, Jim Dinneen, discussed the ability to increase the staff available to County Council members under the management form of government. Ambassador Escudero stated he was satisfied with the information provided by the County Manager and did not put forth a motion.

ARTICLE III A – COUNTY ATTORNEY

Chair Brown went over each section contained in Article III A. He asked if there were any comments regarding these sections; there were none.

ARTICLE V – JUDICIAL SYSTEM

Chair Brown went over each section contained in Article V. He asked if there were any comments regarding these sections; there were none.

ARTICLE VI – ADJUSTMENT, REGULATORY AND ADVISORY BOARDS

Chair Brown asked if there were comments on the section in Article VII; there were none.

ARTICLE VIII – SCHOOL SYSTEM

Chair Brown asked if there were comments on the section in Article VIII; there were none.

ARTICLE IX – ELECTIONS

Chair Brown asked if there were comments on any of the sections contained in Article IX; there were none.

REPORT FROM SUBCOMMITTEE

Glenn Ritchey Sr., Chair of the subcommittee relating to the VGMC, commented on the meeting that was held on January 4, 2016. He stated that the VGMC spoke to the subcommittee, and a lot of great questions were asked. Mr. Ritchey mentioned that the subcommittee will welcome any comments from the VGMC following their next meeting.

Frank Bruno Jr. stated that a lot of the suggestions brought fourth seem to relate rules and not to changes to the charter.

Gerald Brandon, Vice Chairman of the VGMC stated that the Personnel and Operations Procedures Committee for the meeting is on January 21, 2016.

Chair Brown summarized what he heard as an observer of the subcommittee meeting. He stated that the VGMC has a process whereby the Personnel and Operations Procedures Committee will consider rule changes. These rule changes will go before the full commission, and if approved would go before the County Council. Chair Brown stated that once the suggestions are made they are sent to the Charter Review Commission. Mr. Brandon agreed to the suggestion made.

Patricia Drago commented on that the main issues brought up were threshold and timing. She stated that it would be a legal determination as to whether these are addressed under rules and procedures or a change in the charter.

Peter Heebner mentioned the points made by Clay Henderson regarding the VGMC, by memorandum. He stated that there were helpful recommendations made, and he feels the changes will need to be through a charter amendment. Mr. Heebner expressed the need for specificity as soon as possible.

Chair Brown stated his desire to work together and have the VGMC come forward with their recommendations of rule changes, which can be used as the basis for any potential charter amendment.

Glenn Ritchey Sr. stated the need to set the date for the next meeting and gave staff the direction to figure out availability and schedule the next subcommittee meeting.

DISCUSSION BY COMMISSION OF MATTERS NOT ON THE AGENDA

Chair Brown noted that all remaining articles would be discussed at the following meeting.

Pat Northey asked how items brought forth by the public would be addressed. Chair Brown noted that any commission member can discuss an item they have heard at any meeting, but the March meeting would be utilized to go over all of these items of consideration.

ADJOURNMENT

Chair Brown adjourned the meeting at 6:47 p.m. The next meeting will take place on February 1, 2016 at 5:30 p.m. in the Dennis R. McGee Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.