

**CHARTER REVIEW COMMISSION
VOLUSIA COUNTY, FLORIDA**

**MINUTES OF THE MEETING OF
February 1, 2016**

CALL TO ORDER

Chair Brown called the meeting to order at 5:30 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, Patricia Northey, Mark Watts, and Lisa Ford Williams. Also present were County Attorney Dan Eckert, County Manager Jim Dinneen, Councilperson Doug Daniels, Councilperson Josh Wagner, county support staff and members of the public. Chair Brown informed the Commission that Dr. Bailey had been released from rehabilitation, however, would not be attending and Glenn Ritchey Sr. would not be attending due to a schedule conflict. James Morris had previously advised of his absence for this meeting. Derek Triplett was not present.

APPROVAL OF MINUTES

Frank Bruno Jr. made a motion to approve the minutes of the January 11, 2016 meeting. The motion was seconded by Mark Watts. 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 and reminded the audience that speakers are allotted three minutes.

John Bandorf of volusiaexposed.com spoke about converting the Medical Examiner's office from a county office to a state office. Mr. Bandorf provided an example of this and stated that if the Medical Examiner's office is not changed from county office to state office, it will cost taxpayers money. Mr. Bandorf added that the county needs an extra layer of protection to prevent a perceived conflict of interest. Chair Brown asked the

members of the Commission if there were any questions for Mr. Bandorf; there were no questions from the commission.

Chair Brown stated that there was no additional public participation.

PRESENTATION BY GUEST SPEAKERS

Chair Brown opened the floor to a presentation by Councilperson Doug Daniels and noted that a presentation by Councilperson Josh Wagner would follow. Chair Brown added that they were allotted five minutes.

Councilperson Daniels thanked the Commission for the opportunity to present and spoke about economic development. Councilperson Daniels stated that the average net wealth in Daytona Beach is \$14,000 and stated that it takes a blue ribbon group to come together and develop an economic development plan to get the county out of the position that we are currently in. Councilperson Daniels stated that according to the Brookings Institute, out of the top 100 metropolitan areas, Volusia County is number 88 and since 2009, the county's standard of living has declined one percent.

Councilperson Daniels suggested that the County develop a strategic plan which covers education and health care. He noted that the county has gone from an average age of 43 to 46 with no net population of growth, therefore, leaving the county with an old and poor population. He further suggested a local option sales tax and stated that it can be done by charter.

Chair Brown welcomed questions by members of the Commission. Frank Darden reiterated that Councilperson Daniels suggested a sales tax increase and asked Councilperson Daniels by how much would the tax be raised. Councilperson Daniels stated that it would be anywhere from \$0- \$0.01. He stated that the increase should be specific and provided examples relating to the county's need for infrastructure.

Frank Darden asked if there is a direct correlation with higher tax and bringing young people back to Volusia County. Councilperson Daniels stated that the county would have to vet projects to make sure that they happen and to move the county forward.

Ambassador Escudero asked if there were other organizations that served as a blue ribbon committee and if not, how would the commission be constructed. Councilperson Daniels answered and said that it can be done through the charter.

Ambassador Escudero asked for clarification. Mark Watts stated that Councilperson Daniels suggested that the county move forward with the local option sales tax and to create an infrastructure that is charter based. Councilperson Daniels confirmed and added that the county needs an economic development project to increase wealth by increasing high paying jobs.

Dr. Fleuchaus stated that he doesn't see how the charter prevents economic development and asked if county council has the power to issue a local sales tax.

Councilperson Daniels stated that a panel like the Charter Review Commission would have to be created to vet the proposals and come up with an economic development plan centered on infrastructure development.

Frank Bruno Jr. stated that the Charter Review Commission enables the County Council. He stated that he agrees that the county needs infrastructure, however, doesn't think that the recommendation should come from the commission.

Patricia Drago stated that the county has major economic development challenges and agrees that the county needs a strategic plan, however, it should not be consultant driven. She added that an infrastructure bank would be highly appropriate but was unsure if the Charter Review Commission should form it. Patricia Northey agreed and asked Councilperson Daniels if an independent group should take ownership of the infrastructure.

Councilperson Daniels confirmed and stated that it can be done by the Commission or by a referendum.

Councilperson Josh Wagner began by saying that he believes Volusia County has a great charter and stated that a mechanism needs to be in place for people to thrive. He stated that a local sales tax is a great idea because we need infrastructure. He stated the best way to promote business with fewer restrictions is to get out of the way. He discussed the Dunn Avenue extension as an example of recent infrastructure within the county. He added that local option sales tax is the smartest, most economical initiative that the County can do as \$0.01 is equal to about \$64 million per year.

Mr. Bruno stated that you have to educate people and allow it to fly on its own merit otherwise it won't go anywhere.

Ms. Northey asked Councilperson Wagner if he followed what recently happened in Seminole County and stated that Seminole County doubled what they thought they would get because they had a plan.

Ms. Drago stated that the government needs to get out of the way except when it's infrastructure and added that we need to plan for infrastructure strategically; Councilperson Wagner agreed.

ARTICLE IV – ADMINISTRATIVE BRANCH - COUNTY MANAGEMENT

Chair Brown went over each section contained in Article IV and asked if there were any comments regarding these sections.

Ambassador Escudero asked for the amount of compensation for the county manager. Mr. Dinneen replied by stating that he made \$240,000 by contract.

ARTICLE VI – ADMINISTRATIVE DEPARTMENTS OF THE GOVERNMENT

Chair Brown went over each section contained in Article VI and asked if there were any comments regarding these sections.

Patricia Drago referred to section 601.1 (2) and asked if that was the appropriate section for the commission to review and discuss the recommendation of the Medical Examiner; Chair Brown confirmed and read section 601.1 (2) aloud.

Dan Eckert stated that the charter allows county council to establish a medical examiner by a code of ordinances and have him or her designated as a department head, however, it is not the charter that does that. Mr. Eckert referenced Florida Statute 406.17 and read it aloud. He added that the county charter did so in 1995.

Ms. Drago asked how many charter counties have a medical examiner on staff, or use a state medical examiner. Mr. Eckert stated that he is unable to answer that because he is unsure of an exact number.

Frank Darden asked if there was a statute that allows termination of a constitutional officer's state responsibility. Mr. Eckert stated that Article VIII of the constitution allows abolishment or transfer of duties under the charter's transfer of duties.

Dr. Fleuchaus asked if the annotated charter outlines why it was done and if it was economically successful. Mr. Eckert stated that the charter outlines centralized services and suggests that it may be attributable to being taxed at a lower per capita rate in comparison to other counties. Dr. Fleuchaus added that the Sheriff, Property Appraiser, and Supervisor of Elections were department heads and not constitutional officers.

Ambassador Escudero asked what the rationale was for change and if there are any advantages. Mr. Eckert explained that it was approved by the voters.

Mr. Dinneen stated that Volusia County has a unique charter and believes that it is the model for the state. He stated that elected department heads are absolutely independent and he would never interfere with his or her authority. He stated that the reason for the change was to eliminate duplication in government as they do not have to create staff and as a result saved tax payers approximately \$12 million in overhead costs annually.

Ms. Drago asked for the number of charter counties that use the state and local level medical examiners.

Deanie Lowe stated that as a former Supervisor of Elections, a benefit of having an elected department head is that you get a lot more continuity of employees that work for the county and that overhead costs are reduced because of that.

Mark Watts asked Mr. Eckert for clarification regarding whether or not they could address the issues under 601.1. Mr. Eckert stated that commission members cannot because of the transfer of duties and it would create a partial repeal of the charter.

Mr. Dinneen spoke about Section 602- Department directors. He suggested language modification to reflect changes within as divisions and departments have grown. Chair Brown requested that Mr. Eckert draft language to include these changes to present at the next meeting.

ARTICLE X – PERSONNEL ADMINISTRATION

Chair Brown went over each section contained in Article X and asked if there were any comments regarding these sections.

Pat Drago noted that the commission received comments on Section 1003.

David Haas stated that the term personnel director was archaic and asked for consideration to modify the term to human resources. Chair Brown requested that Mr. Eckert draft language to modify the term personnel to human resources for discussion at the next meeting.

ARTICLE XI – FINANCE

Chair Brown went over each section contained in Article XI and asked if there were any comments regarding these sections.

Mark Watts asked for clarification regarding Section 1104 and asked if it was obsolete. Mr. Eckert clarified that it was provided in a previous draft.

ARTICLE XII – CODE OF ETHICS

Chair Brown asked if there were comments on Article XII.

Patricia Drago noted that the commission received comments on Section 1201 regarding the code of ethics; Chair Brown confirmed.

Mark Watts asked if there were holes in the county's current ethics structure that the commission should consider. Frank Bruno Jr., stated that the county operates under the state's ethical standards and practices and does not have an issue with the practice.

Pete Heebner asked for clarification regarding the way that it is administered under the current structure. Mr. Eckert clarified that it is managed by the Commission of Ethics

through a state administered process. Chair Brown asked if any citizen could file a complaint and Mr. Eckert confirmed.

Mr. Bruno stated that in the forty five years that Volusia County has had a charter, there haven't been any issues on the staff or council level. Mr. Eckert clarified by stating that there has been grievances, however, no one has been found guilty.

ARTICLE XIV – SPECIAL TAX DISTRICTS AND AUTHORITIES

Chair Brown went over each section contained in Article XIV and asked if there were any comments regarding these sections.

Chair Brown noted that the sections contained in Article XIV have been repealed and asked Mr. Eckert if the sections in Article XIV were included in a previous clean up. Mr. Eckert stated that the articles that were repealed had been left in place and the special tax districts listed in Section 1434 were still in existence.

Chair Brown requested that Mr. Eckert clean up the language contained in Article XIV and provide amendments as necessary for review at the next Charter Review Commission meeting.

Mr. Eckert noted that in Sections 1401-1433, the abolishment serves as a historical record.

Further discussion ensued and Chair Brown stated that Mr. Eckert would provide additional information at the next meeting.

REPORT FROM SUBCOMMITTEE

Chair Brown stated that Frank Bruno Jr. would provide a report from the subcommittee meeting on behalf of Glenn Ritchey Sr. in his absence. He noted that members of the Volusia Growth Management Commission (VGMC) were present in the audience to talk about issues mentioned during the subcommittee meeting and that Gerald Brandon, Vice Chairman of the VGMC would speak after Mr. Bruno.

Mr. Bruno commented on the meeting that was held at noon on January 25, 2016 at the Daytona Beach International Airport. He stated that the meeting was chaired by Glenn Ritchey Sr. and that subcommittee members Pat Drago, and Frank Bruno Jr. were present. He also commented that Charter Review Commission member Pete Heebner was present and asked to join the subcommittee in the absence of Ambassador Stanley Escudero.

Mr. Bruno stated that minutes of the January 4, 2016 meeting were approved and members of the subcommittee received a verbal and written report from Mr. Brandon on behalf of the VGMC Personnel, Operations and Procedures (POP) committee. Mr. Bruno stated that the VGMC POP committee met on January 21, 2016 and a copy of

the report was sent to the Charter Review Commission and the general public. He mentioned that there was no additional discussion on matters not on the agenda and the meeting was adjourned at 1:00 p.m. and an additional subcommittee meeting was not scheduled.

Chair Brown called upon members of the VGMC to discuss what they have been doing and to answer questions that members of the commission may have.

Mr. Brandon, Vice Chairman of the VGMC, commented on the VGMC POP committee meeting that was held on January 21, 2016. He stated that members of the committee analyzed information given from previous Charter Review Commission meetings for items of consideration with possible solutions. He stated that a meeting was scheduled for February 4, 2016 and welcomed questions from members of the Charter Review Commission.

Chair Brown commented that the VGMC and the Charter Review Commission are making substantial headway and would like consideration of small and large thresholds, standing for governments only, and the burden of proof. He invited members of the Charter Review Commission to weigh in on the discussion and stated that he would like to come to a reasonable compromise.

Discussion ensued amongst members of the Charter Review Commission. Mr. Brandon stated that he would bring the three items of consideration to the POP for consideration.

Pete Heebner invited everyone to read the POP report that was presented at the subcommittee meeting. He asked if the proposed changes were to change the procedural rules and not to amend the charter. Mr. Brandon advised that if it is not in the charter, the rules can be amended.

Members of the commission discussed different scenarios such as zoning, small scale planning at great lengths.

Chair Brown asked the VGMC to come up with recommendations for the Charter Review Commission. He stated that if the VGMC and the Charter Review Commission agreed with the recommendations, the recommendations should then go before County Council for approval by 2/3 vote before going on the ballot in November.

David Haas quoted "The commission may perform such other directly related duties as the commission from time to time deems necessary" and stated that the sentence is broad. Mr. Brandon advised that it encompasses the VGMC's budget. Mr. Haas suggested that the language be narrowed. Chair Brown agreed and asked the VGMC to revise the language.

DISCUSSION BY COMMISSION OF MATTERS NOT ON THE AGENDA

Mr. Haas discussed Section 303.4 and stated that when there is an election, the term shall begin on the first day of January after the election. In all non charter counties, elected officials take their seat the first meeting in November. Chair Brown stated that the State Legislature takes effect immediately and Pat Drago stated that the School Board does as well.

Chair Brown asked members of the commission for ideas regarding elected officials taking office immediately. He asked if there was a reason for taking office in January and asked that the topic is added to the next agenda.

Ambassador Stanley Escudero asked when the next subcommittee meeting will be. Chair Brown asked that Glenn Ritchey Sr. work with staff to establish a date and time for the next subcommittee meeting.

Dr. Fleuchaus asked staff to print a copy of the annotated charter.

Ms. Drago spoke about the homeless issue in Volusia County and expressed dismay of the inability of local governments working together. She stated that the county and the cities are at across purposes which are detrimental. She commented that the deliberative bodies do not deliberate well together and asked for the input of members of the commission.

Chair Brown asked if there was a countywide group that could assess the need and develop a plan for consideration by the elected official. Ms. Drago commented that she would like to know what some of the other counties have done to successfully address homelessness issues. Mr. Bruno stated that the county had VCOG, which worked well; however, it no longer exists.

Pat Northey commented that it is an item worthy of discussion and stated the county is missing a group that will discuss important issues.

Mr. Dinneen stated that there is a misconception that the County and the City of Daytona Beach do not get along and stated that the only fight is the money needed for operation of a facility.

Ms. Drago stated that it is an unacceptable issue and there needs to be a common ground.

Chair Brown stated that it is a worthy issue; however, may not fit in the charter. He welcomed a discussion at a later date.

ADJOURNMENT

Chair Brown adjourned the meeting at 7:26 p.m. The next meeting will take place on March 14, 2016 at 5:30 p.m. in the Dennis R. McGee Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.