

**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.

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