

Personnel, Operations & Procedures (POP) Committee  
Volusia Growth Management Commission

MINUTES FOR  
REGULAR MEETING HELD  
Wednesday, July 23, 2008

County Council Chambers  
Thomas C. Kelly Administration Center  
123 W. Indiana Avenue  
DeLand, FL

The meeting was called to order at 6:00 p.m. by VGMC Chair, Gerald Brandon.

The following POP Committee Members were present: James Kerr, John Heaphy, Suzanne Steiner, Tony Cole and Sandra Walters.

Also in attendance: VGMC Legal Counsel Paul Chipok and VGMC Planner Kathy Quillinan.

NEW BUSINESS

- 1) Approval of Minutes - John Heaphy moved to approve the minutes of the February 27, 2008 regular meeting, the April 23, 2008 regular meeting and May 15, 2008 workshop; seconded by Sandy Walters. Motion carried unanimously.
- 2) Discussion of Draft Amendments to VGMC Rules

Chairman Brandon commended Mr. Chipok for the job he's done in preparing the draft amendments.

Mr. Chipok began reviewing the summary of the POP Committee recommendations documented in his memo of July 9, 2008.

Under Processing Item 1), Mr. Chipok pointed out that planning staff has indicated they would like to receive a hard copy of the applications. Therefore, he suggested that be changed to indicate at least "two copies" of the application be submitted in writing so that the VGMC office has one official copy and planning receives a hard copy. Chairman Brandon asked if we should also require one copy on disk for archive purposes. Mr. Chipok stated until we are certain that all jurisdiction have the capability of doing so, he would suggest we not require that of them. Commissioner Cole suggested we could informally ask for it.

Mr. Chipok continued reviewing the summary of recommendations.

The committee discussed the idea of rolling the Rules of Procedures (which are adopted by VGMC Resolution) into the Consistency Certification Rules (which are in the Volusia County Code and adopted by County ordinance). The members unanimously agreed to recommend that

the Rules of Procedures remain separate to provide more flexibility for the VGMC to amend them.

The committee also discussed the costs associated with mediation services proposed in Section 90-45 and was in agreement that it should not be an expense of the VGMC. The committee recommended that fees and services of the professional staff would be borne by the participating jurisdictions.

Mr. Chipok then reviewed the proposed amendments to the text of the consistency certification rules.

Referring to the definition of 'in writing', Commissioner Kerr asked if a document was signed, converted to PDF and transmitted as an email attachment would be sufficient since the attachment would be an exact duplicate of what would be mailed. Mr. Chipok responded that would not be sufficient since the document needs to be transported to VGMC via hand delivery, US Mail or courier.

With respect to item d.(ii) on page 7 of the draft, Mr. Chipok pointed out that the language should read "...the applicant jurisdiction may request up to two (2) thirty (30) day extensions which may be granted administratively by the commission chair to submit their response." This language is proposed rather than the extension being granted by staff. The committee concurred with this change.

The committee discussed the language in item (2)e. on page 8 of the draft and suggested that it be modified to read "Upon requesting a public hearing or if a public hearing is held by the commission as requested by another source, the adjacent jurisdiction may participate in the public hearing as a party provided the adjacent jurisdiction provides written notice at least 5 days before the date of the public hearing."

With respect to item (i) on page 10 relating to party status, Commissioner Cole stated that the commission also considers testimony and evidence at the hearing and suggested language be added to the effect. The committee was in agreement and Mr. Chipok stated he would modify the language to add "and testimony and evidence provided at the hearing" following "as applicable".

Commissioner Walters stated she wanted the POP committee to make a recommendation with respect to philosophy issue #1 regarding governmental staff and/or elected officials serving as members of the VGMC. She also distributed a handout which came from the State Department of Transportation which discussed potential conflicts that included conflicting employment or contractual relationships. Ms. Walters proposed that the POP committee make a recommendation to the full commission that current VGMC members who are employed by a City or County government be exempt, but that new members not be allowed to serve if they are an employee of a City or the County on the basis that there is a potential for conflict of interest, at least until an Attorney General's Opinion (AGO) has been obtained. Chairman Brandon commented that he was concerned that taking that action may be going beyond the level of

jurisdiction the VGMC has with respect to member appointments. Ms. Walters commented if the VGMC has the jurisdiction to tell the City of DeBary they could not remove Jay Erndl as their member, than the VGMC can tell the cities they cannot appoint someone to the commission. Chairman Brandon disagreed with Ms. Walters' comment and stated they are two separate issues.

General discussion ensued concerning this issue and there was general agreement to raise the matter before the full commission with a recommendation to address this issue after the AGO has been obtained.

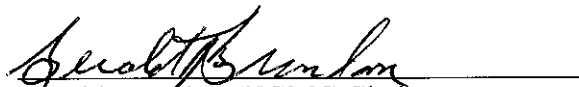
The committee moved forward to discuss Issue A relating to adopting Robert's Rules of Order & Issue B relating to incorporating the VGMC Rules of Procedure into the Volusia County Code. The committee was in agreement to recommend the commission adopt Robert's Rules of Order as proposed in Mr. Chipok's draft. The committee was also in agreement to recommend the commission not include the VGMC Rules of Procedure into the Volusia County Code.

The committee then moved into discussion relating to rehearings. Mr. Chipok read language that is currently contained in the Volusia County Code that addresses rehearings which could be used as a model if the commission chooses to allow rehearings. Commissioner Steiner commented that she was troubled by the matter relating to the last rehearing, specifically that they assumed the commission didn't know what they were doing the first time, additional information was produced at the second hearing which she did not think was suppose to happen, and also that members who were not present at the first hearing were allowed to vote.

Due to the time and the regular VGMC meeting scheduled to begin, the committee agreed to schedule a workshop to further discuss rehearings, ex-parte communications and distribution of correspondence to members.

#### ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

  
Gerald Brandon, VGMC Chairman