



# **PLANNING AREA BOUNDARY ADJUSTMENT and MEMBERSHIP REAPPORTIONMENT PLAN**

*A plan to expand the Volusia Transportation Planning Organization's planning area boundary and to reapportion the voting membership for the purpose of ensuring fair and equitable representation of the affected population and complying with applicable federal and state requirements.*

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# PLANNING AREA BOUNDARY ADJUSTMENT and MEMBERSHIP REAPPORTIONMENT PLAN

## INTRODUCTION

Federal law requires that every urbanized area with a population of 50,000 or more must be represented by a metropolitan planning organization (MPO) which shall be responsible for carrying out a comprehensive, coordinated and continuing planning process resulting in plans and priorities for the expenditure of federal transportation funds. The Volusia Transportation Planning Organization (VTPO) is the officially recognized MPO for the metropolitan planning area previously designated as the Daytona Beach – Port Orange Urbanized Area and the Deltona Urbanized Area.

*On November 2, 2012, the Florida Department of Transportation officially notified the VTPO that it was required to adjust its planning area boundary outward to encompass the Palm Coast – Daytona Beach – Port Orange Urbanized Area.*

When the Bureau of the Census designates a new urbanized area that is not within an existing MPO planning area boundary, the planning area boundary must be adjusted to encompass the new urban area, and the voting membership must be reapportioned to maintain fair and equitable representation of the affected population. The Federal Register Volume 77, Number 59 (Tuesday, March 27, 2012) identified a new urbanized area contiguous to the Daytona Beach – Port Orange Urbanized Area, but extending beyond the VTPO's existing planning area boundary. The new Urbanized Area is designated as the Palm Coast – Daytona Beach – Port Orange Urbanized Area. Figure 1 provides a graphic illustration of this urbanized area, as well as the Deltona Urbanized Area, which is also included in the current Volusia TPO Planning Area.

On November 2, 2012, the Florida Department of Transportation officially notified the VTPO that it was required to adjust its planning area boundary outward to encompass the expanded urban area.

This report documents the activities undertaken to accomplish reapportionment of the Volusia TPO and proposes changes for review and endorsement by the Governor.

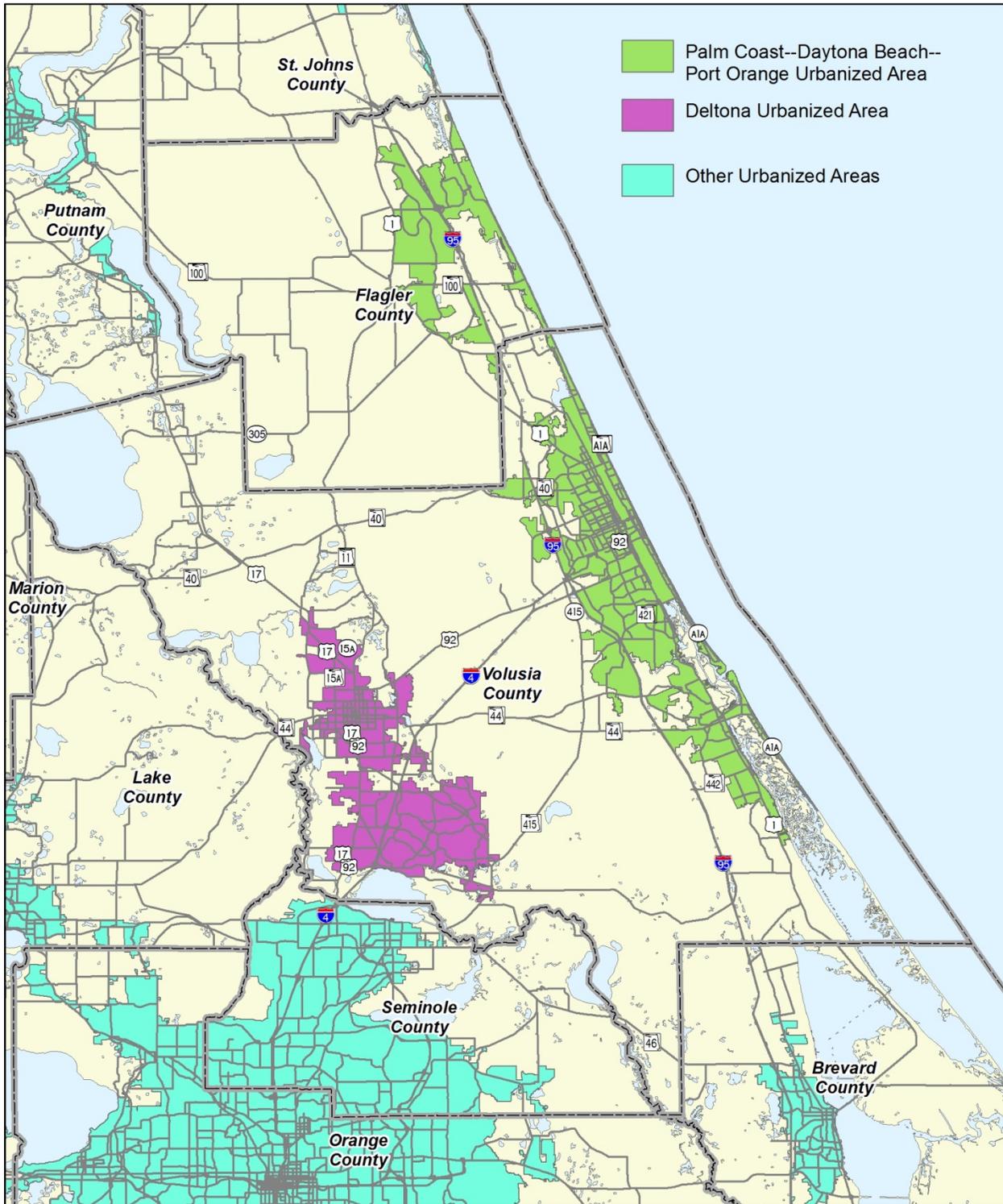
## MINIMUM REQUIREMENTS AND APPROVAL PROCESS

Title 23 U.S.C. s.134 and Chapter 339.175, Florida Statutes prescribe the minimum requirements for delineating the planning area boundary and for apportioning the voting membership of an MPO, as well as the procedure for the development and approval of such boundary and membership.

### Planning Area Boundary

The jurisdictional boundaries of an MPO are determined by agreement between the Governor and the applicable MPO. They must encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

Figure 1 - 2010 Census Urban Areas



### Membership

The voting membership of an MPO shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis

by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for MPO members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area boundary that do not have members on the MPO. County commission members shall compose not less than one-third of the MPO membership, except for an MPO with more than 15 members located in a county with a five-member county commission or an MPO with 19 members located in a county with no more than six county commissioners, in which case county commission members may compose less than one-third percent of the MPO membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose local governments, except that an MPO may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of Space Florida. As used in this section, the term "elected officials of a general-purpose local government" shall exclude constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials. County commissioners shall compose not less than 20 percent of the MPO membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an MPO.

In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the MPO, they shall be provided voting membership on the MPO. In all other MPO's where transportation authorities or agencies are to be represented by elected officials from general-purpose local governments, the MPO shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

## **CURRENT PLANNING AREA BOUNDARY AND VOTING MEMBERSHIP**

### **History**

The Volusia Transportation Planning Organization was formed and organized on January 18, 1977 as the Daytona Beach Urbanized Area MPO. Originally, it included only the Daytona Beach (coastal) area of Volusia County. In 1988, the planning area boundary was expanded to include all of Volusia County recognizing that the Deltona/DeLand/DeBary area would be designated an urbanized area with the release of the 1990 Census data. In 2004, the VTPO again found it necessary to expand the planning area boundary, this time to include Flagler Beach and Beverly Beach in Flagler County which had been designated as part of the Daytona Beach – Port Orange Urbanized Area.

### **Planning Area Boundary**

The VTPO planning area boundary currently encompasses approximately 1,437 square miles including all of Volusia County and its 16 cities: Daytona Beach, Daytona Beach Shores, DeBary, DeLand, Deltona, Edgewater, Holly Hill, Lake Helen, New Smyrna Beach, Oak Hill, Orange City,

Ormond Beach, Pierson, Ponce Inlet, Port Orange, and South Daytona, as well as Beverly Beach Flagler Beach in Flagler County. (See Figure 2, page 4.)

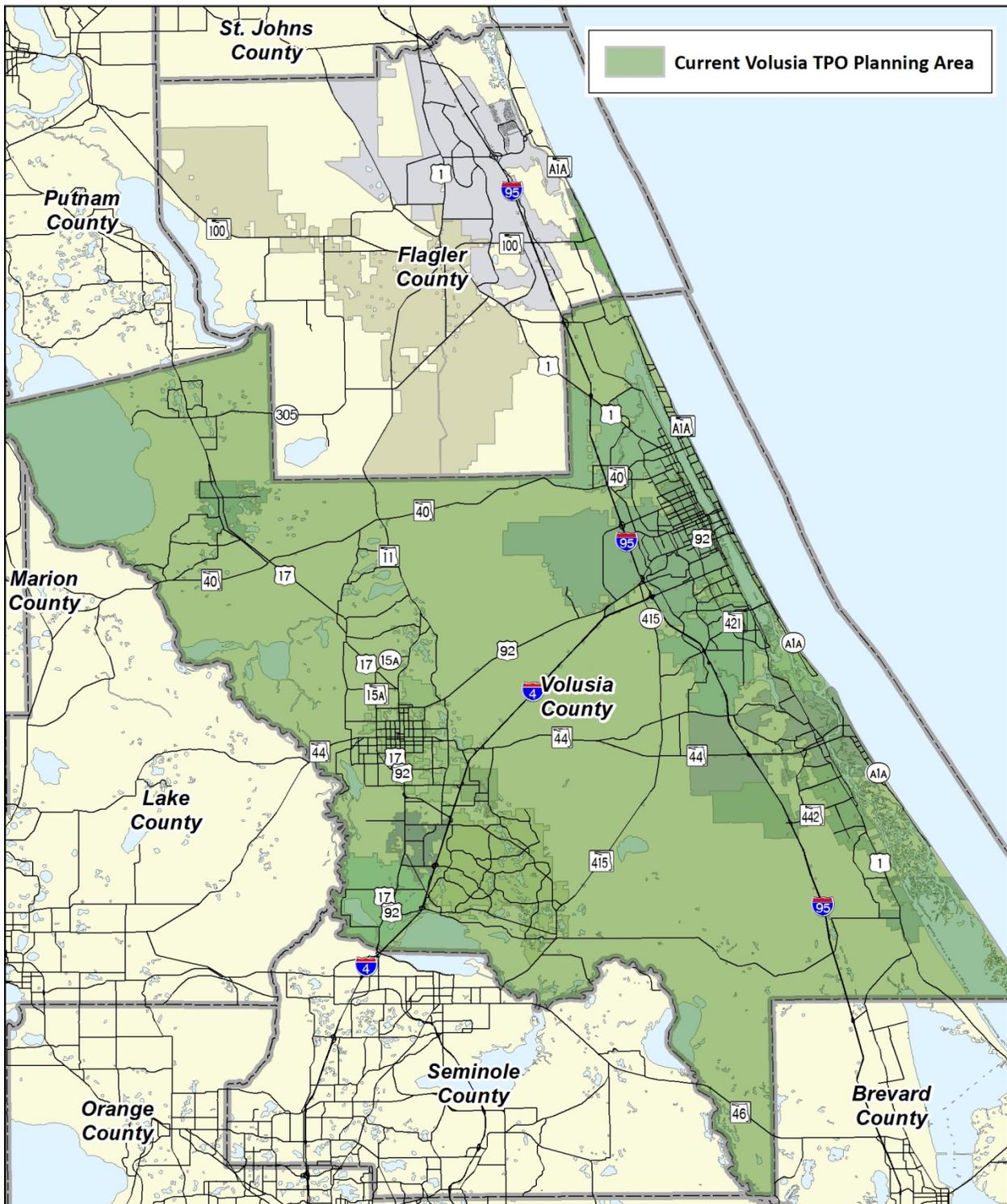


Figure 2 - Current Volusia TPO Planning Area

The Atlantic Ocean forms the eastern border of the VTPO's planning area. Brevard County abuts to the south and is fully included within the Space Coast TPO. Seminole County and Lake County

abut to the west. Seminole County is fully included in the MetroPlan Orlando MPO. Lake County is fully included in the Lake-Sumter MPO. Flagler County and Putnam County abut to the north. As noted above, a small part of Flagler County (Beverly Beach and Flagler Beach) is currently included in the VTPO planning area boundary. The remainder of Flagler County and all of Putnam County are not part of a MPO. Flagler County includes the Palm Coast area which was determined by the 2010 Census to be an urbanized area contiguous to the Daytona Beach – Port Orange Urbanized Area. This expanded urbanized area is officially recognized as the Palm Coast – Daytona Beach – Port Orange Urbanized Area.

### **Membership**

The members of the TPO Board consist of elected representatives from all 19 jurisdictions. The Board itself consists of 19 voting members, capped by state law, with the following distribution:

- Volusia County – six seats and therefore six votes
- Each of the 10 major cities (defined as population > than 10,000) has one seat and one vote. The major cities consist of Daytona Beach (the identified Central City), Deltona, DeLand, Ormond Beach, Holly Hill, South Daytona, Port Orange, New Smyrna Beach, Edgewater, and DeBary.
- The smaller cities are divided into three voting blocks, each with one vote: (1) Flagler Beach and Beverly Beach; (2) Ponce Inlet, Oak Hill and Daytona Beach Shores; (3) Pierson, Lake Helen and Orange City.

Non-voting members on the VTPO Board include the FDOT District 5 Secretary (or his/her designee)(advisory only), a representative from the Volusia County School Board, the Chairman of the Technical Coordinating Committee, the Chairman of the Citizens' Advisory Committee, and the Chairman of the Bicycle/Pedestrian Advisory Committee.

The area transit agency is Votran. Votran is an arm of the Volusia County Government, as is the Daytona Beach International Airport. Both entities are represented by the six county seats on the board.

Table 1 on page 6 shows the current voting membership, the weight given to each vote, and the 2010 population represented by each vote.

**Table 1 - Current Voting Membership**

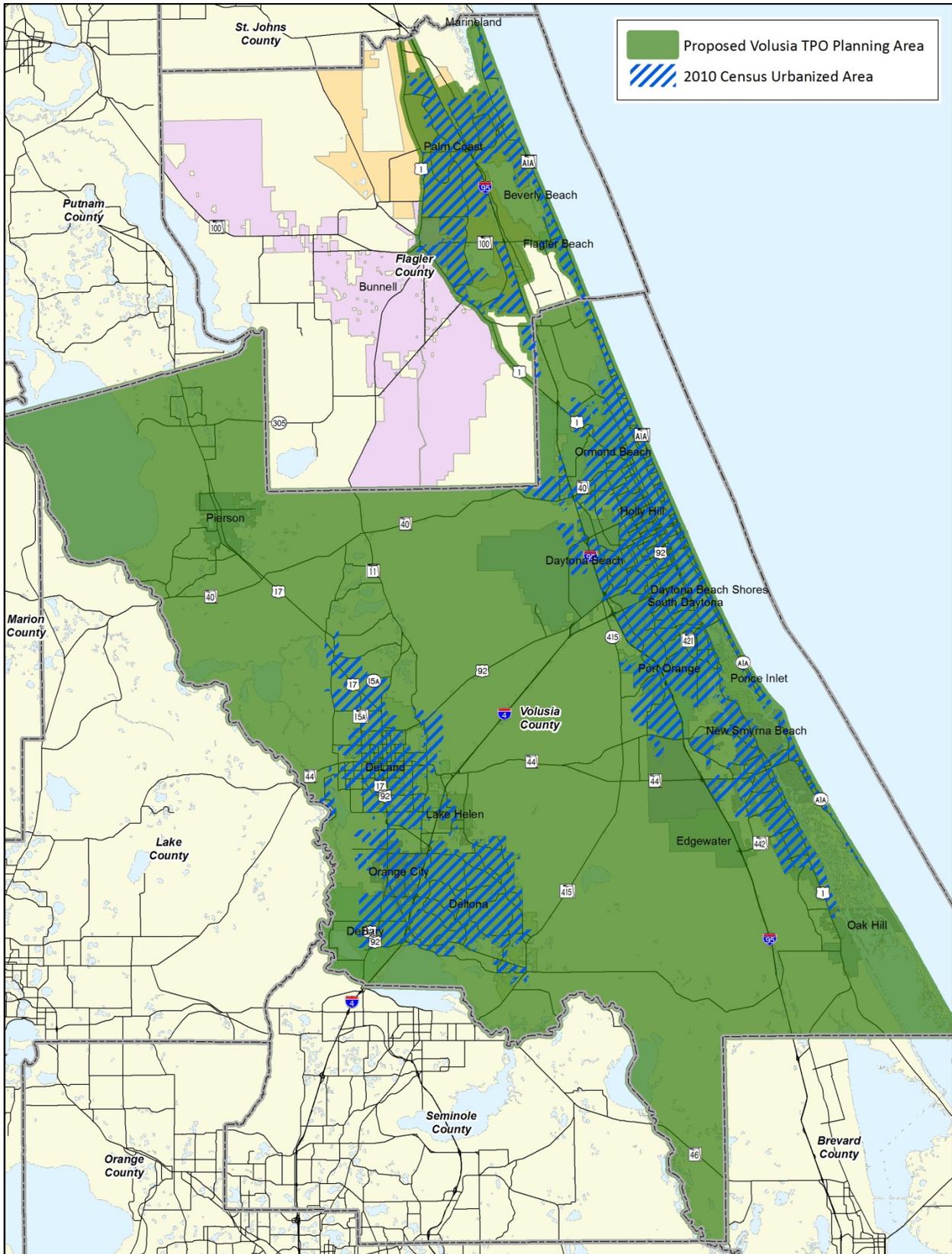
Jurisdiction	Seats	Seat Weight	2010 Population
<b>County Representation</b>	<b>6</b>	<b>33.33%</b>	
Volusia County	6	5.56%	116,715 <sup>1</sup>
<b>Municipal Representation</b>	<b>13</b>	<b>66.67%</b>	
<b>Larger City Total</b>	<b>10</b>	<b>61.64%</b>	
Deltona	1	14.84%	85,182
Daytona Beach	1	10.63%	61,005
Port Orange	1	9.77%	56,048
Ormond Beach	1	6.64%	38,137
DeLand	1	4.71%	27,031
New Smyrna Beach	1	3.91%	22,464
Edgewater	1	3.62%	20,750
DeBary	1	3.37%	19,320
South Daytona	1	2.13%	12,252
Holly Hill	1	2.03%	11,659
<b>Small Cities Group 1</b>	<b>1</b>	<b>2.61%</b>	<b>14,959</b>
Orange City	Shared	-	10,599
Lake Helen	Shared	-	2,624
Pierson	Shared	-	1,736
<b>Small Cities Group 2</b>	<b>1</b>	<b>1.58%</b>	<b>9,071</b>
Ponce Inlet	Shared	-	3,032
Daytona Beach Shores	Shared	-	4,247
Oak Hill	Shared	-	1,792
<b>Small Cities Group 3</b>	<b>1</b>	<b>0.84%</b>	<b>4,822</b>
Flagler Beach	Shared	-	4,484
Beverly Beach	Shared	-	338
<b>TOTAL</b>	<b>19</b>	<b>100.00%</b>	<b>499,415</b>

<sup>1</sup> Volusia County unincorporated area population

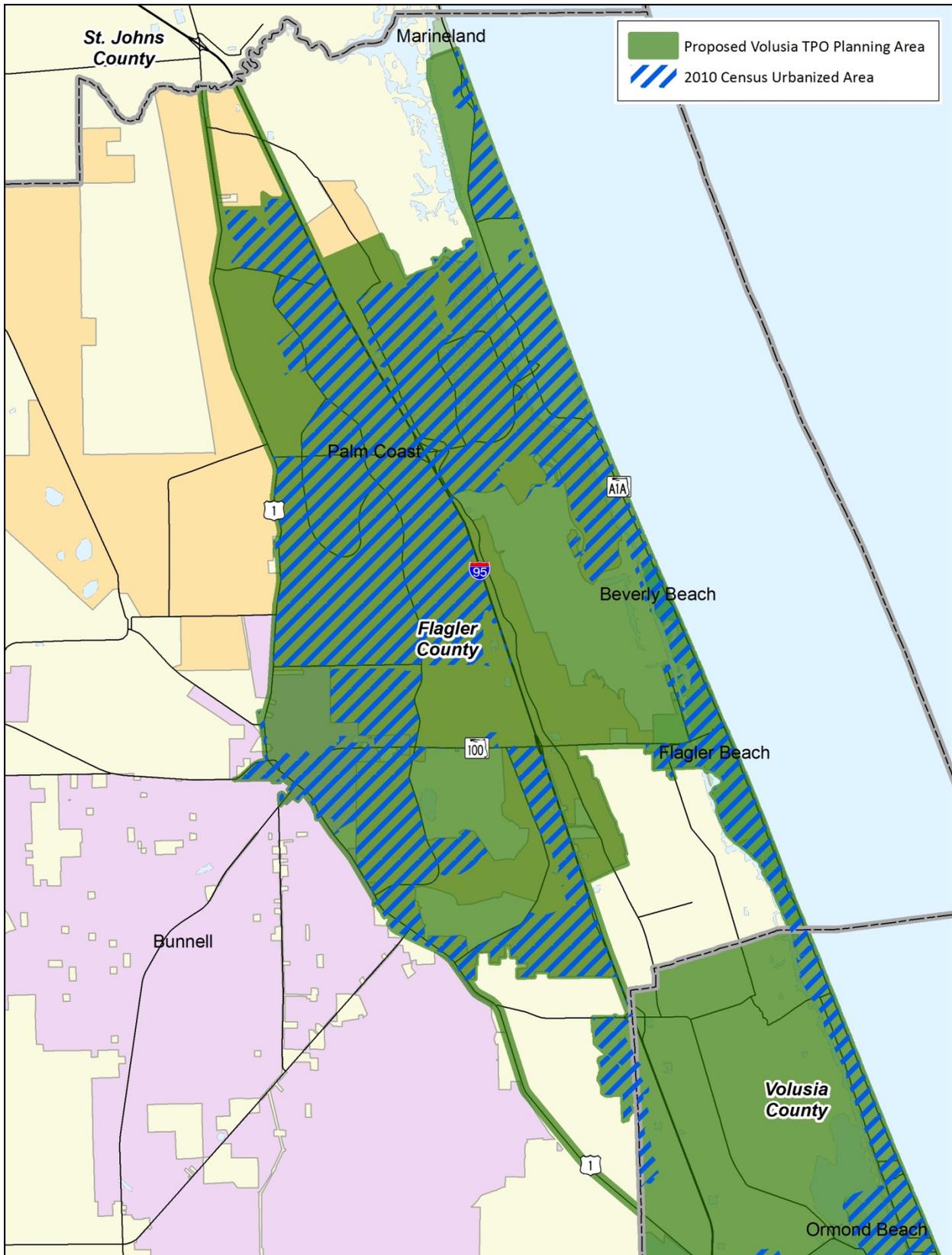
## PROPOSED PLANNING AREA BOUNDARY AND VOTING MEMBERSHIP

### Proposed Planning Area Boundary

Figure 4 on page 7 shows the proposed planning area boundary in relation to the Census-designated urbanized areas and current municipal boundaries. This proposed planning area boundary adds to the current planning area all areas of Flagler County that are within the Palm Coast – Daytona Beach – Port Orange Urbanized Area, as well as the contiguous areas that are expected to become urbanized within the 20-year forecast period. Both the Deltona Urbanized Area and the Palm Coast – Daytona Beach – Port Orange Urbanized Area are fully contained by the proposed planning area boundary.



**Figure 3 - Proposed Volusia TPO Planning Area**



**Figure 4 - Proposed VTPO Planning Area (Flagler County Detail)**

**Table 2- Current and Proposed Planning Area Characteristics**

	Current Planning Area	Proposed Planning Area
<b>Population (2010)</b>	499,415	582,189
<b>Land Area (square miles)</b>	1,104.06	1,186.30
<b>Roadway Miles</b>		
Interstate Highways	73.6	92.3
Non-Interstate State Highways	311.9	354.9
Federal Aid Eligible Roadways	839.9	977.1
National Highway System	106.1	124.7
Surface Transportation Program	733.8	852.4

### **Proposed Membership**

The proposed voting membership will include the maximum permitted 19 seats. Volusia County membership will decrease from six seats to five and a Flagler County seat will be added. These six county seats will represent 33.33% of the total vote. Volusia County's five seats and Flagler County's one seat will be weighted in proportion to each county's share of the total unincorporated area population within the planning area. Volusia County's five seats will be weighted equally at 6.36% and Flagler County's seat will be weighted at 1.51%.

Of the remaining 13 seats, one will be held by each of the 12 cities with the greatest population, and one will be held collectively by the eight remaining smallest cities. These eight smallest cities will comprise the Small Cities Alliance, and they will determine among themselves how the seat will be represented. The 13 seats represent 66.67% of the total vote. Each seat will be weighted in proportion to the city's or Small Cities Alliance's share of the total incorporated area population within the planning area.

All voting members shall be elected officials.

There are no authorities or other agencies performing transportation functions within the proposed planning area boundary that are not under the jurisdiction of a general-purpose local government represented in this proposed voting membership.

In addition to these voting members, the following are included as non-voting members:

- the FDOT District 5 Secretary or his/her designee (advisory only),
- a representative from the Volusia County School Board,
- the Chairman of the Technical Coordinating Committee,
- the Chairman of the Citizens' Advisory Committee, and
- the Chairman of the Bicycle/Pedestrian Advisory Committee.

As evidenced by the attached resolutions of support, the cities and counties affected by the proposed planning area boundary expansion *[or the general-purpose local governments representing more than 75% of the affected population]* agree that this proposed voting

membership apportionment does reflect an “equitable geographic-population ratio” as required by law.

**Table 3 - Proposed Voting Membership Reapportionment**

Jurisdiction	Seats	Seat Weight	2010 Population
<b>County Representation</b>	<b>6</b>	<b>33.33%</b>	<b>122,206<sup>1</sup></b>
Volusia County	1	6.36%	116,655 <sup>1</sup>
Volusia County	1	6.36%	
Volusia County	1	6.36%	
Volusia County	1	6.36%	
Volusia County	1	6.36%	
Flagler County	1	1.51%	5,551 <sup>1</sup>
<b>Municipal Representation</b>	<b>13</b>	<b>66.67%</b>	<b>459,983</b>
<b>Larger City Total</b>	<b>12</b>	<b>63.72%</b>	<b>439,629</b>
Deltona	1	12.35%	85,182
Palm Coast	1	10.90%	75,182
Daytona Beach	1	8.84%	61,005
Port Orange	1	8.12%	56,048
Ormond Beach	1	5.53%	38,137
DeLand	1	3.92%	27,031
New Smyrna Beach	1	3.26%	22,464
Edgewater	1	3.01%	20,750
DeBary	1	2.80%	19,320
South Daytona	1	1.78%	12,252
Holly Hill	1	1.69%	11,659
Orange City	1	1.54%	10,599
<b>Small Cities Alliance</b>	<b>1</b>	<b>2.95%</b>	<b>20,354</b>
Flagler Beach	Shared	-	4,484
Daytona Beach Shores	Shared	-	4,247
Ponce Inlet	Shared	-	3,032
Lake Helen	Shared	-	2,624
Bunnell	Shared	-	2,101
Oak Hill	Shared	-	1,792
Pierson	Shared	-	1,736
Beverly Beach	Shared	-	338
<b>TOTAL</b>	<b>19</b>	<b>100.00%</b>	<b>582,189</b>

<sup>1</sup> Unincorporated area population

### DECISION-MAKING PROCESS SUMMARY

The development of the proposed reapportionment plan began in earnest at the annual VTPO Board retreat held on January 20, 2012. Current board members and elected and appointed officials from newly urbanized areas in Flagler County reviewed the requirements and other considerations relating to the anticipated planning area boundary expansion and membership reapportionment. They even carried out an exercise designed to encourage discussion of alternative reapportionment scenarios.

Formal discussions regarding expansion of the planning area boundary and reapportionment of the membership began on April 2, 2012 with the first meeting of the Reapportionment Subcommittee. The subcommittee was comprised of a subset of the VTPO Board. The subcommittee presented a recommendation for a revised boundary to the VTPO Board on May 22, 2012, and the board approved an expanded planning area boundary that included “the urbanized area and the city limits of Palm Coast that are east of US 1.”

Subsequent meetings and discussions were expanded to include input from Flagler County, Palm Coast and Bunnell. Additional adjustments to the planning area were necessary to resolve issues and to accommodate requests from Flagler County, Palm Coast, Bunnell and Flagler Beach. Additional deliberations occurred in response to preliminary input by the FDOT Office of Policy Planning.

This plan was presented in draft form to the VTPO Board on February 26, 2013 and again for approval on March 26, 2013. Subsequent to approval, the VTPO requested resolutions of support as required by s. 339.175, F.S. These are attached to this report.

## **ADDENDUM**

### **CHAPTER 339.175, F.S. – state law applicable to the definition of MPO Planning Area and Voting Membership**

339.175 Metropolitan planning organization.—

(1) **PURPOSE.**—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas of this state while minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes identified in this section. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63 and facilities for which projects have been identified pursuant to s. 339.2819(4).

(2) **DESIGNATION.**—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. To the extent possible, only one M.P.O. shall be designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. designated in a manner prescribed by Title 23 of the United States Code shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. Each M.P.O. shall be considered separate from the state or the governing body of a local government that is represented on the governing board of the M.P.O. or that is a signatory to the interlocal agreement creating the M.P.O. and shall have such powers and privileges that are provided under s. 163.01. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning

area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

(e) The governing body of the M.P.O. shall designate, at a minimum, a chair, vice chair, and agency clerk. The chair and vice chair shall be selected from among the member delegates comprising the governing board. The agency clerk shall be charged with the responsibility of preparing meeting minutes and maintaining agency records. The clerk shall be a member of the M.P.O. governing board, an employee of the M.P.O., or other natural person. Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(3) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a 5-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose local governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of Space Florida. As used in this section, the term "elected officials of a general-purpose local government" shall exclude constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials. County commissioners shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general-purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;
2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and
3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership. Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(4) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area. At the request of a majority of the affected units of general-purpose local government comprising an M.P.O., the Governor and a majority of units of general-purpose local government serving on an M.P.O. shall cooperatively agree upon and prescribe who may serve as an alternate member and a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. The method shall be set forth as a part of the interlocal agreement describing the M.P.O.'s membership or in the M.P.O.'s operating procedures and bylaws. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting advisers to the M.P.O. governing board. Additional nonvoting advisers may be appointed by the M.P.O. as deemed necessary; however, to the maximum extent feasible, each M.P.O. shall seek to appoint nonvoting representatives of various multimodal forms of transportation not otherwise represented by voting members of the M.P.O. An M.P.O. shall appoint nonvoting advisers representing major military installations located within the jurisdictional boundaries of the M.P.O. upon the request of the aforesaid major military installations and subject to the agreement of the M.P.O. All nonvoting advisers may attend and participate fully in governing board meetings but may not vote or be members of the governing board. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (3).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (3)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (3)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (2)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of the entity's governing board represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.