

RESOLUTION NO. 2022-XX

A RESOLUTION RELATING TO MEETING ATTENDANCE BY CITY COUNCIL; ESTABLISHING A POLICY FOR ATTENDANCE AND FOR PARTICIPATION BY REMOTE ELECTRONIC MEANS; SUPERSEDING RESOLUTION 2020-43 AND ALL POLICIES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 3.07(b) of the City Charter provides that a councilmember shall forfeit office if the councilmember fails to attend three consecutive regular meetings of the city council without being excused by the city council; and

WHEREAS, Section 2-75(f) of the City Code of Ordinances provides the reasons for which a councilmember absence will be excused; and

WHEREAS, the Florida Attorney General has rendered opinions that recognize the legality of remote appearance by a member who for good cause cannot appear in person to participate remotely by electronic means, as though physically present, with all participation rights and voting privileges provided that there is a quorum physically present, that the member can hear and be heard by those present, and that there is a local policy allowing such appearance.

WHEREAS, in 2020, the City Council adopted Resolution No. 2020-43 authorizing virtual attendance by a city councilmember in certain circumstances; and

WHEREAS, the City Council desires to clarify and refine Council attendance policies through an updated policy on attendance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. As used in City Charter Section 3.07(b)(4), "attend" shall mean physical presence at the meeting location for the entire duration of the meeting, except as provided in Section 3, below.

SECTION 2. Any councilmember who cannot attend any portion of a regular meeting of the city council shall so notify the Clerk's Office as soon as practicable, preferably before the start of the meeting, along with the reason for such absence if excusal is desired. A city councilmember shall be excused from attendance by the City Council if the reason for absence is one identified in Section 2-75(f) of the City Code.

SECTION 3. A councilmember may attend a regular or special meeting remotely by electronic means with the same participation rights and voting privileges as though physically present provided all the following criteria are met:

1. There is a quorum physically present at the meeting location.
2. There is good cause for why the councilmember cannot attend in person that is accepted by the City Council. "Good cause" means that the councilmember cannot attend in person due to city business, health issues, family emergencies or death, emergency duties, government deployment, pandemic, or other similar reason. [or use reasons provided in Sec. 2-75(f) of the Code: 1) city business; 2) health issues; 3) family emergencies or death; 4) emergency duties; 5) government deployment; 6) acts of God; or 7) acts of terrorism]
3. The councilmember has provided notification to the city clerk of the inability to attend in person along with the reason for such request as soon as practicable before the start of the meeting.
4. The councilmember can be visible and audible to and from the members present at the meeting and the audience. For quasi-judicial matters, any councilmember appearing remotely must be and remain visible for the entire agenda item.

SECTION 4. This resolution shall supersede and replace Resolution 2020-43 and Section 6, City Council, #6 in Resolution 2021-31.

SECTION 5. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, AT A MEETING HELD ON THE _____ DAY OF _____, 2022.

Ron Feinsod, Mayor, City of Venice

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of the City of Venice, Florida, at a meeting thereof duly convened and held on the ____ day of _____, 2022, a quorum being present.

WITNESS my hand and official seal of said City this ____ day of _____, 2022.

Kelly Michaels, MMC, City Clerk

(S E A L)

Approved as to form:

Kelly Fernandez, City Attorney