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**M E M O R A N D U M**

**DATE:** July 5, 2023  
**TO:** Mayor Pachota and City Council Members  
**CC:** Ed Lavallee, City Manager  
Kelly Michaels, City Clerk  
**FROM:** Kelly M. Fernandez, City Attorney  
**SUBJECT:** Meeting Attendance Policies

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Due to a few situations involving attendance that have arisen recently, the Charter Officers are requesting feedback from the City Council as to how to handle them. As a recap, the City's attendance policies are established at three different levels.

First, the City Charter establishes how many in-person regular meetings a Council Member can miss without being excused before his/her office is considered forfeited.

Sec. 3.07(b) Forfeiture of office. A councilmember shall forfeit that office if the councilmember:

[...]

(4) fails to attend in-person three regular meetings in a calendar year of the city council without being excused by the city council.

Second, the City Code of Ordinances establishes the grounds for which a Council Member's

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**Lakewood Ranch**  
6853 Energy Court  
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absence must be excused.

Sec. 2-75(f) Council absences. Council absences will be excused for the following reasons: 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.

Third, Resolution 2022-18 (attached) establishes what constitutes “attend” as used in Section 3.07(b) of the City Charter and establishes the grounds for which a Council Member may be authorized to attend a meeting virtually, thereby being excused from in-person attendance.

Council direction is desired on the following:

1. How to handle the excusal of attendance at a regular meeting where virtual attendance is not an option or desired.  
My opinion is that if a Council Member informs the City Clerk that his/her absence will be due to one of the 7 reasons delineated in Section 2-75(f), then the absence is deemed excused with no vote of Council needed and the minutes will so reflect the excused absence and the reason therefore. If a Council Member requests an excused absence for any other reason than one listed in Section 2-75(f), my suggestion is that the request be brought to City Council for a vote. If instead Council desired the list of reasons in Section 2-75(f) to be the *only* reasons for which a total absence can be excused, then I suggest it be revised to state: “Council absences will only be excused for the following reasons...”
2. How to handle attendance at a continued regular meeting.  
Section 2-73 of the City Code establishes that regular meetings are to be held on a Tuesday, with a carryover to Wednesday if necessary to continue a quasi-judicial hearing. To the extent a regular meeting is continued to a different date, the City’s Charter, Code, and Resolution are silent as to whether an absence on that date would still constitute an absence for purposes of Section 3.07(b) of the City Charter. I recommend that City Council amend Resolution 2022-18 to deem the attendance requirement of Section 3.07(b) applies only to the portion of a regular meeting occurring on a regularly scheduled Tuesday and Wednesday.