

Prepared by: Clerk's Office

**RESOLUTION NO. 2022-25**

**A RESOLUTION RELATING TO MEETING ATTENDANCE BY CITY COUNCIL; ESTABLISHING ADOPTING AN AMENDED POLICY FOR ATTENDANCE AND FOR PARTICIPATION BY REMOTE ELECTRONIC MEANS; SUPERSEDING RESOLUTION NO. ~~2022-18 AND ALL POLICIES IN CONFLICT HEREWITH~~2022-25; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Section 3.07(b) of the City Charter ~~provides~~was amended by a vote of the electorate on November 8, 2022, to provide that a councilmember shall forfeit office if the councilmember fails to attend in-person three ~~consecutive~~ regular meetings ~~of the city council~~in a calendar year 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~~councilmember's complete absence from a meeting 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~~ Resolution No. 2022-~~18~~, ~~the City Council~~25 established revised criteria for virtual attendance by a city councilmember; and

**WHEREAS**, the City Council desires to amend the ~~criteria~~policy for virtual attendance to be consistent with Section 3.07(b), as amended.

**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~~being present 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, and be deemed excused from in-person attendance, provided all the following criteria are met:

1. There is a quorum physically present at the meeting location.
2. 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.
3. 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.

The City Council may vote to prohibit a councilmember from attending a regular or special meeting remotely by electronic means if City Council believes there is not good cause for the failure to be physically present.

**SECTION 4.** This resolution shall supersede and replace Resolution No. 2022-~~1825~~.

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

**APPROVED AND ADOPTED AT A REGULAR MEETING OF THE VENICE CITY COUNCIL HELD ON THIS 10<sup>TH</sup> DAY OF JANUARY, 2023.**

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Nick Pachota, Mayor

ATTEST:

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Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City of 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 10<sup>th</sup> day of January, 2023, a quorum being present.

WITNESS by hand and official seal of said City this 10th day of January, 2023.

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Kelly Michaels, MMC, City Clerk

(SEAL)

Approved as to form:

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Kelly Fernandez, City Attorney