

RESOLUTION NUMBER 2021-39

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING DELTONA CITY COMMISSION OPERATING GUIDELINES AND MEETING RULES AND PROCEDURES AS TO SECTION FIVE QUOROM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission last revised these policies on July 1, 2019 and

WHEREAS, there is a need to provide greater flexibility to the Commission for the future; and

WHEREAS, During the pandemic the Governor through his executive orders, authorized the use of Zoom meetings and the ability of Commissioners to join a Commission meeting using Zoom those Orders expired July 1, 2021; and

WHEREAS, Section 5- City Commission of the City of Deltona Charter states at (8)(b) A majority of the Commission shall constitute a quorum. No action of the Commission shall be valid unless adopted by an affirmative vote of the majority of the Commissioners in attendance, unless otherwise provided by law or stated herein. All actions of the City Commission shall be by ordinance, resolution, or motion; and

WHEREAS, the City Operating Guidelines & Meeting Rules and Procedures Section Five- **Quorum**; The City Charter provides that a majority of the City Commission shall constitute a quorum. No action of the City Commission shall be valid unless adopted by an affirmative vote of the majority of the Commissioners in attendance, unless otherwise provided by law or stated herein. (charter Section 5(8b). In cases where Commissioner(s) leave a meeting early, once there is no longer a majority present, the meeting is to end and no further action may be taken.

NOW THEREFORE BE IT RESOLVED by the Commission of the City of Deltona:

Section 5 of the Commission Operating Guidelines and Meeting Rules & Procedures shall be amended as follows:

1. The City Charter provides that a majority of the City Commission shall constitute a quorum. A Commissioner with a majority vote of the Commission may join a meeting for good cause shown as such an illness of the Commissioner or their family or an emergency situation. The Commissioner participating by zoom or similar platform may not be used to constitute a quorum (Florida Attorney General Advisory Legal Opinion, Dated July 20, 2016-Video Conferences-Public Meetings-see attached).
2. No action of the City Commission shall be valid unless adopted by law or stated herein. (Charter Section 5(8b) However the Commissioner attending by zoom may participate and vote as long as said Commissioner is not necessary for the quorum.
3. In cases where Commissioner(s) leave a meeting early, once there is no longer a majority present, the meeting is to end and no further action may be taken.
4. This Resolution shall become effective upon signature by the Mayor.

**DULY ADOPTED BY THE CITY COMMISSION OF CITY OF DELTONA,
FLORIDA, this sixth day of July, 2021.**

ATTEST:

**CITY OF DELTONA
DELTONA CITY COMMISSION
VOLUSIA, FLORIDA**

BY: _____

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

CITY ATTORNEY