



**THE DISTRICT BOARD OF TRUSTEES OF VALENCIA COLLEGE
QUORUM RESOLUTION**

WHEREAS, in accordance with Article IX, Section 8, of the State Constitution, the people of the State of Florida established a system of governance for the state college system (*sic*) providing for the governance authority of the District Board of Trustees of Valencia College (“Board”) over Valencia College; and

WHEREAS, the Board has adopted Policy 6Hx28:1-03, Meetings of the District Board of Trustees, which states in pertinent part:

IV. Quorum A majority of the District Board of Trustees duly appointed to membership shall constitute a quorum for the transaction of business. The action of a majority of the members of the District Board of Trustees present at any meeting shall be the action of the District Board of Trustees, except as may be otherwise provided by Board Policy; and

WHEREAS, in light of the unique and exceptional challenges presented by the current pandemic emergency as currently exist in the State of Florida, the Board desires to exercise its Constitutional governance authority to clarify its intent with respect to the meaning of the word “present” as used in its adopted policy on quorum; and

WHEREAS, Florida College System institutions such as Valencia College have no applicable state rules or statutes in force or effect that specify quorum or physical presence requirements, unlike other local governmental entities such as cities, counties, and school districts, which have applicable state rules or statutes that specify quorum requirements and/or contemplate that their governing body meetings will be held in a public place with the members physically present, thus allowing for such local governmental entities the participation of an absent member in the meeting by telephonic (or virtual) means as permitted only in extraordinary circumstances and when a quorum of the board members is physically present at the meeting; and

WHEREAS, The Florida Attorney General’s Office has observed that a local board’s use of electronic media technology to increase public participation in meetings and the use of such media to allow members of a board or commission to participate in a duly noticed public meeting does not necessarily raise Sunshine Law issues, “but rather implicates the ability of a board or commission to conduct public business with a quorum”¹; and

NOW, THEREFORE, BE IT RESOLVED, The District Board of Trustees of Valencia College formally expresses its intent with respect to its use of the word “present” in Policy 6Hx28:1-03, and that for purposes of the adopted policy on quorum, a member of the Board is deemed to be present and in attendance if the member is physically present, virtually present (online), or telephonically present; and

BE IT FURTHER RESOLVED, This Resolution of the District Board of Trustees of Valencia College shall expire on December 31, 2021, unless expressly repealed earlier.

THE DISTRICT BOARD OF TRUSTEES OF VALENCIA COLLEGE

By: Tracy Stockwell
Tracy Stockwell, Chair

Date: December 16, 2020

¹ See Inf. Op. to Stebbins, December 1, 2015.