



Date: March 15, 2023
To: Board of Retirement
From: Doris L. Rentschler, Executive Director
Subject: Board Meeting Remote Attendance Policy for Trustees

Recommended Action:

Adopt as presented or as modified by direction of the Board.

Fiscal and Financial Impacts:

There are no direct fiscal or financial impacts associated with adoption of this policy.

Strategic Plan Importance:

While not specifically identified as a strategic plan action item, this item does relate to MCERA's goal to improve effectiveness and efficiency through the use of technology.

Background and Discussion:

The Board recognizes that trustees may wish to attend a Board of Retirement meeting remotely when the need arises. The policy provides guidance for trustees who wish to utilize web-enabled meeting applications at alternate sites.

The policy covers guidelines for teleconferencing attendance under the permanent provisions of Gov. Code § 54953(b) and the new emergency/just cause options under 54953(e).

Attachment(s):

1. Draft Board Meeting Remote Attendance Policy for Trustees

BOARD MEETING REMOTE ATTENDANCE POLICY FOR TRUSTEES

I. PURPOSE

To provide guidance to the Board of Retirement (Board) and Staff when Trustees wish to appear at Board and Standing Committee meetings from a remote location.

II. ASSUMPTIONS

1. The Board is subject to California's open meeting law that applies to local agencies, the Brown Act, Gov. Code §54950 et seq.
2. Gov. Code §54953 (b) permits the Board to hold a teleconference meeting if certain requirements are met, as discussed in Section III, below.
3. Gov. Code section 54953 also permits the Board to hold a teleconference meeting if certain requirements are met, as discussed in Section IV, below.
4. The Board finds that providing teleconference meetings can benefit the public, the Board and its Standing Committees and therefore teleconferencing should be available to facilitate Trustees' participation in Board and Standing Committee meetings.
5. This policy does not limit the Board's authority under applicable law. The Board may apply all legal authority that relates to the requirements for a teleconference meeting that are operative at the time of the meeting without amending this policy.

III. POLICY GUIDELINES FOR APPLYING SECTION 54953(b)

1. At least a quorum of the Board or Standing Committee must be within Mendocino County during a teleconference meeting.
2. Each Trustee appearing from a remote location is responsible for ensuring that:
 - a. The agenda is properly posted at the site at least 72 hours before the meeting in a location that is accessible to the public. Weekend hours may

be included to satisfy this requirement, but the agenda must be accessible to the public for the entire 72- hour period. Thus, the agenda may need be posted both outside a main entrance (visible outside an office building) and outside the room in which the Trustee will teleconference. Such agendas must remain visible until the meeting is completed.

- b. Members of the public can access the site during the meeting (even if the location is a hotel room, cruise ship cabin or a residence) and the site is ADA compliant.
 - c. Teleconference equipment is working, with a speaker reasonably loud enough for attendees to hear.
 - d. Members of the public who wish to make a public comment may do so.
3. Each remote location must be identified in the notice and agenda of the meeting including:
 - a. The identity of the Trustee(s) appearing at that location.
 - b. The street address and any room, apartment, suite or office number.
 - c. The agenda must provide the opportunity for the public to address the Board of Standing Committee at each location.
 4. All votes during a teleconference meeting must be taken by roll call, even if only one Trustee is participating via video/telephone.

IV. POLICY GUIDELINES FOR APPLYING SECTION 54953 JUST CAUSE AND EMERGENCY CIRCUMSTANCES EXECPTIONS

1. At least a quorum of the Board participates in person from a singular location within the County, which must be clearly identified in the agenda.
2. The location in (1), above, shall be open to the public.
3. The public shall also be able to remotely hear and visually observe the meeting and remotely address the Board either by a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting.
4. Notice shall be given in the agenda how the public can participate under section (3), above.

5. If there is some type of disruption that prevents the Board from broadcasting the meeting or the public can no longer participate remotely, no further action can be taken.
6. If sections (1)-(5), above are complied with, a trustee can participate remotely either for “just cause” or due to “emergency circumstances”, as those terms are defined in Section 54953, by complying with the process described in sections 7 and 8, below. A trustee can only use either of these exceptions twice a year.
7. A trustee wanting to appear remotely must provide notice and a brief description of the reason as soon as possible, before or at the meeting. If the reason is due to emergency circumstances, the Board must vote and approve the request.
8. The trustee appearing remotely shall disclose whether any other individuals 18 years of age or older are present and the general nature of the trustee’s relationship with any such individuals.

V. POLICY REVIEW

The Board shall review this policy at least every three years to ensure that it remains relevant and appropriate.

VI. POLICY HISTORY

This policy was adopted by the Board of Retirement on March 15, 2023