

MARIN EMERGENCY RADIO AUTHORITY

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MEMORANDUM

DATE: December 8, 2010
TO: MERA Board of Directors
FROM: Maureen Cassingham, Executive Officer
SUBJECT: **AGENDA ITEM B-5:** PROPOSED PROCEDURES FOR MERA MEETING TELECONFERENCING

Recommended Action: Upon recommendation of the Executive Committee, accept the proposed Procedures for MERA Meeting Teleconferencing and posting of same on MERA's website.

Background: Several MERA Board Members inquired about the procedures and legal requirements for voting at meetings where they cannot be physically present and quorums may be in jeopardy. MERA General Counsel Karpiak provided the following information to the Executive Committee on July 14, 2010, regarding teleconferencing:

“The following is from the RWG Brown Act Manual:

‘Teleconferencing’ may be used as a method for conducting meetings whereby members of a legislative body may be counted towards a quorum and participate fully in the meeting from remote locations. If a member participates in a meeting via teleconferencing, the following requirements apply: (1) the remote locations must be connected to the main meeting location by telephone, video or both; (2) the notice and agenda of the meeting must identify the remote locations; (3) the remote locations must be posted and accessible to the public; (4) all votes must be by roll call; and, (5) the meeting must in all respects comply with the Brown Act, including participation by members of the public present in remote locations. A quorum of the legislative body must participate from locations within the jurisdiction, but other members may participate from outside the jurisdiction. The teleconferencing rules only apply to members of the legislative body. Staff members, attorneys or consultants may participate remotely without following the posting and public access requirements of the teleconferencing rules. See Government Code Section 54953’.”

At the Committee's July 14 meeting, a question was posed about whether Board and Committee Members could participate via teleconferencing from remote locations within

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the jurisdiction. General Counsel Karpiak has advised that members can participate remotely within the jurisdiction provided public noticing requirements are met at those locations, that the remote locations are disclosed on the notice posted at the primary meeting site, that the remote locations are open to the public and a quorum is present at the primary site.

Another question posed was whether a member could participate in the discussion via teleconference but not vote if posting requirements are not met. Counsel Karpiak has advised that any member who participates in discussion may influence it so they need to participate at a noticed site. He added that it would be acceptable for a member to listen to a meeting without interacting.

With these clarifications, the Executive Committee recommended Board approval of these MERA Meeting Teleconferencing Procedures.