

Agenda Item B-4

MARIN EMERGENCY RADIO AUTHORITY

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DATE: May 13, 2015
TO: MERA Governing Board
FROM: Maureen Cassingham, Executive Officer
SUBJECT: AGENDA ITEM **B-4**: UPDATE ON MEASURE A VALIDATION ACTION

Recommended Action: Receive and file the Update on Measure A Validation Action.

Background: Since last reported to the Executive Board on March 11, Nossaman Litigators filed an Application for Default Judgment by the Court on April 16, 2015. The Application was filed in lieu of a hearing.

The Court generally rules on the Declarations and legal arguments therein, which attest to MERA meeting all the statutory requirements for the Validation Action and requests a judgment in favor of MERA. The result would be to permanently “enjoin and restrain all persons from the institution of any action or proceeding challenging the validity of Measure A and the Measure A Ordinance”.

On May 27, the Court signed the Judgment in favor of MERA and validated the Measure A Ordinance without the need for a hearing.

The original budget estimate for this Action was \$16,000. Due to the additional research required of underlying State laws and drafting of documents that required more time than expected, final legal costs are \$22,500. The revised expense will be charged to the Replacement Fund which is eligible for reimbursement from the Measure A Parcel Tax.