

MARIN EMERGENCY RADIO AUTHORITY

c/o Novato Fire Protection District
95 Rowland Way, Novato, CA 94945
PHONE: (415) 878-2690 FAX: (415) 878-2660
WWW.MERAONLINE.ORG

DATE: December 9, 2016

TO: Measure A Citizens Oversight Committee

FROM: Maureen Cassingham, Executive Officer

SUBJECT: AGENDA ITEM **E**: REPORT ON CITIZENS OVERSIGHT COMMITTEE
SCOPE/EXTENT OF REVIEW AND LIABILITY

Recommended Action: Receive and file the Report on Citizens Oversight Committee
Scope/Extent of Review and Liability.

Background: During the course of the Committee's review on August 17 of Measure A FY 15-16 collections and expenditures, Committee members requested guidance from MERA General Counsel regarding scope/extent of review of Measure A expenditures, reports, audits, etc. As you know, per the Committee's Bylaws, the Committee is advisory only to the Authority's Governing Board.

MERA General Counsel has opined that the Executive Officer and staff to the Committee, has the discretion to determine the appropriate level of review for the Committee. To this end, staff has provided P&L detailed reports on revenues and expenditures for Fund 70038 and presented hard copy invoices for same for inspection at Committee meetings to assist with review and verification. The Committee may wish to confirm that this level of review is appropriate, consistent and sufficient to fulfill its advisory duties to the Governing Board.

As to liability for your roles as Committee Members, MERA General Counsel has opined that Committee Members are immune from liability in performing their duties as set forth in the COC Bylaws. As relevant here, public officials or employees are not liable for an inquiry resulting from their acts or omissions where the act or omission was a result of their exercise of the discretion vested in such official or employee, even if the official or employee abused his or her discretion.

I hope the above is helpful to you going forward.