



Policy Remote Access by Trustees to Board and Committee Meetings

I. Purpose

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

II. Assumptions

- A. The Brown Act authorizes a legislative body such as the ACERA Board of Trustees or Board Committees to use any type of teleconferencing in connection with any meeting “for the benefits of the public and the legislative body.”¹ For purposes of this section, “teleconference” means “a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.”²
- B. A legislative body may, but is not required to, permit a meeting that includes remote teleconferencing if the legislative body concludes that teleconferences will be “for the benefit of the public and the legislative body. . .”³ If teleconferencing is permitted, Section 54953(b) contains the following specific requirements:
 1. Teleconferencing may be used for all purposes during any meeting.⁴
 2. All votes must be by rollcall.⁵
 3. Agendas must be posted at each teleconference location.⁶

¹ Government Code section 54953(b)(1). All future reference are to the Government Code unless specified otherwise.

² Section 54953 (b)(4).

³ Section 54953(b)(1)

⁴ Section 54953(b)(2)

⁵ Section 54953(b)(2).

⁶ Section 54953(b)(3)

4. The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body.⁷
 5. Each teleconference location must be identified in the notice and agenda of the meeting.⁸
 6. Each teleconference location must be accessible to the public.⁹
 7. At least a quorum of the legislative body must be present within ACERA's jurisdiction (Alameda County) either in one location or remotely.¹⁰
 8. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.¹¹
- C. The Board finds that providing a teleconferencing option will benefit the public and the legislative bodies, and wishes to make teleconferencing available as an option for Trustees to facilitate their participation in Board and Committee meetings.

III. Policy Guidelines

- A. At least a quorum of the legislative body must be present within ACERA's jurisdiction boundaries.¹² There is no limit to the number of teleconference locations permitted, meaning that all members of the legislative body could appear at remote locations so long as a quorum are appearing from remote locations within Alameda County.
- B. The Trustee appearing from a remote location is responsible for verifying that:
 1. The agenda was properly posted;
 2. Copies of the agenda and public materials are available at the site;

⁷ Section 54953(b)(3)

⁸ Section 54953(b)(3).

⁹ Section 54953(b)(3).

¹⁰ Section 54953(b)(3).

¹¹ Section 54953(b)(3)

¹² Section 54953(b)(3).

3. The teleconference equipment is working and that members of the public are able to hear what is happening in the meeting;
 4. Members of the public who wish to address the legislative body are permitted to do so.
- C. Each audio/video teleconference location must be identified in the notice and agenda of the meeting including:
1. The teleconferencing location, the street address, and any suite or office number so the teleconference can be readily located by members of the public seeking to join the meeting.¹³
 2. The identity of the Trustee appearing remotely.
 3. Agenda must be posted at all teleconferencing locations at least 72 hours before the meeting in a location that is freely accessible to the public. Weekend hours may be included to satisfy this requirements, but the agenda must be accessible for the entire 72-hour period.¹⁴ Thus, the agendas should be posted both outside the main facility of a teleconference location at a main entrance (e.g., visible outside an office building) and outside the specific teleconference location (e.g., outside the particular room or office door). Agendas should remain visible at these location until the meeting is completed.
 4. Each audio video teleconference location must be accessible to the public, which precludes setting a teleconference location in moving vehicles or offices not accessible to the public, or which are not ADA accessible. Vacationing members wishing to teleconference should realize that the public must have access to the member's hotel room or cruise ship cabin if that is where the teleconference will occur, and that the specific location will appear on the agenda.
 5. All telephones used for teleconferencing must have a functioning speaker to enable public access, even if there are no members of the public present at a particular

¹³ Section 54953(b)(3).

¹⁴ 78 Ops. Cal. Atty. Gen. 327 (1995)

location. If mobile phones are used, they must be physically located at the physical location listed on the agenda for the remote meeting.

6. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.¹⁵ All members of the legislative body must be able to hear and respond to public comments from all locations, and the public must be able to hear all Board or Committee deliberations.¹⁶ The meeting must be conducted so that participants by audio alone are clearly identified.

7. All votes must be taken by rollcall. The Act requires that all votes, regardless of topic, be taken by rollcall.¹⁷

D. The Board Chair may use the script attached as Attachment A (or a similar script) as a guide during the meeting to ensure that all procedures are followed when a Trustee is appearing remotely.

IV. Policy Review

The Governance Committee shall review this policy at least every three (3) years to ensure that it remains relevant and appropriate.

V. Policy History

A. The Board adopted this policy on November 21, 2019.

¹⁵ Section 54953(b)(3)

¹⁶ Section 54953(a).

¹⁷ Section 54953(b)(2)

Attachment A

SAMPLE SCRIPT FOR BOARD MEETING WITH TRUSTEE APPEARING REMOTELY VIA TELECONFERENCE

- 1) Administrative support staff member will call the remote Trustee and ensure that the Trustee is on the speaker phone in the Board chambers.
- 2) Board Chair: “I call this meeting to order. As reflected on the agenda, Trustee _____ will appear via telephone from the remote address listed on the agenda. I will now ask Trustee _____ to identify himself (or herself) and confirm that he (or she) is able to hear the proceedings.”
- 3) Remote Trustee: “This is Trustee _____. I am able to hear the proceedings.”
- 4) Board Chair: “Trustee _____, is there anyone else present at the remote location besides yourself?”
- 5) Remote Trustee: “There is no one else present. [Or, identify the number of individuals present.]”
- 6) Board Chair: “Trustee _____, can you confirm that the agenda for this meeting is posted at the remote location, and has been posted in a location visible to members of the public for at least 72 hours before the start of this meeting?”
- 7) Remote Trustee: “Yes.”
- 8) Board Chair: “Trustee _____, can you also confirm that the remote location is open to the public, is ADA accessible and the proceedings are being heard via a speaker phone which can be heard by anyone in the remote location?”
- 9) Remote Trustee: “Yes.”
- 10) Board Chair: “Finally, Trustee _____, can you confirm the copies of the agenda [and related public materials, if any] are available at the remote location for any member of the public who attends the meeting?”
- 11) Remote Trustee: “Yes.”

12) Board Chair: I will take this opportunity to ask all Trustees, staff members and others to identify themselves when speaking during the meeting to assist the remote Trustee in understanding the participation in the meeting.

13) Staff member: “I will now call the roll (calls roll). Trustee _____ is appearing remotely.”

14) Board Chair: When calling for public comment: “I now call for Public Comment from any members of the public at the ACERA headquarters location for any matter on the agenda or within the jurisdiction of this Committee.”

15) If there is public comment: Board Chair: “I now recognize the speakers from the ACERA headquarters location and give them each 4 minutes for public comment.”

16) Board Chair: “Trustee _____, is there anyone who wishes to make a public comment at your location?”

17) Remote Trustee: “There is no public comment at this location. [Or, there is one speaker at this location.]”

18) Board Chair: [If needed] “I now recognize the speakers from the remote location and give them each 4 minutes for public comment.”

19) Board Chair: [go through the process of introducing agenda items and hearing from staff and other participants. If new speakers address the Board, the Board Chair states: “Trustee _____ is appearing via teleconference from a remote location and will be participating in this meeting over a speaker phone. Please introduce yourselves and when you are speaking before this Committee identify yourself for the benefit of the remote Trustee.”

20) If there are motions, at the end of discussion, Board Chair will announce a roll call vote.

21) Administrative Staff member will conduct a roll call vote of all voting Trustees, including the remote Trustee, and announce the results of the vote.

22) Board Chair: “As all business on the agenda has been completed, I declare this meeting adjourned. Trustee _____, we will now disconnect the phone line to the remote location.”

23) Administrative Staff member will disconnect the phone line to the remote location and confirm it has been disconnected.