

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

- A. The Board is subject to California's open meeting law that applies to local agencies, the Brown Act, Gov't Code §54950 et seq.
- B. Gov't Code §54953(b) permits the Board to hold a teleconference meeting if the Board follows certain requirements
- C. 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.
- D. 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

- A. Unless the exception described in Section III(E) below applies, at least a quorum of the Board or Standing Committee must be within Alameda County during a teleconference meeting.
- B. Unless one of the exceptions described in Sections III(E) or III(F) below applies, each Trustee appearing from a remote location is responsible for ensuring that:
 - 1. 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.

2. 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.
 3. Teleconference equipment is working, with a speaker reasonably loud enough for attendees to hear.
 4. Members of the public who wish to make a public comment may do so.
- C. Unless one of the exceptions described in Sections III(E) or III(F) below applies, each remote location must be identified in the notice and agenda of the meeting including:
1. The identity of the Trustee appearing at that location.
 2. The street address and any room, apartment, suite or office number.
 3. The agenda must provide the opportunity for the public to address the Board or Standing Committee at each location.
- D. All votes during a teleconference meeting must be taken by roll call, even if only one Trustee is participating video/telephone.
- E. Gov't Code §54953(e) eliminates the requirements stated in Sections III(A-C) above during a proclaimed state of emergency if the Board makes certain findings relating to the protection of the health and safety of meeting attendees (roll call votes are still required). As of April 20, 2023, Section 54953(e) is set to be repealed on January 1, 2024. When the Board holds a teleconference meeting pursuant to Section 54953(e), the notice and agenda will prominently state as on the first page of the agenda: "THIS MEETING WILL BE CONDUCTED VIA TELECONFERENCE [GOV'T CODE § 54953(e)]."
- F. Gov't Code §54953(f) eliminates the requirements stated in Sections III(B-C) above when one or more Trustees appear remotely under "emergency circumstances" or for "just cause" (as defined in the statute), if at least a quorum the Board participates in person in the Boardroom or other appropriate physical location open to the public. As of April 20, 2023, these exceptions are set to be repealed on January 1, 2026. ACERA will provide the means by which the public can remotely hear, watch and participate in the meeting and the agenda will explain how to do so. When a Trustee attends remotely, the Trustee must;
1. Publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

2. Participate through both audio and visual technology.
3. Contact the ACERA Chief Executive Officer or Chief Counsel as soon as the desire to utilize these exceptions arises. The Chief Counsel will ensure compliance with the limitations on the use of these exceptions. A memorandum that explains the how those limitations operate for ACERA is attached hereto as Exhibit A.

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.
- B. The Board revised this Policy on August 18, 2022.
- C. The Board added Section III(F) and made other minor technical amendments to this Policy on April 20, 2023.