

## **Remote Attendance Policy for Trustees to MercedCERA Board of Retirement Meetings**

### **PURPOSE**

The purpose of this policy is to provide guidance on how Government Code Sections 54950, 54953, 54953.8.2 and 54953.8.3 apply to Merced County Employees' Retirement Association (MercedCERA) Retirement Board (Board) and Staff when MercedCERA Board Trustees wish to appear at Board and Standing Subcommittee meetings from a remote location.

### **SCOPE**

The Board is subject to California's open meeting law that applies to local agencies, the Brown Act, Government Code §54950. Government Code §54953, 54953.8.2 and 54953.8.3 permit the Board to hold a teleconference meeting if certain requirements are met, as discussed below. The Board finds that providing teleconference meetings can benefit the public, the Board and its Standing Subcommittees, and therefore teleconferencing should be available to facilitate Trustees' participation on essential Board related matters.

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 teleconferencing meeting that are operative at the time of the meeting without amending this policy.

### **DEFINITIONS**

For purposes of this policy, the following definitions apply:

1. "Just Cause" means any of the following:
  - Childcare or caregiving needs of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, including care for an immunocompromised relative listed above
  - Contagious illness
  - Needs related to a physical or mental condition
  - Travel while on official business of the Board or another state or local agency
  - Physical or family medical emergency
  - Military service obligations - active duty, drill, annual training, or any other duty required as a member of the California National Guard or US Military Reserves organization
2. "Disability" means a physical or mental disability as defined by Section Code 12926, 12926.1 or as defined in Section 12102 of Title 42 of the United States Code. Some disabilities include, but are not limited to:
  - Having a physiological disease, disorder, condition, cosmetic disfigurement or anatomical loss
  - Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness or specific

learning disabilities

3. "Local Emergency" means a local emergency in the boundaries of the territory over which the local agency exercises jurisdiction for any of the following events:
  - Extreme peril to persons or property proclaimed by the governing body of the local agency affected
  - Health emergency declared pursuant to the Health and Safety Code
4. "State Emergency" means state of emergency proclaimed pursuant to the California Emergency Services Act

## **POLICY GUIDELINES**

1. Government Code §54953.8.3 – "Just Cause" Exception in effect until January 1, 2030

At least a quorum of the Board must participate in person from a singular location within Merced County, which must be clearly identified in the agenda, and the location shall be open to the public. The public shall also be able to remotely hear and visually observe the meeting and remotely address the Board either by a two-way audiovisual platform or a two-way telephonic service and live webcasting of the meeting. Notice is to be given on the agenda how the public can participate in the remotely. However, if there is some type of disruption that prevents the Board from broadcasting the meeting or the public can no longer participate remotely, no further action can be taken by the Board at the meeting location.

Assuming all requirements previously mention in this section are adhered to, a Trustee can participate remotely for "Just Cause", per Section Code 54953.8.3. A Trustee can only use this exception twice in a calendar year. Trustees wanting to appear remotely must provide notice and a brief description of the reason as soon as possible. If requested before the Board meeting, Trustee is to notify the Plan Administrator of their request. If requested at the Board meeting, Trustee may make request when requested by the Board Chair for any teleconference requests.

The Trustee appearing remotely shall participate through audio and visual technology and shall disclose whether any other individuals 18 years of age or older are present and the general nature of the Trustee's relationship to such individuals. The minutes of the meeting shall identify the specific subsections of 54953.8.3 that the Trustee relied on to participate remotely.

2. Government Code §54953(c) – The Disability Exception

A trustee with a disability that precludes them from in-person attendance and cannot be reasonably accommodated (as the terms are defined under applicable law) may participate remotely. Remote participation under Section 54953(c) is treated as in-person attendance for all purposes, including any quorum requirements. The Trustee appearing remotely shall participate through audio and visual technology (unless a physical condition related to their disability results in a need to participate off camera) and shall disclose whether any other individuals 18 years of age or older are present and the general nature of the Trustee's relationship with any such individuals.

3. Government Code §54953.8.2 – Emergency Proclamation  
During a proclaimed state of emergency or local emergency relating to the protection of the health and safety of meeting attendees, requirements stated in Section 4 below are eliminated, except for roll call votes are still required. When the Board holds a teleconference meeting pursuant to this section, the agenda notice will prominently state as on the first page of the agenda: **“THIS MEETING WILL BE CONDUCTED VIA TELECONFERENCE (GOVERNMENT CODE §54953.8.2)”**.
4. Government Code §54953(b) – No exception or emergency proclamation is relevant. At least a quorum of the Board or Standing Subcommittee must be within Merced County during a teleconference meeting (see exceptions in preceding sections). Each Trustee appearing from a remote location is responsible for ensuring that:
  - a. 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 to 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.
  - b. 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.
  - c. Teleconference equipment must be working properly, with a speaker reasonably loud enough for the audience in attendance to hear.
  - d. Members of the public who wish to make a public comment may do so.

Each remote location must be identified in the agenda notice including:

- a. The identity of the Trustee appearing at that location.
- b. The street address and any room, apartment, suite or office number.
- c. The agenda must provide the opportunity for the public to address the Board or Standing Subcommittee at each location.

All votes during a teleconference meeting must be taken by roll call, even if only one Trustee is participating via video/telephone.

## **POLICY HISTORY**

This policy was adopted by the Board of Retirement on May 28, 2026.