

Remote participation and accessibility at in-person meetings

Proposed bylaws amendment pertaining to: Art. 6 Sec 3, Art. 6 Sec 9, & Art. 7 Sec 6(B)

Rationale:

This proposed bylaws amendment is to correct an outdated bylaws rule against a class of LSB members, specifically those who are disabled or mobility-impaired and/or have travel challenges, who pay for basic membership, but are disenfranchised and discriminated against because all LSB meetings are conducted in person and the bylaws rule bars members of this class from running for the LSB as for them participation in LSB meetings would be prohibitive. And since 20 of the PNB directors are elected by LSB members, this bylaws rule limits members of this class from ever becoming PNB directors.

As it stands now, elected LSB members must be physically present in the venue where the LSB meetings are held in order to be considered present during roll call and to participate in the meetings to introduce, discuss and vote on motions. LSB members who are disabled, mobility-impaired or have been incapacitated during their term and/or are unable to travel to attend are not allowed to participate remotely by using Skype or other telephonic technologies. Most governing bodies allow telephonic voting by elected officials during meetings in order to be in full compliance with state anti-discrimination law and regulations.

Although the bylaws allow for “special” Pacifica National Board and PNB committee meetings to be conducted telephonically, the bylaws currently require all regular PNB meetings and regular LSB meetings to be conducted in person. The bylaws do not provide a means for LSB members or PNB directors, including the 2 Affiliates directors, who might be disabled or mobility-impaired or might have been incapacitated during their term and/or are unable to travel to attend by participating remotely in LSB meetings or regular in person PNB meetings.

This proposed bylaws amendment would repair the disenfranchisement and discrimination against the class of LSB members described above, per the meeting rules for “Other Committees of the Board of Directors” in *Article Eight, Other Committees of the Board of Directors, Section 5: Meetings and Actions of Committees* that include LSBs (see http://pacific.org/indexed_bylaws/art8sec5.html). It would also apply to PNB directors who fall into this class and would reduce absences from both regular LSB and PNB in-person meetings.

Remote participation and accessibility at in-person meetings (cont.)

Current Text	Proposed changes to language: ADDED LANGUAGE IN CAPS	Revised Text
<p>Article Six, Meetings of the Board of Directors, Section 3: Telephonic Meetings: “The Board may hold special meetings, but not regular meetings, by telephone conference, video screen communication or other communications equipment, provided, however, that telephone appearance at meetings scheduled as "in-person" meetings is not permitted. Participation in a telephonic meeting under this Section shall constitute presence at the meeting if all of the following apply:</p> <p>A. Each Director participating in the meeting can communicate concurrently with all other Directors.</p> <p>B. Each Director is provided the means of participating in all matters for the Board, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the Foundation.</p> <p>C. The Board has a means of verifying that the person participating at the meeting is a Director and that all votes cast during said meeting are cast only by Directors.”</p>	<p>Article Six, Meetings of the Board of Directors, Section 3: Telephonic Meetings: “The Board may hold special meetings, but not regular meetings, by telephone conference, video screen communication or other communications equipment, provided, however, that telephone appearance at meetings scheduled as "in-person" (REGULAR) meetings is not permitted EXCEPT FOR THOSE WHO ARE DISABLED, MOBILITY-IMPAIRED OR HAVING BEEN INCAPACITATED DURING THEIR TERM AND/OR ARE UNABLE TO TRAVEL TO ATTEND. Participation in a telephonic meeting under this Section shall constitute presence at the meeting if all of the following apply:</p> <p>A. Each Director participating in the meeting can communicate concurrently with all other Directors.</p> <p>B. Each Director is provided the means of participating in all matters for the Board, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the Foundation.</p> <p>C. The Board has a means of verifying that the person participating at the meeting is a Director and that all votes cast during said meeting are cast only by Directors.”</p>	<p>Article Six, Meetings of the Board of Directors, Section 3: Telephonic Meetings: “The Board may hold special meetings, but not regular meetings, by telephone conference, video screen communication or other communications equipment, provided, however, that telephone appearance at meetings scheduled as "in-person" (regular) meetings is not permitted except for those who are disabled, mobility-impaired or having been incapacitated during their term and/or are unable to travel to attend. Participation in a telephonic meeting under this Section shall constitute presence at the meeting if all of the following apply:</p> <p>A. Each Director participating in the meeting can communicate concurrently with all other Directors.</p> <p>B. Each Director is provided the means of participating in all matters for the Board, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the Foundation.</p> <p>C. The Board has a means of verifying that the person participating at the meeting is a Director and that all votes cast during said meeting are cast only by Directors.”</p>

Remote participation and accessibility at in-person meetings (cont.)

Current Text	Proposed changes to language: ADDED LANGUAGE IN CAPS	Revised Text
<p>Article Six, Meetings of the Board of Directors, Section 9: Accessibility: “All public Board meetings shall be held in spaces fully accessible as defined in the Americans with Disabilities Act and any other applicable state and federal laws. Properly closed sessions may be held otherwise unless this would preclude access for any individual entitled to attend.”</p>	<p>Article Six, Meetings of the Board of Directors, Section 9: Accessibility: “All public (REGULAR) Board meetings shall be held in spaces fully accessible as defined in the Americans with Disabilities Act and any other applicable state and federal laws. THOSE WHO ARE DISABLED, MOBILITY-IMPAIRED OR HAVING BEEN INCAPACITATED DURING THEIR TERM AND/OR ARE UNABLE TO TRAVEL TO AN IN PERSON REGULAR MEETING MAY ATTEND THAT IN PERSON REGULAR MEETING REMOTELY VIA TELEPHONIC TECHNOLOGIES. IN ORDER TO PARTICIPATE REMOTELY IN A REGULAR MEETING UNDER THESE CIRCUMSTANCES, A DIRECTOR IS REQUIRED TO PROVIDE WITHIN FIVE (5) DAYS OF THE MEETING NOTICE EITHER CERTIFICATION FROM A HEALTH CARE PROVIDER STATING THE INABILITY OF THE DIRECTOR TO PHYSICALLY ATTEND THE INDIVIDUAL IN PERSON MEETING OR A NOTARIZED SIGNED STATEMENT FROM THE DIRECTOR EXPLAINING REASONS FOR HIS/HER INABILITY TO PHYSICALLY ATTEND THE INDIVIDUAL IN PERSON REGULAR MEETING. Properly closed sessions may be held otherwise unless this would preclude access for any individual entitled to attend.”</p>	<p>Article Six, Meetings of the Board of Directors, Section 9: Accessibility: “All public (regular) Board meetings shall be held in spaces fully accessible as defined in the Americans with Disabilities Act and any other applicable state and federal laws. Those who are disabled, mobility-impaired or having been incapacitated during their term and/or are unable to travel to an in person regular meeting may attend that in person regular meeting remotely via telephonic technologies. In order to participate remotely in a regular meeting under these circumstances, a director is required to provide within five (5) days of the meeting notice either certification from a health care provider stating the inability of the director to physically attend the individual in person meeting or a notarized signed statement signed from the director explaining reasons for his/her inability to physically attend the individual in person regular meeting. Properly closed sessions may be held otherwise unless this would preclude access for any individual entitled to attend.”</p>

Remote participation and accessibility at in-person meetings (cont.)

Current Text	Proposed changes to language: ADDED LANGUAGE IN CAPS	Revised Text
<p>Article Seven, <u>Local Station Boards</u>, Section 6: Meetings, B. TIME AND PLACE: “The LSB shall establish, by majority vote, the time and place of each meeting, provided, however that no meeting shall occur sooner than ten (10) days from the date of the vote scheduling said meeting without the unanimous agreement of all the LSB officers that a shorter period is required to address urgent matters and, in the event of less than 10-days notice, notice shall be given by telephone message to all LSB members at least 24 hours before the meeting. There shall be a meeting of the LSB in December each year to seat newly elected Delegates and to elect LSB officers, and in early January to elect Director(s). Meetings shall be held within the local radio station area in facilities of sufficient size to accommodate Members affiliated with that radio station and the public, preferably in the station.”</p>	<p>Article Seven, <u>Local Station Boards</u>, Section 6: Meetings, B. TIME AND PLACE: “The LSB shall establish, by majority vote, the time and place of each meeting, provided, however that no meeting shall occur sooner than ten (10) days from the date of the vote scheduling said meeting without the unanimous agreement of all the LSB officers that a shorter period is required to address urgent matters and, in the event of less than 10-days notice, notice shall be given by telephone message to all LSB members at least 24 hours before the meeting. There shall be a meeting of the LSB in December each year to seat newly elected Delegates and to elect LSB officers, and in early January to elect Director(s). Meetings shall be held within the local radio station area in facilities of sufficient size to accommodate Members affiliated with that radio station and the public, preferably in the station. MEMBERS WHO HAVE ACCESSIBILITY ISSUES MAY ATTEND REMOTELY PER ARTICLE 6, SECTION 9 OF THESE BYLAWS AND ARE TO BE ACCOMMODATED BY THE LSB OFFICERS.”</p>	<p>Article Seven, <u>Local Station Boards</u>, Section 6: Meetings, B. TIME AND PLACE: “The LSB shall establish, by majority vote, the time and place of each meeting, provided, however that no meeting shall occur sooner than ten (10) days from the date of the vote scheduling said meeting without the unanimous agreement of all the LSB officers that a shorter period is required to address urgent matters and, in the event of less than 10-days notice, notice shall be given by telephone message to all LSB members at least 24 hours before the meeting. There shall be a meeting of the LSB in December each year to seat newly elected Delegates and to elect LSB officers, and in early January to elect Director(s). Meetings shall be held within the local radio station area in facilities of sufficient size to accommodate Members affiliated with that radio station and the public, preferably in the station. Members who have accessibility issues may attend remotely per Article 6, Section 9 of these bylaws and are to be accommodated by the LSB officers.”</p>

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The above bylaws amendment has been proposed Janet Kobren and co-signed by the following Pacifica National Board Directors:

Janet Kobren, KPFA
Benito Diaz, WPFW
Lydia Brazon, KPFK
Janis Lane-Ewart, Affiliate
Lawrence Reyes, KPFK
Brenda Medina, KPFK
Adriana Casenave, KPFT
Margy Wilkinson, KPFA