

## **Agenda Item A-3**

### **MARIN EMERGENCY RADIO AUTHORITY**

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**DATE:** March 25, 2015  
**TO:** MERA Governing Board  
**FROM:** Maureen Cassingham, Executive Officer  
**SUBJECT:** AGENDA ITEM **A-3**: UPDATE ON MEASURE A VALIDATION ACTION

Recommended Action: Receive and file the Update on Measure A Validation Action.

Background: On February 4, the Executive Board received a verbal update on MERA's Measure A Validation Action. The Validation Action is seeking a court judgment that Measure A is a valid, legal and binding ordinance that would permanently enjoin and restrain any legal challenges to its basis before MERA proceeds with bond financing for the Next Gen Project.

The Summons and Complaint were filed by Nossaman Litigators Steve Roberts and Catherine Ngo on January 23. The Judge's Order granting the posting of the Summons was issued on January 26. The Summons was posted at NFPD on January 27 and remained posted for 3 successive weeks to fulfill the noticing requirement. The Summons was published for the first time on January 28 in the Marin I.J. and was published again on February 5 and 12.

March 2 was the deadline for contesting the Validation Action with the Marin Superior Court. There was no written or physical contest entered with the Court. Counsel filed a request for Entry of Default with the Court on March 11. The Court will set a date and Notice the case for a default hearing.

For the hearing, Counsel will file a brief Memorandum of Points and Authorities to explain to the Judge what the hearing is about. After the hearing, during which I will testify about the process MERA followed, we would expect the Judge to sign a judgment which will complete the Validation.