



Recent Changes to the Brown Act SB707

June 18, 2026

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Remote Appearance by a Member: Teleconferencing

- Can still use existing teleconferencing rules
 - **Teleconference location is listed on the agenda, including full address (and room # if applicable)**
 - **Teleconference location must be publicly accessible and must have means for public participation from that location**
 - Post agenda at teleconference location 72 hours in advance
 - A quorum must attend in-county
 - The agenda must include opportunity for public participation at teleconferenced location(s)
 - All votes must be by roll call
 - SB707: Watching or listening without speaking/discussing is not teleconferencing. (County already followed this rule.)
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Remote Appearance by a Member: Just Cause

- Prior Law: As an alternative to teleconferencing, member could invoke emergency circumstances or just cause to participate remotely in a limited number of meetings
- Now: All rationales defined as “just cause” but cover the same general justifications, plus a few extra. Commission members can invoke “just cause” two times per year
- Whole Commission/members can still meet remotely if there is a State or local emergency and certain findings are made



Remote Appearance by a Member: Just Cause

1. Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner
2. Contagious illness
3. A need related to a physical or mental condition that is not otherwise covered as an ADA accommodation
4. Travel while on official business of the legislative body or another state or local agency.
 - Does not include work travel unless you work for a public agency
5. Have an immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner
6. A physical or family medical emergency
7. Military service obligations



Remote Appearance by a Member: Just Cause

- Just Cause Process:
 - Member must notify Commission as early as possible, including up to beginning of meeting, with general description of circumstances
 - Must participate through audio and visual means
 - Must disclose any present adults and relationship to them
 - Must not invoke more than **twice per year**
 - Meeting minutes **must identify the specific just cause rationale relied upon**, but no need to disclose diagnosis or disability



Remote Participation by a Member: ADA Accommodation

- As an alternative to the standard teleconferencing rules, members may appear remotely as a reasonable accommodation under applicable law, including the Americans with Disabilities Act (ADA).
- Must appear by audio and visual means unless the disability prevents you from appearing on video
- Must disclose any present adults and relationship to them



Remote Participation by Full Commission

- Prior Law: Full Commission could attend remotely only in state-declared emergency circumstances if certain criteria were met.
- Now:
 - Full Commission can attend remotely in state- or local-declared emergencies if certain criteria are met; and
 - Full Commission can attend remotely if Board of Supervisors authorizes Commission to do so after making specific findings, and if a physical location with a staff member present is available to the public.
 - Elected officials serving in their official capacities may not rely on this provision



Meeting Disruptions

- Prior Law: The Commission Chair could remove a member of the public who actually disrupts, disturbs, impedes or renders infeasible the orderly conduct of the meeting.
- Now: Clarifies that this rule applies also to teleconferencing/remote meetings



Public Right to Record

- Confirms that members of the public may record meetings by any non-disruptive means



Social Media Use

- SB707 makes permanent existing social media use rules
- Commissioners can communicate with their own constituents using social media platforms, and can comment upon, like, or repost social media content *generated by constituents or their own agencies* so long as a majority of members do not “discuss among themselves” business of a specific nature either via comments or reaction emojis on such content
- Commissioners are altogether forbidden from commenting upon, liking, or reposting the social media content generated *by other members of the Commission* on topics within the Commission’s purview



Receipt of Brown Act

- Agencies must provide a copy of the Brown Act to Commission members



Questions?