

AGENDA ITEM 7.B.

MEETING: February 24, 2026
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer
SUBJECT: Brown Act Update

BACKGROUND

The Ralph M. Brown Act (G.C. §54950 et seq.), otherwise known as the Brown Act, was enacted in 1953 to ensure that actions of local agencies occur in open and public meetings, with posted agendas, where all persons are permitted to attend and participate. Over the years, several updates have been made to the Brown Act. Most recently, Governor Newsom signed Senate Bill 707 (SB 707) on October 3, 2025, that has become operative on January 1, 2026.

DISCUSSION

SB 707 includes several changes to the Brown Act for all agencies, and additional requirements for certain eligible agencies. Changes for all agencies include the following:

- Provide a copy of the Brown Act: Local agencies are now required to provide a copy of the Brown Act to any serving members on the legislative body of the local agency. For Trinity LAFCo, a [digital link](#) will be provided to each Commissioner via email. A hard copy of the Brown Act can be provided upon request.
- Social Media Communication: Members of a legislative body are now permanently allowed to use internet-based social media platforms to engage with the public on matters within their jurisdiction. However, they may not deliberate or discuss business among themselves on such platforms. This includes any interaction with a digital post such as a written reply or any sort of reaction (“Like”, emojis, etc.).
- Meeting Decorum and Disruptions: The Brown Act now expressly affirms that local agencies may remove or restrict participation by individuals engaging in disruptive behavior during teleconferenced or hybrid meetings, ensuring that the orderly conduct of public meetings is maintained even in virtual settings.
- Accessibility Accommodations: Members of a legislative body with disabilities may now participate in meetings remotely as a reasonable accommodation. These members must participate using both audio and video technology unless their disability requires an exception. They must also disclose whether any other individuals over the age of eighteen are present in the room in their remote location and the general nature of their relationship to those individuals. Participation by members under these circumstances is deemed equivalent to in-person attendance for all legal purposes, including the quorum requirements.
- Board (Commission) Member Remote Meeting Participation Options: Traditional teleconferencing rules under G.C. §54953 are still available for members of a legislative body. SB 707 made changes to alternative teleconferencing options based on the type of local agency and the circumstances in which teleconferencing is being used. Most notably, the “emergency circumstances” provision allowed by AB 2449, has now been incorporated under the “just cause” provisions. Additionally, a legislative body may now hold meetings remotely under a proclaimed state of emergency (proclaimed pursuant to Section 8625 of the California Emergency Services Act) or local emergency (proclaimed by the governing body of the local

agency affected in accordance with Section 8630 of the California Emergency Services Act or a local health emergency declared pursuant to Section 101080 of the Health and Safety Code).

Additional changes are required for “eligible legislative bodies” which is defined as:

- (A) A city council of a city with a population of 30,000 or more.
- (B) A county board of supervisors of a county, or city and county, with a population of 30,000 or more.
- (C) A city council of a city located in a county with a population of 600,000 or more.
- (D) The board of directors of a special district that has an internet website and meets any of the following conditions:
 - (i) The boundaries of the special district include the entirety of a county with a population of 600,000 or more, and the special district has over 200 full-time equivalent employees.
 - (ii) The special district has over 1,000 full-time equivalent employees.
 - (iii) The special district has annual revenues, based on the most recent Financial Transaction Report data published by the California State Controller, that exceed four hundred million dollars (\$400,000,000), adjusted annually for inflation commencing January 1, 2027, as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year, and the special district employs over 200 full-time equivalent employees.

Under this definition, LAFCo does not qualify as an eligible legislative body and is therefore not subject to the additional requirements of SB707.

Several entities have developed updated guides or informational pages on the Brown Act which can be found using the following links:

- California Special District Association: 2026 CSDA Brown Act Compliance Manual
www.csda.net/member-resources/brown-act-resources
- Burke, Williams, & Sorensen, LLP: Brown Act 2026
www.bwslaw.com/insights/burke-brown-act-compilation-2026/
- Best, Best, & Krieger, LLP: Major Brown Act Updates Under SB 707
www.bbklaw.com/resources/la-101025-major-brown-act-updates-under-sb-707

LAFCo staff will be emailing resources on the Brown Act and its recent updates to all special districts within the County. Resources include a two-page Q&A drafted by staff (Attachment A) and a link to the 2026 Brown Act Compliance Manual created by CSDA.

RECOMMENDATION

Staff recommends the Commission receive and file this report. The Commission is invited to discuss the item and provide direction to staff as needed.

Attachments

- A) Brown Act Update Information for Special Districts

Recent Updates to the Brown Act

What is the Brown Act?

The Ralph M. Brown Act or “Open Meeting Law” is codified in [California Government Code § 54950 et seq.](#) The Brown Act was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies.

Who must comply with the Brown Act?

The Brown Act applies to most legislative bodies, including city councils, boards of supervisors, special district boards, commissions, and standing committees.

What does the Brown Act mandate?

The Brown Act requires that all meetings of legislative bodies be conducted in a public forum and be open to the public. Key requirements include:

- (1) Meetings must be publicly noticed with agendas posted at least 72 hours in advance (24 hours for special meetings).
- (2) Agendas must clearly describe each item of business to be discussed and acted upon.
- (3) Deliberations and actions must occur in open session unless specifically authorized for closed session.
- (4) The public must be allowed to attend and provide comment.
- (5) A majority of members may not discuss, deliberate, or take action on agency business outside a properly noticed meeting (including serial communications).

What is SB 707?

On October 3, 2025, Governor Newsom signed SB 707 (Durazo) into law. SB 707 makes significant revisions to the Brown Act, including reorganizing teleconferencing rules and expanding public access requirements. Most provisions take effect January 1, 2026. Certain additional requirements apply beginning July 1, 2026, to agencies classified as “eligible legislative bodies.”

How do the recent updates to the Brown Act affect my district?

SB 707 includes several changes to the Brown Act that apply to all agencies, along with additional requirements for certain “eligible legislative bodies.” Changes for *all agencies* include the following:

- Provide a copy of the Brown Act: Local agencies must provide a copy of the Brown Act to each member of the legislative body. The copy may be provided electronically.
- Social Media Communication: Members of a legislative body may use internet-based social media platforms to communicate with the public on matters within the agency’s jurisdiction. However, members may not deliberate, discuss, or develop a collective concurrence with other members regarding agency business through social media. This prohibition includes written replies, comments, or reactions (such as “likes” or emojis) to another member’s post concerning agency business or matters within the agency’s jurisdiction.
- Meeting Decorum and Disruptions: The Brown Act now expressly affirms that agencies may remove or restrict participation by individuals who engage in disruptive behavior during

teleconferenced or hybrid meetings, ensuring that the orderly conduct of public meetings is maintained even in virtual settings.

- Accessibility Accommodations: Members with qualifying disabilities may participate remotely as a reasonable accommodation. Participation must generally include both audio and video unless the disability requires otherwise. Members must disclose whether any individuals over age 18 are present in the room and the general nature of their relationship. Participation under this provision counts fully toward quorum and voting requirements.
- Board Member Remote Meeting Participation Options: Beginning January 1, 2026, SB 707 eliminates the former “emergency circumstances” provision and limits remote participation without prior notice to members who qualify under the revised “just cause” provision. “Just cause” now includes childcare or caregiving responsibilities, contagious illness, physical or mental health needs, official travel on behalf of the legislative body or another state or local agency, care for an immunocompromised family member, a medical emergency, or military service obligations. Unlike prior law, local agency approval is no longer required to use a just cause exception, but the qualifying circumstances are now strictly defined. Vacation travel or private employment travel does not qualify. A member who does not meet the just cause requirements may still participate remotely if the agenda lists the physical location from which the member will appear and that location is open to the public. Otherwise, a member may observe the meeting remotely in the same manner as a member of the public but may not participate or be counted toward quorum.

Additional Requirements for “Eligible Legislative Bodies”:

Certain additional amendments apply only to “eligible legislative bodies,” as defined by SB 707. These include expanded teleconferencing requirements, language translation requirements for agendas, and adoption of policies addressing internet disruptions during meetings.

For special districts, an “eligible legislative body” includes the board of directors of a special district that maintains a website and meets one or more of the following conditions:

- The district’s boundaries include the entirety of a county with a population of 600,000 or more and the district employs more than 200 full-time equivalent employees;
- The district employs more than 1,000 full-time equivalent employees; or
- The district has annual revenues exceeding \$400,000,000 (adjusted annually for inflation beginning January 1, 2027) and employs more than 200 full-time equivalent employees.

Most rural special districts do not fall within this classification.

For More Information

For additional guidance, please consult the 2026 CSDA Brown Act Compliance Manual, which is available on our website at: www.trinitylafco.org/lafco-information/

Additional resources and compliance materials are also available through the California Special Districts Association (CSDA) at: www.csda.net