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TO: District Brown Act Bodies:
Board of Trustees
Personnel Commission
Merit Rules Advisory Committee
District Planning and Advisory Committee
Academic Senate
Associated Students
All standing committees created by any of the above bodies

FROM: Robert M. Myers

RE: Revisions to the Brown Act

Senate Bill 707, signed by Governor Newsom on October 3, 2025, makes extensive changes to the Brown Act (Government Code § 54950 et seq.) to modernize public meeting rules, expand access and participation, and update remote meeting protocols.

This memorandum summarizes the changes applicable to the College, effective on January 1, 2026. Other changes effective July 1, 2026, apply only to certain cities, counties, and large special-purpose districts and do not apply to school districts.

The following are updates applicable to the College:

Mandatory distribution of Brown Act text (Section 54952.7): Local agencies must now *provide a copy of the full Brown Act* to anyone elected or appointed to their legislative body.

Right to record meetings (Section 54953.5): The Act's existing right for attendees to record proceedings is rewritten to remove references to specific devices (e.g., "audio/visual recorders or motion cameras"), modernizing the language.

Requirements for traditional teleconference continue in effect (Section 54953): To participate in a meeting by teleconference, each teleconference location must be identified on the meeting agenda, and the agenda must be posted at each such location. Each teleconference location must be open and accessible to the public, and members of the public must be permitted

to attend and address the legislative body from every listed location. (See Attachment 1 for more information.) Accordingly, it is strongly discouraged for members of the College community to use a personal residence as a teleconference location. Because the Brown Act grants any member of the public the right to attend the meeting from each identified location, using a home address would require allowing public access to the residence, raising significant safety, privacy, and liability concerns.

Remote Participation as a reasonable accommodation (Section 54953(c)): Without complying with other remote participation rules, a member of the body with a disability that precludes the member's in-person attendance at meetings of the body can participate by remote participation if participation cannot be otherwise reasonably accommodated.

Requirements for "just cause" remote participation continue in effect with revisions (Section 54953.8.3): The law previously specified separate "just cause" and "emergency" grounds for remote participation. SB 707 merges the exceptions into a single "just cause" category. Attachment 1 provides detailed information on the "just cause" requirements

Remote meetings for community college student organizations (Section 54953.8.5) until January 1, 2030: SB 707 extended a provision allowing remote participation by members of student organizations with the approval of the Board of Trustees. At least a quorum of the members of the eligible community college student organization must participate from a singular physical location that is accessible to the public and is within the community college district. Detailed rules must be followed for meetings under this section.

Remote meetings by "subsidiary" bodies (Section 54953.8.6) until January 1, 2030: The new law also authorizes remote teleconference meetings by "eligible subsidiary bodies" of local agencies, as long as the subsidiary bodies comply with specific requirements. Requirements include having at least one physical location for the meeting, attendance by a staff member at that location, and on-camera participation by those attending remotely. The legislative body that created the subsidiary body must make specific findings before authorizing fully remote meetings and at least every 6 months thereafter. Under SB 707, an "eligible subsidiary body" must meet all of the following requirements:

- A legislative body serving exclusively in an advisory capacity.
- Is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants, or allocations of funds.
- Does not have primary subject matter jurisdiction, as defined by the charter, an ordinance, a resolution, or any formal action of the legislative body that created the subsidiary body, that focuses on elections, budgets, police oversight, or removing from, or restricting access to, materials available in public libraries.

Any College body that seeks to utilize Section 54953.8.6 should consult with Campus Counsel.

Conclusion

The Brown Act reflects California's strong commitment to open government by guaranteeing the public meaningful access to meetings, deliberations, and actions of legislative bodies. Failure to comply exposes the College and its Brown Act bodies to significant legal risk, including the potential invalidation of actions taken and litigation costs.

Every member of a Brown Act body bears an individual responsibility to be familiar with the Act's requirements. This obligation is underscored by the statutory requirement that each member be provided a copy of the Brown Act. By maintaining a working knowledge of the Act and seeking guidance when questions arise, members help ensure compliance and uphold the integrity of the College's governance processes.

The full text of the Brown Act is included in Attachment 2.

REMOTE MEETINGS UNDER THE BROWN ACT

Standard Teleconference Option (Government Code Section 54953(b))

- Each teleconference location must be specifically identified in the agenda. This includes the full address and room number.
- An agenda must be posted at each teleconference location for at least 72 hours for a regular meeting and 24 hours for a special meeting.
- Each location must be accessible to the public.
- Any member of the public must be able to address the entire body from each location.
- All votes must be by roll call.
- A quorum must participate from locations within the boundaries of the District. The quorum may include those participating remotely from locations within the District's boundaries.
- Does not prevent remote participation by a member with a disability as a reasonable accommodation.

Just Cause (Government Code Section 54953.8.3)

Just Cause

- Childcare or caregiving needs of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely
- A contagious illness that prevents a member from attending in person
- A need related to a physical or mental disability that cannot be reasonably accommodated
- Travel while on official business of the legislative body or another state or local agency.
- A physical or family medical emergency that prevents a member from attending in person. The member must request that the body allow them to participate, and the member must provide a general description of the emergency, not to exceed 20 words; the member does not need to disclose medical diagnosis, disability, or personal medical information.
- Military service obligations that result in a member being unable to attend in person because they are serving under official written orders.
- A member of the legislative body notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The meeting minutes shall identify the specific just cause reason for remote participation.

Limited Usage

- Just cause cannot be used more than (i) two meetings per year, if the legislative body regularly meets once per month or less; (ii) five meetings per year, if the legislative body regularly meets twice per month; (iii) seven meetings per year, if the legislative body regularly meets three or more times per month.

Agenda

- Provide notice of how the public can access the meeting and provide comments.
- Identify and include an opportunity for all persons to attend via (a) a call-in option or an internet-based option, and (b) an in-person option.
- The body may not require a member of the public to submit comments prior to the meeting.
- No requirement to disclose remote locations.

In-Person Quorum Requirement

- A quorum must participate in person from a singular physical location (a) clearly identified in the agenda, (b) located within the boundaries of the District, and (c) open to the public.
- Members attending remotely must participate through both audio and visual technology (audio only is not permitted).
- The public has the right to remotely hear and visually observe the meeting and remotely address the legislative body through: (a) a two-way audiovisual platform; or (b) a two-way telephonic service and a live webcasting of the meeting.
- Before any action is taken, the member shall disclose whether any individuals 18 years or older are present at the remote location with the member and the general nature of the relationship with such individuals.

*Remote meetings under Section 54953.8.5 (Teleconferencing, eligible community college student organization) or Section 54953.8.6 (Teleconferencing, eligible subsidiary body) are not currently authorized.