

## Memorandum

### ATTORNEY-CLIENT PRIVILEGE VIA ELECTRONIC MAIL

**DATE:** February 24, 2026

**TO:** Chino Basin Watermaster Board Members

**FROM:** Brownstein Hyatt Farber Schreck

**RE:** Brown Act Rules for 2026 (SB 707): Teleconferencing and Remote Participation

---

This memorandum supersedes and replaces the memorandum dated February 2, 2023 provided to you entitled, “New Brown Act Rules for 2023: Teleconferencing Rules (AB 361 & AB 2449).” While Watermaster is not a public agency that is required to adhere to the provisions of the Brown Act, Watermaster’s Rules and Regulations provide that as a matter of policy, Watermaster shall generally operate in accordance with the Brown Act’s provisions.

On October 3, 2025, Governor Newsom signed into law Senate Bill (SB) 707, which made significant changes to the Ralph M. Brown Act (“Brown Act” or “Act,” at Gov. Code § 54950 *et seq.*) effective January 1, 2026. The purpose of SB 707 is to improve transparency, to modernize the Act to reflect technological advancements, and to expand public access, especially for disabled, working, and non-English speaking communities. These goals are particularly embodied in new rules for “eligible legislative bodies”—which **do not** apply to Chino Basin Watermaster, and which are not discussed here — but reflect trends we believe the Legislature will continue to advance.<sup>1</sup>

While SB 707 made significant changes to the Brown Act generally, this memorandum will focus solely on those changes affecting teleconferencing.<sup>2</sup> All code sections referenced in the memorandum refer to the Government Code, unless otherwise stated.

---

<sup>1</sup> The rules applicable only to “eligible legislative bodies” that are effective from July 1, 2026 through December 31, 2029.

<sup>2</sup> Information regarding the additional Brown Act changes made by SB 707 can be provided upon request.

**ATTORNEY-CLIENT PRIVILEGE  
VIA ELECTRONIC MAIL**

**I. REMOTE PARTICIPATION UNDER THE BROWN ACT**

**A. Traditional Brown Act teleconferencing rules remain unchanged**

Government Code § 54953(b)(2) allows local agency officials to participate in a public meeting via teleconference, provided:

- At least a quorum of the legislative body participates from locations in the local agency's jurisdiction;
- The teleconference location is identified in the meeting notice and agenda, including the full address and room number (if in a hotel);
- Each teleconference location is accessible to the public and has technology to enable public participation from the teleconference location;
- The meeting agenda is posted at each teleconference location; and,
- Voting must be by roll call vote.

These provisions were not affected by post-pandemic legislation that created exceptions to these traditional rules or SB 707.

**B. Revised and restated rules for teleconferencing during states of emergency  
(Government Code § 54953.8.2)**

AB 557 (effective January 1, 2024 – January 1, 2026) extended and updated the relaxed teleconferencing rules enacted by AB 361 (sunset on January 1, 2024). Under AB 557, remote meetings were authorized where the Governor proclaimed a state of emergency and the legislative body meets remotely during the emergency either to make an initial determination on whether meeting in person presents an imminent risk to the health or safety of attendees, or the body has previously made that determination and the health and safety risks continue. SB 707 adds emergencies *declared by localities* as a basis for teleconferencing.

After making the initial determination to teleconference, the local agency must renew its findings in support of teleconferencing by majority vote every 45 days, as follows: (1) The legislative body has reconsidered the circumstances of the state of emergency or local emergency; and (2) The state of emergency or local emergency continues to directly impact the ability of the members to meet safely in person. (Gov. Code § 54953.8.2(a)-(b).)

**ATTORNEY-CLIENT PRIVILEGE  
VIA ELECTRONIC MAIL**

**C. “Just cause” teleconferencing (1/1/26 – 12/31/29) and elimination of  
“emergency circumstances” teleconferencing<sup>3</sup>**

AB 2449 (2022), which sunset at the end of 2025, permitted members of the legislative body to teleconference for a “just cause” or “emergency circumstances” reason — as those terms were defined by statute.

SB 707 extends AB 2449’s “just cause” reason for remote participation until January 1, 2030, but amends the definition to add new bases for its use, shown in underlined text:

- Providing childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse or domestic partner that requires the official to participate remotely;
- A contagious illness that prevents a member from attending in person;
- A need related to a physical or mental disability;
- Travel while on official business of the legislative body or another agency;
- Care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely;
- Military service obligations that result in the member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency; and,
- A physical or family medical emergency that prevents a member from attending in person. (Gov. Code § 54953.8.3(c).)

SB 707 removes the “emergency circumstances” justification for teleconferencing, which has been incorporated into the “physical or family medical emergency” subset of “just cause” and teleconferencing under this justification will not require obtaining approval from the rest of the legislative body (as was the requirement for remote participation for an “emergency circumstances” reason). Instead, the just cause procedures established under AB 2449 will continue to apply and require:

---

<sup>3</sup> The just cause and emergency circumstances provisions were codified at Government Code Section 54953. SB 707 moves the revised just cause provisions to a new Section 54953.8.3 of the Government Code.

**ATTORNEY-CLIENT PRIVILEGE  
VIA ELECTRONIC MAIL**

- (1) Notifying the legislative body of the need to participate remotely at the earliest opportunity possible, including at the start of a regular meeting;
- (2) Giving a general description of the circumstances relating to the need to appear remotely;
- (3) The remote attendee must publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with those individuals.
- (4) The remote attendee must participate by both audio and visual technology (camera on). (Gov. Code § 54953.8.3(a).)

At least a quorum of the members of the body is still required to participate in person from a singular physical location and the number of times a member may use just cause teleconferencing remains unchanged.<sup>4</sup> (Gov. Code § 54953.8.3(a), (a)(3).)

The minutes for the meeting must identify the specific provision that each member relies upon to participate remotely, although this requirement is not to be construed to require the member to disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt from disclosure under existing law. (Gov. Code § 54953.8.3(b).)

**D. Teleconferencing as a reasonable accommodation**

SB 707 expressly provides that a member of the legislative body with a disability, as defined<sup>5</sup>, may participate remotely as a reasonable accommodation. Generally, the disabled member must participate through audio and visual technology; however, if a physical condition related to the disability results in a need to participate off camera, he or she may do so and participate only through audio. The member must disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any of those individuals. (Gov. Code § 54953(c)(2).) The statute does not specify that the teleconferencing member must disclose that he or she is participating remotely due to a disability.

---

<sup>4</sup> AB 2302 (effective 1/1/2025 – 1/1/2026) established a cap on the number of times members of a legislative body could teleconference under AB 2449 for just cause and emergency circumstances reasons. SB 707 leaves these numbers unchanged. Under SB 707, members may teleconference: two meetings per year, if the legislative body regularly meets once per month or less; five meetings per year, if the legislative body regularly meets twice per month; seven meetings per year, if the legislative body regularly meets three or more times per month.

<sup>5</sup> “Disability” means a physical disability or a mental disability as those terms are defined in Government Code Section 12926 and used in Section 12926.1, or a disability as defined in Section 12102 of Title 42 of the United States Code.

**ATTORNEY-CLIENT PRIVILEGE  
VIA ELECTRONIC MAIL**

Under the “reasonable accommodation” justification, it is important to note that the teleconferencing member’s participation is treated as in-person attendance for all purposes and counts towards a quorum at the same physical location as the members participating in person. Additionally, if a teleconference is held for the sole reason of a member’s disability (under the “reasonable accommodation” justification), the general requirement that votes be taken by roll call and that agendas be posted at all teleconference locations does not apply. (Gov. Code § 54953(b)(4).)

**II.**

\*\*\*\* End \*\*\*\*

Flow Chart for Authorizing Remote Participation Under Traditional Rules  
50341316

**ATTACHMENT A**

**FLOW CHART FOR AUTHORIZING**  
**REMOTE PARTICIPATION UNDER TRADITIONAL RULES<sup>1</sup>**

**STEP 0: Certain prerequisites must be satisfied to teleconference.**

- (1) Sufficient notice (a minimum of four days in advance of a meeting) must be provided to staff to remotely participate under traditional rules because
  - a. The teleconference location must be identified in the meeting notice and agenda that is published 72 hours in advance of the meeting. The full address and room number (if in a hotel) will be published.
  - b. Staff must confirm at least a quorum of the other members will participate from locations within the boundaries of the agency's jurisdiction.

**STEP 1: Member may participate remotely either by a call-in option or a 2-way audiovisual platform.**

- Each teleconference location must be accessible to the public and have technology to enable public participation from the teleconference location.
- The meeting agenda must be posted at each teleconference location.
- All votes are taken by roll call.

---

**Notes on use of traditional teleconferencing:**

- There is no annual limit on the number of time a board member may teleconference under traditional rules.

---

<sup>1</sup> Gov. Code § 54953(b).

## **FLOW CHART FOR AUTHORIZING “JUST CAUSE”**

### **REMOTE PARTICIPATION UNDER SB 707**

#### **STEP 0: Certain prerequisites must be satisfied to teleconference for a “just cause” reason.**

- (1) At least a quorum of the other members must be present at one physical location within the agency’s jurisdiction that is open to the public and identified on the agenda.<sup>2</sup>
- (2) The agency must provide one of the following: (a) 2-way audiovisual platform or (b) 2-way telephone service and live webcasting, so the public can remotely hear, visually observe, and participate in the meeting.<sup>3</sup>
- (3) The member desiring to teleconference cannot exceed the annual limit for participating remotely for a “just cause” reason based on the frequency the body meets:
  - 2 meetings / year, if the legislative body regularly meets once per month or less
  - 5 meetings / year, if the legislative body regularly meets 2x per month
  - 7 meetings / year, if the legislative body regularly meets 3+ times per month<sup>4</sup>

#### **STEP 1: Member has a “just cause” need to attend a meeting remotely.**

##### **“Just Cause” means:<sup>5</sup>**

- (1) Providing a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
- (2) A contagious illness;
- (3) Physical or mental disability not otherwise accommodated for;
- (4) Travel while on official business of the legislative body or another state or local agency;
- (5) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely;
- (6) A physical or family medical emergency;
- (7) Military service obligations served under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency.

---

<sup>2</sup> Gov. Code § 54953.8.3(a).

<sup>3</sup> Gov. Code § 54953.8(b).

<sup>4</sup> Gov. Code § 54953.8.3(a)(3).

<sup>5</sup> Gov. Code § 54953.8.3(c).

## **STEP 2: Notify the other members of the need to participate remotely.**

- The member notifies the legislative body at the earliest opportunity, including at the start of a regular meeting, of their need to participate remotely for “just cause.”
- The member must:
  - (1) provide a general description of the circumstances relating to their need to appear remotely (unless the reason is a medical diagnosis or disability);<sup>6</sup> and
  - (2) disclose, before any action is taken, whether individuals age 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with those individuals.<sup>7</sup>
- Now, the member may participate remotely for a “just cause.”

---

### **Other requirements for “Just Cause” remote participation**

- The remotely participating member may not turn off his or her camera.
- All votes at a meeting with a remote Member must be taken by roll call.
- No action can be taken if the remote broadcast of the meeting is disrupted. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Government Code Section 54960.1.<sup>8</sup>
- The minutes for the meeting must identify the specific provision in Government Code section 54953.8.3(c) that a member relied upon to participate remotely. However, disclosure of a medical diagnosis or disability is not required.<sup>9</sup>

---

<sup>6</sup> Gov. Code § 54953.8.3(a)(1).

<sup>7</sup> Gov. Code § 54953.8(e).

<sup>8</sup> Gov. Code § 54953.8(b)(3).

<sup>9</sup> The list of “just cause” reasons, provided above, is in same order as shown in Government Code section 54953.8.3(c). For example, if a board member teleconferences for the “just cause” reason of having a contagious illness, then the minutes would reflect he was participating remotely under Government Code section 54953.8.3(c)(2).