



SB 707 Brown Act Amendments

Relevant Changes to the Brown Act

New Brown Act Changes

- Continuation of rule that social media posts may violate the Brown Act meeting requirements.
- A Copy of the Brown Act must be provided to all board members.
- Remote participation may be a “reasonable accommodation” under the ADA.
- Change in rules allowing for unexpected remote participation at Board meetings.



Traditional Brown Act Teleconference Meeting Requirements Continue



- ✓ Must Identify all teleconference meeting locations on agenda
- ✓ Must post agenda at all teleconference locations
- ✓ All teleconference meeting locations must be open to the public
- ✓ Public comments during meeting and real time participation at all teleconference locations

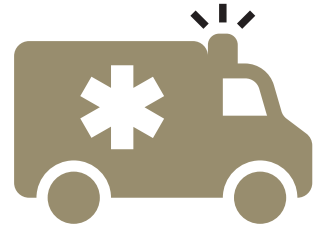
Remote Location Teleconference Rules

for
“just cause”



“just cause” exists when:

- (1) For childcare or caregiving for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner
- (2) A contagious illness prevents the member from attending the meeting in person
- (3) There is a need related to a defined physical or mental disability that is not otherwise accommodated for
- (4) Traveling while on official business of the legislative body or another state or local agency.



“just cause” exists when (continued):

- (5) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner requires a member to participate remotely
- (6) A physical or family emergency that prevents in person attendance
- (7) Specified military service obligations that prevents a members in person attendance.



Board Member “just cause” meeting procedures



- ✓ Notify Agency as early as possible, including at the start of Board meeting
- ✓ At the meeting provide brief description of circumstances requiring remote participation
- ✓ No need for Board to vote on members participation for “just cause”
- ✓ A quorum of the members must be present at a noticed meeting

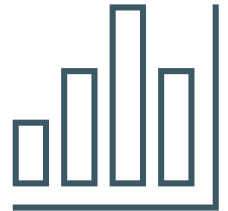
Member “just cause” Participation Requirements

- ✓ Disclose individuals over 18 present at remote location and relationship to Board member.
- ✓ Member must participate with both visual and audio. Keep your camera turned on during meeting.



Agency Compliance Requirements

- Requires two-way “Zoom” technology for board member participation with in-time visual and audio.
- Requires agenda to provide notice of audio and video link for public participation.
- If technical disruption occurs the meeting must pause until broadcast is restored.
- Must include in minutes the member’s remote participation and administratively tally members remote participation each calendar year – limited to two times a year per member.



Summary



- Continue to implement and provide for Zoom board meeting participation for members and the public.
- Board members may use SB 707 “just cause” exceptions procedure for unexpected remote participation.
- Traditional Brown Act teleconference meetings with notice on the agenda of public teleconference locations remains available.



Questions?



Sloan Sakai
ATTORNEYS AT LAW

Osman I. Mufti
omufti@sloansakai.com