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Contra Costa County**

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Date: December 22, 2025

To: Staff to Advisory Bodies

From: Thomas L. Geiger, County Counsel
By: Hannah M. Shafsky, Deputy County Counsel

TS for AMS

Re: **Brown Act Update on Alternative Remote Teleconferencing Option and Remote Participation as a Reasonable Accommodation**

This memo describes two changes to Brown Act rules that allow advisory body members to participate in meetings remotely. Senate Bill 707 ("SB 707"), effective January 1, 2026, amends the Brown Act's alternative remote teleconference meeting procedures by adding new reasons for a remote appearance for "just cause." The attached chart provides a detailed summary of all requirements for "just cause" teleconferencing as well as the requirements for traditional teleconferencing, which have not changed.

SB 707 also expressly allows members of legislative bodies to participate in meetings remotely as a reasonable accommodation for a disability.

Changes to Alternative Teleconferencing Procedures

Under the Brown Act, advisory body members may participate in meetings remotely for a "just cause" reason. SB 707 eliminates the "emergency circumstances" provision and adds the following three reasons for a remote appearance for "just cause":

- (1) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the advisory body member that requires the member to participate remotely.
- (2) Military service obligations that result in an advisory body member being unable to attend in person because they are under official written orders for duty required as a member of the California National Guard or U.S. Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency.
- (3) A physical or family medical emergency that prevents an advisory body member from attending in person.

The language in subsection (3) is the same language that previously permitted a member to request to appear remotely for "emergency circumstances," which required

the body to act on the request.¹ There is no requirement that the body take action to allow the member to attend remotely for any “just cause” reason, including for a medical emergency.

If a member participates remotely for “just cause,” the meeting minutes must identify the specific just cause provision that the member relied upon to participate remotely.

SB 707 retains the requirements that at least a quorum of members of the body participate in person and that the quorum meets in a single, physical location clearly identified on the agenda that is open to the public and situated within the agency’s territorial jurisdiction.

SB 707 limits the number of times a member may appear remotely for just cause as follows:

- (1) two meetings per year if the body regularly meets once per month or less;
- (2) five meetings per year if the body regularly meets twice per month; and
- (3) seven times per year if the body regularly meets three or more times per month.

These provisions will remain in effect until January 1, 2030.

There are no substantive changes to the rules regarding the traditional teleconferencing option.

Remote Attendance as a Reasonable Accommodation

SB 707 also permits a member of a legislative body with a disability² to participate in a meeting remotely as a reasonable accommodation. To do so, the member is required to:

- (1) Participate through both audio and visual technology, except that any member with a disability may participate through audio technology only if a physical condition related to the disability results in a need to participate off camera; and
- (2) Disclose at the meeting before any action is taken whether any other individuals 18 or older are present in the room with the member and the general nature of the member’s relationship with the individual(s).

¹ The “emergency circumstances” provision is no longer a separate reason for remote attendance, since “medical emergency” is now a “just cause” reason.

² SB 707 defines “disability” as a “physical or a mental disability as those terms are defined in Section 12926 and used in Section 12926.1, or a disability as defined in Section 12102 of Title 42 of the United States Code.” (Gov. Code, § 54953(e)(1).)

Remote participation as a reasonable accommodation is treated as in-person attendance at the physical location for all purposes, including any requirement that a quorum of the body participate from the same location.

Procedure for Requesting Remote Attendance as a Reasonable Accommodation

Before an advisory body member with a qualifying disability attends a meeting remotely, the member must request to appear remotely as a reasonable accommodation and receive approval from the Clerk of the Board.

To request this accommodation, the member must submit a written request to the Clerk of the Board at least one week before the time of the first meeting for which remote attendance is requested. The request may be in a letter or via email, with the phrase “Advisory Body Reasonable Accommodation” in the subject line. Requests should be sent to clerkoftheboard@cob.cccounty.us. The Clerk of the Board will evaluate and approve or deny the request using the following criteria:

1. The request to attend remotely as a reasonable accommodation must include the following:
 1. A self-attestation that the accommodation is needed as a result of a disability.
 2. A general description explaining the need for the accommodation, which need not exceed 20 words. The member does not need to submit medical documentation or disclose a medical diagnosis or disability.
 3. The duration of the requested accommodation.
 4. The name of the advisory body on which the member sits.
2. In consultation with the member with a disability, the Clerk of the Board will determine if the request is approved and the most effective way to provide the accommodation. Responses to reasonable accommodation requests will be provided in writing in a timely manner before the start of the specific meeting. Otherwise, the response will be provided orally, followed by written confirmation.
3. If the Clerk of the Board approves remote appearance as a reasonable accommodation, the member may appear remotely at meetings for the approved duration of the accommodation. Members may be granted a teleconferencing accommodation on a permanent basis or a temporary basis. The duration will be determined in accordance with the member’s disability-related needs. For temporary disabilities, the member may need to seek recertification from time to time, as determined by the Clerk of the Board.

Procedures for Attending Meetings Remotely as a Reasonable Accommodation

During every meeting that a member attends remotely as an approved reasonable accommodation, the member must:

1. use two-way, real-time video and audio streaming; and
2. disclose the presence of other adults at the remote location and nature of the member's relationship with these individuals.

When a member attends a meeting remotely as an approved reasonable accommodation, the following Brown Act requirements are waived with respect to the remote location:

1. Including the teleconference location in the notice and agenda;
2. Posting the meeting agenda at the teleconference location; and
3. Allowing public access to the teleconference location.

HMS:

Attachment: Teleconference Meeting Options Chart

cc: Board of Supervisors
Monica Nino, County Administrator
Jami Morritt, Chief Assistant Clerk of the Board

Teleconference/Remote Meeting Options

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	Alternative Teleconferencing (Gov. Code, §§ 54953.8, 54953.8.3)
Applicable Timeframe	<ul style="list-style-type: none"> ▪ Available anytime. 	<ul style="list-style-type: none"> ▪ Available between <u>January 1, 2026</u> and <u>January 1, 2030</u>.
Who May Appear Remotely and Quorum Requirements	<ul style="list-style-type: none"> ▪ Individual board members, if at least a quorum of the members of the body participate from locations within the jurisdictional boundaries of the body. 	<ul style="list-style-type: none"> ▪ Individual board members if: <ol style="list-style-type: none"> (1) a quorum of the members of the body participates in person; and (2) the quorum meets in a single, physical location clearly identified on the agenda that is open to the public and situated within the agency's jurisdiction.
Bases for Remote Appearance	<ul style="list-style-type: none"> ▪ Applies when a board member is unable to attend in person. 	<ul style="list-style-type: none"> ▪ A member may appear remotely for "Just Cause," which is any of the following: <ol style="list-style-type: none"> (1) A need to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (2) A contagious illness that prevents a member from attending in person; (3) A need related to a physical or mental disability that is not otherwise accommodated for; (4) Travel while on official business of the 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) Military service obligations that result in a member being unable to attend in person because they are under official written orders for duty required as a member of the California National Guard or U.S. Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency; and (7) a physical or family medical emergency that prevents a member from attending in person.

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	Alternative Teleconferencing (Gov. Code, §§ 54953.8, 54953.8.3)
Notification Requirements	<ul style="list-style-type: none"> ▪ No additional requirements. 	<ul style="list-style-type: none"> ▪ The member must notify the body at the earliest possible opportunity, including at the start of a regular meeting, of the need to participate remotely. ▪ The member must provide a general description of the circumstances relating to their need to appear remotely. ▪ There is no requirement that the body take any action. ▪ The member is not required to disclose any medical diagnosis or disability, or any personal medical information that is otherwise confidential.
Agenda and Public Access and Comment Requirements	<ul style="list-style-type: none"> ▪ The teleconference location must be open to the public. ▪ The agenda must be posted at all meeting locations, including the teleconference location. ▪ The agenda must identify all meeting locations, including the teleconference location. ▪ The agenda must provide for public comment at all meeting locations, including the teleconference location. 	<ul style="list-style-type: none"> ▪ Must provide notice and post agendas as otherwise required under the Brown Act and must indicate on the notice how the public may access the meeting and offer comment. ▪ The agenda must include an opportunity for all persons to attend and address the body via a call-in option, an internet-based service option, and at the in-person location. ▪ The law does not require that the agency post an agenda at the remote location, include the address of the remote location, or provide for public access to the remote location. ▪ The body may not require public comments to be submitted in advance and must allow the public to address the body and comment in real time. ▪ An individual may be required to register for public comment before being allowed to comment, where the body uses a third-party platform (like Zoom) for the meeting.

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	Alternative Teleconferencing (Gov. Code, §§ 54953.8, 54953.8.3)
Voting Requirements	<ul style="list-style-type: none"> ▪ Members must vote by rollcall. 	<ul style="list-style-type: none"> ▪ Members must vote by rollcall.
Technological Requirements		<ul style="list-style-type: none"> ▪ The public must be able to remotely hear and visually observe the meeting, and remotely address the body. Thus, the body must provide either: <ol style="list-style-type: none"> (1) a two-way audiovisual platform; or (2) a two-way telephonic service and a live webcasting of the meeting. <p>A two-way audiovisual platform may be structured to disable the use of video for the public participants.</p>
Other Requirements		<ul style="list-style-type: none"> ▪ If a member participates remotely, the member must also: <ol style="list-style-type: none"> (1) Publicly disclose at the meeting before any action is taken, whether any other individuals 18 years or older are in the room at the remote location with the member and the general nature of the member's relationship with such individuals; and (2) Participate through both audio and visual technology. ▪ If the broadcasting of the meeting to the public by phone or internet service is disrupted, or a disruption within the local agency's control prevents members of the public from commenting using the phone or internet service, the body shall not take any action at the meeting, until public access to the meeting via the phone option or the internet service option is restored. Actions taken on agenda items during a disruption that prevents the body from broadcasting the meeting may be challenged pursuant to Section 54960.1. ▪ The body must have and implement a procedure for receiving and quickly resolving

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	Alternative Teleconferencing (Gov. Code, §§ 54953.8, 54953.8.3)
		<p>reasonable accommodation requests for individuals with disabilities. Any doubt should be resolved in favor of accessibility.</p> <ul style="list-style-type: none"> ▪ The meeting minutes must identify the specific just cause provision (with reference to the specific provision of law) that each member relied upon to participate remotely.
Limitations on Frequency of Remote Appearances	<ul style="list-style-type: none"> ▪ None. 	<ul style="list-style-type: none"> ▪ A member may participate remotely for “just cause” for no more than the following number of meetings: <ol style="list-style-type: none"> (1) 2 meetings per year, if the body regularly meets once per month or less; (2) 5 meetings per year, if the legislative body regularly meets twice per month; and (3) 7 meetings per year, if the body regularly meets three or more times per month.

Note: If a member participates remotely as a reasonable accommodation for a disability, it is considered in-person attendance.