

MEMORANDUM

29 April 2026

To: Saratoga Fire District Board members

From: District Counsel

Re: Brown Act Revisions:

Senate Bill 707 amended several sections of the Brown act (Government Code sections 54950 through 54963) and added several additional sections relating to local government. The revisions are effective July 1, 2026.

The bill has several requirements for what are known as “eligible legislative bodies” which will be generally described here for your information. The Saratoga Fire District does not meet the definition of an eligible legislative body as set out in section 54953.4 of the Government Code. That section defines an eligible legislative body (in the case of a special district) as one with an Internet website and which meets any of the following three conditions:

1. The district boundaries include the entirety of a county with a population of 600,000 or more and the district has over 200 full-time equivalent employees.
2. The district has over 1000 full-time equivalent employees.
3. The district has annual revenues that exceed \$400 million.

Some changes make current exceptions to the act which had a previous expiration date now indefinite. This includes an exception authorizing a member of a legislative body from engaging in separate conversations on occasions outside of a meeting with any other person using an internet-based social media platform so long as a majority of the board members do not discuss among themselves business of the specific nature within the subject matter jurisdiction of the legislative body.

Reports of action taking involving a local agency executive are now extended to include actions taken for department heads or similar administrative officers.

For eligible legislative bodies, which does not include this district, from July 1, 2026 through July 1, 2030 an agenda for each meeting must be translated into all applicable languages according to data from the most recent American Community Survey, spoken jointly by 20% or more of the applicable population provided that 20% or more of the population speaking that language in the city or county speaks English less than “very well” as specified in the act.

Existing law authorized the legislative body to require a copy of the Brown Act to be given to each member. SB 707 now makes this a requirement.

Provisions related to teleconferencing are “recast” to require a legislative body of a local agency that elects to use teleconferencing must provide at least either two-way audiovisual or two-way telephonic service and a live webcasting of meeting which is teleconferenced. When a member of the legislative body participates in a meeting from a remote location, the specific provision of law that is relied upon to permit the participation must be listed in the minutes of the meeting.

Remote participation for “just cause” includes a physical or family medical emergency that prevents a member from attending in person. The minutes for the meeting must identify the specific provision of law that each member relied upon to participate remotely. The authorization to use this form of teleconferencing is extended to January 1, 2030.

Many other “recast” or added provisions relate to neighborhood councils, student body associations, student run community college organizations, subsidiary bodies of local agencies, and specified multijurisdictional bodies. They are not summarized here.

The Brown act which must be delivered to each member of the legislative body now covers 24 single-spaced typed pages.

The Brown Act applies to all local public agencies. This does not include the California state government.

TELECONFERENCING

Government code section 54953 provides that teleconferencing may be used for all purposes in connection with any meeting. If the legislative body of a local agency elects to use teleconferencing, agendas must be posted at all teleconference locations. Each location must be identified in the notice and agenda. Each location must be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations in the boundaries of the territory over which the local agency exercises jurisdiction.

Section 54953 (c) authorizes participation by a member with a disability as defined in section 12102 of Title 42 of the United States Code. The member may participate only through audio technology if the physical condition related to the disability results in need to participate off-camera.

42 USC 12102, from the American with Disabilities Act, defines disability as a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Major life activities include but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating,

thinking, communicating, and working. A major life activity also includes operations of major bodily functions which are extensively listed. The definition of disability is to be broadly construed.

The member participating remotely with the disability must disclose at the meeting before any action is taken whether any other individual 18 years of age or older is present in the room at the remote location and the general nature of the member's relationship with that person.

Remote participation under these provisions is treated as in person attendance at the meeting for all purposes including any requirement for a quorum participating from any particular location. No provision for public attendance is required in the case of this exception.

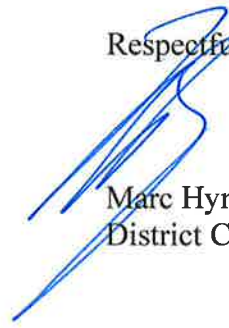
Section 54953.8 .3 (a) (3) (A) provides for participation by a member from a remote location for "just cause" for as many as 5 meetings per year when the legislative body regularly meets twice per month. Just cause is defined as any of the following:

1. Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner.
2. Contagious illness preventing a member from attending in person
3. A need related to a physical or mental condition not described in 2.
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 a member to participate remotely.
6. A physical or family medical emergency that prevents a member from attending in person.
7. A military service obligation that results in a member being unable to attend in person.

Section 54954.3 (b) (1) provides that a local agency may adopt reasonable regulations limiting time allocated for public testimony for each individual speaker. However, when time is limited for public comment, subsection (b) (2) requires that provisions must be made to allow at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency. This provision will not apply if the local agency utilizes simultaneous translation equipment in a manner that allows the legislative body to hear the translated public testimony simultaneously. (54954.3(b) (3.)

The foregoing constitutes the most pertinent changes to the Brown Act affecting the Saratoga Fire District, in my opinion. However, I will be happy to provide information regarding any other provisions set out in the extensive additions and recasts brought to us by SB 707.

Respectfully,



Marc Hynes
District Counsel