



## AGENDA ITEM 9A

**MEETING:** January 21, 2026

**TO:** Humboldt LAFCo Commissioners

**FROM:** Colette Santsche, Humboldt LAFCo

**SUBJECT:** **Brown Act Update**

Staff will provide an overview of recent Brown Act updates enacted by SB 707 and how those changes will impact LAFCo.

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### BACKGROUND

The Ralph M. Brown Act (G.C. §54950), otherwise known as the Brown Act, was enacted in 1953 in order to ensure that actions of local agencies occur in open and public meetings, with posted agendas, where all persons are permitted to attend and participate. Over the years, several updates have been made to the Brown Act. Most recently, Governor Newsom signed Senate Bill 707 (SB 707) on October 3, 2025.

### DISCUSSION

SB 707 includes several changes to the Brown Act for all agencies, and additional requirements for certain eligible agencies. Changes for all agencies include the following:

- Provide a copy of the Brown Act: Local agencies are now required to provide a copy of the Brown Act to any serving members on the legislative body of the local agency. For Humboldt LAFCo, a digital link will be provided to each Commissioner via email. A hard copy of the Brown Act can be provided upon request.
- Social Media Communication: Members of a legislative body are now permanently allowed to use internet-based social media platforms to engage with the public on matters within their jurisdiction. However, they may not deliberate or discuss business among themselves on such platforms. This includes any interaction with a digital post such as a written reply or any sort of reaction ("Like", emojis, etc.).
- Meeting Decorum and Disruptions: The Brown Act now expressly affirms that local agencies may remove or restrict participation by individuals engaging in disruptive behavior during teleconferenced or hybrid meetings, ensuring that the orderly conduct of public meetings is maintained even in virtual settings.
- Accessibility Accommodations: Members of a legislative body with disabilities may now participate in meetings remotely as a reasonable accommodation. These members must participate using both audio and video technology unless their disability requires an exception. They must also disclose whether any other individuals over the age of eighteen are present in the room in their remote location and the general nature of their relationship to those individuals.

Participation by members under these circumstances is deemed equivalent to in-person attendance for all legal purposes, including the quorum requirements.

- Board (Commission) Member Remote Meeting Participation Options: Traditional teleconferencing rules under G.C. §54953 are still available for members of a legislative body. SB 707 made changes to alternative teleconferencing options based on the type of local agency and the circumstances in which teleconferencing is being used. Most notably, the “emergency circumstances” provision allowed by AB 2449, has now been incorporated under the “just cause” provisions. Additionally, a legislative may now hold meetings remotely under a proclaimed state of emergency (proclaimed pursuant to Section 8625 of the California Emergency Services Act) or local emergency (proclaimed by the governing body of the local agency affected in accordance with Section 8630 of the California Emergency Services Act or a local health emergency declared pursuant to Section 101080 of the Health and Safety Code).

Additional changes are required for “eligible legislative bodies” which is defined as:

- (A) A city council of a city with a population of 30,000 or more.
- (B) A county board of supervisors of a county, or city and county, with a population of 30,000 or more.
- (C) A city council of a city located in a county with a population of 600,000 or more.
- (D) The board of directors of a special district that has an internet website and meets any of the following conditions:
  - (i) The boundaries of the special district include the entirety of a county with a population of 600,000 or more, and the special district has over 200 full-time equivalent employees.
  - (ii) The special district has over 1,000 full-time equivalent employees.
  - (iii) The special district has annual revenues, based on the most recent Financial Transaction Report data published by the California State Controller, that exceed four hundred million dollars (\$400,000,000), adjusted annually for inflation commencing January 1, 2027, as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year, and the special district employs over 200 full-time equivalent employees.

Under this definition, LAFCo does not qualify as an eligible legislative body and is therefore not subject to the additional requirements of SB707.

Several entities have developed updated guides or informational pages on the Brown Act which can be found using the following links:

- California Special District Association: Updated CSDA Brown Act Manual  
[www.csda.net/member-resources/brown-act-resources](http://www.csda.net/member-resources/brown-act-resources)
- Burke, Williams, & Sorensen, LLP: Brown Act 2026  
[www.bwslaw.com/insights/burke-brown-act-compilation-2026/](http://www.bwslaw.com/insights/burke-brown-act-compilation-2026/)

- Best, Best, & Krieger, LLP: Major Brown Act Updates Under SB 707  
[www.bbklaw.com/resources/la-101025-major-brown-act-updates-under-sb-707](http://www.bbklaw.com/resources/la-101025-major-brown-act-updates-under-sb-707)

## **RECOMMENDATION**

Staff recommends the Commission receive and file this report. The Commission is invited to discuss the item and provide direction to staff as needed.