

Review of the Ralph M. Brown Act and Recent Amendments (SB 707)

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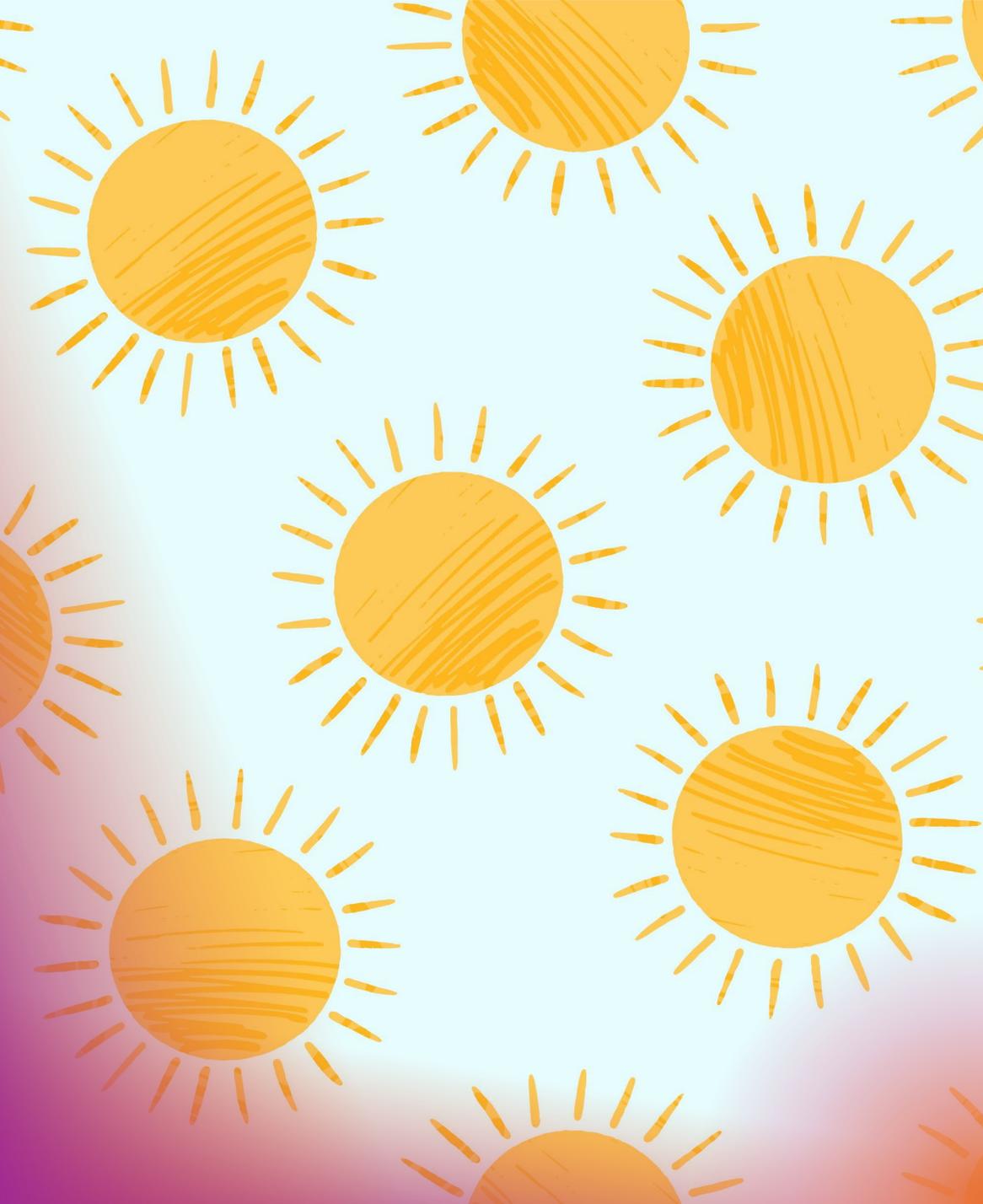
February 9, 2026



What Does the Brown Act Require?

“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body, except as otherwise provided in this chapter.”

Government Code § 54953.



Purpose of the Brown Act

- Ensure that local government decisions are made openly.
- Promote transparency.
- Facilitate meaningful public participation.

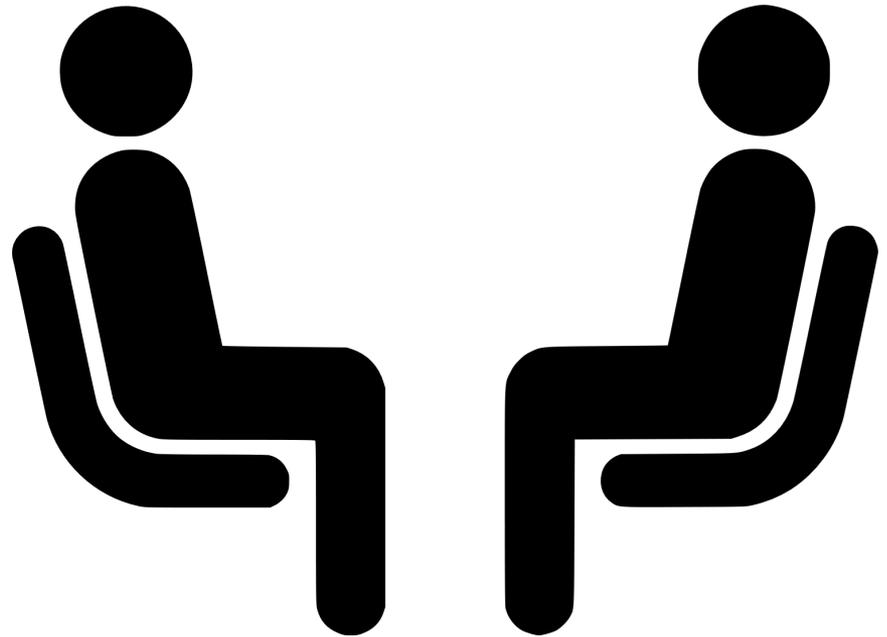
What is a “Legislative Body”?

- Governing body of a local agency.
- Local body created by state or federal statute.
- A commission, committee, board, or other body of a local agency created by ordinance, resolution, or formal action of a legislative body.
- Includes standing committees.



What is NOT a “Legislative Body”?

- Ad hoc advisory committees if:
 - Comprised solely of 2 Directors
 - Temporary
 - Serves a limited or single purpose



What is a “Meeting”?

- Any **congregation of a majority (3 or more)**
- At **same time and location** (in person, telephone or virtual)
- To **hear, discuss, deliberate, or take action,**
- On any item within District’s **subject matter jurisdiction**



Government Code § 54952.2

What is NOT a “Meeting”?

Director conversation with another person (provided no serial meeting).

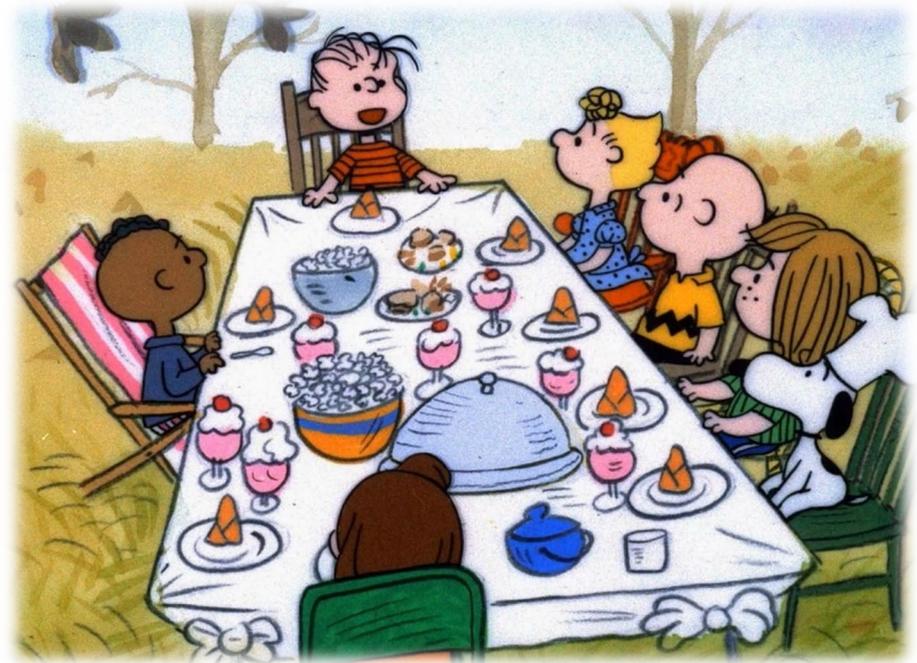
Social or ceremonial events (e.g., ribbon cutting or retirement party).*

Conferences or similar gatherings open to the public.*

Open and publicized meeting not organized by the District that addresses a topic of local community concern.*

Noticed and open meetings of other legislative bodies (e.g., County Board of Supervisors).*

Open and noticed meeting of a standing committee of District.



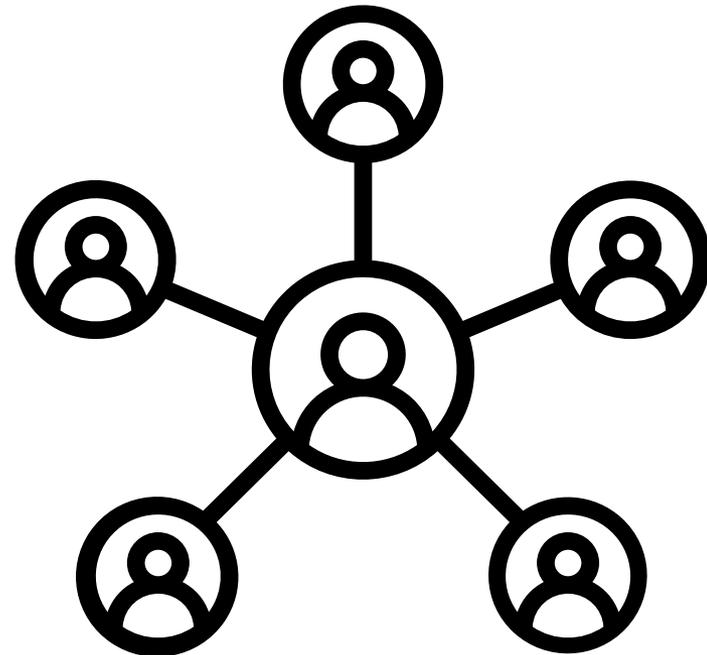
*No specific District business may be discussed.
Government Code § 54952.2.

Serial Meetings

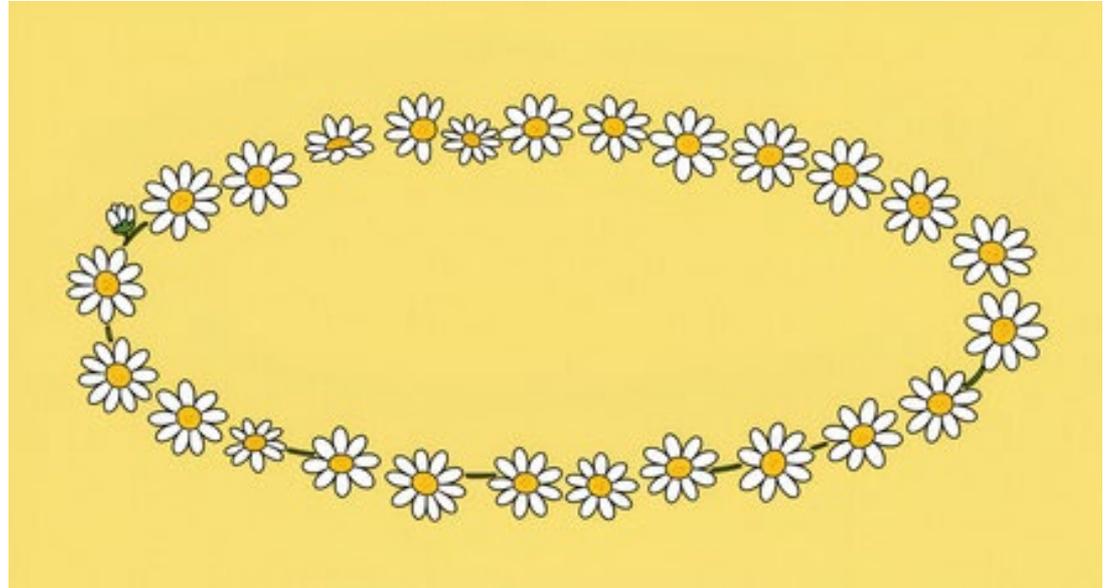
- A series of private communications of any kind, where majority of Directors discuss, deliberate, or take action on any item of District business.
- May occur directly or through intermediaries (public or staff).
- May occur in person or through technological devices (phone, email, text, zoom or social media).
- Serial meetings are prohibited.

Serial Meeting - Hub and Spoke

- Director A calls Director B to discuss Agenda Item #3.
- Next, Director A calls Director C to get her thoughts on same item.



Serial Meeting - Daisy Chain



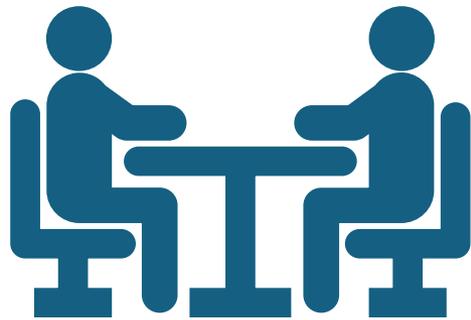
- Director A sends email to Director B about Agenda Item #3.
- Next, Director B forwards the email to Director C to get her thoughts.

Serial Meeting Exceptions

- Individual conversations with staff to provide information or answer questions so long as comments or position of Directors are not shared with other Directors.
- Use of social media platforms to answer questions and provide the public with information, or to solicit information from the public on, District business.
- BUT Directors cannot respond to any communication made, posted or shared on social media by another Director regarding District business.
- No comments or use of a digital icon expressing reaction (e.g. a “thumbs up/down” or “hand clap” icon).

Government Code § 54952.2





Tips for Avoiding Serial Meetings

- Educate public about Brown Act.
- Before talking to colleague, ask if they have spoken to other Directors about the topic.
- Communicate through staff.
- Do not “reply all” on emails.
- Staff sends emails to Directors by blind copy.

Meeting Requirements



Meeting held in public place.



Agenda prepared and posted in advance.



Directors openly deliberate and vote.



Public provided with an opportunity to participate.

Notice and Agenda Requirements

- Include time and location of meeting.
- Include brief description of each item to be discussed, including closed session items.
- Include the address or location where agenda materials are available for inspection.
- Include ADA accommodation information.
- Post in physical location accessible to the public and on District website.
- Mail to those who have filed a written request.
- Available in appropriate alternative formats to persons with disabilities.

What Can be Discussed at a Meeting?

General rule: only items on the agenda.

Exceptions:

- Brief announcements.
- Brief reports on Director activities.
- Brief responses to a question from the public.
- Clarifying questions.
- Direct staff to report back on an issue.
- Take action to direct staff to place an item on a future agenda.

Public Participation

- Public may comment on any item on the agenda.
- Public comment must occur before or during the Board's consideration of the item.
- May reasonably limit time for public comment.
- May not require members of public to identify themselves.
- Must allow non-disruptive recording and broadcasting of meeting.





Public Access to Agenda Materials

- Materials distributed to all or majority of Directors < 72 hours before meeting must be made available for public inspection at the same time unless meets exception.
- Materials distributed to Board during a meeting must be made available to the public during the meeting.

Traditional Teleconferencing

- Board may conduct meeting by teleconference if:
 - All votes are taken by rollcall.
 - Majority participates from locations in Napa County.
 - Each teleconference location is listed on agenda.
 - Agenda is posted at each location.
 - Each location is accessible to members of the public.
 - Opportunity for public comment at each location.

Government Code Section 54953



“Just Cause” Teleconferencing

“Just cause” means:

- Childcare or caregiving need of a family member
- A contagious illness that prevents a member from attending in person.
- A need related to a physical or mental condition (not disability)
- Travel while on official business of the District or another state or local agency.
- [NEW] An immunocompromised family member.
- [NEW] A physical or family medical emergency that prevents a member from attending in person.
- [NEW] Military service obligations.

Director may only participate remotely for just cause twice per year.

Meeting must be conducted in accordance with Gov. Code Section 54953.8.

“Just Cause” Remote Participation Requirements

Majority must attend at same physical location open to the public.

Director must notify Board at earliest opportunity of need to participate remotely for just cause and includes general description of circumstances giving rise to the need.

Director must participate through audio and visual technology.

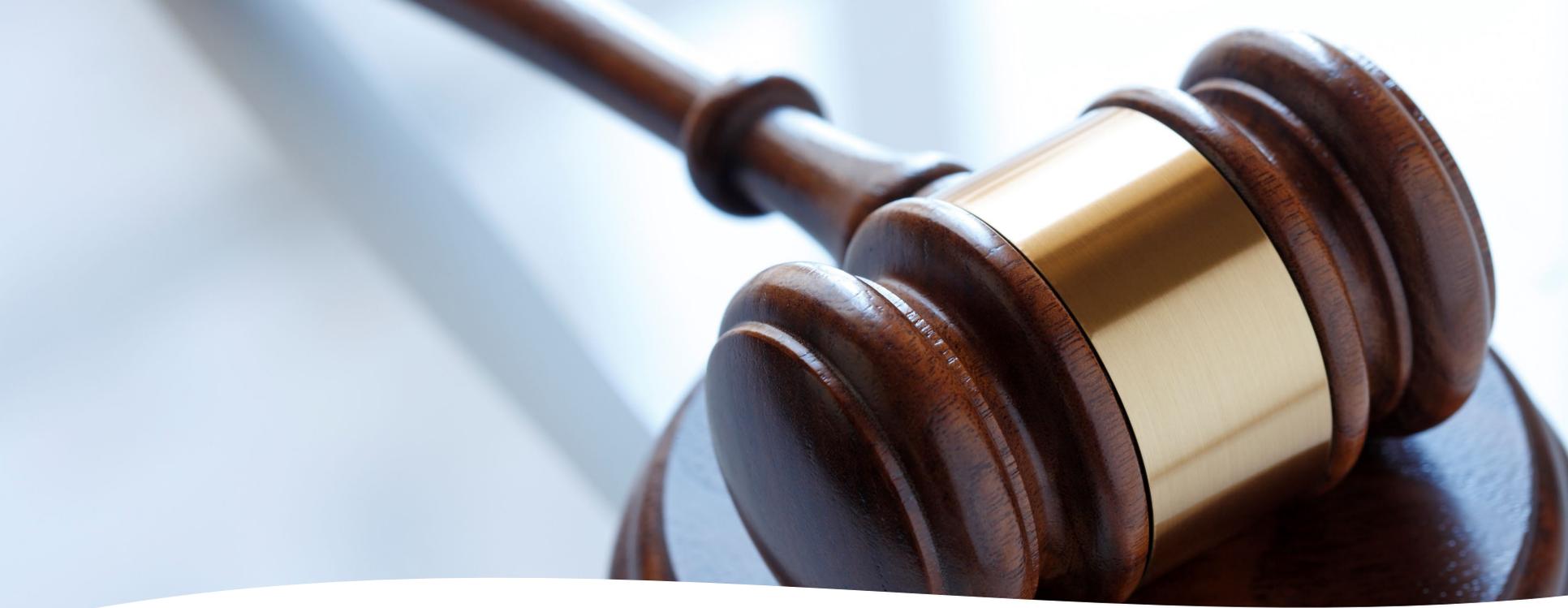
Minutes must identify Director’s remote participation and the specific just cause provision relied on.

Director must publicly disclose at beginning of meeting whether there are any adults in the room and the general nature of the Director’s relationship with the adults.

Closed Sessions Exceptions

- Litigation Matters
 - Existing Litigation
 - Initiation of Litigation
 - Threat of Litigation
 - Significant Exposure to Liability
- Real Estate Negotiations – Limited to price and terms of payment
- Personnel Matters
 - Performance Evaluations
 - Employee discipline or dismissal
 - Labor negotiations





What if there is a Violation?

- Civil action
 - Declare the action void
 - Require payment of attorneys' fees and costs
- Criminal prosecution
 - Misdemeanor
 - Fines
 - Must have intent to deprive public of information

Recent Amendments to Brown Act (SB 707)

- Requires District to provide copy of Brown Act to each Director.
- Authorizes Director with a disability to participate remotely if needed as a reasonable accommodation.
- Requires District to provide Board with list of one or more meeting locations available for Board meetings.
- Amends remote participation requirements.
- Imposes new requirements on “eligible legislative bodies.”
- Extends social media rules indefinitely.
- Requires all legislative bodies to post special meeting notices on their website.

Questions?

