



DATE: January 15, 2026

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Matt Brown, General Counsel

SUBJECT: Options for Remote Participation in Board and Committee Meetings After SB 707 Brown Act Amendments

BACKGROUND

The Brown Act requires that meetings of a local legislative body be open and accessible to the public. Nevertheless, the Brown Act allows for remote participation in two main ways. The first method requires Commissioners to publicize and make their teleconference locations open to the public. The second method allows Commissioners to participate remotely due to unanticipated situations. This method requires a quorum of the Board or committee to be physically present in a meeting location but does not require a Commissioner to provide notice prior to requesting to participate remotely.

The Legislature amended the Brown Act, effective January 1, 2026. The amendments slightly change the standards and process for both methods of remote participation. This memo highlights these changes.

OPTION FOR ANTICIPATED REMOTE PARTICIPATION

Commissioners may use the original Brown Act rules to participate remotely. Under these rules, there are four primary requirements:¹

- 1) The Board or committee must list the address of the remote location on the agenda;
- 2) Any Commissioner participating remotely must post the agenda at their remote location;

¹ California Government Code section 54953(b)(3)

- 3) Any Commissioner participating remotely must make their remote location accessible to members of the public; and
- 4) At least a quorum of the Board or committee must be participating from within Berkeley city limits.

Additionally, state law now requires any member appearing remotely in this manner to disclose before any action is taken:

- 1) Whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and
- 2) If so, the general nature of the member's relationship with any of those individuals.²

Previously, this disclosure requirement only applied to the second method of remote appearance, for unanticipated situations.

Teleconferencing under these rules is allowed for an unlimited duration. However, because the Brown Act requires the Board and its committees post agendas 72 hours in advance, Commissioners must provide staff advance notice of their intention to appear remotely using this option.

UNANTICIPATED REMOTE PARTICIPATION

The Brown Act allows for remote participation in a limited number of meetings by Commissioners without listing the remote location address on the agenda and making the remote location open to the public due to "just cause."³ Previously, this method of participation created two reasons that a Commissioner was permitted to participate remotely, with slightly differing standards and procedures for invoking: "just cause" and "emergency circumstances." Now, the amendments to the Brown Act allow just one pathway for unanticipated remote participation.

The Brown Act defines "just cause" as the following:⁴

- 1) Childcare or caregiving need of 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 condition that is not otherwise addressed by the reasonable accommodation process.
- 4) Travel while on official business of the legislative body or another state or local agency.

2 California Government Code section 54953(c)(2)(B)

3 California Government Code section 54953.8.3(a)(1)

4 California Government Code section 54953.8.3(c)

- 5) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner.
- 6) A physical or family medical emergency.
- 7) Certain military service obligations.

Because the Board and its committees meet regularly once per month, use of this method of remote participation is limited to two meetings per calendar year.⁵

Requirements for Participating Remotely for Just Cause

Commissioners may appear remotely for just cause if the following conditions are met:⁶

- 1) At least a quorum of the Board or committee participates in-person at a single physical location that is identified on the agenda, open to the public, and meets accessibility requirements; and
- 2) The remote Commissioner must participate through both audio and visual technology; and
- 3) Whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with those individuals.

A Commissioner must inform the full Board or committee of their need to attend a meeting remotely for just cause “at the earliest opportunity possible.” This may occur at the start of meeting itself.⁷ However, ***this method of remote participation requires a quorum of the Commissioners to be physically present at a central meeting location.*** If Commissioners need to appear remotely without notice, there may not be sufficient Commissioners at the physical meeting location to allow the meeting to proceed. For instance, each Board’s committee is generally comprised of four Commissioners; only one Commissioner at a time may appear remotely under these circumstances. Therefore, it is important for Commissioners to make the Board Secretary and committee staffers aware of their possible need to use these provisions as soon as possible.

The Board or committee does not need to approve a Commissioner’s just cause remote appearance, but the meeting minutes must reflect which just cause the Commissioner used to appear remotely.⁸ Meeting minutes do not require a Commissioner to disclose specific confidential medical information – a general description will suffice.

5 California Government Code section 54953.8.3(a)(3)(A)(i)

6 California Government Code sections 54953.8(e); 54953.8.3(a), (a)(2)

7 California Government Code section 54953.8.3(a)(1)

8 California Government Code sections 54953.8(b)(7); 54953.8.3(b)

The following table illustrates the requirements of each method of remote participation.

(Anticipated Remote Attendance)	<ul style="list-style-type: none">- Commissioners' remote locations must be listed on the agenda.-Commissioners must post agendas at their remote locations.-Commissioners must make their remote locations accessible to the public.-Quorum of the Board or committee must be present within Berkeley city limits during meeting.-No limit on the number of times a Commissioner may appear remotely in this manner.- Commissioners must disclose the presence of individuals over 18 years old that are at the Commissioner's remote location.
Just Cause Circumstances (Unanticipated Remote Attendance)	<ul style="list-style-type: none">-Commissioner must give notice of intent to appear remotely as soon as possible.- Commissioner must disclose the presence of individuals over 18 years old that are at the Commissioner's remote location.-Commissioner must provide short description of their need to appear remotely prior to roll call.-Quorum of Board or committee must be in physical meeting location.--Commissioners may only use Just Cause provision two times a year for each legislative body (full Board and each committee count separately).

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