

California's Sunshine Law:  
The Ralph M. Brown Act  
OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ALAMEDA

Measure A1 Citizen Oversight Committee  
February 24, 2026


Disclaimer: This presentation is provided as a public record only, and does not, and is not intended, to create an attorney-client relationship. The contents of this presentation are intended to convey general information only and not to provide legal advice or opinions, and should not be construed as, and should not be relied upon for, legal or tax advice in any particular circumstance or fact situation. An attorney should be contacted for advice on specific legal issues.

1

The Guiding Principle of the  
Brown Act

---

The Public's business must be  
conducted in *public*, with ample  
opportunity for public participation



2

## Who is Subject to the Brown Act?

- Any board, commission, committee or other body created by a charter, ordinance, resolution or other formal action of the Board of Supervisors
- **Your Council was created by action of the Board of Supervisors, making it subject to the Brown Act.**

3

## The Open Meeting Rule

THE RULE is that meetings are OPEN to the public; exceptions to the rule are narrowly construed:

“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 of a local agency.”



4

## What is a “Meeting?”

A meeting occurs whenever a majority of the members of your council or of a subcommittee of the council come together at the same time or place and **hears, discusses, deliberates, or takes action** on an item within the **subject-matter jurisdiction of the body.**



5

## This Training Will Cover...

- New “SB 707” update
- Do’s and Don’ts of Meetings
- Teleconferencing Rules
- Social Media Refresher
- Notice and Agendas
- Documents
- Public Comments/Participation
- Violations

6

# NEW RULES!!!!

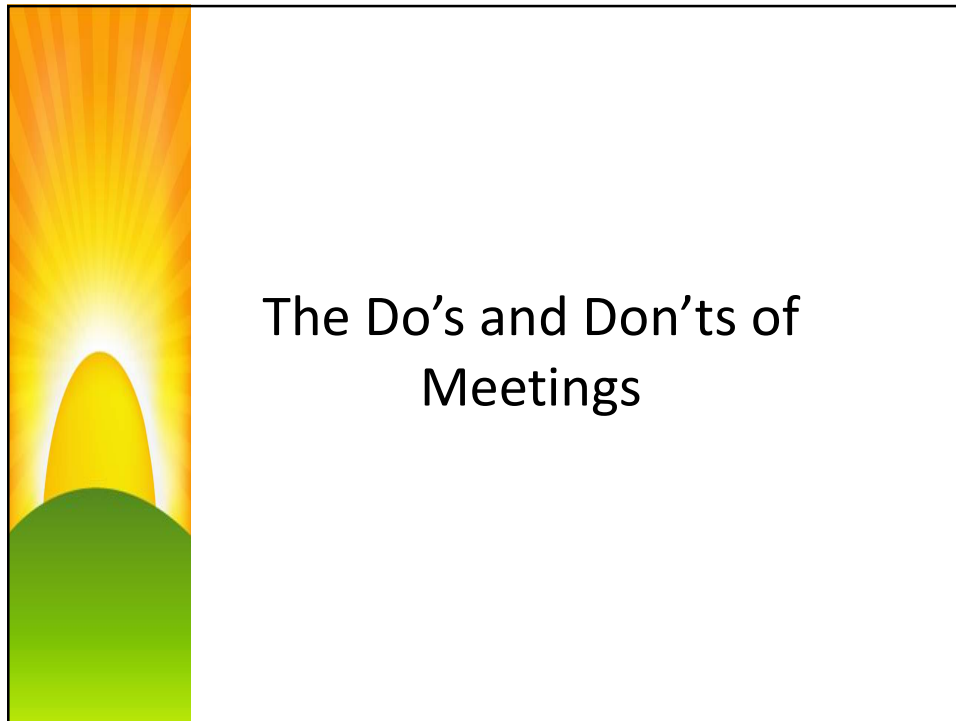


7


## SB 707 makes some changes

- SB 707 replaces the teleconferencing framework, effective January 1, 2026
  - Keeps Traditional Teleconferencing
  - Modifies Just Cause Teleconferencing
  - Incorporates Emergency Circumstances Teleconferencing into Just Cause Teleconferencing
  - Creates Disability Accommodation Teleconferencing
- Creates 2 new categories of government bodies with different rules for each:
  - Eligible Subsidiary Bodies
  - Eligible Legislative Bodies

8




9



### Meetings May Be:

- Formal or informal
- Involve only discussion or action, or both
- In person, or through technology



10

## Meeting Rules: Time and Place

- Meetings must be held within Alameda County
- Meetings must occur at a time and place set by ordinance, resolution, bylaws, or other rule of the body



11

## Meetings Can Include:

- Retreats
- Site visits
- Social gatherings or “networking” before or after a noticed meeting



12

## Unlawful Meetings

- “Pre-meetings” and “Post-meetings” held without notice to the public
- Serial meetings



13

## What's a Serial Meeting?

A serial meeting occurs when a majority of the members of a legislative body, outside of a properly noticed public meeting, use a series of communications—directly or through intermediaries—to discuss, deliberate, or take action on any item of business within the body's subject-matter jurisdiction.

14

## Types of Serial Meetings

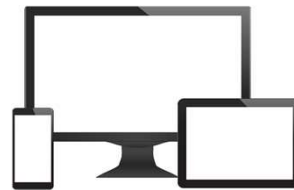
- “Chain” meetings: Member A talks to member B, who talks to Member C...
- “Hub-and-Spoke” meetings: A talks to B, then C, then D...



15

## How Serial Meetings Occur

- Through technology:
  - Text
  - Email
  - Phones, etc.
- Through staff



16

## Discussions With Staff

Staff may ***answer questions*** or ***provide information*** to individual members ***so long as*** any views or positions expressed by the member are ***not communicated*** to other members



17


## Exceptions: What ISN'T a Meeting?

- Attendance of majority at
  - regional/state/national conference
  - local meeting open to the public
  - social, recreational, ceremonial event not sponsored by or for the body
- *But no collective discussion of Council business can occur at these events*

18




19




## What's a Teleconference?

“A meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.”




20




## Traditional Teleconference Rules

- Each teleconference location must be identified in the notice and agenda
- Agenda must be posted at each location
- Each location must have public access
- Public must have opportunity to speak at each location
- A quorum must be within the County
- All votes must be taken by roll call



21



## “Just Cause” Teleconferencing

- A member may participate remotely for “just cause” when:
  - Childcare or caregiving for a child, parent, grandparent, grandchild, sibling, spouse or domestic partner
  - A contagious illness
  - Immunocompromised child, parent, grandparent, sibling, spouse, or domestic partner that requires the member to participate remotely
  - A physical or family medical emergency which prevents in-person attendance
  - Member is required to be 50+ miles away under official military orders
  - Member has a need related to a disability not covered under disability accommodation of the BA
  - Travel on official business of the legislative body
- Available two meetings per year

22

## Just Cause Cont'd

- Members may participate remotely for qualifying reasons
- Requires a quorum to meet in-person at one noticed meeting location open to the public
- Minutes must identify the specific statutory basis used for remote participation
- Disclose anyone who is 18 years or older in the room with them
- Member must notify body as soon as possible
- No posting at remote location or identifying remote location on the agenda

23


## Disability Accommodation Teleconferencing (New)

- Applies only to a member who needs remote participation as a *reasonable accommodation*
- Must participate via audio and video unless disability prevents it
- Disclose anyone who is 18 years or older in the room with them
- Treated the same way as attending in person for quorum purposes
- No requirement to open their remote location to the public
- No posting of/at remote location

24



25



## What about Social Media?

- The Brown Act applies to an “internet-based social media platform” (e.g., Twitter/X, Facebook, Instagram, Tiktok, Reddit)
- “Meeting” does not include a member engaging in a separate conversation or communication on a social media platform to answer questions, provide information to or solicit information from the public regarding a matter within the subject matter jurisdiction of the legislative body
- In essence, social media is allowed as a one-way or public-facing communication tool, not as a place for members to interact with each other about agency business.

26

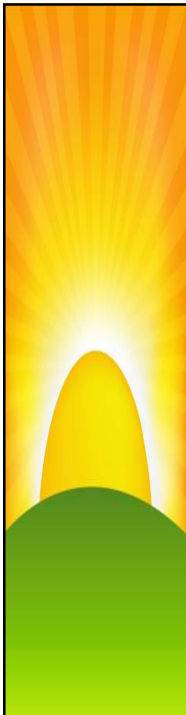


## Social Media Communications

- Social media communications include those that are made, posted or shared on the social media platform between members, **including comments or the use of digital icons that express reactions**
- “A member of the legislative body shall **not respond directly** to any communication on an internet-based social media platform ... that is made, posted, or shared by **any other member** of the legislative body.”
- You may never communicate with other members about council business on social media.



27



## Notice and Agendas

28

## Notice & Agenda

- Regular meeting agendas must be posted 72 hours in advance of the meeting
- Special meeting agendas require only 24 hours advance notice
- Teleconference meetings require posting at each remote location for the 72 hour or 24 hour posting period
- The agenda shall contain a brief general description of each item of business to be transacted (e.g, action item) or discussed (e.g., discussion or informational item).
- Agendas must describe each item to be considered in enough detail that a person of ordinary intelligence could determine whether the item is of interest


29

## Importance of the Agenda

A body subject to the Brown Act *may not discuss* and *may not transact (act)* on items not on the agenda or that are beyond the reasonable scope of the agenda description




30



## Importance of the Agenda

- Ask yourself: would a reasonable member of the public, reading the agenda, understand what business will be discussed or acted upon?
- The public must know specifically *what* the body is discussing, not just *that* it will discuss something
- Adequate agenda descriptions protect the work of your body from Brown Act challenges

31



## These Don't Need to be On the Agenda

- Commendations
- Announcements
- Request to agendize future items
- Limited follow-up to general public comment, to provide information or direction to staff

32

## Announcements

---

- Should be concise
- Unilateral
- No discussion
- No request for feedback
- No deliberation
- No opinion
- No advocacy



33

## Documents

34



## Written Material

---

- Writings related to an open session agenda item of a regular meeting that are **“distributed to all, or a majority of all”** of the members less than 72 hours before the meeting must be made available for public inspection “at the time” of distribution to all or a majority of all members
- “Writings” can be available for public inspection by internet posting and physical copies available at a designated office and meeting location

35




## Distribution of Writings

---

- If a writing (that is a public record) is distributed during the meeting and it was prepared by staff or members of the body, it must be made available at the meeting
- If it was prepared by some other person, it must be made available after the meeting

36



## Distribution of Writings

- Must include all materials provided to a majority of the council, including presentations and reports
- If a document is too large or impractical to post online, it must be made available for in-person public inspection
  - Make it available immediately for public inspection at the same time the members receive it
  - At a designated office
  - Agenda identifies physical office where public inspection can be made

37



## Public Comments and Participation

38

## Rights of the Public

### ACCESS TO MEETINGS

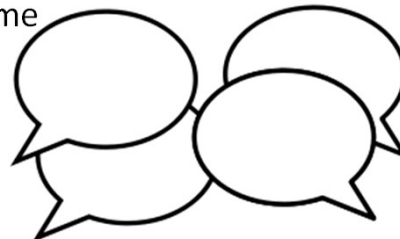
- To have meetings open and public, with limited exceptions
- To have access to all agendas of public meetings and documents distributed to the legislative body members
- To audio/video record the meetings and to inspect recordings of the meetings made by the agency.
- To attend without any precondition (for example, cannot mandate that attendees give their names or register to speak)




39

## Types of Public Comment

- Specific: concerning an item on the agenda, at the time of consideration
- General: Any item within the Council's subject matter jurisdiction, but not listed on the agenda



40




## Specific Public Comment

Opportunity for public to directly address the Council members on

- Any agenda item – discussion, information, or action items
- Must occur *before* conclusion of consideration of item (discussion or information item); or action taken (action item)

**1. =**  
**2. =**

41



## Specific Public Comment

- Members should avoid engaging in a back-and-forth discussion with members of the public
- Members should not deliberate with members of the public or with other members during public comment

42

## General Public Comment

- May occur at any time in the meeting
- Is limited to matters within scope of Council's jurisdiction, even if not on the agenda
- Members may not discuss or respond substantively to the public in a way that could be interpreted as a "meeting" on a non-agendized item
- Not required at special meetings

43

## Rights of the Speaker

- Right to equal time:
  - Brown Act is about fairness, transparency, and public trust.
  - Applying time limits consistently prevents favoritism, protects the integrity of the process, and reduces legal risk.
- Right to criticize policy body, its members, and its staff
- Cannot be disruptive



44

## Limits on Public Comment

- “Up to” a reasonable amount of time per speaker (for example, two or three minutes) on an item
- Reasonable limit on total public comment time on an item “before or during” its consideration
- No right to a response from the body, its members, presenters or staff



45

## Controlling Unruly Speakers

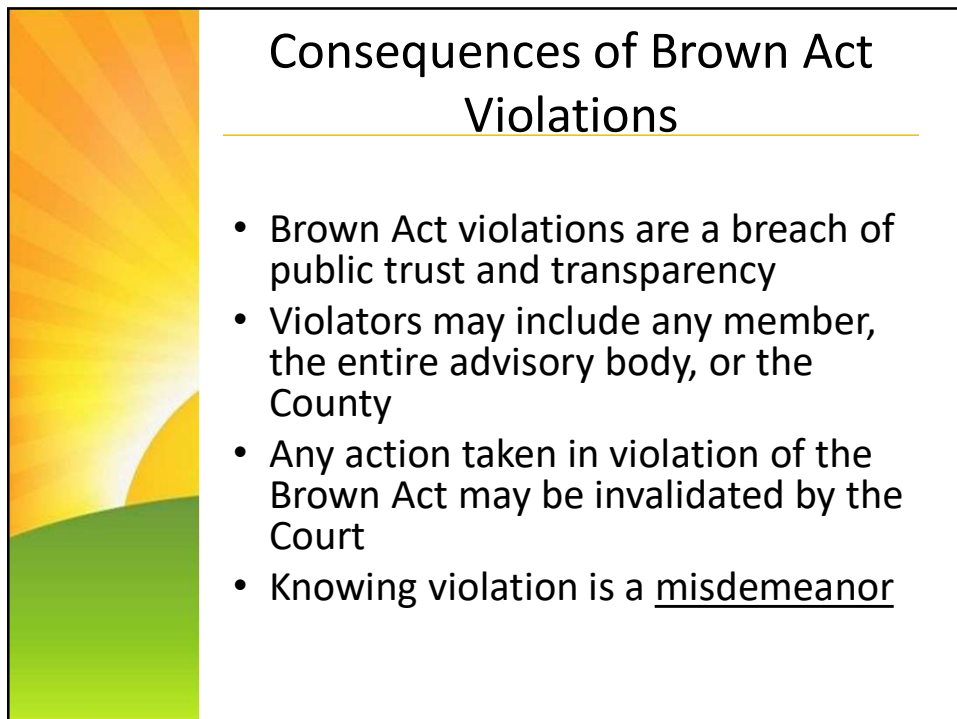
- Council Chair may impose reasonable time, place, and manner restrictions on public participation
- Unruly speakers may be excluded from the forum *if necessary* to allow business to continue
- A warning must be given



46



47



48

## Criminal liability for Brown Act Violations

---

- A member who intentionally deprives the public of information they are entitled to under the BA commits a misdemeanor, including:
  - Conducting business outside noticed meetings
  - Participating in illegal serial meetings
  - Taking action when not properly agendized
- A misdemeanor charge may include fines, jail time, and may affect eligibility for future public service roles

49

## Civil consequences and litigation exposure

---

- Court may invalidate action taken, including injunctions restricting conduct and/or requiring public corrective actions
- If the challenger prevails, County must pay attorney fees which are likely thousands of dollars even for a minor violation



50



51