



STAFF REPORT
Board Meeting of February 18, 2026

AGENDA ITEM: 7-D

PREPARED BY: Patricia Taylor, Executive Director

SUBJECT:

2026 Changes to Brown Act Impacting Madera County Transportation Commission Policy Board Meetings

Enclosure: Yes

Action: Approve Resolution 26-02 authorizing the use of Teleconference for Meetings of the Policy Board and its Committees

SUMMARY:

[Senate Bill 707](#), signed into law by the Governor, makes numerous changes to the [Brown Act](#), some of which impact the Madera County Transportation Commission and some which do not. Many of the new provisions apply to entities which qualify as “eligible legislative bodies” or “eligible multijurisdictional bodies,” among others, which are specifically defined and not subject to the same requirements. The Madera County Transportation Commission qualifies as an “eligible multijurisdictional body” which includes a joint powers authority in [Government Code Section 54953.8.7\(b\)\(2\)\(B\)](#). The impact of the Madera County Transportation Commission being an “eligible multijurisdictional body” is discussed further below. (All section references are to the Government Code.)

Teleconferencing. Sections 54953 and 54953.8 subject all teleconferencing flexibility to the same set of basic rules, most of which are procedural and technical requirements that staff is responsible for handling. Among other helpful revisions, the new law

- Expands the teleconferencing flexibility during state-declared emergencies to include local emergencies (Section 54953.8.20); and
- Extends the sunset on teleconferencing flexibility for just cause and emergency circumstances through December 31, 2029 (Section 54953.8.3).

Significantly, SB 707 now requires an “eligible multijurisdictional body,” to not only comply with the requirements set forth in Sections 54953 and 54953.8 to conduct a teleconferenced meeting, but also the following requirements set forth in Section 54953.8.7:

- (1) The eligible multijurisdictional body has adopted a resolution that authorizes the eligible multijurisdictional body to use teleconferencing pursuant to this section at a regular meeting in open session.
- (2) At least a quorum of the members of the eligible multijurisdictional body shall participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.
- (3) A member of the eligible multijurisdictional body who receives compensation for their service on the eligible multijurisdictional body shall participate from a physical location that is open to the public. For purposes of this paragraph, “compensation” does not include reimbursement for actual and necessary expenses.

Further and importantly for each Board member, Section 54953.8.7 imposes requirements for the individual member, as follows:

- (4) A member of the eligible multijurisdictional body may participate from a remote location provided that:
 - (a) The eligible multijurisdictional body identifies each member of the eligible multijurisdictional body who plans to participate remotely in the agenda.
 - (b) The member shall participate through both audio and visual technology.
- (5) A member of the eligible multijurisdictional body shall not participate in a meeting remotely pursuant to this section, unless the location from which the member participates is more than 20 miles each way from any physical location of the meeting described in paragraph 2.

These new requirements are effective January 1, 2026, through December 31, 2029 (unless revised).

In addition, the new law codifies, in Section 54953(c), a July 2024 California Attorney General Opinion regarding ADA access by authorizing remote participation of a Board member as a reasonable accommodation (and treats it as in-person attendance for quorum purposes) if both of the following are met:

- Member participates through audio and video – except any member with a disability may participate only through audio (no video) if “a physical condition related to their disability results in a need to participate off camera.”
- At the meeting, and before any action is taken, member discloses (a) whether any other individuals 18 or older are in the room at the remote location; and (b) the “general nature” of their relationship with the individuals.

Regarding just cause circumstances, now in Section 54953.8.3, SB 707 makes the following changes:

- Removes the requirement for the legislative body to approve each instance a member of the legislative body wants to use teleconferencing flexibility for emergency circumstances, and applies the same rules for just cause to emergency circumstances.
- Adds language that provides just cause flexibility should not limit the ability of a legislative body to use another teleconferencing flexibility provision; and

- Requires that the minutes for the meeting identify the specific provision that each member relied upon to participate remotely.

The number of meetings that a Board member may use either just cause or emergency circumstances remains unchanged. For the Madera County Transportation Commission Policy Board, this number is two meetings, since the board meets less than monthly. (Section 54953.8.3)

FISCAL IMPACT:

No fiscal impact on the approved 2025-26 Overall Work Program and Budget.