

## LEGISLATIVE BODY REASONABLE ACCOMMODATION POLICY FOR REMOTE PARTICIPATION AT MEETINGS SUBJECT TO THE BROWN ACT

### Background and Purpose:

The Ralph M. Brown Act, commonly known as the “Brown Act,” is California’s “sunshine” law for local government. The Brown Act is found in the California Government Code commencing with Section 54950. In 2025, the California Legislature passed Senate Bill 707 (“SB 707”), which was signed into law on October 3, 2025 and is effective January 1, 2026. SB 707 enacted an extensive modernization of the Brown Act.

SB 707 updates Section 54953 of the Brown Act to allow for members of legislative bodies with disabilities to participate in meetings remotely as a reasonable accommodation. (See, Government Code Section 54953(c)). If such an accommodation is granted under this new provision, remote participation due to a disability will be treated as in-person attendance at the physical meeting location for all purposes, including reaching a quorum. The traditional teleconference requirements of posting the address of the teleconference location and allowing public participation from the teleconference location will not apply.

The purpose of this policy is to ensure compliance with the Brown Act and to provide a written procedure for receiving and swiftly resolving reasonable accommodation requests for members of the City of South Pasadena legislative bodies, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. The purpose is to enable participation in legislative body meetings through remote participation for a qualifying individual whose disability precludes their in-person attendance at a meeting of their legislative body. As set forth in California Attorney General Opinion No. 23-1002, which addressed the applicability of the Americans with Disabilities Act (“ADA”) to meetings subject to the Brown Act, the opinion stated that not every disability necessitates remote participation, because not every disability precludes in-person attendance; therefore, a fact intensive, individualized, case-by-case inquiry is required when considering remote participation as a reasonable accommodation.

### Requests for Reasonable Accommodation:

**Definitions.** As used in this policy, a member of a legislative body means any individual who is a member of the South Pasadena City Council or a member of any commission of the City of South Pasadena, whose meetings are subject to the Brown Act. and shall be referred to herein as “Member.”

**Procedure.** A Member who desires to attend meetings remotely because of a qualified disability shall make an accommodation request in writing to the City’s Director of Human Resources (“Director”). The request should include a written statement that the member requires remote participation under this policy because of their disability. You are not required to disclose the particular disability. The request shall be made at least three weeks before the meeting for which the member first seeks accommodation. If the City

maintains a "Reasonable Accommodation Form," the request shall be made on such form.

**Interactive Process.** The Director is authorized to make reasonable inquiries about the member's need for accommodation, to conduct the necessary case-by-case inquiry into the request and to accommodate a qualifying disability, consistent with applicable law. The City may require additional information, such as a medical provider's certification of the existence of a qualifying disability and the need for the accommodation to attend remotely. The City may not ask the member or their medical provider to disclose a specific diagnosis. The Director will inform the member, the City Manager and the City Clerk of the decision on the request for reasonable accommodation in writing.

An approved reasonable accommodation for remote access attendance at public meetings shall be in effect for the period of time that the member's disabling condition continues, and the decision of the Director shall reflect this determination.

**Confidentiality.** All information regarding a member's claimed disability or medical information must be kept confidential and maintained in a separate medical file by the Director. Such information may be disclosed in limited circumstances, such as to first aid and safety personnel, when appropriate, to government officials investigating compliance with the ADA, or to City staff trained on and entrusted with the handling of confidential medical information, if such disclosure is necessary to effectuate the reasonable accommodation.

**Member's Responsibilities Under the Brown Act.** If the accommodation for remote participation is granted, the member is required to comply with the applicable provisions of Government Code Section 54953(c) as follows:

1. The member shall participate through both audio and visual technology, except that any member with a disability, as defined by California Government Code Section 12926 and used in Section 12926.1, or by Section 12102 of Title 42 of the United States Code, may participate only through audio technology if a physical condition related to their disability results in a need to participate off camera.

2. The member shall disclose at the meeting before any action is taken, 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 any of those individuals.

3. The member need not provide their physical location from which they are attending the meeting nor are they required to post the agenda at their physical location.