

Webinar: SB 707 Brown Act Revamp

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SB 707 Overview

- Board members each must receive a copy of the Brown Act statutes.
- Permanently adopted social media restrictions (previously were temporary)
- Enhanced Teleconferencing Options
 - ADA/Disability Needs Formally Added
 - Cleaned up Statutes, new Just Cause Provisions
 - Expanded State of Emergency to Locally Declared Emergencies
 - Added Options for Committees and JPAs
- Agenda and Public Participation Requirements Added
 - Required for “Eligible Legislative Bodies”
 - Encouraged, but not Required, for Other Agencies (applicable to most special districts)
- Expanded Report Out Requirements for Department Heads/Managers
- Streamed Emergency Meeting Procedures Eliminating Exception for School Districts
- Now **ALL** agencies must post special meeting agendas on websites



NEW GENERAL REQUIREMENTS APPLICABLE TO ALL AGENCIES (Effective January 1, 2026)

Provision of Copy of Brown Act to Board Members

- **Requirement:** Agency must provide a copy of the Brown Act (Chapter 9 of Part 1 of Division 2 of the Title 5 of the Government Code) to members of its legislative bodies
 - All members, whether elected or appointed
 - All legislative bodies, including governing boards, committees, commissions, and all other Brown Act applicable bodies
- **Content:** Copy of the Brown Act statutes (not summaries or write-ups)
- **Purpose:** To ensure that all individuals serving on legislative bodies are informed of and have access to the open meeting requirements of the Brown Act



Social Media Use

- Board members **may not** use social media to “**discuss among themselves**” **official business**
 - “A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is **made, posted, or shared** by any other member of the legislative body.”
 - “Discuss among themselves” means communication made, posted, or shared on social media, including **comments or digital icons that express reactions**, aka “emojis,” to communications made by other board members
 - THRESHOLD CHANGE: This is as to any other Board member



Permissible Online Activity by Board Member

- May have individual contacts or conversations with non-Board members (and individual contacts or conversations with Board members not on social media platforms)
- May discuss and interact on matters outside the jurisdiction of the agency as much as desired
 - Even with fellow board members, but exercise caution—remember threshold for violation is low.



Permissible Online Activity by Board Member

Interaction Type	Permitted
Member A responds to Resident's posted question	YES
Member B responds to Member A's Response	NO, cannot respond to another Board member
Member B responds to same Resident's posted question	YES, as long as not referencing or in response to Member A
Member A responds to a post by the Agency	YES
Member A comments on Member B's post about agency business	NO
Member A likes Member B's post on agency business	NO
Member A likes Member's post sharing the birth of a grandchild	YES, not subject matter jurisdiction of the agency

Brown Act Teleconferencing Options (SB 707)

1. Standard Teleconferencing (Traditional)
 Home Office, Hotel Rooms, PUBLIC ACCESS REQUIRED & AGENDA POSTED, Rollcall Votes

2. Remote Participation for 'Just Cause'
 Disclosing 'Just Cause' - No Public Access to My Location, 2/5 meetings used this year

3. Emergency Teleconferencing
 STATE OF EMERGENCY DECLARED - IMMINENT RISK, Renewal every 45 days

4. Disability Accommodation
 Reasonable Accommodation - Treated as In-Person, Audio-Only if Condition Requires

5. Specific Bodies (e.g., Subsidiary/Advisory)
 Advisory Body - Staff Present, DESIGNATED PHYSICAL LOCATION FOR PUBLIC

Teleconferencing: Overview

- Traditional (Standard) Teleconferencing
- Disability Accommodation Teleconferencing (NEW)
- Expanded Post-COVID Teleconferencing Options
 - State of Emergency (Local or Statewide)
 - Just Cause/Emergency Circumstance
 - Specific Types of Bodies
 - Eligible Subsidiary Bodies (e.g., Committees)
 - Eligible Multijurisdictional Bodies (e.g., JPAs)
 - Eligible Neighborhood Councils (NOT COVERED HERE)
 - Student Organizations (applies to community colleges) (NOT COVERED HERE)



Teleconferencing Under the Brown Act

- The Act permits “teleconferencing,” for all purposes in connection with any meeting (Gov. Code, § 54953(b))
- “Teleconferencing” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through audio or video, or both

Traditional (Standard) Teleconferencing Rules

- All votes taken during a teleconference meeting must be by **roll calls**
 - This applies to all teleconference options
- Agendas must be **posted at each teleconference location, identify** each teleconference location, & each location must be **accessible to the public**
- During the teleconference, at least a **quorum** of the members of the legislative body must participate from locations within the jurisdiction of the local agency
- The agenda must provide an opportunity for members of the public to **address the legislative body directly from each teleconference location**

SB 707 – Participation by a Member with a Disability

- Members with a disability can participate remotely as a reasonable accommodation
- Remote participation requires:
 - Both audio & visual technology
 - Audio only if disability results in a need to participate off camera
 - Member must disclose before any action taken whether any other individuals 18 years or older are present in the room & the general nature of their relationship
- Participation under these rules is treated as in-person attendance, including for quorum purposes

SB 707 - Teleconferencing Under Section 54953.8

- Section 54953.8 now provides general requirements for all **non-traditional** teleconferencing options (i.e., post-COVID video options)
- “Teleconference” means a meeting of the legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both – **though both required in most cases**
- Must provide to the public a way to remotely hear & visually observe the meeting, & remotely address the Board through two-way audiovisual platform or a two-way telephonic service & a live webcast
- Notice of the teleconference meeting must provide notice how the public may access the meeting & offer public comment
 - Agenda must include call-in/webcast option or an internet-based service option

SB 707 - Teleconferencing Under Section 54953.8 Cont.

- If disruption of service occurs, Board must take no further action until public access is restored
- Cannot **require** public comments to be submitted before meeting. Public must be able to address the Board & make comments in real time.
- If required by service provider (e.g., Zoom), registration of individual is allowed; but cannot be required as a condition of attending the meeting.
 - Beware of Zoom lobby feature or similar features

SB 707 - Teleconferencing Under Section 54953.8 Cont.

- If provide timed public comment period for each agenda item, public comment period or registration to make a comment cannot be closed until that time period has elapsed
 - Method rare for special districts. Used more often by large, high-volume agencies (e.g., Los Angeles City Council and San Francisco Board of Supervisors)
- If only a timed general public comment period that does not correspond with an agenda item, cannot close the comment period until the timed general public comment period is over
 - Some agencies (e.g., school boards) restrict non-agenda comments to 30 minutes. These agencies must now leave that comment period open for the full time
- If no timed public comment period, then Board must allow a “reasonable amount of time per agenda item”
 - This is the method used by most special districts

**** THIS ALL APPLIES ONLY IF USING SECTION 54953.8 TELECONFERENCING**

SB 707 - Teleconferencing Under Section 54953.8 Cont.

- If Board teleconferences from a “remote location,” the minutes must reflect the legal grounds for teleconference
 - A “remote location” is any physical meeting location designated in the notice of the meeting. **Remote locations do not need to be accessible to the public.**
- Must have procedure to address requests for reasonable accommodations under the ADA for teleconference meetings
 - Must also provide notice of the procedure for receiving & resolving requests for accommodation

SB 707 – Teleconferencing Under Section 54953.8 Cont.

- Must make a list of one or more meeting locations available to use by the Board to conduct meetings
- Can provide public with additional teleconference locations
- If teleconferencing, Board member must identify anyone 18 or older present in the room & describe the nature of the relationship with those individuals

SB 707 – State of Emergency

GOVERNMENT CODE 54953.8.2



- Allows **Section 54953.8** teleconferencing during a proclaimed state of emergency **or a local emergency**
 - Local emergency is one declared by City or County
- Requires a majority-vote finding that because of the emergency, meeting in person would present imminent risks to health & safety of attendees
- If emergency remains active, Board must make findings every 45 days:
 - Reconsidered the circumstances of the emergency; &
 - Impacts the ability to meet safely in person
- Physical meeting location not required
- Could use a two-way telephonic service without simultaneous live webcasting

SB 707 – Just Cause Teleconference Meeting

GOVERNMENT CODE SECTION 54953.8.3

- **Section 54953.8 Teleconferencing AND:**
- Quorum of Board Members must be located a single physical location
 - Location of quorum for meeting:
 - Must be identified on agenda (*typically standard meeting location*)
 - Be open to the public
 - Within jurisdictional boundaries
- Board member **notifies** at “earliest opportunity” to participate remotely for just cause, including brief description why member must join remotely
- Remote Board member must have audio & visual technology
- Prohibition on how many times a Board member may use “just cause” to participates remotely
 - Number varies depending on how often Board meets
 - 2 meetings per year (If meet once per month or less)
 - 5 meetings per year (if meet twice per month)
 - 7 meetings per year (if meeting 3+ meetings per month)
- “Emergency Circumstance” as a separate basis now gone, rolled into “just cause”
- Minutes must reflect the legal grounds authorizing the remote participation by Board member

“Just Cause”

- Childcare/caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner
- Contagious illness
- Related to a physical or mental condition
- Travel while on official business of the **Board or other state or local agency**
- **An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner**
- **Physical or family medical emergency (“emergency circumstance merged in”)**
- **Military service obligations because serving under official written orders of the California National Guard or US Military Reserve that requires member to be at least 50 miles outside of your boundaries**

SB 707 – New Specific Teleconferencing Provisions

- Health Authorities – have broad authority to conduct teleconference meetings pursuant to base videoconference allowances of Section 54953.8
 - Who Qualifies: Health Authorities under specific Welfare & Institutions Code (e.g., Medi-Cal managed care), certain JPAs, and advisory committees to county-sponsored health plans
 - Requirements
 - No need to post agendas at remote locations
 - Two-way audiovisual platform (or simultaneous call-in/webcast)
 - Real-time comment allowances
 - Disruption Policy
 - Disclosure of remote members of anyone 18+ present in room and general relationship
 - Specified in meeting minutes

Committees

- Eligible subsidiary bodies may teleconference meetings:
 - Powers only advisory with no final action authority, and
 - **NOT** formed to address issues such as elections, **budgets**, police oversight, privacy, library materials, or taxes
- Governing Board must authorize the committee to meet remotely both initially and every six months thereafter, after finding:
 - Remote meetings would enhance public access to meetings, and has been made aware of the option;
 - Would promote, attract, and diversify participants to join the committee
- Two-way audio and visual appearance in most circumstances
- Must still designate a physical location for public to attend AND at least one agency staff member must be present that that physical location during the meeting

SB 707 – Multijurisdictional Bodies (JPAs)

- Requires resolution authorizing the use of teleconference, adopted at a regular meeting during open session
- Quorum required to participate in one location that is open to the public & within jurisdictional boundaries
- Member of Eligible Multijurisdictional Body (EMB) who receives compensation for service on the Board must participate from a physical location that is open to the public
- Can participate remotely if:
 - Remote participation is identified on the agenda
 - Audio & visual technology is used
- May not participate remotely unless more than 20 miles away from physical location where quorum is participating
- Limited to a certain amount of meetings per year, depending on how many Board meetings occur

SB 707 – Disruptions during Teleconference Meeting

- Statutory authority to remove or limit persons who engage in disruptive behavior during a meeting while using a two-way telephonic service or two-way audiovisual platform



SB 707 – Expansion of Open Session Salary Requirements

Report Out/Open Session Action Requirements for Department Heads

- **Prior Requirements:** Brown Act has always required that final action related to salary, compensation, or fringe benefits of a local agency executive (i.e., General Managers, Fire Chiefs, etc.) be taken in open session at a regular meeting
- **New Requirement:** Requirement Extended to Department Heads and Similar Administrative Officers

NEW ELIGIBLE LEGISLATIVE BODY OBLIGATIONS

(Effective July 1, 2026)

SB 707 – “Eligible Legislative Body” Definition

- Two Types of Entities with respect to this discussion
 - Eligible Legislative Bodies (“ELBs”) (defined on next slide)
 - Larger Agencies in terms of population, staffing, or revenues
 - Must Comply with Requirements to be Discussed
 - Non-Eligible Legislative Bodies
 - “Smaller” agencies in terms of population, staffing, or revenues
 - Are encouraged to comply with certain requirements of ELBs, but not required
- New ELB laws effective **July 1, 2026**. Scheduled to expire on January 1, 2030.



SB 707 – “Eligible Legislative Body” Definition

- Special Districts that have a website and any of the following:
 - **Large Boundaries:** Boundaries including the entirety of a county with the population over 600,000 or more, and the special district has over 200 FTE employees.
 - **Large Workforce:** Over 1,000 FTE.
 - **High Revenue:** Annual revenues of over \$400,000,000 per year (adjusted annually based on CPI) & employ over 200 FTE.
- Cities
 - Population of 30,000 or more; OR
 - All cities in a county with 600,000 or more
- Counties
 - All counties with population of 30,000 or more

SB 707 – Public Outreach

- ELB **must** encourage residents, including those in underrepresented communities and non-English-speaking communities, to participate in public meetings:
 - **Create automatic system** for accepting and fulfilling requests for meeting agendas and documents via email or integrated agenda management platform
 - **Info on how to make request** using this system must be accessible through prominent direct link on website home page
 - Link to the webpage that will enable such requests must be accessible through prominent direct link posted on website home page
 - Create accessible webpage dedicated to public meetings including: (1) explanation of public meeting process; (2) procedure to provide in-person or remote oral public comment or written public comment; (3) calendar of all meeting dates that include date, time, and location of meetings; (4) agenda posted online
 - Webpage must be translated into all “**applicable languages**”

NON-ELBS ENCOURAGED TO FOLLOW THESE REQUIREMENTS, BUT NOT REQUIRED

SB 707 – Public Outreach Cont.

- Board **must** approve a list of “reasonable efforts” to invite groups that do not traditionally participate in public meetings, including:
 - Contact media news organizations, including media organizations that serve non-English-speaking communities
 - Contact good government, civil rights, civic engagement, neighborhood, and community group organizations, including organizations active in non-English-speaking communities
- Prohibits an action arising from failing to provide public information to any specific group

NON-ELBS ENCOURAGED TO FOLLOW THESE REQUIREMENTS, BUT NOT REQUIRED

SB 707 – Electronic Public Participation

- By July 1, 2026, an “eligible legislative body” required to:
 - Conduct meetings with an opportunity for the public to attend via a **two-way telephonic service or audiovisual platform (e.g., Zoom)**
 - Two-way telephonic service or audiovisual **platform must give public an opportunity to provide public comment** with same time allotment as a person attending in person

SB 707 – Electronic Public Participation Cont.

- Two-way telephonic/audiovisual platform is not required for the following “meetings”:
 - Attend a judicial/administrative proceeding to which the local agency is a party
 - To inspect real or personal property, provided that the topic of the meeting is limited to items directly related to the real or personal property
 - Meet with US or California elected or appointed public officials, solely to discuss a legislative or regulatory issue affecting the local agency & over which the federal or state officials have jurisdiction
 - Meeting in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility
 - “Emergency situation” pursuant to Section 54956.5

SB 707 – Electronic Public Participation Cont.

- On or before July 1, 2026, eligible legislative bodies must approve at a **noticed** public meeting, and not on consent calendar, a policy re: disruption of telephonic/internet service during meeting
 - Must address procedures for recessing & reconvening in the event of a disruption & “efforts” required to be made to “attempt to restore service”
- If disruption occurs, eligible legislative body **must** recess for up to at least one hour and make good faith attempt to restore service, or until service is restored, **whichever is earlier**
- May meet in **closed session** during the disruption
- If cannot restore service, can reconvene open session but must adopt a finding by rollcall vote that good faith efforts to restore service were made per disruption policy and the public interest in continuing the meeting outweighs the public interest in remote public access

SB 707 – Meeting Translation/Interpreter Requirement

- Interpretation of a meeting is **not** a requirement
- ELB to “reasonably assist” the public who wish to translate a public meeting or to receive interpretation by another individual
- ELB must “publicize instructions” regarding translation or interpreter requests
- ELB not responsible for content or accuracy of interpretation. Prohibition against bringing an action against ELB regarding interpretation.

NON-ELBS ENCOURAGED TO FOLLOW THESE REQUIREMENTS, BUT NOT REQUIRED

SB 707 – Meeting Translation/Interpreter Requirement

- Board must determine “reasonable assistance” which may include:
 - Arranging space for interpreters at the meeting location
 - Allowing extra time during the meeting for interpretation
 - Ensuring participants may use personal devices (e.g., cellphones) or reasonably access facilities for participants to access commercially available interpretation services

NON-ELBS ENCOURAGED TO FOLLOW THESE REQUIREMENTS, BUT NOT REQUIRED

SB 707 – Translated Agendas

- Agendas must be translated into “applicable languages”
 - Can use digital translation services
 - Does not include the entire agenda packet (i.e., attachments, exhibits, etc. do not need to be translated)
- Translations must include instructions of how to join a meeting by telephonic or internet-based service option, including any requirements for registration for public comment
- Limited to three “applicable languages” spoken by the largest percentage of the population

NON-ELBS ENCOURAGED TO FOLLOW THESE REQUIREMENTS, BUT NOT REQUIRED

SB 707 – “Applicable Languages”

- Board must select 1 of the following populations*:
 - Population of the county with the greatest population within your boundaries.
 - Population of your service area, if you have sufficient data to determine what languages are spoken within your service area
- If pick county - American Community Survey (Census)

NON-ELBS ENCOURAGED TO FOLLOW THESE REQUIREMENTS, BUT NOT REQUIRED

SB 707 – “Applicable Languages” Cont.

- Find the languages spoken by 20% or more of the county and determine:
 - That 20% or more of the population speaking the particular language speaks English less than “very well.”
- Determine the 3 languages meeting the criteria above that are spoken by the largest percentage of the applicable population.
- May elect to determine applicable languages based on a different source if make finding, based on substantial evidence, that source provides equal or more reliable data.

NON-ELBS ENCOURAGED TO FOLLOW THESE REQUIREMENTS, BUT NOT REQUIRED

SB 707 – Translated Agendas

- Make copies available at physical location freely accessible to the public in reasonable proximity to the location where agenda & translation are posted & allow members of the public to post additional translations in that location
- Translation must be accessible through prominent direct link posted on your home page.
- ELB not responsible for the content or accuracy of translation provided. Prohibition against bringing an action against ELB regarding translation.

NON-ELBS ENCOURAGED TO FOLLOW THESE REQUIREMENTS, BUT NOT REQUIRED

SB 707 – Non-Eligible Legislative Bodies

- Legislative bodies that are not ELBs may still elect to impose ELB requirements on themselves
 - Encouraged for greater access, translation, and public outreach provision, including:
 - Translation of agendas
 - Employing translators
 - Conducting additional outreach
 - Brown Act generally always allows for actions that increase transparency and public participation

QUESTION & ANSWER

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Thank you for attending!

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