

27) A majority of the policy committee finds an emergency (for example, work stoppage or disaster) exists. A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.



GOVERNANCE, TRANSPARENCY AND LABOR RELATIONS POLICY COMMITTEE

Legislative Agenda

June 2025

Staff: Johnnie Pina, Legislative Advocate (916) 658-8214

1. [SB 707](#) (Durazo) Open Meetings: Meeting and Teleconference Requirements. As Amended 5/29/25

Bill Summary:

This bill makes various changes to the rules for local agencies to hold public meetings pursuant to the Ralph M. Brown Act (Brown Act).

Bill Description:

Eligible Legislative Bodies:

This bill would, until January 1, 2030, define the term "eligible legislative bodies." "eligible legislative body" includes all of the following:

- A city council of a city with a population of 30,000 or more.
- A county board of supervisors of a county, or city and county, with a population of 30,000 or more.
- A city council of a city located in a county with a population of 200,000 or more.
- The board of directors of a special district that serves over 200,000 people or more and has an internet website.

Only with specified exceptions, eligible legislative bodies would have to comply with additional meeting requirements.

Eligible legislative bodies would also have to do the following:

- Eligible legislative bodies would be required to include an opportunity for members of the public to attend via a 2-way telephonic service or a 2-way audiovisual platform in all open and public meetings.
- Make efforts to provide public meeting information to groups that do not traditionally participate in public meetings.
- Reasonably assist members of the public who wish to translate a public meeting into any language or wish to receive interpretation provided by another member of the public, so long as the interpretation is not disrupting to the meeting.
- Provide the agenda for each meeting of an eligible legislative body translated into all applicable languages. A translation made using a digital translation service shall satisfy the requirements.
 - "Applicable languages" means languages spoken jointly by 20% or more of the population in the city or county in which the eligible legislative body is located that speaks English less than "very well" and jointly speaks a language other than English according to data from the most recent American Community Survey.

- Make available a physical location that is freely accessible to the public in reasonable proximity to the physical location in which the agenda and translations are posted and shall allow members of the public to post additional translations of the agenda in that location. The eligible legislative body is not technically responsible for the content or accuracy of any translation provided pursuant to this section. The bill states that no action shall be commenced or maintained against an eligible legislative body from the content or accuracy of any translation provided under this section.
- Take the following actions to encourage residents, including those in underrepresented communities and non-English-speaking communities, to participate in public meetings:
 - Have in place a system for electronically accepting and fulfilling requests for meeting agendas and documents through email or through an integrated agenda management platform, and provide information about how to make a request using this system through a prominent direct link posted on the primary internet website home page of the eligible legislative body.
- Create and maintain an accessible internet web page dedicated to public meetings.

Alternative Teleconferencing Rules:

- Would revise existing alternative teleconferencing provisions, until January 1, 2030, by providing a standard set of requirements that must be complied with, including:
 - Requiring instructions on joining the meeting by the telephonic or internet-based service option be made available in English and in all other languages spoken jointly by 20% or more of the population in the county in which the local agency is located that speaks English less than "very well" and jointly speaks a language other than English according to data from the most recent American Community Survey or data from an equally reliable source; and
- Would specify that "just cause" teleconference flexibility does not limit the ability of a legislative body to use another alternative teleconferencing provision provided for under the Brown Act.
- Would allow members of legislative bodies with physical or mental disabilities to participate remotely and count towards any applicable in-person quorum requirements.
- Would remove the requirement for the legislative body to approve each instance a member of the legislative body wants to participate remotely for "emergency circumstances," and applies the same rules for participating remotely for "just cause" to "emergency circumstances."
- Would require that the agenda – published before the meeting – identify the specific reason(s) relied upon by members of the legislative body, in order to allow for their remote participation.

Subsidiary (Advisory) Bodies:

Would authorize, until January 1, 2030, alternative teleconferencing provisions for an eligible subsidiary body, which is defined as one which:

- Serves exclusively in an advisory capacity;
- Cannot take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants, or allocations of funds;
- Does not have a majority of its membership made up of members of the legislative body that created it or its staff; and
- Does not have subject matter jurisdiction over elections, budgets, police oversight, or removing materials from, or restricting access to, library materials.

The legislative body would be required to hold a discussion of any recommendations presented by the subsidiary body at the meeting during which the recommendations are presented or at another regular meeting held within 60 days after receiving the recommendations unless the legislative body does not have another regular meeting scheduled within 60 days after the recommendations are received, in which case the discussion may be held at the next regular meeting after the recommendations are presented.

- The recommendations would not be allowed to be placed on the consent calendar.

Multijurisdictional Bodies:

Would authorize, until January 1, 2030, alternative teleconferencing provisions for an eligible multijurisdictional body, which is defined as a legislative body that includes representatives from more than one county, city, city and county, special district, or joint powers entity. A member of the eligible multijurisdictional body shall not participate in a meeting remotely, unless the location from which the member participates is more than 20 miles round trip from the in-person location of the meeting.

Emergency Teleconferencing:

Would expand the teleconferencing flexibility authorized during state-declared emergencies to include local emergencies.

Neighborhood Councils:

Would lower the vote requirement to a simple majority for members of a neighborhood council to meet via teleconference.

Copy of the Brown Act:

Would require an agency to provide a copy of the Brown Act any person elected or appointed to serve as a member of a legislative body of the local agency.

Cease and Desist Timeline:

Would extend the period that a cease and desist letter may be submitted from 9 months to 12 months from the date of the alleged violation.

Legislative Body Definition:

Would specify that bodies with certain advisory committees with continuing subject matter jurisdiction or fixed meeting schedules are legislative bodies.

Social Media Rules:

Would remove the sunset date on the language related to communications on an internet-based social media platform and make them applicable indefinitely.

Zoom Bombing:

Existing law authorizes the presiding member of the legislative body conducting a meeting, or their designee, to remove an individual for disrupting the meeting. This bill would specify that a meeting for purposes of that provision includes any teleconferenced meeting.

Compensation:

Would require the legislative body to make a public, oral report prior to taking final action on specific forms of compensation for an unrepresented employee of the local agency.

Removes provision related to an item already heard by the committee:

Existing law specifies that the agenda is not required to provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, as specified. This bill would remove this provision; in short, requiring removing such an item from the consent calendar

Accommodations:

Would state that a member of a legislative body using teleconferencing may notify the legislative body that they must attend and participate in a given meeting of the legislative body solely by teleconference from a remote location due to a need related to a physical or mental disability, "that is not otherwise reasonably accommodated pursuant to the federal Americans with Disability Act."

- Such a member would count toward any in-person quorum requirement to use teleconferencing.
- Such a member would be required to publicly 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 such individuals.

Background:

The author writes: "SB 707 will modernize Brown Act rules for government bodies to improve transparency and allow public access to their governments. This bill will allow governments to better serve their communities and increase the public's access to meetings, especially for disabled, working, and non-English speaking communities."

Informational Hearing

On March 19, 2025, the Senate Local Government held a hearing on the Brown Act called *Meeting the Moment: Strengthening Community Voices in Local Government Meetings*. At this hearing, the Committee:

- Heard from experts on the factors that make for effective local meetings;
- Learned strategies for communicating with the community throughout disasters;
- Considered different local agencies' experiences holding public meetings; and
- Engaged with community groups to identify strategies to improve local agency meetings.

The Committee heard that public meetings are an imperfect, but valuable, tool for public participation, and key to democratic responsibility. The challenge local agencies face is a gap between what is *administratively sustainable* and *politically acceptable*. Various local agencies highlighted the challenges they have faced with disruptions during teleconferenced meetings, and, along with some community groups, expressed an interest in further expansion of recent teleconference flexibility. Finally, the Committee heard concerns about how additional flexibility could lead to public transparency challenges.

The Ralph M. Brown Act

Since 1954, the Ralph M. Brown Act has mandated that local agencies hold open, public meetings. Its core intent is to ensure transparency in government decisions.

Teleconferencing and the Brown Act. In 1988, the Brown Act allowed teleconference meetings to start addressing concerns about long travel distances for constituents in San Diego County. AB 3191 (Frazee, 1988, Chaptered August 11, 1988) authorized local agencies to use teleconferencing for meetings. Since then, several new laws have modified this authorization.

During the COVID-19 pandemic, many public agencies adapted to remote meetings due to safety concerns and stay-at-home orders. In March 2020, the Governor issued Executive Order N-29-20, allowing teleconferencing without requiring public access to the locations. In June 2020, Executive Order N-08-21 extended these provisions until September 30, 2021. In an effort to ensure continued teleconferencing flexibility, the Legislature passed AB 361 (Rivas, 2021, Chaptered September 16, 2021), allowing local agencies to use teleconferencing without certain Brown Act restrictions until January 1, 2024, during state-declared emergencies. AB 557 (Hart, 2023) eliminated the sunset, among other changes.

While AB 361 allowed local agencies flexibility to teleconference meetings without noticing teleconferencing locations or making them publicly accessible during state-declared emergencies, once local agencies became accustomed to this flexibility, they pushed for similar flexibility during non-emergency circumstances. AB 2449 (Blanca Rubio, 2022) gave members of legislative bodies more teleconferencing flexibility in non-emergency circumstances. It allowed members of legislative bodies to participate remotely for “just cause” and “emergency circumstances” without noticing their teleconference location or making that location public.

Emergency circumstances are a physical or family medical emergency that prevents a member from attending in person.

To use this flexibility, at least a quorum of the legislative body must participate in person at one physical location, which must be identified on the agenda, open to the public, and within the boundaries of the local agency’s jurisdiction. The bill also placed additional requirements on local agencies using provisions modeled after AB 361.

When a member uses this flexibility, they must participate through both audio and visual technology, and publicly disclose whether any other individuals 18 years of age or older

are present in the same room at the teleconference location and the member's relationship with any such individuals. Additionally, members are limited to using this flexibility for roughly 20 percent of a legislative body's meetings depending on how frequent that legislative body meets.

AB 2302 (Addis, Ch. 389, Stats. 2024) revised the AB 2499 limits on how often a member could participate remotely from a remote location. AB 2449 sunsets on January 1, 2026.

Right to access public meetings and COVID-19 pandemic

In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),^[1] which amended the California Constitution to specifically protect the right of the public to access the meetings of public bodies: "The people have the right of access to information concerning the conduct of the people's business, and therefore the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).)

The California Constitution requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access, and requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)

The Brown Act provides guidelines and requirements for how local bodies must guarantee open and public access to their meetings. The legislative intent of the Brown Act was expressly declared in its original statute, and has remained unchanged despite numerous amendments:

- The Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.
- The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. (Gov. Code § 54950.)

Existing Cal Cities Policy:

Equity in Governance

Cal Cities believes in conducting the business of government with transparency, openness, respect, and civility. The spirit of honest public service is what builds communities. Open decision-making that is of the highest ethical standards honors the public trust. Cal Cities believes state officials and agencies should conform to the same level of transparency and ethical behavior as is imposed on local officials and agencies.

Cal Cities opposes any law or regulation that applies solely to California cities and local officials, unless such law or regulation also applies equally to the state of California and state officials. Cal Cities acknowledges that local government and state government

have their own unique needs. Specific proposals which treat state and local government differently should be carefully reviewed to ensure equity in governance. Open Meeting Law (Ralph M. Brown Act) & Open Access to Public Records (California Public Records Act)

Cal Cities supports legislation that recognizes the need to conduct the public's business in public. To this end, Cal Cities supported and was a cosponsor of the original Ralph M. Brown Act and supports legislation that conforms to the intent of the Act. Cal Cities also supports the regulation of the state and other public agencies to ensure conformance to the principles of the open meetings provision in the Ralph M. Brown Act.

That said, Cal Cities opposes legislation claiming to enhance open and public meetings that in practice unnecessarily complicates the ability of a local governing body to properly communicate with the public and that discourages communications among governing body members through unproductive restrictions and inappropriate activities.

Cal Cities opposes legislation that would impose further unnecessary restrictions on the action that a governing body can take in closed sessions. Cal Cities supports legislation that recognizes the realities of other constraints under which a local governing body must operate that necessitates judicious use of closed sessions, including:

- The privacy rights granted to individuals under the U.S. and California constitutions.
- The personnel issues that have a potential impact on an individual's career and potential earning capacity and that raise serious liability questions for a local jurisdiction.
- The protection of the taxpayer's interests over property and other acquisitions by a public agency.
- The proper maintenance of the same attorney client privilege enjoyed by the private sector.

Cal Cities supports legislation that includes less than-a-quorum advisory committees within the definition of "legislative body" as defined in the Ralph M. Brown Act, if the committee is composed solely of members of the legislative body whose subject matter jurisdiction has cumulatively lasted two years or less.

Cal Cities supports alternative methods of meeting public notice requirements and enhancing them through the use of cost-effective, innovative, and technology-friendly methods of communication.

Transparency

Cal Cities believes that public trust and confidence in government is essential to the vitality of a democratic system and is the reason ethics laws hold public officials to high standards.

Laws alone cannot foresee or prevent all actions that might diminish the public's trust in governmental institutions. Transparency laws impose the minimum standards of conduct; to preserve public trust, public officials should aspire to conduct that exceeds minimum standards.

State revisions to laws governing local agency transparency and ethics should address material and documented inadequacies in those laws and have a reasonable relationship to resolving those problems.

In order to encourage and facilitate compliance with new transparency and ethics requirements, State laws should be internally consistent, avoid redundancy and be mindful of the practical challenges associated with implementation.

State officials and agencies should aspire to conform to the same level of transparency and ethical behavior as is imposed on local officials and agencies.

Fiscal Impact:

Unknown. Normally, when the Legislature increases the cost or level of service local agencies must provide, the state must reimburse them for their costs. However, SCA 3 (Leno, 2013), which voters approved as Proposition 42 in June 2014, added a constitutional provision that exempts costs to ensure public access to the meetings and writings of public officials from the constitutional requirement for the state to reimburse local agencies. This means that local agencies have to come up with their own sources of revenue to fund public access requirements like those SB 707 would add to the Brown Act.

Staff Comments:

The author of the bill, Senator Durazo, is currently the Chair of the Senate Local Government Committee and has been a collaborative Legislator to work with on SB 707. Cal Cities currently has a concerns position on SB 707 and has expressed a variety of concerns about the bill to the Senator since its introduction. The Senator has been receptive to our suggested amendments, and we have seen the bill go through several rounds of amendments. Some amendments have improved the bill, resolving previous concerns, while others have remained concerning.

At the time of this drafting, we are halfway through the Legislative process with a bill that has many aspects that can be viewed as both good and bad for local governments.

Recently [SB 239](#) (Arreguín) was merged with SB 707. SB 239 was co-sponsored by Cal Cities. SB 239 was the latest iteration of Cal Cities' attempt at passing legislation to add additional teleconferencing flexibility for local bodies. SB 239 would have allowed non-elected members of advisory bodies to meet remotely without posting their remote meeting location (typically their home) or make it open to the public. Cal Cities co-sponsored the bill to improve civic participation and diverse community representation by making local advisory bodies more accessible. It would have addressed recruitment and retention challenges for local advisory bodies and made it easier for persons with disabilities, working parents, seniors, youth, and others to serve on local bodies.

In addition to the merger, not all our problems with the bill have been resolved and we continue to have conversations with the author. Many of the remaining issues are technical in nature and based on how discussions have gone so far will likely be addressed. Others are true policy considerations which the policy committee should consider as mentioned above.

Additionally, this bill has been a continued work in progress and language around Zoombombing and intentional disruption of remote comment periods are being considered by the author. The bill will likely continue to change, and Cal Cities will continue to engage on the measure. The committee should consider what position Cal Cities should take on the bill as we continue to engage on the bill in the second half of the legislative process.

The Cal Cities City Attorney Department and Cal Cities Counsel has identified several concerns including a general need to clarify many sections of the bill and create a consistency of language throughout the bill.

Support (As of 5/29/2025)

California Association of Licensed Investigators
Democratic Party of the San Fernando Valley
Hispanas Organized for Political Equality
LA Defensa
North Westwood Neighborhood Council, All Voting Members
Streets for All

Opposition (As of 5/29/2025)

City of La Verne
City of Redwood City
County of Kern
County of Shasta
County of Solano
Town of Hillsborough

Staff Recommendation:

Cal Cities staff recommends the committee discuss and make a recommendation to the Board of Directors.

Committee Recommendation:

Board Action: