

# **2026 Annual Conference & Expo**

## **Expanding Public Access: SB 707's Updates to the Brown Act**

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# Three Elements of SB 707

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- Purpose: “This act is necessary to modernize the Ralph M. Brown Act to reflect recent technological changes that can promote greater public access to local officials.”
- The Primary Changes:
  - Clarification and Expansion of Teleconferencing Rules;
  - Miscellaneous Changes; and
  - Public Access Updates for Eligible Legislative Bodies.

# Existing Teleconferencing Exceptions

- Traditional  
(added in 1988)
- State of Emergency  
(added in 2021)
- Just Cause  
(added in 2023)
- Emergency Circumstance  
(added in 2023)
- Neighborhood Council  
(added in 2023)
- Student Body Association or  
Student-run Community College Org.  
(added in 2024)

# Traditional Teleconferencing

- Requirement:
  - Identify each teleconference location
  - Post agenda at teleconference location
- Limit: No limit
- Quorum: Remote participant does not count toward quorum
- Means: Call-in or internet-based service
- Public: Each location accessible to public
- Disclosure: No disclosure required
- Vote: Roll Call

# Reasonable Accommodation Teleconferencing

- Requirement: Traditional teleconferencing rules do not apply
- Limit: No limit
- Quorum: Remote participant does count toward quorum
- Means: Two-way audio-visual platform
- Public: Not afforded to public
- Disclosure: 18+ present and relationship
- Vote: Roll Call

# Exceptions to Traditional Teleconferencing

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- Health Authority (GC 54953.8.1)
- State of Emergency (GC 54953.8.2)
- Just Cause (GC 54953.8.3)
- Neighborhood Council (GC 54953.8.4)
- Community College Student Organization (GC 54953.8.5)
- Eligible Subsidiary Body (GC 54953.8.6)
- Multi-jurisdictional body (GC 54953.8.7)

# Requirements to Use Exceptions to Traditional Teleconferencing

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- Public Access
  - Two-way audiovisual platform; or
  - Two-way telephonic service and a live webcasting of the meeting
- Pausing meeting until disruption to teleconferencing for public resolved
- Remote participation of members of legislative body noted in minutes
- Member's disclosure of 18+ participants and relationship

# State of Emergency or Local Emergency Teleconferencing

|             | Existing Rule                                                                                                                             | New Rule                                                     |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Requirement | Determine by majority vote that meeting in person presents risks to health or safety due to state of emergency & renew vote every 45 days | Finding now includes state of emergency or local emergencies |
| Limit       | No Limit                                                                                                                                  | No Limit                                                     |
| Quorum      | Remote participant does count toward quorum                                                                                               | Remote participant does count toward quorum                  |
| Vote        | Roll Call                                                                                                                                 | Roll Call                                                    |
| Method      | Call-in or internet-based service                                                                                                         | Two-way telephonic or two-way audio-visual platform          |

# Just Cause Teleconferencing

| Former Definition of<br>Emergency<br>Circumstances | Former Definition<br>of Just Cause                          | New Definition of Just Cause                                                                                            |
|----------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Physical or family<br>medical emergency            |                                                             | Physical or family medical<br>emergency                                                                                 |
|                                                    | Childcare or<br>caregiving need                             | Childcare or caregiving need                                                                                            |
|                                                    | Contagious illness                                          | Contagious illness                                                                                                      |
|                                                    | Travel while on<br>official business of<br>legislative body | Travel while on official business<br>of legislative body                                                                |
|                                                    |                                                             | Immunocompromised family<br>member                                                                                      |
|                                                    |                                                             | Military service obligations that<br>requires the member to be at<br>least 50 miles outside the<br>boundaries of agency |
|                                                    |                                                             | Physical or mental condition that<br>is not subject to accommodation                                                    |

# Just Cause Teleconferencing

- Requirement:
  - Disclose reason to legislative body at earliest opportunity
- Limit:
  - 2 meetings/year  
(body meets 1-/month)
  - 5 meetings/year  
(body meets 2/month)
  - 7 meetings/year  
(body meets 3+/month)
- Quorum: Remote participant does not count toward quorum
- Means: two-way audio-visual platform

# Subsidiary Body Teleconferencing

## “Eligible Subsidiary Body”

- “A commission, committee, board, or other body of a local agency, whether permanent or temporary, ... created by charter, ordinance, resolution, or formal action of a legislative body”;
- Exclusively advisory;
- Not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants, or allocations of funds;
- Does not have primary subject matter jurisdiction regarding elections, budgets, police oversight, privacy, public library materials, or taxes

# Subsidiary Body Teleconferencing

- Requirement:
  - Legislative body must authorize the use of teleconferencing and renew the vote every 6 months; may withdraw authorization at will
  - At least one staff member shall be present at the physical location designated in the meeting
  - Elected official serving as a member of the subsidiary body cannot take advantage of this provision
  - Procedure for acting on recommendation of legislative body
- Means: two-way audio-visual platform
- Quorum: Remote participant does count toward quorum
- Limit: No limit

# Multijurisdictional Body Teleconferencing

- “Eligible Multijurisdictional Body”
  - A multijurisdictional board, commission, or advisory body of a multijurisdictional, **cross-county agency**, the membership of which board, commission, or advisory body is appointed
- “Multijurisdictional”
  - Legislative body that includes representatives from more than one county, city, or special district;
  - Legislative body of a joint powers entity

# Multijurisdictional Body Teleconferencing

- Requirement:
  - Legislative body must authorize itself to use teleconferencing via resolution
  - If member receives compensation, then must remotely attend from location open to the public
  - Agenda and minutes reflect which members participate remotely
  - Remote location must be at least 20 miles away from the physical meeting location
- Means: two-way audio-visual platform
- Quorum: Remote participant does not count toward quorum
- Limit:
  - 2 meetings/year (body meets 1-/month)
  - 5 meetings/year (body meets 2/month)
  - 7 meetings/year (body meets 3+/month)

# Side-by-Side Comparison of Teleconferencing Exceptions

| Teleconferencing Exceptions            | Existing    | SB 707       |
|----------------------------------------|-------------|--------------|
| Traditional                            | GC 54953(b) | GC 54953(b)  |
| ADA                                    | N/A         | GC 54953(c)  |
| Health Authority                       | N/A         | GC 54953.8.1 |
| State of Emergency                     | GC 54953(e) | GC 54953.8.2 |
| Just Cause                             | GC 54953(f) | GC 54953.8.3 |
| Emergency Circumstance                 | GC 54953(f) | N/A          |
| Neighborhood Council                   | GC 54953.8  | GC 54953.8.4 |
| Community College Student Organization | GC 54953.9  | GC 54953.8.5 |
| Eligible Subsidiary Body               | N/A         | GC 54953.8.6 |
| Multi-jurisdictional body              | N/A         | GC 54953.8.7 |

# Miscellaneous Updates – January 1, 2026



- Social media restrictions – removal of sunset from AB 992 (2021)
  - Legislative body members can use social media to communicate with public BUT
  - Majority cannot discuss matters within their jurisdiction via social media
  - *Individual members cannot* respond to another member's posts, shares, etc. on matters within their jurisdiction(including likes, comments, emojis, etc.)
- Providing copies of Brown Act
  - Local agencies *shall* provide copies of the Brown Act to persons elected or appointed to a legislative body
  - Electronic copies probably sufficient; recommend providing print version if requested

# Miscellaneous Updates – January 1, 2026



- Compensation/benefits of executives
  - Before final action, verbally summarize salary or benefit changes for *department heads* and similar administrative positions of agency
  - Duplicative of existing law, but now explicit in Brown Act itself
- No special meetings on *legislative body's* salary or benefits
  - Can only occur at regular meetings
  - Builds on existing provision for local agency executives

# Miscellaneous Updates – January 1, 2026



- Removal of disruptive virtual attendees
  - Must still provide warning before removal, unless behavior constitutes use of force or true threat of force
  - Recommend muting / non-disruptive virtual participation, if possible
- Committee exception for public comments
  - Brown Act does not require public comments on agenda items if a committee of the body already considered the item, unless there were substantial changes
  - New exceptions when: (1) quorum of committee did not participate from single physical location; or (2) committee has primary subject matter jurisdiction over elections, budgets, police oversight, privacy, library materials, or tax and spending proposals
- Other minor updates/clarifications

# Requirements for Eligible Legislative Bodies



## ELIGIBLE LEGISLATIVE BODIES, DEFINED:

- Most senior body (e.g., council, board) of a...
  - City over 30k
  - County over 30k
  - City in a County over 600k
  - Special district with a website and
    - covering all of a county over 600k, and 200+ FTE employees
    - 1,000+ FTE employees
    - \$400 million annual revenue and 200+ FTE employees
- Other bodies at these agencies (committees, Planning Commissions, etc.) are NOT subject to the requirements

# Requirements for Eligible Legislative Bodies

- **Effective July 1, 2026**
- Provide **access and comment opportunity** via:
  - **Two-way telephonic service** (dial-in service, no internet req'd)
  - **Two-way audiovisual platform** (online platform with video conference and telephonic service; must activate automatic captioning function)
- Exceptions:
  - If adequate telephonic or internet service is not operational at the meeting location;
  - If meeting is taking place outside the usual meeting location under certain circumstances (e.g., real property/facility inspections, etc.)
  - Emergency meetings



# Requirements for Eligible Legislative Bodies

- **Effective July 1, 2026**
- Adopt **policy on disruption of service**, including good faith attempts to restore service for 1+ hour
  - If cannot remedy within 1 hour, MAY reconvene in open session, but **MUST** adopt a finding, by roll call vote, that:  
(1) good faith efforts were taken to restore the service;  
and (2) the public interest in continuing the meeting outweighs the public interest in remote public access
  - Policy cannot be approved on consent



# Requirements for Eligible Legislative Bodies

- **Effective July 1, 2026**
- **Reasonably assist translation / interpretation requests** (e.g. sufficient space, extra time, NOT actual service)\*
- **Translate and post agenda**, including remote attendance info, into any language spoken by >20% of jurisdiction that also speaks English less than very well\*
  - Use most recent American Community Survey, published by U.S. Census Bureau
  - Translation can be made through digital service
  - Only agenda, not entire packet



\* Requirement pending repeal under SB 1187

# Requirements for Eligible Legislative Bodies

- **Effective July 1, 2026**
- **Engage with underrepresented communities**
  - Electronic system for requesting/providing agendas and meeting documents through e-mail or integrated agenda management platform; information on how to make request; link on homepage\*
  - Websites on meeting process including: (1) explanation of public meeting process; (2) procedures for public to provide in-person, remote, or written public comment; (3) calendar of meeting dates; and (4) current posted agenda(s); link on homepage\*
  - Physical space near posted agendas where public can post agenda translations\*
  - Make efforts to invite groups that do not usually participate; can use media organizations serving such communities, civic and community groups, etc. for this purpose



\* Requirement pending repeal under SB 1187

# Senate Bill No. 1187 (Urgency Statute)



- Removes requirements to:
  - Assist with translation and interpretation of meetings
  - Have an electronic agenda request system and website intended to help engage with underrepresented communities
  - Translate and post the agenda into all applicable languages
  - Have a physical space where agenda translations can be posted
- According to the author, “Due to concerns from language access advocates, SB 1187 as recently amended removes the language access provisions, adds findings, and adds an urgency clause. Additionally, the recent amendments reduce costs for local governments.”

# QUESTIONS?