

Date of Hearing: July 16, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

SB 707 (Durazo) – As Amended July 8, 2025

SENATE VOTE: 24-6

SUBJECT: Open meetings: meeting and teleconference requirements

SUMMARY: Makes numerous changes to the Ralph M. Brown Act (Brown Act), including new public access and participation requirements for specified legislative bodies, new exemptions from certain teleconferencing requirements for eligible subsidiary bodies and eligible multijurisdictional bodies, extensions of law providing exemptions from certain teleconferencing requirements for specified legislative bodies or under specified circumstances, and additional changes. Specifically, **this bill:**

- 1) Creates a new category of legislative body for the purposes of the Brown Act, called an “eligible legislative body,” which includes all of the following:
 - a) A city council of a city with a population of 30,000 or more.
 - b) A county board of supervisors of a county, or city and county, with a population of 30,000 or more.
 - c) A city council of a city located in a county with a population of 600,000 or more.
 - d) The board of directors of a special district whose boundaries include a population of 200,000 or more and that has an internet website.
- 2) Applies the following requirements to a meeting held by an eligible legislative body as defined above, in addition to any other applicable requirements of the Brown Act, until January 1, 2030:
 - a) All open and public meetings shall include an opportunity for members of the public to attend via a two-way telephonic service or a two-way audiovisual platform, except if adequate telephonic or internet service is not operational at the meeting location. If adequate telephonic or internet service is operational at the meeting location during only a portion of the meeting, the legislative body shall include an opportunity for members of the public to attend via a two-way telephonic service or a two-way audiovisual platform during that portion of the meeting.
 - b) Provides that the requirement in a), above, does not apply to a meeting that is held to do any of the following:
 - i) Attend a judicial or administrative proceeding to which the local agency is a party.
 - ii) Inspect real or personal property provided that the topic of the meeting is limited to items directly related to the real or personal property.

- iii) Meet with elected or appointed officials of the United States or the State of California, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.
 - iv) Meet 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.
 - v) Meet in an emergency situation pursuant to Brown Act provisions governing emergency meetings.
- c) Requires, if an eligible legislative body elects to provide a two-way audiovisual platform, the eligible legislative body to publicly post and provide a call-in option, and activate any automatic captioning function during the meeting if an automatic captioning function is included with the two-way audiovisual platform. If an eligible legislative body does not elect to provide a two-way audiovisual platform, the eligible legislative body provide a two-way telephonic service for the public to participate in the meeting, as specified.
- d) Requires all open and public meetings for which attendance via a two-way telephonic service or a two-way audiovisual platform is provided in accordance with this bill to provide the public with an opportunity to provide public comment in accordance with Brown Act provisions governing public comment via the two-way telephonic or two-way audiovisual platform, and ensure the opportunity for the members of the public participating via a two-way telephonic or two-way audiovisual platform to provide public comment with the same time allotment as a person attending a meeting in person.
- e) Requires an eligible legislative body to 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, as defined in Brown Act provisions governing meeting disruptions. The eligible legislative body shall publicize instructions on how to request assistance under this provision. Assistance may include any of the following, as determined by the eligible legislative body:
- i) Arranging space for one or more interpreters at the meeting location.
 - ii) Allowing extra time during the meeting for interpretation to occur.
 - iii) Ensuring participants may utilize equipment or facilities for participants to access commercially available interpretation services.
- f) Provides that this bill does not require an eligible legislative body to provide interpretation of any public meeting, however, an eligible legislative body may elect to provide interpretation of any public meeting.
- g) Provides that the eligible legislative body is not responsible for the content or accuracy of any interpretation facilitated, assisted with, or provided under this bill. An action shall not be commenced or maintained against the eligible legislative body arising from the content or accuracy of any interpretation facilitated, assisted with, or provided under this bill.

- h) Requires an eligible legislative body to take the following actions to encourage residents, including those in underrepresented communities and non-English-speaking communities, to participate in public meetings:
 - i) Have in place a system for electronically accepting and fulfilling requests for meeting agendas and documents, pursuant to Brown Act provisions governing the ability of the public to request agendas, through email or through an integrated agenda management platform. Information about how to make a request using this system shall be accessible through a prominent direct link posted on the primary internet website home page of the eligible legislative body.
 - ii) Create and maintain an accessible internet webpage dedicated to public meetings that includes, or provides a link to, all of the following information:
 - (1) A general explanation of the public meeting process for the city council or a county board of supervisors.
 - (2) An explanation of the procedures for a member of the public to provide in-person or remote oral public comment during a public meeting or to submit written public comment.
 - (3) A calendar of all public meeting dates with calendar listings that include the date, time, and location of each public meeting.
 - (4) The agenda posted online pursuant to Brown Act provisions governing online posting of agendas.
 - iii) Include a link to the webpage required by ii), above, on the home page of the eligible legislative body's internet website.
 - iv) Make reasonable efforts, as determined by the legislative body, to invite groups that do not traditionally participate in public meetings to attend those meetings, which may include, but are not limited to, all the following:
 - (1) Media organizations that provide news coverage in the jurisdiction of the eligible legislative body, including media organizations that serve non-English-speaking communities.
 - (2) Good government, civil rights, civic engagement, neighborhood, and community group organizations, or similar organizations that are active in the jurisdiction of the eligible legislative body, including organizations active in non-English-speaking communities.
 - v) Requires legislative bodies to have broad discretion in the choice of reasonable efforts they make under iv), above, and provides that no action shall be commenced or maintained against an eligible legislative body arising from failing to provide public meeting information to any specific group pursuant to this bill.
- i) Requires the agenda for each meeting of an eligible legislative body to be translated into all applicable languages, and each translation shall be posted in accordance with Brown

Act provisions governing posting of agendas. Each translation shall include instructions in the applicable language describing how to join the meeting by the telephonic or internet-based service option, including any requirements for registration for public comment.

- j) Requires the accessible internet webpage required by this bill to be translated into all applicable languages, and each translation shall be accessible through a prominent direct link posted on the primary internet website home page of the eligible legislative body.
 - k) Provides that a translation made using a digital translation service shall satisfy the requirements of i) and j), above.
 - l) Requires the eligible legislative body to 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 as described in this bill, and to allow members of the public to post additional translations of the agenda in that location.
 - m) Provides that the eligible legislative body is not responsible for the content or accuracy of any translation provided pursuant to this bill, and that no action shall be commenced or maintained against an eligible legislative body specifically from the content or accuracy of any translation provided under this bill.
 - n) Provides, for the purposes of the requirements above, the agenda does not include the entire agenda packet.
 - o) Provides the following definitions for the purposes of the requirements above:
 - i) “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. If more than three languages meet this criteria, “applicable languages” shall mean the three languages that are spoken by the largest percentage of the population. An eligible legislative body may elect to determine the applicable languages based upon a source other than the most recent American Community Survey if it makes a finding, based upon substantial evidence, that the other source provides equally or more reliable data for the territory over which the eligible legislative body exercises jurisdiction.
 - ii) “Two-way audiovisual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service.
 - iii) “Two-way telephonic service” means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.
- 3) Recasts, and specifies the application of, requirements that apply when a legislative body of a local agency uses teleconferencing without posting agendas at all teleconference locations, identifying each teleconference location in the notice and agenda of the meeting, making each teleconference location accessible to the public, and requiring at least a quorum of the

members of the legislative body to participate from locations within the local agency's jurisdiction. These requirements include:

- a) Providing a means by which the public may remotely hear and visually observe the meeting and address the legislative body, as specified.
 - b) Giving notice of the means by which the public may access the meeting and offer public comment, as specified.
 - c) Following specified procedures in the event of a disruption that prevents the legislative body from broadcasting the meeting or prevents the public from offering public comment.
 - d) Not requiring public comments from being submitted in advance, and providing an opportunity for comments to be provided in real time, as specified.
 - e) Providing certain public comment opportunities, as specified.
 - f) Listing in the minutes of a meeting certain information regarding members of a legislative body who participates in a meeting from a remote location, as specified.
 - g) Implementing a procedure for receiving and resolving requests for reasonable accommodation for individuals with disabilities, as specified.
 - h) Conducting meetings consistent with civil rights and nondiscrimination laws, as specified.
 - i) Identifying and making available meeting locations, as specified.
 - j) Publicly disclosing any individuals who are 18 years or older who are present in the room with a member of a legislative body who is participating in a meeting from a remote location, as specified.
- 4) Allows an eligible subsidiary body to conduct a teleconference meeting pursuant to the requirements of this bill outlined in 3) above, and additional requirements that include the following:
- a) The eligible subsidiary body must designate at least one physical location within the jurisdiction of the legislative body that created the eligible subsidiary body where the public may attend and participate in the meeting, at least one staff member of the eligible subsidiary body or legislative body must be present at each physical location, and specific agenda posting requirements are met.
 - b) A member of the eligible subsidiary body must visibly appear on camera, as specified.
 - c) Prohibits elected officials serving on the eligible subsidiary body in their official capacity from using these provisions, as specified.
 - d) Requires the legislative body that created the eligible subsidiary body to make specified findings before the eligible subsidiary body may use these provisions, and every 12 months thereafter, as specified.

- e) Requires the eligible subsidiary body to report to the legislative body no later than 12 months after the findings specified in d), above, are made, requires the legislative body to hold a discussion regarding each annual report, and prohibits the legislative body from taking action on any recommendation in the report until the next regular meeting after the discussion has occurred, as specified.
 - f) Defines “eligible subsidiary body” to mean a legislative body that meets all of the following:
 - i) Is a commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies.
 - ii) Serves exclusively in an advisory capacity.
 - iii) Is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants, or allocations of funds.
 - iv) Does not have primary subject matter jurisdiction, as defined by the charter, an ordinance, a resolution, or any formal action of the legislative body that created the subsidiary body, that focuses on elections, budgets, police oversight, or removing from, or restricting access to, materials available in public libraries.
 - b) Contains additional requirements and applies a sunset date of January 1, 2030, to these provisions.
- 5) Allows an eligible multijurisdictional body to conduct a teleconference meeting pursuant to the requirements of this bill outlined in 3) above, and additional requirements that include the following:
- a) The eligible multijurisdictional body must adopt a resolution that authorizes the eligible multijurisdictional body to use teleconferencing pursuant to this bill at a regular meeting in open session.
 - b) 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.
 - c) A member of the eligible multijurisdictional body who receives compensation for their service shall participate from a physical location that is open to the public. Compensation does not include reimbursement for actual and necessary expenses.
 - d) A member of the eligible multijurisdictional body may participate from a remote location provided that the eligible multijurisdictional body identifies each member of the eligible

multijurisdictional body who plans to participate remotely in the agenda, and the member participates through both audio and visual technology.

- e) Prohibits a member of the eligible multijurisdictional body from participating in a meeting remotely pursuant to this bill, unless the location from which the member participates is more than 20 miles each way from any physical location of the meeting described in b), above.
 - f) Limits the number of times a member of a legislative body may use these provisions to five meetings per year, if the legislative body regularly meets twice per month, or seven meetings per year, if the legislative body regularly meets three or more times per month, as specified.
 - g) Provides the following definitions:
 - i) “Eligible multijurisdictional body” means a multijurisdictional board, commission, or advisory body of a multijurisdictional, cross-county agency, the membership of which board, commission, or advisory body is appointed, and the board, commission, or advisory body is otherwise subject to the Brown Act.
 - ii) “Multijurisdictional” means either of the following:
 - (1) A legislative body that includes representatives from more than one county, city, city and county, or special district.
 - (2) A legislative body of a joint powers entity formed pursuant to an agreement entered into in accordance with the Joint Exercise of Powers Act, as specified.
 - h) Applies a sunset date of January 1, 2030, to these provisions.
- 6) Revises and recasts teleconferencing provisions of the Brown Act that apply to health authorities, as specified.
 - 7) Revises and recasts teleconferencing provisions of the Brown Act that apply during a state of emergency, and expands those provisions to include local emergencies, as specified.
 - 8) Revises and recasts teleconferencing provisions of the Brown Act that apply to “just cause” circumstances, as specified, and expands “just cause” to include an immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely, and applies a sunset date of January 1, 2030, to these provisions.
 - 9) Revises and recasts teleconferencing provisions of the Brown Act that apply to neighborhood councils in the City of Los Angeles, and applies a sunset date of January 1, 2030, to these provisions.
 - 10) Revises and recasts teleconferencing provisions of the Brown Act that apply to community college student organizations, and applies a sunset date of January 1, 2030, to these provisions.

- 11) Clarifies that the existing authority of a legislative body or its presiding officer to remove or limit participation by individuals or groups of persons who engage in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting, including existing limitations upon that authority, applies to members of the public participating in a meeting via a two-way telephonic service or a two-way audiovisual platform, as specified.
- 12) Provides the following regarding members of legislative bodies with a disability:
 - a) Provides that the teleconferencing requirements of the Brown Act shall not apply to remote participation by a member of a legislative body with a disability, as specified.
 - b) Requires a legislative body to allow a member of the body with a disability, as defined, that precludes the member's in-person attendance at meetings of the body and that is not otherwise reasonably accommodated pursuant to the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), to participate in any meeting of the legislative body by remote participation, unless the legislative body can demonstrate that allowing the remote participation would impose an undue hardship.
 - c) Requires a member of a legislative body with a disability participating in a meeting by remote participation to do both of the following:
 - i) The member shall participate through both audio and visual technology.
 - ii) 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.
 - d) Allows a member of a legislative body with a disability participating in a meeting by remote participation to count towards the establishment of a quorum pursuant to any requirement under the Brown Act that a quorum of the legislative body participate from any physical location, as specified.
- 13) Requires, rather than allows, a local agency to provide a copy of the Brown Act to any person elected or appointed to serve as a member of a legislative body of a local agency, as specified.
- 14) Makes permanent provisions of law governing the use of social media platforms by members of legislative bodies by removing the sunset date of January 1, 2026.
- 15) Clarifies that an elected legislative body of a local agency may impose requirements upon appointed legislative bodies of the local agency that allow greater access to their meetings than prescribed by the minimal standards set forth in the Brown Act, as specified.
- 16) Clarifies that "teleconference" does not include the attendance of one or more members of a legislative body in a meeting of the body solely by watching or listening via webcasting or any other similar electronic medium that does not permit members to interactively speak, discuss, or deliberate on matters.

- 17) Requires reporting of closed session decisions regarding the compensation of a department head or other similar administrative officer of the local agency, as specified
- 18) Extends the period of time a petitioner has to submit a cease and desist letter to a legislative body before filing an action to determine if a legislative body has violated the Brown Act, from nine months to 12 months after the alleged violation.
- 19) Provides that a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of the legislative body, and revises the requirements for posting notices for special meetings on local agency websites, as specified.
- 20) Removes language specifying that an agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body.
- 21) Makes numerous additional minor, technical, clarifying or conforming changes.
- 22) Finds and declares that specified provisions of this bill impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:
 - a) This bill is necessary to provide opportunities for public participation in meetings of specified public agencies and to promote the recruitment and retention of members of those agencies.
 - b) This bill is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in meetings.
 - c) This bill is necessary to modernize the Brown Act to reflect recent technological changes that can promote greater public access to local officials.
 - d) The exclusively virtual nature of the California Online Community College presents unique barriers to the requirements for an in-person quorum, a physical location for public participation, and certain accommodations. Participating students of the online community college come from all across the state and necessitating travel for these requirements would pose a significant and exclusionary barrier.
- 23) Finds and declares that specified provisions of this bill further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the same findings outlined in 22), above.

- 24) Finds and declares that adequate public access to meetings is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill would apply to all cities, including charter cities.
- 25) Provides that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

EXISTING LAW:

- 1) Provides, pursuant to Article I, Section 3 of the California Constitution, the following:
 - a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.
 - b) 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.
 - c) In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in b), above, each local agency is required to comply with the California Public Records Act, the Brown Act, and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act that contains findings demonstrating that the statutory enactment furthers the purposes of these constitutional provisions.
- 2) Provides, pursuant to the Brown Act, requirements for local agency meetings. [Government Code (GOV) §§ 54950 – 54963]
- 3) Authorizes the legislative body of a local agency to use teleconferencing, which is generally subject to a number of requirements that include posting agendas at all teleconference locations, identifying each teleconference location in the notice and agenda for the meeting or proceeding, making each teleconference location accessible to the public, and requiring at least a quorum of the members of the legislative body to participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, as specified. [GOV § 54953(b)(3)]

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Author's Statement.** "The Brown Act since 1954 has served as the minimum standard for how the public can access their local meetings and for how local agencies conduct meetings. As technology has improved, the Legislature has made thoughtful changes to modernize the Brown Act. In addition, the pandemic has helped bring along other technological advancements.

“SB 707 will modernize Brown Act rules for government bodies to improve transparency and expand public access. This bill will help governments better serve their communities and increase the public’s access to meetings, especially for disabled, working, and non-English speaking communities.

“Since the bill’s introduction, and at every stage of the legislative process, my office has worked closely with stakeholders – listening to their feedback and incorporating many of their suggested changes. We continue to engage in discussions to maintain a balanced approach that supports both local jurisdictions and transparency advocates.

“SB 707 presents an opportunity to strengthen our governments and empower community members to be engaged. With the latest amendments, we have thoughtfully integrated provisions from other Brown Act-related bills authored by Senator Arreguin, Assemblymember Fong, Assemblymember Arambula, and Assemblymember Rubio. Ultimately, we aim to create robust public meetings and increase participation across the state.

“If we don’t make updates to the Brown Act, we lose on extending current provisions that give cities and counties flexibility, and we lose the opportunity to further engage with the public. SB 707 provides a vital path forward to strengthen our governments and empower our community members statewide.”

- 2) **Background.** The Brown Act was enacted in 1953 and has been amended numerous times since then. The legislative intent of the Brown Act was expressly declared in its original statute, which remains unchanged:

“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.”

The Brown Act generally requires meetings to be noticed in advance, including the posting of an agenda, and generally requires meetings to be open and accessible to the public. The Brown Act also generally requires members of the public to have an opportunity to comment on agenda items, and generally prohibits deliberation or action on items not listed on the agenda.

- 3) **Agencies and Legislative Bodies.** The Brown Act defines “local agency” to mean a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

The Brown Act defines “legislative body” to mean any of the following:

- a) The governing body of a local agency or any other local body created by state or federal statute.
- b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. Advisory committees composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies. Standing committees of a legislative body, irrespective of their composition, that have a continuing subject matter jurisdiction or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies.
- c) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:
 - i) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.
 - ii) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.
- 4) **Meetings.** The Brown Act defines a “meeting” as “any congregation of a majority of the member of a legislative body at the same time and location, including teleconference locations, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.”
- 5) **Registering.** The Brown Act specifies that a member of the public shall not be required, as a condition of attending a meeting, to register a name, provide other information, complete a questionnaire, or otherwise fulfill any condition precedent to attendance. If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated during the meeting, it must state clearly that signing, registering, or completing the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.
- 6) **Remedies for Violations.** The Brown Act allows a district attorney or any interested person to seek a judicial determination that an action taken by a local agency’s legislative body violates specified provisions of the Brown Act – including the provisions governing open meeting requirements, teleconferencing, and agendas – and is therefore null and void.
- 7) **Agendas.** The Brown Act requires local agencies to post, at least 72 hours before a regular meeting, an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. The agenda must specify the time and location of the regular meeting and must be posted in a location that is freely accessible to members of the public and on the local agency website, if the local agency has one. No action or discussion may be undertaken on any item not appearing on the posted agenda, with specified exceptions.

If requested, the agenda must be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (ADA), and the federal rules and regulations adopted to implement the ADA. The agenda must include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

- 8) **Comment Periods.** The Brown Act generally requires every agenda for regular meetings to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. The legislative body of a local agency may adopt reasonable regulations to ensure that this intent is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.
- 9) **Teleconferencing and the Brown Act.** The Brown Act first allowed meetings to be conducted via video teleconference in 1988. At the time, San Diego County was considering the use of video teleconferencing for meetings and hearings of the board of supervisors due to concerns about the long distances that some of their constituents were having to travel to participate in board meetings. They were especially concerned that these distances were so great that they prohibited some people from attending meetings at all. AB 3191 (Frazee), Chapter 399, Statutes of 1988, responded to these concerns by authorizing the legislative body of a local agency to use video teleconferencing. Since that time, a number of bills have made modifications to this original authorization.

The Brown Act generally allows the legislative body of a local agency to use teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding must comply with all requirements of the Brown Act and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding. Teleconferencing may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body.

If the legislative body of a local agency elects to use teleconferencing, the legislative body must comply with a number of requirements. It must conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. The legislative body must give notice of the meeting and post agendas as otherwise required by the Brown Act, and must allow members of the public to access the meeting. The agenda for the meeting must provide an opportunity for members of the public to address the legislative body directly pursuant to the Brown Act's provisions governing public comment. All votes taken during a teleconferenced meeting must be taken by roll call.

"Teleconference" is defined as a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Teleconferencing has never been required. It has always been permissive.

10) **The Four Teleconferencing Rules of GOV § 54953(b)(3).** The Brown Act contains four additional specific requirements for teleconferenced meetings in GOV § 54953(b)(3). Specifically, this paragraph requires all of the following:

- a) The legislative body shall post agendas at all teleconference locations.
- b) Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding.
- c) Each teleconference location shall be accessible to the public.
- d) During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions.

11) **Executive Order N-29-20.** In March of 2020, responding to the global COVID-19 pandemic, the Governor issued Executive Order N-29-20, which stated that, “Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.”

“All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.”

12) **Brown Act Legislation Post-COVID.** Responding to the continued conflict between the Brown Act’s requirements for in-person attendance and associated notice and posting requirements, and public health concerns with in-person meetings during the COVID-19 pandemic, a number of bills were approved by the Legislature in the past several years to provide relaxed teleconferencing requirements under specified circumstances or for specified types of legislative bodies, or both. These include:

- a) AB 361 (Robert Rivas), Chapter 165, Statutes of 2021, allowed local agencies to use teleconferencing without having to post agendas at each teleconference location, identify each teleconference location in the notice and agenda, make each teleconference location accessible to the public, and require at least a quorum of the legislative body to participate from within the local agency’s jurisdiction, and provided similar authorizations for state agencies subject to the Bagley-Keene Open Meetings Act and legislative bodies subject to the Gloria Romero Open Meetings Act of 2000.
- b) AB 2449 (Blanca Rubio), Chapter 285, Statutes of 2022, allowed, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and

without making each teleconference location accessible to the public, for “just cause” or in emergency situations.

- c) AB 557 (Hart), Chapter 534, Statutes of 2023, eliminated the January 1, 2024, sunset date on AB 361, changed the requirement for a legislative body to make specified findings in order to continue using AB 361 teleconferencing provisions, and made other minor changes.
- d) SB 411 (Portantino), Chapter 605, Statutes of 2023, allowed a neighborhood council in the City of Los Angeles to teleconference without meeting all of the teleconferencing requirements of the Brown Act.
- e) AB 1855 (Arambula), Chapter 232, Statutes of 2024, allowed a community college student body association or any other student-run community college organization to teleconference without meeting all of the teleconferencing requirements of the Brown Act.

Additional prior bills that are relevant to this bill include:

- a) AB 922 (Mullin), Chapter 89, Statutes of 2020, created a new exception to a prohibition in the Brown Act against serial communications by a majority of a local legislative body’s members, if they are using social media in specified ways, until January 1, 2026.
- b) SB 1100 (Cortese), Chapter 171, Statutes of 2022, allowed the presiding member of a local legislative body to remove an individual for disrupting a local agency’s meeting, defined “disrupting” for this purpose, and outlined the procedure that must be followed before an individual may be removed.
- c) SB 537 (Becker) of 2023 would have allowed multijurisdictional, cross-county local agencies with appointed members to teleconference without meeting all of the teleconferencing requirements of the Brown Act. SB 537 was subsequently amended to address a different subject matter.

13) **Legislative Efforts This Year.** A number of bills have been working their way through the legislative process this year to extend sunset dates on the bills noted above, or to create new exceptions to the rules that generally apply to teleconferenced meetings under the Brown Act. These include:

- a) AB 259 (Rubio) extends, until January 1, 2030, the sunset date on AB 2449 (Blanca Rubio) for just cause and emergency situations.
- b) AB 409 (Arambula) extends, until January 1, 2030, the sunset date on the provisions of law enacted by AB 1855 (Arambula) for community college organizations.
- c) AB 467 (Fong) extends, until January 1, 2030, the sunset date on SB 411 (Portantino) for the City of Los Angeles neighborhood councils.
- d) SB 239 (Arreguín) allows subsidiary bodies of a local agency to use teleconferencing without having to notice and make publicly accessible each teleconference location.

14) **Bill Summary.** This bill is an extensive and comprehensive update to the Brown Act that incorporates changes sought by the author, as well as most changes proposed this year by AB 259 (Rubio), AB 409 (Arambula), AB 467 (Fong), and SB 239 (Arreguín). In addition to most of the provisions of these aforementioned bills, this bill also does the following:

- a) Applies new public access and participation requirements for the following legislative bodies, until January 1, 2030:
 - i) A city council of a city with a population of 30,000 or more.
 - ii) A county board of supervisors of a county, or city and county, with a population of 30,000 or more.
 - iii) A city council of a city located in a county with a population of 600,000 or more.
 - iv) The board of directors of a special district whose boundaries include a population of 200,000 or more and that has an internet website.
- These requirements include: providing an opportunity for members of the public to attend via a two-way telephonic service or a two-way audiovisual platform; providing specified reasonable assistance with translation services; encouraging participation of members of the public; providing translation of agendas and specified website content; and other specified requirements.
- b) Provides exemptions to specified Brown Act teleconferencing requirements for multijurisdictional bodies, until January 1, 2030.
 - c) Clarifies that the existing authority of a legislative body or its presiding officer to remove or limit participation by individuals or groups of persons who engage in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of a meeting applies to members of the public participating in a meeting via a two-way telephonic service or a two-way audiovisual platform.
 - d) Reorganizes and clarifies the requirements that apply when a legislative body of a local agency uses teleconferencing without posting agendas at all teleconference locations, identifying each teleconference location in the notice and agenda of the meeting, making each teleconference location accessible to the public, and requiring at least a quorum of the members of the legislative body to participate from locations within the local agency's jurisdiction.
 - e) Revises and recasts Brown Act provisions that apply to health authorities and in emergency situations, and extends the latter to local emergencies.
 - f) Clarifies how Brown Act requirements apply to members of legislative bodies with a disability.
 - g) Makes permanent provisions of law governing the use of social media platforms by members of legislative bodies by removing the sunset date of January 1, 2026.

h) Makes numerous additional minor, technical, clarifying or conforming changes.

This bill is sponsored by the author.

- 15) **Related Legislation.** AB 259 (Rubio) extends, until January 1, 2030, the sunset date of January 1, 2026, on provisions of law enacted by AB 2449 (Blanca Rubio), Chapter 285, Statutes of 2022, which allowed members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public, under specified conditions. AB 259 is pending in the Senate Local Government Committee, and its provisions have generally been incorporated into SB 707.

AB 409 (Arambula) extends, until January 1, 2030, the sunset date on the provisions of law enacted by AB 1855 (Arambula), Chapter 232, Statutes of 2024, which allowed a community college student body association or any other student-run community college organization to teleconference without meeting all of the teleconferencing requirements of the Brown Act. AB 409 is pending in the Senate Local Government Committee, and its provisions have generally been incorporated into SB 707.

AB 467 (Fong) extends, until January 1, 2030, the sunset date of January 1, 2026, on provisions of law enacted by SB 411 (Portantino), Chapter 605, Statutes of 2023, which allowed a neighborhood council in the City of Los Angeles to teleconference without meeting all of the teleconferencing requirements of the Brown Act. AB 467 is pending in the Senate Local Government Committee, and its provisions have generally been incorporated into SB 707.

SB 239 (Arreguín) allows subsidiary bodies of a local agency to teleconference meetings without having to notice and make publicly accessible each teleconference location. SB 239 is on the inactive file in the Senate, and its provisions have generally been incorporated into SB 707.

- 16) **Previous Legislation.** AB 817 (Pacheco) of 2024 would have allowed subsidiary bodies of a local agency to teleconference meetings without having to notice and make publicly accessible each teleconference location, or have at least a quorum participate from locations within the boundaries of the agency. AB 817 failed passage in the Senate Local Government Committee.

AB 1855 (Arambula), Chapter 232, Statutes of 2024, allowed a community college student body association or any other student-run community college organization to teleconference without meeting all of the teleconferencing requirements of the Brown Act.

AB 557 (Hart), Chapter 534, Statutes of 2023, eliminated the January 1, 2024, sunset date on AB 361; changed the requirement for a legislative body, in order to continue using AB 361 teleconferencing provisions, to make specified findings every 45 days instead of every 30 days; and, eliminated the ability of local agencies to continue to hold meetings pursuant to AB 361 if a state of emergency ends, but state or local officials continue to impose or recommend measures to promote social distancing.

AB 1275 (Arambula) of 2023 would have expanded teleconferencing flexibility under the Brown Act for community college student organizations. AB 1275 was subsequently amended to address a different subject matter.

AB 1379 (Papan) of 2023 would have eliminated the Brown Act's teleconferencing requirements to post agendas at all teleconferencing locations, identify each teleconference location in the notice and agenda, make each teleconference location accessible to the public, and require a quorum of the legislative body to participate from locations within the local agency's jurisdiction, and allowed legislative bodies to participate remotely from any location for all but two meetings per year. AB 1379 was held in this Committee.

SB 411 (Portantino), Chapter 605, Statutes of 2023, allowed a neighborhood council in the City of Los Angeles to teleconference without meeting all of the teleconferencing requirements of the Brown Act.

SB 537 (Becker) of 2023 would have allowed multijurisdictional, cross-county local agencies with appointed members to teleconference without meeting all of the teleconferencing requirements of the Brown Act. SB 537 was subsequently amended to address a different subject matter.

AB 1944 (Lee) of 2022 would have allowed, until January 1, 2030, members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public, under specified conditions. AB 1944 was held in the Senate Governance and Finance Committee.

AB 2449 (Blanca Rubio), Chapter 285, Statutes of 2022, allowed, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public, under specified conditions.

SB 1100 (Cortese), Chapter 171, Statutes of 2022, allowed the presiding member of a local legislative body to remove an individual for disrupting a local agency's meeting, defined "disrupting" for this purpose, and outlined the procedure that must be followed before an individual may be removed.

AB 339 (Lee) of 2021 would have required, until December 31, 2023, city councils and boards of supervisors in jurisdictions over 250,000 residents provide both in-person and teleconference options for the public to attend their meetings. This bill was vetoed with the following message:

"While I appreciate the author's intent to increase transparency and public participation in certain local government meetings, this bill would set a precedent of tying public access requirements to the population of jurisdictions. This patchwork approach may lead to public confusion. Further, AB 339 limits flexibility and increases costs for the affected local jurisdictions trying to manage their meetings.

"Additionally, this bill requires in-person participation during a declared state of emergency unless there is a law prohibiting in-person meetings in those situations. This

could put the health and safety of the public and employees at risk depending on the nature of the declared emergency.

“I recently signed urgency legislation that provides the authority and procedures for local entities to meet remotely during a declared state of emergency. I remain open to revisions to the Brown Act to modernize and increase public access, while protecting public health and safety. Unfortunately, the approach in this bill may have unintended consequences.”

AB 361 (Robert Rivas), Chapter 165, Statutes of 2021, allowed local agencies to use teleconferencing without complying with specified Brown Act restrictions in certain state emergencies, and provided similar authorizations for state agencies subject to the Bagley-Keene Open Meetings Act and legislative bodies subject to the Gloria Romero Open Meetings Act of 2000.

AB 703 (Rubio) of 2021 would have allowed teleconferencing with only a quorum of the members of a local legislative body participating from a singular location that is clearly identified on an agenda, open to the public, and situated within the boundaries of the local agency. AB 703 was held in this Committee.

AB 922 (Mullin), Chapter 89, Statutes of 2020, created a new exception to a prohibition in the Brown Act against serial communications by a majority of a local legislative body’s members, if they are using social media in specified ways, and contained a sunset date of January 1, 2026.

- 17) **Arguments in Support.** The California State Association of Counties, Rural County Representatives of California, and Urban Counties of California write, “SB 707 would represent the most extensive changes to the Brown Act in several years, with a variety of changes designed to improve public participation in local government meetings, expand accessibility for members and the public, and includes several provisions that address the needs of local governments. In total, SB 707 represents a balanced approach in the modernization of the Brown Act.

“Since late-2024, we have enjoyed a strong working relationship with the Senator, committee staff, and the variety of stakeholders representing local government organizations, civil liberties, the press, and open government advocates. It’s often said that the definition of compromise is when no party is satisfied. However, there’s reasons for everyone to be satisfied with this law, including:

- Improved accessibility for the public through remote participation provisions, agenda translation, accommodation of interpretation services, outreach provisions, and increased requirements for how agendas and meeting materials are displayed for the public;
- Improved accessibility for members of Brown Act bodies, including extension of the sunset date for existing remote meeting options, new flexibility for advisory body members, new flexibility for multi-jurisdictional body members, clarification that remote disruption of meetings (e.g. ‘Zoombombing,’) can be addressed, and expansion of emergency meeting provisions; and

- Accountability measures, including expanded requirements regarding reporting of closed session decisions for the compensation of department heads and administrative officers, allowing District Attorneys additional time to submit a cease and desist letter for meeting violations, and impose additional restrictions on the use of special meetings for decisions on compensation for a legislative body.

“To be clear, there are remaining issues we would like to address in this bill, and we look forward to continuing our efforts with the Senator to address them. To that end, we share the following concerns and suggestions on how to address them:

“Remote public comment. Many of our members have concerns about the requirements for providing remote public comment at meetings. These include concerns about cost, as well as concerns regarding impacts to the duration of meetings. We understand the need to balance the provisions of this bill that provide additional public accessibility. While we hope these concerns do not come to fruition, and are comfortable with the requirements in the bill today, we would like to revisit this issue in future years if these concerns are realized.

“Remote participation by those with disabilities. We appreciate the amendment to Gov. Code § 54953.8.6(a)(2)(A) that provides an exception from the on-camera requirement for those with disabilities that preclude them from appearing on camera. Currently, this needed exception applies only to those who serve on non-decision-making advisory bodies. We believe the exception should apply to any individual who serves on a Brown Act body and request the same language be added to Gov. Code § 54953(c)(2)(A).

“Requirement for physical posting of translated agenda. The proposed addition of Gov. Code § 54953.4(b) would provide additional opportunities for the public to access translated meeting information. While this could mean more accessible information for the public, we want to ensure that it does not make local agencies vulnerable to lawsuits. We request that the language in Gov. Code § 54953.4(b)(1)(A)(3) be amended to the following to ensure it meets its intent of shielding agencies from liability:

‘...No action shall be commenced or maintained against an eligible legislative body specifically arising from the content or, accuracy, posting, or removal of any translation provided by the eligible legislative body or posted by any person under this section.’

Additionally, some counties use electronic kiosks for posting agendas in public facilities. We would prefer to allow those counties to meet this requirement without replacing those systems by allowing them to post translated agendas on those kiosks or online in lieu of the physical posting contemplated by this provision.

“Requirements for subsidiary body presentations. We believe the entirety of Gov. Code § 54953.8.6 represents needed flexibility for non-decision-making advisory bodies. The remote meeting flexibility for these advisory bodies will improve civic participation and diverse community representation by making local advisory bodies more accessible – including persons with disabilities, caregivers, and working Californians who may face barriers to attending meetings in person.

“We understand the purpose for Gov. Code § 54953.8.6(a)(4)(B), as it is designed to ensure that advisory bodies are heard in an in-person meeting of a legislative body at least once

annually. However, given the broad duties of our local bodies and the difficult nature of addressing all matters of public concern at these meetings, we believe some changes are needed to balance the core work of legislative bodies with the participation of advisory bodies.

“Additionally, the current language will require all advisory bodies to complete an annual report, which not all currently do. This may seem to be a small requirement, but these bodies already face challenges in reaching quorum and lack full-time professional staff. To that end, we request amendments that remove the requirement that advisory bodies both complete and present an annual report. To better strike the balance of ensuring that advisory body reports are heard, we would appreciate an amendment that allows an advisory body to request a presentation on their recommendations to their legislative body—and require that those presentations not be allowed to be placed on the consent file.

“In conclusion, we believe these remaining challenges can be addressed. Once again, we the willingness of Senator Durazo and committee staff to work with local government associations on this critical legislation and look forward to our continued efforts on SB 707.”

18) **Arguments in Opposition.** The California Special Districts Association and a coalition of special districts write, “...the most problematic provisions in SB 707 include the following:

- **Eligible Legislative Bodies.** The "eligible legislative bodies" provisions were clearly drafted throughout the measure without special districts in mind and are unworkable in application to special districts. This dramatic expansion of the measure occurred after many in our coalition had reached a neutral position on the legislation; this recent amendment could potentially apply its provisions to hundreds of additional agencies and create confusion for hundreds more. Unfortunately, because official population data does not exist for special districts, nobody will confidently know exactly which agencies or how many are included. Where will this data come from? Who will referee its application? This will lead to public confusion, consternation, uncertainty, and liability.
- **Unnecessary Inefficiency and Micromanagement of Local Service Specialists.** Mandated inefficiency arising from repeated public comment when legislative bodies have already discussed an agenda item. Prescriptive design requirements for the websites of local agencies and their legislative bodies, as well as expanded physical agenda posting requirements are among numerous extremely specific minutia mandated upon the boards and staff of local agencies to the point that the measure appears to write into state law that an agency must literally print out copies of the full Act and hand them to its board members.
- **Costly Litigation.** Exposure of legislative bodies to additional litigation risk arising from, among other things, required references to specific statutory provisions relied upon for remote participation in the minutes of public meetings and significantly extending the timeframe for individuals to sue alleging noncompliance with the Brown Act. This legal liability is exacerbated by the multitude of new Brown Act requirements in the bill, some vague and some hyper-specific, which create new grounds for suing public agencies. Such lawsuits could be frivolous or malicious, stemming from bad-actors intent on disrupting, delaying, or blocking important infrastructure projects, housing developments, or other policymaking critical to our communities.”

The First Amendment Coalition, California Common Cause, ACLU California Action, the Howard Jarvis Taxpayers Association, the League of Women Voters of California, Oakland Privacy, and Media Alliance write, “We now oppose this bill, unless it is amended, because it:

- Would allow an enormous number of local government meetings across the state to take place entirely virtually, allowing appointees to ‘subsidiary bodies’ to avoid ever showing up to meetings in person.
- Would allow local government officials to eliminate remote public comment for all during a meeting in the event of a disruption. Even though the Brown Act has procedures for dealing with disruptive individuals, current language would allow bodies to shut down remote public comment entirely based on the implausible claim that muted remote participants can impede the orderly conduct of a meeting. This raises First Amendment concerns, especially unconstitutional associational liability based on speech.
- Would only require livestreaming and remote comment options for a subset of city councils and boards of supervisors based on population size, even though:
 - Evidence suggests that small cities regularly provide public remote access at low costs.
 - Small cities will still need to cover the costs for platform fees and equipment in order to comply with the bill's remote access accommodations for body members.
- Only guarantees audio access, as opposed to video access, to the reduced set of public meetings required to be livestreamed.
- Commendably carved out important subject matter jurisdictions from the increased ‘subsidiary body’ flexibility but now requires that those bodies have ‘primary’ subject matter jurisdiction, inviting confusion and dispute.”

19) **Author’s Amendments as Committee Amendments.** The author has requested that the Committee adopt a number of amendments to address the concerns outlined above by the California State Association of Counties, Rural County Representatives of California, and Urban Counties of California (supporters of this bill), as well as one concern raised by the California Special Districts Association (opponent of this bill). The Committee may wish to consider adopting these primarily technical and clarifying amendments as Committee amendments.

REGISTERED SUPPORT / OPPOSITION:

Support

All Voting Members of the North Westwood Neighborhood Council
Ava Community Energy Authority
California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)
Urban Counties of California (UCC)

Support If Amended

California Broadcasters Association
California News Publishers Association

Concerns

County of Fresno

Oppose

City of Foster City
County of Kern
Imperial Irrigation District
San Joaquin County Mosquito and Vector Control District
Town of Discovery Bay Community Services District

Oppose Unless Amended

ACLU California Action
Alameda County Mosquito Abatement District
Association of California Healthcare Districts
California Association of Public Cemeteries
California Association of Recreation & Park Districts
California Association of Resource Conservation Districts
California Clerk of the Board of Supervisors Association
California Common CAUSE
California Fire Chiefs Association
California Municipal Utilities Association
California Special Districts Association
City of Emeryville
City of Fremont
City of Hanford
County of Imperial
Fire Districts Association of California
First Amendment Coalition
Helix Water District
Hesperia Recreation & Park District
Howard Jarvis Taxpayers Association
League of Women Voters of California
Media Alliance
Oakland Privacy
Orange County Cemetery District
Orange County Mosquito and Vector Control District
Otay Water District
Public Cemetery Alliance
Rincon Del Diablo Municipal Water District
San Diego County Water Authority
San Luis Delta-Mendota Water Authority

Vallecitos Water District
Valley Center Municipal Water District
Vista Irrigation District

Analysis Prepared by: Angela Mapp / L. GOV. / (916) 319-3958