



# MEMORANDUM

**To:** Lomita City Councilmembers  
**From:** Kathleen Horn Gregory, City Clerk  
**Date:** May 21, 2026  
**Subject:** Overview of Senate Bill (SB) 707 Regarding Brown Act Updates

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This memorandum highlights several Brown Act changes enacted through Senate Bill (SB) 707 and is intended to provide a brief overview of the new requirements. The City Attorney has also provided a comprehensive memorandum attached to this overview.

The requirements established under SB 707 apply to “eligible legislative bodies,” a new term introduced and defined in Government Code Section 54953.4. The City of Lomita is subject to these requirements because it is a city located within a county with a population exceeding 600,000 residents.

## **Mandatory Hybrid Meetings Using Two-Way Telephonic Service and Two-Way Audiovisual Platform (Section 54953.4(b)(1), (e)(3-4))**

- SB 707 requires all meetings of eligible legislative bodies to include an opportunity for the public to attend through a “two-way telephonic service” or “two-way audiovisual platform.”

As a result, the City will transition back to hybrid meetings utilizing the Zoom Webinar platform, which will provide enhanced public access and improved audio and visual controls during meetings.

## **Adoption of Policy on Disruption of Telephonic or Internet Service; Requirements to Fix Disruptions (Section 54953.4(b)(1)(i)(I)(ib))**

- SB 707 requires that the City adopt a policy on meeting disruptions. The policy must address procedures for recessing and reconvening the meeting in the event of disruption and the efforts the body will take to attempt to restore service.

As a result, with the consultation of the City Attorney, staff has drafted a policy that will be presented to the City Council at its June 2, 2026, meeting.

### **Translation and Interpretations at Meetings (Section 54953.4(b)(2))**

- SB 707 requires that the City reasonably assist members of the public who wish to translate or receive interpretation at a meeting, There is no requirement to provide translation services, but there must be an area made available for interpreters and allowing extra time during the meeting for interpretation to occur.

As a result, staff will make the necessary accommodations as requested.

### **Engagement with Underrepresented Communities (Section 54953.4(b)(3))**

- SB 707 requires that the City encourage the public, including those in underrepresented and non-English speaking communities, to participate in public meetings.
- SB 707 requires that the City have in place a system for accepting and fulfilling requests for meeting agendas and meeting documents through e-mail or an integrated agenda management platform.

As a result, staff will continue to email and call persons wishing to receive the agenda outside of the City's regular posting process.

### **Website Dedicated to Public Meeting Process**

- SB 707 requires that the City create and maintain an accessible internet webpage dedicated to public meetings that includes or provides a link to all of the following: (1) a general explanation of the public meeting process; (2) an explanation of the procedures for a member of the public to provide in-person, remote, or written public comment; (3) a calendar of public meeting dates including time and location of each meeting; and (4) the current posted agenda(s) of the body. This webpage must be translated into all "applicable languages" and each translated webpage must be accessible through a *prominent, direct* link on the primary webpage of the legislative body.

As a result, staff will coordinate with the City's website host to add the required language and meeting access instructions.

### **Translation of Agendas into Required Languages; Allowing Posting of Additional Translations.**

- SB 707 requires that the City Council agendas must be translated into all "applicable languages" and posted in accordance with the Brown Act.
- SB 707 requires that each translated agenda must include instructions describing how to join the meeting by telephonic or internet-based service.

- SB 707 requires that the City make available a physical location that is freely accessible to the public, to allow members of the public to post additional translations of the agenda in that location.

As a result, staff will utilize internet-based translation services reviewed for accuracy and completeness. Additional language will be added to the current agenda webpage to provide instructions on how to participate in meetings, and a separate translated webpage will also be created. In addition, the existing bulletin board is being updated to accommodate the public posting of meeting agendas.

### **Inviting Underrepresented Groups to Meetings.**

- SB 707 requires that the City make reasonable efforts to invite groups that do not traditionally participate in public meetings to attend

As a result, staff will research and identify community organizations representing non-English-speaking communities for outreach and engagement purposes.

For a more in-depth overview, please refer to the attached memorandum from BBK (Attachment), which describes additional Brown Act changes affecting all agencies, including updates to teleconferencing rules, social media restrictions, and meeting procedures.

cc: Trevor Rusin, City Attorney  
All Department Heads



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## **Memorandum**

### **VIA E-MAIL**

**To:** Andrew Vialpando, City Manager  
Kathleen Gregory, City Clerk

**From:** Trevor Rusin, City Attorney  
Robert Potter, Assistant City Attorney

**Date:** December 8, 2025

**Re:** Brown Act Updates Under SB 707

### **BACKGROUND**

This memo provides a comprehensive overview of Senate Bill 707 (SB 707), which substantially updates and modernizes key components of the Ralph M. Brown Act (Brown Act).<sup>1</sup>

This memo has three main parts:

**Part I. Requirements for “Eligible Legislative Bodies.”** This part summarizes and analyzes the most substantial changes to the Brown Act under SB 707. These changes only affect the main governing bodies of certain types of agencies, including the city council of most cities, the board of supervisors of most counties, and the board of directors of very large special districts. The provisions described in Part I go into effect on July 1, 2026.

**Part II. Teleconferencing Updates.** This part summarizes and analyzes changes to the teleconferencing provisions of the Brown Act. While “classic” Brown Act teleconferencing remains unchanged, SB 707 makes numerous changes to the post-COVID “alternative” teleconferencing

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<sup>1</sup> Gov. Code § 54950 *et seq.* All statutes referenced in this memo are from the California Government Code, unless otherwise noted.

methods. Some of these changes are updates to existing teleconferencing methods, while other changes expand teleconferencing options for certain legislative bodies, subject to particular restrictions. The provisions described in Part II go into effect January 1, 2026.

**Part III. Other Brown Act Changes Affecting All Agencies.** This part summarizes and analyzes all other changes to various provisions of the Brown Act. These changes apply to all agencies' legislative bodies, and include: an extension of the Brown Act social media rules, a requirement to provide all legislative body members with a copy of the Brown Act, posting special meeting agendas online, and allowing for the removal of virtual meeting attendees who are disrupting a meeting. The provisions described in Part III will take effect on January 1, 2026.

It is important for members of legislative bodies, agency clerks and secretaries, and other relevant agency officers and employees to have a comprehensive understanding of these changes. If you have any questions about SB 707 or this memo, please let us know.

## **I. REQUIREMENTS FOR ELIGIBLE LEGISLATIVE BODIES**

Several of the most significant new requirements under SB 707 apply to “eligible legislative bodies,” a new term introduced and defined in Section 54953.4.

Overall, these new requirements mandate hybrid meetings that allow the public to view and participate in meetings remotely to increase public accessibility to open meetings. These requirements also include specific measures to be taken to avoid potential meeting disruptions. In addition, these new requirements mandate reasonable efforts to ensure open meetings are accessible to non-English speaking populations, as well as any other populations potentially less engaged with the agency's meetings.

### **1. What is an Eligible Legislative Body? (Section 54953.4(d)(2))**

The new term “eligible legislative body” means any of the following:

- a. A city council of a city with a population of 30,000 or more;
- b. A 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; or
- d. The board of directors of a special district that has an internet website and meets any of the following requirements:
  - i. The special district has boundaries that include an entire county with a population of 600,000 or more, and employs over 200 full-time equivalent employees;
  - ii. The special district has over 1,000 full-time equivalent employees; or

- iii. The special district has annual revenues that exceed four hundred million dollars (\$400,000,000),<sup>2</sup> and employs over 200 full-time equivalent employees.

*Practical Considerations:* Please note that the requirements that apply to eligible legislative bodies (summarized in this Part I) apply only to the main governing body of these agencies, *not* all legislative bodies that are part of the agency. For example, the requirements for eligible legislative bodies apply only to a city’s *council* or special district’s *board of directors*, not the agency’s planning commission, standing committees, advisory committees, etc.

## **2. Mandatory Hybrid Meetings Using Two-Way Telephonic Service and Two-Way Audiovisual Platform (Section 54953.4(b)(1), (e)(3-4))**

SB 707 requires all meetings of eligible legislative bodies to include an opportunity for the public to attend through a “two-way telephonic service” or “two-way audiovisual platform.”

A “two-way telephonic service” is a service that does not require internet access and allows participants to dial a telephone number to listen and participate (provide public comment) verbally. A “two-way audiovisual platform” is an online platform that provides participants with the ability to participate in a meeting through both an interactive video conference and a two-way telephonic service.

SB 707 does contain a limited exception to these requirements. An eligible legislative body is not required to include an opportunity for the public to attend through both these methods if adequate telephonic or internet service is not operational at the meeting location (e.g., there is no phone or internet service at the meeting location). However, if adequate telephone or internet service to support either platform is accessible during a portion of the meeting, the eligible legislative body must ensure the public can access one of the two platforms during that portion.

*Practical Considerations:* Following the return of in-person public meetings after the COVID-19 state of emergency, some public agencies decided to retain hybrid-style meetings, allowing the public to attend either in person or via phone and internet-based platforms, while other agencies returned to in-person only meetings. These requirements of SB 707 will now require all eligible legislative bodies to have fully hybrid meetings, allowing the public to participate in person or remotely, including the ability to provide live public comment.

Because of these new requirements, many agencies that had not yet upgraded their council or board chambers to accommodate a two-way audiovisual platform and/or two-way telephonic service will be required to do so. This may be part of the reason the Legislature delayed these requirements until July 1, 2026.

Please note that, in preparing to comply with these requirements, two-way telephonic service with live webcasting is not sufficient.<sup>3</sup> A two-way audiovisual *platform* is required, in

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<sup>2</sup> The amount is based on the most recent Financial Transaction Report data published by the California State Controller, and will be indexed for inflation starting on January 1, 2027.

<sup>3</sup> For certain types of teleconferencing under the Brown Act, two-way telephonic service with live webcasting was sufficient for remote public participation, but it will not be sufficient for eligible legislative bodies.

addition to the two-way telephonic service. For example, it will not be sufficient to stream meetings on YouTube or CityTV and allow the public to call in using a two-way telephonic service—the body will need a true 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.

### **3. Adoption of Policy on Disruption of Telephonic or Internet Service; Requirements to Fix Disruptions (Section 54953.4(b)(1)(i)(I)(ib))**

On or before July 1, 2026, all eligible legislative bodies must adopt a policy regarding disruption of telephonic or internet service occurring during meetings. The policy must be adopted in open session, and may not be adopted on the consent calendar. The policy must address procedures for recessing and reconvening the meeting in the event of a disruption and the efforts the body will take to attempt to restore service. The policy must be consistent with the requirements described below.

If a disruption of service occurs during the open portion of a meeting and thereby prevents members of the public from attending or observing the meeting, the eligible legislative body must recess the meeting for up to one hour and make a good faith attempt to restore service. The body may not reconvene the open session for at least one hour after the disruption occurred or until service is restored, whichever is earlier. The eligible legislative body may, however, meet in an authorized closed session during this recess.

If a disruption cannot be remedied and at least one hour has passed, the eligible legislative body 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.

*Practical Considerations:* As noted above, all eligible legislative bodies must adopt a policy compliant with the above requirements. These requirements are, however, a floor, not a ceiling, and some eligible legislative bodies may choose to adopt more restrictive requirements or procedures than provided in the Brown Act.

### **4. Meetings of Eligible Legislative Bodies That Are Not Subject to Hybrid Telephonic/Audiovisual Requirements (Section 54953.4(b)(1)(i)(II))**

Certain meetings of eligible legislative bodies are not required to include an opportunity for members of the public to attend through two-way telephonic or audiovisual platforms, as detailed above. Specifically, the requirements do not apply to meetings held to:

- a. Attend a judicial or administrative hearing where the local agency is a party;
- b. Inspect real or personal property where the topic of the meeting is limited to items directly related to that property;
- c. Meet with a federal or state elected or appointed official solely to discuss legislative or regulatory issues affecting the local agency and within the jurisdiction of that elected/appointed official;

- d. Meet in or near a facility owned by the local agency where the meeting topic is limited to items directly related to the facility; or
- e. Meet under the “emergency meeting” provisions of the Brown Act.

#### 5. Translation and Interpretations at Meetings (Section 54953.4(b)(2))

Although SB 707 does not require that eligible legislative bodies provide translation or interpretation of meetings, the eligible legislative body must reasonably assist members of the public who wish to translate or receive interpretation at a meeting, as long as such actions do not disrupt the meeting. Assistance under this requirement may include:

- a. Arranging space for one or more interpreters;
- b. Allowing extra time during a meeting for the interpretation to occur<sup>4</sup>; or
- c. Ensuring participants may use their personal equipment or reasonably access the facilities for participants to access commercially available interpretation services.

*Practical Considerations:* To avoid potential challenges relating to this provision, eligible legislative bodies should consider and plan ahead on space for interpreters, extra time for interpretation to occur, and reasonable efforts to accommodate participants’ personal equipment or access to facilities needed for interpretation (e.g., access to power outlets for wired devices, providing a table for microphones, etc.).

#### 6. Engagement with Underrepresented Communities (Section 54953.4(b)(3))

This section requires eligible legislative bodies to take reasonable measures to encourage the public, including those in underrepresented and non-English speaking communities, to participate in public meetings. There are a number of aspects of these requirements, which are described in detail below.

- a. ***Meeting Agenda and Document Request System.*** The eligible legislative body must have a system for electronically accepting and fulfilling requests for meeting agendas and meeting documents through e-mail or an integrated agenda management platform. Information about how to make a request must be accessible through a *prominent, direct* link on the primary webpage of the legislative body.
- b. ***Website Dedicated to Public Meeting Process.*** In addition, the eligible legislative body must create and maintain an accessible internet webpage dedicated to public meetings that includes or provides a link to all of the following: (1) a general explanation of the public meeting process; (2) an explanation of the procedures for a member of the public to provide in-person, remote, or written public

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<sup>4</sup> This is already a specific requirement of the Brown Act. Under Section 54954.3(b)(2), when a legislative body limits time for public comment, the body must provide at least twice the allotted time to a member of the public who uses a translator to ensure that non-English speakers receive the same opportunity to directly address the body.

comment; (3) a calendar of public meeting dates including time and location of each meeting; and (4) the current posted agenda(s) of the body. This webpage must be translated into all “applicable languages” (defined below) and each translated webpage must be accessible through a *prominent, direct* link on the primary webpage of the legislative body.

*Practical Considerations:* By July 1, 2026, agencies should ensure that their websites have been updated to meet the requirements described in (a) and (b) above, which will require working closely with your agency’s IT staff and/or your agency’s website vendor to make updates, and your agency counsel to ensure the updates satisfy the requirements.

- c. ***Translation of Agendas Into Required Languages; Allowing Posting of Additional Translations.*** The agenda for each meeting of an eligible legislative body must be translated into all “applicable languages” and posted in accordance with the Brown Act. Each translated agenda must include instructions describing how to join the meeting by telephonic or internet-based service. A translation made using a digital translation service (e.g., Google Translate, Microsoft Translator, etc.) will satisfy these translation requirements. Please note that these translation requirements only apply to the agenda itself; the entire agenda packet is not required to be translated.

An “applicable language” is any language spoken jointly by 20 percent or more of the agency’s applicable population, if 20 percent or more of the population that speaks that language in the city or county speaks English less than “very well.” For cities and counties, the “applicable population” will be the population of the city or county. For special districts, the applicable population is determined, at the board of directors’ discretion, based on: (1) the population of the county with the greatest population within the boundaries of the special district; or (2) the population of the district’s service area, if the district has data to determine such information.

In determining “applicable languages,” agencies must use data from the most recent American Community Survey. However, an eligible legislative body may choose to determine applicable languages based on another source if it makes a finding, based on substantial evidence, that the other source provides equally or more reliable data for the body’s jurisdiction.

In some cases, an eligible legislative body may find there are multiple applicable languages within its population. If more than three languages meet the criteria, the “applicable languages” will be the three languages spoken by the largest percentages of the population.

In addition to translating agendas into applicable languages, agencies must make available a physical location that is freely accessible to the public, and reasonably close to the physical location where agendas are posted, to allow members of the public to post additional translations of the agenda in that location.

*Practical Considerations:* With regard to agenda translations, agencies should identify how agendas for their eligible legislative body will be translated in the regular course of preparing and posting agendas to ensure compliance by July 1, 2026, including identifying any applicable languages and adequate physical space for posting translated agendas alongside English-language agendas.

Regarding additional space for members of the public to physically post other agenda translations, agencies should clearly and prominently label these areas “for posting true and accurate agenda translations only” and should routinely remove any other types of materials posted there; this will ensure that these areas are maintained as “limited public forums” under the First Amendment and allow the agency to remove any non-agenda materials posted there while minimizing legal risks. If the agency does not clearly label these spaces, or only selectively removes materials based on their content or viewpoints, the agency could be at risk of violating a member of the public’s First Amendment free speech rights.

- d. **Inviting Underrepresented Groups to Meetings.** Lastly, in addition to encouraging engagement amongst underrepresented and non-English speaking communities, SB 707 requires eligible legislative bodies to make reasonable efforts to invite groups that do not traditionally participate in public meetings to attend. These groups include, but are not limited to: (1) media organizations that provide news coverage in the jurisdiction, including those who provide news to non-English speaking communities; and (2) good government, civil rights, civic engagement, neighborhood, and community group organizations or similar organizations or groups, including those active in non-English speaking communities.

*Practical Considerations:* SB 707 specifically provides that eligible legislative bodies will have broad discretion on the choice of reasonable efforts they make for this requirement. Although the law provides that a legal action cannot be pursued for failing to provide public meeting information to any “specific group,” it is possible a legal challenge could be brought if an eligible legislative body fails or refuses to make *any* reasonable efforts to comply with this requirement.

Accordingly, eligible legislative bodies may wish to develop, adopt, and implement a written plan for identifying these groups within their jurisdictions and how outreach efforts will be made on behalf of the eligible legislative body on a periodic or regular basis to avoid any risks of noncompliance.

## II. UPDATES TO TELECONFERENCING RULES

In 1988, the California Legislature first adopted provisions allowing for teleconferencing under the Brown Act. Within the past five years, the Legislature has greatly expanded teleconferencing provisions, first under AB 361 (teleconferencing during declared emergencies) and then under AB 2449 (teleconferencing for “just cause” or personal medical emergency reasons). SB 707 largely maintains the existing teleconferencing options for legislative body members, but reorganizes the provisions and adds new teleconferencing options under certain circumstances.

### 1. “Classic” Brown Act Teleconferencing Remains the Same (Section 54953(b))

The “classic” Brown Act teleconferencing rules that predate COVID-19 remain the same. Under the classic Brown Act teleconferencing rules, legislative body members can teleconference as long as: (1) the agenda is posted at all meeting locations, including the teleconference locations; (2) the agenda identifies the teleconference locations; (3) the public can attend and provide public comment from all meeting locations, including the teleconference locations; (4) at least a quorum of the body participates from within the agency’s jurisdiction; and (5) all votes are taken by rollcall.

*Practical Considerations:* If your agency’s legislative body members use classic Brown Act teleconferencing to attend meetings remotely, SB 707 will not result in any changes to your agency’s practices when using that type of teleconferencing.

### 2. Teleconferencing as a Reasonable Accommodation for a Disability (Section 54953(c))

Under SB 707, the Brown Act now allows a member of a legislative body with a disability to participate in a meeting by remote participation as a reasonable accommodation under the Americans with Disabilities Act (ADA) or similar State laws. Such participation is subject to the following requirements: (1) the member must participate through both audio and visual technology, unless a physical condition related to their disability results in a need to participate without video; and (2) before any action is taken, the member must disclose whether anyone 18 or older is in the room with them and the general nature of their relationship to that person. This type of participation is treated like in-person participation, including for quorum purposes, and other teleconferencing requirements under the Brown Act do not apply.

*Practical Considerations:* Notably, this new type of teleconferencing does not require the public agency to allow members of the public to participate in the meeting virtually, unlike many of the other post-COVID, alternative teleconferencing options described below. Agencies should consult with their city attorney, general counsel, or other counsel familiar with the ADA or similar laws if a member of a legislative body requests to use teleconferencing as a reasonable accommodation under this provision.

### 3. Alternative Teleconferencing Rules (Section 54953.8)

As a result of the COVID-19 pandemic, in recent years the Legislature authorized new options for teleconferencing that do not have the same requirements as classic Brown Act teleconferencing (e.g., listing the teleconference location on the agenda, posting at the

teleconference location, etc.).<sup>5</sup> These options started with teleconferencing during declared emergencies under AB 361, and later included teleconferencing for “just cause” or personal medical emergencies under AB 2449.

Now, under SB 707, the Legislature has revised and restated all of these “alternative” teleconferencing provisions, and added new alternative teleconferencing options for specific types of bodies or agencies. Specifically, Government Code Section 54953.8 establishes the rules that apply to *all* of these alternative teleconferencing options, while the provisions that immediately follow Section 54953.8 describe a specific type of alternative teleconferencing and specific rules that apply to that type of teleconferencing. Following that same structure, this memo will first summarize the general rules that apply to all alternative teleconferencing options, and the following sections will describe the specific type of alternative teleconferencing and its related rules. Roll call

- a. ***Requirements That Apply to All Alternative Teleconferencing Options.*** The following requirements apply to all alternative teleconferencing options:
- The public must be able to participate via teleconference, using either a two-way audiovisual platform (like Zoom) or a two-way telephonic service and live webcasting.
  - The agenda must notify the public of how to access and provide public comment for the meeting, including through the phone or internet option.
  - If a disruption prevents broadcasting of the meeting, or if a disruption within the agency’s control affects the ability to provide public comments, the body can take no further action until the disruption is fixed.
  - Comments cannot be required to be submitted in advance; there must be an opportunity to provide comments in real time.
  - The body must allow a reasonable time for members of the public to request to speak or otherwise be recognized to provide comments.
  - The meeting minutes must state the names of members who attended via teleconference and the alternative teleconferencing provision under which they participated. (This is a new requirement.)
  - Bodies must have and implement procedures for receiving and resolving requests for reasonable accommodations for disabilities. Agendas must include notice of the procedure for receiving and resolving requests.
  - Before any action is taken, any member of the legislative body who is teleconferencing under these provisions must identify whether there is

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<sup>5</sup> Please note that if a member of a legislative body is using any type of teleconferencing—whether “classic” or “alternative”—a rollcall vote is required for all votes of the legislative body. (Gov. Code § 54953(b)(2)(A).)

anyone 18 or over in the room with them and their relationship to that person.

- Agencies must identify and provide a list of potential meeting locations to their legislative bodies for conducting meetings.

*Practical Considerations:* For any agencies that allow legislative body members to use AB 2449 teleconferencing (just cause or personal medical emergencies), these requirements will be familiar and are largely the same. Also, the Legislature included specific language in SB 707 providing that all teleconferencing provisions are cumulative, meaning that a legislative body may use any or all teleconferencing provisions that apply to a particular meeting, as long as it complies with the various requirements for each type of teleconferencing.<sup>6</sup> For example, one member may use classic Brown Act teleconferencing, while another member may use one of the alternative teleconferencing methods identified below.

The following subsections (b) through (f) of this memo describe particular types of alternative teleconferencing that a legislative body may use, if applicable.

- b. Alternative Teleconferencing: Proclaimed State or Local Emergencies. (Section 54953.8.2)*** This section authorizes teleconferencing (including fully remote meetings) during a proclaimed state of emergency or local emergency, if the requirements of the section are met.

The requirements are largely similar to emergency teleconferencing provisions adopted under AB 361, which many agencies used to hold fully remote or hybrid meetings during the proclaimed COVID-19 state of emergency. Such requirements include: (1) a majority-vote finding that, due to the emergency, meeting in person would present imminent risks to the health or safety of attendees; and (2) periodic renewal of the findings every 45 days.

Under AB 361, this teleconferencing option was only available for emergencies proclaimed by the California Governor. Under SB 707, this option now also allows teleconferencing and fully remote meetings during a declared “local emergency,” which is defined as a condition of extreme peril to persons or property proclaimed by the governing body of the local agency affected under the California Emergency Services Act, or a local health emergency declared under Health and Safety Code Section 101080. A local emergency refers only to local emergencies within the boundaries of an agency’s jurisdiction.

- c. Alternative Teleconferencing: Just Cause. (Section 54953.8.3)*** This section continues the type of teleconferencing authorized under a prior law, AB 2449, which could be used when a legislative body member had “just cause” or a personal medical emergency.

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<sup>6</sup> Gov. Code § 54953.8(f).

Under SB 707, the requirements are largely similar to the prior just cause teleconferencing, and the personal medical emergency aspect has been absorbed into the definition of “just cause.”

Under SB 707, the definition of “just cause” now means: (1) childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (2) a contagious illness that prevents a member from attending in person; (3) a need related to a physical or mental condition that is not subject to a reasonable accommodation under Section 54953; (4) travel while on official business of the legislative body or another state or local agency; (5) an immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely; (6) a physical or family medical emergency that prevents a member from attending in person; and (7) military service obligations that result in a member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency.

The requirements specific to this type of teleconferencing include:

- a quorum of the body must participate in person from a single physical location within the agency’s boundaries;
- the member who needs to teleconference must notify the body at the earliest convenience (including the start of the meeting) of their need to participate for just cause, including a general description of the circumstances justifying remote participation;
- the member must use both audio and visual technology (camera on) during the meeting; and
- the minutes must identify the specific just cause basis the member used to teleconference.

The limits for just cause teleconferencing have been simplified as follows: (1) two meetings per year, if the legislative body regularly meets once per month or less; (2) five meetings per year, if the legislative body regularly meets twice per month; or (3) seven meetings per year, if the legislative body regularly meets three or more times per month. For the purposes of this provision, a “meeting” includes any number of meetings of the legislative body held on the same calendar day.

*Practical Considerations:* As noted above, most of these provisions are similar to AB 2449 teleconferencing that your agency may already allow. The notable changes are that: (1) personal medical emergencies have been absorbed into the

definition of “just cause”<sup>7</sup>; (2) military service has been added as a just cause basis for teleconferencing; and (3) the limits on the number of times a member can participate under this type of teleconferencing have been simplified.

d. ***Alternative Teleconferencing: Eligible Subsidiary Bodies. (Section 54953.8.6)***

This new teleconferencing option allows teleconferencing by eligible subsidiary bodies. An “eligible subsidiary body” means a legislative body that is: (1) not the main governing body of an agency; (2) serves exclusively in an “advisory capacity”; (3) is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants, or allocations of funds; and (4) does not have primary subject matter jurisdiction that focuses on elections, budgets, police oversight, privacy, access or removal of library materials, or taxes or related spending proposals. Notably, however, an elected official serving as a member of an eligible subsidiary body in their official capacity cannot participate by teleconference under this section.

To use this type of teleconferencing, the subsidiary body must designate one physical location within the agency’s boundaries where the members who are not participating remotely will be present and members of the public may attend. At least one staff member of the agency must also be present at the physical meeting location. Other requirements are as follows:

- the teleconferencing members must use both audio and visual technology (camera on) during the meeting, except when infeasible, such as during an internet connectivity issue, and the member must announce the reason for their nonappearance;
- the legislative body that established the subsidiary body must make certain findings by majority vote before the subsidiary body can use teleconferencing under this section, and every six (6) months thereafter; and
- after the primary legislative body has made findings, the subsidiary body must also approve the use of teleconferencing by majority vote.

This section also includes a requirement that an eligible subsidiary body may request to present “any recommendations” to the legislative body that created it. Upon receiving such a request, the legislative body that created the subsidiary body must hold a discussion at a regular meeting within 60 days of receiving the request (or if none, at the next regular meeting after the request is received). The discussion cannot be placed on a consent calendar, but may be combined with making the findings required to reauthorize this type of teleconferencing. Further, the legislative body that created the subsidiary body cannot take any action on a recommendation included in the subsidiary body’s report until the next regular meeting *after* discussion of the subsidiary body’s recommendations. The language relating to these requirements are included among the provisions relating to the

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<sup>7</sup> Previously they were their own category and had slightly different procedures.

findings necessary to authorize subsidiary bodies to use teleconferencing, so it is unclear if the Legislature intended for these provisions to only relate to teleconferencing-related subjects, or are intended to allow the subsidiary body to make “any recommendations” to the legislative body that created it, and to require that legislative body to discuss those recommendation at a regular meeting.

*Practical Considerations:* These teleconferencing provisions may be useful for agencies that have advisory bodies that meet the requirements of this section. However, the requirements involve fairly substantial procedures to initiate and maintain this type of teleconferencing, including renewal of findings by the legislative body that created the subsidiary legislative body every six (6) months, and compliance with the procedures on recommendations made by the subsidiary body. In addition, as discussed above, SB 707 is ambiguous as to how broad this recommendation provision may be.

- e. Alternative Teleconferencing: Eligible Multijurisdictional Bodies. (Section 54953.8.7).* This new teleconferencing option allows members of eligible multijurisdictional bodies to use this form of teleconferencing if the requirements of this section are met. Under the law, an “eligible multijurisdictional body” means a legislative body with appointed members that includes representatives from more than one local agency, or a legislative body of a joint powers agency.

The requirements to use this type of teleconferencing are:

- The body has adopted a resolution that authorizes the members to use this type of teleconferencing at a regular meeting in open session.
- At least a quorum of the members must participate from one or more physical locations that are open to the public and within the boundaries of the agency.
- In order to receive a meeting stipend or per diem compensation for attending the meeting, members must attend from a physical location that is open to the public. Members attending remotely are not eligible for compensation.
- A member can only use this section to teleconference from a remote location if: (a) the agenda identifies which member(s) are participating remotely; (b) the member must use both audio and visual technology (camera on) during the meeting; and (c) the member is more than 20 miles each way from any physical meeting location that is open to the public.
- A member’s use of this type of teleconferencing is limited to: (a) two meetings per year, if the legislative body regularly meets once per month or less; (b) five meetings per year, if the legislative body regularly meets twice per month; or (c) seven meetings per year, if the legislative body regularly meets three or more times per month. For the purposes of this provision, a

“meeting” includes any number of meetings of the legislative body held on the same calendar day.

*Practical Considerations:* This type of teleconferencing will generally only be useful to multijurisdictional agencies with very large territories, where some of the members of the body may want to participate in a meeting from a teleconference location that is more than 20 miles away from the physical meeting location(s), and are willing to forgo any meeting stipend or per diem compensation in order to teleconference remotely.

- f. ***Other Alternative Teleconferencing Options: Health Authorities, Eligible Neighborhood Councils, and Eligible Community College Student Organizations.*** The alternative teleconferencing options under SB 707 also include specific provisions for health authorities,<sup>8</sup> eligible neighborhood councils,<sup>9</sup> and eligible community college student organizations.<sup>10</sup> Definitions for these types of agencies or legislative bodies are in the footnotes below. If this type of teleconferencing may be relevant to your agency, please follow up with your BBK attorney.

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<sup>8</sup> A health authority means any entity created pursuant to Welfare and Institutions Code Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605, any joint powers authority created under the Joint Exercise of Powers Act for the purpose of contracting pursuant to Welfare and Institutions Code Section 14087.3, and any advisory committee to a county-sponsored health plan licensed pursuant to certain provisions of the Health and Safety Code if the advisory committee has 12 or more members. (Gov. Code § 54953.8.1(c).)

<sup>9</sup> An eligible neighborhood council means a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to this chapter. (Gov. Code § 54953.8.4(b)(2).) This provision was generally intended to apply to neighborhood councils of the City of Los Angeles.

<sup>10</sup> Eligible community college student organization means a student body association organized pursuant to Education Code Section 76060 or any other student-run community college organization that is required to comply with the meeting requirements of the Brown Act that is in any community college recognized within the California Community Colleges system and includes the Student Senate for California Community Colleges.

### III. OTHER BROWN ACT CHANGES AFFECTING ALL AGENCIES

#### 1. Social Media Restrictions, Removal of Sunset (Section 54952.2)

In 2020, the Legislature enacted social media restrictions for members of legislative bodies. For example, a majority of a body cannot use social media to “discuss among themselves” official agency business. In addition, a member of a legislative body cannot respond directly to a communication made, posted, or shared that relates to the body’s jurisdiction by any other member of the body on social media. This means a member cannot “like,” react, comment, post an emoji, etc. on another member’s post about an item within their jurisdiction.

These social media requirements contained a provision that they would remain in effect only until January 1, 2026. SB 707 removed this language, effectively making the social media restrictions permanent additions to the Brown Act. The substance of the previous social media requirements remains the same.

*Practical Considerations:* Ideally, most legislative body members are already aware of the social media restrictions in place since 2020. However, because this aspect of the Brown Act is now permanent, a reminder of these requirements may be appropriate.

#### 2. Providing Brown Act Copies (Section 54952.7)

The Brown Act previously allowed legislative bodies to adopt a requirement that the agency provide a copy of the Brown Act to its members, incoming members, and members of appointed bodies. Under SB 707, local agencies are required to provide a copy of the Brown Act to all elected and appointed members of legislative bodies of the agency. This change requires all members of all legislative bodies to receive a copy of the Brown Act, whether they have chosen to receive it or not.

*Practical Considerations:* Starting January 1, 2026, all agencies should provide copies of the Brown Act to all persons serving on their legislative bodies, and to anyone elected or appointed to serve on their legislative bodies as soon as practicable after they are elected or appointed. Understandably, persons who serve on legislative bodies of multiple agencies may decline additional copies, but agencies should attempt to offer or provide them.

Under a careful reading of the statute, agencies are only required to provide a copy of the Brown Act to members of legislative bodies one (1) time: when they are elected or appointed. Agencies can choose whether to provide an updated copy of the Brown Act to all legislative body members each year (assuming there are changes), but are not required by law to do so.

#### 3. Meeting Recordings (Section 54953.5)

The Brown Act guarantees the public’s right to record a public meeting. This section guarantees the right to record the proceedings, as long as the recording is not disruptive to the meeting. The requirements of this section have not changed, but the statute has been updated to remove “audio or video recorder” and “motion picture camera.” This accounts for changes in

technology, including smart phones, screen recorders, and any other devices that could capture in-person or virtual recordings.

#### **4. Rules for Appointed Bodies (Section 54953.7)**

The open meeting laws of the Brown Act are a floor, not a ceiling. This section of the Brown Act allows legislative bodies to impose requirements on themselves that exceed the minimum standards of the law. In addition, previously, an elected legislative body could impose additional requirements on other bodies (such as committees or commissions) that have a majority membership appointed by the legislative body. SB 707 removes this limiting language. Now, any legislative body may impose greater access requirements on any of its appointed legislative bodies, regardless of whether or not the body setting the rules is an *elected* legislative body.

#### **5. Formatting & Minor Updates (Section 54954.2)**

This statute was updated by SB 707, but it is not a substantive change. Section 54954.2 describes regular meeting agenda requirements, including item descriptions, the deadline to post, and the time and location of the meeting. None of the legal requirements were changed; only formatting. Specifically, instead of a paragraph description, this statute now includes subsections that delineate the requirements.

#### **6. Committee Exception Revisions (Section 54954.3)**

In some limited circumstances, a legislative body is not required to allow public comment for an agenda item that has already been considered by one of its committees. SB 707 made several non-substantive revisions to this statute, but it also made some significant substantive changes.

Public comment is not required where the agenda item has already been considered by a committee that is composed exclusively of members of the legislative body, and consideration of that item happened at a public meeting where public comment was considered. SB 707 did not change this rule.

However, SB 707 did create additional exceptions to this rule. Prior to SB 707, members of the public were still entitled to provide public comment if the agenda item had substantially changed since the committee considered it. SB 707 added two new exceptions:

(1) Public comment is still required if, when considering the agenda item at the committee meeting, a quorum of the committee members did not participate from a singular physical location that was clearly identified on the agenda, open to the public, and located within the legislative body's jurisdiction.

(2) Public comment is still required if the committee is one that primarily considers topics such as elections, budgets, police oversight, privacy, removing or limiting access to public library materials, or taxes and spending. However, if this committee is prohibited by an agency law or rule from setting an overall time limit on public comment, then the main legislative body may dispense with public comment and this exception does not apply.

*Practical Considerations:* Many agencies do not take advantage of the “committee exception” rule for public comments (i.e., many agencies allow public comment on all agenda items, regardless of whether or not it was previously considered by a committee). If your agency *does* use the committee exception, or intends to use it in the future, please take note of the new exceptions to the rule.

#### **7. Special Meeting Agenda Updates (Section 54956)**

The Brown Act requires members of a legislative body to receive notice of a special board meeting, but notice may be waived. SB 707 was changed to allow members to waive notice of a special meeting by telephone or e-mail. Prior to SB 707, the Brown Act only allowed waiver by telegram. This update reflects advances in methods of communication.

SB 707 also updated requirements for posting special meeting agendas for the general public. Previously, only certain types of legislative bodies were required to post special meeting agendas online. SB 707 removed these requirements; therefore, any agency that has a website must post *all* legislative bodies’ special meeting agendas online.

*Practical Considerations:* If your agency was not previously required to post special meeting agendas for certain bodies on your agency’s website, please take note that posting on the website for all special meeting agendas is now required.

#### **8. Emergency Meeting Updates (Section 54956.5)**

The Brown Act allows legislative bodies to hold emergency meetings under extremely limited circumstances without complying with typical notice requirements. This statute previously had different requirements for posting notice of an emergency meeting for school board bodies and other legislative bodies. SB 707 updated this section to require the same notice and posting requirements for any legislative body to hold an emergency meeting.

#### **9. Closed Sessions Minor Updates (Section 54957.6)**

This statute was updated by SB 707, but not substantively changed. Section 54957.6 authorizes closed session discussions for labor negotiations on compensation, benefits, and other authorized items. None of the legal requirements of this section changed; only minor formatting changes.

#### **10. Disruption/Removal; Minor Changes (Section 54957.9)**

This statute was updated by SB 707, but not substantively changed. A single word was changed. None of the legal requirements of the Brown Act were changed due to this revision.

#### **11. Disruption/Removal; Minor Changes (Section 54957.95)**

The Brown Act allows for a member of the public to be removed from a public meeting if the attendee is engaging in behavior that is actually disruptive or otherwise impedes the orderly conduct of the meeting. SB 707 updated this section to specifically allow removal from a public meeting due to disruptions made by any attendees who are attending via videoconference or

teleconference. Prior to the implementation of SB 707, teleconference meetings were not specifically mentioned, and it was therefore unclear whether virtual attendees could be removed from public meetings. With this update, the Legislature has made it clear that the Brown Act procedure for warning and removal due to disruptive behaviors applies to virtual meetings as well as in-person meetings.

*Practical Considerations:* Many virtual meeting technologies (Zoom, Teams, etc.) allow the meeting organizer to mute or otherwise restrict an attendee's participation in the meeting when the person is not recognized to speak by the presiding officer or is otherwise being disruptive. Accordingly, in most cases, a disruption by a member of the public who is attending remotely should be addressed through such methods, rather than fully removing the person from the meeting. A legislative body should only fully remove a person from a virtual or teleconference meeting if there is no less intrusive way to stop the disruption.

## **12. Disruption/Removal; Virtual attendees (Section 54957.96)**

Section 54957.96 is a completely new section of the Brown Act. This code section specifically authorizes a legislative body or its presiding officer to remove or limit the participation of any person who disrupts a public meeting through their behavior on a telephonic service or audiovisual platform. This section also defines "two-way audiovisual platform" (e.g. Zoom or Teams) and "two-way telephonic service" (e.g. dial-in meeting not requiring internet access).

See *Practical Considerations* note immediately above.

As noted above, if you have any questions about SB 707 or this memo, please let us know.