

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 707 (Durazo)
Version: April 7, 2025
Hearing Date: April 22, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

Open meetings: meeting and teleconference requirements

DIGEST

This bill, among other things, revises and recasts existing alternative teleconferencing provisions under the Ralph M. Brown Act.

EXECUTIVE SUMMARY

The California Constitution and the Ralph M. Brown Act (Brown Act) protects public access to meetings of the legislative bodies of local agencies and prescribes specific requirements local agencies must follow if they want to hold a meeting via teleconferencing. A local agency is authorized to use teleconferencing without complying with the requirement that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public, under specified circumstances, until January 1, 2026. In order to use this alternative teleconferencing provision, at least a quorum of the members of the legislative body participates in person from a singular physical location that is open to the public and situated within the local agency's jurisdiction. Existing law also grants various types of local agencies exceptions to these teleconferencing requirements, such as neighborhood councils, multijurisdictional bodies, student body associations, and student-run community college organizations. This bill seeks to revise and recast the alternative teleconferencing provisions to apply specified noticing, accessibility, and public commenting requirements in a uniform manner and makes various other changes to the Brown Act with the goal of enhancing public participation. The provisions of the bill in this Committee's jurisdiction are the teleconferencing provisions, which act as a limitation on access to public meetings.

The bill is author sponsored. The bill is supported by the Democratic Party of the San Fernando Valley and Streets for All. The bill is opposed by a few local governments. The bill passed the Senate Local Government Committee on a vote of 5 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Affirms that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny. (Cal. Const., art. I, § 3(b)(1).)
 - a) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 2) Establishes the Brown Act, which secures public access to the meetings of public commissions, boards, councils, and agencies in the state. (Gov. Code, tit. 5, div. 2, pt. 1, ch. 9, §§ 54950 et seq.) The Brown Act defines the following relevant terms:
 - a) A "local agency" is 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 any other local public agency. (Gov. Code, § 54951.)
 - b) A "legislative body" is the governing board of a local agency or any other local body created by state or federal statute; a commission, committee, board, or other body of a local agency, as specified; a board, commission, or other multimember body that governs a private corporation, limited liability company, or other entity that is either created by an elected legislative body to exercise delegated authority or receives funds from a local agency and includes a member of the legislative body of the local agency; or the lessee of any hospital leased pursuant to Health and Safety Code section 21131, where the lessee exercises any material authority delegated by the legislative body. (Gov. Code, § 54952.)
- 3) Requires all meetings of the legislative body of a local agency to be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in the Brown Act. (Gov. Code, § 54953.)
- 4) Authorizes the legislative body of a local agency to use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law, provided that the teleconferenced meeting complies with all of the following conditions and all otherwise applicable laws:
 - a) Teleconferencing, as authorized, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall. (Gov. Code, § 54953(b)(2).)

- b) If the legislative body elects to use teleconferencing, it must post agendas at all teleconference locations and 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 the local agency. (Gov. Code, § 54953(b)(3).)
 - c) Each teleconferencing location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. (Gov. Code, § 54953(b)(3).)
 - 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, except as provided in 6). (Gov. Code, § 54953(b)(3).)
 - e) The agenda shall provide an opportunity for members of the public to address the legislative body directly, as the Brown Act requires for in-person meetings, at each teleconference location. (Gov. Code, § 54953(b)(3).)
 - f) For purposes of these requirements, “teleconference” means 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. (Gov. Code, § 54953(b)(4).)
- 5) Provides an exception to the teleconferencing quorum requirements in 4) as follows:
- a) If a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.
 - b) This exception may not be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. (Gov. Code, § 54953(d).)
- 6) Authorizes a local agency to use teleconferencing for a public meeting without complying with the Brown Act’s teleconferencing quorum, meeting notice, and agenda requirements described in 4), in any of the following circumstances:
- a) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing;
 - b) the legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the

- emergency, meeting in person would present imminent risks to the health and safety of attendees; and
 - c) the legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b), above, that because of the emergency meeting in person would present imminent risks to the health or safety of attendees. (Gov. Code, § 54953(e)(1).)
- 7) Authorizes, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without noticing each teleconference location or making it publicly accessible, provided at least a quorum of the members of the body participates in person at a singular physical location and complies with the requirements in 8) through 16), below.
- a) The location of the in-person meeting must be clearly identified on the agenda, must be open to the public, and must be within the boundaries of the local agency's jurisdiction. (Gov. Code, § 54953(f).)
- 8) Requires the legislative body to meet the following requirements:
- a) provide a two-way audio-visual platform or a two-way telephonic service and a live webcasting of the meeting by which the public may remotely hear and visually observe the meeting and also remotely address the legislative body;
 - b) give notice of the means for the public to access the meeting and offer public comment in each instance the legislative body notices the meeting or posts the agenda;
 - c) identify and include an opportunity for all persons to attend and address the legislative body directly via a call-in or internet-based service option, and at the in-person location of the meeting; and
 - d) provide an opportunity for the public to address the legislative body and offer comment in real time. A third-party internet website or online platform not under the control of the legislative body may require members of the public to login or register to provide public comment. (Gov. Code, § 54953(f)(1).)
 - e) Prohibits a local agency from requiring public comments to be submitted in advance of the meeting. (Gov. Code, § 54953(f)(1)(E).)
- 9) Prohibits a local agency from taking further action in the event of a disruption that prevents the legislative body from broadcasting the meeting to the public, or in the event of a disruption within the local agency's control that prevents the public from offering public comments remotely, until it can restore public access to the meeting.
- a) The public can challenge actions taken on agenda items during such disruptions pursuant to Section 54960.1 of the Government Code. (Gov. Code, § 54953(f)(1)(D).)

- 10) Authorizes a member of a legislative body to participate in a meeting remotely only if one of the following circumstances applies:
- a) the member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for “just cause”, including a general description of the circumstances relating to their need to appear remotely at the given meeting; or
 - b) the member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request.
 - i. The legislative body is required to request a general description of the circumstances relating to the member’s need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and does not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act.
 - ii. The legislative body may take action on the member’s request to participate remotely under b) at the earliest opportunity, including the beginning of the meeting at which the member has requested the ability to participate remotely.
 - iii. The member is required to make such a request at each meeting they desire to participate remotely pursuant to b). (Gov. Code, § 54953(f)(2)(A).)
- 11) Requires a member who is participating remotely to participate through both audio and visual technology.
- a) The member must publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals. (Gov. Code, § 54953(f)(2)(B)-(C).)
- 12) The provisions of 10), above, cannot serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for more than the following number of meetings:
- 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. (Gov. Code, § 54953(f)(3).)

- 13) Defines “just cause” as any of the following:
 - a) childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
 - b) a contagious illness that prevents a member from attending in person;
 - c) a need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by 14) below; and
 - d) travel while on official business of the legislative body or another state or local agency. (Gov. Code, § 54953(j)(2).)
- 14) Defines “emergency circumstances” as a physical or family medical emergency that prevents a member from attending in person. (Gov. Code, § 54953(j)(1).)
- 15) Requires the legislative body to have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) (*hereafter* ADA), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation. (Gov. Code, § 54953(g).)
- 16) Requires the legislative body to conduct meetings subject to the Brown Act consistent with applicable state and federal civil rights, language access, and other nondiscrimination laws. (Gov. Code, § 54953(h).)
- 17) Repeals the provisions in 8) through 16) on January 1, 2026. (Gov. Code, § 54953(k).)
- 18) Provides alternative teleconferencing provisions for neighborhood councils, student body associations, and student-run community college organizations until January 1, 2026.

This bill:

- 1) Revises and recasts existing alternative teleconferencing provisions, until January 1, 2030, by providing a standard set of requirements that must be complied with, including:
 - a) clearly identifying the location of the in-person meeting on the agenda, which must be open to the public and within the boundaries of the local agency’s jurisdiction;
 - b) providing means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body;
 - c) providing notice of the means for the public to access the meeting and offer public comment;

- d) identifying and including an opportunity for all persons to attend and address the legislative body directly via a call-in or internet-based service option, including at any in-person location;
 - e) including in meeting minutes any member of the legislative body who participates from a remote location;
 - f) having and implementing a procedure for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities;
 - g) requiring instructions on joining the meeting by the telephonic or internet-based service option be made available in English and in all other languages spoken jointly by 20 percent or more of the population in the county in which the local agency is located that speaks English less than “very well” and jointly speaks a language other than English according to data from the most recent American Community Survey or data from an equally reliable source; and
 - h) identifying and making available to subsidiary bodies a list of meeting locations they may use to conduct their meetings.
- 2) Authorizes, until January 1, 2030, alternative teleconferencing provisions for an eligible subsidiary body, which is defined as one which:
 - a) serves exclusively in an advisory capacity;
 - b) cannot take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants, or allocations of funds;
 - c) does not have a majority of its membership made up of members of the legislative body that created it or its staff; and
 - d) does not have subject matter jurisdiction over elections, budgets, police oversight, or removing materials from, or restricting access to, facilities of the legislative body that created it.
- 3) Authorizes, until January 1, 2030, alternative teleconferencing provisions for an eligible multijurisdictional body, which is defined as a legislative body that includes representatives from more than one county, city, city and county, special district, or joint powers entity.
- 4) Expands the teleconferencing flexibility authorized during state-declared emergencies to include local emergencies.
- 5) Removes the requirement for the legislative body to approve each instance a member of the legislative body wants to participate remotely for “emergency circumstances,” and applies the same rules for participating remotely for “just cause” to “emergency circumstances.”
 - a) Specifies that “just cause” teleconference flexibility does not limit the ability of a legislative body to use another alternative teleconferencing provision provided for under the Brown Act.

- 6) Lowers the vote requirement to a simple majority for members of a neighborhood council to meet via teleconference.
- 7) Expands the authority of the court, in its discretion, to order the legislative body to audio record its closed session and preserve the audio recordings if there is a judgment of a violation of any authorization to hold a closed session meeting under the Brown Act.
- 8) Makes various other changes to the Brown Act.

COMMENTS

1. Stated need for the bill

The author writes:

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

I am proud to author SB 707 because we must take steps to strengthen our governments and empower our community members to be engaged. Ultimately, we hope to create robust meetings and increase participation across the state.

2. Background

a. Right to access public meetings and COVID-19 pandemic

In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),¹ which amended the California Constitution to specifically protect the right of the public to access the meetings of public bodies: "The people have the right of access to information concerning the conduct of the people's business, and therefore the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).) The California Constitution requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access, and requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)

¹ Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004).)

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

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

The Brown Act generally requires that meetings of the legislative body of a local agency be open and accessible to the public, and requires local agencies to provide notice of the meeting, its agenda, and its location in advance of a meeting to ensure that the people have adequate notice and opportunity to attend.

In March 2020, due to the COVID-19 pandemic, the Governor issued executive orders suspending portions of the Brown Act requiring in-person meetings, thereby allowing members of a local legislative body to attend meetings remotely without having to publicly post their location information or allow members of the public to attend meetings from those locations.² Throughout the pandemic, many state and local bodies relied on teleconference or internet streaming services to conduct meetings on a regular basis, avoiding the COVID-19 transmission risks posed by large public gatherings.

b. AB 361 (Robert Rivas, Ch. 165, Stats. 2021)

AB 361 authorized a local agency to use teleconferencing for a public meeting without complying with the Brown Act's teleconferencing quorum, meeting notice, and agenda requirements in any of the following circumstances until January 1, 2024:

- The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.

² Governor's Exec. Order No. N-25-20 (Mar. 12, 2020); Governor's Exec. Order No. N-29-20 (Mar. 17, 2020).

- The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote as described above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. (Gov. Code § 54953 (e)(1).)

AB 361 provided that a legislative body holding a teleconferenced meeting pursuant to this exception is subject to various requirements, including :

- The legislative body must allow members of the public to access the meeting, and the agenda must provide an opportunity for members of the public to address the legislative body directly pursuant to Brown Act requirements. In each instance where notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body must also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend via call-in option or an internet-based service option. The legislative body need not provide a physical location from which the public may attend or comment.
- In the event of a disruption that prevents the public agency from broadcasting the meeting to members of the public using the call-in or internet-based service options, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in or internet-based service options, the legislative body must take no further action on items appearing on the meeting agenda until public access to the meeting is restored. Actions taken on agenda items during a disruption preventing the broadcast of the meeting may be challenged as provided in the Brown Act.
- The legislative body may not require public comments to be submitted in advance of the meeting, and it must provide an opportunity for the public to address the legislative body and offer comment in real time.
- The legislative body may use an online third-party system for individuals to provide public comment that requires an individual to register with the system prior to providing comment.
- If a legislative body provides a timed public comment period, it may not close the comment period or the time to register to provide comment until the timed period has elapsed. If the legislative body does not provide a time-limited comment period, it must allow a reasonable time for the public to comment on each agenda item and to register as necessary. (Gov. Code § 54953 (e)(2).)

c. AB 2449 (Blanca Rubio, Ch. 285, Stats. 2022)

AB 2449 authorized members of legislative bodies more teleconferencing flexibility in non-emergency circumstances. It allowed members of legislative bodies to participate remotely for "just cause" and "emergency circumstances" without noticing their

teleconference location or making that location public. Under the measure, just cause includes:

- childcare or caregiving need that requires them to participate remotely;
- a contagious illness that prevents a member from attending in person;
- a need related to a physical or mental disability not otherwise accommodated;
- Travel while on official business of the legislative body or another state or local agency; and
- when a physical or family medical emergency circumstance exists that prevents a member from attending in person. (Gov. Code § 54953 (f)(1) & (j)(2).)

To use the teleconference flexibility authorized under AB 2449, at least a quorum of the legislative body must participate in person at one physical location, which must be identified on the agenda, open to the public, and within the boundaries of the local agency's jurisdiction. AB 2449 included additional requirements on local agencies using its provisions that were modeled after many of the provisions included in AB 361.

When a member participates remotely under these provisions, they are required to participate through both audio and visual technology, and publicly disclose whether any other individuals 18 years of age or older are present at the teleconference location and the member's relationship with any such individuals. AB 2302 (Addis, Ch. 389, Stats. 2024) revised the AB 2499 limits on how often a member could participate remotely from a remote location as follows:

- two meetings per year, if the legislative body regularly meets once per month or less;
- 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.

AB 2449's alternative teleconferencing provisions sunset on January 1, 2026.

d. Other alternative teleconferencing provisions

AB 1855 (Arambula, Ch. 232, Stats. 2024) provided alternative teleconferencing provisions for student body associations and other specified student-run community college organizations until January 1, 2026. SB 411 (Portantino, Ch. 605, Stats. 2023) provided alternative teleconferencing provisions for neighborhood councils until January 1, 2026. Both of these bills allowed for teleconferencing without having a quorum of the members present at a physical location, so long as at least a quorum of the members participate from locations within the boundaries of the city in which the eligible legislative body is established. Under SB 411, before a neighborhood city council can use the alternative teleconferencing provisions, the city council must consider whether to adopt a resolution to authorize neighborhood city councils to use

teleconferencing. If the city council adopts such a resolution, a neighborhood city council may elect to use teleconferencing pursuant to the bill's provisions if two-thirds of the neighborhood city council votes to do so, and notifies the city council if it elects to do so and its justification for doing so.

3. This bill revises and recasts the teleconferencing provisions of the Brown Act

On March 19, 2025, the Senate Local Government Committee held an informational hearing on the Brown Act, titled *Meeting the Moment: Strengthening Community Voices in Local Government Meetings*. According to the Senate Local Government Committee analysis of this bill, the informational hearing demonstrated that “public meetings are an imperfect, but valuable, tool for public participation, and key to democratic responsibility. The challenge local agencies face is a gap between what is *administratively sustainable* and *politically acceptable*. The City of Los Angeles brought up their recent experiences dealing with the aftermath of the January 2025 fires, and setting up disaster recovery centers as well as worker and family support centers, ensuring those affected, regardless of their language ability, had access to services. Various local agencies highlighted the challenges they have faced with disruptions during teleconferenced meetings, and, along with some community groups, expressed an interest in further expansion of recent teleconference flexibility. Finally, the [Senate Local Government] Committee heard concerns about how additional flexibility could lead to public transparency challenges.”³ This bill seeks to address many of the issues addressed in the informational hearing.

a. Standardized provisions for teleconferencing

The bill seeks to provide a standard set of rules that all legislative bodies that fall under the scope of the Brown Act must comply with when using alternative teleconferencing provisions, including:

- clearly identifying the location of the in-person meeting on the agenda, which must be open to the public and within the boundaries of the local agency's jurisdiction;
- providing means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body;
- providing notice of the means for the public to access the meeting and offer public comment;
- identifying and including an opportunity for all persons to attend and address the legislative body directly via a call-in or internet-based service option, including at any in-person location;
- including in meeting minutes any member of the legislative body who participates from a remote location;

³ Sen. Local Gov. Comm. analysis SB 707 (2025-26 reg. sess.) as introduced February 21, 2025.

- having and implementing a procedure for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities;
- requiring the instructions for joining the meeting by the telephonic or internet-based service option be made available in English and in all other languages spoken jointly by 20 percent or more of the population in the county in which the local agency is located that speaks English less than “very well” and jointly speaks a language other than English according to data from the most recent American Community Survey or data from an equally reliable source; and
- identifying and making available to subsidiary bodies a list of meeting locations they may use to conduct their meetings.

b. Changes to existing teleconferencing flexibility

This bill expands different provisions related to individual teleconference flexibility for certain circumstances or eligible legislative bodies. For example, it expands the teleconferencing flexibility authorized during state-declared emergencies to include local emergencies. It also extends the sunset date to January 1, 2030 for: (1) the AB 2499 teleconferencing provisions that allow for individual member to participate remotely based on “just cause” and “emergency circumstances;” (2) neighborhood councils; and (3) student body associations and other specified student-run community college organizations. The bill lowers the vote requirement to a simple majority under SB 411 for members of a neighborhood council to meet via teleconference.

For the just cause and emergency circumstances provisions under AB 2499, the bill removes the requirement for the legislative body to approve each instance a member of the legislative body wants to participate remotely for “emergency circumstances,” and applies the same rules for participating remotely for “just cause” to “emergency circumstances.” The bill also specifies that that “just cause” teleconference flexibility does not limit the ability of a legislative body to use another alternative teleconferencing provision provided for under the Brown Act.

c. Expands teleconferencing flexibility – eligible subsidiary bodies

This bill provides for teleconferencing flexibility for eligible subsidiary bodies under the Brown Act. An “eligible subsidiary body” is defined as one which:

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

An eligible subsidiary body is required to provide a physical location from which the public may attend or comment. All members of the eligible subsidiary body must visibly appear on camera during the open portion of a meeting and it must be publicly accessible via the internet or other online platform. Their visual appearance may only stop when their appearance becomes technologically impracticable, as specified. If a member of the eligible subsidiary body does not appear on camera due to challenges with internet connectivity, the member must announce the reason for their nonappearance when they turn off their camera. If a member receives compensation for their service on the subsidiary body, they cannot participate in a teleconference meeting from a remote location.

At least a quorum of the members of the eligible subsidiary body must participate from a singular physical location that is accessible to the public and is within the jurisdiction of the eligible subsidiary body. A quorum of the eligible subsidiary body cannot be established solely by members of the legislative body that created it or its staff. However, members that meet the following criteria can count towards the in-person quorum requirement:

- has a disability that requires accommodation pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132);
- is under 18 years of age;
- is incarcerated;
- is unable to disclose their teleconference location because they have been issued a protective court order or are participating in a program that has to remain confidential, as specified; and
- provides childcare or caregiving to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.

The bill requires the eligible subsidiary body to submit its recommendations from the teleconferenced meeting to the legislative body, and present those recommendations at the legislative body's next regular meeting without placing it on the consent calendar. The legislative body that created the subsidiary body must make annual findings regarding how teleconferencing promotes public access, as well as attraction, retention, and diversity of subsidiary body members.

d. Expands teleconferencing flexibility – eligible multijurisdictional bodies

This bill also provides alternative teleconferencing provisions for multijurisdictional bodies under the Brown Act. A "multijurisdictional body" is defined as a legislative body that includes representatives from more than one county, city, city and county, special district, or joint powers entity. An eligible multijurisdictional body can use these provisions if it meets all of the following requirements:

- a physical location from which the public may attend or comment must be provided;
- the eligible multijurisdictional body adopts a resolution authorizing it to use teleconferencing at a regular meeting in open session;
- at least a quorum of the members of the eligible multijurisdictional body must 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;
- a member of the eligible multijurisdictional body who receives compensation for their service on the eligible multijurisdictional body must participate from a physical location that is open to the public; and
- prohibits a member from participating remotely unless the location from which the member participates is more than 20 miles round trip from the in-person location.

4. Limitation on access to public meetings

The bill's provisions would limit the public's access to public meetings of local legislative bodies by authorizing them to hold a teleconference meeting without allowing the public to access the locations of where the members are participating from remotely or providing notice of where they are participating from remotely. The bill also allows certain eligible local legislative bodies to meet without having a quorum of members present at a physical location that must be provided to the public.

The bill provides the following legislative findings and declarations about why this limitation on the right to access public meetings is needed:

- This act 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.
- This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in meetings.
- This act is necessary to modernize the Ralph M. Brown Act to reflect recent technological changes that can promote greater public access to local officials.

5. Expands existing remedy for violations of the Brown Act

The Brown Act authorizes a district attorney or any interested person to commence an action by mandamus, injunction, or declaratory relief for the purpose of the following:

- stopping or preventing violations or threatened violations of the Brown Act by members of the legislative body of a local agency;
- to determine the applicability of the Brown Act to ongoing actions or threatened future actions of the legislative body;

- to determine the applicability of the Brown Act to past actions of the legislative body;
- to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States;
- to compel the legislative body to audio record its closed sessions. (Gov. Code § 54960(a).)

A court is authorized, in its discretion, to order the legislative body to audio record its closed session and preserve the audio recordings under the terms of security and confidentiality the court deems appropriate if there is a judgment of a violation of certain statutes authorizing closed session meetings. This bill expands this provision to apply to a violation of any authorization to hold a closed session meeting.

6. Makes other amendments intended to increase public access

This bill makes various other changes to the Brown Act that the author intends to increase public access to meetings. These include, among others, requiring city councils and boards of supervisors to:

- Provide a two-way telephonic option or audiovisual platform for the public at all their open and public meetings. If it elects to use a two-way audiovisual platform, it must publicly post and provide a call-in option, and have active captioning functions included in the system.
- Make a good faith effort to encourage residents, including those in underrepresented communities and non-English-speaking communities, to participate in public meetings, by creating and maintaining a public meetings website and providing public meeting information to the public, as specified.
- Removes the ability of any legislative body to decline to provide public comment on items previously discussed in committee before they come to the full legislative body.
- Expand language access services, as specified.

7. Concerns

There is a coalition of diverse organizations representing journalists, businesses, taxpayers, women voters, and first amendment rights advocates that write they are in support if amended, including the ACLU, First Amendment Coalition, California News Publishers Association, and the League of Women Voters of California. They specifically oppose the provisions in the bill that provide alternative teleconferencing provisions for different types of bodies under the Brown Act that do not require a “just cause” or “emergency circumstance” for a member to participate remotely.

There is another coalition of organizations representing various local governments, including the Rural County Representatives, League of California Cities, and California State Association of Counties, who write with concerns on the bill. Specifically their concerns center around the new mandated costs for local governments in the bill and technical implementation challenges they believe they will face.

8. Statements in support

Streets for All writes in support stating:

Since 1954, the Ralph M. Brown Act has mandated that local agencies hold open, public meetings. Its core intent is to ensure transparency in government decisions. The Brown Act requires public notice of meetings, including posting an agenda, and defines a "meeting" as any gathering of a majority of a legislative body to discuss or take action on matters within their jurisdiction. The Brown Act also ensures public participation, prohibiting agencies from requiring personal information for participation. It mandates opportunities for public comment before or during discussions on agenda items, though agencies may set reasonable limits.

Despite several modifications to the Brown Act, communities and governments continue to experience challenges with teleconferencing, as technological changes have occurred. On the other hand, the many underrepresented, working, and non-English speaking communities face challenges accessing public meetings and materials.

9. Statements in opposition

The County of Kern writes in opposition stating:

I am writing on behalf of the Kern County Board of Supervisors to express our concerns with SB 707, which would impose unfunded mandates on local governments and significantly increase administrative and financial burdens without providing state reimbursement. While we support public access and transparency in government, SB 707 imposes impractical and costly requirements that would strain county resources and create logistical challenges in conducting public meetings.

Specifically, they note the bill has unfunded mandates, poses operational and logistical challenges (especially for large rural counties with limited broadband access and insufficient IT infrastructure), and loss of local control and flexibility.

SUPPORT

Democratic Party of the San Fernando Valley
Streets for All

OPPOSITION

City of La Verne
County of Kern
County of Solano

RELATED LEGISLATION

Pending Legislation:

SB 239 (Arreguín, 2025) authorizes a subsidiary body to use alternative teleconferencing provisions under the Brown Act if certain conditions are met, with certain exceptions. SB 239 is currently pending in this Committee.

AB 259 (Blanca Rubio, 2025) removes the January 1, 2026 sunset date on the provisions enacted in AB 2499, thereby extending them indefinitely. AB 259 is currently pending in the Assembly Floor.

AB 409 (Arambula, 2025) removes the January 1, 2026 sunset date on alternative teleconferencing provisions for student body association and other specified student-run community college organizations thereby extending them indefinitely. AB 409 is currently pending in The Assembly Higher Education Committee.

AB 467 (Fong, 2025) extends the sunset date on alternative teleconferencing provisions for neighborhood city councils until January 1, 2031. AB 467 is currently pending on the Assembly Floor.

Prior Legislation:

AB 1855 (Arambula, Ch. 232, Stats. 2024) provided alternative teleconferencing provisions for student body association and other specified student-run community college organizations until January 1, 2026.

AB 2302 (Addis, Ch. 389, Stats. 2024) revised the AB 2499 limits on how many meetings a member could participate remotely.

SB 411 (Portantino, Ch. 605, Stats. 2023) provided alternative teleconferencing provisions for neighborhood councils until January 1, 2026.

AB 557 (Hart, Ch. 534, Stats. 2023) removed the sunset under AB 361 (Robert Rivas, Ch. 165, Stats. 2021), and extended the 30-day reauthorization requirement to 45 days.

AB 817 (Pacheco, 2023) would have allowed appointed bodies of subsidiary bodies to teleconference meetings without having to notice and make publicly accessible each teleconference location, or have at least a quorum of members participate in person from a primary location. AB 817 was held in the Senate Local Government Committee.

AB 2449 (Blanca Rubio, Ch. 285, Stats. 2022) *see* Comment 2)c) above.

AB 361 (Robert Rivas, Ch. 165, Stats. 2021) *see* Comment 2)b) above.

PRIOR VOTES:

Senate Local Government Committee (Ayes 5, Noes 0)
