

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

SB 239 (Arreguín)
Version: April 7, 2025
Hearing Date: May 6, 2025
Fiscal: No
Urgency: No
AM

SUBJECT

Open meetings: teleconferencing: subsidiary body

DIGEST

This bill authorizes a subsidiary body, as defined, to meet via teleconferencing without providing notice of all remote locations, making the remote locations accessible to the public, or requiring an in-person quorum of the members of the subsidiary body, if certain conditions are met. The bill does not apply to a subsidiary body that has subject matter jurisdiction over police oversight, elections, or budgets. The bill repeals these provisions on January 1, 2030.

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. In order to use this alternative teleconferencing provision, at least a quorum of the members of the legislative body must participate 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 establishes alternative teleconferencing provisions for a subsidiary body under the Brown Act until January 1, 2030. The author claims this bill is needed to prevent community members from resigning from local advisory bodies and to attract community members to join local advisory bodies. This bill is substantially similar to AB 817 (Pacheco, 2023), which was held in the Senate Local Government Committee.

The bill is sponsored by the Association of Bay Area Governments, the California State Association of Counties, the California Municipal Clerks Association, the League of California Cities, and the Metropolitan Transportation Commission. The bill is supported by numerous local governments, local government associations, organizations representing older individuals, and other entities. The bill is opposed by a coalition of diverse organizations representing journalists, businesses, taxpayers, women voters, and first amendment rights advocates, including the ACLU, First Amendment Coalition, California News Publishers Association, and the League of Women Voters of California. The bill passed the Senate Local Government Committee on a vote of 5 to 2.

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. (Gov. Code §§ 54953.8 & 54953.9.)

This bill:

1) Defines a subsidiary body as a body that meets all of the following:

- a) a commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body;
 - b) serves exclusively in an advisory capacity;
 - c) is not authorized to take final action on legislation, regulations, contracts, licenses, grants, permits, or other entitlements.
- 2) Authorizes a subsidiary body to use teleconferencing without posting agendas at all teleconferencing locations and without making those teleconferencing locations accessible to the public if the subsidiary body complies with the requirements described below.
 - a) The teleconferenced meetings are conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the subsidiary body.
 - b) Each member participates through both audio and visual technology.
 - c) The subsidiary body provides at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the subsidiary body: 1) a two-way audiovisual platform; or 2) a two-way telephonic service and a live webcasting of the meeting.
 - d) The subsidiary body gives notice of the meeting and post agendas as otherwise required by the Brown Act.
 - e) The subsidiary body designates at least one physical meeting location within the boundaries of the legislative body that created the subsidiary body where members of the public may physically attend, observe, hear, and participate in the meeting. At least one staff member of the subsidiary body or the legislative body that created the subsidiary body must be present at each physical meeting location during the meeting. An agenda is to be posted at each physical meeting location, but is not required to be posted at a remote location.
 - f) The subsidiary body gives notice of the means by which members of the public may access the meeting and offer public comment in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted.
 - g) The agenda shall identify and include an opportunity for all persons to attend and address the subsidiary body directly via a call-in option or via an internet-based service option.
 - h) In the event of a disruption that prevents the subsidiary body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the subsidiary body's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the subsidiary body must not take any further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items

- during a disruption that prevents the subsidiary body from broadcasting the meeting may be challenged as provide under the Brown Act.
- i) An individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the subsidiary body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.
 - j) The members of the subsidiary body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform.
 - i. The visual appearance of a member of the subsidiary body on camera may cease only when the appearance would be technologically impracticable, including, but not limited to, when the member experiences a lack of reliable broadband or internet connectivity that would be remedied by joining without video, or when the visual display of meeting materials, information, or speakers on the internet or other online platform requires the visual appearance of a member of a subsidiary body on camera to cease.
 - ii. If a member of the advisory 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.
 - iii. A 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.
 - k) A member of the subsidiary body who participates in a teleconference meeting from a remote location must be listed in the minutes of the meeting.
- 3) Requires the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make the following findings by majority vote before the subsidiary body uses the alternative teleconferencing provisions authorized by this bill for the first time, and every 12 months thereafter:
- a) the legislative body has considered the circumstances of the subsidiary body;
 - b) teleconference meetings of the subsidiary body would enhance public access to meetings of the subsidiary body; and
 - c) teleconference meetings of the subsidiary body would promote the attraction, retention, and diversity of subsidiary body members.
- 4) Requires the subsidiary body to approve the use of teleconferencing by a two-thirds vote before first using the alternative teleconferencing provisions.
- 5) Provides that any final recommendations adopted by a subsidiary body must be presented at a regular meeting of the legislative body that established the subsidiary body.

- 6) Provides that these provisions do apply to a subsidiary body that has subject matter jurisdiction over police oversight, elections, or budgets.
- 7) Makes Legislative findings and declarations of the Legislature on the need for limiting access to public meetings.
- 8) Repeals these provisions on January 1, 2030.

COMMENTS

1. Stated need for the bill

The author writes:

The COVID-19 pandemic showed us all that meeting remotely can improve efficiency and accessibility for everything from routine work meetings to public meetings subject to the Brown Act. However, the end of pandemic-era remote meeting flexibility has caused many community members to resign from local advisory bodies due to conflicts with work, caregiving, disabilities, or long driving distances needed to attend meetings in person. SB 239 would allow members of public bodies that are simply advisory in nature, with no decision-making powers, to meet remotely without needing to post their home address or open their home to the public, while also removing barriers to public participation on local advisory bodies, ensuring that those bodies can represent the true diversity of our communities.

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 to the Brown Act over the years:

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 least a quorum of the members of 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.

e. Senate Local Government Committee information hearing - Meeting the Moment: Strengthening Community Voices in Local Government Meetings

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.”

f. SB 707 (Durazo, 2025)

SB 707 (Durazo, 2025) enacts various changes to the Brown Act that seek to address many of the issues identified in the Senate Local Government Committee informational hearing of this year. SB 707 revises and recasts existing alternative teleconferencing provisions under the Brown Act and additionally provides for alternative teleconferencing provisions for subsidiary bodies and multijurisdictional bodies. Under SB 707, 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, with certain exceptions. SB 707 passed this Committee on a vote of 9 to 0.

3. This bill limits access to public meetings under the Brown Act by authorizing alternative teleconferencing provisions for subsidiary bodies.

This bill establishes alternative teleconferencing provisions under the Brown Act for subsidiary bodies. The bill defines a subsidiary body as a body that meets all of the following:

- a commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body;
- serves exclusively in an advisory capacity;
- is not authorized to take final action on legislation, regulations, contracts, licenses, grants, permits, or other entitlements.

A subsidiary body is authorized to use teleconferencing without posting agendas at all teleconferencing locations and without making those teleconferencing locations accessible to the public if the requirements described in 2) of the This bill section of the analysis, above. The alternative teleconferencing provisions under this bill would not require any member of the subsidiary body to be present at the physical location provided for the public, but only requires a staff member to be present. These alternative teleconference provisions also allow members of the subsidiary body to participate remotely for any reason, not for “just cause” or “emergency circumstances” as required under the AB 2449 alternative teleconferencing provisions require. The authorization under this bill is more aligned with the alternative teleconferencing provisions for neighborhood councils, student body associations, and student-run community college organizations. The bill excludes any subsidiary body that has subject matter jurisdiction over police oversight, elections, or budgets from its provisions. The bill provides that this limitation on access to public meetings is needed to provide opportunities for public participation in meetings of specified public agencies and to promote the attraction and retention of members of those agencies.

This bill is substantially similar to AB 817 (Pacheco, 2023), which was held in the Senate Local Government Committee. One of the main differences is that AB 817 did not include the limitation on its provisions not applying to any subsidiary body that has subject matter jurisdiction over police oversight, elections, or budgets from its provisions. The coalition opposition states that they appreciate the author including this limitation but writes:

“However, those are just a few of the subject-matter areas that subsidiary bodies take up that may touch on controversial or complex topics. Look to the City of Berkeley’s dozens of boards and commissions that may fit this bill’s definition of a “subsidiary body” and touch on hot-button topics related to the environment, mental health and housing. This illustrates why legislation that creates different rules for different types of legislative bodies based on subject matter will only frustrate meaningful democratic participation.

The opposition also raises concerns with the fact that subsidiary body can meet without having an member of the body physically present at the in-person location required to be provided to the public. The opposition writes:

As we discussed in our February 25 meeting with you, SB 239 also lacks a fundamental protection essential for the press to be able to perform its watchdog role and the public to have a guaranteed seat at the table: And that is a requirement that a majority of members of the body meet in a single physical location. By contrast, that quorum requirement is included in SB 707 (Durazo), which is also being considered by the Legislature this year.

4. Statements in support

The sponsors of the bill, write in support, stating:

Advisory bodies exist to serve as the voices of our communities on a variety of issues, including civic matters impacting seniors, accessibility concerns for those with disabilities, representation for the LGBTQIA+ community, or the needs of youth who are homeless or at risk of homelessness. However, many advisory bodies frequently fail to meet due to inability to establish a quorum and difficulties to recruit and retain members of the community to serve. Over 90% of counties surveyed report challenges in establishing a quorum and 84% report difficulties in recruiting and retaining members to serve.

The in-person requirement to participate in local governance bodies presents a disproportionate challenge for those with physical or economic limitations, including seniors, persons with a disability, single parents or caretakers, or those who live in rural areas and face prohibitive driving distances. During the COVID-19 global pandemic, individuals who could not otherwise accommodate the time, distance, or mandatory physical participation requirements were able to participate remotely, gaining them access to leadership opportunities and providing communities with greater diversified input on critical community proposals.

SB 239 would address these problems by allowing members to participate in meetings remotely without posting their home address or making it available to the public. The measure would improve transparency and ease of participation by the public by ensuring that meetings are available both in person and remotely whenever a member participates remotely or in person. [...]

5. Statements in opposition

The opposition is a coalition of diverse organizations representing journalists, businesses, taxpayers, women voters, and first amendment rights advocates, including the ACLU, First Amendment Coalition, California News Publishers Association, and the League of Women Voters of California. They write:

[...] SB 239 prioritizes the convenience desired by public officials over the interests of the public being served by local government.

We enthusiastically support increased use of technology in ways that improve transparency and public participation — such as a guarantee of video livestreams and remote public comment options. And we recognize the need for people with disabilities and other hardships to be able to participate remotely under certain circumstances. However, we oppose this bill because it forces Californians to make a tradeoff: Give up their seat at the table in exchange for a seat before a computer screen. That’s a tradeoff Californians should not be forced to make. By contrast, SB 707 (Durazo) seeks to provide a comprehensive scheme that strikes a more appropriate balance between public access and public officials’ desire for more flexibility. [...]

SB 239 defines “subsidiary body” to mean a legislative body that “serves exclusively in an advisory capacity” “is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements.” To determine if a given body meets this definition, it requires analysis of the particulars of the body. You can understand how one may strain to define differently “exclusively advisory capacity” and “not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements” when they mean, in effect, the same thing. How will the public or public agencies, or courts, if there is a dispute, understand the drafter's intended distinction between the second and third prongs of the “subsidiary body” definition? And even if there was a path to write a definition less ambiguous and and less susceptible to different interpretations, requiring such an analysis to determine if a body can avail itself to more relaxed teleconferencing rules will inevitably lead to disputes. [...]

Teleconferencing flexibility has been part of the Brown Act for decades. Elected and appointed officials can participate remotely — for an unlimited number of meetings — from publicly accessible locations, without giving a reason, when certain rules are followed. During a state of emergency, local governments can relax rules to meet virtually. Additionally, carefully negotiated provisions of AB 2449 (Rubio), signed into law in 2022, allow members to participate from private locations for a limited number of meetings when a member has, for example, a caregiving need, illness or disability. Two bills introduced this year — SB 707 (Durazo) and AB 259 (Rubio) — seek to extend those measures beyond the current sunset date of Jan. 1, 2026. Additionally, California has obligations to make reasonable accommodations, pursuant to the Americans with Disabilities Act, as the California Attorney General’s Office advised in an opinion issued in 2024. [...]

SUPPORT

Association of Bay Area Governments (sponsor)
California State Association of Counties (sponsor)
California Municipal Clerks Association (sponsor)
League of California Cities (sponsor)

Metropolitan Transportation Commission (sponsor)
Agency on Aging Area 4
Alameda County Transportation Commission
Alameda-Contra Costa Transit District
Bet Tzedek
CA In-Home Supportive Services Consumer Alliance
California Association of Area Agencies on Aging
California Association of Public Authorities for In-Home Support Services
California Clerk of the Board of Supervisors Association
California Collaborative for Long-term Services and Supports
California Foundation for Independent Living Centers
California Senior Legislature
California Special Districts Association
California Transit Association
California Travel Association
Californians for Disability Rights
City of Alameda
City of Belmont
City of Carlsbad
City of Colton
City of Corona
City of Foster City
City of La Verne
City of Rancho Cucamonga
City of Thousand Oaks
City of Tustin
City/County Association of Governments of San Mateo County
Clean Power Alliance of Southern California
Contra Costa County
County of Humboldt
County of Imperial
County of Los Angeles
County of Marin
County of Mendocino
County of Mono
County of Monterey
County of Sacramento
County of San Diego
County of San Mateo
County of Sonoma
County of Yolo
County Welfare Directors Association of California
Democracy Winters
Disability Rights California

Disability Rights Education and Defense Fund
Elsinore Valley Municipal Water District
Hand in Hand: the Domestic Employers Network
Hispanas Organized for Political Equality
Homebridge
Imperial County
Justice in Aging
Madera County Transportation Commission
Marin Center for Independent Living
Orange County Power Authority
Placer Independent Resource Services
Rural County Representatives of California
San Diego Community Power
San Francisco Bay Area Rapid Transit District (BART)
San Gabriel Valley Council of Governments
Sourcewise
Southern California Association of Governments
Transportation Authority of Marin
Urban Counties of California
Yolo County In-Home Supportive Services Advisory Committee

OPPOSITION

ACLU California Action
California Broadcasters Association
California News Publishers Association
Latino Journalists of California
First Amendment Coalition
Freedom of the Press Foundation
Howard Jarvis Taxpayers Association
League of Women Voters of California
Media Alliance
Media Guild of the West, Newsguild-CWA Local 39213
National Press Photographers Association
Oakland Privacy
Orange County Press Club
Pacific Media Workers Guild
Radio Television Digital News Association
Society of Professional Journalists, Northern California Chapter

RELATED LEGISLATION

Pending Legislation:

SB 707 (Durazo, 2025) among other things, revises and recasts existing alternative teleconferencing provisions under the Ralph M. Brown Act and adds authority for subsidiary bodies to meet via teleconferencing under certain conditions. Sb 707 is currently pending in the Senate Appropriations 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 on 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 on the Assembly Floor.

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:

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

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.

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) was substantially similar to this bill. 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 2)
