

SENATE THIRD READING

SB 707 (Durazo)

As Amended

Majority vote

SUMMARY

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

Major Provisions

- 1) Defines a new category of legislative body for the purposes of the Brown Act, an "eligible legislative body," to mean any of the following:
 - a) A city council of a city with a population of 30,000 or more.
 - b) A county board of supervisors of a county, or city and county, with a population of 30,000 or more.
 - c) A city council of a city located in a county with a population of 600,000 or more.
 - d) The board of directors of a special district that has an internet website and meets any of the following conditions:
 - i) The boundaries of the special district include the entirety of a county with a population of 600,000 or more, and the special district has over 200 full-time equivalent employees.
 - ii) The special district has over 1,000 full-time equivalent employees.
 - iii) The special district has annual revenues, based on the most recent Financial Transaction Report data published by the California State Controller, that exceed \$400 million, adjusted annually for inflation, as specified, and the special district employs over 200 full-time equivalent employees.
- 2) Requires, beginning July 1, 2026, eligible legislative bodies described above to meet additional public access and participation requirements, until January 1, 2030. These requirements include providing (a) an opportunity for public attendance and comment via a two-way telephonic service or a two-way audiovisual platform, (b) reasonable assistance with translation and interpretation services at public meetings, and (c) translation of agendas and specified website content into all applicable languages, as specified. Eligible legislative bodies must also actively encourage public participation, including by members of the public in underrepresented and non-English-speaking communities, among other specified requirements.
- 3) Revises and recasts teleconferencing provisions applicable to health authorities and during a state of emergency, and expands these provisions to include a local emergency, as specified.

- 4) Extends the sunset date to January 1, 2030, on teleconferencing flexibility provisions allowing remote participation of an individual legislative body member based on "just cause" and "emergency circumstances," and teleconferencing flexibility provided to neighborhood councils and student body associations.
- 5) Provides teleconferencing flexibility to subsidiary bodies and multijurisdictional bodies, as specified, until January 1, 2030.
- 6) Clarifies the existing authority of a legislative body to remove or limit participation by persons who disrupt, disturb, impede, or render infeasible the orderly conduct of a meeting applies to members of the public participating in a meeting via a two-way telephonic service or a two-way audiovisual platform.
- 7) Provides teleconferencing requirements do not apply to remote participation by a member of a legislative body with a disability, as specified.
- 8) Makes permanent provisions of law governing the use of social media platforms by members of legislative bodies by removing the sunset date of January 1, 2026.
- 9) Clarifies the circumstances under which an agenda must provide an opportunity for members of the public to address the legislative body on an item that has already been considered by a committee, as specified.
- 10) Makes numerous additional technical, clarifying and conforming changes.

COMMENTS

- 1) *Brown Act Legislation Post-COVID*. Responding to the continued conflict between the Brown Act's requirements for in-person attendance and associated notice and posting requirements, and public health concerns with in-person meetings during the COVID-19 pandemic, a number of bills were approved by the Legislature in the past several years to provide relaxed teleconferencing requirements under specified circumstances or for specified types of legislative bodies, or both. These include:
 - a) AB 361 (Robert Rivas), Chapter 165, Statutes of 2021, allowed local agencies to use teleconferencing without having to post agendas at each teleconference location, identify each teleconference location in the notice and agenda, make each teleconference location accessible to the public, and require at least a quorum of the legislative body to participate from within the local agency's jurisdiction, and provided similar authorizations for state agencies subject to the Bagley-Keene Open Meetings Act and legislative bodies subject to the Gloria Romero Open Meetings Act of 2000.
 - b) AB 2449 (Blanca Rubio), Chapter 285, Statutes of 2022, allowed, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public, for "just cause" or in emergency situations.
 - c) AB 557 (Hart), Chapter 534, Statutes of 2023, eliminated the January 1, 2024, sunset date on AB 361, changed the requirement for a legislative body to make specified findings in

order to continue using AB 361 teleconferencing provisions, and made other minor changes.

- d) SB 411 (Portantino), Chapter 605, Statutes of 2023, allowed a neighborhood council in the City of Los Angeles to teleconference without meeting all of the teleconferencing requirements of the Brown Act.
- e) AB 1855 (Arambula), Chapter 232, Statutes of 2024, allowed a community college student body association or any other student-run community college organization to teleconference without meeting all of the teleconferencing requirements of the Brown Act.

Additional prior bills that are relevant to this bill include:

- a) AB 922 (Mullin), Chapter 89, Statutes of 2020, created a new exception to a prohibition in the Brown Act against serial communications by a majority of a local legislative body's members, if they are using social media in specified ways, until January 1, 2026.
 - b) SB 1100 (Cortese), Chapter 171, Statutes of 2022, allowed the presiding member of a local legislative body to remove an individual for disrupting a local agency's meeting, defined "disrupting" for this purpose, and outlined the procedure that must be followed before an individual may be removed.
 - c) SB 537 (Becker) of 2023 would have allowed multijurisdictional, cross-county local agencies with appointed members to teleconference without meeting all of the teleconferencing requirements of the Brown Act. SB 537 was subsequently amended to address a different subject matter.
- 2) *Legislative Efforts This Year.* A number of bills have been working their way through the legislative process this year to extend sunset dates on the bills noted above, or to create new exceptions to the rules that generally apply to teleconferenced meetings under the Brown Act. These include:
- a) AB 259 (Rubio) extends, until January 1, 2030, the sunset date on AB 2449 (Blanca Rubio) for just cause and emergency situations.
 - b) AB 409 (Arambula) extends, until January 1, 2030, the sunset date on the provisions of law enacted by AB 1855 (Arambula) for community college organizations.
 - c) AB 467 (Fong) extends, until January 1, 2030, the sunset date on SB 411 (Portantino) for the City of Los Angeles neighborhood councils.
 - d) SB 239 (Arreguín) allows subsidiary bodies of a local agency to use teleconferencing without having to notice and make publicly accessible each teleconference location.

Please refer to the policy committee analysis for additional background.

According to the Author

The Brown Act since 1954 has served as the minimum standard for how the public can access their local meetings and for how local agencies conduct meetings. As technology has improved,

the Legislature has made thoughtful changes to modernize the Brown Act. In addition, the pandemic has helped bring along other technological advancements.

SB 707 will modernize Brown Act rules for government bodies to improve transparency and expand public access. This bill will help governments better serve their communities and increase the public's access to meetings, especially for disabled, working, and non-English speaking communities. Since the bill's introduction, and at every stage of the legislative process, my office has worked closely with stakeholders – listening to their feedback and incorporating many of their suggested changes. This bill signifies a momentous time in the history of Brown Act where many stakeholders worked together in a fair compromise.

SB 707 presents an opportunity to strengthen our governments and empower community members to be engaged. We have thoughtfully integrated provisions from other Brown Act-related bills authored by Senator Arreguin, Assemblymember Fong, Assemblymember Arambula, and Assemblymember Rubio. Ultimately, we aim to create robust public meetings and increase participation across the state. If we don't make updates to the Brown Act, we lose on extending current provisions that give cities and counties flexibility, and we lose the opportunity to further engage with the public.

SB 707 creates a historic path forward to strengthen our governments and empower our community members statewide - it's time for Brown Act to be modernized.

Arguments in Support

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

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

- 1) Improved accessibility for the public through remote participation provisions, agenda translation, accommodation of interpretation services, outreach provisions, and increased requirements for how agendas and meeting materials are displayed for the public;
- 2) Improved accessibility for members of Brown Act bodies, including extension of the sunset date for existing remote meeting options, new flexibility for advisory body members, new flexibility for multi-jurisdictional body members, clarification that remote disruption of meetings (e.g. "Zoombombing,") can be addressed, and expansion of emergency meeting provisions; and
- 3) Accountability measures, including expanded requirements regarding reporting of closed session decisions for the compensation of department heads and administrative officers, allowing District Attorneys additional time to submit a cease and desist letter for meeting

violations, and additional restrictions on the use of special meetings for decisions on compensation for a legislative body...

Arguments in Opposition

The League of California Cities, in opposition to a prior version of this bill, writes, "...The bill also creates inequities by tying its mandates to population thresholds. SB 707 defines 'eligible legislative bodies' to include:

- 1) A city council of a city with a population of 30,000 or more;
- 2) A county board of supervisors of a county, or city and county, with a population of 30,000 or more;
- 3) A city council of a city located in a county with a population of 600,000 or more; or
- 4) The board of directors of a special district whose boundaries include a population of 200,000 or more and that has an internet website.

"This definition means that cities of similar size will be treated very differently. For example, approximately 100 cities with populations under 30,000 would be exempt. Yet another 100 cities with the same population levels would fall under the bill's mandates simply because they are located in larger counties. Governor Newsom highlighted the same problem in his 2021 veto of AB 339, noting that population-based mandates create unnecessary complexity and barriers to participation. The undue burden of the requirements is compounded by their inequitable application.

"If a city council qualifies as an 'eligible legislative body,' it would face a broad range of new requirements under SB 707. These include:

- 5) Providing two-way telephonic or audiovisual access for all meetings, with business halted in the event of service disruption that can seriously hamper important, time-sensitive proceedings;
- 6) Translating agendas into all 'applicable languages,' defined as those spoken by 20 percent or more of residents with limited English proficiency;
- 7) Designating a physical location for 'community translations' and allowing members of the public to post their own translations without any standards or limits;
- 8) Expanding outreach efforts to groups that do not traditionally participate in public meetings;
- 9) Creating and maintaining a dedicated, multi-language webpage for public meetings, prominently linked from the city's homepage, with translated explanations of meeting procedures, calendars of all meetings, and links to agendas and participation instructions; and
- 10) Developing and maintaining electronic systems for agenda requests, either through email or integrated agenda management platforms.

"Taken together, these obligations will result in a significant new cost and workload for

many jurisdictions..."

FISCAL COMMENTS

- 1) Ongoing costs to local agencies of an unknown but likely significant amount to meet new Brown Act requirements, such as providing translation services and two-way telephonic services or audiovisual platforms for public meetings, and performing numerous new administrative duties. Local agencies may also incur additional legal costs due to increased legal exposure. However, any costs imposed on local agencies as a result of this bill are not state-reimbursable. Proposition 42, passed by voters on June 3, 2014, amended the state Constitution to require all local governments to comply with the California Public Records Act (CPRA) and the Brown Act, and eliminated reimbursement to local agencies for costs of complying with the CPRA and Brown Act.
- 2) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown amount to the courts to adjudicate violations of this bill in civil actions brought to enforce this bill. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations.

VOTES

SENATE FLOOR: 24-6-10

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Cervantes, Cortese, Durazo, Gonzalez, Laird, Limón, McGuire, McNerney, Padilla, Pérez, Richardson, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Dahle, Grove, Jones, Seyarto, Strickland

ABS, ABST OR NV: Caballero, Choi, Grayson, Hurtado, Menjivar, Niello, Ochoa Bogh, Reyes, Rubio, Valladares

ASM LOCAL GOVERNMENT: 6-2-2

YES: Carrillo, Pacheco, Ramos, Blanca Rubio, Stefani, Ward

NO: Ta, Hoover

ABS, ABST OR NV: Ransom, Wilson

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

NO: Sanchez, Dixon, Ta, Tangipa

UPDATED

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CONSULTANT: Angela Mapp / L. GOV. / (916) 319-3958

FN: 0001464