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MEMORANDUM

To: Council Members and Ryan Bonk, City Manager
City of Portola

From: Steven C. Gross, City Attorney

Date: January 6, 2026

Subject: SB 707 Changes to the Brown Act

SB 707 was signed into law on October 3, 2025, and makes sweeping changes to the Ralph M. Brown Act. Some of its provision became effective on January 1, 2026, and others become effective on July 1, 2026. All of the changes identified in this memorandum became effective on January 1, 2026, and all apply to the City of Portola. Other provisions of the new law do not apply to the City and are briefly reviewed in this memorandum.

A. CHANGES THAT APPLY TO THE CITY

1. Copy of the Brown Act

An agency must provide a copy of the Brown Act to every person elected or appointed to serve as a member of a legislative body of the local agency. Previously, this was optional.

2. Social Media Usage

Existing law allows members to use social media to discuss agency matters provided that a majority doesn't engage on the issue and prohibits a member from responding directly to any post by another member, such as by posting a like or dislike. SB 707 removes the sunset date and makes this provision indefinite.

3. Open Meeting Compensation Discussions

Existing law requires legislative bodies to provide oral summaries before taking action on changes to compensation and benefits for chief executives, such as the City General. SB 707 adds that same requirement for department heads and other similar administrative officers.

4. Agendizing Items Previously Considered By Committee

Existing law allows an agency not to provide for public comment on an item that has already been considered by a committee consisting of only board members. SB 707 provides that public comment must be provided when the item has been substantially changed since the committee heard the item, a quorum of the committee members did not originally participate, or the committee has primary subject matter jurisdiction on elections, budgets, police oversight, privacy, removing from, or restricting access to, materials available in public libraries, taxes, or related spending proposals.

5. Special Meetings Requirements

SB 707 expands the 24-hour posting and distribution requirements for special meetings to all legislative bodies by removing prior exemptions for certain legislative bodies. It also expands the prohibition on calling special meetings to consider local agency salaries or compensation for local agency executives to also include those for legislative bodies themselves.

6. Public Recording Rights

SB 707 reaffirms the public's right to record open meetings. Specifically, it broadens the recording right by removing limiting references to older, specific recording devices (i.e., audio or video recorder or still or motion picture camera).

7. Removal of Disruptive Individuals From Meetings

Existing law authorizes the presiding member of the legislative body conducting a meeting or their designee to remove an individual for disrupting the meeting after issuing a verbal warning and the disruptive behavior doesn't promptly stop. SB 707 specifies that these rules are also applicable to any teleconferenced meeting.

8. Remote Participation as Reasonable Accommodation

SB 707 codifies the July 2024 California Attorney General Opinion regarding ADA access that members of legislative bodies with physical or mental disabilities may participate remotely as reasonable accommodation per the Americans with Disabilities Act and count towards any applicable in-person quorum requirements. In that case, the agency does not need to meet the other teleconference requirements. However, the Council member must use both audio and video (unless their disability requires them to participate off-camera) and must disclose before any action is taken whether any adults are present in the room and their relationship.

9. No Changes to Traditional Teleconferencing Rules

SB 707 does not make any changes to the traditional teleconference rules which are commonly used. As always, when one or more Council members participates in a meeting by teleconference under the traditional rules, the following requirements apply: (a) teleconference

locations must be identified on the agenda and accessible to the public; (2) agendas must be posted at teleconference locations; (c) at least a quorum must participate from locations within the boundaries of the City's jurisdiction; and (d) all votes must be taken by roll call.

12. Teleconferencing Clarifications

SB 707 clarifies that teleconferencing provisions are cumulative; a legislative body may elect to use any applicable teleconferencing provision. SB 707 also restates that "teleconference" is defined as a meeting with members in different locations, connected by audio or video or both, and clarifies that "teleconference" does not include passive viewing/listening without interactive participation.

11. Changes to "Just Cause" Remote Participation Rules

SB 707 merges prior "just cause" and "emergency circumstances" rules into a single "just cause" exception, effective through January 1, 2030. Remote participation for "just cause" continues to include contagious illness, family medical emergencies, childcare/caregiving obligations, travel while on official agency business, and other qualifying health reasons, and also now includes certain military service obligations, and having an immunocompromised family member that requires the board member to participate remotely.

Additional requirements include advance notice to the Council, required audio/video participation, a quorum physically present at the meeting location, minutes to identify the specific provision of law that each Council member relied on to participate remotely (not required to disclose confidential medical information or disability), and annual limits on use (2 meetings per year if the Council regularly meets once per month or less).

12. Emergency Teleconferencing

Existing law allows teleconferencing during a proclaimed state of emergency by the governor if meeting in person would present imminent risks to the health and safety of attendees. SB 707 teleconferencing authorization is extended to a locally declared state of emergency, such as one declared by the City (including a local health emergency).

B. CHANGES THAT DO NOT APPLY TO THE CITY

Several changes to the Brown Act by SB 707 apply only to "eligible legislative bodies" ("ELB's"), which do not include the City Council or standing committees and are defined as follows:

- (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.

(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.

The following are changes that are effective July 1, 2026 and continue through January 1, 2030 that apply to ELB's.

1. Two-Way Remote Attendance for the Public

SB 707 requires ELB's to provide two-way telephonic or audiovisual access for all open meetings unless the technology is not available at the meeting location or the meeting qualifies for an exemption, such as an off-site tour. and to take specific actions that encourage residents to participate.

2. Disruption Procedures

On or before July 1, 2026, ELB's will be required to adopt, in open session, a policy that addresses disruptions to telephonic or internet service during meetings. The policy must include the following provisions:

- a. If a disruption prevents public participation through two-way telephonic or audiovisual platforms, the body shall recess open session for at least one hour and attempt in "good faith" to restore service.
- b. The body may meet in closed session during the recess.
- c. Open session may not reconvene until at least one hour has passed or service is restored, whichever comes first.
- d. If service is not restored, the body may resume only after adopting, by roll call vote, a finding that good faith efforts were made and that continuing the meeting outweighs the public's interest in remote access.

3. Translation Assistance

ELB's must provide reasonable assistance to members of the public who wish to use personal interpreters including arranging space for one or more interpreters at the meeting location, allowing extra time for interpretation, and ensuring participants may utilize their personal equipment or reasonably access facilities for participants to access commercially available interpretation services.

4. Agenda Translation

- a. Translate the agenda and instructions on how to participate in meetings into any language spoken jointly by 20 percent or more of an applicable population that also speaks English less than "very well" according to the American Community Survey.
- b. The new webpage requirements for webpages dedicated to information concerning public meetings must be translated into any language spoken jointly by 20 percent or

more of an applicable population that also speaks English less than “very well” according to the American Community Survey.

- c. Make a physical location, within reasonable proximity to the location where the agenda is posted, freely accessible to the public so the public may post additional translations of that agenda.

5. Outreach

ELB's must take specific actions to encourage residents to participate in public meetings, including:

- a. Provide a system for electronically accepting and fulfilling requests for meeting agendas.
- b. Have an accessible internet webpage dedicated to information concerning public meetings and how members of the public may participate, including a link to the page on the agency's home page.
- c. Make reasonable efforts to invite groups that do not traditionally participate in public meetings to attend those meetings, such as outreach to media organizations serving non-English-speaking communities or civic engagement organizations.