

Brown Act Questions

Prepared by Gerry La Londe-Berg

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How does SB 707 modernize remote participation in public meetings?

Based on **Senate Bill 707 (SB 707)** and the provided analysis, the legislation modernizes remote participation in public meetings under the Ralph M. Brown Act by formalizing "hybrid" meeting formats, enhancing accessibility for individuals with disabilities, and updating rules regarding digital conduct.

SB 707 addresses the following key areas to modernize remote participation:

1. Mandating Hybrid Access for Larger Agencies

SB 707 introduces strict remote access requirements for "eligible legislative bodies," generally defined as cities and counties with populations of 30,000 or more, and certain larger special districts,. These bodies must now provide **two-way telephonic or audiovisual platforms** for the public to attend and participate in meetings remotely.

- **Visual and Audio Access:** Eligible bodies must provide a way for the public to remotely hear, visually observe, and address the meeting.
- **Equal Comment Opportunities:** The bill mandates that remote public comments be given the **same time allotment** as in-person comments, ensuring remote participants are not disadvantaged.

2. Permanent Accommodations for Officials with Disabilities

The bill updates the Brown Act to permanently allow members of legislative bodies with disabilities to participate remotely as a reasonable accommodation.

- **In-Person Equivalency:** Unlike other forms of remote participation that have strict limits, participation by a member with a disability now counts as **"in-person attendance"** for quorum purposes.

- **Video Requirement Exception:** While remote members generally must use both audio and video, members with disabilities preventing them from appearing on camera are permitted to participate via audio only.

3. Extending "Just Cause" and "Emergency" Remote Participation

SB 707 refines and extends the temporary teleconferencing provisions established during the COVID-19 pandemic (previously under AB 2449) through **January 1, 2030**.

- **Just Cause:** Members may participate remotely for reasons such as childcare, contagious illness, or official travel.
- **Emergency Circumstances:** Members may participate remotely due to a physical or family medical emergency.
- **Clarified Code Structure:** The bill moves these complex provisions into new, specific code sections (Government Code § 54953.8 et seq.) to make the requirements easier to locate and interpret.

4. Improving Language Access

To encourage broader participation, SB 707 requires eligible legislative bodies to translate agendas into "applicable languages" (languages spoken by at least 20% of the local population who speak English less than "very well"). It also encourages agencies to provide interpretation services during meetings.

5. Regulating Online Conduct and Disruptions

The legislation modernizes enforcement mechanisms to address challenges unique to virtual platforms:

- **Digital Disruption:** The bill clarifies that existing rules regarding the removal of disruptive individuals apply to remote participants. Agencies may remove individuals disrupting a meeting via teleconference (e.g., "Zoom-bombing") just as they would eject a disruptive person from a physical room.
- **Social Media Rules:** SB 707 removes the "sunset" provision on existing social media rules, effectively making permanent the regulations that allow officials to communicate with the public on social media while prohibiting them from discussing agency business among themselves (e.g., "liking" or commenting on each other's posts).

- **Parent Body Authorization:** The City Council (the body that created the commission) must first adopt a formal finding that teleconferencing would "enhance public access" and "promote the attraction, retention, and diversity" of commission members.
- **Staff Presence Required:** At least one staff member must be present at the designated physical meeting location during the meeting.
- **Camera Requirement:** Commission members participating remotely must **visibly appear on camera** during the open portion of the meeting. They cannot turn off their video unless it is technologically impracticable or they have a qualifying disability.
- **Elected Officials Excluded:** If an elected official (like a Councilmember) sits on this commission, they cannot use these specific subsidiary rules; they must follow the stricter teleconference rules applicable to elected bodies.

3. Exemption from Certain Mandates

The strict mandates in SB 707 regarding **agenda translation** and **mandatory hybrid access** apply specifically to an "eligible legislative body".

- **Definition:** An "eligible legislative body" is defined generally as the City Council (for cities over 30,000 population) or County Board of Supervisors.
- **Implication:** Advisory commissions are generally **not** automatically subject to the new statutory mandates for translating agendas or providing interpretation services unless the City Council chooses to impose those requirements upon them.

Summary Table

Feature	City Council ("Eligible Legislative Body")	Advisory Commission ("Eligible Subsidiary Body")
Mandatory Hybrid Access	Yes (if city pop. >30k)	No , unless adopted voluntarily
Remote Participation	Allowed, but strict rules on address posting usually apply unless using "just cause" exceptions.	Allowed with flexibility (no home address posting) if authorized by Council.

- **Regular Meetings:** The agenda must be posted at least **72 hours** in advance.
- **Special Meetings:** The agenda must be posted at least **24 hours** in advance.

2. Location of Posting Agendas must be posted in a location freely accessible to the public 24 hours a day (e.g., a kiosk outside City Hall) and on the agency's website,.

3. Content Requirements The agenda must contain a **brief general description** (approx. 20 words) of each item to be transacted or discussed,.

- *SB 707 Note:* While City Councils of larger cities must translate agendas into multiple languages, Commissions ("eligible subsidiary bodies") generally do not have this automatic requirement unless the Council mandates it,.

Part 3: Conducting the Meeting

Once the meeting begins, specific rules govern how business is transacted.

1. Public Comment

- **Right to Speak:** The public must be allowed to speak on any specific agenda item *before or during* the Commission's consideration of that item.
- **General Comment:** For regular meetings, the public must be allowed to speak on any item *not on the agenda* that is within the Commission's jurisdiction.
- **Time Limits:** The Commission may adopt reasonable time limits (e.g., 3 minutes per speaker).
 - *Translation Requirement:* If a speaker uses a translator, they must be allotted at least **twice the time** given to other speakers,.

2. Stick to the Agenda The Commission **cannot** discuss or take action on items not on the posted agenda.

- *Exceptions:* Commissioners or staff may:

- Briefly respond to statements or questions.
- Ask a question for clarification.
- Make a brief announcement or report on their own activities.
- Direct staff to place a matter on a future agenda,.

3. Voting

- **No Secret Ballots:** All votes must be public.
- **Reporting:** The vote of each member must be publicly reported at the time the action is taken.
- **Teleconference Votes:** If any member is participating remotely, all votes must be taken by **roll call**.

4. Managing Disruptions If an individual disrupts the meeting (rendering orderly conduct infeasible), the presiding officer may remove them.

- *Warning Required:* Generally, you must warn the individual that their behavior is disruptive and they will be removed if it continues. No warning is needed if there is a threat of force.
- *Do Not Move the Meeting:* Recent case law suggests you cannot recess and move the meeting to a private/smaller room to exclude the public. You must clear the room of the disruptive individuals or, in extreme cases, clear the room of everyone (except media) and continue,.

Part 4: Remote Participation (Modernized Rules)

Under **SB 707**, Commissions (classified as "eligible subsidiary bodies") have specific options for remote participation,.

Option A: The "Subsidiary Body" Rule (No Home Address Posting)

If the City Council has adopted a finding that remote meetings enhance recruitment and diversity, Commissioners may meet remotely without posting their home addresses, provided that:

1. **Physical Anchor:** At least one physical meeting location is open to the public, staffed by at least one employee.

2. **Cameras On:** Remote Commissioners **must** visually appear on camera (audio-only is not permitted unless legally disabled or due to tech failure).
3. **No Elected Officials:** If a City Councilmember sits on the Commission, this specific flexibility cannot be used for that meeting.

Option B: "Just Cause" & Emergency Circumstances

Individual Commissioners may participate remotely for personal reasons (caregiving, contagious illness, physical emergency) without posting their address.

- **Limits:** This cannot be used for more than two meetings per calendar year (if the group meets monthly).
- **Procedure:** The member must notify the legislative body at the earliest opportunity and provide a general description of the circumstances.

Option C: Reasonable Accommodation (ADA)

Commissioners with a disability may participate remotely as a reasonable accommodation. This counts as "in-person" attendance for quorum purposes, and video is not required if the disability prevents it.

Part 5: Outside the Meeting (Avoiding Violations)

The Brown Act applies even when the meeting is adjourned.

1. Serial Meetings are Prohibited A majority of Commissioners cannot use a series of communications (texts, emails, phone calls) to discuss, deliberate, or develop a consensus on business outside of a meeting.

- *Daisy Chain:* Member A talks to B, B talks to C.
- *Hub and Spoke:* Staff member talks to A, then B, then C to gauge votes.

2. Social Media (AB 992 & SB 707) Commissioners *may* use social media to answer questions or provide information to the public.

- **The Prohibition:** Commissioners cannot use social media to "discuss among themselves." This means a Commissioner **cannot** respond to, "like," share, or use emojis on a post made by another Commissioner regarding agency business,.

Agendas must be posted in physical and digital locations that are easily reachable by the public.

- **Physical Posting:** The agenda must be posted in a location that is "freely accessible to members of the public",.
 - *24-Hour Access:* The California Attorney General interprets "freely accessible" to mean a location accessible 24 hours a day, 7 days a week (e.g., a lighted display case or kiosk outside a building), rather than a lobby that is locked over the weekend.
- **Website Posting:** If the local agency has a website, the agenda must be posted there,.
 - *SB 707 Update:* For "eligible legislative bodies" (generally cities/ counties with populations >30,000), the agency must create a dedicated webpage for public meetings. A direct link to this page must be prominently located on the agency's homepage,.
- **Teleconference Locations:** Under traditional Brown Act rules, if a member is teleconferencing, an agenda must be posted at **each teleconference location** (including private homes or hotels), and these locations must be accessible to the public,.
 - *Exceptions:* If utilizing the "Just Cause" or "Emergency Circumstances" provisions (AB 2449/SB 707) or the "Eligible Subsidiary Body" rules, posting agendas at remote locations is **not** required,.

3. Content Requirements

The agenda must provide enough detail for the public to understand what will be discussed.

- **Brief General Description:** The agenda must contain a brief general description of each item of business to be transacted or discussed. This generally need not exceed 20 words,.
 - *Specificity:* Descriptions should not be overly vague. For example, listing "Consideration of Contract" is insufficient; "Consideration of \$50,000 contract with ABC Consulting for traffic services" is appropriate.

- **Time and Location:** The specific time and place of the meeting must be listed.
- **Public Comment:** The agenda must provide an opportunity for members of the public to directly address the legislative body on any item within its subject matter jurisdiction,.
- **Accessibility Information:** The agenda must include information on how a person with a disability may request a modification or accommodation to participate in the meeting,.
- **Closed Session Items:** If the body plans to meet in closed session, the agenda must describe these items. The Brown Act provides "safe harbor" language (fill-in-the-blank templates) for describing litigation, real estate negotiations, and personnel matters to ensure compliance,.

4. New SB 707 Modernization Requirements

(See below how this section does not apply to Commissions)

SB 707 introduces additional posting requirements specifically for "eligible legislative bodies" (larger cities, counties, and special districts):

- **Language Access:** The agenda must be translated into "applicable languages." These are languages spoken by at least 20% of the local population who speak English less than "very well",.
 - *Note:* This translation requirement applies to the agenda document itself, not the entire agenda packet (background reports, attachments).
- **Remote Access Instructions:** The agenda (and its translations) must include instructions on how the public can join the meeting via telephonic or internet-based services.
- **Electronic Requests:** Agencies must have a system to electronically accept and fulfill requests for agendas and documents (e.g., via email or an agenda management platform).

5. Consequences of Improper Posting

If an agenda is not posted in substantial compliance with these rules, the legislative body generally **cannot discuss or take action** on the unposted items.

Based on the **Brown Act** and recent amendments (specifically **AB 992** and **SB 707**), the use of social media by members of a City-sponsored Commission is subject to specific allowances and strict prohibitions to ensure transparency.

While Commissioners are permitted to engage with the public online, they must navigate these platforms carefully to avoid illegal "serial meetings" or private deliberations.

1. Allowed Activities (The "Safe Harbor")

Under Government Code § 54952.2 (amended by AB 992 and made permanent by SB 707), individual Commissioners are **permitted** to engage in separate conversations or communications on an internet-based social media platform to:

- **Answer questions** from the public.
- **Provide information** to the public regarding agency business.
- **Solicit information** from the public regarding agency business.

Key Requirement: These interactions are only allowed if the platform is "open and accessible to the public." This means the platform must be free of charge and allow members of the public to access and participate without approval (e.g., public Facebook pages or X/Twitter are generally acceptable; private groups or **Nextdoor** neighborhoods requiring address verification/approval are generally **not** considered open and accessible for this purpose).

2. Prohibited Activities (The Restrictions)

The Brown Act imposes two major restrictions to prevent a quorum of the Commission from "discussing among themselves" outside of a meeting.

A. The Prohibition on Direct Interaction

A Commissioner **cannot** respond directly to any communication regarding agency business that is made, posted, or shared by **any other member** of the same Commission.

- **No Comments:** You cannot reply to a fellow Commissioner's post about City business.

- **No "Likes" or Emojis:** You cannot "like," "love," or use a "thumbs up" emoji on a fellow Commissioner's post. The law defines these digital icons as methods of discussion.
- **No Sharing:** You cannot retweet or share a fellow Commissioner's post regarding agency business.

B. The Prohibition on Collective Discussion

A **majority** of the Commission members may not use a social media platform to discuss business of a specific nature that is within the subject matter jurisdiction of the legislative body.

- **Example:** If a resident posts a question on a community Facebook page, and a majority of Commissioners all jump in to comment and debate the issue in the thread, this could constitute an illegal meeting, even if they are not replying directly to one another. Legal experts advise caution when multiple members comment on the same third-party post.

3. Recent Legislative Changes (SB 707)

Previously, the social media rules established by AB 992 were set to expire (sunset) on January 1, 2026. However, **SB 707** (signed October 2025) repealed this sunset provision. Consequently, these restrictions and allowances regarding social media use are now a **permanent** part of the Brown Act.

4. Other Legal Risks and Best Practices

Beyond the Brown Act, social media use carries other legal implications for Commissioners:

- **Public Records Act:** Content posted by Commissioners regarding City business may be considered a public record. Agencies and officials may need to retain these posts, and they are potentially subject to disclosure upon request.
- **Due Process:** If a Commissioner posts their definitive opinion on a matter involving a permit, license, or other specific approval (quasi-judicial matters) before the hearing, an applicant could claim they were denied a fair hearing because the decision-maker had already prejudged the item.

6. **Changes to the Brown Act Affecting Use of Social Media for Members of Legislative Bodies** (Atkinson, Andelson, Loya, Ruud & Romo, January 21, 2021)
7. **Chapter Number: Understanding Its Legal Significance** (US Legal Forms)
8. **How to File a Brown Act Complaint** (First Amendment Coalition)
9. **Important Changes to the Ralph M. Brown Act for 2026 Under SB 707** (School & College Legal Services of California, January 6, 2026)
10. **Legal Update Memo No. 01-2021(CC) – Social Media and the Brown Act** (School & College Legal Services of California, January 11, 2021)
11. **Overview of Local and State Open Meetings Laws in California** (Capitol Weekly, December 6, 2024)
12. **Potential Consequences of Violating Federal or California Ethics Laws** (Institute for Local Government, May 2013)
13. **Summary of the Brown Act** (Lozano Smith)
14. **The Brown Act - Teleconferencing & Social Media** (Office of the Sonoma County Counsel, January 2023)