SB 707—MAJOR CHANGES FOR THE BROWN ACT?

8 SEPTEMBER 2025 ATTORNEY'S REPORT

- **SB 707 (Durazo), third reading in Assembly on September 5.**
  - Has passed by large margins to date.
  - Veto by Governor could still happen—particularly with League and other key stakeholders opposed—but good likelihood of passage.
- Recent efforts to amend the Brown Act have been of limited scope and duration—mostly focused on remote attendance by directors/members
    - AB 361 (allowed remote meetings during COVID during declared state of emergency)
    - AB 2449 (allowed remote attendance without following normal teleconferencing rules for "just cause" and "emergency circumstances")
    - AB 2302 (modified the frequency of use of just cause/emergency circumstances depending on how often agency meets)
- SB 707 moves away from incremental change and creates significant new burdens for "eligible legislative bodies" as defined, while also providing new flexibility in other areas.

- Section 5 of SB 707 creates a new term, an "eligible legislative body." These 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 (would seem to capture HMB);
    4. The board of directors of a special district that has an internet website and meets any of the following conditions:
        A. The boundaries of the special district encompass an entire county with a population of 600,000 or more, and the special district has over 200 full-time employees;
        B. The special district has over 1,000 full-time employees; or
        C. The special district has an annual revenue, based on data published by the California State Controller, that exceeds $400,000,000 . . .and the special district employs over 200 full-time employees.

- JPAs not addressed.

WHAT IS REQUIRED FOR ELIGIBLE LOCAL AGENCIES (AS DEFINED) . . .

- **Agency must provide opportunity for public attendance and comment via a two-way telephonic service or a two-way audiovisual platform;**
- **Requirement to approve a *policy regarding disruption of telephonic or internet service during meetings; (note, SAM already has a policy—but will need update if 707 passes).***
- ***Requirement to a*ssist public with translation and interpreter services at public meetings;**
- **Requirement to translate agendas and specified website content into all applicable languages (generally a 20% of population threshold);**
- **Encourage public participation, including by members of the public in underrepresented and non-English-speaking communities.**

ON THE POSITIVE SIDE . . .SB 707 WOULD:

- Extend sunset date of AB 2449 "just cause" remote participation to January 1, 2030 from sunset in 2026.
- Combines "just cause" and emergency circumstances" excuses for remote participation and increases authorized use of up to seven times per year for bodies that meet at least three times a month, and five times a year for agencies that meet twice a month.
- Expands circumstances eligible for "just cause" remote participation.
- Standardize teleconferencing requirements for all local agencies where not using "traditional" teleconferencing.

QUESTIONS?