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PERSPECTIVE

SB 707 updates Brown Act rules for online and remote meetings

Senate Bill 707 expands access to California public meetings by requiring eligible agencies to offer online and telephonic participation, provide translated agendas and encourage engagement from underrepresented communities.

By Kelly M. Doyle

Recognizing the utility of employing online meeting platforms for public meetings under the Ralph M. Brown Act, California's open meeting law, lawmakers recently approved legislation that would require certain public agencies to provide the public with both online and telephonic options at public meetings, among other requirements. This legislation, Senate Bill 707 (María Elena Durazo, D-Los Angeles), aims to modernize the Brown Act's teleconferencing provisions while expanding the public's access to local government meetings.

Scope

Many of the sweeping changes authorized by SB 707 apply only to "eligible legislative bodies," a term created and defined in the bill as any of the following: a) a city council with a population of 30,000 or more, b) a county board of supervisors with a population of 30,000 or more, c) a city council located in a county with a population of 600,000 or more, or d) the board of directors of a special district that has an Internet website and has either 1,000 full time employees or is located entirely within a county with a population of 600,000 or more.

Hybrid meetings and policies for disruptions

All eligible legislative bodies must include an opportunity for members of the public to attend public meet-



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ings via a two-way telephonic service or two-way audiovisual platform by publicly posting and providing a call-in option. Additionally, all open and public meetings utilizing a telephonic or audiovisual platform must include an opportunity for those attending remotely to comment via the telephonic or audiovisual platform. Furthermore, by July 1, 2026, all eligible legislative bodies must approve, at a properly noticed public meeting in open session, a policy regarding disruption of telephonic or Internet service occurring during public meetings.

Expanding language access

SB 707 also provides for additional expansion of access to meetings by requiring eligible legislative bodies to provide translated agendas in all "applicable languages" for members of the public. The agenda for each meeting of an eligible legislative body shall be translated into all applicable languages, and each translation shall include instructions in the applicable language describing how to join by telephonic or Internet-based service option and include any registration requirements for public comment.

An "applicable language" for the purposes of this legislation means any language spoken jointly by 20% or more of the applicable population, provided that 20% or more of that same population speaks English less than "very well," as determined by data from the most recent American Community Survey. According to the bill, applicable populations will be determined depending upon the type of eligible legislative body. For example, the applicable population for an eligible city council or a county board of supervisors would be the population of the city or county.

However, for an eligible special district, the applicable population can be either the population of the county with the greatest population within the boundaries of the district or the population of the service area of the special district.

Encourage underrepresented communities' participation

Eligible legislative bodies will also be required to make a good-faith effort to encourage residents, including those in underrepresented communities, to participate in public meetings by doing all the following:

- Create an electronic system for accepting and fulfilling requests for meeting agendas and associated documents through email or an integrated agenda management platform. Information about how to request agendas or other documents using this system must be accessible through a prominent link posted on the eligible legislative body's primary Internet website.

- Create and maintain a website dedicated to public meetings that includes, or provides links to a general explanation of the public meeting process, an explanation of the procedures for a member of the public to provide in person or remote comments during a public meeting or to submit written public comment, and a calendar of all public meeting dates that includes the date, time and location of each meeting.

Additionally, eligible legislative bodies must make reasonable efforts to invite groups that do not traditionally participate in public meetings to attend. Efforts can include, but are not required or limited to, reaching out to media organizations that provide news coverage in the jurisdiction of the legislative body, including non-English speaking media organizations, or neighborhood and community group organizations. However, SB 707 gives eligible legislative bodies broad discretion to determine what constitutes a reasonable effort.

Teleconferencing updates

Certain provisions of SB 707 apply to all legislative bodies, primarily those provisions providing greater flexibility to local agencies to utilize teleconferencing options without meeting the general requirements for teleconferencing in the Brown Act. A few of these provisions are described in greater detail below:

- Extends the sunset on provisions regarding teleconferencing flexibility for just cause and emergency circumstances until Jan. 1, 2030.

- Expands the definition of "states of emergency" under the Brown Act to include local emergencies.

- Requires the legislative body to implement a procedure for receiving and resolving requests for reasonable accommodations for individuals with disabilities.

Recommendations and final remarks

Given the breadth of changes to the Brown Act facilitated by SB 707,

it is prudent for all public agencies to review this legislation in detail and determine whether they qualify as an "eligible legislative body" pursuant to the legislation. Accordingly, public agencies should review their current Brown Act policies and procedures to ensure compliance and make any necessary changes required by SB 707.

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