



Meeting Date: January 14, 2026

TOWN OF MORAGA

STAFF REPORT

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**To: Honorable Mayor and Councilmembers**

**From: Amy Heavener, Town Clerk and Denise S. Bazzano, Assistant Town Attorney**

**Subject: Public Meeting Access and Related Brown Act Meeting Requirements (SB 707)**

### **RECOMMENDATION**

It is recommended that the Town Council receive a report regarding SB 707, which enacts major amendments to the Ralph M. Brown Act effective January 1, 2026, and July 1, 2026 and provide direction to staff to move forward with implementation actions for eligible advisory bodies.

### **BACKGROUND**

On October 3, 2025, Governor Gavin Newsom signed California Senate Bill 707 (Durazo) into law, enacting a significant overhaul of open meeting requirements for local governments. Although the revisions were aimed at improving access and transparency, the bill also creates significant operational, fiscal and other challenges for public agencies as they make changes to comply with these new laws.

SB 707 takes effect in two phases: January 1, 2026 and July 1, 2026. The bulk of the requirements relating to public access, two-way participation, captioning, and language-translation requirements are taking effect on July 1, 2026.

### **DISCUSSION**

The following contains a summary of some of the major changes to the Brown Act effected by SB 707:

#### **Eligible Legislative Body Requirements (Applicable to Town Council)**

The Brown Act meeting requirements apply to all meetings of a “legislative body.” That term is defined in Government Code section 54952 to include, among others:

a) The governing body of a local agency or any other local body created by State or Federal statute; and

b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body.

Beginning July 1, 2026, SB 707 requires that the meetings of “eligible legislative bodies”<sup>1</sup> provide the following:

- The public **must** be able to attend meetings and participate remotely and provide comments in real time via a “two-way telephonic” or “two-way audiovisual platform.” A “two-way telephonic” service is one that does not require internet access and allows participants to dial a telephone number to listen and verbally participate. A two-way audiovisual platform is defined as an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service (e.g., Zoom);
- Adoption of a policy on disruptions to telephonic or internet service, which among other things, provides that the body shall recess open session for at least one hour and attempt in “good faith” to restore service;
- Reasonably assist members of the public who wish to translate a public meeting into any language or wish to receive an interpretation provided by another member of the public, so long as it does not disrupt the meeting. The Town would not be required to provide the interpretation services itself. However, the Town will need to provide reasonable assistance, which may include arranging space for an interpreter or allowing extra time. The Town must also publicize how to request assistance;
- Real-time captioning if “two-way audiovisual platform” is provided and if the function is included in the platform;
- A broadcast-restoration policy, to be adopted by Council, with a one-hour recess requirement if access is lost;
- Agenda translation into any languages spoken by 20% or more of residents with limited English proficiency (does not apply to the Town of Moraga);
- A webpage “dedicated to public meetings” that include or provides links to general explanation of public meeting process, explanation of public comment procedures as well as procedures to provide written public comments, calendar of public meeting dates and agendas; and
- Make reasonable efforts to invite groups “that do not traditionally participate in public meetings” to attend meetings.<sup>2</sup>

Because the Town of Moraga is an incorporated city located in a county with a population of

600,000 or more people, the Town Council is considered an “eligible legislative body.” Thus, by July 1, 2026 Town Council meetings must conform to the requirements identified above, including among other things, allowing the public to attend meetings and participate remotely via a “two-way telephonic” or “two-way audiovisual platform.” The Town will not be required to translate the agenda into any different languages because the percentage of people who have limited English proficiency is below 20% (7.8% according to the ACS 5-year estimates).

### **Potential to Allow Alternative Teleconferencing Rules For All Legislative Bodies**

SB 707 allows—but does not require—cities and towns to use technology that would allow all legislative bodies (including the Town Council) to attend a limited number of meetings annually for “just cause” from a remote location that is not noticed, open, and public. SB 707 extends the existing Assembly Bill (AB) 2449 alternative teleconferencing provisions until January 1, 2030.<sup>3</sup> As Council may recall, AB 2449 authorizes limited remote participation via two-way audio-video from undisclosed locations due to “just cause” and “emergency circumstances.” The Brown Act also allows remote participation under the “traditional” method which requires that the agenda disclose the remote location.

SB 707 revises the AB 2449 remote participation requirements to do the following:

- Allow members with certain military service obligations that result in them being unable to attend in person to use this provision.
- Remove the requirement for the legislative body to approve each instance a member wants to participate remotely for “emergency circumstances,” and applies the same rules for participating remotely for “just cause” to “emergency circumstances.”<sup>4</sup>
- Requires that the minutes for the meeting identify the specific provision that each member relied upon to participate remotely. A member is not required to disclose any medical diagnosis, disability, or any personal medical information that is otherwise exempt under existing law.

The Town Council may wish to provide direction to Staff regarding future availability of the “just cause” option for Town Council members and other Brown Act committees and commissions, such as the Planning Commission and the Parks and Recreation Commission. Town Council may decide to only make the technology and staffing available for certain bodies or all the bodies which may depend on the Town’s staffing levels for meetings.

### **Eligible Subsidiary Body Options (Applicable to Purely Advisory Bodies)**

SB 707 provides an alternative teleconferencing option for an “eligible subsidiary body” that would allow **all** the members of the body to participate remotely during a meeting.<sup>5</sup> “Eligible subsidiary bodies” are defined as bodies that: 1) Serve exclusively in an advisory role; 2) Cannot take final action on legislation, regulations, contracts, licenses, permits, entitlements, grants, or fund allocations; and 3) Do not have primary subject matter jurisdiction over elections, budgets, police oversight, privacy, restricting access to library materials, taxes, or related spending proposals.<sup>6</sup>

To use this alternative teleconferencing option, the legislative body that established the

“eligible subsidiary body” must make specific findings by majority vote (i.e., teleconferencing will enhance public access and promote attraction, retention, and diversity of subsidiary body members).<sup>7</sup>

An “eligible subsidiary body” may request to present recommendations to its legislative body, which must hold a discussion at a regular meeting within 60 days (or the next regular meeting).<sup>8</sup> This discussion cannot be on consent, but may be combined with the legislative body’s subsequent findings for the next 12 months and a legislative body may not act on recommendations until the meeting following the discussion.<sup>9</sup>

The legislative body may elect to prohibit the “eligible subsidiary body” from using this alternative teleconferencing option at any time.<sup>10</sup>

For the Town, the Art in Public Spaces Committee, Parks and Recreation Commission, and Youth Advisory Committee, would be eligible subsidiary bodies because they are purely advisory bodies and were created by the Town Council. The Planning Commission would not be an “eligible subsidiary body” because it is not a purely advisory body. For example, it makes decisions on permits, entitlements, etc.

The Audit and Finance Committee and the Local Sales Tax Oversight Committee are excluded by SB 707 because they have primary subject matter jurisdiction over budgets and/or taxes. SB 707 also does not authorize 2-by-2 Council Committees or Council Subcommittees as eligible subsidiary bodies.

For those bodies that meet the definition of “eligible subsidiary bodies,” the following meeting requirements could apply:

- One physical meeting location open to the public, with at least one staff member present.
- Members may participate remotely via a two-way audiovisual connection.
- Teleconferencing option must be reauthorized every six months.
- All teleconferencing members must participate with their camera on.

As indicated above, Town Council may consider whether or not to allow this type of alternative teleconferencing for the meetings and make the necessary findings if the Council is inclined to authorize the alternative teleconferencing.

Some benefits to allowing the alternative teleconferencing include possible increased:

- Accessibility.
- Participation and community engagement.

However, some of the downsides to allowing this type of teleconferencing would include:

- Additional technology, staffing and cost.

- Increased administrative and implementation complexity.

Staff seeks Town Council guidance on whether to implement optional teleconferencing for eligible advisory bodies. If Town Council does want to implement this option for the “eligible subsidiary bodies,” staff will need to return to Town Council for formal authorization at a future meeting.

## **Other Miscellaneous Changes**

SB 707 makes a number of other general amendments to the Brown Act. The more significant amendments are summarized below.

### Multijurisdictional Bodies Teleconferencing

Alternative teleconferencing for an “eligible multijurisdictional body” may be authorized by resolution of that multijurisdictional body.<sup>11</sup> “Multijurisdictional” means either of the following:

(A) A legislative body that includes representatives from more than one county, city, city and county, or special district.

(B) A legislative body of a joint powers entity formed pursuant to an agreement entered into in accordance with Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1.<sup>12</sup>

If authorized, a member may participate remotely only when their location is more than 20 miles each way from the meeting location and the member receives no compensation other than reimbursement for actual and necessary expenses. Additionally, the eligible multijurisdictional body must identify each member of the eligible multijurisdictional body who plans to participate remotely in the agenda. The member must participate through both audio and visual technology. Finally, there are limits to how many times per year a member can participate via teleconference per year.<sup>13</sup>

### Emergency Teleconferencing

SB 707 expands the ability of a local agency to use teleconferencing during periods of proclaimed local emergencies. A “local emergency” is defined as a condition of extreme peril to persons or property proclaimed by the governing body of the local agency affected, in accordance with Section 8630 of the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), as defined in Section 8680.9, or a local health emergency declared pursuant to Section 101080 of the Health and Safety Code.<sup>14</sup> Local emergency, refers only to local emergencies within the boundaries of the territory over which the local agency exercises jurisdiction.

### Social Media Usage

The Brown Act prohibits a majority of the members of a legislative body to, outside of a formal meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.<sup>15</sup> These types of prohibited communications are referred to

as “serial meetings”. However, the Brown Act has an exception to this general rule which allows a member of a legislative body to have communications with members of the public on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body. While other members of the legislative body may also be on the internet-based social media platform, members cannot respond directly to any communication that is made, posted, or shared by any other member of the legislative body. This prohibition includes the use of digital icons that express reactions (i.e., a “like” button) to communications made by other members of the legislative body.<sup>16</sup>

SB 707 removes the sunset date for this exception and makes the exception indefinite.

### Zoom Bombing

The Brown Act currently authorizes the Chair of the legislative body conducting a meeting or their designee to remove an individual for “disrupting” the meeting. “Disruption” is defined as engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.

(B) Engaging in behavior that constitutes use of force or a true threat of force. A “True threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

SB 707 specifies that these rules are also applicable to any teleconferenced meeting.<sup>17</sup>

### Open Meeting Compensation Discussions

The Brown Act currently requires the Town Council to orally report a summary of a recommendation for a final action on specified forms of compensation for a local agency executive, as defined, during the open meeting in which the final action is to be taken. This was most recently done for the amendment to the Town Manager employment agreement.

SB 707 adds department heads to the reporting requirement.<sup>18</sup>

### Copy of the Brown Act and List of Meeting Locations

SB 707 requires that an agency must provide a copy of the Brown Act to any person elected or appointed to serve as a member of a legislative body of the local agency.<sup>19</sup> It also requires that each member of the legislative body be provided with a “list” of meeting locations “available for use by the legislative bodies to conduct their meetings.” The Town Clerk has already complied with this requirement.

### ADA/Reasonable Accommodations for Members of a Legislative Body

SB 707 specifies that a legislative body member with a disability may participate remotely as a reasonable accommodation under the applicable law.<sup>20</sup> The member must use AV

technology, unless a disability-related condition requires audio-only.<sup>21</sup> The remote participation counts as in-person attendance for purposes of the quorum.<sup>22</sup> Other teleconferencing requirements would apply, such as disclosure of whether there are any adults over 18 years of age in the room.<sup>23</sup>

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[1] SB 707 creates a new sub-category of a legislative body, which is an “eligible legislative body,” to which certain meeting requirements will apply. An “eligible legislative body” means 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 four hundred million dollars (\$400,000,000), adjusted annually for inflation commencing January 1, 2027, as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year, and the special district employs over 200 full-time equivalent employees.

[2] Government Code § 54953.4(b) and (c).

[3] Government Code § 54953.8.3(d).

[4] “Just cause” circumstances under SB 707 includes caregiving/childcare for designated family members; contagious illness; physical or mental condition requiring teleconferencing; travel on official government business, including city business; care for immunocompromised family members (as specified); physical or family medical emergency; military service obligations requiring services 50 or more miles outside city. (Government Code §54953.8.3(c)(1)-(7)).

[5] Government Code § 54953.8.6.

[6] Government Code § 54953.8.6 (b)(1).

[7] Government Code § 54953.8.6(a)(4)(A).

[8] Government Code § 54953.8.6(a)(4)(B)(i) and (ii).

[9] Government Code § 54953.8.6(a)(4)(B)(iii) and (iv).

[10] Government Code § 54953.8.6(a)(4)(D).

[11] Government Code § 54953.8.7(a)(1).

[12] Government Code § 54953.8.7(b)(2).

[13] Government Code § 54953.8.7(a)(6).

[14] Government Code § 54953.8.2(e)(1).

[15] Government Code § 54952.2(b)(1).

[16] Government Code § 54952.2(b)(3)(A) and (B).

[17] Government Code § 54957.95(a)(1).

[18] Government code § 54953(d)(3)(A)(ii).

[19] Government Code § 54952.7.

[20] Government Code § 54953(c)(1).

[21] Government Code § 54953(c)(2)(A).

[22] Government Code § 54953(c)(3).

[23] Government Code § 54953(c)(2)(B) and (c)(3).

## **FISCAL IMPACT**

There will be a financial impact to the Town to comply with these new State mandated requirements, including adding technology to the Council Chamber to allow for teleconferenced meetings and potentially adding staffing to the meetings. Based on the direction provided by Town Council, Staff will return with the necessary budget amendment request at a future Town Council meeting.

## **CEQA COMPLIANCE**

This item is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378 as this is not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment.

### **ALTERNATIVES**

This is a discussion item, so no alternatives have been identified.

### **NEXT STEPS**

Staff will begin preparations in early 2026 in order to meet the July 1, 2026 implementation deadline, focusing on the following:

- Staffing and technology upgrade needs to comply with public participation requirements for Town Council meetings;
- Develop a plan to encourage public participation in meetings;
- Evaluate what, if any upgrades are necessary to the Town’s meeting webpages;
- Develop disruption policy for connectivity issues;
- Training for Council members, Commission/Committee members, and staff on any new procedures/requirements; and
- Prepare, as necessary, any formal action that may be directed to allow “eligible subsidiary bodies” to utilize alternative teleconferencing.

### **ATTACHMENTS**

[Attachment A - SB 707](#)