

Senate Bill 707 and the Ralph M. Brown Act

Practical Guidance for the Boards of Administration of the
San José Police and Fire Department Retirement Plan and
Federated City Employees' Retirement System

Agenda

- Overview of the Brown Act
- Overview of Senate Bill 707 (“SB 707”)
- SB 707 Changes Relevant to the Board
- Q&A

Overview of the Brown Act

What is the Brown Act?

- California's open meetings law that applies to state and local agencies, including the Board.
- Mandates open and transparent government meetings for legislative bodies.
- Requires state and local agencies to adhere to rules to ensure that government officials do not meet in secret.

Closed Session

- The Brown Act permits the Board to discuss certain topics privately, without the public present.
- Relevant Closed Session exceptions for this Board:
 - Public employee appointment, employment, performance evaluation, discipline, dismissal or release
 - Conference with legal counsel regarding existing or anticipated litigation
 - Conference with labor negotiators
 - Conference with real property negotiators
 - Liability claims
 - Threat to public services or facilities
 - Other limited exceptions

What is a “meeting”?

- A “meeting” is defined as whenever a majority of the Board gathers to discuss business of the Plan.
- A “serial meeting” is when a majority of the Board uses a series of communications (either directly or through intermediaries) to discuss, deliberate, or act on matters within the Plan’s business.
 - Serial meetings can occur via phone calls, emails, text messages, reply-all email chains, social media messages, or intermediaries.

What is a not considered a “meeting”?

- Attendance at conferences and social gatherings do not constitute a meeting as long as Trustees do not discuss board business.
- Trustees may use social media to answer questions from, provide information to, or solicit input from the public on Board matters.

Prohibited Uses of Social Media

- Trustees may not use social media to discuss official board business among themselves.
 - Replying to, commenting on, sharing, or reacting to posts made by other Trustees of the Board is not allowed.
- A majority of the Board may not engage on the same social media platform about the same business.

SB 707's Changes to Meeting and Teleconferencing Requirements

SB 707

- On October 3, 2025, Governor Newsom signed SB 707 into law, which makes changes to the Brown Act.
- The provisions of SB 707 applicable to the Board took effect on January 1, 2026.

What Has Changed?

- Expands Teleconferencing and Remote Participation Rules
- Addresses Disruptions in Meetings
- Requires a Copy of the Brown Act for Every Board Member
- Makes Social Media Exception Permanent

Expanded Teleconferencing and Remote Participation Rules

Traditional Brown Act Teleconferencing Rules

- Address of remote location posted on agenda within 72 hour rule.
 - Note: Must be stationary location open to the public and ADA accessible.
- Must post agenda on the outside of the location from the remote teleconferencing location.
- No limit on how many uses of the teleconferencing via the Traditional Brown Act rule.

Revised: “Just Cause” Exceptions

SCOPE:

- The current “just cause” exceptions remain largely unchanged.
- The previous separately labeled “emergency circumstances” option is now consolidated as a “just cause” exception.
- Still requires a physical quorum of the Board to conduct meeting.

“Just Cause” Consists of the Following:

1. Certain childcare or caregiving needs
2. Contagious illnesses
3. Needs related to a physical or mental condition
4. Official travel
5. Certain immunocompromised relatives
6. Certain physical or family medical emergencies
7. Certain military service obligations

Revised: “Just Cause” Exceptions

- Documentation: Meeting minutes must identify the specific legal basis for Trustee’s remote attendance.
- Requirements During Meeting: A Trustee using the “just cause” exception must participate by audio and video, and an in-person quorum must be present at a single public location identified on the agenda.
- Limit: Trustees are limited to two virtual attendances based on “just cause” per calendar year.
- Sunset Date: January 1, 2030.

State of Emergency or Local Emergency

Scope: The Board may conduct a teleconferenced meeting during:

- A local emergency or
- A Governor-proclaimed state of emergency.

Note: In-person quorum requirements are not applicable to these teleconferenced meetings.

Sunset Date: None.

State of Emergency or Local Emergency

Procedure:

- By majority vote, the Board may determine that meeting in person presents imminent threats to people or property.
- To continue teleconferencing after the initial determination, the Board must pass, every 45 days, a motion by majority vote confirming that the emergency continues to directly impact members' ability to meet safely in person.

Disability Accommodation for Trustees

- SB 707 permits remote participation by Trustees with disabilities as a reasonable accommodation under California and federal law, including the Americans with Disabilities Act.
- Remote participation is treated as in-person attendance.
- Sunset Date: None.

Disability Accommodation for Trustees

Trustee must:

- Use audio and video (audio-only allowed only if a disability-related condition requires off-camera participation); and
- Before any action is taken, disclose any other adults present in the room and their relationship to the Trustee.

Additional SB 707 Provisions Relevant to the Board

Addressing Disruptions in Meetings

- SB 707 clarifies that the Board Chair's existing authority to remove or limit the participation of disruptive individuals also applies to individuals participating in meetings via remote platforms.

Copies of the Brown Act

- SB 707 now requires a local agency to provide a copy of the Brown Act to each elected or appointed member of the Board.

Key Takeaways

- Keep deliberations on the noticed agenda and conduct them during public meetings.
- Use remote participation only under the specified legal frameworks and limits, with required disclosures.
- Maintain public access while enforcing decorum rules uniformly to both in-person and remote participants.

Questions?