

# SB 707 Amendments to the Brown Act

Citizens Advisory Committee  
December 17, 2025  
Agenda Item 9



# Caltrain Citizens Advisory Committee

- The Citizens Advisory Committee (CAC) was formed by the Joint Powers Board of Directors (Board) via Resolution No. 1992-28, and Bylaws were introduced via Resolution No. 2002-13, which made the CAC subject to the Brown Act
- The CAC is composed of volunteer members who serve in an advisory capacity to the Board and convey community information, ideas, and comments to the Board
- Members of the CAC also provide input on the needs of current and potential rail customers, and review and comment on staff proposals and actions as requested by the Board
- The CAC is advisory only and does not have independent decision-making authority

# Purpose of the Brown Act

- The Act promotes:
  - Government transparency: Ensures deliberations of local government are open and public
    - Exceptions to right of access narrowly construed to promote meaningful access
  - Public Participation: Requires public notice of items to be considered, public access to materials, and preserves right of public to participate in decision making
- Courts rely heavily upon these purposes when interpreting the Brown Act and determining if violations have occurred

# Application of the Act

- Applies to all “meetings” of “legislative bodies” of local agencies
- “Meeting” means any congregation of a majority of a legislative body at the same time and location, including teleconference locations, to hear, discuss, deliberate, or act on an item within the subject matter jurisdiction of the legislative body
- Brown Act bodies include the governing bodies, subsidiary bodies, and any other body of a local agency created by charter, ordinance, resolution or formal action of a legislative body that is itself a legislative body, including committees
- Specifically applies to the CAC per its authorizing resolution and Article III, Section 2 of its Bylaws

# Requirements of the Act

- Notice for agenda posted in publicly accessible location 72 hours before a regular meeting; 24 hours before special meetings and one hour before emergency meetings
- Open and public: all persons must be permitted to attend meetings
- Public has the right to address CAC via public comment with reasonable time limitations; cannot prohibit criticism but may prohibit personal attacks and disruptive comments
- CAC may not discuss items not on the agenda, unless an exception applies
- Prohibits serial meetings, i.e., a majority of members of a legislative body outside of a lawful meeting may not directly or indirectly use a series of meetings to discuss, deliberate, or take action on any item of business within the subject matter jurisdiction of the body

# Recent Amendments to Brown Act

- Senate Bill 707 (SB 707) made several revisions to the Brown Act:
  - Allows members to participate in meetings remotely without noticing their location or providing public access during a declared state of emergency or local emergency
  - Expands the definition of just cause, which allows members to participate remotely in meetings for just cause for a limited number of meetings per year without noticing their location or providing public access
  - Adds remote meetings exceptions for certain “multijurisdictional bodies” and “subsidiary bodies” (such as the CAC)
  - Clarifies when a legislative body may permissibly remove disruptive individuals from meetings, including remote meetings, in order to allow the meeting to continue
  - Permits members of a legislative body to participate remotely as a reasonable accommodation pursuant to any applicable law

# Brown Act Teleconferencing

	Teleconferencing (Gov. Code § 54953(b))	State of Emergency (Gov. Code § 54953.8.2)	Just Cause (Gov. Code § 54953.8.3)	Multijurisdictional Bodies (Gov. Code § 54953.8.7)
<b>When it is available</b>	Any time	Proclaimed state of emergency or declared local emergency in effect and the body makes required findings	Member has a qualifying short-term reason	Any time after the resolution permitting exception
<b>Address on agenda</b>	Each location noticed; agenda posted at each location	Members' locations aren't noticed	Location of members relying upon exception aren't noticed	Location of members relying upon exception aren't noticed
<b>Public access</b>	All locations open to the public	Public access provided via call-in/online platform; must pause if audio/video fails	Public attends at the noticed in-person location or the remote platform	Public attends at the noticed in-person location or the remote platform
<b>In-person presence</b>	None	None. Must provide two-way public access (telephonic or audiovisual)	A quorum must be physically present at one public location within the agency's jurisdiction	A quorum must be physically present at public locations within the agency's jurisdiction



# Brown Act Teleconferencing (cont.)

	Teleconferencing (Gov. Code § 54953(b))	State of Emergency (Gov. Code § 54953.8.2)	Just Cause (Gov. Code § 54953.8.3)	Multijurisdictional body (Gov. Code § 54953.8.7)
<b>Technology &amp; Disclosure</b>	Roll-call votes; otherwise no on-camera rule	Must allow real-time public comment via call-in or internet; stop business if broadcast/comment channel fails	Remote member must use audio + video; must disclose whether any adults are in the room and general relationship	Remote member must use audio + video; must disclose whether any adults are in the room and general relationship
<b>Approval</b>	No special approval after proper notice	Body adopts/renews findings referencing the emergency and continued need	Member declares just cause “as soon as possible”; no vote required	Member must notify Secretary/Staff Liaison in advance of agenda deadline; no vote required
<b>Limits</b>	None	Emergency must persist and findings renewed	Twice per year, if meeting once per month or less	Twice per year, if meeting once per month or less; must not receive compensation; remote location 20 miles from physical locations
<b>Sunset</b>	None	None	January 1, 2030	January 1, 2030



# Teleconferencing for Subsidiary Bodies (Gov't Code § 54953.8)

SB 707 also amended the Brown Act to permit certain subsidiary bodies, like the CAC, to meet via teleconferencing if the following occurs:

- The Board passes a resolution finding:
  - Promote public access and recruitment, retention, and diversity of subsidiary body members
  - Public was afforded opportunity to comment in-person at regular Board meeting
  - Must renew every 6 months
- The subsidiary body does not have primary subject matter jurisdiction over: elections, budgets, police oversight, privacy, removal or access to materials in public libraries, or taxes or related spending proposals.

# Teleconferencing for Subsidiary Bodies (Gov't Code § 54953.8) (cont.)

If the resolution is passed, members generally can meet remotely without limitation for 6 months

- No quorum in physical location requirement
- Elected officials on subsidiary body must still notice their location and make it accessible to public
- Must appear on video and audio unless internet access issues

# Proposed JPB Remote Meeting Policy

- Members may participate in Board or Committee meetings: (1) in person; (2) remotely provided location is identified on agenda and is accessible to the public; or (3) remotely under SB 707 exceptions for just cause, multijurisdictional bodies, or subsidiary bodies
- Members of the public will have the opportunity to participate in Board and Committee meetings in person, or via a two-way audiovisual platform, or a two-way telephonic service and a live webcasting of the meeting
- Remote meeting participation may also serve as a reasonable accommodation for a member with a qualifying disability
  - Must be connected in real time through both audio and visual means
  - Must disclose the identities of any adults present with them at the remote location
  - Counts as meeting in-person for the purposes of the Brown Act

# Proposed JPB Remote Meeting Policy (cont'd)

- Board Secretary or Staff Liaison will alert the Board or Committee Chair and members if it appears that a quorum of members will not be physically present at the meeting; the Board or Committee may deny the request for emergency circumstances or cancel the meeting if there will be no quorum
- Upon notice of remote participation for just cause, the Board Secretary shall post a revised agenda if there is sufficient time to do so given the nature and timing of the just cause request
- Meeting minutes must reflect specific subsection members relied upon in invoking just cause
- Agenda must reflect who is planning to meet remotely pursuant to the multi-jurisdictional body exception in advance of the meeting

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# Next Steps

- Will be presented to Board at January 8, 2026 JPB meeting
- CAC can provide input at CAC Chair's report and via public comment before or during Board meeting
- If the Remote Meetings Policy is approved by the Board, effective immediately
- If the findings for subsidiary bodies fully remote CAC meetings are approved, will need to be reviewed in August 2026

# Next Steps

- Will be presented to Board at either January 8 or February 5, 2026 JPB meeting
- CAC can provide input at CAC Chair's report and via public comment before or during Board meeting
- If the Remote Meetings Policy is approved by the Board, effective immediately
- If the findings for subsidiary bodies fully remote CAC meetings are approved, will need to be reviewed in August 2026



FOR MORE INFORMATION

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