

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)
When it is available	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
Address on agenda	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
Public access	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
In-person presence	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)
Technology & Disclosure	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
Approval	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
Limits	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
Sunset	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

Proposed JPB Remote Meeting Policy (cont'd)

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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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