

Current and New State Brown Act Requirements

March 11, 2026

Town of Portola Valley

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Traditional Teleconferencing Rules

[Govt. Code § 54953(b)]

The traditional Brown Act teleconferencing requirements remain unchanged by SB 707. Under this approach:

- Each teleconference location must be identified on the agenda for the meeting.
- The agenda must be posted at each teleconference location.
- Each teleconference location must be open and accessible to the public.
- Members of the public must be allowed to participate in the meeting from each noticed teleconference location.
- A quorum of the legislative body must participate in the meeting from locations within the Town's boundaries.
- All votes must be taken by roll call vote.



Alternative Teleconferencing Rules

[Govt. Code § 54953.8 – 54953.8.7]

SB 707 clarifies and expands the former AB 2449 requirements, which allow members to participate remotely without opening their physical location to the public or posting and agenda, for either: (1) just cause ; or (2) state or local emergency reasons.

When alternative teleconferencing is used, the following apply:

- The public must be able to participate in the meeting by a two-way audiovisual platform
- Council must provide opportunities for public comment in real time.
- Minutes must list each remotely-participating member and the statutory basis for remote participation.
- Members must publicly disclose whether any individuals over 18 years of age are present at the remote location and their relationship to the member
- All votes must be taken by roll call vote.



Just Cause

[Govt. Code § 54953.8]

These additional procedural requirements for participating remotely for “just cause” remain the same (as under AB 2449):

- The member must notify the legislative body ASAP, which can include at the start of the meeting, of their need to participate remotely.
- A quorum of other members must meet in person at a single, noticed location in the Town’s boundaries.
- The member must participate through both audio and visual technology (camera on).
- Members are limited to just cause basis 5 times per calendar year based on regularly meeting 2 times per month.



Just Cause

[Govt. Code § 54953.8]

The substantive reasons for just cause remote participation include:

- The member needs to care for their child, parent, grandparent, sibling, spouse/domestic partner
- The member has a contagious illness.
- A need related to physical or mental condition that does not qualify as a reasonable accommodation for a disability.
- The member is traveling on official business of the agency.
- The member needs to participate remotely to protect an immunocompromised close relative from exposure to illness (new).
- A physical or family medical emergency prevents a member from attending in person (previously treated as an “emergency circumstance” under AB 2449).
- Military service obligations (new).



Disability Accommodation

[Govt. Code § 54953(c)]

SB 707 exempts members who participate remotely as a reasonable accommodation for a disability (as defined by the Americans with Disabilities Act) from the traditional and alternative teleconferencing requirements. Instead, the following apply:

- Remote participation as a reasonable accommodation under the Americans with Disabilities Act is treated as in-person for quorum and location requirements.
- The member must participate through both audio and visual technology, except if their disability requires off-camera participation.
- The member must disclose if any other individuals 18 years or older are present in the room at the remote location and their relationship to the member.



Eligible Subsidiary/Advisory Bodies

[Govt. Code § 54953.8.6]

- “A commission, committee, board, or other body of a local agency, whether permanent or temporary,... created by charter, ordinance, resolution, or formal action of a legislative body”
- Exclusively advisory – only applies to Town Council Committees
 - Planning Commission and ASCC are not eligible as they are not purely advisory
- Not authorized to take final action on legislation, regulations, contracts, licenses, permits of any other entitlements, grants, or allocations of funds;
- Does not have primary subject matter jurisdiction regarding elections, budgets, police oversight, privacy, public library materials, or taxes
 - Finance Committee is not eligible as they have primary subject matter jurisdiction on budgets and taxes



Subsidiary/Advisory Body Teleconferencing

[Govt. Code § 54953.8.6]

- Certain requirements must be met:
 - Legislative body must authorize the use of teleconferencing and renew the vote every 6 months; may withdraw authorization at will
 - At least one staff member shall be present at the physical location designated in the meeting
 - Elected official serving as a member of the subsidiary body cannot take advantage of this provision
- Must use two-way audiovisual platform
- Quorum: remote participant does count towards quorum
- No limit of number of meetings



Social Media Communications (Effective January 1, 2026)

[Govt. Code § 54952.2(b)(3)]

Legislative members may use public social media to share or gather information, but they cannot discuss agency business with each other or response to one another's posts about such matters.

- Originally set to sunset in 2026, but removed with SB 707

The Town already complies with this provision with its Electronic Communications Policy.



Eligible Legislative Bodies (Effective July 1, 2026)

[Govt. Code § 54953.4]

Beginning July 1, 2026, certain local agencies are designated as “eligible legislative bodies” and must follow enhanced teleconferencing and transparency requirements, such as:

- Translation of agendas and accommodation for language interpretation
- Adopt a policy on service disruption during meetings
- Closed captioning for remote platforms
- Outreach to underrepresented and non-English speaking communities

The Town Council qualifies as an “eligible legislative body” following the criteria outlined in the code.



Eligible Legislative Bodies (Effective July 1, 2026)

[Govt. Code § 54953.4]

The Town Council qualifies as an “eligible legislative body” as defined below:

- City councils of cities with populations of 30,000 or more
- City councils in counties with populations of 600,000 or more
- County boards of supervisors of counties with populations of 30,000 or more
- Certain boards of directors of special districts

Other bodies at these agencies (such as committees or commissions) are NOT subject to these additional requirements.



Requirements for Eligible Legislative Bodies (Effective July 1, 2026)

[Govt. Code § 54953.4]

Provide access and comment opportunity via:

- Two-way telephonic service (dial-in phone number, no internet required)
- Two-way audiovisual platform (online platform with video conference and telephonic service; must activate automatic captioning function)

The use of Zoom webinar currently fulfills this requirement and no additional changes are needed.



Meeting Disruption Policy (Effective July 1, 2026)

[Govt. Code § 54953.4(b)(1)(A)(i)(I)]

Must adopt a policy (before July 1, 2026) on disruption of service, including good faith attempts to restore service for at least one hour.

- Has to be at a regular meeting as a noticed public hearing to allow opportunity for public to comment.

Some jurisdictions have already adopted a policy. Staff will return with a draft policy for Council input and approval.

Also gives guidance on handling in-person or virtual (“Zoom bombers”) meeting disruptors.



Agenda Translations (Effective July 1, 2026)

[Govt. Code § 54953.4]

Starting July 1, 2026, meeting agendas of eligible legislative bodies must be translated into every applicable language when it posts the agenda with the required 72-hour notice.

- The bill defines "applicable languages" as those spoken by at least 20% of the local population that speaks English less than "very well," according to the most recent American Community Survey.

According to recent census data, Portola Valley does not meet the 20% threshold and therefore is not required to translate agendas.



Public Location for Agenda Translations (Effective July 1, 2026)

[Govt. Code § 54953.4(c)(3)-(4)]

The Town will also be required to provide a physical location for members of the public to post their own additional translations of the agenda.

- Currently, meeting agendas are posted on locked boards outside Town Hall.
- Staff will identify a location for the public to post translations and return to Council with a use policy.



Public Interpretation Assistance (Effective July 1, 2026)

[Govt. Code § 54953.4(b)(2)(A)-(C)]

Agencies are also required to reasonably assist members of the public who wish to translate a meeting or receive interpretation

- Instructions on how to request assistance must be publicized
- Agencies may provide interpretation directly but are not required to do so



Outreach to Underrepresented Communities (Effective July 1, 2026)

[Govt. Code § 54953.4(b)(3)(C)]

Eligible legislative bodies must make reasonable efforts to encourage participation by groups that do not traditionally participate in meetings

- Examples include media serving non-English speakers and civic, neighborhood, and community organizations
- Agencies have broad discretion in how outreach is conducted



Electronic System for Agenda and Document Requests (Effective July 1, 2026)

[Govt. Code § 54953.4(b)(3)(A)]

Eligible legislative bodies must provide a way for the public to request meeting agendas and documents electronically.

- Requests may be submitted by email or through an integrated agenda platform
- Information on how to submit requests must be accessible from a prominent link on the agency homepage

The Town currently has two email addresses to receive such requests and staff will update webpages to be easily accessible and prominent for the public.



Assembly Bill 2647

[Govt. Code § 54957.5]

The Brown Act requires writings related to an agenda item that are distributed to a majority of the legislative body less than 72 hours before the meeting be made available for public inspection at the time it was distributed.

- Allows for posting on the website instead.

The Town currently complies by posting any written responses to Councilmember questions related to agenda items to the Council webpage prior to the meeting.



Senate Bill 827

[Govt. Code § 53238 – 53238.4]

Local agency officials who make decisions or recommendations regarding financial administration, budgeting, or use of public resources to participate in at least 2 hours of fiscal and financial training.

- Staff is still identifying appropriate training and designated officials and staff
- Have until July 1, 2026 to fulfill the requirement

