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Brown Act Refresh with (SB 707 Overview)

The Metropolitan Water District of Southern California

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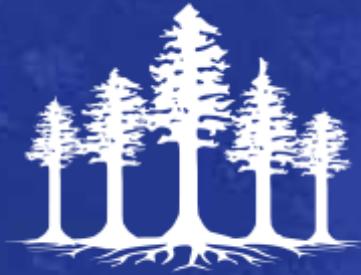
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Senate Bill (“SB”) 707 was signed by Governor Newsom on October 3, 2025. The main provisions of SB707 go into effect on January 1, 2026, while requirements applicable to “eligible legislative bodies” become effective on July 1, 2026.

Legislative Context

- Builds on pandemic-era changes (AB 2449)
- Responds to evolving need for:
 - Virtual participation
 - Broader access to public meetings
 - Language inclusion





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Provisions Applicable to Directors

Social Media Communications Exemption Extended

- Exception allowing communications with constituents on social media was set to sunset on January 1, 2026 → is now permanent
- Still prohibits **serial communications** of District business between a majority of the Board
- Members of the Board of Directors are prohibited from **responding directly to any communication** from another member, within the subject matter of MWD.
 - Liking or thumbs up to a comment from another member's post is prohibited



New Oral Summary Requirement for Additional Executive Staff Compensation

- Oral summary now required before action on compensation of **any Executive Staff or similar officer**
 - General Manager, General Counsel, Ethics Officer, Auditor
 - Must take place before final action on compensation
- Broadens the requirement beyond just the General Manager and General Counsel



New Requirement to Provide a Copy of the Brown Act to All New Directors

- New Director must receive a copy of the Brown Act
 - Add this step to your public official onboarding checklist or swearing-in packet



Existing Remote Participation Rules Made Permanent! and Lightly Refined

- Emergency/Just Cause remote attendance rules made permanent
 - Frequency caps remain:
 - 2x/year: if body meets once/month or less
 - 5x/year: if meets twice/month
 - **7x/year: if meets 3+ times/month**
 - “Just Cause” expanded
 - Includes caregiving, contagious illness or being immunocompromised, official travel, military service, and it absorbed emergency circumstances (Director or family medical emergencies) into its definition



“Just Cause” Requirements

- Participate using both audio and video technology (unless disability requires an exception).
- Disclose whether any other individuals over the age of eighteen are present in the room in the remote location and the general nature of their relationship to you.
- Participation by members under these circumstances is deemed equivalent to in-person attendance for all legal purposes, including the quorum requirements.



Director Disability Related Accommodation

- Director Disability Accommodation Protocol under Government Code § 54953 (SB 707)
 - Request for accommodation submitted to Board Executive Officer (as far in advance of a meeting as reasonably practicable)
 - Limited Confirmation: Not an employment interactive process
 - Review and Determination that remote participation is reasonably related to the functional limitation
 - Conditions of Remote Participation (Duration? Temporary disability?)
 - Confidentiality
 - Distinct from “Just Cause” Remote Participation



Clarification of Right to Record Public Meetings

- Updated to allow any recording device (no longer specific to the type of technology)
- Agencies can't restrict smartphones, recording devices like Meta glasses, or other technology used to record meetings



Status of MWD Implementation

Item	SB 707	Status
January 1, 2026 Implementation		
1	Copy of the Brown Act to Directors	Provided with Brown Act Training Materials
2	Reasonable accommodations for Directors	Memo with procedures provided with Brown Act Training Materials
3	“Just cause” remote participation update	Update provided in Brown Act Training Materials
4	Social Media Update	Update provided in Brown Act Training Materials





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SB 707 Requirements Applicable to Eligible Legislative Bodies

Is MWD an “Eligible Legislative Body”?

- SB707 defines an Eligible Legislative Body as:
 - Cities or Counties with 30,000+ in population
 - Cities in Counties with 600,000+ in population
 - Special Districts meeting large employee/revenue thresholds
 - MWD falls within this definition because it has over 1,000 employees
- Key Note: applies only to Board of Directors (not commissions or advisory boards)



Eligible Legislative Bodies Must Provide Virtual Public Access

- MWD must provide hybrid meetings
 - Two-way audiovisual or telephonic and webcast meetings
- MWD must adopt a policy regarding service disruptions
 - Policy must include that the body will recess for one-hour minimum in the case of a disruption before continuing without remote access
 - May continue closed session during a service disruption



New duty to assist public who desire translation during a public meeting

- Requires reasonable assistance to persons that desire meeting translation or to receive interpretation, including "publiciz[ing] instructions" on how to make such requests.



New Outreach Duties to Encourage Participation in Public Meetings

- Requires
 - A system to electronically accept and fulfill requests for meeting agendas and documents
 - A webpage dedicated to public meetings that explains the meeting process and how to make public comments and that provides a calendar of public meeting dates
 - Making reasonable efforts to invite groups that do not traditionally participate in public meetings



New Requirements to Translate Agendas Into Specified Languages

- Agendas (not the entire packet) must be translated to “applicable languages.” For the District “Applicable languages” means the top three, since there are so many languages that qualify
 - Spanish, Chinese, Armenian
 - Digital translation tools allowed (Google Translate).
 - MWD not liable for accuracy of translated materials
- The public-meeting information page must be translated into “applicable languages”



New Requirements for Websites

- MWD homepage must include direct links to:
 - A dedicated public meeting webpage that includes:
 - A general explanation of the meeting process, procedures for making in-person or remote oral public comment, and submitting written comment
 - A calendar of all public meeting dates with the date, time, and location
 - The agenda
 - Translations of the agenda in each of the “applicable languages”
 - The webpage for making requests for meeting agendas and documents
 - For MWD, translation in Spanish, Chinese and Armenian will become a requirement



Status of MWD Implementation

July 1, 2026 Implementation		
5	Two-Way Telephonic service with webcasting or Two-Way Audiovisual Platform	Implemented- Both methods
6	Accessible webpage with participation methods, calendars, and agenda posting	Implemented
7	Webpage translated in applicable languages direct link	Pending- Staff testing identified applicable languages are Spanish, Chinese and Armenian
8	Service Disruption Policy	Pending - Staff preparing policy for board approval
9	Agenda Translation	Pending- staff to implement identified applicable languages are Spanish, Chinese and Armenian
10	Community Outreach for underrepresented communities and non-English speaking communities to participate in public meetings	Pending - Staff to implement



Traditional Teleconference Rules

- Still applicable and available to Directors who need to attend by teleconference, videoconference or both
- Post agendas at the publicly accessible location
 - Examples: If you're at a City Hall or District Office conference room, then on the bulletin board / display case where all agendas are normally posted
 - Hotel Business Center: On the Business Center Door, or conspicuous place nearby



Closed session confidentiality

- Government Code § 54963: A person may not disclose confidential information that has been acquired by being present in a closed session to a person not entitled to receive it, unless the Board authorizes disclosure of that confidential information
 - Remedies include injunctive relief and referral of a Director who has willfully disclosed confidential information to the grand jury.
- Release is an Ethics violation under District Admin. Code § 7126
- Specific Exceptions



Your attendance at a conference ...

- There is no Brown Act meeting if a quorum of Board members attend a conference (such as the California Special Districts Association annual conference) (Cal. Govt. Code § 54952.2(c)(2))
 - Best Practice: A quorum should avoid gathering in one place at one time to discuss (or appear to be discussing) District business.
 - If a majority of the legislative body goes to a private lunch/dinner at the conference and discusses MWD specific business, it becomes a Brown Act meeting requiring notice.



Brown Act issues when you tour an off-site location or facility

- An open and publicized meeting of the Board may be held outside of MWD boundaries if the purpose of the meeting is the following:
 - To inspect real or personal property that cannot be conveniently brought into MWD's territory, provided the meeting is limited to items relating to that real or personal property.
 - Potential option: Less than a quorum of the Board inspects the property, and do not discuss their thoughts or impressions with the other Board members.



Questions?





Thank you!

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