BROWN ACT TRAINING

INCLUDES 2026 BROWN ACT & SB 707 UPDATES

City Attorney's Office

Community Police Review Commission (CPRC)

December 10, 2025

THE BROWN ACT PURPOSE

"…the Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

***This training includes major changes taking effect in 2026 under SB 707.**

THE BROWN ACT – OPEN MEETING RULE

All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided by law.

2026 UPDATE

Riverside must begin providing two-way telephonic or audiovisual public access starting July 1, 2026. *The City currently does so*.

TO WHOM DOES THE BROWN ACT APPLY?

- City Councils.
- Commissions, Committees and Boards.
- Entities created by a City Council or over which a City Council retains authority.

2026 UPDATE

Under Gov. Code §54952.7, Riverside must provide Brown Act materials to new members as soon as practical upon appointment, including a copy of the Act. *The City will comply with this.*

BROWN ACT REQUIREMENTS

- The Brown Act creates certain minimum procedural requirements for conducting meetings.

- One of these rules requires this Commission to adopt rules for the conduct of its business, including the time and place for holding regular meetings.

2026 UPDATE

Effective July 1, 2026, Riverside must adopt a written policy on handling disruptions, including from remote participants, ensuring clearing the room is a last resort and non-disruptors can stay or join remotely and what happens if the AV system fails. *The CPRC will be presented with a written policy for approval.*

MEETINGS

- A "meeting" includes any congregation of a majority of the members of the CPRC at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the CPRC.

- Except as part of an open and noticed meeting, the Brown Act prohibits any use of direct communication, by personal intermediaries, or technological devices by a majority of the CPRC to develop a collective concurrence as to action to be taken on an item.

- A majority of the CPRC may not e-mail each other to develop a collective concurrence as to action to be taken by the CPRC.

MEETINGS

2026 UPDATE

SB 707 clarifies rules for permitted informational communications, including limited one-way distribution of factual information, and certain social-media activity.

CAUTION: CPRC members should continue to treat social-media interactions as high-risk for inadvertent serial meetings.

SERIAL MEETINGS

- A serial meeting is a series of communications, each of which involves less than a quorum of the CPRC, but which, taken as a whole, involves a majority of the CPRC's members.
- Does not require a collective concurrence to occur in order for there to be a violation.
- City staff is allowed to engage in separate communications outside of a public meeting with members of the CPRC in order to answer questions or provide information regarding a matter that is within the subject matter of the CPRC provided that staff does not communicate to members of the CPRC the comments or position of any other member or members.

SERIAL MEETINGS

2026 CLARIFICATION

One-way distribution of purely factual information by staff to multiple commissioners is allowed ONLY IF it does not reveal other commissioners' views or facilitate agreement.

EXAMPLE: SB 707 permits commissioners to post factual information on social media or reply individually, but avoid chains that involve a majority or reveal others' views.

PUBLIC SPEECH

The public has a right to address the CPRC at any meeting on any subject that is within the CPRC's subject matter jurisdiction.

2026 UPDATE

Eligible legislative bodies must also allow remote participation through two-way remote access beginning July 1, 2026. *The City currently does so*.

PROCEDURES REGULATING PUBLIC SPEECH

The CPRC:

1. May impose reasonable restrictions upon public comment at meetings so long as such restrictions are not too broad and do not constitute "prior restraints."
2. May ask a member of the public from speaking on a matter not within the CPRC's subject matter jurisdiction or from addressing their comments to one member rather than the CPRC as a whole.

TIP: When in doubt, it's often best to allow the public an opportunity to speak.

PUBLIC SPEECH, CONT'D

3. May require members of the public wishing to address the CPRC to fill out a speaker's card.

    - The public cannot be required to give names or sign a register as a condition of attendance. This applies equally to in-person and remote attendees.

    - Many cities do ask for names and addresses during oral communications in order facilitate staff responses or the preparation of minutes. This practice is certainly allowable if it is identified as being voluntary.

2026 UPDATE

This rule applies equally to in-person and remote attendees.

PUBLIC SPEECH CONT'D

4. May regulate the total amount of time on particular issues and for each individual speaker, subject to the requirements of due process.

    - Time limits of 3 – 5 minutes are most common.

    - The chair is responsible for enforcing the time limit and depending on the board or commission may also monitor the time.

2026 ACCESSIBILITY ENHANCEMENTS (SB 707)

- **Riverside must conduct outreach to assess language needs and provide agenda translations and interpretation for public comment in languages spoken by more than 20% of the residents who do not speak English well.**

- **Agendas must include remote access details.**

Note: City Clerk will be taking the lead on this

AGENDA REQUIREMENTS AND OTHER PROCEDURAL ISSUES

- The agenda must specify the time and location of the meeting and a "brief general description" of each item of business to be transacted or discussed.

- If a matter is not on the agenda, it may not be discussed or acted upon.

2026 UPDATE

- **When remote participation is offered, agendas must include instructions for remote access.**
- **Riverside must provide language-appropriate agenda translations based on the communities' needs.**

The City currently does so.

EXCEPTIONS

- Brief responses by members of the legislative body and staff to statements or questions posed by the public.
- Questions for clarification.
- References to staff or other resources for factual information.
- Requests to staff to report back on an issue at a subsequent meeting.
- Requests to agendize a matter of business for some future meeting.
- Brief announcement by members of the body or staff and brief reports on their activities.

SUNSHINE ORDINANCE

The Sunshine Ordinance was adopted October 6, 2015. As amended in 2025, It can be found in Title 4 of the Riverside Municipal Code.

- It is applicable to the City Council, City Council Standing Committees, and all Boards and Commissions.
- It requires posting a copy or image of the agenda and all reports and presentations in a location freely accessible to the public no later than 12 days before the date of the meeting.

EXCEPTIONS TO THE SUNSHINE ORDINANCE

- There is a need to take immediate action on an item to avoid a substantial impact that would occur if the matter is deferred.

- The matter is an emergency to avoid a work stoppage, crippling disaster or other activity exists which severely impairs public health, safety or both.

- See RMC 4.05.050(C) for additional exceptions.

EXCEPTIONS CONT.

- In order to act on a matter outside the Sunshine Ordinance, the local body, by a 2/3 vote of the members present, adopts a motion determining that, upon consideration of the facts and circumstances, it was not reasonably possible to meet the additional notice requirements.

SUPPLEMENTAL MATERIALS

- You can supplement the agenda or agenda related materials no later than 72 hours before a regular meeting but only if to:
  - Add an item due to an emergency
  - Delete a matter from the agenda
  - Provide additional information or materials that was not known to staff or considered relevant at the time
  - Correct errors or omission or change a stated financial amount
  - Continue an item to a future agenda

INDIVIDUAL COMMISSIONER'S REMOTE PARTICIPATION

2026 NEW RULES

AB 2449 Rules sunset December 31, 2025, and SB 707 establishes new participation rules:

- **NEW: Reasonable Accommodation (Disability)**
- **Expands "Just Cause" Remote Attendance**
- **July 1, 2026 Requirements for Riverside (eligible body)**

INDIVIDUAL COMMISSIONER'S REMOTE PARTICIPATION

Reasonable Accommodation (Disability)

- Commissioners with a statutory disability may participate remotely.
- Must use two-way audio and video
- Must disclose adults over 18 present in the remote location.

INDIVIDUAL COMMISSIONER'S REMOTE PARTICIPATION

Expanded "Just Cause" Remote Attendance

- May be used for
  - Childcare/Caregiving
  - Contagious Illness
  - Military Service
  - Natural Disaster
  - Travel on official business, a physical or mental condition, immuno-compromised family member, medical emergency
- LIMIT: 2 times per calendar year (must notify as soon as possible).
- Commissioner must disclose the reason
- Requires audio/video

WHAT SB 707 MEANS FOR CPRC

Key SB 707 Changes Affecting CPRC.

- Expanded commissioner remote-participation rules (January 1, 2026).
- Requirement for two-way remote public access (July 1, 2026).
- Requirement to develop disruption procedures for remote attendees.
- Possible obligation to provide language-access services.
- Required training and onboarding materials for new commissioners.
- Expanded public remote access sunsets January 1, 2030.
- Violations may lead to misdemeanor charges.

The City currently does most of these.

Q & A