



## BROWN ACT TRAINING

INCLUDES **2026 BROWN ACT & SB 707 UPDATES, SUNSHINE ORDINANCE AND DIGITAL MISCONDUCT/CODE OF ETHICS**

City Attorney's Office

**BOARD OF PUBLIC UTILITIES**

JUNE 22, 2026

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## 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."



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## 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.**



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## BROWN ACT REQUIREMENTS

- The Brown Act creates certain minimum procedural requirements for conducting meetings.
- One of these rules requires this Board 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.**



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## MEETINGS

- A "meeting" includes any congregation of a majority of the members of the RPU Board at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the RPU Board .
- 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 RPU Board to develop a collective concurrence as to action to be taken on an item.
- A majority of the RPU Board may not e-mail each other to develop a collective concurrence as to action to be taken by the RPU Board.



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## 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: RPU Board members should continue to treat social-media interactions as high-risk for inadvertent serial meetings.**



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## SERIAL MEETINGS

- A serial meeting is a series of communications, each of which involves less than a quorum of the RPU Board , but which, taken as a whole, involves a majority of the RPU Board.
- 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 RPU Board in order to answer questions or provide information regarding a matter that is within the subject matter of the RPU Board provided that staff does not communicate to members of the RPU Board the comments or position of any other member or members.



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## SERIAL MEETINGS

### **2026 CLARIFICATION**

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

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



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## PUBLIC SPEECH

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

### **2026 UPDATE**

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



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## PROCEDURES REGULATING PUBLIC SPEECH

The RPU Board:

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 to refrain from speaking on a matter not within the RPU Board's subject matter jurisdiction or from addressing their comments to one member rather than the RPU Board as a whole.



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## PUBLIC SPEECH, CONT'D

3. May require members of the public wishing to address the RPU Board to fill out a speaker's card.
  - The public cannot be required to give names or sign a register as a condition of attendance. **2026 UPDATE: 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.



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## 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.



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## 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.**



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## 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.



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## 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.



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## 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



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## INDIVIDUAL BOARD MEMBER'S REMOTE PARTICIPATION

### 2026 NEW RULES

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

- **NEW: Reasonable Accommodation (Disability)**
- **Expands "Just Cause" Remote Attendance**



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## INDIVIDUAL BOARD MEMBER'S REMOTE PARTICIPATION

### Reasonable Accommodation (Disability)

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



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## 2025 UPDATES TO SUNSHINE ORDINANCE

Only the City Council, Board of Ethics, Board of Public Utilities; Charter Review Committee, Citizens Police Review Commission, and Planning Commission (and their standing committees):

- notice meetings 12 days in advance
- audio and visual recording of the meeting

All other boards and commissions:

- notice 72 hours in advance
- audio recording only



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## 2026 UPDATE TO ETHICS CODE/SOCIAL MEDIA

Digital Misconduct is Prohibited

1. **Online activity or messages** that create, or appear to create, bias, partisanship, or predisposition on City matters
2. Only **while acting in an official capacity**.
3. That **fall within the subject matter jurisdiction of the public official**
4. **Are quasi-judicial proceedings**
5. **Using official City accounts.**
6. Sanctions limited to censure only.



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