

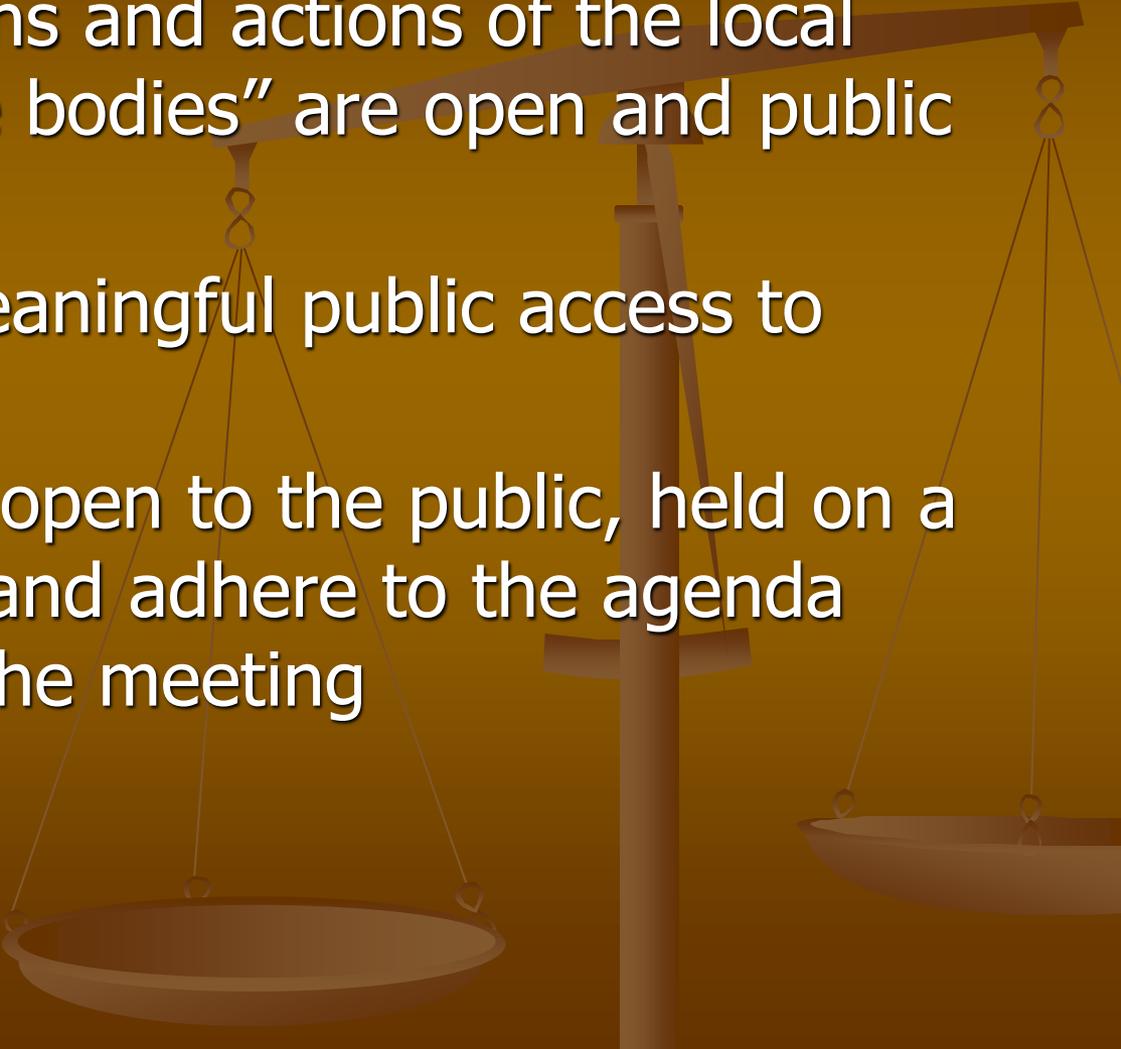


# The Brown Act

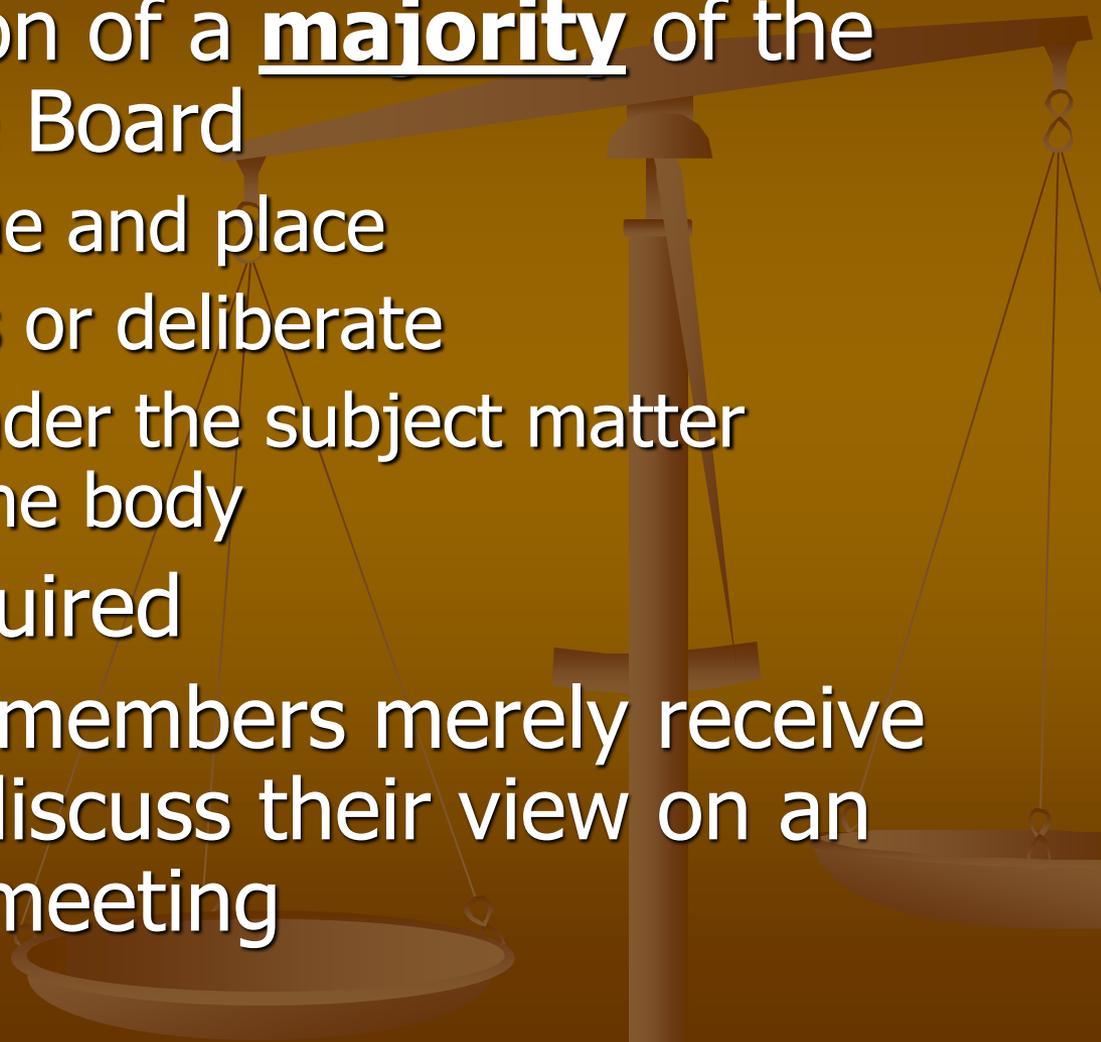
Presentation to Board of Directors

January 2026

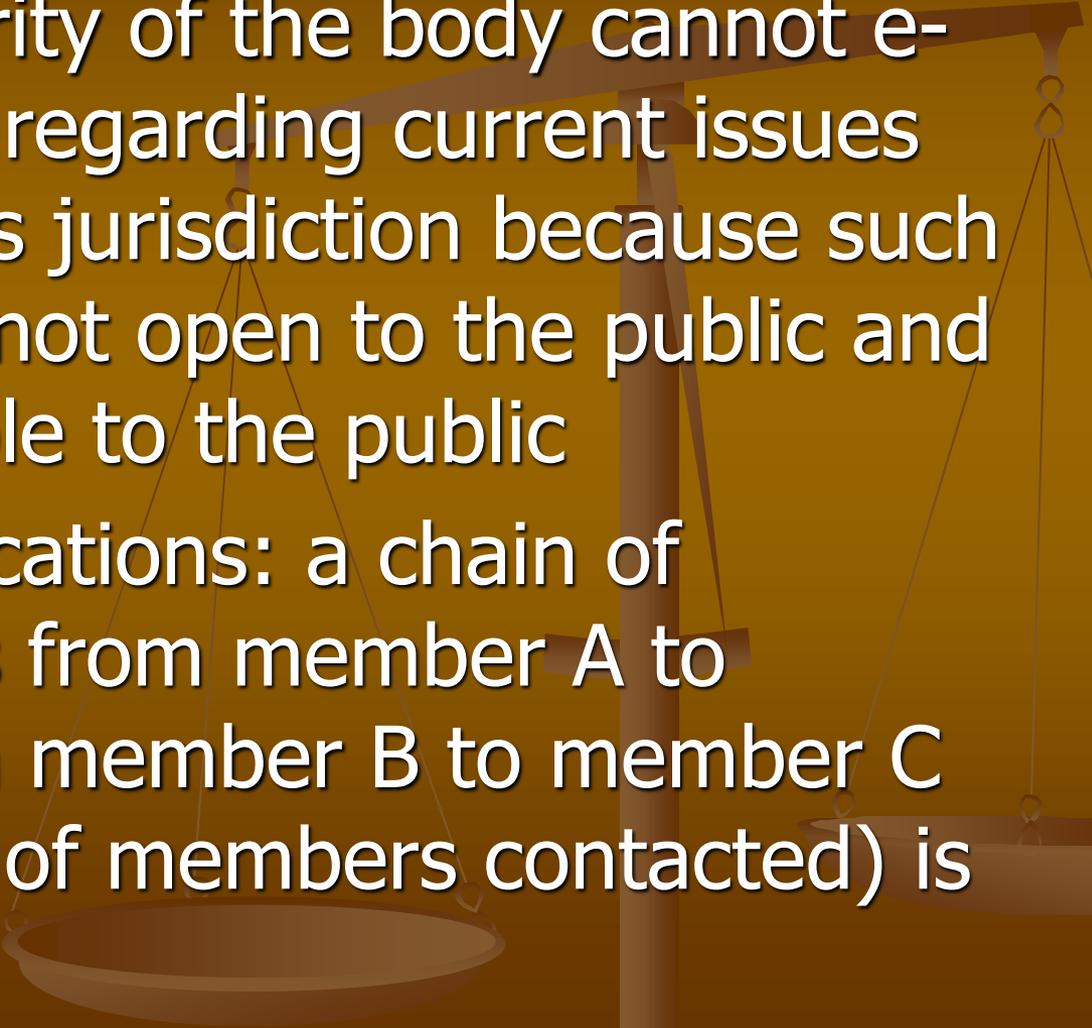
# Meeting the Purpose of the Act

- Ensure deliberations and actions of the local agency “legislative bodies” are open and public
    - no secret ballots
  - Ensure there is meaningful public access to decision making
  - Meetings must be open to the public, held on a regular schedule, and adhere to the agenda available prior to the meeting
- 

# What Qualifies as a Meeting?

- Any congregation of a **majority** of the members of the Board
    - at the same time and place
    - to hear, discuss or deliberate
    - on any issue under the subject matter jurisdiction of the body
  - No action is required
  - If a majority of members merely receive information or discuss their view on an issue, that is a meeting
- 

# What Else Is a Meeting?

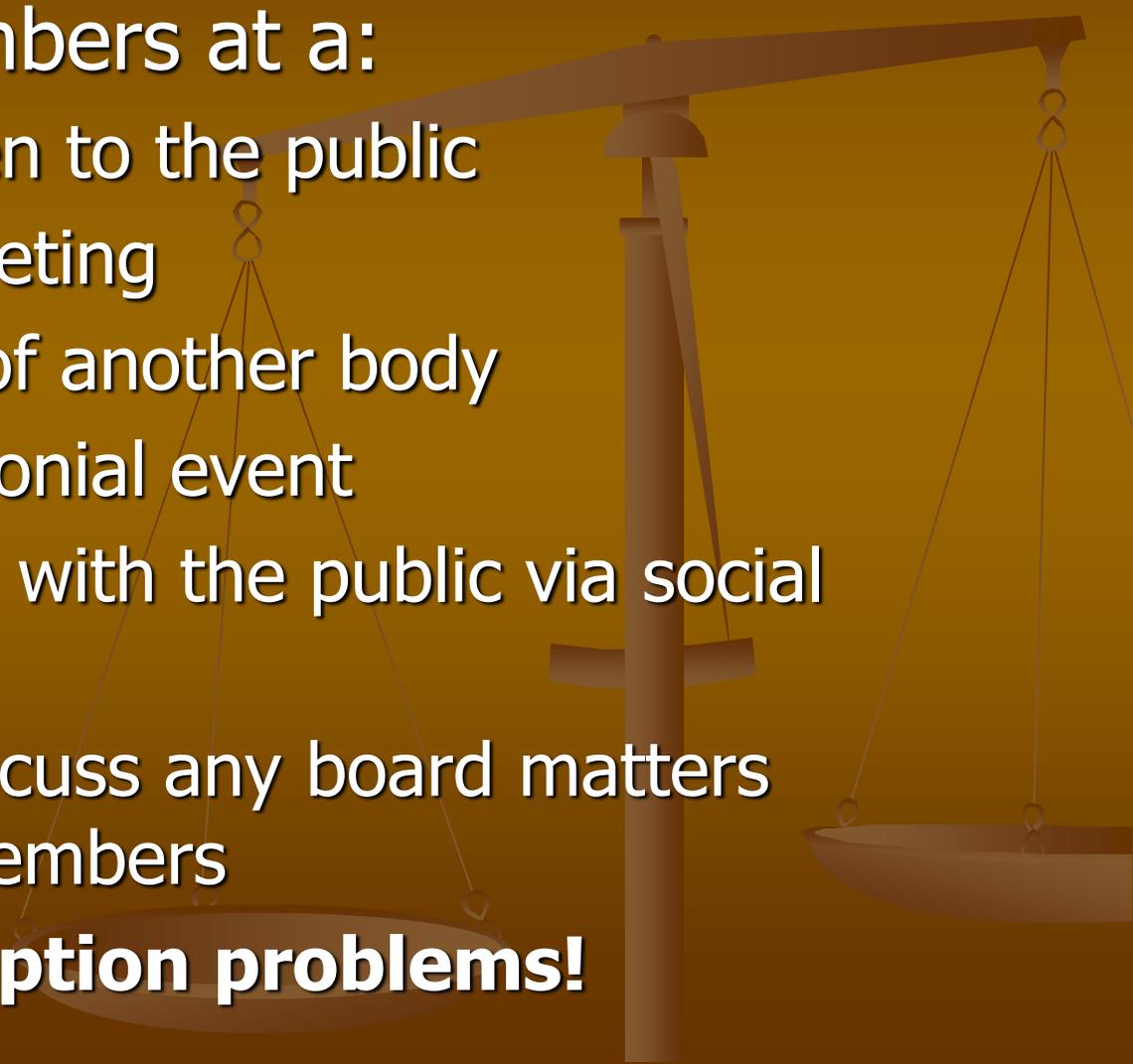
- E-mails: a majority of the body cannot e-mail each other regarding current issues under the body's jurisdiction because such discussions are not open to the public and are not accessible to the public
  - Serial Communications: a chain of communications from member A to member B, then member B to member C (until a quorum of members contacted) is prohibited
- 

# What is not a meeting?

- Majority of members at a:
  - Conference open to the public
  - Local public meeting
  - Open meeting of another body
  - Social or ceremonial event
  - Communicating with the public via social media

**But**, cannot discuss any board matters amongst the members

**Beware perception problems!**

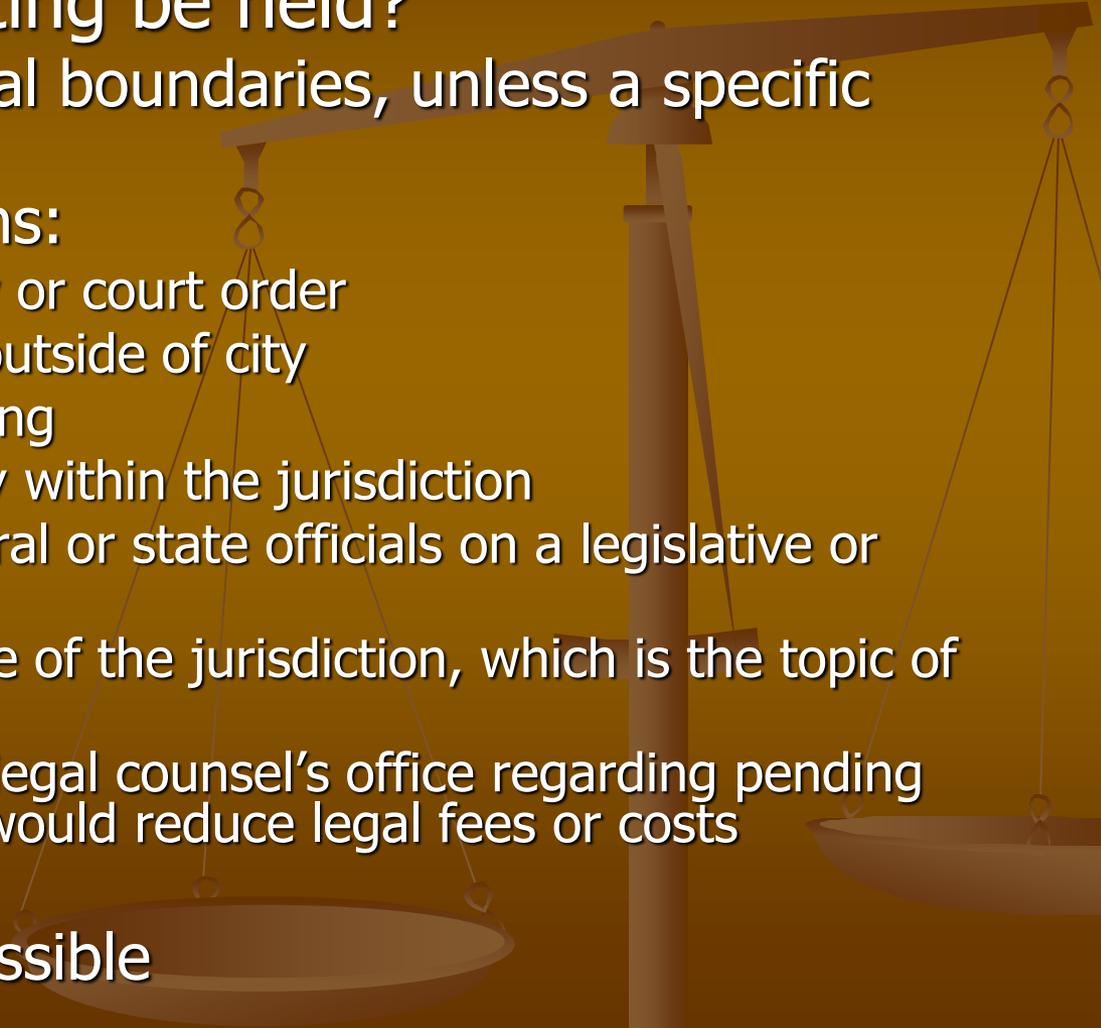


# Holding Meetings

## ■ When

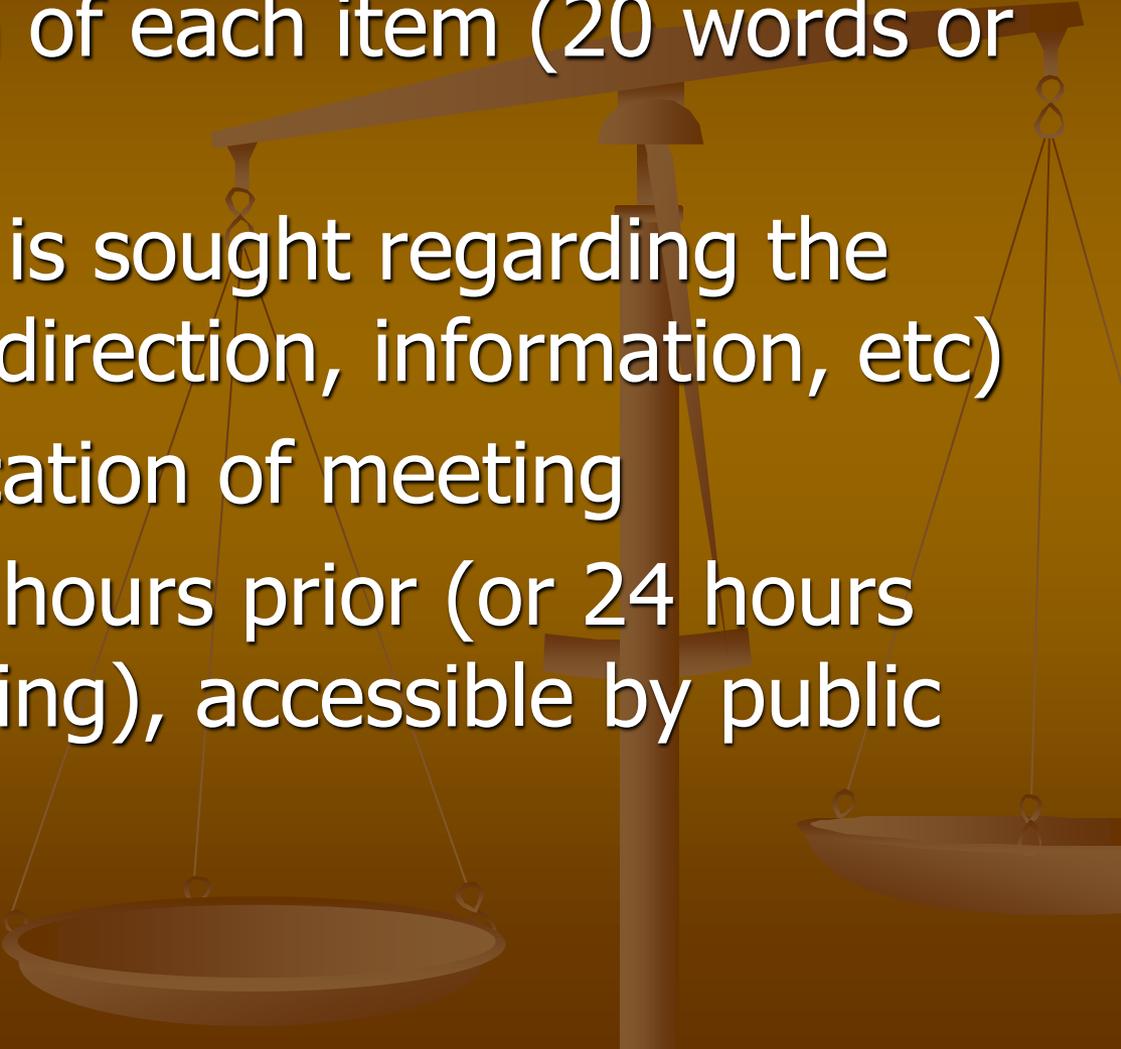
- Regular Meetings: agenda posted 72 hours prior (time set by ordinance, reso, or by-laws)
- Special Meetings: called by chair or majority, agenda posted 24 hours prior
- Emergency Meetings: immediately – “work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members” (real emergency – one hour notice to media outlets that have requested notice)

# Location of Meetings

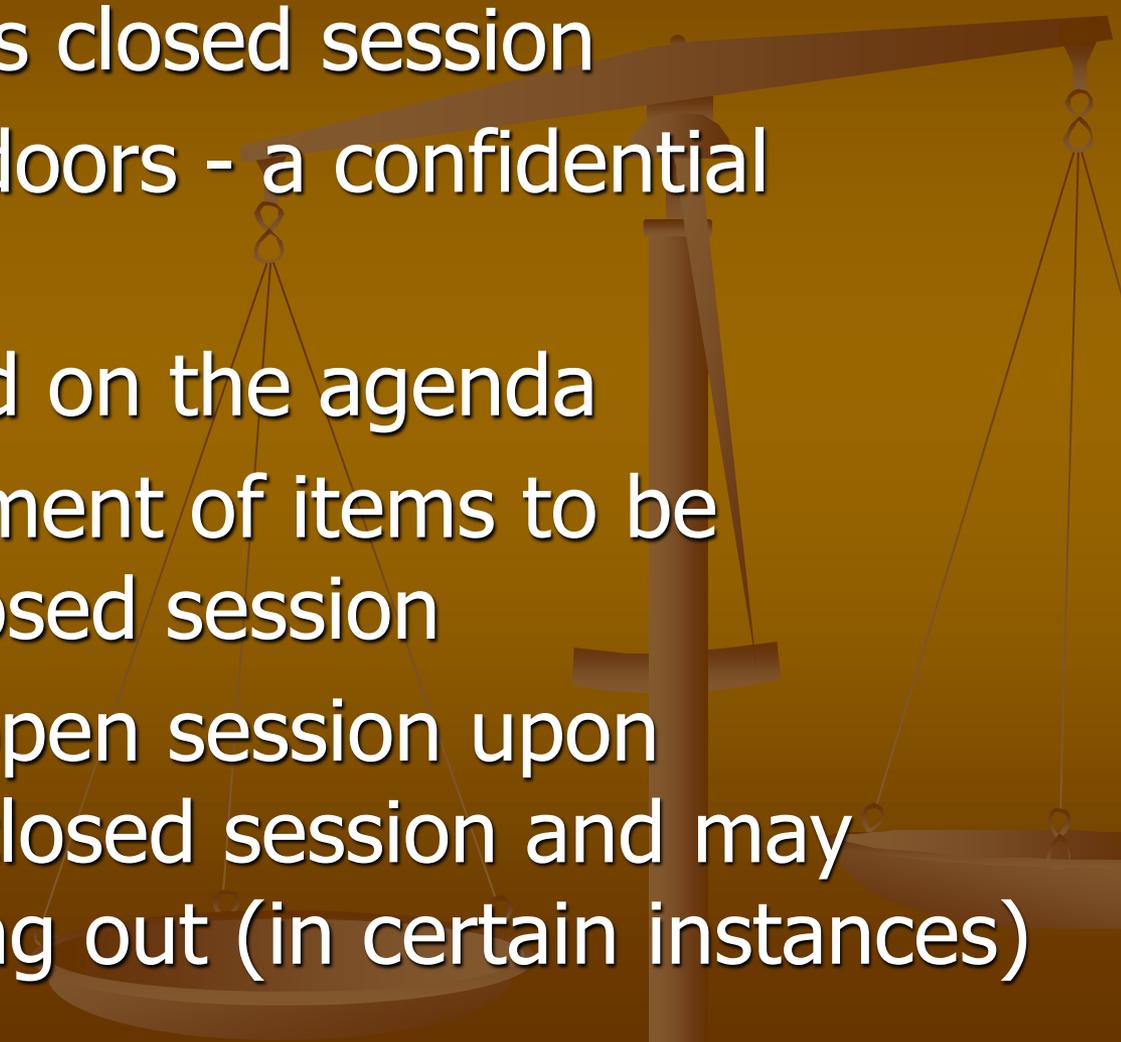


- Where can a meeting be held?
  - Within jurisdictional boundaries, unless a specific exemption applies
  - Specific exemptions:
    - Comply with a law or court order
    - Inspect property outside of city
    - Multiagency meeting
    - No meeting facility within the jurisdiction
    - Meeting with federal or state officials on a legislative or regulatory issue
    - At a facility outside of the jurisdiction, which is the topic of discussion
    - Closed session at legal counsel's office regarding pending litigation when it would reduce legal fees or costs
  - Must be ADA accessible

# Agenda Requirements

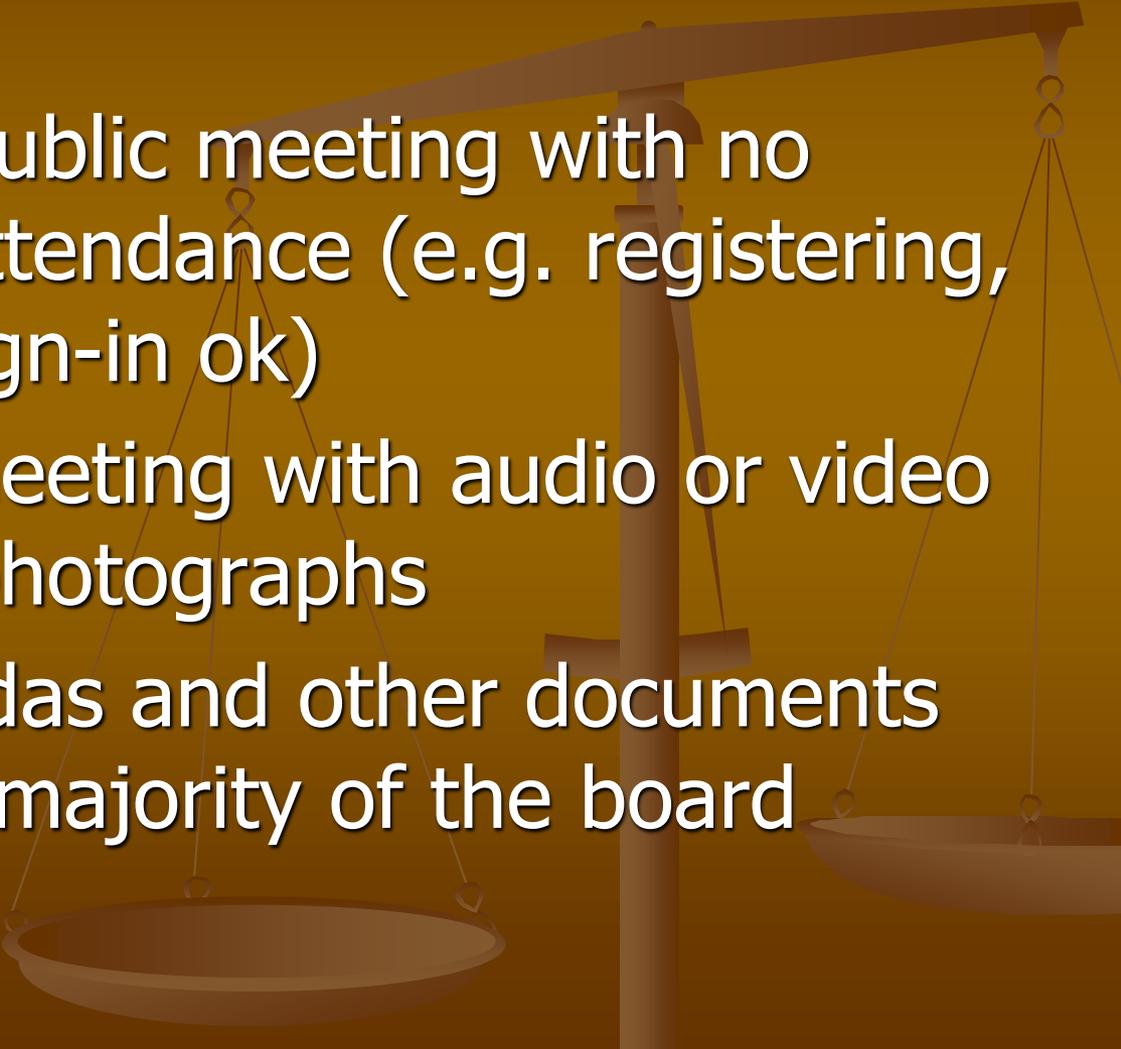
- Brief description of each item (20 words or less ok)
  - Reference what is sought regarding the item (approval, direction, information, etc)
  - Date, time & location of meeting
  - Post agenda 72 hours prior (or 24 hours for special meeting), accessible by public 24 hours a day
- 

# Closed Session

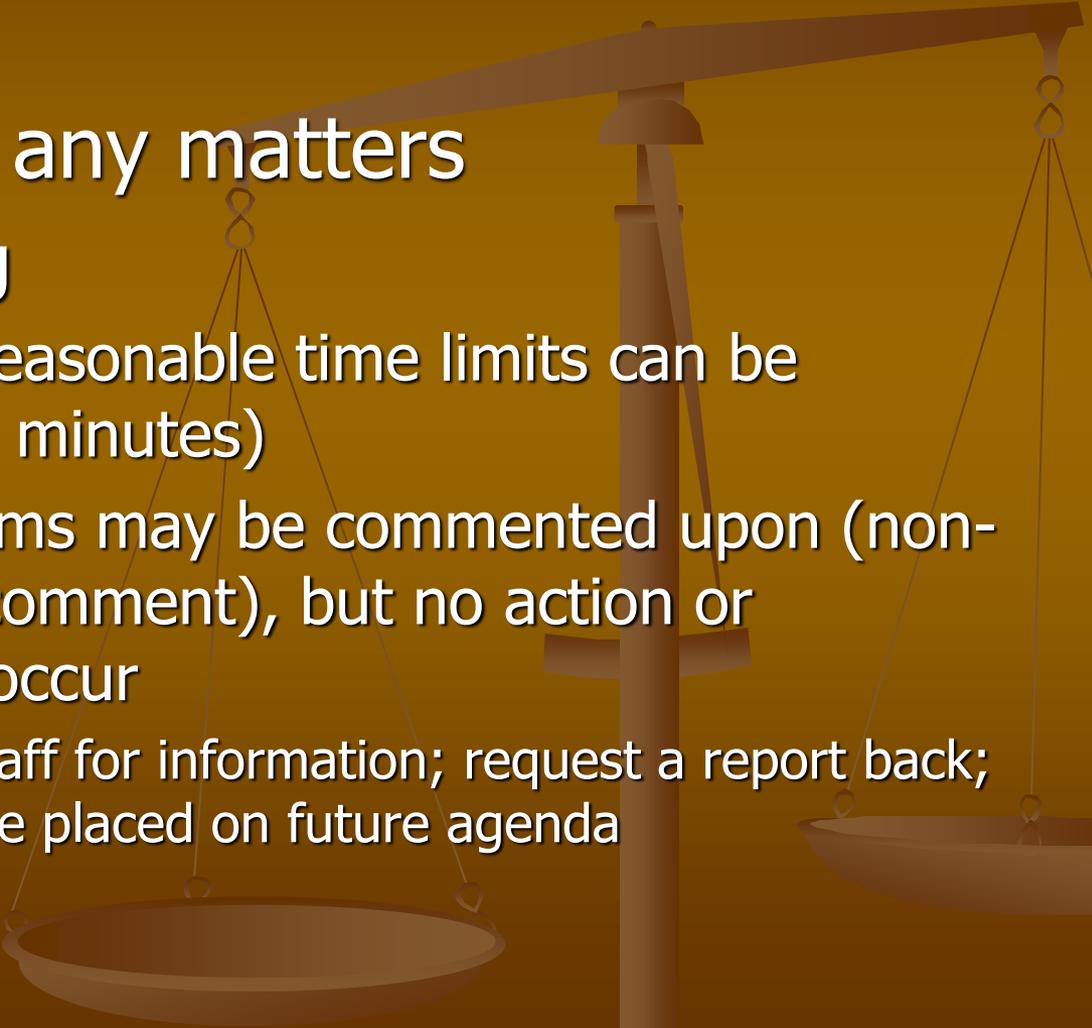


- Brown Act limits closed session
- Behind closed doors - a confidential meeting
- Must be noticed on the agenda
- Oral announcement of items to be discussed in closed session
- Reconvene in open session upon completion of closed session and may require reporting out (in certain instances)

# Rights of the Public Attendance

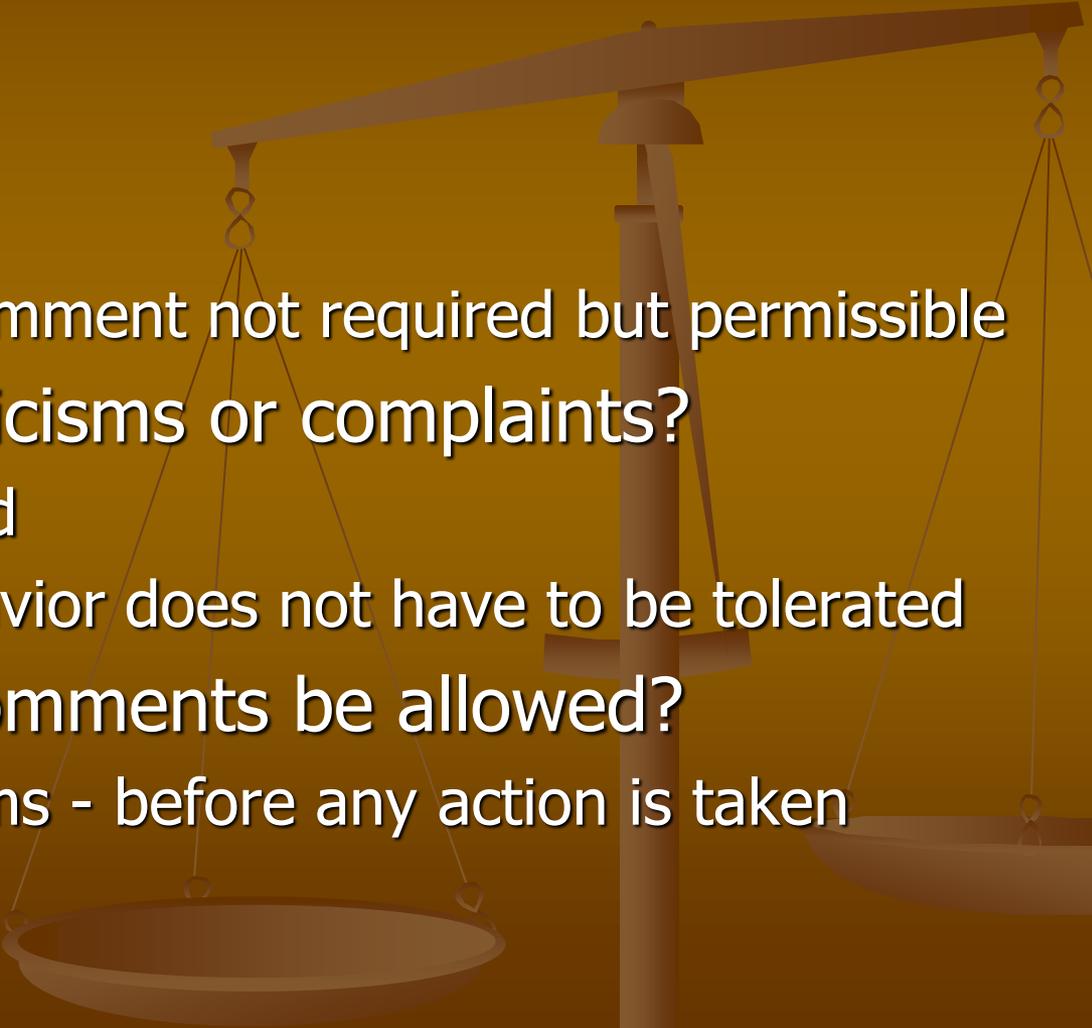
- To attend any public meeting with no conditions for attendance (e.g. registering, but voluntary sign-in ok)
  - To record the meeting with audio or video recorder; take photographs
  - To review agendas and other documents distributed to a majority of the board
- 

# Rights of the Public Commenting

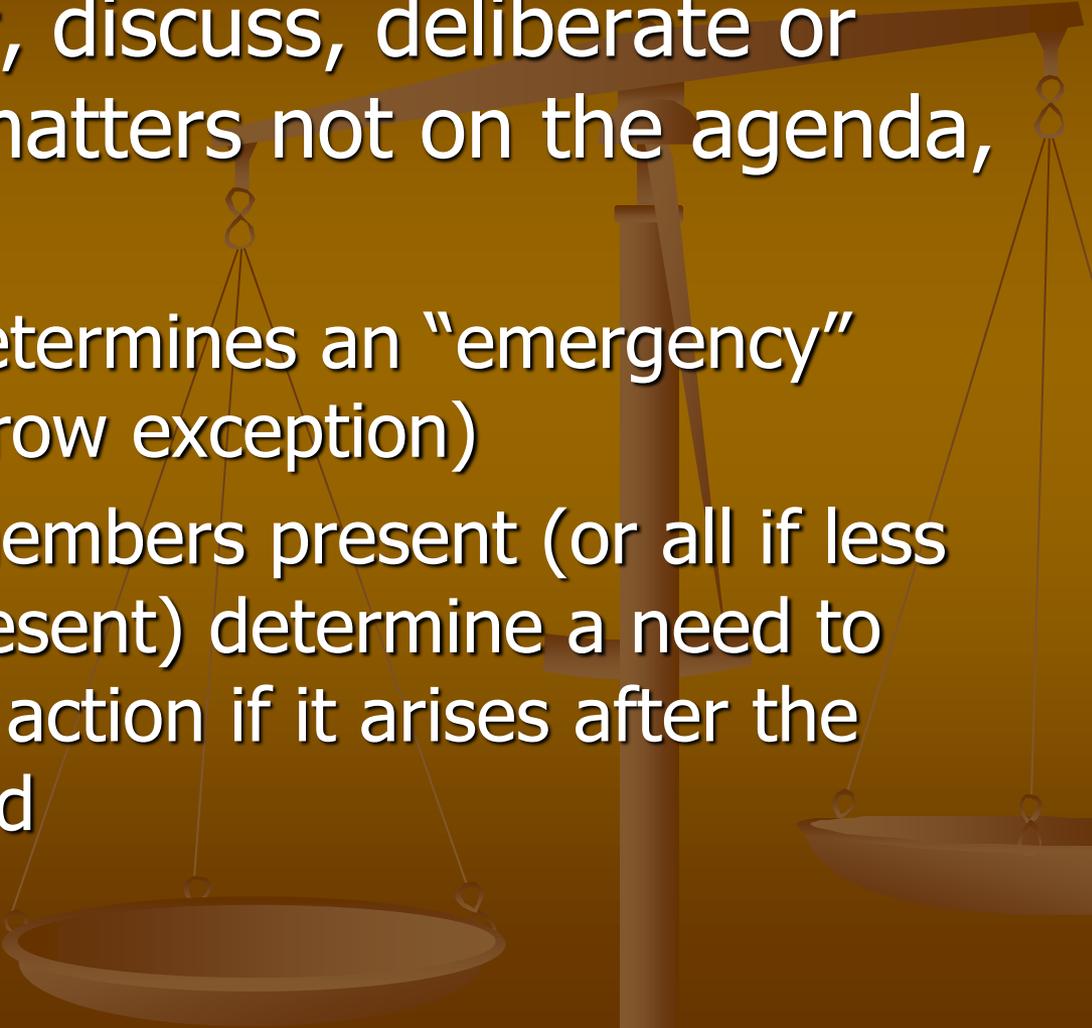


- To comment on any matters
  - Regular Meeting
    - Agenda Item: reasonable time limits can be adopted (e.g. 3 minutes)
    - Non-agenda items may be commented upon (non-agenda public comment), but no action or discussion can occur
      - Can refer to staff for information; request a report back; request item be placed on future agenda

# Public Comment - continued

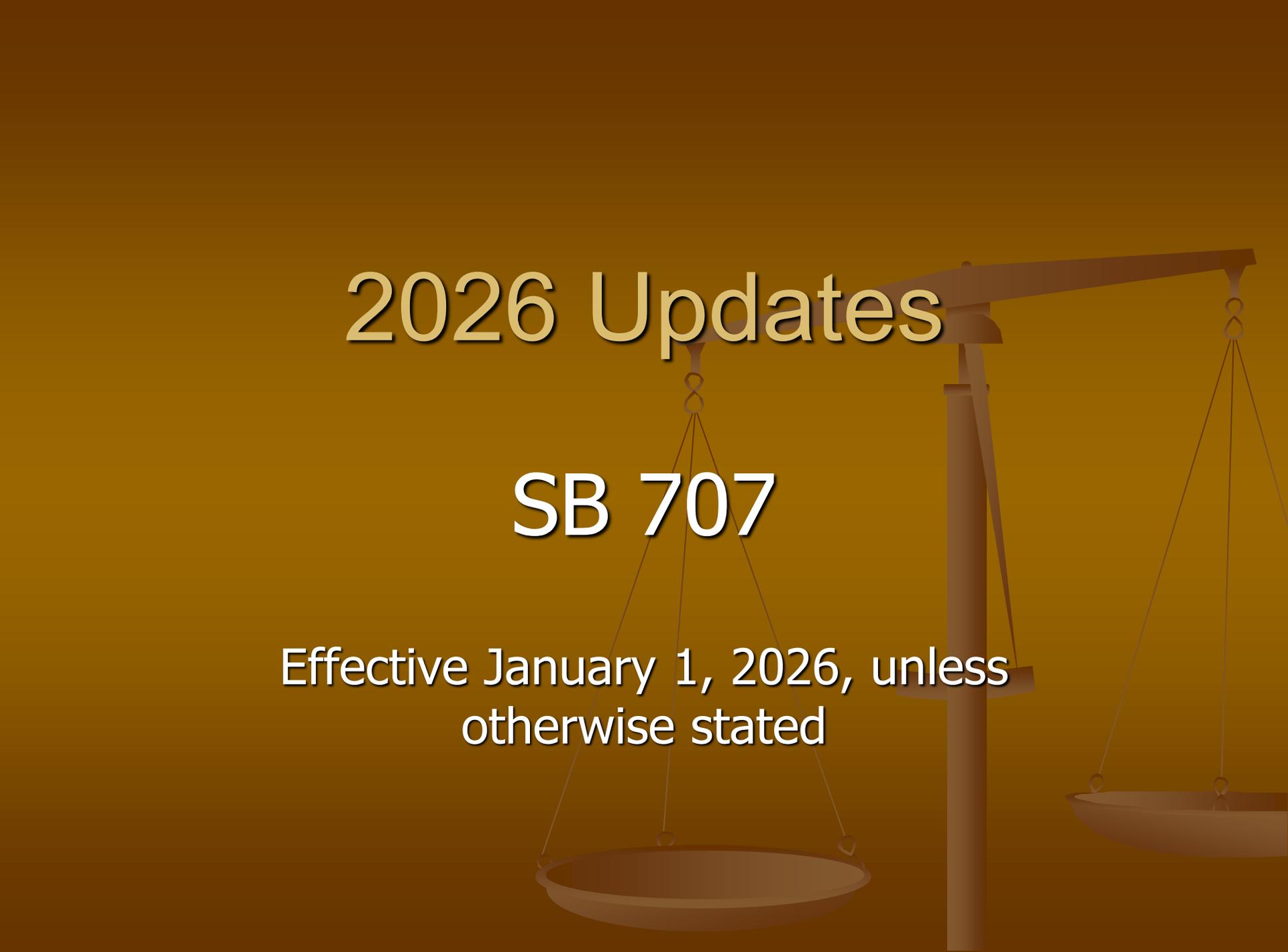
- Special Meeting
    - Agenda Item
    - Non-agenda comment not required but permissible
  - What about criticisms or complaints?
    - Must be allowed
    - Disruptive behavior does not have to be tolerated
  - When should comments be allowed?
    - For agenda items - before any action is taken
- 

# Matters Not On the Agenda



- Cannot consider, discuss, deliberate or take action on matters not on the agenda, unless:
  - Majority vote determines an “emergency” exists (very narrow exception)
  - Two-thirds of members present (or all if less than 2/3 are present) determine a need to take immediate action if it arises after the agenda is posted

# 2026 Updates



## SB 707

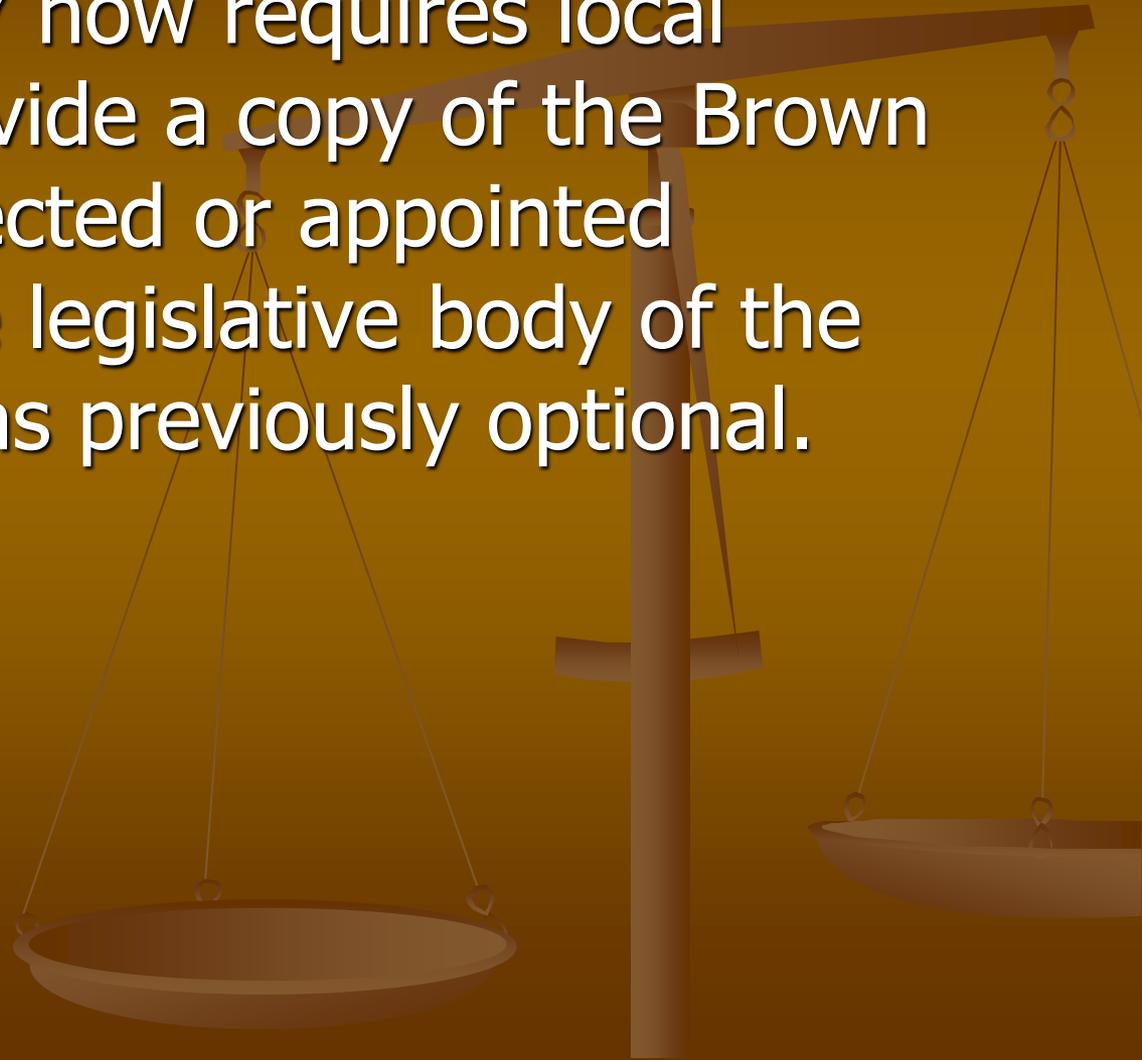
Effective January 1, 2026, unless  
otherwise stated

# SB 707– Social Media Rules

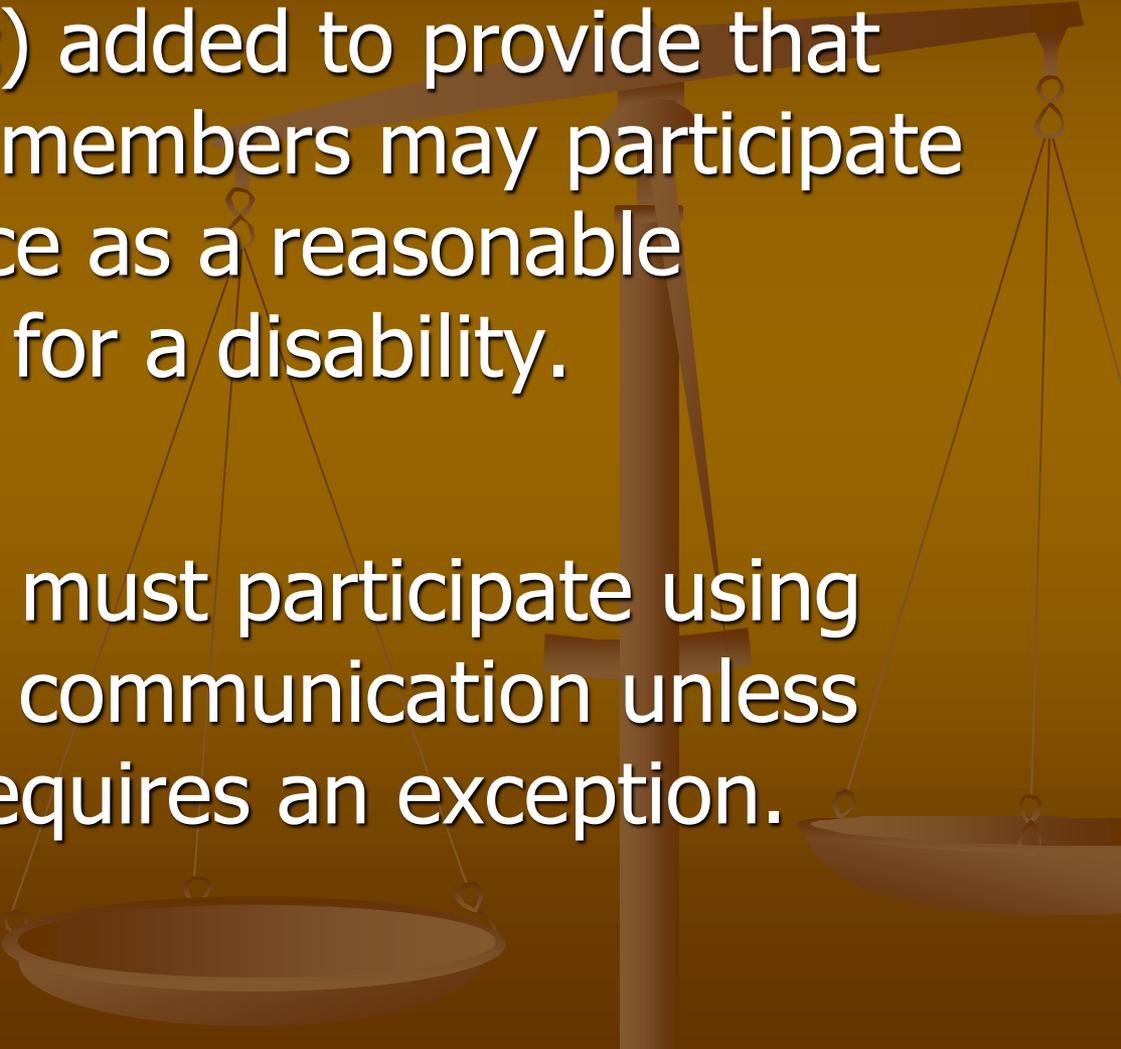
- Amends section 54952.2 to make social media-related provisions that were set to expire January 1, 2026 permanent.
- The Rule: Members may use social media to discuss agency matters, provided a majority does not engage on the topic. No board member may respond to, react to (e.g. “like” or “share”), or re-post another board member’s content.

# SB 707– Brown Act Distribution

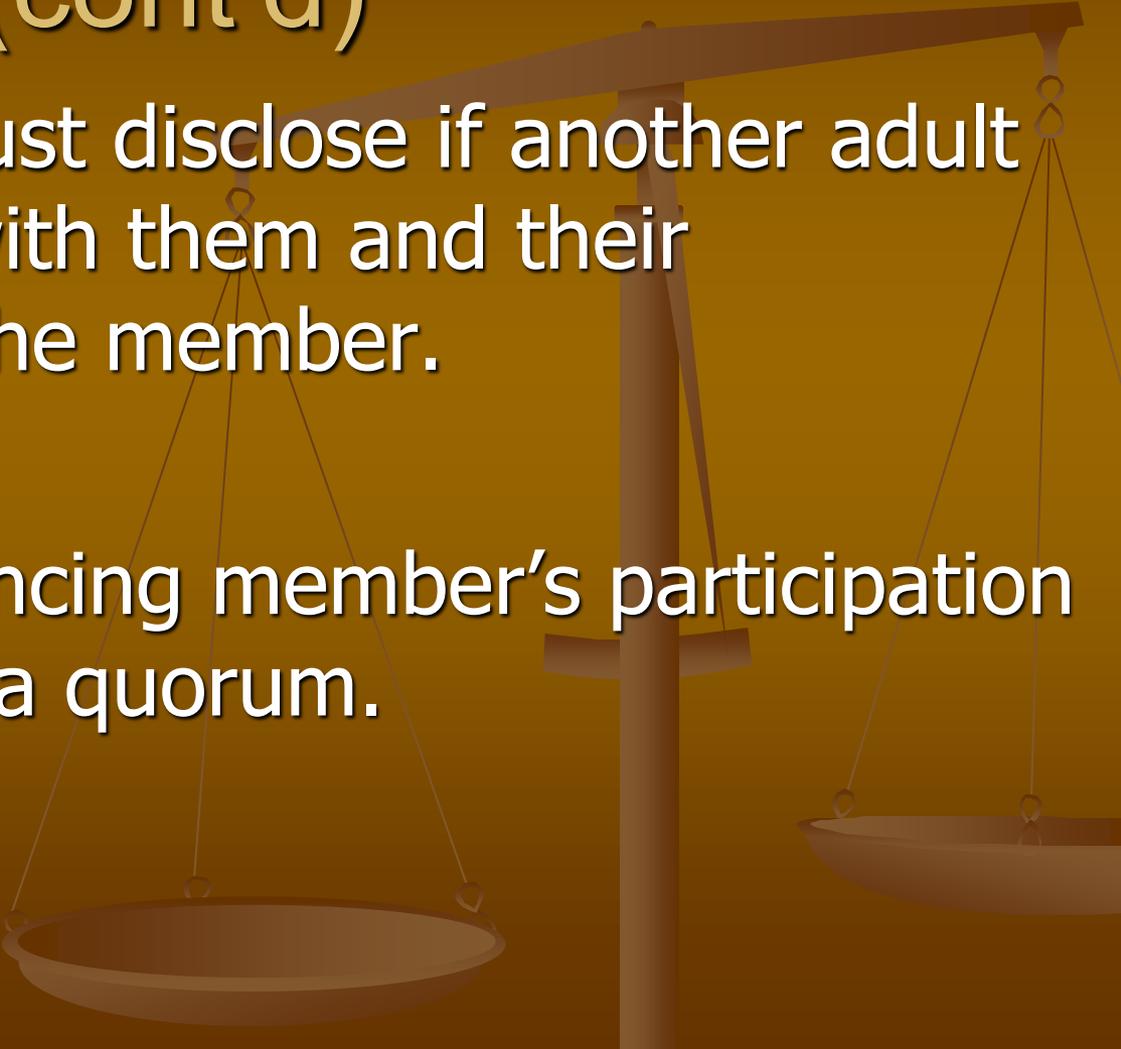
- Section 54952.7 now requires local agencies to provide a copy of the Brown Act to newly elected or appointed members of the legislative body of the agency. This was previously optional.



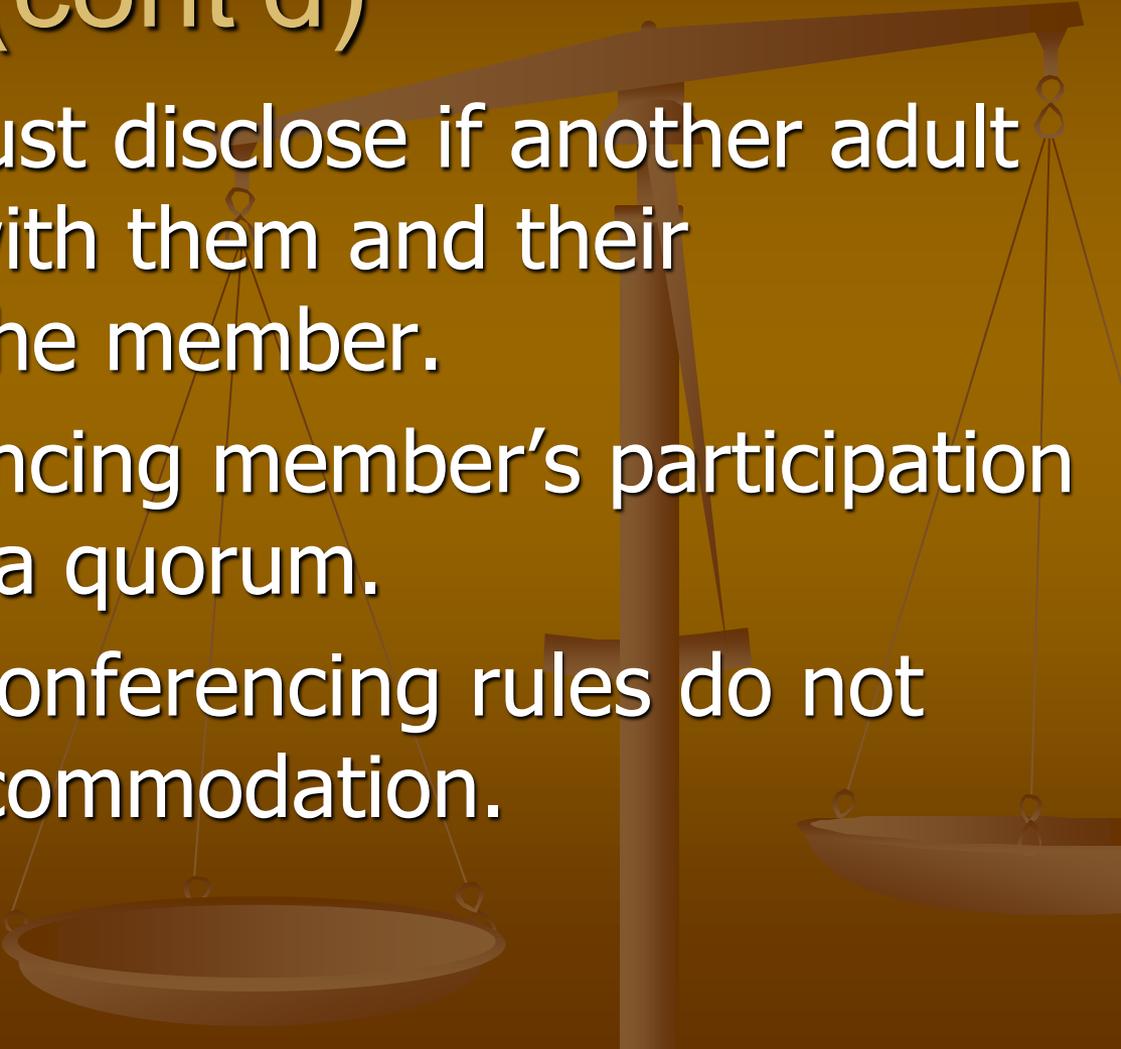
# SB 707– Teleconferencing for Members with a Disability

- Section 54953(c) added to provide that legislative body members may participate by teleconference as a reasonable accommodation for a disability.
  - These members must participate using audio and video communication unless their disability requires an exception.
- 

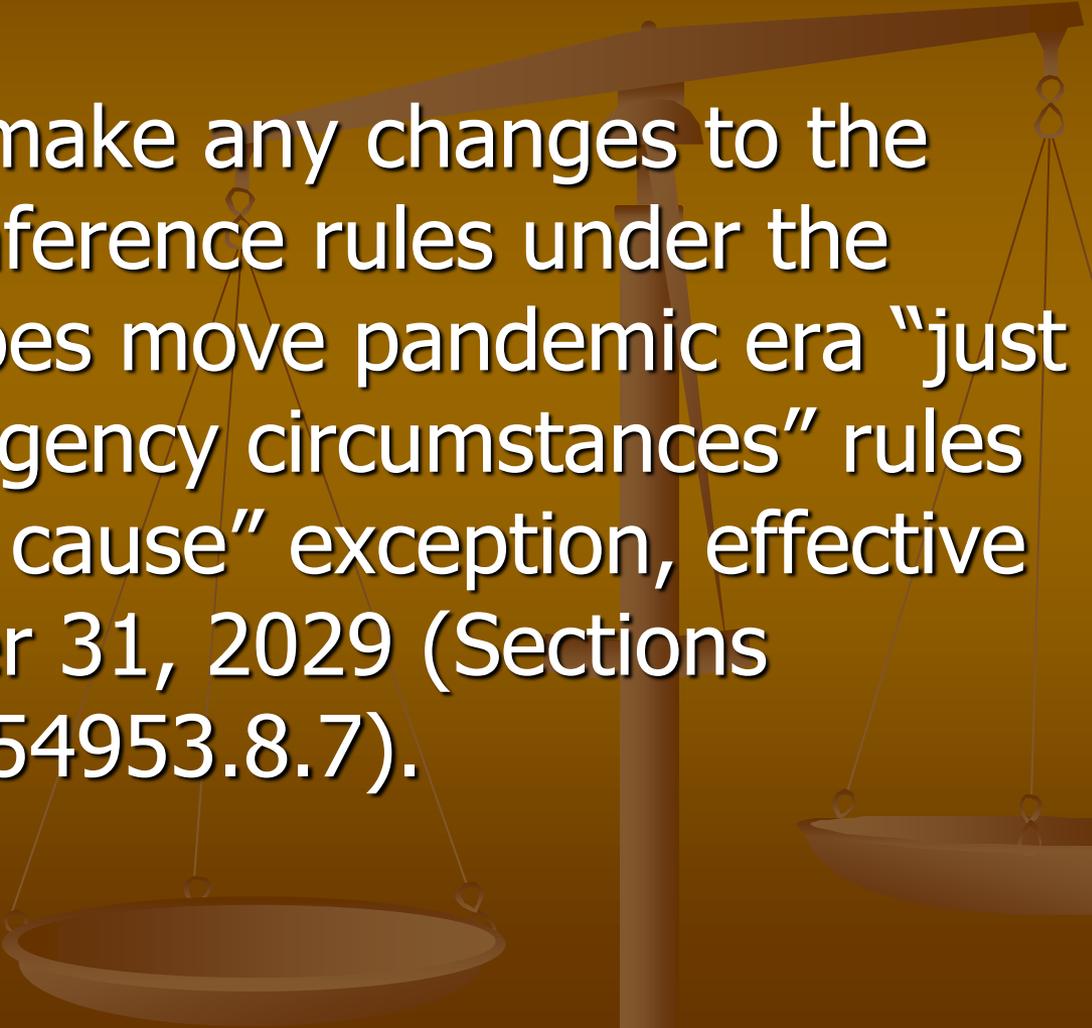
# SB 707– Teleconferencing for Members with a Disability (cont'd)

- The member must disclose if another adult is in the room with them and their relationship to the member.
  - The teleconferencing member's participation counts towards a quorum.
- 

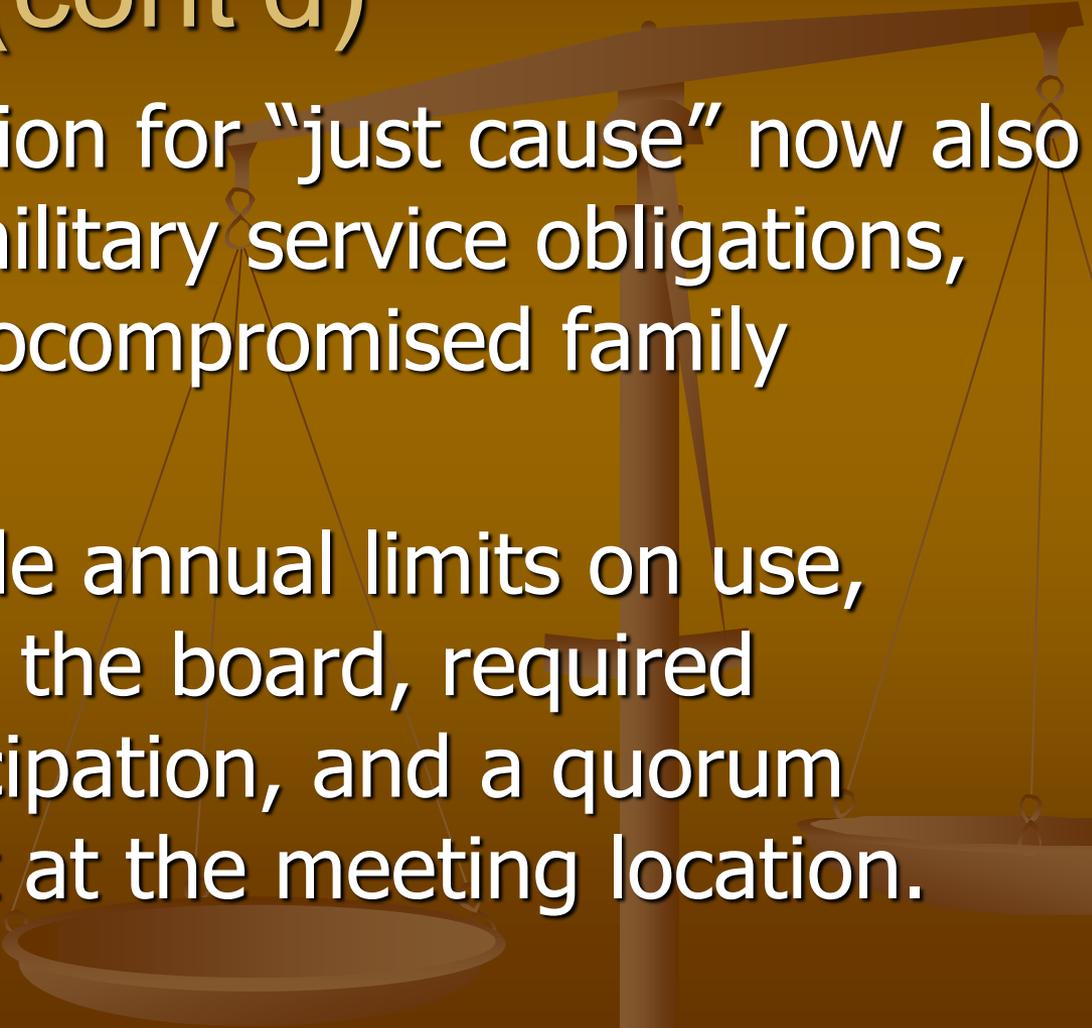
# SB 707– Teleconferencing for Members with a Disability (cont'd)

- The member must disclose if another adult is in the room with them and their relationship to the member.
  - The teleconferencing member's participation counts towards a quorum.
  - Traditional teleconferencing rules do not apply to this accommodation.
- 

# SB 707– Reorganization of Teleconferencing Provisions

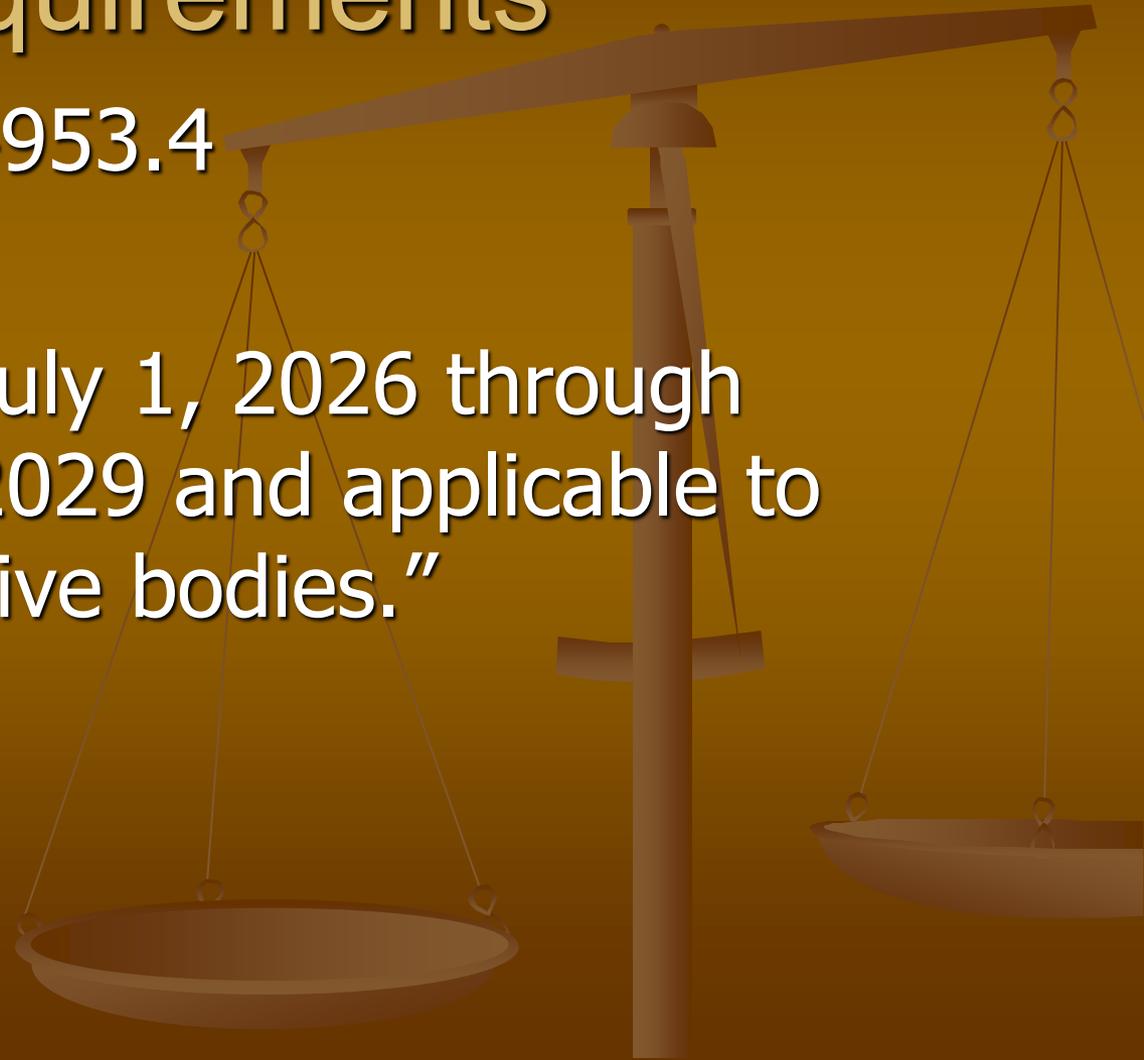
- SB 707 does not make any changes to the traditional teleconference rules under the Brown Act, but does move pandemic era “just cause” and “emergency circumstances” rules into a single “just cause” exception, effective through December 31, 2029 (Sections 54953.8 through 54953.8.7).
- 

# SB 707– Reorganization of Teleconferencing Provisions (cont'd)

- Remote participation for “just cause” now also includes certain military service obligations, having an immunocompromised family member.
  - Restrictions include annual limits on use, advance notice to the board, required audio/video participation, and a quorum physically present at the meeting location.
- 

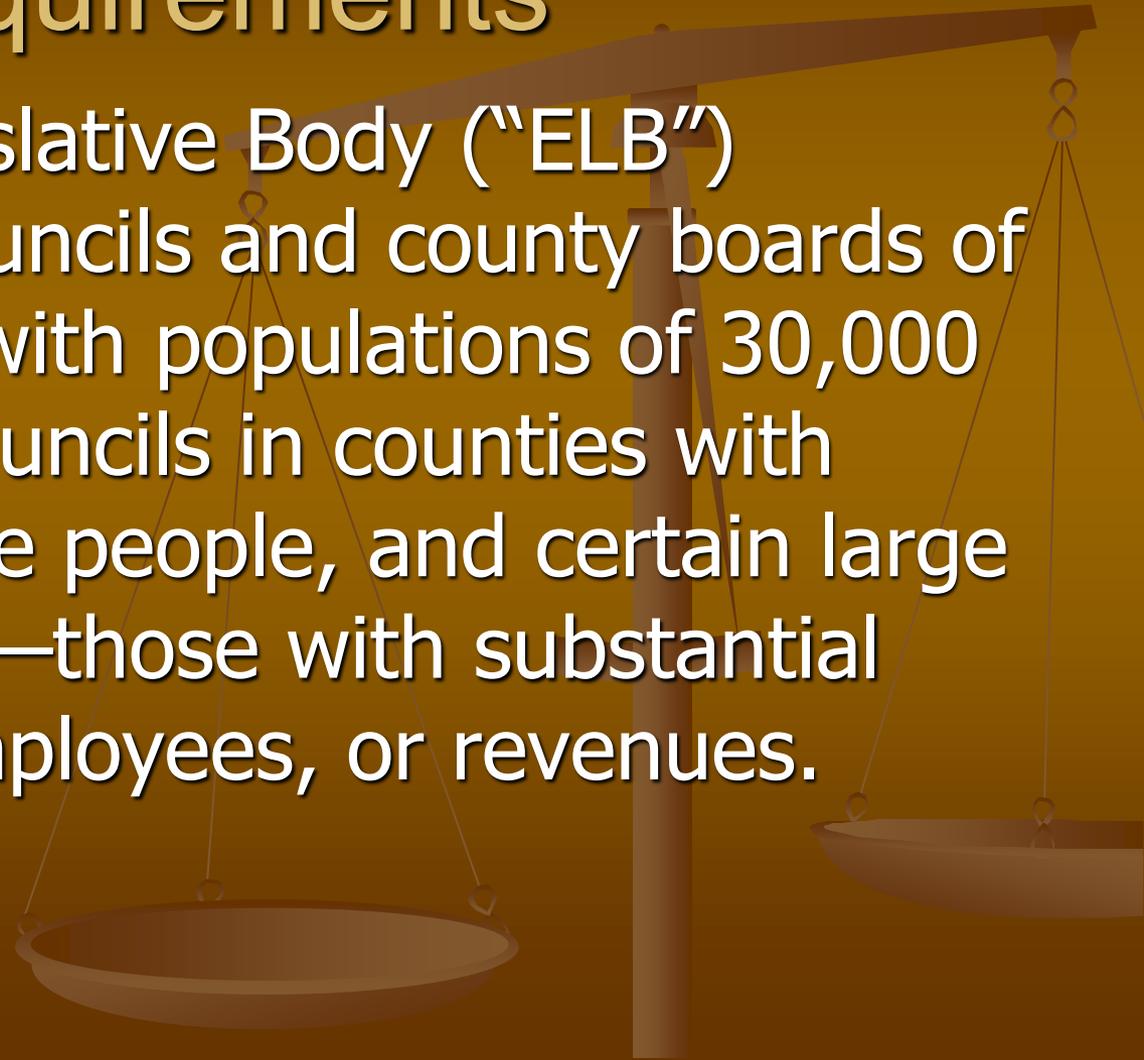
# SB 707– Remote Access and Multilingual Outreach Requirements

- Adds section 54953.4
- Effective from July 1, 2026 through December 31, 2029 and applicable to “Eligible legislative bodies.”

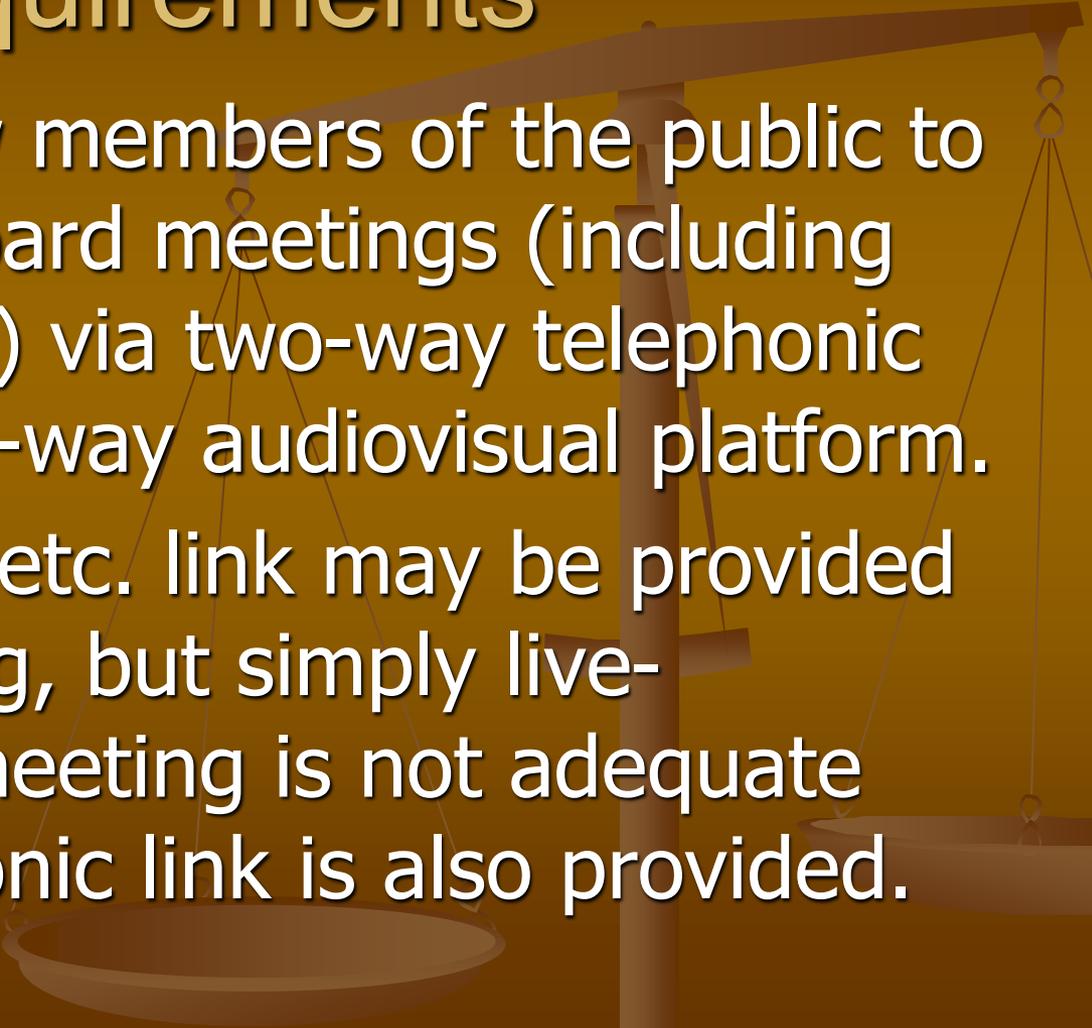


# SB 707– Remote Access and Multilingual Outreach Requirements

- An Eligible Legislative Body (“ELB”) includes city councils and county boards of cities/counties with populations of 30,000 or more, city councils in counties with 600,000 or more people, and certain large special districts—those with substantial populations, employees, or revenues.

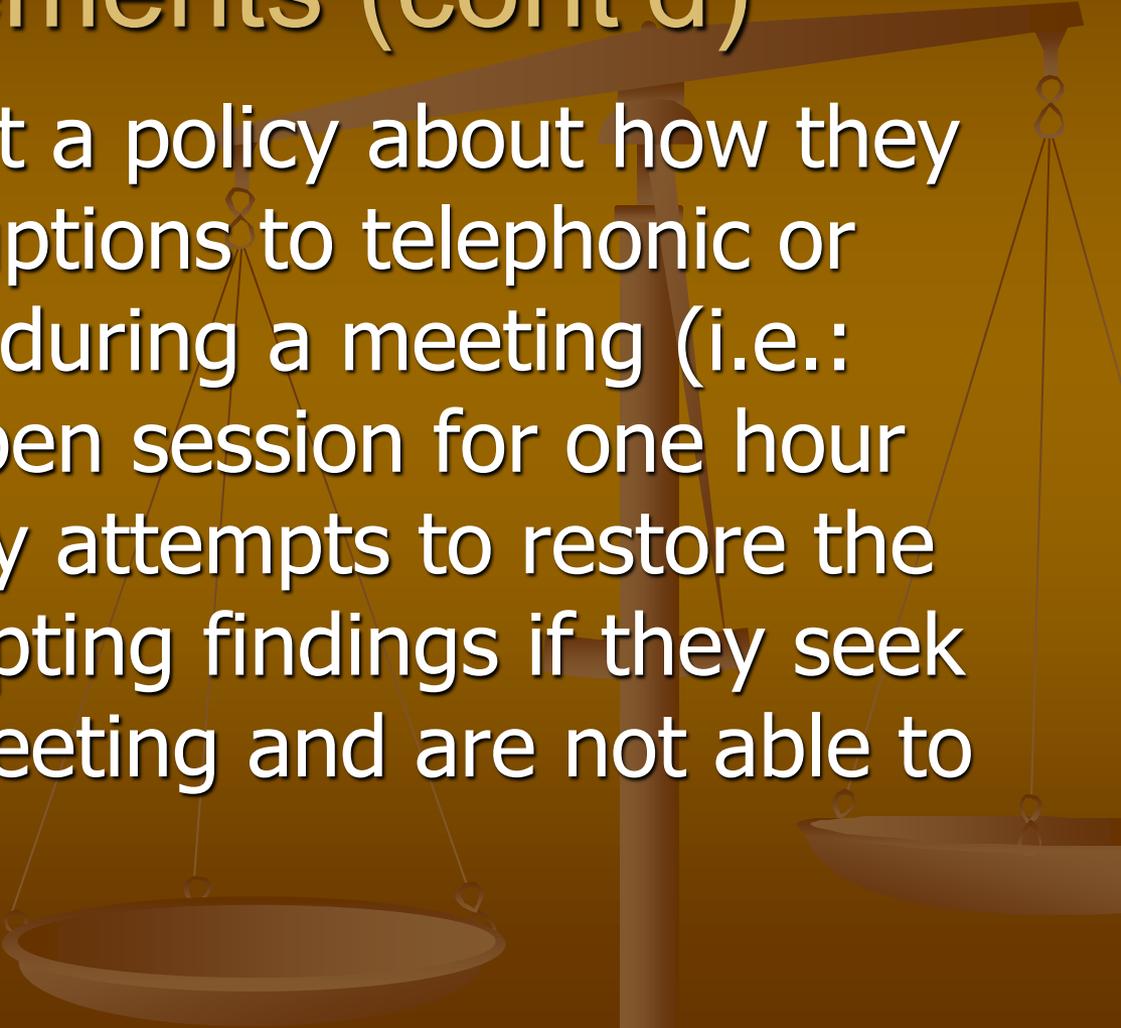


# SB 707– Remote Access and Multilingual Outreach Requirements



- ELBs must allow members of the public to participate in board meetings (including public comment) via two-way telephonic service or a two-way audiovisual platform.
- A Zoom/Teams/etc. link may be provided for each meeting, but simply live-streaming the meeting is not adequate unless a telephonic link is also provided.

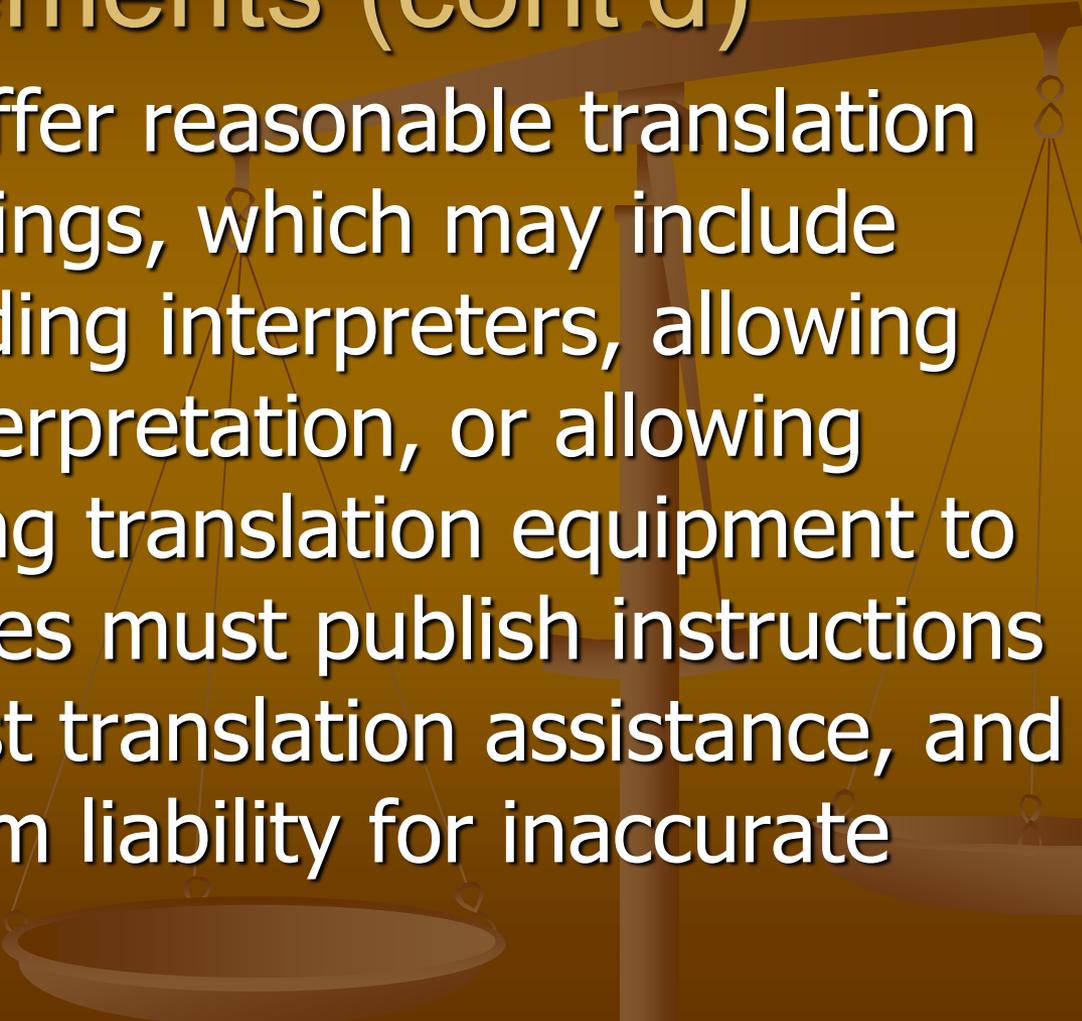
# SB 707– Remote Access and Multilingual Outreach Requirements (cont'd)

- ELBs must adopt a policy about how they will handle disruptions to telephonic or internet service during a meeting (i.e.: recessing the open session for one hour while the agency attempts to restore the service and adopting findings if they seek to continue a meeting and are not able to restore service).
- 

# SB 707– Remote Access and Multilingual Outreach Requirements (cont'd)

- ELBs must translate agendas into applicable languages (a language spoken by 20% or more of the applicable population with limited English proficiency).
- ELBs must also create a place for members of the public to post their own additional translations of the agenda. SB 707 is clear that this agenda translation requirement does not extend to the full agenda packet.

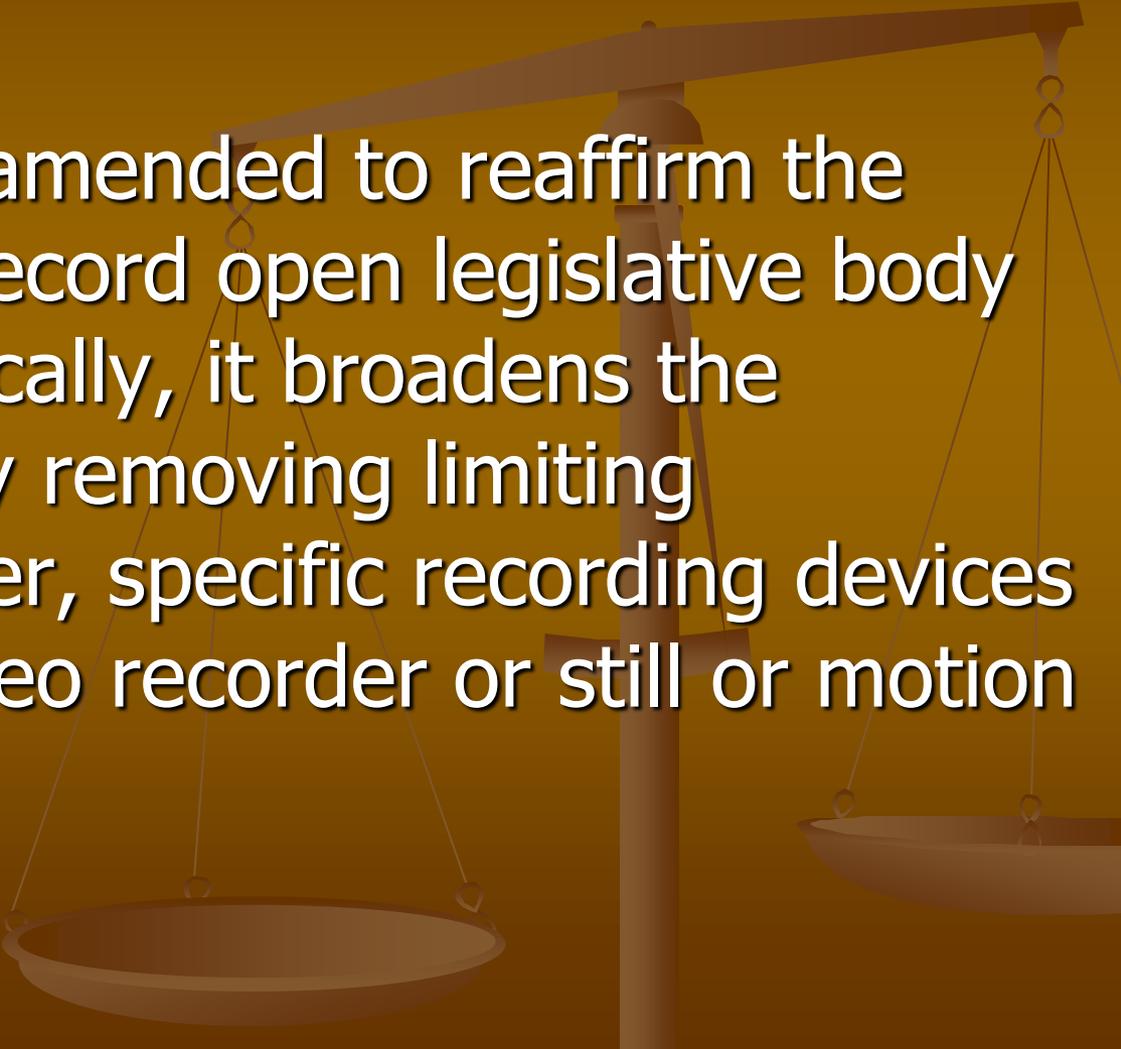
# SB 707– Remote Access and Multilingual Outreach Requirements (cont'd)

- ELBs must also offer reasonable translation services for meetings, which may include allowing or providing interpreters, allowing extra time for interpretation, or allowing individuals to bring translation equipment to meetings. Agencies must publish instructions on how to request translation assistance, and are protected from liability for inaccurate translation.
- 

# SB 707– Remote Access and Multilingual Outreach Requirements (cont'd)

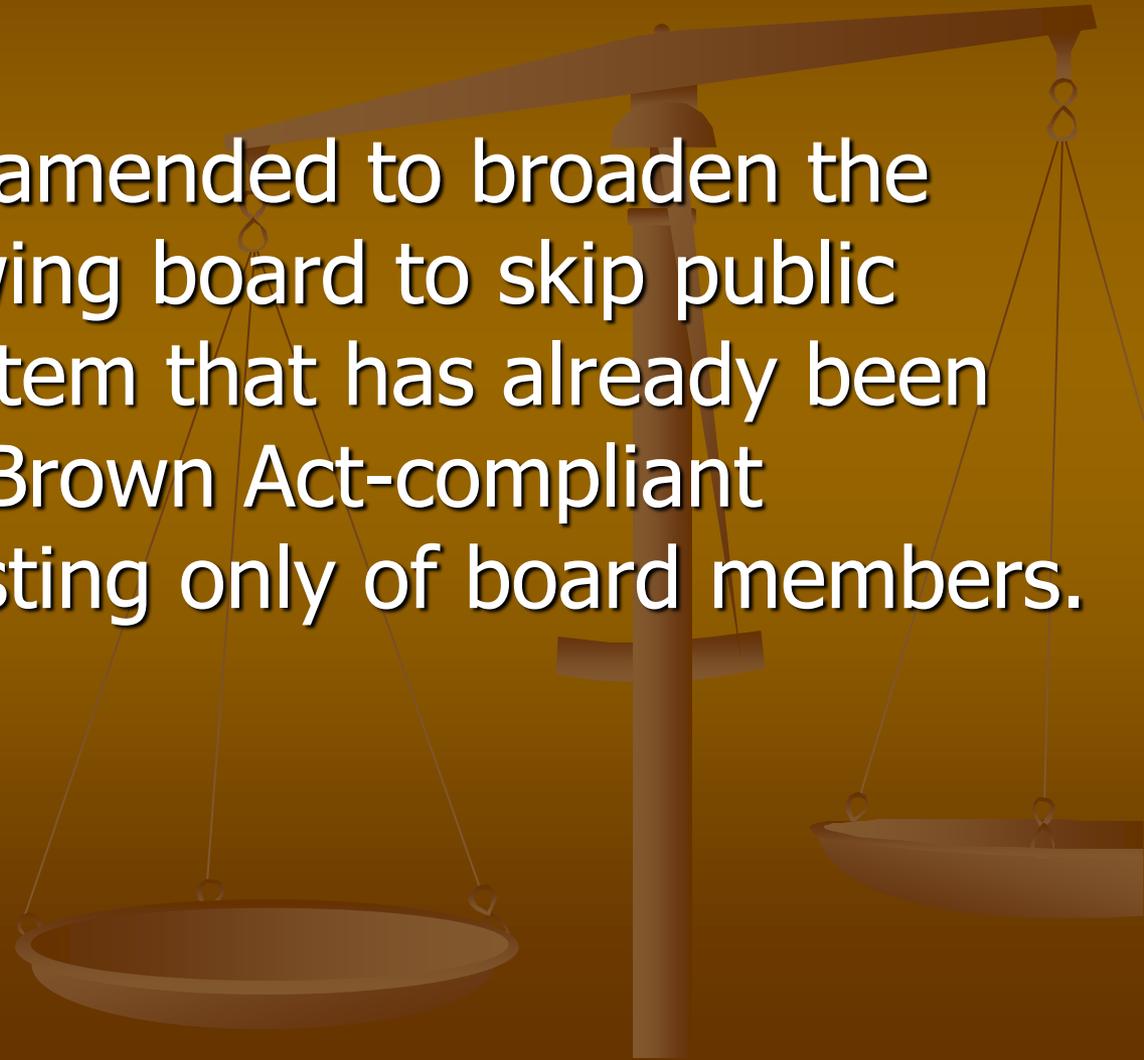
- ELBs must take administrative actions to encourage residents, including those in underrepresented and non-English speaking communities, to participate in board meetings, i.e.: creating a webpage for board meetings; ensuring the agency has a meeting calendar; and inviting groups that do not traditionally participate in meetings to attend.

# SB 707– Public Recording Rights

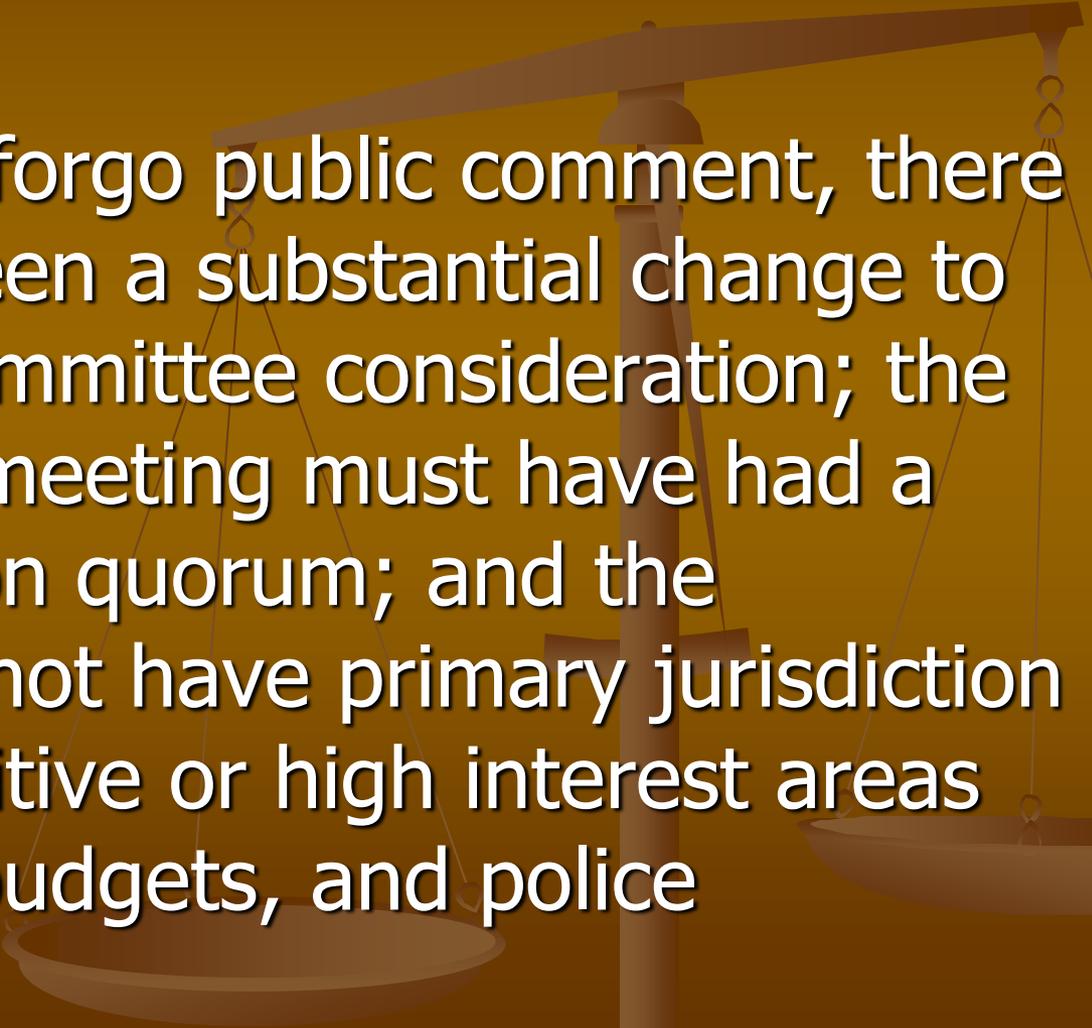
- Section 54954.5 amended to reaffirm the public's right to record open legislative body meetings. Specifically, it broadens the recording right by removing limiting references to older, specific recording devices (i.e., audio or video recorder or still or motion picture camera).
- 

# SB 707– Exemptions to Public Comment

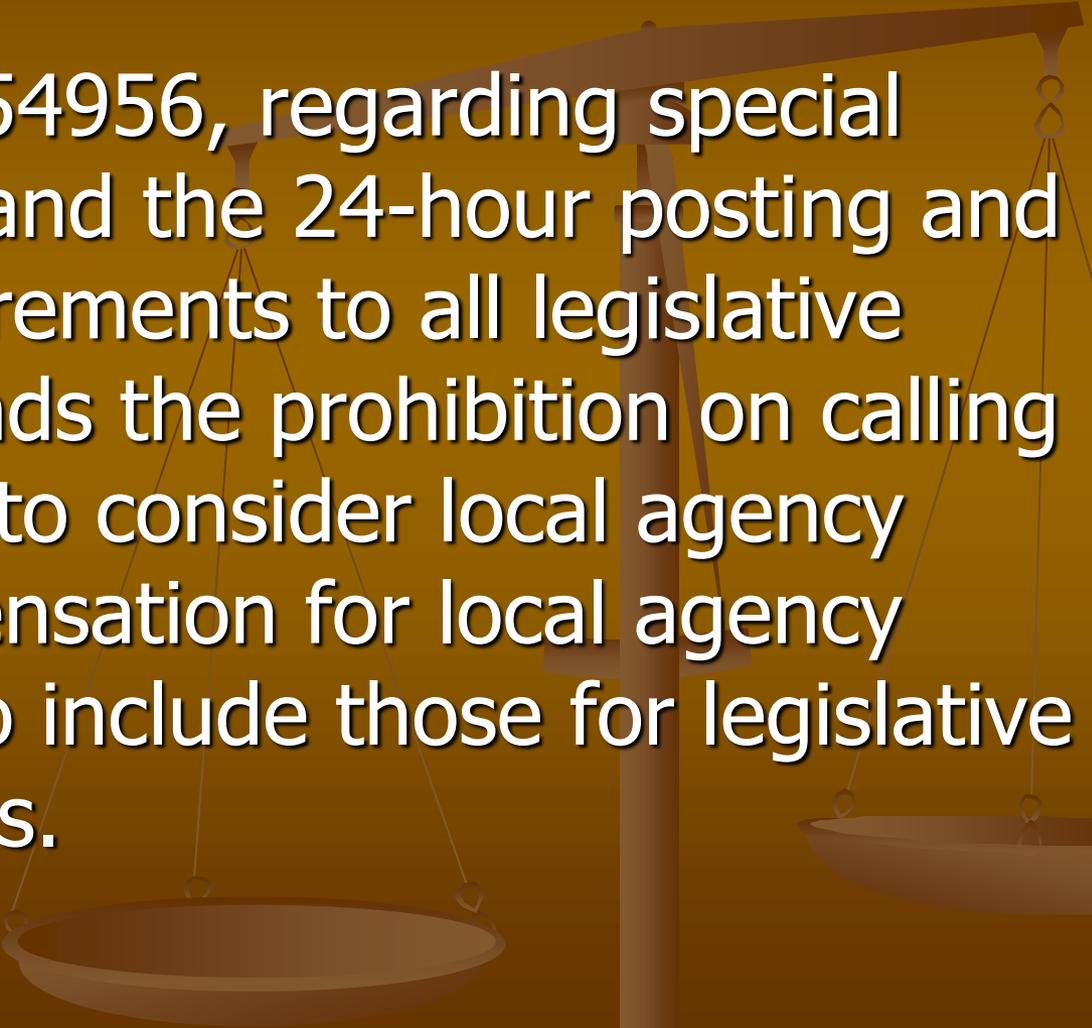
- Section 54954.3 amended to broaden the exemptions allowing board to skip public comment on an item that has already been considered by a Brown Act-compliant committee consisting only of board members.



# SB 707– Exemptions to Public Comment (cont'd)

- Now, in order to forgo public comment, there must not have been a substantial change to the item since committee consideration; the prior committee meeting must have had a physical, in-person quorum; and the committee must not have primary jurisdiction over certain sensitive or high interest areas (e.g., elections, budgets, and police oversight).
- 

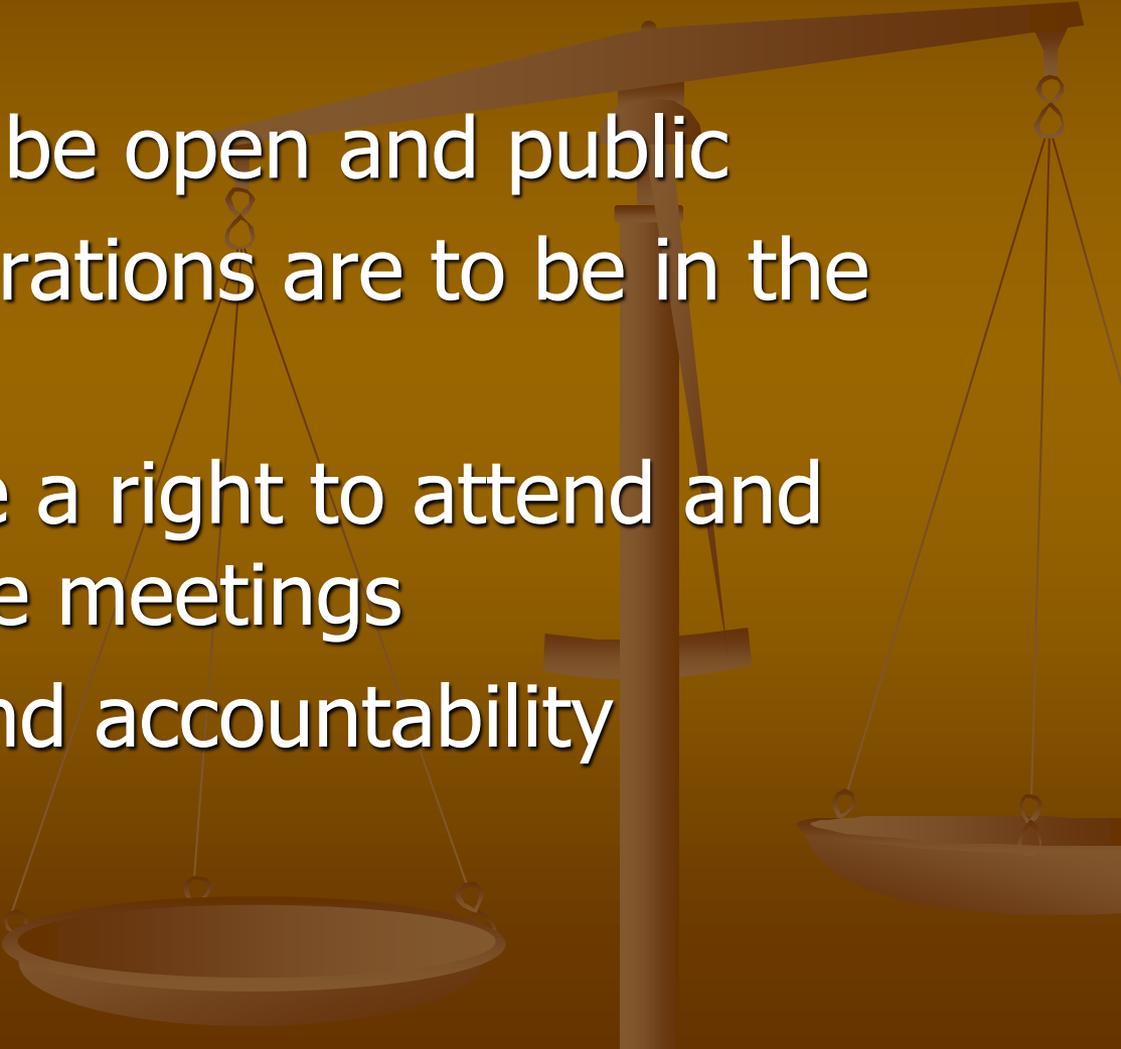
# SB 707– Special Meetings and Executive Compensation

- Modifies section 54956, regarding special meetings, to expand the 24-hour posting and distribution requirements to all legislative bodies and expands the prohibition on calling special meetings to consider local agency salaries or compensation for local agency executives to also include those for legislative bodies themselves.
- 

# SB 707– Disruptive Participants

- Amends section 54957.95 to extend the authority of a presiding legislative body member to remove a person for disrupting a teleconferenced meeting. It also adds a new section 54957.96 to authorize the removal or limit participation of a person participating in the meeting via two-way audiovisual platform or two-way telephonic services if that person “actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting.”

# Conclusion

- Meetings are to be open and public
  - Actions & deliberations are to be in the open
  - All persons have a right to attend and participate in the meetings
  - Transparency and accountability
- 

# Questions?





## ANAHEIM TRANSPORTATION NETWORK

### 2026 CONFLICT OF INTEREST POLICY

1. **Purpose.** The purpose of the conflict of interest policy ("Policy") is to protect this tax-exempt organization, the Anaheim Transportation Network, a nonprofit public benefit corporation ("ATN" or "organization"), when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a Principal Officer, Director, individual in a position of substantial authority, or "Key Employee" of the organization, otherwise known as an "Interested Person" (as defined below). This policy is intended to supplement but not replace any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations or organizations receiving federal assistance.
2. **Policy Statement.** Each Interested Person (as defined below) should avoid conflicts of interest that would interfere with their ability to discharge their fiduciary responsibilities to ATN. ATN encourages Interested Persons to follow ethical standards, comply with all laws, and avoid any conflict of interest. In addition to a conflict of interest, ATN prohibits all ATN Directors and Officers from using their titles or affiliation to publicize personal or company activities, programs, or events (especially those conducted for private profit) unless first approved by ATN.
3. **Interested Person Defined.** Any Director, Principal Officer (Chair, Vice Chair, Secretary, Treasurer and/or Executive Director), Key Employee (as defined below) or member of a committee with governing board delegated powers is an "Interested Person." A "Key Employee" means an employee whose total annual compensation (including benefits), in the aggregate, received from ATN and its affiliates is more than \$150,000 and who (a) has responsibilities or influence over the ATN similar to that of Principal Officers, Directors, or trustees; or (b) manages a program that represents 10% or more of the activities, assets, income, or expenses of the ATN; or (c) has or shares authority to control 10% or more of the ATN's capital expenditures, operating budget, or compensation for employees.
4. **Conflict of Interest Defined.** A conflict of interest occurs where individuals' obligation to further the organization's charitable purposes is at odds with their own financial interests. The term "conflict of interest" includes, but is not limited to, circumstances where an Interested Person has, directly or indirectly, through business, investment or Family Members (which shall be defined as spouse, domestic partner, ancestor, sibling, lineal descendent, as well as any spouse or domestic partner of any ancestor, sibling, or lineal descendent):
  - a. Ownership or investment interests in any entity with which ATN conducts business or has a business relationship;
  - b. Received a substantial benefit from a third party resulting from that party's past, present, or future business relationship with ATN;

*ATN Conflict of Interest Statement  
Calendar Year 2026*



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- c. Received any substantial financial benefit from a pending decision of ATN;
- d. Served as an officer, director or committee member of any competing organization, i.e., any nonprofit or business enterprise whose purposes, products, and/or services compete or are similar to those provided by ATN, or whose interests may or do overlap with the interests of ATN;
- e. A compensation arrangement with ATN or with any entity or individual with which ATN conducts business or has a business relationship; or
- f. Actual or potential ownership or investment interest in, or compensation arrangement with, an entity or individual with which ATN is negotiating a transaction or arrangement.

If laws and regulations of the Federal Transit Administration (“FTA”) impose more restrictive conflict of interest obligations on Interested Persons (or other similarly situated parties) in connection with a federally funded transaction, then an Interested Person shall comply with those provisions which are more restrictive. The FTA’s conflict of interest provisions, as of the date of this Policy’s adoption, are attached hereto for reference.

Unless otherwise prohibited by law, a conflict of interest does not exist if a transaction or arrangement is part of a program relating to ATN’s social welfare purpose , if the transaction or arrangement (a) is approved or authorized by ATN in good faith and without unjustified favoritism, and (b) results in a benefit to one or more Interested Persons, or their families, because they are in the class of persons intended to benefit from the social welfare program of ATN.

All determinations of whether a conflict of interest precludes participation by an Interested Person shall be made by ATN’s Board of Directors pursuant to Sections 6 and 7 below. Such determination shall be made based on whether the transaction is made in such a way as to reduce the likelihood that an Interested Person’s influence can be exercised impartially in the best interests of ATN.

5. **Gifts.** All Directors, Principal Officers, and Key Employees shall not solicit or accept gifts, including gratuities, favors, or anything of monetary value, from any entity or individual with which ATN currently has or potentially could have personal or business relationships with.

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6. **Disclosure of the Existence of a Conflict.** In connection with any actual or potential conflict of interest, an Interested Person must disclose the existence of the conflict of interest and be given the opportunity to disclose all material facts to all parties with governing powers considering the actual or proposed business arrangement or transaction, including the Board of Directors and relevant committee members.

7. **Procedures and Effect of the Existence of a Conflict of Interest.** After disclosure of the conflict of interest and all material facts, and after any discussion with the Interested Person, the Interested Person(s) shall leave the Board of Directors and/or committee members while the determination of a conflict of interest is discussed and voted upon. The disinterested Board of Directors or committee members shall vote on whether a conflict of interest exists, and whether the Interested Person has made sufficient disclosures on the surrounding conflict of interest. Thereafter, the remaining Board of Directors and/or relevant committee members shall determine whether the Interested Person may nevertheless participate in the deliberations and vote on the proposed transaction.

As part of determining whether an Interested Person has a conflict of interest and/or whether ATN should enter a transaction in which an Interested Person has a conflict of interest, the Board of Directors and/or relevant committee members shall determine whether ATN can obtain or enter into, with reasonable efforts, a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Board of Directors and/or committee members shall determine, by a majority vote of disinterested Directors, whether the transaction or arrangement is in ATN's best interest and whether such transaction or arrangement is fair and reasonable. In conformity with the above determination, the Board of Directors and/or committee members shall make their decision as to whether to enter into the transaction or arrangement.

In the unlikely event that there are multiple Interested Persons and the Board of Directors would otherwise be deprived of sufficient non-conflicted Directors to constitute a quorum, then the Secretary of the Board of Directors shall select, at random (i.e., by blind draw), the minimum number of Interested Persons to allow the Board to act.

8. **Violations.**

a. The violation of this Policy by ATN employees will subject the violator to any disciplinary proceedings or action deemed appropriate by the disinterested Board of Directors. The employee may correct a violation in any manner provided for under the Political Reform Act, and its implementing regulations.

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b. The violation of this Policy by any ATN Directors, Principal Officers, or Key Employees will require correction of the violation in any manner provided for under the Political Reform Act, and its implementing regulations.

c. Contractors or subcontractors that violate this Policy as it relates to an active FTA-funded procurement may be prohibited from bidding on the procurement, or may be subject to other action as deemed appropriate by the Board of Directors.

d. Agents of ATN that violate this Policy as it relates to FTA-funded procurements may be prohibited from participation on behalf of ATN on federally funded projects, or subject to other action as deemed appropriate by the Board of Directors.

9. **Compensation.** A voting member of the Board of Directors, or of any committee whose jurisdiction includes compensation matters, and who receives compensation, directly or indirectly, from ATN is precluded from discussing and voting on matters pertaining to that member's compensation or the compensation of that certain member's Family Member. However, such a person is not prohibited from providing information to the Board of Directors and/or any relevant committee regarding the compensation of similarly situated persons.

10. **Record of Proceedings.** The minutes of the Board of Directors and/or all committees with governing board delegated powers shall contain:

a. The names of each person who disclosed or were otherwise found to have conflicts of interest, the nature of such conflict of interest, any action taken to determine whether such conflict of interest was present, and the Board of Director's or relevant committee's decision as to whether a conflict of interest existed.

b. The names of each person who was present for discussions and votes related to the proposed transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and, if applicable, a record of votes taken in connection with the discussions.

11. **Annual Compliance Statements.** Each Director, Principal Officer, Key Employee and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person: (a) has received a copy of this Policy; (b) has read and understands that ATN is a non-profit organization and must engage primarily in activities that accomplish one or more tax exempt purposes and must not engage in activities that provide impermissible benefits to individuals or entities; (c) has agreed to comply with this Policy; and (d) has disclosed the person's financial interests and family relationships that could give rise to conflicts of interest.





12. **Interpretation of Policy.** The Board of Directors has the authority to review a particular transaction or circumstance to determine whether it constitutes a conflict of interest pursuant to this Policy.

13. **Annual Reviews.** To ensure ATN operates in a manner consistent with its social welfare purposes and does not engage in activities that could jeopardize its tax-exempt status, annual reviews shall be conducted. Each periodic review shall, at a minimum, include the following subjects:

a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.

b. Whether partnerships, joint ventures, and arrangements with management organizations (a) conform to ATN's written policies, (b) are properly recorded, (c) reflect reasonable investment or payments for goods and services, (d) further social welfare purposes, and (e) result in inurement, impermissible private benefit or an excess benefit transaction.



**ACKNOWLEDGEMENT FORM**

I have reviewed ATN's Conflict of Interest Policy and agree to be bound by and comply with its provisions for the duration of my appointed or elected term.

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
ATN Position

\_\_\_\_\_  
Date



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**Attachment 1. Conflict of Interest Annual Certification and Disclosure Form.**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

I hereby acknowledge that I have received a copy of the Conflict of Interest Policy of Anaheim Transportation Network, a nonprofit public benefit corporation (“ATN”). I have read and understood the policy, and I agree to comply with it.

I understand that ATN is a non-profit organization and must engage primarily in activities that accomplish one or more of its tax-exempt purposes and must not engage in activities and transactions that provide impermissible benefits to individuals or entities.

Conflicts of interest.

\_\_\_\_ I hereby certify that I have no conflicts of interest to report.

\_\_\_\_ I hereby certify that I have the following actual or potential conflict(s) of interest to report:

\_\_\_\_\_

Below is a list of all not-for-profit and for-profit boards on which I or my immediate family members sit, any businesses for which I or an immediate family member am an officer, director, or majority shareholder, and any businesses where I am employed or that I or an immediate family member own.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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1354 S Anaheim Blvd.  
Anaheim CA 92805