

STAFF REPORT FOR CALENDAR ITEM NO.: 8.2
FOR THE MEETING OF: January 22, 2026

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Consider and elect not to rely on new and additional teleconferencing provisions for members of the Board and its legislative bodies made available under Senate Bill 707.

EXPLANATION:

The Brown Act has historically permitted members of legislative bodies to attend meetings remotely, generally by identifying their remote meeting location on the meeting agenda, posting the agenda with the remote meeting location at least 72 hours in advance of the meeting, and allowing the public to attend the meeting at the remote location. This traditional method of remote meeting attendance has been and is expected to continue to be available to TJPA Board members.

In 2020, as a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the Governor proclaimed a state of emergency in California. In 2022, the Governor signed Assembly Bill 2449 (AB 2449), a bill that amended and supplemented the Brown Act to provide two short-term and limited options for members of a legislative body to participate in meetings of a legislative body via teleconference, in addition to the traditional method. The first option allowed a member to appear via teleconference for qualifying “just cause.” The second option allowed a member to appear via teleconference for a qualifying “personal emergency.” At its November 10, 2022 meeting, the TJPA Board elected not to rely on these additional teleconferencing options under AB 2449. The added teleconferencing options made available under AB 2449 sunset in 2025.

Election Not to Rely on Teleconferencing under SB 707

In 2025, the state legislature adopted Senate Bill 707 (SB 707), which is a comprehensive overhaul of the Brown Act.

Among other things, SB 707 refines the “just cause” and “personal emergency” clauses for remote meeting attendance by members of legislative bodies that were first made available under AB 2449. SB 707 consolidates the clauses, streamlining some of their provisions, and adding new requirements to address technical difficulties that may arise during teleconferenced meetings and other matters.

After careful consideration, and consistent with the TJPA Board’s prior decision as well as the San Francisco Board of Supervisors approach which favors in person attendance at meetings of its legislative bodies, TJPA staff recommend that the TJPA Board elect not to rely on the new teleconferencing options for members of the TJPA’s legislative bodies under SB 707. As with AB 2449, some of the concerns that support staff’s recommendation are:

- If a Board member is attending remotely under the clauses SB 707 authorizes and a technology disruption prevents the legislative body from broadcasting the meeting to members of the public, the legislative body must not take any further action on items

appearing on the meeting agenda until the technology issue is resolved; this could require the TJPA to cancel the remainder of its meeting, even if a quorum of the Board is attending the meeting in person from the regular meeting room.

- At least a quorum of the body must be present in person at a single location open to the public. If more than a quorum of the members desire to rely on these options, the law does not provide guidance on how to resolve the competing requests.
- There are limits on the number of times a legislative body member may rely on the clauses. This limitation presumably would present some additional burden on agency staff to track.
- The claim of just cause or personal emergency must be made “at the earliest opportunity possible” and “as soon as possible”, respectively. Nonetheless, the law acknowledges that the claim could be made at the start of a legislative body’s meeting. Accordingly, the legislative body and supporting agency staff may need to consider and accommodate claims with little advanced notice, which may be distracting to the regular business of the agency.

Although staff recommend against the Board relying on the new teleconferencing provisions for TJPA’s legislative bodies under SB 707, TJPA Board members would still be permitted to participate in TJPA Board meetings via teleconference following the traditional provisions in the Brown Act that pre-date COVID-19 and permit teleconferencing if the Board member posts notice of the meeting at their remote meeting location and allows members of the public to attend the meeting at that remote location and follows certain other requirements under the Brown Act.

Additionally, a decision by the Board not to rely on the new teleconferencing provisions for the Board and its legislative bodies would not change TJPA’s existing approach to providing live streaming and call-in options for members of the public.

Finally, even if the Board elects not to rely on additional remote participation provisions made available under SB 707 for the TJPA’s legislative bodies, staff will work with legal counsel to ensure TJPA is in timely compliance with all other applicable provisions of the Brown Act.

RECOMMENDATION:

Adopt the enclosed resolution, electing not to rely on teleconferencing under SB 707 for members of the Board and TJPA’s legislative bodies.

ENCLOSURES:

1. Resolution

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, The Transbay Joint Powers Authority (“TJPA”) is a joint powers agency organized and existing under the laws of the State of California to design, build, and operate the Transbay Transit Center Program; and

WHEREAS, Notwithstanding Senate Bill 707 and its additional bases to permit teleconferencing by members of legislative bodies under the Brown Act, TJPA staff recommends that for transparency and efficiency, and because of limited administrative resources, the Board elect not to rely on the teleconferencing provisions under the bill for any legislative bodies of the TJPA; now, therefore, be it

RESOLVED, Notwithstanding Senate Bill 707 and its additional bases to permit teleconferencing for members of legislative bodies under the Brown Act, for transparency and efficiency, and because of limited administrative resources, the Board has elected not to rely on the teleconferencing provisions under the bill for any meetings of the legislative bodies of the TJPA.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of January 22, 2026.

Secretary, Transbay Joint Powers Authority