



Annual Review of Ethics Policy and Changes in Governance Laws

Board of Directors
January 13, 2026

Agenda

- Review 2025 Revisions to Board Ethics Policy 6.04
- Revisions to the Brown Act: Senate Bill 707
 - Overview
 - Revisions that Facilitate Improved Public Access
 - Board Member Remote Access to Meetings
 - Board Member Use of Social Media
 - Board Action on Executive Compensation

Review of Board Ethics Policy 6.04



Overview

- **Purpose:** “This policy promotes awareness of ethics, integrity and fidelity as critical elements in Board members’ conduct and in achievement of the EBMUD mission.”
- **Source:**
 - Based on numerous relevant laws, including the California Constitution, the Political Reform Act, Government Code § 1090, the Penal Code, the Elections Code and the MUD Act.
 - Also based on policy decisions of the Board in furthering ethics and transparency.

Revisions Adopted in 2025: Overview

- Purpose and Scope
- Responsibilities of Public Office
- Fair and Open Processes Involving the Public
- Fair and Equal Treatment
- Proper Use and Safeguarding of EBMUD Property and Resources
- Use of Confidential Information
- Conflicts of Interest
- Soliciting Political Contributions
- Incompatible Offices
- ~~Board Member - General Manager Relationship~~
- ~~Exercise Responsible Financial Management~~
- ~~Improper Activities and the Reporting of Such Activities; Protection of Whistleblowers~~
- ~~Directors' Compensation and Expense Reimbursement~~
- Candidate's Statement
- Violation of Ethics Policy

Key: Modified | Removed

Revisions Adopted in 2025

Fair and Open Processes Involving the Public

“Contractors” added to the list of entities about which Board members must disclose *ex parte* communications relating to Board matters in which the Board is performing an adjudicatory or quasi-judicial role.

Fair and Equal Treatment

Added requirement that Board members immediately report an alleged violation of the EEO Policy to the General Manager or, if the complaint is against the General Manager, to the General Counsel.

Revisions Adopted in 2025

Use of Confidential Information

Clarifies that Board members must maintain the confidentiality of both written and oral information received at closed session.

Exercise Responsible Fiscal Management

Revises the role of the Finance/Administration Committee in selecting an external independent auditor.

- The Committee will not participate in interviews of vendor candidates for the auditor contract.
- The Committee will review staff recommendations for an independent auditor and recommend the approval of the auditor to the full Board.

Revisions Adopted in 2025

Violation of Ethics Policy

Language has been added to clarify that any Board member has the right to request that a perceived violation of Policy 6.04 be placed on the regular Board meeting agenda for determination and discussion.

Ralph M. Brown Act 2026 Revisions Under Senate Bill (SB) 707



Overview of SB 707 Revisions

Can be grouped into four categories:

- Significant new requirements to encourage and accommodate public participation at meetings
- Rules regarding remote board member attendance at meetings expanded, clarified and refined
- Board member social media use prohibitions are now permanent
- Expansion of open session reporting requirements for executive compensation actions

Many of the new requirements apply only to “eligible legislative bodies,” and the Board of Directors is an eligible legislative body

Remote Public Access to Meetings

Requirements

- Public must be provided access to all public meetings via “two-way telephonic service or a two-way audiovisual platform”
- Upon disruption of meeting due to loss of telephonic or internet service, Board:
 - Must recess, and may not reconvene, for at least one hour
 - Must make a good faith attempt to restore service
 - May meet in closed session (though not EBMUD Board)
 - If, after an hour, service cannot be restored, must vote to continue the meeting in the interests of the public
- Board must adopt a written policy regarding service disruptions that includes the requirements above
- Effective July 1, 2026

Remote Public Access to Meetings

Exceptions

- If adequate telephonic or internet service is not operational (does not exist) at the meeting location
- To attend a judicial or administrative proceeding in which the District is a party
- To inspect real or personal property, provided agenda is limited to inspection
- To meet with federal or state officials to discuss legislation or regulations within the jurisdiction of the officials
- To meet at a District facility for the purpose of touring the facility
- Emergency meetings authorized by the Brown Act on less than 24 hours' notice

Remote Public Access to Meetings

Public Disruptions of a Meeting

- Brown Act was amended in 2022 to authorize removal of a “disruptive” member of the public from a meeting
- SB 707 extends that authority to apply to members of the public appearing at meeting via a remote platform
- This means:
 - If disruption is visual, camera may be disabled
 - If disruption is audio, microphone may be disabled

Public Access to Meetings

SB 707 Outreach and Translation Requirements

SB 707 includes provisions requiring “eligible legislative bodies” to:

- Conduct outreach to encourage participation by non-English speaking communities in public meetings
- Provide reasonable assistance in the translation of meetings
- Provide translated agendas

Effective July 1, 2026

Public Access to Meetings

SB 707 Outreach Requirements

An eligible legislative body **shall take the following actions** to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in public meetings:

Public Access to Meetings

SB 707 Outreach Requirements

- Have in place a system for electronically accepting and fulfilling requests for meeting agendas and documents, pursuant to Section 54954.1 through email or through an integrated agenda management platform.
 - Information about how to make a request using this system shall be accessible through a prominent direct link posted on the primary internet website home page of the eligible legislative body.

Public Access to Meetings

SB 707 Outreach Requirements

- Create and maintain an accessible internet webpage dedicated to public meetings that includes, or provides a link to, all of the following information:
 1. A general explanation of the public meeting process for the eligible legislative body.
 2. An explanation of the procedures for a member of the public to provide in-person or remote oral public comment during a public meeting or to submit written public comments.
 3. A calendar of all public meeting dates with calendar listings that include the date, time, and location of each public meeting.
 4. The agenda posted online.

Public Access to Meetings

SB 707 Outreach Requirements

- Make reasonable efforts, as determined by the legislative body, to invite groups that do not traditionally participate in public meetings to attend those meetings, which may include, but are not limited to, all of the following:
 - Media organizations that provide news coverage in the jurisdiction of the legislative body, including those that serve non-English speaking communities
 - Good government, civil rights, civic engagement, neighborhood, and community group organizations, or similar organizations in the agency's jurisdiction, including non-English speaking communities

Public Access to Meetings

SB 707 Outreach Requirements

- Eligible legislative bodies shall have broad discretion in the choice of reasonable efforts they may undertake.
- No action shall be commenced or maintained against an eligible legislative body arising from failing to provide public information meeting to any specific group pursuant to this section.

Public Access to Meetings

SB 707 Translation and Interpretation Requirements

Meetings

An eligible legislative body shall reasonably assist members of the public who wish to translate a public meeting into any language or wish to receive interpretation provided by another member of the public, so long as the interpretation is not disrupting to the meeting.

Public Access to Meetings

SB 707 Translation and Interpretation Requirements

- The eligible legislative body shall publicize instructions on how to request assistance under this subdivision. Assistance may include any of the following, as determined by the eligible legislative body:
 - (i) Arranging space for one or more interpreters at the meeting location
 - (ii) Allowing extra time during the meeting for interpretation to occur
 - (iii) Ensuring participants may utilize their personal equipment or reasonably access facilities for participants to access commercially available interpretation services

Public Access to Meetings

SB 707 Translation and Interpretation Requirements

- **These provisions do not require an eligible legislative body to provide interpretation of any public meeting**, however, it may elect to provide interpretation of any public meeting
- The eligible legislative body is not responsible for the content or accuracy of any interpretation facilitated, assisted with, or provided.
- No action may be commenced or maintained against an eligible legislative body arising from the content of any interpretation facilitated, assisted with, or provided.

Public Access to Meetings

SB 707 Translation and Interpretation Requirements

Agendas

- The agenda for each meeting **shall be translated** into all applicable languages, and each translation shall be posted in accordance with Section 54954.2.
 - Each translation shall include instructions in the applicable language describing how to join the meeting by telephonic or internet-based service option, including any requirements for registration of public comment.
 - Shall be accessible through a prominent direct link posted on the home page of the legislative body.

Public Access to Meetings

SB 707 Translation and Interpretation Requirements

- An eligible legislative body shall make available a physical location that is freely accessible to the public in reasonable proximity to the physical location in which the agenda and translations are posted and shall allow members of the public to post additional translations of the agenda in that location.
- An eligible legislative body shall not be responsible for the content or accuracy of any translation provided.
- No action shall be commenced or maintained arising from the content, accuracy, posting or removal of any translation.
- “Agenda” does not include the agenda packet.

Public Access to Meetings

SB 707 Translation and Interpretation Requirements

- “Applicable languages” means languages, according to data from the most recent American Community Survey, spoken jointly by 20 percent or more of the applicable population, provided that 20 percent or more of the population that speaks that language in that city or county speaks English less than “very well.”
- For purposes of a special district, the applicable population shall be either of the following, at the discretion of the board of directors of the special district:
 1. the population of the county with the greatest population within the boundaries of the special district or
 2. The population of the service area of the special district, if the special district has the data to determine what languages are spoken by the population within its service area.
- If more than 3 languages meet the criteria for applicable languages, “applicable language” shall be the three languages spoken by the largest percentage of the population

Board Member Remote Access to Meetings

“Traditional” Remote Access

Any Board member may appear at any Board meeting via a remote platform if:

- At least a quorum of the Board participates from a location within the service area (even if remotely)
- Each remote meeting location is made accessible to the public
- Each remote location is included on the meeting notice
- The meeting notice is published at each remote location in accordance with the Brown Act
- All votes taken during the meeting are by roll call

Board Member Remote Access to Meetings

SB 707: “Just Cause” Remote Access

- 1) Care of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.
- 2) A contagious illness that prevents a member from attending in person.
- 3) A need related to a physical or mental condition.
- 4) Travel while on official business of the legislative body or another state or local agency.
- 5) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely.
- 6) A physical or family medical emergency that prevents a member from attending in person.
- 7) Military service obligations that result in a member being unable to attend in person and that requires the member to be at least 50 miles outside the boundaries of the local agency.

Board Member Remote Access to Meetings

SB 707: Use of “Just Cause” Remote Access

- Board member must notify Board at earliest opportunity, including at start of meeting, and provide general description of circumstances requiring remote appearance
- Board member must appear on camera
- At least a quorum of the Board must participate from a singular physical location within the service area
- No Board vote required to amend agenda or authorize attendance
- Limited to five meetings per year (1 “meeting” = all meetings in 1 day)
- Meeting minutes must identify provision of Government Code Section 54953.8.3(c)(1) – (7) relied on by the Board member

Board Member Remote Access to Meetings

SB 707: Remote Access During State or Local Emergency

- Board may meet entirely remotely during a:
 - State of emergency (proclaimed by the Governor)
 - Local emergency (proclaimed by city, county, or city and county)
- No physical meeting location need be provided
- At first remote meeting, Board must vote to make finding that, “as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.”
- Board must then vote to make this finding no later than every 45 days.
- Remote access may be limited to two-way telephonic (non-internet) service

Board Member Remote Access to Meetings

SB 707: Board Member Remote Access as Disability Accommodation

Nothing in this statute shall be construed to prohibit a member of a legislative body with a disability from participating in any meeting of the legislative body by remote participation as a reasonable accommodation pursuant to any applicable law.

Board Member Remote Access to Meetings

SB 707: Board Member Remote Access as Disability Accommodation

A member participating in a meeting remotely as a reasonable accommodation shall do both of the following:

1. Shall participate through both audio and visual technology, except that any member with a disability defined under Section 12102 of Title 42 of the US Code may participate through audio only if a physical condition related to their disability results in a need to participate off camera.
2. The member shall disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the nature of the member's relationship with any of those individuals.

Board Member Remote Access to Meetings

SB 707: Board Member Remote Access as Disability Accommodation

Remote participation as a reasonable accommodation for a member's disability shall be treated as in-person attendance at the physical meeting location for all purposes including a requirement that a quorum of the legislative body participate from any particular location.

Board Member Remote Access to Meetings

SB 707: Common Board Member Remote Access Requirements

- Remote attendance must be noted in meeting minutes
- Board member must note presence of any person 18 years or older in the room and their relationship to the Board member
- District must provide full public access via a remote option:
 - A two-way audiovisual platform or
 - A two-way telephonic service and a live webcasting of the meeting.
- Board may take no action during disruption of the public remote service
- All votes must be via roll call

Board Action on Executive Compensation

Prior to taking final action, the legislative body shall orally report a summary of a recommendation for final action on the salaries, salary schedules, or compensation in the form of fringe benefits of either of the following during the open meeting in which the final action is to be taken:

- (i) A local agency executive, as defined by subdivision (d) of Section 3511.1
- (ii) A department head or other administrative officer of the local agency. Govt. Code 54953(d)(3)(A).

Board Member Use of Social Media

- The social media provisions of the Brown Act were set to expire on January 1, 2026.
- SB 707 removed the sunset clause and now Brown Act provisions related to social media apply indefinitely.
- No other substantive changes to the provisions regarding engagement of board members on social media.

Social Media Use and the Brown Act

An aerial photograph of a large concrete dam with a curved spillway. The dam is situated in a valley surrounded by green hills and mountains. A reservoir is visible behind the dam, and a road runs along the top of the dam structure. The surrounding terrain is a mix of green vegetation and rocky outcrops.

Social Media Use

- General Rule:

A majority of the members of a legislative body shall not, outside a meeting authorized under the Brown Act, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. (Govt. Code § 54952.2(b)(1)).

Social Media Use

Limited Permissible Use

The Brown Act does not prevent a member of a legislative body from engaging in separate conversations or communications on social media to:

1. Answer questions;
2. Provide information to the public; or
3. Solicit information from the public

With regards to a matter that is within the subject matter jurisdiction of the legislative body, ***provided that...***

Social Media Use

Limited Permissible Use

A **majority** of the members do not use social media to **discuss among themselves** business of a **specific nature** that is within the subject matter jurisdiction of the legislative body.

“Discuss among themselves” means communications made, posted or shared on social media between members, including **comments** or **use of digital icons** that express reactions to communications made by other members.   

Social Media Use

Prohibited Use

A member shall not ***respond directly*** to any communication on social media regarding a matter within the subject matter jurisdiction of the legislative body that is ***made, posted or shared by any other member.***

Questions?

