

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: DINA MANIS, CITY CLERK
TERESA STRICKER, CITY ATTORNEY
SUBJECT: SENATE BILL 707 – BROWN ACT AMENDMENTS OVERVIEW

AGENDA ACTION: STUDY SESSION

RECOMMENDATION

The City Clerk's and City Attorney's Offices present this study session to provide the Council with an overview of recent Brown Act changes adopted under Senate Bill 707 (2025). Council will take no action except provide direction to staff. This item has no impact on the current fiscal year budget.

EXECUTIVE SUMMARY

This item provides the City Council and community with an overview of recent Brown Act amendments intended to strengthen open and transparent government. The presentation categorizes the Brown Act changes by:

- New Rules Applicable to All Brown Act Bodies
- Additional Remote Option Council May Adopt for Certain Limited Advisory Brown Act Bodies
- New Requirements SB 707 Imposes on City Council Meetings Only as of July 1, 2026.

Council direction is requested on certain updates to existing Council policies, procedures, and sections of the Santa Rosa City Code prior to implementation to align with new Brown Act rules. Based on the guidance provided, staff will return at a future Council meeting with updated draft policies and code amendments for review and potential adoption.

GOAL

This item is related to Goal #1 - **Achieve and Maintain Fiscal Sustainability and Budgeting Excellence** and Goal #4 - **Foster a Safe, Healthy, and Inclusive Community** as the expanded new Brown Act requirements have a direct impact on the

inclusion of community members in local government decision-making processes and must be implemented with limited staff resources.

BACKGROUND/PRIOR COUNCIL REVIEW

The Ralph M. Brown Act was adopted in 1953 by the state legislature to provide a framework of transparency for local government legislative body meetings. This framework ensures the public has access and the opportunity to participate in local government decision-making processes. The Brown Act has been amended from time-to-time since then.

In 2025, Senate Bill (SB) 707 was adopted. The bill made significant changes to the Brown Act to increase participation opportunities at certain local legislative body meetings and modernize rules to reflect advances in technology.

ANALYSIS

SB 707 (see Attachment 1 for the full text of the Brown Act as amended) revises or reorganizes nearly thirty Brown Act provisions. The bill took effect on January 1, 2026, with certain provisions not taking effect until July 1, 2026.

Staff has summarized below the **key changes** that impact Council and other City Brown Act bodies, including areas requiring Council consideration and direction ahead of the July 1, 2026 effective date for certain provisions.

I. New Rules Applicable to All City Brown Act Bodies

1. Fully Remote Participation by a Brown Act Body Member as a Disability Accommodation

Government Code (GC) § 54953(c) now expressly allows for a member of Council or a board or commission to participate remotely as a reasonable accommodation for a qualifying disability under applicable law. Members participating under such accommodations must comply with certain rules:

- The member must be on audio and video, unless the particular accommodation allows the member's camera to be off.
- The member must disclose other adults present in the room and their relationship to the member.

A member who participates remotely based on disability accommodation is considered to be participating in the meeting "in-person" for all purposes, including quorum rules.

Recommendations: Staff recommends Council adopt a new Council Policy entitled Reasonable Accommodation Policy for Council and Boards/Commissions Members and amend the minute requirements in Santa Rosa City Code (SRCC) § 1-10.070 – Minutes

to align with Brown Act's new requirements related to remote accommodations for disabled members of Council or Boards/Commissions. Staff will bring these items forward for consideration at a future Council meeting.

2. Disruptive Behavior By the Public During Brown Act Meetings

GC § 54957.95-96 memorializes the presiding officer's authority to address disruptive behavior by members of the public during Brown Act meetings and now explicitly applies the same rules to members of the public participating remotely that apply to those attending in person. The presiding officer has authority to remove or limit participation after a notice and warning. In instances of violence or a threat of violence, a notice and a warning are not required.

Recommendation: Staff recommends Council amend the City Council Manual of Procedures and Protocols (CCMPP) §V. G – Decorum and Order, Audience (Attachment 2) to reflect these clarifications. Staff will bring this item forward for consideration at a future Council meeting.

3. Teleconferencing Provisions

SB 707 maintained the two primary ways for members of legislative bodies to participate remotely under the Brown Act, and specified rules for remote meetings held during a state or local declaration of emergency. All remote options are now called "teleconferencing" under the new Brown Act provisions.

Traditional Brown Act Teleconferencing: The rules for participating under the traditional teleconferencing rules – where a member's remote location must be listed on the agenda and open for in-person public participation -- have not changed.

Just Cause Teleconferencing: The prior rules for participating remotely for just cause or personal emergency circumstances have been simplified and expanded. "Emergency circumstances" are now consolidated into the "just cause" provisions. Members of Brown Act bodies may participate under the new "just cause" provisions in any of the following circumstances:

- Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.
- A contagious illness that prevents a member from attending in person.
- A need related to a physical or mental condition for which there is no remote participation accommodation in place.
- Travel while on official business of the legislative body or another state or local agency.
- **New: An immuno-compromised family member**
- **New: A physical or family medical emergency**
- **New: Military service preventing in-person attendance.**

The requirements for participating under “just cause” have not changed. These requirements are:

- Requirement for two-way audiovisual or telephonic public participation access and real-time public remote public comment.
- Remote member must disclose the presence of other adults and their general relationship.
- Same annual limits per Member apply. Council Members may participate remotely for just cause in up to 5 Council meetings per year.

Staff has provided a teleconference method comparison chart as Attachment 3.

Recommendation: Staff recommends Council amend SRCC §1-10.070 - Minutes to align with new Brown Act provisions that require additional detail to be included in the minutes related to remote participation. Staff will bring this item forward for consideration at a future Council meeting.

4. Other New Requirements

The following new rules have been added to the Brown Act:

- Requires a full text copy of the Brown Act and a list of meeting locations be provided to all City appointed and elected officials.
- Extends existing ban against discussion of executive compensation at special meetings to discussions about Council Member compensation.
- Removes sunset on provisions that allow Brown Act body members to share and gather information with the public on social media, but prohibit members from responding to one another’s posts about matters within the body’s subject matter jurisdiction.
- Requires City Council to provide physical location near the City Council agenda posting site for the public to post translated Council agendas.

II. Additional Remote Option Council May Choose to Adopt for Certain Limited Advisory Subsidiary Bodies.

GC § 54953.8.6 provides that based on certain findings, Council **may** choose to authorize certain advisory-only subsidiary bodies to meet 100% remotely. As defined, an eligible subsidiary body has no final decision-making authority on specified matters. Elected officials serving on an eligible subsidiary body may not use this provision to participate remotely.

Only three subsidiary bodies of the Council -- Board of Parks and Recreation, Bicycle and Pedestrian Advisory Board, and Waterways Advisory Committee -- meet the Brown Act’s definition of an eligible advisory-only subsidiary body.

For Council to apply this provision, all of the following conditions and on-going

requirements must be met:

- Council must make findings to approve authorization for 100% remote participation by the body's members and renew its authorization every six months.
- The subsidiary body must also approve 100% remote participation by its members.
- A staffed physical location for public participation must be available for the subsidiary body's meetings.
- Members must appear on camera during open meetings, unless prevented by a condition or technical issue.
- If any subsidiary body authorized for 100% remote participation requests to present its recommendations to Council:
 - Council *must* hold a discussion about the recommendations within 60 days at a regular Council meeting.
 - The item may *not* be placed on the consent calendar.
 - Council may not take any action on the recommendation until the next regular meeting.

Recommendations: Staff recommends Council take no action to authorize any eligible subsidiary body to participate fully remotely because of the requirement that Council hold a discussion on recommendations of such authorized subsidiary body within 60 days of the body's request. Staff does not think such a requirement is needed. All subsidiary bodies are free now to provide written recommendations to all Council Members for consideration, and Council Members are free to use the Council's existing two-step process to add a discussion of any subsidiary body's recommendations to a future Council agenda.

Moreover, if required to follow the rigid 60-day requirement set forth in the Brown Act, staff may need to prioritize agendizing an advisory body's recommendations over items that directly implement Council-adopted goals and priorities without a majority of the Council approving that reprioritization.

III. New Requirements SB 707 Imposes on *City Council Meetings Only* as of July 1, 2026.

1. Mandatory Option for Remote Public Attendance/Comment at City Council Meetings

Effective July 1, 2026, GC § 54953.4(b)(1)(B) will require the City to include an option for the public to attend and participate remotely in **all City Council meetings** (with narrow exceptions) through either (1) a two-way telephonic service and live web streaming of the meeting or (2) a two-way audiovisual platform (public comment may be provided by audio only). **This requirement does not apply to other City legislative bodies.** Remote speakers must receive the same time allotment as in-person speakers and procedures must be consistent with standard public comment rules.

Operational impacts of this provision may include:

- Extended Council meeting length due to increased remote participation.
- Additional support for Council meetings from City Clerk staff to facilitate remote public comment for meeting efficiency.
- Additional support for Council meetings from Information Technology related to cyber security concerns and overall technology and media support.
- Additional administrative costs related to coordination of certain types of offsite Council meetings where no exception for remote public comment applies.
- Due to anticipated increase in remote public participation, additional City Clerk staff time to capture public comment summary for each speaker for inclusion in minutes.

The CCMPP (Attachment 2) outlines public comment procedures for Council meetings and references Council Policy 000-34 - Citizen Public Appearances and Addressing the Council on Agenda Items (Attachment 4). Policy 000-34 was adopted in 1993 and last amended in 2005. All policies in Council Policy 000-34 have now been memorialized and/or strengthened in the CCMPP or SRCC 1-10 on Open Government.

Recommendations: Staff recommends Council amend the CCMPP to provide the Presiding Officer with greater flexibility for determining public comment time allotments, amend SRCC §1-10.070 – Minutes, to simplify public comment summary requirements, and repeal the outdated and superseded Council Policy 000-34. Specifically, staff recommends that the CCMPP be amended to provide the Presiding Officer discretion to set public comment between 1 and 3 minutes per speaker. Staff would like direction from Council about whether to bring this recommendation forward for consideration at a future Council meeting.

2. Policy & Procedures for Disruption of Internet/Telephonic Service for Council Meetings

GC § 54953.4(b)(1)(A)(i)(I)(ib)(Ia) requires Council to adopt a policy by July 1, 2026, to address disruption of telephone or internet services during a Council meeting to implement new provisions of the Brown Act. These provisions permit Council to proceed with a meeting notwithstanding a disruption in internet or telephone services if Council makes findings, after recessing for at least one hour to allow staff to attempt to restore services, that there is good cause to proceed with the meeting.

The policy to be adopted must describe procedures for recessing, reconvening, and attempting to restore service. This policy may not be adopted on the consent calendar.

Recommendations: Staff recommends that Council adopt a new Internet and Telephonic Service Disruption Policy and amend SRCC 1-10.030 – Interpreter and 1-10.040 Broadcast of meeting to add exceptions to align existing Spanish Interpretation requirements for Council meetings with the Brown Act's disruption of telephone or internet service provisions and clarifying language to broadcast provisions.

Direction is needed about whether Council wishes to amend SRCC 1-10.030 and 1-10.040 to give Council the flexibility to continue with a Council meeting during an internet/telephone service disruption as permitted under the Brown Act in situations where the disruption disables the City's ability to provide Spanish interpretation. Currently, the City's Spanish interpretation service provider participates remotely through internet connection to support Spanish language access via Zoom and YouTube as well as to those requesting Spanish language access/interpretation in-person from Council Chambers.

Options include:

1. No action. Council will not be able to use the Brown Act provisions permitting Council meetings to continue with its meeting during internet/telephone service disruption following unsuccessful efforts to restore and make appropriate findings by Council. This is because an internet disruption disables the City's ability to provide Spanish interpretation. Interruptions in internet services in those situations could result in lengthy recesses, continued meetings, and no ability for Council to move forward with time-sensitive items.
2. Amend SRCC 1-10.030:
Create an exception to the City's current Spanish interpretation requirement for Council meetings to allow Council discretion to move forward with a Council meeting, or with certain specific items on the agenda, without Spanish interpretation where Council makes findings similar to those required by the Brown Act when there is an internet/telephone disruption.
3. Other option provided by Council.

Staff will bring back amendments to SRCC 1-10 – Open Government as directed, along with a new Internet and Telephonic Service Disruption Policy for adoption.

3. Language Access Requirements for City Council Meetings

Starting July 1, 2026, GC § 54953.4(e)(1)(A) will require the City to provide certain language translation access measures for City Council meetings. Specifically, this provision requires Council meeting agendas to be translated into up to three languages that meet the following criteria:

1. According to data from the most recent American Community Survey, language is spoken by **20 percent** or more of City's population, AND
2. **20 percent** or more of the City's population that speaks that language speaks English less than "very well".

Translated agendas must be posted within standard Brown Act timeframes.

This provision will also require the City to maintain a publicly accessible City Council meetings webpage with Council meeting process information, public comment instructions, links to Council's meeting calendar and agendas, and translations linked

from the homepage for all languages into which City Council agendas must be translated. The City will also need to provide an electronic agenda/document request system and offer reasonable assistance for interpretation requests.

Council exceeds these newly adopted Brown Act provisions related to Language Access. Council publishes a preliminary agenda 12 days in advance of the Council meeting, and final agendas at 6 days, exceeding Brown Act requirements for agenda postings. Both the preliminary and final agendas are published in Spanish, include instructions for joining the meeting, and are posted immediately next to the physical English preliminary and final agendas, and are translated into multiple languages through an accessible link immediately next to the English agenda link on the legislative portal at santa-rosa.legistar.com.

Additionally, with the adoption of the Open Government section of SRCC, Council set a threshold for translation of Council meeting agendas into additional languages if at least **5 percent** of the total city population as determined by most recent US Census data speaks another language. Further, under SRCC 1-10 closed captioning is provided on archived videos for English and Spanish recordings. And as explained above, the City Council also provides interpretation services in Spanish at **all** regular meetings and as a matter of practice accommodates other language access requests. The Brown Act does not require cities to provide any language interpretation services.

Recommendations: Staff requests additional direction related to language threshold criteria differences between SRCC and the Brown Act language translation access, and, if needed or desired, identify translated agenda limits in SRCC similar to Brown Act.

Options may include:

1. Continue to translate City Council agendas as currently identified in SRCC, leaving open the possibility that the City may need to translate City Council agendas in more than 3 non-English languages should the population speaking each of those languages reach 5% of the City's population; or
2. Retain the City's current 5% population criteria for triggering the City's obligation to provide a translated City Council agenda, but limit the number of non-English agendas to a maximum of 3 in alignment with Brown Act; or
3. Other direction provided by Council.

Staff will bring back amendments to SRCC 1-10 – Open Government as directed.

4. Outreach to Underrepresented and Non-English-Speaking Communities to Encourage Participation in Council Meetings.

GC § 54953.4(b)(3)(c) requires Council to make reasonable efforts to encourage participation by groups that do not traditionally participate in meetings. Examples include engaging with civic, neighborhood, and community organizations.

Council has broad discretion in how outreach is conducted. Council has a history of making considerable efforts to encourage underrepresented and non-English speaking community members to participate in Council meetings, as shown by outreach and

participation policies dating back to 1987, including Council Policy 000-20 – Citizen Participation (Attachment 5), and reflected in our current practice of providing simultaneous Spanish interpretation of Council meetings and posting of Spanish translation of Council agendas. As indicated in the Open Government section of SRCC, Santa Rosa promotes open government through strong community engagement, supported by a dedicated Community Engagement Manager and an established Community Engagement Plan (Attachment 6). These efforts exceed the Brown Act’s new requirements for outreach to underrepresented and non-English-speaking communities.

Recommendations: Staff recommends Council amend CP 000-20 as it has not been updated since adoption to modernize language and align with current organizational structure and operations. Staff has no further recommendations and will continue efforts as set forth in the SRCC, existing Council Policies, and the attached Community Engagement Plan, within the confines of the adopted budget and staffing resources. Staff will bring back amendments to CP 000-20 for consideration at a future Council meeting.

FISCAL IMPACT

This item does not have an immediate fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

Pursuant to CEQA Guidelines Section 15378, the recommended action is not a “project” subject to the California Environmental Quality Act (CEQA) because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. In the alternative, the recommended action is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the recommended action may have a significant effect on the environment.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – Brown Act Full Text
- Attachment 2 – City Council Manual of Procedures and Protocols – Current
- Attachment 3 – Teleconference Methods Compared

- Attachment 4 – CP 000-34 – Citizen Appearance and Addressing the Council on Agenda Items [recommend repeal of outdated and superseded policy]
- Attachment 5 – CP 000-20 Citizen Participation – Current
- Attachment 6 – Community Engagement Plan
- Attachment 7 - Correspondence

PRESENTER(S)

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