



DATE: February 17, 2026

TO: Mayor and City Council

FROM: City Clerk and City Attorney

SUBJECT: Informational Report: Updates to the Ralph M. Brown Act Resulting from the Passage of Senate Bill 707 (SB 707)

RECOMMENDATION

That the City Council receives this informational report.

SUMMARY

This report provides an overview of changes to the Ralph M. Brown Act resulting from the passage of Senate Bill 707 (SB 707) and offers anticipated implementation considerations. The legislation was intended to restructure and expand the framework governing public access and remote participation. The Brown Act applies to elected and appointed bodies. The goal of the legislation is to consolidate temporary statutes adopted during and after the pandemic, establish a unified framework for remote participation, set new rules for subsidiary bodies, and codify accessibility and procedural safeguards. SB 707 also establishes new language-access standards on “eligible bodies”, requiring two-way remote public participation, real-time captioning, and translation of meeting agendas into applicable languages.

FISCAL IMPACT

Implementation of SB 707 requirements is currently being addressed in part through existing staff resources and operational workflows. Several procedural and administrative updates are already underway using current technology platforms and internal capacity. Additional requirements – particularly those related to accessibility, language access, public outreach, and teleconferencing enhancements – are undergoing further review to assess potential impacts and opportunities to leverage existing systems where feasible.

BACKGROUND

Senate Bill 707 introduced significant updates to the Brown Act that expands teleconferencing options for legislative bodies while strengthening requirements related to public access, equity, and transparency. These changes are being implemented in phases, with initial procedural updates already underway and additional requirements—particularly those related to language access, outreach, and technological readiness—anticipated to be implemented by July 1, 2026. The City has initiated preliminary efforts to prepare for SB 707 compliance, including internal coordination and an initial assessment of which subsidiary bodies may be eligible to use expanded teleconferencing options. Foundational work has begun to align existing meeting procedures and technology with the updated statutory requirements. However, additional analysis, policy development, and operational planning remain necessary to address outstanding implementation considerations and to ensure full compliance prior to broader adoption.

The information below provides a high-level overview of the teleconferencing updates under SB 707 and outlines anticipated implementation considerations and next steps for full implementation.

TELECONFERENCING UPDATES

TRADITIONAL TELECONFERENCING

Definition GC 54953(b) – No changes –

Requirement

- Agenda is posted at meeting location, including teleconference location
- Agenda identifies teleconference location
- Method: Two-way telephonic or two-way audio-visual platform
- Quorum: Remote participation does not count toward quorum
- Public: Each location accessible to public members
- Limit: No limit
- Vote: Roll Call

TELECONFERENCING AS REASONABLE ACCOMODATION

Definition GC 54953(c) – New -

- Compliance with American with Disabilities Act (ADA) requirement subject to the following
 - Member must participate through both audio and visual technology, unless a physical condition related to their disability results in a need to participate without video

- Before any action is taken, member must disclose whether anyone 18 or older is in the room with them and the general nature of their relationship to that person
- Treated like in-person participation and other teleconferencing requirements under the Brown Act do not apply.
- Limit: No limit

ALTERNATIVE TELECONFERENCING – GENERAL RULES

Alternative teleconferencing includes a meeting format that allows members of Brown Act bodies to participate remotely without requiring traditional Brown Act teleconference conditions, as long as certain procedural safeguards are met.

- A quorum must be physically present
- Agenda does not identify teleconference location
- Remote location does not need to be open to the public
- Public Access
 - Two-way audiovisual platform; or
 - Two-way telephonic service and a live webcasting of the meeting
- Vote: Roll Call

ALTERNATIVE TELECONFERENCING – OPTIONS

PROCLAIMED STATE OR LOCAL EMERGENCY TELECONFERENCING

Definition GC 54953.8.2 – New -

- Continued provisions adopted during COVID-19 for Governor-declared emergencies
- Adds local emergencies, “a condition of extreme peril to persons or property proclaimed by the governing body of the local agency” under the California Emergency Services Act, or a local health emergency declared under Health & Safety Code § 101080 within boundaries

JUST CAUSE TELECONFERENCING

New Definition of Just Cause GC 54953.82 – New -

- Physical or family medical emergency
- Childcare or caregiving needed
- Contagious illness
- Travel while on official business of legislative body
- Immunocompromised family member
- Military service obligation requiring members to be at least 50 miles outside the boundaries of agency
- Physical or mental condition not subject to accommodation

Requirement

- Vote: Roll Call
- Method: Two-way audio-visual platform
- Quorum: Remote participation does not count toward quorum
- Limit as follows:

Meeting Body Frequency	Limit
1 per month	2 meetings per year
2 per month	5 meetings per year
3+ per month	7 meetings per year

ELIGIBLE SUBSIDIARY BODY

Definition GC 54953.8.6 – New -

- A commission or committee, whether permanent or temporary, created by charter, ordinance, resolution, or formal action by the City Council
- Serves exclusively in advisory capacity
- Not authorized to take final action on legislation, regulations, contracts, licenses, permits, entitlements, grants, or allocation of funds
- Does not have primary subject matter jurisdiction regarding elections, budgets, police oversight, privacy, public library materials or taxes or related spending proposals
- Allows members of subsidiary body to meet fully remotely under certain requirements.

Requirements

- City Council must authorize the subsidiary body to meet fully remotely and renew the vote every six (6) months
- Subsidiary bodies must approve teleconference model by majority vote
- At least one staff member shall be present at the physical location where public members can attend
- Elected official serving as a member of the subsidiary body cannot take advantage of this provision
- Subsidiary body may request to present recommendations to the legislative body. Legislative body must hold a discussion within 60 days of receiving the request at a regular meeting. Discussion may not be placed on the consent calendar. No action on recommendations may occur until the next regular meeting.
- Vote: Roll Call
- Method: Two-way audio-visual platform
- Quorum: Remote participation does not count toward quorum

- Limit: No limit

ELIGIBLE LEGISLATIVE BODY

Under SB 707, city councils are eligible if the city has a population of 30,000 or more residents. Hayward's City Council is an eligible body under this definition. Appointed bodies are not subject to the requirements.

REQUIREMENTS EFFECTIVE JANUARY 1, 2026

DISTRIBUTION OF THE BROWN ACT TO OFFICIALS GC Section 54952.7

SB 707 converts previously optional authority into a mandate. It applies to all Brown Act meeting bodies.

Action: A copy of the Brown Act was sent on January 5, 2026, to every member of Brown Act bodies. The Council Member Handbook and Council's Appointed Officials Handbook will need to be updated with this new requirement.

REASONABLE ACCOMODATION FOR DISABILITY GC Section 54953(c)

A legislative body member may participate remotely in any meeting as reasonable accommodation for a disability.

Action: City staff are developing procedures to accommodate requests.

Partners: City Clerk's Office, City Attorney's Office, and City Manager's Office.

CONSOLIDATION AND EXPANSION OF STANDARD ALTERNATIVE TELECONFERENCING PROVISIONS GC Section 54953.8(b)

SB 707 consolidates standard alternative teleconference provisions into 54953.8, previously provided as part of emergency teleconference (formerly 54953(e)) and "just cause" teleconference (formerly 54953(f)) rules.

Action: City staff are developing remote meeting procedures and list of meeting locations.

Partners: City Clerk's Office and City Attorney's Office.

TELECONFERENCING RULES FOR ELIGIBLE SUBSIDIARY BODIES GC Section 54953.8.6

SB 707 adds a new section governing teleconferencing for subsidiary bodies that serve in an advisory capacity.

Action: City staff have evaluated which subsidiary bodies would be permitted to meet remotely. Staff are evaluating findings before a recommendation is presented to the City Council.

Partners: City Clerk's Office, City Attorney's Office, Commission staff liaisons, Information Technology.

DISRUPTIVE BEHAVIOR – REMOTE PARTICIPATION GC Section 54957.95, 54957.96

SB 707 add a new section clarifying that the presiding officer's authority to remove or limit participation for disruptive behavior extends to participants attending remotely. It applies to all Brown Act meeting bodies.

Action: City staff are revising existing rules to include remote participation. The City Council Handbook will need to be amended.

Partners: City Clerk's Office, City Attorney's Office, City Manager's Office, and Information Technology.

PUBLIC COMMENT REQUIREMENTS – COMMITTEE CONSIDERATION EXCEPTIONS GC Section 54957.95, 54957.96

SB 707 expands provisions around public comment for items previously considered by a committee composed exclusively of legislative body members at a public meeting where the public was allowed to speak. New provisions: 1) Adds requirement that a quorum of the committee must have participated in person from a single, publicly accessible location within jurisdictional boundaries; 2) Establishes that the exception does not apply if the committee has primary subject matter jurisdiction over elections, budgets, police oversight, privacy, public library materials, or taxes/spending proposals.

Action: City staff are developing agenda preparation procedures and committee review practices to reflect the new conditions under which prior committee consideration satisfies public comment requirements.

Partners: City Clerk's Office, City Attorney's Office, and City commission and committee staff liaisons.

REQUIREMENTS EFFECTIVE JULY 1, 2026

MANDATORY REMOTE PUBLIC ATTENDANCE OPTION GC Section 54953.4(b)(1) (A) (i) (I) (ia)

SB 707 requires all open and public meetings of eligible legislative bodies to include an opportunity for the public to attend via two-way telephonic or two-way audiovisual platform, unless adequate service is not operational.

Action: Hayward already provides hybrid access during City Council meetings.

POLICY ON DISRUPTION OF TELEPHONIC OR INTERNET SERVICE GC Section 54953.4(b)(1) (A)(i)(I)(ib)(Ia)

SB 707 requires each eligible legislative body to adopt, by July 1, 2026, a publicly approved policy to address procedures when disruption of telephone or internet service occurs. The policy must provide for recessing, reconvening, and the efforts that the body shall make to attempt to restore service.

Action: City staff will present a policy to the City Council by March 2026.

Partners: City Clerk's Office, City Attorney's Office, City Manager's Office, Information Technology, Communications Division.

TRANSLATION OF MEETING AGENDAS INTO "APPLICABLE LANGUAGES GC Section 54953.4(c) – (e)

SB 707 requires eligible legislative bodies to translate and post meeting agendas into all "applicable languages." Each translation must include instructions in that language for joining the meeting remotely. Posting of translated agendas is required in the traditional Brown Act posting timeframes. Translation using a digital translation service is acceptable. The translation requirement does not extend to the entire agenda packet.

Action: City staff used the most recent American Community Survey, published by U.S. Census Bureau, to obtain language data and identify languages spoken by 20% or more of the applicable population. Based on the eligibility determination, staff confirmed that Spanish is the applicable language meeting the threshold.

Partners: City Clerk's Office and City Attorney's Office.

PUBLIC MEETINGS INFORMATION WEBPAGE, TRANSLATION INTO “APPLICABLE LANGUAGES,” AND HOMEPAGE LINK 54953.4(b)(3) (B); 4953.4(c) (1)(B); 54953.4(c)(2)

Legislative bodies must create and maintain an accessible webpage dedicated to public meetings, that links to: (1) a general explanation of the public meeting process, (2) an explanation of how to provide in-person or remote oral comment or written public comment, (3) a calendar of all public meetings with date/time/location, and (4) a link to posted agendas. The agency’s homepage must include a prominent link to this public meeting webpage. The page must be translated into all “applicable languages.” Each translation must be accessible through a prominent direct link on the agency’s homepage.

Action: City staff are reviewing the existing meetings webpage and developing a homepage link.

Partners: City Clerk’s Office, City Attorney’s Office, and Communications Division.

ELECTRONIC SYSTEM FOR AGENDA AND DOCUMENT REQUESTS AND HOMEPAGE LINK GC Section 54953.4(b)(3)(A)

Legislative bodies must provide a system to electronically accept and fulfill requests for meeting agendas and documents via email or integrated agenda platform. Information about how to make a request must be accessible via a prominent direct link on the agency’s homepage.

Action: The Meeting & Agenda Center portal already has the [Subscribe to City Council and Planning Commission Agendas by Email](#) section that allows residents to sign up to receive City Council, Committee or Commission meeting agendas.

Partners: City Clerk’s Office and Communications Division.

OUTREACH TO UNDERREPRESENTED GROUPS AND NON-ENGLISH-SPEAKING COMMUNITIES GC Section 54953.4(b)(3) (C)

Legislative bodies must make reasonable efforts to encourage groups that do not traditionally participate in meetings.

Action: City staff is developing targeted outreach and partnerships with media serving non-English speakers, grassroots groups, neighborhood representatives, and community organizations.

Partners: City Clerk’s Office, Communications Division, Library, and bilingual City employees.

PUBLIC INTERPRETATION ASSISTANCE / OPTIONAL PROVISION / NO LIABILITY GC
Section 54953.4(c)(3) – (4)

Legislative bodies must provide a physical location that is freely accessible to the public, near the location where agendas and translations are posted. The public must be allowed to post additional translations of the agenda in that location.

Action: City staff are assessing adding a bulletin board for use by community members.

Partners: City Clerk’s Office, Maintenance Services Department -Facilities Division.

PUBLIC INTERPRETATION ASSISTANCE/OPTIONAL PROVISION / NO LIABILITY GC
Section 54953.4(b)(2) (A)–(C)

Eligible legislative bodies must reasonably assist members of the public who wish to translate a meeting or receive interpretation, so long as it is not disruptive.

Action: City staff are confirming logistics for in-person interpreters and assessing use of tools to access interpretation services.

Partners: City Clerk’s Office, City Attorney’s Office, and City Manager’s Office.

LEGISLATIVE FINDINGS ENCOURAGING EXPANDED LANGUAGE ACCESS GC Section 54953.4(a)

States legislative intent that translation of agendas and enhanced language access are necessary for an informed public. Encourages local agencies to go beyond minimum requirements by translating into additional languages, using human translators, and increasing outreach.

Action: The City’s website Accessible Agenda on the Meeting & Agenda Center allows community members to translate website content into multiple languages using Good Translate.

PUBLIC CONTACT

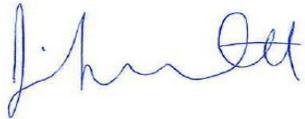
This report is provided for informational purposes and is intended to inform the public regarding SB 707 teleconferencing updates and anticipated implementation considerations. No action is requested at this time.

NEXT STEPS

Staff will continue engaging partner departments and staff liaisons supporting City commission and committee bodies to coordinate implementation efforts and refine operational requirements, with a commitment to advancing the teleconferencing framework in alignment with SB 707.

Prepared and Recommended by: Miriam Lens, City Clerk
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Approved by:

A handwritten signature in blue ink, appearing to read "Jenniffer Ott".

Jenniffer Ott, City Manager