



STAFF REPORT

AGENDA NO: 11c

MEETING DATE: March 2, 2026

To: Honorable Mayor and City Council

Date: March 2, 2026

From: Meaghan Hassel-Shearer, City Clerk – (650) 558-7203
Tamar Burke, Assistant City Attorney – (650) 558-7204

Subject: Discussion of SB 707, “The Brown Act Modernization Act,” and Adoption of Resolutions: (1) Approving the City’s Technology Disruption Policy Effective July 1, 2026; and (2) Approving of the City’s Public Outreach and Public Interpretation Assistance Practices

RECOMMENDATION

Staff recommends that the City Council discuss SB 707, “The Brown Act Modernization Act,” and its impact on local government bodies. Additionally, staff recommends that the City Council adopt Resolutions:

- Approving the City’s Technology Disruption Policy effective July 1, 2026, and
- Approving the City’s public outreach and public interpretation assistance practices

BACKGROUND

On October 3, 2025, Governor Newsom signed into law SB 707, “The Brown Act Modernization Act.” SB 707 makes numerous changes to the Ralph M. Brown Act (Government Code (“GC”) Section 54950 et seq.), some of which impact the City and some of which do not. Many of the new provisions to the Brown Act apply only to “eligible legislative bodies” and “eligible multijurisdictional bodies.” It is important to note that eligible legislative bodies do not include State bodies such as the Assembly and Senate. Therefore, the increase in transparency and public access is directed only towards cities, counties, special districts, and some joint powers authorities.

Attached to this staff report is a red-lined version of SB 707 that shows the changes made to the Ralph M. Brown Act. The City Clerk’s Office and City Attorneys’ Office have participated in several webinars and conferences to better understand SB 707’s impact. However, as is common with new legislation, the new provisions will likely require subsequent amendments to clarify vague and sometimes contradictory provisions.

This staff report focuses on the portions of SB 707 that are applicable to the City of Burlingame and the actions required of the City to ensure compliance.

DISCUSSION

SB 707 was signed into law in 2025 and outlines two timelines:

- Provisions that are effective beginning January 1, 2026
- Provisions that are effective beginning July 1, 2026

The discussion below breaks down the provisions by the date that they are effective.

Provisions Effective Beginning January 1, 2026

1. Required Distribution of the Brown Act to Officials

Pursuant to GC Section 54952.7, local agencies must provide a copy of the Brown Act to all elected and appointed officials serving on legislative bodies, including boards and commissions.

By email on Tuesday, January 27, 2026, the City Clerk's Office complied with this new requirement by sending copies of the Brown Act to all legislative bodies.

2. Verbal Report on Executive and Department Head Compensation

Pursuant to GC Section 54953(d)(3)(A), Human Resources' staff reports must present Council with a verbal summary (not on Consent) before final action on salaries, salary schedules, or fringe benefits for department heads and local agency executives, as defined.

For example, COLA adjustments must be verbally reported to Council if department heads are included.

3. ADA Accommodations for Legislative Body Members

Pursuant to GC Section 54953(c), a legislative body member may participate remotely in any meeting as reasonable accommodation for a disability. The following requirements must be met:

- Participate by both audio and video, unless a physical condition related to their disability results in a need to participate off-camera and through audio technology only; and
- Disclose presence of anyone 18 years of age or older and their relationship with the individual(s).

The legislative body member's remote participation counts as in-person attendance for all purposes, including toward obtaining a quorum. Additionally, the member's location does not need to be posted on the agenda, nor do they have to publicly post the agenda at their location. Moreover, their location does not need to be made accessible to the public.

4. Social Media Communications by Legislative Bodies

SB 707 removed the sunset provisions of GC Section 54952.2(b)(3), which regulate legislative body members' use of public social media to share or gather information. While social media use

is permissible, legislative body members cannot discuss agency business with each other or respond to one another's posts about such matters.

For example, a City Councilmember could post on their social media asking for input about an upcoming project. However, another City Councilmember may not respond to the post, either by commenting on or reacting to (by "liking") the post itself or any comments on that post.

5. Just Cause Expansion

SB 707 revised the remote participation rules applicable to Councilmembers through AB 2449. The new provisions governing one method of remote participation for Councilmembers combine AB 2449's "just cause" and "emergency circumstances" provisions; expand the situations that are deemed "just cause" for remote participation; and remove the requirement that the Council vote to approve remote participation (GC Section 54953.8.3). "Just cause" for remote participation now includes the following:

- Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, 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 that is not subject to subdivision (c) of GC Section 54953;
- Travel while on official business of the legislative body or another state or local agency;
- An immune-compromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely;
- A physical or family medical emergency that prevents a member from attending in person; or
- Military service obligations that result in a member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency.

A Councilmember may only appear remotely using the "just cause" provisions of the Brown Act for five meetings per calendar year. If a Councilmember appears remotely pursuant to this section, the agenda need not indicate the remote Councilmember's location, nor must that location be open to the public.

Pursuant to GC Sections 54953.8, 54953.8.3, for a Councilmember to appear remotely, all of the following conditions must be met:

- At least a quorum of the legislative body participates in person from a singular physical location;
- Audio and video participation of the remote Councilmember is required;
- Meeting minutes must include the name of the member who teleconferenced in under this section and the specific provision of law that the member relied upon to appear remotely (disclosure of diagnosis, disability, and medical information is not required); and
- Public must be permitted to appear remotely, via either a two-way audio-visual platform or a two-way telephonic service and a live webcasting of the meeting.

If a Councilmember appears remotely, and the remote public participation service is disrupted, the Council may not take any further action until public access has been restored.

6. Teleconferencing – Eligible Subsidiary Legislative Bodies

Pursuant to GC Section 54953.8.6, an eligible subsidiary body may conduct its meetings via teleconferencing. An eligible subsidiary body is:

- An advisory-only body with no final decision-making authority on legislation, regulations, contracts, licenses, permits, entitlements, grants, or allocation of funds.
- Does not have primary subject matter jurisdiction over budgets, elections, police oversight, privacy, public library material access, or taxes, or related spending proposals

The City Council that created each eligible subsidiary body must, by formal action, make findings initially and every six months thereafter, that the eligible subsidiary body may meet remotely. The findings must address consideration of circumstances of the subsidiary body, find that the public access would be enhanced, type of remote participation, public notification, and member diversity/retention (Gov. Code section 54953.8.6(a)(4).). Attached to this staff report as Exhibit 2 is the Approved Council Assignments document to facilitate discussion of the appropriateness of remote meetings.

Remote meetings of eligible subsidiary bodies must meet the following conditions:

- Designate one physical location within the jurisdiction where in-person members and the public may attend;
- Ensure at least one staff member is present at the physical location;
- Post the agenda at the physical location; posting is not required at remote locations;
- Members must appear on camera during the meeting and, if video is disabled due to connectivity, members must announce the reason before turning off the camera; and
- Elected Officials who are serving on the subsidiary body must comply with GC Section 54953(b)(3) (the traditional Brown Act regulations for remote participation, including noticing the remote location on the agenda and the remote location being open to the public).

Provisions Effective Beginning July 1, 2026

Under SB 707, there are some key provisions that become effective beginning July 1, 2026. These provisions are triggered if the City Council is deemed an “eligible legislative body.” Pursuant to GC Section 54953.4(e)(2) eligible legislative bodies include:

- City Councils of cities with populations of 30,000 or more
- County boards of supervisors of counties with populations of 30,000 or more
- City Councils in counties with populations of 600,000 or more

The City of Burlingame City Council qualifies as both being a City with a population of 30,000 or more (31,386 in the 2020 Census) and being a city in a County with a population of 600,000 or more (764,442 in the 2020 Census). Thus, the provisions of GC Section 54953.4 apply to the City Council.

1. Mandatory Remote Public Attendance Option

Pursuant to GC Section 54953.4(b)(1)(A)(i)(I)(ia), all open and public meetings of eligible legislative bodies must include an opportunity for the public to attend via a two-way telephonic or two-way audiovisual platform.

The City has been implementing this since returning to in-person meetings after the COVID-19 pandemic.

2. Policy on Disruption of Telephonic or Internet

Pursuant to GC Section 54953.4(b)(1)(A)(i)(I)(ib)(la), the City Council must adopt a 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. This policy cannot be adopted on the consent calendar.

SB 707 provides certain requirements for the content of this disruption policy. If a technological disruption prevents public access to the meeting, the City Council must recess open session for at least one hour, or until service is restored, and attempt in good faith to restore telephonic or internet service. Closed sessions may occur during the recess. If at the end of that hour, the City has been unable to restore telephonic or internet service, the City Council shall reconvene and either: (1) adjourn the meeting; or (2) adopt a finding, by roll call vote, that good faith efforts were made in accordance with the adopted policy and that continuing the meeting outweighs the public interest in remote access.

Attached to the staff report as Exhibit 3 is a draft Disruption Policy for the Council's consideration as well as a Resolution adopting the policy. If adopted, the policy will not take effect until July 1, 2026.

3. Equal Opportunity for Remote Public Comment

Pursuant to GC Section 54953.4(b)(1)(B), all eligible legislative bodies must allow for remote public comments. Individuals commenting remotely must be provided with the same time allotment as in-person attendees.

This is a departure from the City's current practice. At the October 2, 2023 meeting, the City Council chose to allow only in-person public comments, partially in response to disruptive public comments derailing meetings in several Bay Area cities.

However, as a result of SB 707, the City must reinstate remote public comment at the first meeting in July. The City Clerk's Office will work with the City Attorney's Office to develop a policy on how to handle disruptive remote public comments.

4. Translation of Meeting Agendas into "Applicable Languages"

GC Section 54953.4(c)-(e) requires eligible legislative bodies to translate and post meeting agendas in 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. As discussed below, these provisions do not apply to the City.

Under SB 707, the applicable languages are languages, “according to data from the most recent American Community Survey, spoken jointly by 20% or more of the applicable population, provided that 20% or more of the population that speaks that language in that city or county speaks English less than ‘very well’” (GC Section 54953.4(e)(1)(A)). As Exhibit 4 of this report, staff has provided the City’s American Community Survey results from 2023 for languages spoken by those five years old and up in Burlingame. As summarized below, and further explained in Exhibit 5, no language surpasses the 20% threshold required by the law for translation services.

Language	Estimated Number of Speakers	Percentage Of Applicable Population
English	18,332	63.8%
Spanish	2,633	9.2%
Chinese	2,439	8.5%
Tagalog	833	2.9%
Russian	646	2.2%
Korean	239	0.8%

5. Public Meetings Information Webpage, Translation into “Applicable Languages”

Pursuant to GC Section 54953.4(b)(3)(B), eligible legislative bodies must create and maintain an accessible webpage dedicated to public meetings that includes or links to:

- A general explanation of the public meeting process
- An explanation of how to provide in-person or remote public comment
- A calendar of all public meetings with date/time/location
- A link to posted agendas

Eligible legislative bodies must also institute a system for electronically accepting and fulfilling requests for meeting agendas and documents through email or through an integrated agenda management platform (GC Section 54953.4(b)(3)(A)). Moreover, this information must be posted through a prominent direct link on the City’s website homepage (GC Section 54953.4(b)(3)(B)(ii)).

Staff has started working on this page with the assistance of the City’s agenda management system (Granicus/Legistar): <https://burlingameca.legistar.com/Calendar.aspx>. This page will be updated with the following information:

- All scheduled meetings for the year entered at the beginning of each calendar year
- Information on how to make public comment whether in person or remotely
- How to obtain assistance to attend a meeting
- A sign up option to automatically receive the agenda and agenda packet
- The City Clerk’s contact information for any further assistance.

Additionally, this page will be linked on the main page of the City’s website.

6. Outreach to Underrepresented Groups and Non-English-Speaking Communities

Pursuant to GC Section 54953.4(b)(3)(C), the City must make reasonable efforts, as determined by the City Council, to encourage participation among groups that don't traditionally participate in meetings. Possible groups include media serving non-English speakers, community organizations, and neighborhood groups.

The City Clerk's Office is compiling a list of media contacts, local organizations, and special districts that serve the Burlingame community. This list will receive an email with the agenda for each Council meeting so that they can share that information with their community. Additionally, the City Clerk's Office will work with the department heads, City Councilmembers, and staff to make sure this list stays up-to-date, and has the widest reach possible. The City's website will also include information for organizations on how to sign up for this email listserv.

City staff has included a Resolution with this item detailing the City's efforts regarding this requirement for the City Council's consideration and adoption.

7. Public Location for Agenda Translations by the Community

Pursuant to 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 are posted. The public must be allowed to post additional translations of the agenda in that location. The City is not responsible for nor liable for the content, accuracy, or posting of these translations.

The City Clerk's Office has begun working with Public Works to install a bulletin board next to the agenda board outside of City Hall on the Primrose Road side. The bulletin board will include language that the board is only for City Council agendas posted in languages other than English. Additionally, the board will include signage clarifying that the City is not responsible for nor liable for the content, accuracy, or posting of these translations. The City Clerk's Office will maintain this board in compliance with GC Section 54953.4(c)(3)-(4).

8. Public Interpretation Assistance

Pursuant to GC Section 54953.4(b)(2)(A)-(C), 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. Assistance may include arranging space for interpreters, allowing extra time for interpretation to occur, or allowing the use of personal equipment or access to commercially available interpretation services.

Since COVID-19, all Council agendas have included language offering the City Clerk's assistance to any members of the public seeking ADA or language assistance to attend and participate in a City Council meeting. Upon receipt of a request, the City Clerk's Office works with the requester to identify appropriate and necessary accommodations, including extra time for public comment to allow for the translation of their comments or a wireless microphone to accommodate a physical disability. Additionally, the Zoom meeting can be automatically translated into several languages. The Resolution included with this item confirms that the City will continue publicizing instructions to receive such assistance.

Proposed Resolutions

As indicated in the discussion above, staff has provided two Resolutions for the Council's consideration. Although these Resolutions provide a starting point toward implementation, they may require subsequent revision or updating as the law evolves and the City gains experience implementing the new provisions of the Brown Act.

1. Resolution adopting the Council's Technology Disruption Policy

GC Section 54953.4(b)(1)(A)(i)(I)(ib) requires the City Council to adopt a policy regarding disruption of telephonic or internet service occurring during meetings and sets forth certain required elements for the policy. The Resolution and Policy attached here incorporate those required elements and set forth the procedures for responding to and troubleshooting technological disruptions (Exhibit 3, Sec. 5-7.). If adopted, the Policy would take effect on July 1, 2026.

2. Resolution Adoption Public Outreach and Public Interpretation Assistance Practices

The second Resolution addresses the public outreach and interpretations assistance requirements of GC Sections 54953.4(b)(3)(C) and 54953.4(b)(2)(A)-(C). The Resolution sets out forms of translation and interpretation assistance the City is able to reasonably offer to non-English speaking members of the public who wish to participate in Council meetings. It also sets forth the reasonable efforts the City intends to undertake to invite participation from groups that do not traditionally participate in public meetings. Lastly, the Resolution authorizes the City Manager and City Clerk to take such actions as they deem necessary to effectuate the purpose and intent of the Resolution.

FISCAL IMPACT

The fiscal impact is minimal. The City will need to purchase a bulletin board and potentially some add-ons to the agenda management system in order to ensure compliance.

Exhibits:

Exhibit 1: SB 707 Redlined

Exhibit 2: Council Assignments

Exhibit 3: Proposed Technology Disruption Policy

Exhibit 4: 2023 Census Data on Languages Spoken at Home

Exhibit 5: CMCA Worksheet for Applicable Languages

Resolution Adopting Technology Disruption Policy

Resolution Adopting Public Outreach and Interpretation Assistance Practices