



City of Colusa California

STAFF REPORT

DATE: July 15, 2026
TO: City of Colusa Mayor and Council Members
FROM: Robert Wakefield, City Attorney

AGENDA ITEM:

Subject: Updates to Brown Act Pursuant to SB 707.

Recommendation: Take under advisement.

BACKGROUND

SB 707 has substantially revised the Ralph M. Brown Act¹, California's local government open meeting law. While many of the portions of SB 707 took effect on January 1, 2026, its most substantial revisions did not take effect until July 1, 2026, when new Government Code Section 54953.4 became effective, specifically the following:

- **Remote Meetings.** Effective July 1, 2026, the public must be allowed to remotely participate in meetings of an "eligible legislative body."
- **Remote Meeting Policy.** By July 1, 2026, an "eligible legislative body" must have adopted a written policy for handling technical disruptions to the remote access.
- **Translating Agendas.** Effective July 1, 2026, many agencies must translate agendas (but not agenda packets) into additional languages.

While many portions of SB 707 will sunset on January 1, 2030, it is theoretically possible that certain legislative revisions could eventually become permanent.

LEGAL ANALYSIS

Definition: "Eligible Legislative Bodies"

SB 707's most significant legal changes relate to meetings of an "eligible legislative body." Government Code section 54954.3(e) defines the term as follows:

¹ Government Code § 54950 et seq.

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- (A) A city council of a city with a population of 30,000 or more.
 - (B) A county board of supervisors of a county, or city and county, with a population of 30,000 or more.
 - (C) A city council of a city located in a county with a population of 600,000 or more.
 - (D) The board of directors of a special district that has an internet website and meets any of the following conditions:
 - (i) The boundaries of the special district include the entirety of a county with a population of 600,000 or more, and the special district has over 200 full-time equivalent employees.
 - (ii) The special district has over 1,000 full-time equivalent employees.
 - (iii) The special district has annual revenues that exceed four hundred million dollars (\$400,000,000) and the special district employs over 200 full-time equivalent employees.”

Other legislative bodies, such as planning commissions, are not within the meaning of “eligible legislative body.”

NOTE: only those provisions marked as “Applicable to Colusa” apply to the City of Colusa. All other sections marked as being applicable to only “eligible legislative bodies” do not apply.

When the Public Must Be Allowed to Participate Remotely

Effective July 1, 2026, “**eligible legislative bodies**” must allow the public to attend and comment in real time during their meetings through either:

- **Telephone + Webcast.** A “two-way telephonic service”² (i.e., traditional telephone) *and* live webcasting³ of the meeting; or
- **Zoom/Teams.** A two-way audiovisual platform⁴ (such as Zoom or Teams) that allows participants to see and hear the meeting (with the option to participate by telephone).

² “Two-way telephonic service” means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate. New Gov’t Code § 54953.8(g)(4).

³ “Webcasting” means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers. New Gov’t Code § 54953.8(g)(5).

⁴ “Two-way audiovisual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service. New Gov’t Code § 54953.4(e)(3).

Remote attendees must be given the right of public comment and be provided “the same time allotment as a person attending a meeting in person.”

Teleconference Participation by Legislative Body Members (Applicable to Colusa)

When members of a legislative body participate via teleconference, the minutes must state the statutory authority that permitted the remote attendance. Teleconferencing is allowed by seven different statutory authorizations – each statute has its own additional requirements that should be referenced before engaging in a teleconference pursuant to that authority:

1. Health authorities.
2. A local emergency or state of emergency.
3. Just cause.
4. Eligible neighborhood councils.
5. Eligible community college student organizations.
6. Eligible subsidiary bodies (i.e., certain advisory bodies).
7. Eligible multijurisdictional bodies.

ADA – Remote Participation for People Disabilities (Applicable to Colusa)

Accommodating Disabilities of the Public

State law already requires agencies to have a procedure “for receiving and swiftly resolving requests for reasonable accommodation” and that meeting agendas be “made available in appropriate alternative formats to persons with a disability.” Also, agendas have long been required to include information regarding how to request a disability-related accommodation (e.g., auxiliary aids, captioning).

Effective July 1, 2026, to assist those members of the public with disabilities, if the agency is using an audiovisual platform (e.g., Zoom), the agency must “activate any automatic captioning function during the meeting if an automatic captioning function is included” on the platform.

Accommodating Disabilities of Legislative Body Members

If a member of a legislative body with a disability obtains a reasonable accommodation to appear at meetings remotely, the standard teleconferencing rules, such the requirement that all votes be taken via rollcall votes, does not apply.⁵ Rather, such person must participate via both audio and visual technology, unless “a physical condition related to their disability results in a need to participate off camera.” Additionally, such person must announce at the meeting, before any action is taken, whether “any other individuals 18 years of age or older are present in the room with the member,” and the “general nature of the member’s relationship with any of those individuals.”⁶ Such remote participation shall count for all purposes as physical attendance, including any quorum requirements.

⁵ New Subsection (c)(4) of Government Code § 54953.

⁶ Newly added subsection (c)(1)(B) of Gov’t Code § 54953.

Technology Failures During Meetings – Policy

On or before July 1, 2026, each **eligible legislative body** must approve a “policy regarding disruption of telephonic or internet service occurring during meetings.” The policy must be adopted in open session, and not via the consent calendar.⁷ The policy “shall address the procedures for recessing and reconvening a meeting in the event of disruption and the efforts that the eligible legislative body shall make to attempt to restore the service.”

If the agency’s phone or internet service fails and the public cannot participate as a result, the meeting must recess, and the agency must “make a good faith attempt to restore the service.” The “eligible legislative body shall not reconvene the open session of the meeting until at least one hour following the disruption, or until telephonic or internet service is restored, whichever is earlier.” In other words, if it takes only five minutes to fix, the meeting can reconvene at the five-minute mark.

Conversely, if the service takes three hours to fix, the meeting need only be delayed one hour before the meeting can resume. That said, such meeting may only resume despite the reconnection if the eligible legislative body adopts “a finding by rollcall vote that good faith efforts to restore the telephonic or internet service have been made in accordance with [the agency’s remote participation policy].”

Webpage to Request Agendas

Starting July 1, 2026, for meetings of **eligible legislative bodies**, agencies must have a system to electronically allow the public to request agendas and documents. The agency must also have a dedicated webpage that provides: (1) “a general explanation of the public meeting process”; (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 comment”; (3) a calendar of the date, time, place all meetings; and (4) posted agendas. The agency’s home page must link to this webpage. The webpage must be translated into all applicable languages; such translation may be made using a digital translation service.

Although there is no enforcement mechanism for failure to do so, starting July 1, 2026, agencies are also to invite groups “that do not traditionally participate in public meetings to attend those meetings.” Examples can include media organizations, good government, civil rights, and civic engagement groups.⁸

Translating Agenda and Agenda Materials

Effective July 1, 2026, the agenda for each meeting of an **eligible legislative body** shall be translated into all “applicable languages.”⁹ This rule requires translation for each “applicable language” in the jurisdiction, up to a maximum of the three most common non-English languages. “Applicable languages” are those (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 that population* speaks that language less than “very well.”¹⁰ This

⁷ Id.

⁸ New Gov’t Code § 54953.4(b)(3)(C)(i)(II).

⁹ New Gov’t Code § 54953.4(c)(1).

¹⁰ New Gov’t Code § 54953.4(e).

means, for example, that translation may be required, even if as little as 4% of the jurisdiction's total population (20% of that 20%) speaks English less than "very well."

Effective July 1, 2026, **eligible legislative bodies** must translate agendas and the webpage with meeting-access instructions to the "applicable languages." Each translation "shall be accessible through a prominent direct link posted on the primary internet website home page of the eligible legislative body. Agenda packets need not be translated.¹¹ Translation of agendas and webpages may be accomplished via a "digital translation service" (a term that is not defined). Agencies are not liable for incorrect translations.¹²

Each translated agenda shall be publicly posted, per standard agenda posting rules, and must include instructions on how to participate via a telephonic or internet-based service option, "including any requirements for registration for public comment."

Near the posted agendas, the agency must make a physical space available at which members of the public may post additional translations of the agenda in that location. There is no liability for the agency "arising from the content, accuracy, posting, or removal of any translation provided by the eligible legislative body or posted by any person."

Translations During Meetings

Agencies "must publicize instructions on how to request language-related assistance." Permissible methods of assistance may include arranging space for interpreters, allowing extra time during the meeting for translation to occur, and ensuring participants may use commercial language translation interpretation services. Although "assistance" is required for meetings, agencies are **not** required to provide interpretation. Agencies are exempt from liability "arising from the content or accuracy of any interpretation facilitated, assisted with, or provided [during meetings]."

General Provisions. (All Applicable to Colusa)

Executive Salaries

Previously, before taking final action on a recommendation for a final action on salaries or fringe benefits of any "local agency executive" (which includes department heads), the legislative body must orally report a summary of the recommendation. This rule was expanded, effective January 1, 2026, to also apply to salary and fringe benefits of any administrative officer that holds a position similar to that of a department head.

Disruptive Participants

The Brown Act was amended to clarify that the authority of the chair to remove an individual for disrupting a meeting also extends to the removal of an individual from a remote teleconferenced meeting, and to the removal of members of the public participating via a two-way telephonic service or a two-way audiovisual platform.

¹¹ New Gov't Code § 54953.4(c)(5).

¹² New Gov't Code § 54953.4(c)(4).

Special Meeting Notices

All notices for special meetings must provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

Effective January 1, 2026 **all** special meetings must meet the 24-hour agenda noticing requirement. SB 707 deleted two exceptions for meetings of: (1) boards that govern a private corporation, limited liability company or other entity that either exercises delegated governmental authority or receives local funds and includes a member of the local agency on its board; and (2) certain lessees of hospitals.

Public Recording Rights

The Brown Act currently allows meetings to be recorded “with an audio or video or video recorder or a still or motion picture camera.” Effective January 1, 2026, the reference to type of technology used is deleted to confirm that it allows recording via any type of technology.

No Sunset - Social Media Posting

SB 707 makes permanent the addition of Subsection (c)(3) to Government Code section 54952.2 that confirmed that it is not a Brown Act violation for a single member of a legislative body to post on a social media platform, provided that a majority of the members of the legislative body do not use the social media platform to discuss among themselves something in the legislative body’s jurisdiction.

Distribution of the Brown Act to Members

Starting January 1, 2026, all local agencies will be required to provide a copy of the Brown Act “to any person elected or appointed” as a member of *any* body that is subject to the Brown Act. Although the statute does not expressly require the “copy” to be provided in a paper format, many jurisdictions will opt to provide a printed copy to each new member upon taking office. It is unclear if this requirement applies solely on a going-forward basis. To avoid any doubt, the City should provide a copy of the Brown Act to each of the members of their legislative bodies.

Public Comment on Prior Subcommittee Comments

SB 707 narrows an exemption that has historically allowed agencies to limit public comment on certain items. Previously, if a committee was comprised entirely of members of the legislative body, and said committee allowed prior public comment on an item, unless the item had been substantially changed since the committee heard that item, no additional public comment is required to be allowed on the item when the main legislative body takes up that item. Starting on January 1, 2026, however, to qualify for that exception two additional requirements must also be met:

- (1) A quorum of such committee must also have participated from a singular physical location that was clearly identified on the agenda, open to the public, and situated within the jurisdiction.

(2) The committee must not have jurisdiction over any of the following subjects: “elections, budgets, police oversight, privacy, removing from or restricting access to, materials available in public libraries, or taxes or related spending proposals.” This clause does not apply if the committee has adopted a law applicable to the committee’s meetings which does not limit the total amount of time for public comment on the item.

BUDGET IMPACT: SB 707 substantially changed how local agencies conduct public meetings. Particularly important is that by July 1, 2026, “**eligible legislative bodies**” will need to:

1. Offer real-time remote participation to the public.
2. Have adopted a written disruption policy.
3. Translate agendas and access webpages when 20 percent or more of residents speak a non-English language and at least 20 percent of that group have limited English proficiency.

Because these requirements carry substantial operational and budgetary impacts, agencies should evaluate their technology capacity, staffing, and procedures now to ensure full compliance by July 1, 2026.

STAFF RECOMMENDATION: Review these requirements and plan for Council and staff to follow new state law requirements under SB 707.