



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 9, 2026

TO: Mayor and Members of the City Council

VIA: Patrick Tang, Interim City Manager

SUBMITTED BY: Christie Crawl, City Attorney; Eibleis Melendez, City Clerk

SUBJECT: Amend the City Council Rules of Procedure to Govern Audiovisual Disruptions Pursuant to SB 707

RECOMMENDED ACTION:

Adopt a resolution amending the City Council Rules of Procedure to establish a policy governing a City Council response to a disruption to a two-way audiovisual service used for City Council meetings.

BACKGROUND:

Senate Bill 707 (Durazo, 2025), approved by the Governor on October 3, 2025, enacts significant changes to the Ralph M. Brown Act (Gov. Code, § 54950 et seq.; the “Brown Act”). The Brown Act is California’s open meeting or “sunshine” law which is intended to ensure that public business is conducted transparently. The Brown Act specifically protects the public’s right to attend and participate in meetings of local legislative bodies. SB 707 aims to broaden and diversify public engagement in local government and modernize the Brown Act in the face of technological advances. Certain SB 707 changes to the Brown Act are relevant to City of Hercules (“City”).

ANALYSIS:

Following the COVID-19 pandemic, the Brown Act continued to allow the City Council to provide two-way teleconferencing (i.e. “remote participation”) for Council meetings, but it did not require it. SB 707 now requires most cities to provide a remote participation platform.

SB 707 further requires cities to adopt a policy governing disruptions related to remote meeting participation by July 1, 2026. Staff therefore proposes to amend the City Council's Rules of Procedure to include the new Brown Act statutory language regulating Council actions in the event of a disruption to the City's remote meeting platform. Pursuant to Gov. Code section 54953.4, if the City's platform is disrupted such that the public cannot view or remotely participate in a City Council meeting, the City Council must:

- (1) Recess for no less than one hour, during which time staff shall make good faith efforts to restore service.
- (2) Following such efforts, should the City Council desire to continue the meeting, the City Council shall adopt, by roll-call vote, a finding confirming that reasonable efforts were made to resolve the disruption and that the City's interest in continuing the meeting outweighs the public interest in remote participation and/or observation.

The proposed revisions to the City Council Rules of Procedure (i.e. new section 4.3.1) are attached hereto as Attachment 2.

FISCAL IMPACT:

There would be no fiscal impact as a result of adopting this required policy.

ATTACHMENTS:

Attachment 1	Resolution Amending City Council Rules of Procedure
Attachment 2	City Council Rules of Procedure (proposed amendments in redline)