



CITY OF COSTA MESA

77 Fair Drive
Costa Mesa, CA 92626

Agenda Report

File #: 26-277

Meeting Date: 5/19/2026

TITLE:

UPDATE ON SB 707 AND ADOPT THE COUNCIL POLICY FOR DISRUPTION OF TELEPHONIC OR INTERNET SERVICE DURING CITY COUNCIL MEETINGS

DEPARTMENT: CITY MANAGER/CITY CLERK DIVISION

PRESENTED BY: BRENDA GREEN, CITY CLERK

CONTACT INFORMATION: BRENDA GREEN, CITY CLERK (714) 754-5221

RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file the informational update report on Senate Bill (SB) 707.
2. Adopt the Council Policy for Disruption of Telephonic or Internet Service During City Council Meetings.

BACKGROUND:

On October 3, 2025, Governor Newsom signed into law Senate Bill 707 (SB 707), which amends the Brown Act to diversify and increase public engagement during City Council meetings, which applies to Costa Mesa. Some provisions of SB 707 went into effect on January 1, 2026. However, the most significant changes under SB 707 will become effective on July 1, 2026.

SB 707 updates provisions related to teleconferencing, including requirements for remote participation, accessibility, and procedures for addressing disruptions to meeting access for City Council meetings. Among other requirements, SB 707 requires the City Council to adopt a technology disruption policy and to determine what constitutes reasonable efforts for outreach to encourage public participation in City Council meetings, particularly among underrepresented and non-English-speaking communities. These policies must be adopted by July 1, 2026.

ANALYSIS:

Technology Disruption Policy

Among the new requirements under SB 707, City Council meetings must provide hybrid meetings through a two-way telephonic or audiovisual platform. When an audiovisual platform is used, automatic closed captioning is also required. The City has utilized Zoom for its meetings since 2020, which satisfies these requirements, including the provision of closed captioning, which is offered in multiple languages. Staff will continue using Zoom for meetings as this is now mandatory, not

optional.

In addition, SB 707 requires the City to formally adopt a policy, on or before July 1, 2026, that outlines how to restore any hybrid meeting broadcast disruptions that prevent the public from virtually attending and participating in a meeting. The policy must address procedures for responding to disruptions of telephonic or internet service during a meeting and the efforts the City Council will make to restore service.

The statute requires that if a disruption occurs that prevents members of the public from observing or participating in a City Council meeting through the two-way telephonic or audiovisual platform, the City Council must recess the open session for at least one hour and make a good faith effort to restore service. During this time, the City Council may meet in closed session, as permitted by law.

The City Council may not reconvene open session until at least one hour has passed or service has been restored, whichever occurs first. If service has not been restored upon reconvening, the City Council must make findings by roll call vote that good faith efforts were made to restore access and that the public interest in continuing the meeting outweighs the public interest in providing remote access. Alternatively, the meeting may be adjourned.

Please note that the public would still be able to view City Council meetings live on CMTV Channel 3, the City's livestream on the website, and the City's YouTube channel; the public may also view and participate in person at the meeting location.

Furthermore, this bill allows City Council or its presiding officer to also remove or limit participation from individuals engaging in disruptive behavior, regardless of whether the individual is attending in-person or via two-way audiovisual or telephonic services. City Council must still provide warning before removal, unless behavior constitutes use of force or true threat of force. This codifies what many agencies had been doing during remote meetings but clarifies the legal authority to do so.

The proposed policy incorporates these requirements and establishes procedures to ensure transparency and continuity of meetings in the event of a technological disruption during a City Council meeting, while maintaining flexibility to respond based on the specific circumstances.

Reasonable Efforts for Outreach

In addition to the above, SB 707 requires City Council to encourage residents, including those in underrepresented communities and non-English-speaking communities, to participate in public meetings. This includes maintaining a system for electronically accepting and fulfilling requests for meeting agendas and documents through email or through an integrated agenda management platform and maintaining an accessible internet webpage dedicated to public meetings that provides information about public meetings and the steps to participate.

Staff currently manage requests through the City Clerk's email at cityclerk@costamesaca.gov <<mailto:cityclerk@costamesaca.gov>> and by phone at (714) 754-5225. Beginning January 2024, the City Clerk's Office also launched a dedicated webpage for Spanish-speaking constituents, providing information about public meetings and how to participate. The webpage includes staff-published translated Spanish agenda packets, agendas and reports. The following is the link to the webpage: [Spanish City Council Agendas](https://www.costamesaca.gov/trending/current-agendas/spanish-city-council-agendas) <<https://www.costamesaca.gov/trending/current-agendas/spanish-city-council-agendas>>. Additionally, all City Council meeting agendas include a general explanation of the

public meeting process, as well as procedures for submitting public comments.

The City's outreach approach includes inviting participation to City Council meetings from media organizations serving the City, including those serving non-English-speaking communities, as well as civic, neighborhood, community-based, civil rights, and good government organizations. Costa Mesa has actively been engaging community groups for several years prior to having this effort mandated.

Language Translation and Interpretation and Public Participation

SB 707 also requires translation of agendas and public meetings information webpage into "applicable languages" based on the most recent American Community Survey (ACS) data of the population served. "Applicable languages" are defined as any language spoken jointly by 20% or more of an applicable population that speaks English less than "very well" according to ACS data. Staff has reviewed and based on the criteria; Costa Mesa meets the 20% threshold required for Spanish.

SB 707 also requires public agencies to reasonably assist any member of the public who wishes to translate a meeting or wishes to receive interpretation provided by another member of the public, so long as the interpretation does not disrupt the meeting. Reasonable assistance may include arranging space for interpreters at the meeting location, allowing extra time during the meeting for interpretation, or ensuring that participants may use personal equipment or reasonably access commercially available interpretation services. Since 2024, the City has provided Spanish interpreters at all City Council meetings. In addition, City Council has allotted five (5) minutes to members of the public providing Spanish-to-English public comments; this is in place of the regular three (3) minutes.

The City is also required to provide a physical location where members of the public may post additional translations of meeting agendas in reasonable proximity to the location where official City Council agendas are posted. Currently, meeting agendas are displayed on locked bulletin boards outside City Hall. The City Clerk has identified an adjacent posting board that will be made available for members of the public to post alternative translated agendas for City Council meetings.

Summary of Teleconferencing Options Under SB 707

SB 707 revises and expands the teleconferencing options available under the Brown Act. Please note the following applies to City Council and the Commissions.

1. Traditional Teleconferencing (Gov. Code section 54953): *No changes*

- Roll call votes
- Teleconference locations listed on agenda
- Agenda posted at each teleconference location
- Public access and participation available at each location
- Quorum of Council members participate from within City limits

2. Council Member with Disability (Gov. Code section 54953 (c))

- Available for Council Members with a qualifying disability as defined by federal and state law.
- Treated as in person attendance.
- Roll call vote, remote location listing on agenda, and remote location public accessibility NOT required.

Two Requirements under this Code

- Disclosure of others (18+ years old) present with Council Member at remote location prior to voting.
- Remote participation via audio and visual technology required.
 - “Audio only” participation permissible if: Disability meets federal definition and disability results in a need to participate off camera.

Following are threshold requirements for alternative teleconferencing options 3-4 which are listed below (Gov. Code section 54953.8).

To utilize the Government Code sections 54953.8.1 - 54953.8.3 teleconferencing options, Costa Mesa must meet all the following requirements:

- Minutes list legal basis for each Council Member’s remote participation.
- Prior to voting, disclosure of others (18+ years old) present with the Council Member at the remote location.
- Remote participation requires both audio and visual technology.
- Meeting agenda must:
 - Provide details on how members of the public can remotely access and make public comments at the meeting.
 - List one or more physical locations where Council members may attend in person.
 - Identify procedures for addressing requests for accommodation from members of the public with disabilities.
- If telephonic or internet service within City’s control is disrupted, no action taken by the Council until service is restored.

3. Emergencies (Gov. Code section 54953.8.2)

- Teleconference meetings permissible during proclaimed emergencies if all threshold requirements are met in two circumstances:
 - To determine if in-person meeting presents imminent health or safety risk.

- If the majority of Council votes "Yes," to conduct City business.
- Every 45 days, the Council must make the following findings:
 - Reconsider the circumstances of the emergency.
 - Determine the emergency still directly impacts safety of meeting in person.
- During emergency, meeting room, video and live webcasting are optional.

4. "Just Cause" (Gov. Code section 54953.8.3)

- Teleconference meetings permissible using the "Just Cause" option if threshold requirements and all the following are met:
 - A quorum of City Council Members must participate in meeting from one physical location which is: (a) listed on the agenda (b) open to the public and (c) within City limits.
 - Council Member(s) using "Just Cause" option must notify the Council as early as possible and provide description of the reason for their remote participation.
 - Remote participation must be through both audio and visual technology.

"Just Cause" frequency limits per City Council Member:

- Two meetings per year: councils regularly meeting monthly.
- Five meetings per year: councils meeting twice per month.
- Seven meetings per year: councils meeting three+ per month.

"Just Cause" Qualifying Circumstances:

- Caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or partner.
- Contagious illness.
- Need related to physical or mental condition not subject to the "Disability" teleconferencing option.
- Travel while on official business of the City or another state or local agency.
- Immunocompromised children, parent, grandparent, grandchild, sibling, spouse/partner.
- A physical or family medical emergency.
- Military service obligations under official orders at least 50 miles outside of City boundaries.

ADA Requirements

Staff has been actively implementing Title II of the Americans with Disabilities Act in accordance with the U.S. Department of Justice regulations, with the original compliance deadline of April 24, 2026. These regulations adopt the Web Content Accessibility Guidelines (WCAG), which establish detailed technical requirements for website content and mobile applications to ensure accessibility for all individuals. Under these standards, all content posted to the City's website, including City Council meeting videos-must be properly structured and tagged to ensure compatibility with screen-reading software for individuals with visual impairments. Additionally, images must include concise and descriptive alternative text to effectively convey visual information. Meeting agendas and minutes must be indexed to allow users to navigate directly to specific sections, and all video content must include closed captioning.

To ensure compliance with SB 707 and WCAG requirements, the City was required to procure new equipment essential for operating CMTV and livestreaming City Council meetings. The existing equipment had exceeded its expected lifecycle by approximately two years and posed a significant risk of failure. Replacement was necessary not only to maintain uninterrupted CMTV operations, but also to support integration with new software required for ADA and SB 707 compliance, including features such as Spanish-language translation for video streaming.

The compliance deadline for the Web Content Accessibility Guidelines (WCAG) has been extended to April 26, 2027; however, the requirements under SB 707 remain in effect as of July 1, 2026.

Social Media

SB 707 removed the sunset date for AB 992' s social media restrictions, and the law will now remain in effect. This law prohibits a majority of the members of a legislative body from using social media platforms to discuss official business among themselves, including making posts, commenting, sharing and even using digital icons known as " emojis." This law also prohibits a member of the legislative body from responding directly to any communication on an internet based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is posted or shared by another member.

Expanded Executive Compensation Reporting

The Brown Act previously required oral reports before taking action on compensation for "local agency executives." SB 707 expands this to include department heads and similar administrative officers. Before taking final action on compensation for executives, department heads, or other similar administrative officers, the legislative body must orally report a summary of the recommendation in open session.

Copies of Brown Act

SB 707 will now require agencies to provide a copy of the Brown Act to any person elected or appointed as a member of the City Council.

ALTERNATIVES:

Adopt the Council Policy Disruption of Telephonic or Internet Service During City Council Meetings with modifications or other direction as provided by Council.

FISCAL REVIEW:

The total project cost for upgrading hardware, support and services through the City's vendor, Triton, and MediaScribe platform totals \$97,863.32. Funding is available from the Council Meeting A/V Equipment Replacement project (603-14600-50710-200106-500000).

LEGAL REVIEW:

The City Attorney's Office has reviewed this agenda report and approves it as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item is administrative in nature.

CONCLUSION:

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