



CITY OF OAKLAND

AGENDA REPORT

TO: The Honorable City Council

FROM: Asha N. Reed
City Clerk and Clerk of the
Council

SUBJECT: Amending Resolution 91010 to Add
Rule 33

DATE: April 3, 2026

RECOMMENDATION

ADOPT A RESOLUTION AMENDING AND RESTATING THE COUNCIL'S RULES OF PROCEDURE IN THEIR ENTIRETY IN ORDER TO ADD RULE 33 REGARDING HYBRID MEETINGS AND TECHNOLOGICAL DISRUPTIONS THEREOF.

EXECUTIVE SUMMARY

Senate Bill 707, Effective January 1, 2026, Substantively Amended The California Brown Act. These Amendments Include A Requirement That The City Council Adopt A Policy Regarding Disruption of Telephonic Or Internet Service Occurring During Hybrid Meetings. The Proposed Resolution Restates the Council's Existing Rules Of Procedure In Their Entirety While Also Adding Rule 33 To Comply With The Obligations Of Senate Bill 707. Rule 33 Includes Three Provisions:

1. Section A Requires That All Meetings of The City Council Will Be Held In A Hybrid Format.
2. Section B Describes the Procedures That Will Be Followed If The Telephonic Or Internet Service Enabling Hybrid Meetings Is Disrupted.
3. Section C Provides Limited Circumstances Where The City Council May Hold A Meeting Without Providing A Hybrid Option.
To Come Into Compliance With Senate Bill 707, This Proposed Rule 33 Should Be Adopted Prior To July 1, 2026.

BACKGROUND / LEGISLATIVE HISTORY

City Charter Section 210 Mandates That Council Establish Rules Of Procedure For Conduct Of Meetings And Order Of Business. The City Council Amended Its Rules Of Procedure In Late 2025 With The Goal Of Providing For Greater Focus On Substantive Items That Benefit From Further Discussion At Full City Council By (1) Removing The Requirements That Non-Consent Items Start No Earlier Than 5 P.M.; (2) Amending The Order Of The Agenda So That Non-Consent Items Are Heard Before Consent Items; And (3) Removing Ceremonial Items As A Separate Agenda Section And Treating Ceremonial Items As Advisory Resolutions.

Rules & Legislation Committee
April 16, 2026

Senate Bill 707, Effective January 1, 2026, Amended Several Of The Teleconferencing Provisions Contained In The California Ralph M. Brown Act, California's Open Meeting Law. Pursuant To The Senate Bill 707 Amendments, The City Council Will Be Required By Law, Starting July 1, 2026, To Host Meetings In A Hybrid Format. Since The City Council Has Already Opted To Operate Hybrid Meetings, The Legal Requirement Will Have No Operational Impacts.

Senate Bill 707 Also Requires That The City Council Approve A Policy Regarding Disruption Of The Service Enabling The Hybrid Format. If A Disruption Prevents The Public From Attending Or Observing A Meeting, The City Council Must Take A Recess And Try To Restore Service For At Least One Hour. After An Hour, The City Council Meeting May Resume Only Upon Adopting A Finding That Good-Faith Efforts Were Made To Restore The Service And That The Public Interest In Continuing The Meeting Outweighs The Public Interest In Remote Public Access. The Policy Must Be Adopted On Or Before July 1, 2026 And Must Be Placed On The Non-Consent Calendar

ANALYSIS AND POLICY ALTERNATIVES

The Proposed Rule 33 States That Meetings Of The City Council Shall Be Held In A Hybrid Format To Include An Opportunity For Members Of The Public To Attend Via A Two-Way Telephonic Service Or Audiovisual Platform. The Meeting Agenda Shall Include Information On How To Participate Using The Two-Way Telephonic Or Audiovisual Service. To The Extent Feasible, Automatic Captioning Will Be Activated During The Meeting If The Meeting Is Conducted Through A Two-Way Audiovisual Platform That Includes An Automatic Captioning Function. A Council May Hold A Meeting Without Providing A Hybrid Option If Adequate Telephonic Or Internet Service Is Not Operational At The Meeting Location Or In One Of The Following Circumstances:

1. Attendance At a Judicial Or Administrative Proceeding To Which The City Is A Party.
2. Inspection Of Real Or Personal Property Provided That The Topic Of The Meeting Is Limited To Items Directly Related To The Real Or Personal Property.
3. Meeting With Elected Or Appointed Officials Of The United States Or The State Of California, Solely To Discuss A Legislative Or Regulatory Issue Affecting The City And Over Which The Federal Or State Officials Have Jurisdiction.
4. Meeting In Or Near A Facility Owned By The City, Provided That The Topic Of The Meeting Is Limited To Items Directly Related To The Facility.
5. Meeting In An Emergency Situation Pursuant To California Government Code Section 54956.5.

Proposed Rule 33 Provides For The Following Procedure In The Event That Telephonic Or Internet Service Enabling Hybrid Meetings Is Disrupted During A City Council Or Council Committee Meeting:

1. The Clerk Or The Chair Will Announce To Those Persons Attending In Person That The Service Enabling Hybrid Meetings Has Been Disrupted.
2. The Chair Will Announce The Current Time And Immediately Recess The Meeting.
3. During The Recess, The Office Of The City Administrator, The Office Of The Clerk, And KTOP Staff Will Make Good Faith Efforts To Restore The Service Enabling Hybrid Meetings.
4. If The Service Enabling Hybrid Meetings Is Restored, Then The Chair May Immediately Reconvene The Meeting.
5. If The Service Enabling Hybrid Meetings Is Not Restored, The Meeting May Convene Only After A Recess Of At Least One Hour Since The First Announcement Of The Disruption. The Chair Will Request That The City Administrator Or The City Administrator's Designee Describe The Efforts Made To Restore Service. After Staff Present The Description, The Chair Will Entertain A Motion To Adopt A Finding That Good Faith Efforts To Restore The Service Have Been Made In Accordance With This Rule 33, And That The Public Interest In Continuing The Meeting Outweighs The Public Interest In Remote Public Access. If Such Motion Is Adopted By The Majority Of The Councilmembers Present And Voting, The Meeting Shall Resume.
6. If A Motion Is Not Made Or Does Not Pass, Or If There Is No Longer A Quorum Of The Councilmembers Participating In The Meeting, The Meeting Will Immediately Adjourn.

FISCAL IMPACT

The Proposed Amendments To The Council Rules Are Not Anticipated To Have Any Fiscal Impact.

PUBLIC OUTREACH / INTEREST

This Item Will Be Noticed Pursuant To The Sunshine Ordinance In Advance Of Its Hearing At The Rules And Legislation Committee Meeting And Will Subsequently Be Considered By The City Council On The Non-Consent Calendar.

COORDINATION

The Office Of The City Clerk Has Introduced The Proposed Amendments To The Council Rules In Close Coordination With The Office Of The City Attorney.


SUSTAINABLE OPPORTUNITIES

The Proposed Amendments To The Council Rules Are Consistent With Obligations Under State Law, But May Have Ancillary Economic, Environmental, And Race & Equity Impacts By Fostering Greater Public Access To Meetings In Case Of Technological Disruption To The Meeting.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Requests The City Council Adopt The Resolution Amending And Restating The Council's Rules Of Procedure In Their Entirety In Order To Add Rule 33 Regarding Hybrid Meetings And Technological Disruptions Thereof.

For questions regarding this report, please contact ASHA REED at (510)238-3122.

Respectfully submitted,


ASHA REED
City Clerk and Clerk of the Council