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August 15, 2025

The Honorable María Elena Durazo
California State Senate
1021 O Street, Suite 7530
Sacramento CA 95814

**RE: SB 707 (Durazo): Open meetings: meeting and teleconference requirements.
(Amended - 7/17/2025) – SUPPORT IF AMENDED**

Dear Senator Durazo,

Larry Klein
Mayor

Linda Sell
Vice Mayor

Alysa Cisneros
Councilmember

Richard Mehlinger
Councilmember

Murali Srinivasan
Councilmember

Charlsie Chang
Councilmember

Eileen Le
Councilmember

On behalf of the City of Sunnyvale, we respectfully submit a support if amended position to SB 707. Sunnyvale has long been supportive of legislation that would encourage or better enable public participation in government. Our City Council enthusiastically adopted City Council policy 7.0 Long-term Advocacy Positions - Planning and Management. Council Policy 7.0 F.7. supports legislation to modernize the Ralph M. Brown Act as it pertains to teleconferencing during public meetings. 7.0 F.7. urges the Legislature to provide more flexibility for cities and intergovernmental boards to improve and enhance, should the agency choose to do so, remote access for public officials (Councilmembers and board or commission members) in public meetings. 7.0 F.7. further supports legislation that allows for broader access and transparency without adding unfunded mandates on local public agencies.

There are several provisions of this bill, however, that are going to be difficult to comply with unless amended. First though, we'd like to thank the author's office for working with us to make this bill better.

As we share the Senator's goals, we are currently requesting three operational amendments.

1. As to the translation requirement, SB 707 does permit for the digital translation of agendas, but digital may not fully encompass methods used to translate. The City of Sunnyvale requests a clarifying amendment that digital *or Artificial Intelligence (AI) translation* of agendas would suffice to meet translation requirements established by SB 707. The author's office has understandable

concerns that putting the words “artificial intelligence” in the bill will open Pandora’s box, but the omission of those words poses a concern. During conversations with the author’s office, there seems to be an expectation that most cities will use Google translate to meet SB 707’s translation requirements. Google Translate relies heavily on artificial intelligence. It is not just a simple word to word digital translation platform. All of which means, cities may be subject to litigation at some future point without artificial intelligence being explicitly written into the bill.

2. SB 707, as currently in print, would require that meetings terminate if electronic outages occur. There are instances in which this will prove legally challenging for the City to comply with without violating the law or substantially prejudicing the interests of the City or third parties. The City requests a very limited amendment that would allow the City and its committees to continue business in the following specific circumstances:

If the City or its committees are considering:

- housing projects that have statutory deadlines for approval
- contracts that must be approved or the pricing in a bid or quote will expire
- meetings held during a declared state of emergency
- adoption of an emergency ordinance
- when there are hard deadlines to call an election, certify election results, place an item on the ballot, issue bonds, adopt the budget, apply for grant funds, etc.

The author’s office was aware of this concern. Given these exigent circumstances, legislative staff recommended that the City end the current meeting once an outage occurs and then begin an emergency meeting. However, the Brown Act, Government Code Section 54956.5, narrowly defines an “emergency” as “a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both.” In addition, emergency meetings require 24-hour notice unless the emergency requires “prompt action” because of “disruption or threatened disruption of public facilities.” Outside of an actual disaster like an earthquake, the situations described above are not the type of “emergencies” that would justify calling an emergency meeting under the Brown Act even if the City faces

serious administrative, fiscal, or legal consequences due to the cancellation of the meeting in a Zoom outage.

3. Lastly, SB 707 increases the City's exposure to litigation by extending the time a petitioner must invalidate an action taken by a legislative body in violation of the Brown Act from nine months to 12 months after the alleged violation. While well-intended, this provision is sure to be weaponized to hold up adopted measures such critical infrastructure, or new housing projects, or approval of homeless shelters already overdue in our communities. The City of Sunnyvale is currently unaware of any legal deficiency with the current nine-month deadline that this change to existing law would be attempting to address. Given that court cases can range from tens of thousands to millions of dollars, the economic implications of this provision are vast. We request that this provision be struck from the bill.

We truly appreciate the author's willingness to engage with stakeholders throughout the process on SB 707 and look forward to addressing these last few provisions.

For these reasons, the City of Sunnyvale respectfully supports if amended SB 707. Thank you for your consideration of our position. Please do not hesitate to contact me or David Carnahan, City Clerk, at dcarnahan@sunnyvale.ca.gov, if you have any questions.

Sincerely,



Larry Klein
Mayor

cc: Senator Dr. Aisha Wahab
Assembly Member Patrick Ahrens
Sunnyvale City Council
Tim Kirby, City Manager
Sarah Johnson-Rios, Assistant City Manager