



## **DISRUPTION OF TELEPHONIC SERVICE OR INTERNET-BASED PLATFORM DURING A CITY COUNCIL MEETING**

### **PURPOSE**

Through the passage of Senate Bill 707, the State Legislature has mandated that all open and public meetings shall include an opportunity for members of the public to attend via a two-way telephonic service or a two-way audiovisual platform, except if adequate telephonic or internet service is not operational at the specific meeting location. In connection with this new mandate, the Legislature has also created a process to address the scenario in which this newly-required remote participation pathway is interrupted, in the context of City Council meetings.

On or before July 1, 2026, the City Council is required to adopt a policy addressing the procedures the City shall take in the event of a disruption of telephonic service or internet-based audio-visual platform occurring during a City Council meeting. The Policy shall address the process for recessing and reconvening the meeting and the efforts that the Council shall make to attempt to restore the service.

### **POLICY**

If there is a disruption of telephonic or internet service that prevents members of the public from attending or observing the Council meeting via a two-way telephonic service or two-way audiovisual platform, then the Council shall recess the meeting for at least one (1) hour and make good faith attempt to restore the service, in accordance with the procedures set forth below.

This Policy only applies to City Council meetings, and does not apply to meetings of Boards, Commissions, etc. (However, the Brown Act does contain disruption-response requirements for all bodies, including Boards and Commissions, holding teleconferenced meetings<sup>1</sup>.)

Disruptions occurring in the City's one-way broadcast channels, such as Channel 15 or YouTube, are not subject to this Policy.

SB 707 contains specific carve-outs, excepting a meeting of the City Council that is held to do any of the following:

- Attend a judicial or administrative proceeding to which the City or its Concurrent Authorities is a party.

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<sup>1</sup> Gov. Code 54953.8(b)(3), "In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored."



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- Inspect real or personal property provided that the topic of the meeting is limited to items directly related to real or personal property.
- Meet 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 or Concurrent Authorities and over which the federal or state officials have jurisdiction.
- Meet in or nearby a facility owned by the City or Concurrent Authorities, provided that the topic of the meeting is limited to items directly related to the facility.
- Meet in an emergency situation pursuant to Government Code section 54956.5.

Future modifications of this Policy must be adopted by City Council as a matter of general business (i.e., the item may not be agendaized as a consent calendar item).

### **PROCEDURE**

If either the two-way telephonic service or two-way audio-visual platform has experienced a disruption such that members of the public are unable to attend and observe through these methods, then the following procedures shall be used.

1. Staff shall attempt to confirm whether the disruption is affecting public access. If staff cannot confirm either of these factors, the City shall assume that public access has been disrupted and will proceed as set forth below. If Staff confirms that public access is unaffected (the disruption is only affecting City interfaces, and will not negatively impact the City's ability to hear telephonic or internet based comment from the public), then the Mayor or City Clerk shall announce to the public that the City is experiencing this disruption, and that the meeting shall continue.
2. If it is determined that public attendance and observance has been disrupted, then the Mayor shall:
  - a. Verbally announce that a disruption has occurred,
  - b. State the nature of the disruption (e.g., "the video feed on the zoom platform has frozen"),
  - c. Describe whether alternative attendance options are available and undisrupted, and



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- d. State that a recess shall be taken in accordance with the Ralph M. Brown Act to attempt to restore the service.
3. To the extent possible, this verbal announcement will be supplemented by a written notice that the meeting is in recess, displayed on any undisrupted platform(s).
4. During the period of recess, City staff shall undertake good faith efforts to restore service, and keep record of such efforts.
5. The Council may meet in closed session during this period of recess to discuss any matter that was properly agendized for closed session discussion at that meeting. If the Mayor, Councilmember, City Manager, or City Attorney requests that the body convene to closed session during this period, such a request must be made prior to the Mayor's announcement of recess. If the body by consensus agrees to hold closed session during the recess, then the Mayor shall verbally announce the decision and the matter(s) to be discussed in closed session concurrently with the announcement of recess.
6. The Council shall not reconvene the open session of the meeting until at least one (1) hour following the start of the disruption, or until telephonic or internet service is restored, whichever is earlier. If service is restored within the one hour period of time, the Mayor shall call the meeting back to order and shall verbally announce that the disrupted service has been restored.
7. If after at least one (1) hour following the start of the disruption, telephonic or internet service has not been restored, then the Council may either adjourn the meeting or choose to continue the meeting, by majority vote of the entire body.
  - a. If the Council chooses to adjourn the meeting, the remaining items on the agenda shall be re-agendized by the City Manager at an appropriate date.
  - b. If the Council chooses to resume the meeting, the following steps shall be taken:
    - i. Council shall adopt a finding by roll-call vote stating that good faith efforts to restore the telephonic or internet service have been made, and that the public



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interest in continuing the meeting outweighs the public interest in remote public access.

- ii. Such a finding shall be based upon information provided to the Council in open session by the City Manager regarding the nature of the disruption, the efforts undertaken to remedy it, and any other pertinent information relating to the agenda items (such as any time-sensitive items). If certain agenda items are not time sensitive, the Council should continue them to a future agenda.
- iii. The Mayor shall provide instructions to the audience regarding alternative attendance options.
- iv. All votes for the remainder of the meeting shall be by roll-call.