



Office of the City Manager

ACTION CALENDAR

June 16, 2026

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Mark Numainville, City Clerk
 Subject: Policy for Disruption of Remote Participation During Council Meetings

RECOMMENDATION

Adopt a Resolution approving the Policy for Disruption of Telephonic or Internet Service During Public Meetings and append the Policy to the City Council Rules of Procedure and Order as Appendix C.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Senate Bill 707 requires eligible legislative bodies to adopt a technology disruption policy at a noticed public meeting on or before July 1, 2026. The adoption of the policy may not be placed on the consent calendar and must be considered in open session.

BACKGROUND

The City Council has conducted meetings with remote public access and participation since the beginning of the pandemic in April 2020. Under the state emergency declaration the meetings were conducted fully remote with no in-person attendees. After the return of in-person attendees and the lifting of the emergency declaration, the City Council continued the use of Zoom for remote public access and participation in meetings.

Senate Bill 707 was a wide-reaching bill that enacted several new requirements for cities under the Brown Act. The bill prescribed these new requirements in granular detail. The policy presented here is one of the many new requirements for cities created by the bill. City Clerk staff, BUSD technical staff, and Berkeley Community Media are well equipped to meet this new requirement.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The adoption of this policy is mandated by state law, Government Code Section 54953.4(b)(1)(A)(i)(I)(ib).

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:

1: Resolution

Exhibit A: Telephonic or Internet Service Disruption Policy

RESOLUTION NO. ##,###-N.S.

POLICY: DISRUPTION OF TELEPHONIC OR INTERNET SERVICE DURING PUBLIC MEETINGS OF THE CITY COUNCIL

WHEREAS, The Brown Act was amended to include additional requirements for remote participation at public meetings; and

WHEREAS, newly created Government Code Section 54953.4(b)(1)(A)(i)(I)(ib) requires cities to have a technology disruption policy for meetings of the city council; and

WHEREAS, the policy in Exhibit A is presented for adoption and inclusion in the City Council Rules of Procedure and Order.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the policy in Exhibit A to this resolution is hereby adopted.

BE IT FURTHER RESOLVED that the policy in Exhibit A shall be appended to the City Council Rules of Procedure and Order as Appendix C.

Exhibits

A: Telephonic or Internet Service Disruption Policy

City of Berkeley

Policy: Disruption of Telephonic or Internet Service During Public Meetings

1. Background

Senate Bill 707 (2025) amended the Brown Act to require eligible legislative bodies to adopt, on or before July 1, 2026, a policy addressing how the agency will respond to disruptions in telephonic or internet service that prevent members of the public from attending or observing a meeting remotely. This policy is adopted to comply with that requirement and to ensure continuity of public participation during technical disruptions.

2. Purpose

This policy establishes procedures for responding to a disruption in the telephonic or internet services that provide two-way remote public access to meetings of the Berkeley City Council, as required by the Brown Act (Gov. Code § 54953.4). The policy ensures transparency, public participation, and continuity of government during technology disruptions.

3. Definitions

For purposes of this policy:

- “Disruption” means any failure, outage, or other interruption that prevents members of the public from attending or observing the meeting via remote access services.
- “Remote access services” means the two-way telephonic service and/or two-way audiovisual platform used to provide real-time remote public attendance and participation in meetings.

4. Applicability

This policy applies to all open and public meetings of the Berkeley City Council at which remote public participation is offered or required under the Brown Act.

5. Procedures in the Event of a Service Disruption

5.1. Response to Service Disruption

If a disruption to the agency’s remote access services prevents members of the public from attending or observing the meeting remotely:

1. The Presiding Officer or City Clerk shall announce the disruption to the public.
2. The Presiding Officer will then call for a recess of the open session. The Council may convene in closed session during the recess, consistent with the Brown Act.
3. Staff will begin good faith efforts to diagnose and restore the disrupted service.
4. The meeting shall remain in recess for at least one hour or until service is restored, whichever is sooner. The recess period may be extended if restoration efforts are ongoing.

5.2. Efforts to Restore Service

The agency shall make good faith efforts to restore remote access services, which may include:

- Troubleshooting platform or teleconferencing software
- Resetting or replacing audiovisual equipment
- Attempting alternative connection methods
- Contacting necessary support staff or service providers
- Switching to back-up equipment or platforms, if available

The City Clerk shall document the restoration efforts undertaken.

6. Reconvening the Open Session

6.1. Timing

The open session may be reconvened after at least one hour has elapsed from the time of disruption or as soon as service is restored, whichever occurs earlier.

6.2. If Service Is Restored

If the remote access service is restored before or at the time the meeting reconvenes, the meeting shall continue as normal.

6.3. If Service Is *Not* Restored

If service has not been restored after one hour, the Berkeley City Council may reconvene and:

1. Adjourn the meeting; or
2. Continue the meeting in open session by adopting, by roll call vote, the following, or a substantially similar, finding:

“The City of Berkeley has made good faith efforts to restore telephonic or internet service in accordance with its adopted policy, and the public interest in continuing the meeting outweighs the public interest in remote public access.”

Upon adoption of the finding, the legislative body may continue the open session despite the fact that remote access services have not been restored.

7. Recordkeeping

The City Clerk shall enter a brief statement into the meeting minutes, including the following:

- The nature and time of the disruption
- The restoration efforts undertaken
- The time the meeting was reconvened (if applicable)
- Any finding adopted pursuant to Section 6.3

8. Review and Updates

This policy may be amended by the Berkeley City Council at a noticed public meeting in open session, not on the consent calendar.

