

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-__

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD ADOPTING
A POLICY ADDRESSING DISRUPTION OF TELEPHONIC OR INTERNET
SERVICE DURING PUBLIC MEETINGS AND DETERMINING THAT THE ACTION
IS NOT SUBJECT TO ENVIRONMENTAL REVIEW.

WHEREAS, the Ralph M. Brown Act (Government Code § 54950 et seq.) establishes requirements for open and public meetings of local legislative bodies; and

WHEREAS, Senate Bill 707 (2025) amended the Brown Act to update teleconferencing and accessibility requirements, including provisions related to remote participation in public meetings; and

WHEREAS, Government Code § 54953.4(b)(1)(A) requires eligible legislative bodies, on or before July 1, 2026, to adopt at a noticed public meeting in open session, and not on the consent calendar, a policy addressing disruption of telephonic or internet service during meetings conducted with remote participation; and

WHEREAS, the required policy must address procedures for recessing and reconvening a meeting in the event of a disruption and the efforts the legislative body will make to attempt to restore service; and

WHEREAS, Government Code § 54953.4 further requires that, in the event of a disruption preventing members of the public from observing or participating in the meeting through a two-way telephonic or audiovisual platform, the legislative body shall recess the open session for at least one hour and make a good faith effort to restore service, and may not reconvene open session until at least one hour has passed or service has been restored, whichever occurs first; and

WHEREAS, if telephonic or internet service has not been restored upon reconvening, the legislative body must make findings by roll call vote that good faith efforts to restore service have been made and that the public interest in continuing the meeting outweighs the public interest in remote public access; and

WHEREAS, adoption of a technology disruption policy is required to ensure compliance with state law and to promote transparency and continuity of public meetings; and

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT A

POLICY: DISRUPTION OF TELEPHONIC OR INTERNET SERVICE DURING CITY COUNCIL 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 Hayward 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:

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

4. APPLICABILITY

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

5. PROCEDURES IN THE EVENT OF SERVICE DISRUPTION

Response to Service Disruption

If the Presiding Officer or Clerk becomes aware of a disruption to the agency's remote access services that prevents members of the public from attending or observing the meeting remotely:

- a) The Presiding Officer or Clerk shall immediately announce the disruption to the public.
- b) The Presiding Officer may then call for a recess of the open session or convene the legislative body in closed session, consistent with the Brown Act.
- c) Staff shall begin efforts to diagnose and restore the disrupted service.
- d) 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.

Efforts to Restore Service

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

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

The City Clerk shall document the restoration efforts undertaken.

6. RECONVENING THE OPEN SESSION

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.

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.

If Service Is Not Restored

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

- a) Adjourn the meeting; or
- b) Continue the meeting in open session by adopting, by roll call vote, the following, or a substantially similar, finding:

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

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

8. REVIEW AND UPDATES

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