

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, ADOPTING A TECHNOLOGY
DISRUPTION POLICY DURING PUBLIC MEETINGS OF
THE CITY COUNCIL

WHEREAS, the Ralph M. 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 adopt a policy regarding disruption of telephonic or internet service occurring during City Council meetings, no later than July 1, 2026; and

WHEREAS, the Technology Disruption Policy in Exhibit A is presented for consideration and adoption by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Technology Disruption Policy attached as Exhibit A is hereby adopted.
2. This resolution shall be effective upon final approval.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, AMY K. ALLER, Interim City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2026.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2026
Mayor Approval/No Return: _____, 2026
Mayor Veto: _____, 2026
Council Override Vote: _____, 2026

AMY K. ALLER
City Clerk

By: _____ Date

Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____ Date
Amanda B. Freeman
Special Assistant City Attorney

Attachment: Exhibit A

Policy on Disruption of Telephonic or Internet Service During Meetings of the City Council of the City of Fresno

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 participating remotely.

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 City Council of the City of Fresno, as required by the Brown Act (Government Code section 54953.4). The policy ensures transparency, public participation, and the continuation of meetings during technological disruptions.

3. Definitions

“Service Disruption” means any failure, outage, or other interruption to the agency’s remote access services that prevents members of the public from participating in a City Council meeting through the remote access service.

“Disrupting” means engaging in behavior during a meeting of the City Council that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

- a. A failure to comply with reasonable and lawful regulations and procedures adopted by the City Council of the City of Fresno
- b. Engaging in behavior that constitutes use of force or a true threat of force.

“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.

“Two-way audiovisual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service.

“Two-way telephonic service” means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

“True threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

4. Applicability

This policy applies to all open and public meetings of the City Council at which remote public participation is required under the Brown Act. Consistent with the Brown Act, this policy shall not apply to the following meetings:

- a. Meetings held to attend a judicial or administrative proceeding to which the City of Fresno is a party.
- b. Meetings held to inspect real or personal property provided that the topic of the meeting is limited to items directly related to the real or personal property.
- c. Meetings held to 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 of Fresno and over which the federal or state officials have jurisdiction.
- d. Meetings held to meet in or near a facility owned by the City of Fresno, provided that the topic of the meeting is limited to items directly related to the facility.
- e. Meetings held in an emergency situation pursuant to Government Code section 54956.5.

5. Remote Public Access Generally

When remote public access is required under the Brown Act, the City of Fresno shall provide members of the public with an opportunity to attend and participate in the meeting using a two-way audiovisual platform or a two-way telephonic service, provided that adequate telephonic or internet service is operational at the meeting location.

If adequate telephonic or internet service is not operational at the meeting location, the City Council shall not be required to provide remote access. If adequate telephonic or internet service is operational for only a portion of the meeting, the City Council shall provide remote access during that portion of the meeting.

If a two-way audiovisual platform is used, the City Clerk shall:

- a. Publicly post and provide a call-in option as well; and
- b. Activate any automatic captioning function that is available in the audiovisual platform.

If a two-way audiovisual platform is not provided, the City Clerk shall provide a two-way telephonic service.

Members of the public participating remotely shall be provided the same time allotment to provide public comment as members of the public attending in person.

6. Response to Service Disruption

If the Council President (or other Councilmember acting as Presiding Officer) or City Clerk becomes aware of a service disruption:

- a. The Council President or City Clerk shall immediately announce the service disruption to the public.
- b. The Council President shall call for a recess of the open session and may convene the legislative body in an authorized closed session, consistent with the Brown Act. The recess shall last for one hour or until service is restored, whichever is earlier.

- c. During the recess, City of Fresno staff shall make a good faith effort to diagnose and restore the disrupted service.

7. Reconvening the Open Session

After the expiration of the hour, if service has not been restored, the Council President or City Clerk shall report on the status of staff's efforts to restore remote access services, and the City Council may reconvene to:

- a. Adjourn the meeting;
- b. Extend the recess to allow staff more time to make a good faith effort to restore remote access services; or
- c. Continue the open session portion of the meeting by adopting, by roll call vote, the following or a substantially similar finding:

"The City of Fresno 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 City Council may continue the open session portion of the meeting despite the fact that remote access services have not been restored.

8. Recordkeeping

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

- The nature and time of the service disruption;
- The time the meeting was reconvened (if applicable);
- Any finding adopted pursuant to Section 7.

9. Response to Members of the Public Disrupting a Meeting

If the Council President or City Clerk becomes aware of a member of the public who is attending the meeting through remote access services and is disrupting the meeting or otherwise preventing other members of the public from attending or observing the meeting remotely or in-person:

- a. The Council President shall warn the person who is participating through remote access services that they are disrupting the meeting and their failure to cease that behavior may result in their removal.
- b. If the person to whom the Council President gave the above warning persists in disrupting the meeting, the Council President shall order staff to:
 - i. mute or otherwise limit the individual's ability to disrupt the meeting, while allowing the individual to continue to observe and attend the meeting; or
 - ii. remove the individual from the meeting if paragraph (a) does not address the disrupting behavior or is not available using the remote access service.

10. Review and Updates

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

11. Severability. Should any provision of this Policy be determined to be invalid, illegal, or unenforceable by a court of competent jurisdiction, that provision shall be deemed severed from this Policy. The remaining provisions shall continue in full force and effect.