

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT**

**TECHNOLOGY DISRUPTION POLICY**

*Disruption of Telephonic or Internet Service During Public Meetings*

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**I. PURPOSE**

Senate Bill 707 (2025, Durazo) amended the Ralph M. 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 public meeting remotely. The San Joaquin Valley Air Pollution Control District (“District”) Governing Board is an eligible legislative body within the meaning of Government Code section 54953.4(e)(2).

This Technology Disruption Policy (“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 District Governing Board and its subsidiary Brown Act bodies. The Policy is adopted to comply with Government Code section 54953.4 and to promote transparency, public participation, and continuity of government business during technology disruptions.

**II. POLICY**

- A. All open and public meetings of the Governing Board shall include an opportunity for members of the public to attend via a two-way telephonic service or a two-way audiovisual platform, except where adequate telephonic or internet service is not operational at the meeting location.
- B. If a disruption of telephonic or internet service prevents members of the public from attending or observing a meeting remotely, the District will recess the open session and make a good faith effort to restore service.

- C. The Governing Board will not reconvene the open session until service is restored or at least one hour has elapsed, whichever is earlier. If service has not been restored, the Governing Board may continue the meeting only after adopting the finding set forth in Section IV of this Policy.

### **III. PROCEDURES IN THE EVENT OF A SERVICE DISRUPTION**

#### **A. Response to Service Disruption**

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

1. The Presiding Officer or the Clerk shall immediately announce the disruption to the Governing Board and to those present at the meeting location.
2. The Presiding Officer shall then recess the open session of the meeting. No public business may be conducted during the recess, except that the Governing Board may meet in closed session on matters properly noticed on that meeting's agenda, consistent with the Brown Act.
3. District staff, in consultation with the Presiding Officer and the Clerk, shall begin efforts to diagnose and restore the disrupted service.
4. The open session shall remain in recess for at least one hour following the disruption, or until service is restored, whichever occurs first. The recess may be extended if restoration efforts are ongoing.

#### **B. Efforts to Restore Service.**

The District shall make good faith efforts to restore remote access services, which may include, but are not limited to:

1. Checking for and attempting to correct power or equipment failures;
2. Troubleshooting the meeting platform or teleconferencing software;
3. Resetting or replacing audiovisual equipment;
4. Attempting alternative connection methods;
5. Contacting telephone or internet service providers, or other necessary support staff, for assistance; and
6. Switching to back-up equipment or platforms, if available.

The Clerk, in consultation with District Information Technology Services staff, shall document the restoration efforts undertaken.

#### **IV. RECONVENING THE OPEN SESSION**

##### **A. Timing**

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

##### **B. If Service Is Restored**

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

##### **C. If Service Is Not Restored**

If service has not been restored after at least one hour, the Governing Board may reconvene the open session and either:

1. Adjourn or continue the meeting to a later date; or
2. Continue the meeting in open session by first receiving a report from staff on (i) the measures taken to attempt to restore service and (ii) the items remaining on the agenda and the consequences of considering those items at a later meeting, and thereafter adopting, by roll call vote, the following or a substantially similar finding:

*“The Governing Board has made good faith efforts to restore telephonic or internet service in accordance with its adopted Technology Disruption Policy, and the public interest in continuing the meeting outweighs the public interest in remote public access.”*

Upon adoption of the finding, the Governing Board may continue the open session notwithstanding that remote access services have not been restored.

#### **V. EMERGENCY SITUATIONS**

The requirements of this Policy shall not apply if the Governing Board is meeting in an “emergency situation” as defined in Government Code section 54956.5. An emergency situation may include a work stoppage, crippling disaster, or other activity that severely impairs public health, safety, or both, or acts of terrorism or threatened terrorist activity that pose a peril so immediate and significant that requiring the Governing Board to provide the one-hour recess described in this

Policy may endanger the public health or safety, or both, as determined by a majority of the members of the Governing Board.

## **VI. 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 items remaining on the agenda and the consequences of considering those items at a later meeting (if applicable);
- D. The time the meeting was reconvened (if applicable); and
- E. Any finding adopted pursuant to Section IV.C.2.

## **VII. POLICY REVIEW**

Policy may be amended only by the Governing Board at a noticed public meeting in open session. Nothing in this Policy limits the District's use of any other telephonic or remote meeting option authorized by law, including traditional teleconferencing, "just cause" remote participation, teleconferencing during a declared state or local emergency, or teleconferencing provided as a reasonable accommodation under the Americans with Disabilities Act. To the extent any portion of this Policy is deemed unlawful, the unlawful portion shall be deemed severed and the remainder shall continue in full effect.

## **VIII. DEFINITIONS**

- A. Disruption: Any failure, outage, or other interruption that prevents members of the public from attending or observing the meeting via the remote access services.
- B. Remote access services: The two-way telephonic service and/or two-way audiovisual platform used to provide real-time remote public attendance and observation of meetings.
- C. Presiding Officer: The Chair of the Governing Board or, in the Chair's absence, the Vice Chair or other member presiding over the meeting.
- D. Clerk: The Clerk of the Boards or his or her designee.
- E. Eligible legislative body: A legislative body identified in Government Code section 54953.4(e)(2), which includes the District Governing Board.

**IX. ADOPTION HISTORY**

| Date            | Action               | Version No. |
|-----------------|----------------------|-------------|
| [Adoption date] | Adopted (new policy) | 1.0         |
|                 |                      |             |