

# Capitola City Council

## Agenda Report

**Meeting:** March 14, 2024

**From:** City Manager Department

**Subject:** Remote Public Participation



---

**Recommended Action:** Provide direction to staff about remote participation options for members of the public at City Council and Planning Commission meetings.

**Background:** The Brown Act (CA Government Code Sections 54950 et seq.) requires that the City Council conduct business in open, public, and noticed meetings. Before the COVID-19 Pandemic, all City Council meetings were held in person and there were no options for remote participation. During COVID-19, the City implemented technology upgrades to accommodate remote participation of members of the public.

During the October 26, 2023, City Council meeting, remote participants provided racist, homophobic, and antisemitic commentary via Zoom (“Zoom Bombing”). Following that meeting, the City suspended the ability for the public to provide public comment remotely and the Planning Commission followed suit.

On January 11, 2024, the City Clerk presented a staff report to the City Council regarding this item. During that meeting, the City Council directed staff to conduct an updated survey of California agencies that have been affected and return to the City Council in March.

**Discussion:** Currently the public can provide feedback to the City Council and Planning Commission in the following ways:

- Emailing the City Council comments before the meeting. These comments are included in the official record of the meeting.
- Attend meetings in person and provide verbal comments.

City Council and Planning Commission meetings are broadcast live on Zoom, YouTube, and local access television (Community Television). Members of the public can access video (live and archived) through the City’s website, the City’s YouTube channel, and Community Television’s website.

The City Clerk’s office collected updated survey data in March 2024, and approximately 66 California government agencies experienced Zoom Bombing incidents in 2023 and 2024 (Attachment 1). Of those agencies, 42 of them have temporarily or permanently suspended the use of Zoom for public comment during meetings.

In late 2023, the cities of San Carlos and Laguna Beach initially suspended the use of remote public comments after experiencing Zoom bombing incidents. Upon reinstating remote public comments in 2024, they experienced repeat Zoom bombing events. Cities like Berkeley and San Diego never suspended remote public comments and continue to experience Zoom bombing on a regular basis.

The “Zoom Bombers” plaguing California cities appear to be coordinating their behavior to disrupt meetings, disguising themselves as concerned citizens, only to provide often discriminatory commentary that is not relevant to the subject matter jurisdiction of the legislative body. Such behavior may discourage public participation at meetings, and potentially make it less likely that community members would attend in-person meetings.

The use of Zoom for public comment creates challenges in controlling disruptive behavior during public meetings since participants on Zoom can be anonymous. Zoom participation can be from anywhere in the world. The City is not obligated to provide Zoom participation options in meetings. If the City Council directs staff to bring back the use of Zoom for remote public comments, applicable law would not allow the City to impose restrictions upon remote participants (such as residency restrictions).

The City Council may direct staff to bring back Zoom use for public participation, continue holding public meetings without Zoom use, or provide alternative direction.

Fiscal Impact: None.

Attachments:

1. Survey of CA Agencies – Updated in March 2024

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager