



<b>TITLE: Technological Disruption of Remote Public Access During Council Meetings</b>	<b>POLICY NUMBER:</b>
<b>EFFECTIVE DATE:</b>	<b>PAGES: 3</b>
<b>ENABLING ACTIONS:</b>	<b>REVISED DATES:</b>
<b>APPROVED:</b>	

**PURPOSE**

This policy establishes procedures for responding to disruptions in telephonic or internet services that provide two-way remote public access to meetings of the Los Gatos Town Council, as required by the Ralph M. Brown Act (Government Code section 54953.4).

The purpose of this policy is to ensure transparency, public participation, and continuity of government operations during technology disruptions affecting remote meeting access.

**SCOPE**

This policy applies solely to meetings of the Los Gatos Town Council. This policy does not apply to Town boards, commissions, committees, or other advisory bodies unless separately adopted by those bodies.

This policy applies only to disruptions affecting two-way remote public access services, including telephonic and audiovisual meeting platforms that permit the public to observe and participate remotely in real time.

This policy does not apply to one-way television broadcasts or one-way internet livestreams. A meeting may continue if one-way services are disrupted, provided that the required two-way remote public access remains functional.

For purposes of this policy, disruptions refer to interruptions affecting remote public access services as defined in this policy and does not include isolated technical issues affecting individual Councilmembers' remote participation connections where public access remains functional. In the event that a Councilmember is participating remotely pursuant to applicable Brown Act teleconferencing provisions and loses the video and/or audio connection or is otherwise unable to participate from their designated teleconference location, the meeting may continue so long as the remote access services remain available and functional for any member of the public participating from the remote location.

## **DEFINITIONS**

**Disruption** - a failure, outage, interruption, or degradation of telephonic or internet service that prevents members of the public from attending, observing, or participating in a meeting through the Town's two-way remote access platform, or otherwise materially impairs the functionality of the Town's remote meeting technology.

**Remote Access Services** - the two-way telephonic service and/or two-way audiovisual platform used to provide real-time remote public access to Town Council meetings.

## **POLICY**

### **Procedures in the Event of a Service Disruption**

If the Mayor, Presiding Officer, or Town Clerk becomes aware of a disruption to remote access services the following shall occur:

1. The disruption shall be announced publicly as soon as practicable.
2. The Presiding Officer shall call for a recess of the open session.
3. Staff shall immediately begin 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 occurs sooner.

A disruption in remote access services does not preclude the Town Council from convening or continuing a closed session that has been properly noticed and announced in accordance with the Brown Act.

### **Efforts to Restore Service**

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

- Troubleshooting teleconferencing or meeting platform software;
- Resetting or replacing audiovisual equipment;
- Attempting alternative internet or telephone connection methods;
- Contacting information technology staff, contractors, or service providers;
- Switching to backup equipment or alternative meeting platforms, if available.

The Town Clerk shall document the restoration efforts undertaken.

If a disruption occurs after 11:00 p.m., the Town Council may adjourn the meeting rather than recess for one hour if the Presiding Officer determines that continuation of the meeting would be impracticable or inconsistent with the Town Council's meeting procedures.

In the event of a facility-wide power outage or other emergency condition that prevents the meeting from safely continuing in person or remotely, the Presiding Officer may adjourn the meeting in accordance with the Brown Act and applicable Town policies.

**Reconvening the Open Session**

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.

1. If remote access services are restored before or at the time the meeting reconvenes, the meeting shall continue as normal.
2. If remote access services have not been restored after one hour, the Town Council may:
  - a. Adjourn the meeting; or
  - b. Continue the meeting in open session by adopting, by roll call vote, the following finding or a substantially similar finding:

“The Town of Los Gatos 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.”

In making this finding, the Town Council should consider continuing agenda items that are not time sensitive. Upon adoption of the finding, the Town Council may continue the open session despite the disruption of remote access services.

**Recordkeeping**

The Town Clerk shall enter a summary of the disruption into the meeting minutes, including:

1. The nature and start time of the disruption;
2. The restoration efforts undertaken;
3. The time the meeting was reconvened, if applicable; and
4. Any finding adopted.

**Review and Amendments**

This policy may be amended by the Town Council at a duly noticed public meeting conducted in open session.

APPROVED AS TO FORM:

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Gabrielle Whelan, Town Attorney