

RESOLUTION NO. 2026-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
ADOPTING A POLICY REGARDING
TECHNOLOGY DISRUPTION DURING PUBLIC COMMENTS

WHEREAS, the State of California has adopted into law Senate Bill 707 (2026), which amended California Government Code Section 54953.4 to require local government agencies to establish clear, consistent, and enforceable procedures for responding to Disruptions in telephonic or internet service that impair the public's ability to observe or participate in meetings; and

This Resolution is adopted to ensure compliance with SB 707, to ensure transparency, protect the public's right to participate in meetings through remote access, and to provide for the orderly continuation or suspension of meetings when such access is impaired; and

This Resolution shall be adopted in open session at a noticed public meeting and shall not be placed on the consent calendar,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. **ADOPTION OF RECITALS.**

The foregoing Recitals are all true and correct, and hereby adopted and approved.

2. **DEFINITIONS.**

(a) "Disruption" means any total or partial failure, outage, interruption, or material degradation of Remote Access Services that materially impairs the public's ability to observe the meeting, hear the proceedings, or provide public comment in real time. A Disruption includes, but is not limited to, loss of audio or video feed, inability to access the meeting platform, inability to submit or deliver public comment, or repeated or sustained system instability that significantly interferes with remote participation.

(b) "Remote Access Services" means any two-way telephonic or audiovisual system, livestream platform, or related technology used to provide real-time public observation or participation in a meeting, including but not limited to video conferencing platforms, internet streaming services, and telephonic dial-in systems.

3. **APPLICABILITY.**

(a) Applicability. This Resolution applies to all meetings, and all portions of meetings that are open to the public, of the City Council; and to any other legislative body of the City of Huntington Beach only when Remote Access Services are provided or when remote

public access is otherwise required by law, including meetings conducted in person, remotely, or in a hybrid format.

(b) Scope. This Resolution governs the procedures and responsibilities of City officials, staff, and agents in identifying, responding to, and resolving Disruptions to remote access services, and in determining whether and how a meeting may lawfully proceed in the event of such Disruption.

(c) Consistency with Law. This Resolution shall be interpreted and applied in a manner consistent with the Brown Act, including Government Code section 54953.4, SB 707, and all applicable constitutional protections relating to public access and participation. The provisions of this Resolution supersede the provisions of any other Resolution, Rule, Bylaw, or Regulation in conflict herewith.

4. RESPONSE TO TECHNOLOGY / SERVICE DISRUPTION.

(a) Announcement of Disruption - Mandatory. Upon becoming aware of a Disruption to Remote Access Services, the Mayor, presiding officer, or City Clerk shall immediately announce the existence of the Disruption in open session. The announcement shall, to the extent known at the time, describe the nature of the Disruption and its impact on public access or participation.

(b) Recess - Mandatory. Upon announcement of a Disruption that materially impairs remote public access, the legislative body shall immediately pause or recess the meeting. This requirement is mandatory, and no discretionary determination to continue the meeting may be made at this stage.

(c) Recess Duration and Restoration Efforts - Mandatory. The meeting shall remain in recess until at least one (1) hour has elapsed from the time of the Disruption, or until Remote Access Services are restored, whichever occurs earlier. During the recess, the City shall undertake continuous, good faith efforts to diagnose and restore the disrupted services. Such efforts shall include, as appropriate under the circumstances, troubleshooting the teleconference platform, resetting or replacing equipment, switching to backup systems or platforms, attempting alternate methods of access such as telephonic participation, and coordinating with City staff, contractors, vendors, or service providers.

(d) Responsibility for Response. The City Clerk, or designee, shall coordinate the response to the Disruption and serve as the primary point of communication to the public. Information Technology Services (ITS) staff shall lead technical efforts to diagnose and restore service. The City Manager, or his or her designee, shall ensure that appropriate resources are made available to support restoration efforts.

(e) Public Communication During Disruption. During any Disruption and recess, the City shall, to the extent feasible, provide updates to the public regarding the status of the Disruption and restoration efforts through available means, including the City's website, meeting

platform, or other communication channels, and shall maintain any available livestream or observation access that remains functional.

(f) Documentation of Disruption. The City Clerk or designee shall document the Disruption in the meeting record, including the time the Disruption began, the nature of the Disruption, the actions taken to restore service, and the time of restoration, if applicable.

5. RECONVENING AFTER TECHNOLOGY DISRUPTION.

(a) Timing. The open session may be reconvened after at least one (1) hour has elapsed from the time the Technology Disruption was identified, or as soon as Remote Access Services are restored, whichever occurs earlier.

(b) Restoration of Services - Successful. If Remote Access Services are restored before or at the time the meeting reconvenes, the legislative body shall reconvene in open session and continue the meeting in accordance with applicable law, with full restoration of public access and participation.

(c) Restoration of Services - Not Successful. If Remote Access Services have not been restored after at least one (1) hour of continuous, good faith restoration efforts, the legislative body shall reconvene in open session and elect to either:

(1) Adjourn the meeting to a future date and time without making any additional findings; or

(2) Continue the meeting only if it adopts, by roll call vote, a finding that the City of Huntington Beach has made good faith efforts to restore telephonic or internet service in accordance with this Resolution and that the public interest in continuing the meeting outweighs the public interest in remote public access. Upon adoption of such finding, the legislative body may proceed with the meeting notwithstanding the continued Disruption of Remote Access Services.

(d) Limitations on Continuation. The legislative body shall not continue a meeting in any circumstance in which the Disruption prevents all meaningful public access to the meeting and the required finding cannot be truthfully made based on the efforts undertaken and the circumstances present.

(e) Disruption of All Meaningful Public Access. A Disruption shall be deemed to "prevent all meaningful public access" when Remote Access Services are unavailable or so materially degraded / nonfunctional such that members of the public are effectively unable to observe the meeting in real time or to provide public comment as required by law; a Disruption is considered sufficient to constitute a loss of meaningful public access only where the condition is (1) widespread in nature - affecting the public at large rather than isolated individuals or individual devices; (2) is ongoing or persistent rather than momentary or transient; and (3) is not reasonably capable of prompt correction through standard troubleshooting or restoration measures.

(f) The following, without limit, are examples of Disruptions that can constitute a prevention of all meaningful public access:

(1) Complete Loss of Remote Access. No livestream, telephonic access, or audiovisual platform is available to the public.

(2) Audio Failure Prevents Understanding of Proceedings. Audio transmission is cut out, unintelligible, or intermittently lost to the point comprehension is not possible.

(3) System-Wide Inability to Join. Public cannot log in, dial in, or otherwise access the meeting.

(4) Public Comment Function Unavailable. No ability or functional method to speak, queue, or submit real-time comments remotely is available to the public. If the public can merely watch but cannot effectively participate (e.g. no comment function exists, queue system fails, or audio input fails), it qualifies as a complete loss of remote access.

(5) Severe Instability. Repeated disconnects, crashes, or lag making participation impracticable.

(g) No Loss of All Meaningful Public Access. A Disruption shall not be deemed to result in a loss of all meaningful public access where the issue is minor, temporary, or isolated, including individual connectivity problems, brief interruptions in audio or video, or limited degradation that does not substantially impair the public's ability to hear the proceedings or provide comment.

(h) Determination of Public Access. The determination of whether a complete loss of remote access has occurred shall be based on objective, observable conditions affecting the public at large, and not on isolated technical difficulties experienced by individual users/devices.

(1) In making this determination, the legislative body shall consider whether the Disruption:

(A) prevents the public from reasonably understanding the proceedings due to the absence or material degradation of audio;

(B) prevents the public from accessing the meeting through any available Remote Access Service, including livestream, telephonic, or audiovisual platforms; OR

(C) prevents the public from exercising the right to provide comment through any available real-time participation mechanism.

(i) Where uncertainty exists as to whether a Disruption has resulted in a loss of all meaningful public access, the legislative body shall resolve such uncertainty in favor of preserving public access and participation consistent with the Brown Act and SB 707.

6. RECORDKEEPING.

The City Clerk shall enter a statement into the meeting minutes documenting any Technology Disruption, including the nature of the Disruption, the time the Disruption began, the restoration efforts undertaken, and the time the meeting was reconvened, if applicable. The minutes shall also reflect the duration of any recess, any actions taken by the legislative body in response to the Disruption, and any finding adopted pursuant to Section 5 of this Resolution.

7. REVIEW AND AMENDMENT.

This Resolution may be reviewed, updated, or amended by the City Council at a noticed public meeting conducted in open session and shall not be adopted or amended on the consent calendar.

8. SEVERABILITY.

If any provision of this Resolution, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable.

9. EFFECTIVE DATE.

This Resolution shall take effect immediately following its adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on _____, 2026.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk



City Attorney

INITIATED, REVIEWED AND APPROVED:

City Manager