



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, MMC

SUBJECT: SEE BELOW

DATE: May 26, 2026

Approved

Date:

COUNCIL DISTRICT: Citywide

**SUBJECT: Reinstate Remote Participation and Amendments to Council
Policy 0-37**

RECOMMENDATION

- a) As recommended by the Rules and Open Government Committee on May 13, 2026, direct the City Clerk to reinstate remote public participation to Council in time for the Fiscal Year 2026-2027 June Budget deliberations.
- b) Adopt a resolution revising Council Policy 0-37 related to public meeting conduct, virtual public comments, service disruption and other changes.

SUMMARY AND OUTCOME

Approval of this item will reinstate implementation of virtual public comments beginning with the June 8, 2026 budget hearing and revise Council Policy 0-37 to update public meeting conduct rules, speaking time limits, procedures addressing disruptive conduct during in-person and remote participation and procedures for telephonic or internet service disruptions consistent with Senate Bill 707 and the Ralph M. Brown Act.

BACKGROUND

From March 2020 through December 2023, the City of San José provided virtual public comment opportunities for public meetings. During that period, meetings experienced disruptive conduct, including repeated off-topic comments, harassing speech, technologically disruptive conduct, and offensive or discriminatory remarks. While protected speech may not be restricted based solely on viewpoint or offensiveness, repeated disruptions affected the orderly conduct of meetings and discouraged public

participation. Due to ongoing operational and meeting management concerns, remote public comment was suspended in 2023.

On October 3, 2025, California Senate Bill 707 was signed by Governor Newsom, bringing significant changes to public agency meetings with an effective start date of July 1, 2026. It amended the Ralph M. Brown Act to require certain *eligible legislative bodies* to provide remote public access and participation through two-way telephonic or audiovisual platforms beginning July 1, 2026, unless the technology is not available at the meeting location or the meeting qualifies for an exemption, such as an off-site tour. SB 707 also requires *eligible legislative bodies* to adopt in an open session a policy addressing telephonic or internet service disruptions and procedures for restoring service during meetings. The proposed revisions to Council Policy 0-37 incorporate these required procedures.

On May 13, 2026, Councilmembers Candelas, Ortiz, Cohen and Casey brought to the Rules and Open Government Committee a memorandum writing: "Reinstating remote participation in time for the June budget hearings would meaningfully improve public access during one of the City's most important decision-making periods. It would also allow San José to implement tested safeguards already used successfully by the City Clerk's office." The Rules and Open Government Committee voted unanimously to forward the item to the City Council for consideration on June 2, 2026.

ANALYSIS

SB707 defines *eligible legislative bodies* to include certain city councils, county board of supervisors, and specified special districts meeting statutory population and operational thresholds. Therefore, the mandatory remote participation requirements apply to the San José City Council but do not presently extend to the City's boards, commissions or committees. Should the City Council wish to authorize optional remote public participation for boards, commissions, and committees, those changes may be considered during the Fall 2026 update of Council Policy 0-4.

The proposed revisions to Council Policy 0-37 are intended to support accessible and orderly public participation and include the following updates:

- Establishing a default public comment time limit of one minute unless otherwise modified by the Chair. As we regularly shorten comments to one minute when there are many speakers, this allows members of the public to prepare for that one minute ahead of time rather than having to edit their comments at the podium;
- Clarifying public meeting conduct rules;
- Designating the City Clerk as the Protocol Officer to assist with administration of remote participation and disruptive conduct procedures; and.

- Establishing procedures for telephonic or internet service disruptions as required by SB 707.

A broadcast delay of several seconds has previously been suggested as a moderation tool for remote participation. However, because the Brown Act requires real-time public observation and participation, staff does not recommend implementing a broadcast delay.

Racial Equity Impact Analysis

The proposed revisions to Council Policy 0-37 are intended to support equitable access to public participation while promoting a safe, orderly, and respectful meeting environment. Restoring remote public comments may improve accessibility for residents who face barriers to in-person attendance, including seniors, persons with disabilities, caregivers, transit-dependent residents, and individuals with work or childcare obligations.

The proposed revisions also establish clearer and more consistent procedures for addressing disruptive conduct that materially interferes with the orderly conduct of meetings or the ability of others to participate. The policy is intended to support inclusive civic participation while protecting the rights of all participants to observe, attend, and provide public comment consistent with applicable law.

EVALUATION AND FOLLOW-UP

To further improve the City's public participation process, the City Clerk's Office is pursuing an integrated software solution intended to enhance coordination of in-person and remote public comment. Potential improvements include integration of in-person and remote speaker queues, real-time queue updates for speakers, and display systems showing upcoming speakers and speaking timers within Council Chambers.

These enhancements are intended to improve transparency, accessibility, and administrative efficiency during public meetings. Preliminary cost estimates range from \$50,000 to \$60,000 annually. The City Clerk's Office is exploring the use of Fiscal Year 2025-2026 funding for a pilot program and, if appropriate, may return with a future Request for Proposals (RFP) and budget recommendation for ongoing implementation.

COST SUMMARY/IMPLICATIONS

Implementation of the proposed policy revisions will not require additional direct monetary costs at this time. However, implementation will require additional staff coordination and meeting administration responsibilities using existing personnel resources.

Should the City implement an enhanced public participation software platform in the future, estimated annual costs are approximately \$50,000 to \$60,000, as described in the Evaluation and Follow-up section above.

COORDINATION

This memorandum was coordinated with the City Attorney's Office.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the June 2, 2026 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

A handwritten signature in brown ink, appearing to read "Toni J. Taber", with a stylized flourish at the end.

Toni J. Taber, MMC
City Clerk, Office of the City Clerk

For questions, please contact Toni J. Taber, MMC, City Clerk, Office of the City Clerk, at city.clerk@sanjoseca.gov or (408) 565-1260.