

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE REVISING COUNCIL POLICY 0-37, PUBLIC MEETING CONDUCT, PARTICIPATION AND SERVICE DISRUPTION POLICY

WHEREAS, the City Council of the City of San Jose desires to ensure that public meetings in the Council Chambers and Committee Rooms are conducted in an open, orderly and safe manner; and

WHEREAS, the City Council desires to maintain an environment that respects the rights of members of the public to attend, observe, and participate in public meetings of the City's legislative bodies; and

WHEREAS, on May 7, 2026, the Council of the City of San José directed the City Clerk to reinstate remote public participation to the Council prior to the FY 2026-2027 June Budget deliberations; and

WHEREAS, the reinstatement of remote public participation and SB 707 necessitate revisions to Council Policy 0-37, formerly entitled "Code of Conduct for Public Meetings in the Council Chambers and Committee Rooms" to establish rules of decorum, participation procedures, and telephonic or internet service disruption procedures for public meetings conducted in person, virtually, or in a hybrid format; and

WHEREAS, the revised Council Policy 0-37 is intended to facilitate the conduct of public meetings in an open, orderly, efficient, and civil manner, while ensuring meaningful public access consistent with the Ralph M. Brown Act, City policies, and applicable law;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Council Policy 0-37 entitled, "Public Meeting Conduct, Participation, and Service Disruption Policy," attached hereto as Exhibit A and incorporated herein by this reference as though fully set forth herein, is hereby approved and adopted, superseding the prior Council Policy 0-37 entitled "Code of Conduct for Public Meetings in the Council Chambers and Committee Rooms."

ADOPTED this _____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

City of San José, California

COUNCIL POLICY

TITLE CODE OF CONDUCT FOR PUBLIC MEETING CONDUCT, PARTICIPATION, S IN THE COUNCIL CHAMBERS AND SERVICE DISRUPTION POLICY COMMITTEE ROOMS	PAGE 1 of 5	POLICY NUMBER 0-37
EFFECTIVE DATE August 14, 2007	REVISED DATE <u>June 2, 2026</u>	
APPROVED BY COUNCIL ACTION August 14, 2007: Item 3.4, Resolution 73947; <u>June 2, 2026: Item 3.3, Resolution No. RES26-XXX</u>		

PURPOSE

The purpose of this policy is to establish rules of decorum and procedures for members of the public attending, or participating in public meetings of the City of San José, whether conducted in person, virtually, or in a hybrid format. ~~bringing signs or other objects to, and/or addressing the legislative or policy body at meetings held in the Council Chambers and Committee Rooms, including meetings of the City Council, Redevelopment Agency Board and their committees, and City Boards and Commissions.~~ This policy is intended to facilitate the conduct of public meetings in an open, and orderly, efficient, and civil manner, while ensuring that the public's business can take place in a safe environment with meaningful public access consistent with the Ralph M. Brown Act, City policies, and applicable law and in an environment safe for all persons in attendance. ~~This policy also establishes procedures for recessing, reconvening, and responding to telephonic or internet service disruptions during public meetings, consistent with California Government Code Section 54953.4(b).~~

SCOPE OF APPLICATION

This policy applies to all persons attending or participating in public meetings of the City Council, Council Committees, Boards, Commissions, and other legislative or advisory bodies, whether in person, via two-way telephonic service, or through a two-way audiovisual platform in the Council Chambers and Committee Rooms.

POLICY

The Code of Conduct is intended to promote open meetings that welcome discussion and debate of public policy ~~issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions~~ in an atmosphere of fairness, courtesy, and respect for differing points of view. All participants shall comply with this policy regardless of the format of the meeting.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.

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- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact, including conduct prohibited by City Administrative Manual Policy 1.1.1, Discrimination and Harassment.
- c) ~~Persons in the audience will refrain from using c~~Cellular phones and electronic devices must be silenced. Use of such devices shall not interfere with or disrupt the conduct of the meeting/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes, ~~and shirts,~~ and lower body garments are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.

~~g)~~—All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to security screening/search for weapons and other dangerous materials.

~~h)g)~~

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - Maximum size: No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is reasonably determined by security personnel to present a legitimate safety risk~~perceived to exist.~~ Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Council, Successor Redevelopment-Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to follow established sign-up procedures~~complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.~~
- b) Meeting attendees are usually given one~~two~~ (12) minutes to speak on any agenda

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item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.

b)c) The Chair may limit overall time allotted to public comments, pursuant to California Government Code Section 54954.3(b)(1).

e)d) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum in which case comments must be under the subject matter jurisdiction of the applicable legislative body.

e) Speakers' comments should be addressed to the full body. ~~Speakers may be reminded to direct comments to the full body rather than Requests to engage individual~~ the Mayor, Council Members, Board Members, Commissioners or Staff in conversation ~~will not be honored. Abusive language is inappropriate~~

f) Speakers may not engage in conduct that actually disrupts, delays, or materially interferes with the orderly conduct of the meeting or the ability of others to attend, listen, observe, or participate in the meeting. Any person engaging in any of the following conduct may, after warning when feasible, forfeit the remainder of their speaking time, be muted, removed from the meeting, or excluded from further participation as authorized by law:-

- True threats of violence or unlawful intimidation;
- Conduct that materially interferes with another person's ability to attend, listen to, observe, or provide public comment;
- Repeated or intentional abuse of meeting procedures or speaking processes in a manner that disrupts the orderly conduct of the meeting;
- Technologically disruptive conduct, including blasting audio, generating excessive noise or feedback, repeated attempts to rejoin after lawful removal, use of automated or coordinated means to disrupt participation, or other conduct intended to substantially disrupt, derail, or prevent the orderly continuation of the meeting; or
- Refusal to comply with lawful time, place, and manner rules after warning when feasible.

e)g) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.

e)h) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.

f)i) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

4. Meeting Administration and Roles

a) Chair

The Chair retains authority over meeting conduct, including:

- Enforcing decorum and relevance
- Managing time limits
- Ordering recesses, reconvening, or adjournment

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b) Protocol Officer

A protocol officer shall be designated for each virtual or hybrid meeting.

Duties include:

- Managing speaker order and time
- Monitoring compliance with rules
- Issuing reminders or warnings
- Assisting with enforcement actions

Limitations:

- Shall not restrict participation based solely on viewpoint or content of speech.
- May act only when speech or conduct actually disrupts, delays, or materially interferes with the orderly conduct of the meeting or the ability of others to attend, listen, observe, or participate in the meeting or constitutes a true threat.

c) Enforcement and Disruptive Conduct

Disruptive conduct includes any behavior that disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. The Chair or Protocol Officer may take any of the following actions, in any order reasonably appropriate to the circumstances:

- Reminder to comply
- Warning
- Muting microphone and/or order removal from meeting or virtual platform
- Failure to comply with lawful directives issued to address disruptive conduct may result in removal from the meeting or other lawful enforcement action.

5. Telephonic or Internet Service Disruptions

a) Definition: A service disruption is a failure of the City's designated telephonic or audiovisual platform that prevents public observation or participation of meetings.

b) Immediate Response: If a service disruption occurs:

- The Chair shall announce the disruption
- The meeting shall recess for one (1) hour or until telephonic or internet service is restored, whichever is earlier. Council may reconvene in closed session during the disruption.
- Notice shall be posted regarding the disruption and anticipated reconvening time.

c) Good-Faith Restoration Efforts

Staff shall make reasonable efforts to restore service, including:

- Restarting platforms
- Restoring streaming services
- Providing updates to the public

d) Reconvening or Adjournment

- If service is restored, the meeting may resume
- If service is not restored, the body shall:

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- Adjourn to a future date, or
 - Continue the meeting by adopting findings, by roll call vote, that good-faith efforts were made 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.
- e) City Clerk will enter a brief statement into the meeting minutes, which includes the following:
- The nature and time of the disruption
 - Restoration efforts undertaken
 - Time the meeting was reconvened (if applicable)
 - Any findings adopted pursuant to this policy

6. Administration

- a) The Office of the City Clerk shall:
- Designate Protocol Officers
 - Provide training and guidance
 - Ensure compliance with posting and notice requirements
- b) The Office of the City Attorney shall:
- Provide legal guidance and training
- c) The Office of Public Works shall:
- Maintain audiovisual systems and meeting infrastructure
 - Ensure reliable broadcast and troubleshoot issues

Failure to comply with this ~~Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting policy~~ may result in removal from the meeting and/or other lawful enforcement action possible arrest.