

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the Matter of Adopting
a Policy Regarding Disruption
of Telephonic or Internet
Service During Meetings of
the Board of Directors

Resolution No. _____

WHEREAS, meetings of the Board of Directors of the San Francisco Bay Area Rapid Transit District are subject to the provisions of the Ralph M. Brown Act ("Brown Act"), the State's local agency public meeting law (Cal. Gov. Code 54950 *et seq.*), to ensure that the public can attend, watch, be informed about, and participate in the affairs of the District; and

WHEREAS, all meetings of the Board of Directors include an opportunity for the public to attend via a two-way telephonic service or a two-way audiovisual platform, or both; and

WHEREAS, Senate Bill 707, introduced in February 2025 and passed on October 3, 2025, includes a requirement, codified at California Government Code Section 54953.4 (Section 54953.4), that the Board of Directors adopt a policy by July 1, 2026 regarding disruption of telephonic or internet service occurring during meetings of the Board of Directors; and

WHEREAS, such policy must address the procedures for recessing and reconvening a meeting in the event of a disruption of telephonic or internet service, and the efforts that the District shall make to attempt to restore the service; and

WHEREAS, in the event of such disruption, Section 54953.4 requires the Board of Directors to recess the open session of the meeting for at least one hour, make a good faith attempt to restore the service, and not reconvene the open session of the meeting until at least one hour following the disruption, or until telephonic or internet service is restored, whichever is earlier; and

WHEREAS, during any such recess, Section 54953.4 permits the Board of Directors to meet in closed session; and

WHEREAS, upon reconvening the open session, if telephonic or internet service has not been restored, Section 54953.4 requires the Board of Directors to adopt a finding by rollcall vote that good faith efforts to restore the telephonic or internet service have been made in accordance with the policy and that the public interest in continuing the meeting outweighs the public interest in remote public access; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District does hereby resolve as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Policy. The Board of Directors hereby adopts the following policy regarding disruption of telephonic or internet service during its meetings:

A. In the event of a disruption of telephonic or internet service during a meeting of the Board of Directors, the Board President, or the Board Vice President or other presiding officer in the absence of the Board President, shall recess the open session portion of the meeting for at least one hour following the disruption, or until telephonic or internet service is restored, whichever is earlier.

B. During such recess, the District shall make good faith efforts, including but not limited to the following steps, to restore telephonic or internet service:

1. **Check Hardware Connections:** Ensure that all cables, routers, and modems are properly connected and powered on. Look for any loose or damaged cables that may need to be replaced.
2. **Restart Networking Equipment:** Refresh or Restart Online Meeting Systems. Power-cycle the modem and router by unplugging them from the power source, waiting for about 30 seconds, and then plugging them back in.
3. **Run Diagnostic Tests:** Utilize built-in diagnostic tools or software provided by the internet service provider (ISP) to identify any potential issues with the connection.
4. **Contact Service Providers:** Reach out to the internet and telephony service providers to report the disruption and request immediate assistance in diagnosing and resolving the issue.
5. **Provide Public Status Update:** If the system is not recoverable within an hour, post a status update on BART.gov to inform the public of the ongoing disruption and any alternative communication methods being utilized.

C. During such recess, the Board of Directors may meet in any closed session included on the meeting agenda. Before recessing the meeting and entering closed session, the Board shall take public comment on closed session agenda items from any person attending the meeting in person who wishes to make public comment on the closed session agenda items. The Board shall take public comment on closed session agenda items from any person attending the meeting remotely after reconvening in open session, if telephonic or internet service has been restored. If the Board reconvenes in open session without restoration of telephonic or internet service, as permitted below, the Board shall offer an opportunity at its next meeting for public comment on the closed session agenda items from any person who attended the meeting remotely and was not able to provide remote public comment on the closed session agenda items due to the disruption of telephonic or internet service.

D. Upon reconvening the open session, if telephonic or internet service has not been restored, the Board of Directors shall adopt a finding by rollcall vote that good faith efforts to restore the telephonic or internet service have been made in accordance with this policy and that the public interest in continuing the meeting outweighs the public interest in remote public access.

PASSED AND ADOPTED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, this ___ day of _____, 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: