



**Metropolitan
Transit
System**

Policies and Procedures No. 67

Board Approval: 5/21/2026

SUBJECT:

TECHNOLOGY DISRUPTIONS DURING BOARD OF DIRECTOR MEETINGS

PURPOSE:

The purpose of this policy (the Policy) is to establish procedures for responding to a disruption in the telephonic or internet services that provide two-way remote public access to all public meetings of the Board of Directors (Board) of the San Diego Metropolitan Transit System (MTS), as required by the Brown Act (Government Code section 54953.4). The Policy ensures transparency, public participation, and the continuation of meetings during technological disruptions.

BACKGROUND:

Senate Bill 707 (2025) amended the Brown Act to require eligible legislative bodies to adopt, on or before July 1, 2026, a policy addressing how the agency will respond to disruptions in telephonic or internet service that prevent members of the public from participating remotely.

PROCEDURE:

MTS shall implement the Policy in accordance with the following:

67.1 DEFINITIONS

- a. "Remote access services" means the two-way telephonic service and/or two-way audiovisual platform used to provide real-time remote public attendance and observation of meeting.
- b. "Service Disruption" means any failure, outage, or other interruption to the agency's remote access services that prevents members of the public from participating in an MTS Board of Directors meeting through remote access service.
- c. "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service.



67.2 APPLICABILITY

Under Government Code section 54953.4, "eligible legislative bodies" are required to have a policy regarding disruption of telephonic or internet service occurring during meetings subject to Government Code section 54953.4, subdivision (b)(1). The required policy "shall address the procedures for recessing and reconvening a meeting in the event of disruption and the efforts that the eligible legislative body shall make to attempt to restore the service." The Board, as established under Public Utilities Code sections 120050 through 120051.6, meets the definition of an "eligible legislative body" under Government Code section 54953.4, subdivision (e)(2)(D).

This Policy applies to all open and public meetings of the Board at which remote public participation is required under the Brown Act. Consistent with the Brown Act, this Policy shall not apply to the following meetings:

- a. Meetings held to attend a judicial or administrative proceeding to which the MTS is a party.
- b. Meetings held to inspect real or personal property provided that the topic of the meeting is limited to items directly related to the real or personal property.
- c. Meetings held to meet with elected or appointed officials of the United States or the State of California, solely to discuss a legislative or regulatory issue affecting MTS and over which the federal or state officials have jurisdiction.
- d. Meetings held in an emergency situation pursuant to Government Code section 54956.5.
- e. Meetings of MTS legislative bodies other than the Board.

67.3 REMOTE PUBLIC ACCESS GENERALLY

When remote public access is required under the Brown Act, the Board shall provide members of the public with an opportunity to attend and participate in the meeting using a two-way audiovisual platform or a two-way telephonic service, provided that adequate telephonic or internet service is operational at the meeting location.

If adequate telephonic or internet service is not operational at the meeting location, the Board shall not be required to provide remote access. If adequate telephonic or internet service is operational for only a portion of the meeting, the Board shall provide remote access during that portion of the meeting.

If a two-way audiovisual platform is used, the Board shall:

- a. Publicly post and provide a call-in option as well; and

- b. Activate any automatic captioning function that is available in the audiovisual platform.

If a two-way audiovisual platform is not provided, the Board shall provide a two-way telephonic service.

Members of the public participating remotely shall be provided the same opportunity to provide public comment as members of the public attending in person, including the same time allotment.

67.4 RESPONSE TO SERVICE DISRUPTION

If the Chairperson or the Clerk becomes aware of a service disruption:

- a. The Chairperson or Clerk shall immediately announce the service disruption to the public.
- b. The Chairperson shall call for a recess of the open session and may convene the Board in an authorized closed session, consistent with the Brown Act. The recess shall last for one hour or until service is restored, whichever is earlier.
- c. During the recess, MTS staff shall make a good faith effort to diagnose and restore the disrupted service.

67.5 RECONVENING THE OPEN SESSION

After the expiration of the hour, if service has not been restored, the Chairperson or Clerk shall report on the status of staff's efforts to restore remote access services, and the Board may reconvene to:

- a. Adjourn the meeting;
- b. Extend the recess to allow staff more time to make a good faith effort to restore remote access services; or
- c. Continue the open session portion of the meeting by adopting, by roll call vote, the following or a substantively similar finding:

“MTS 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.”

Upon adoption of the finding, the Board may continue the open session portion of the meeting despite the fact that remote access services have not been restored.

67.6 RECORDKEEPING

The Clerk shall enter a brief statement into the meeting minutes, including:

- a. The nature and time of the service disruption;
- b. The time the meeting was reconvened (if applicable); and
- c. Any finding adopted pursuant to section 67.5.

67.7 REVIEW AND UPDATES

This Policy may be amended by the Board at a noticed public meeting in open session and may not be placed on the consent calendar.

Original Policy Adopted on May 21, 2026.