

**CITY OF SEBASTOPOL CITY COUNCIL  
AGENDA ITEM REPORT FOR MEETING OF: August 4, 2026**

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**To:** Honorable Mayor and City Councilmembers  
**From:** City Attorney Alex Mog  
City Manager Mary Gourley  
**Department:** City Management  
**Subject:** Approval of Waiving Second Reading and Adoption of Ordinance to Amend Sebastopol  
Municipal Code Section 2.12.100 (Power of Appointment, etc.)

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**RECOMMENDATION(s):**

Staff recommends that the City Council: Approve Waiving Second Reading and Adoption of Ordinance to Amend Sebastopol Municipal Code Section 2.12.100 (Power of Appointment, etc.)

**PROCESS OF AGENDA ITEM:**

If the item remains on the Consent Calendar, no presentation is required, and the item will be approved as part of the Consent Calendar.

If the item is removed from the Consent Calendar, it will be heard as a regular agenda item and will proceed as follows:

- Presentation by staff
- Council questions and discussion
- Public comment
- Council deliberation and action

**EXECUTIVE SUMMARY:** This ordinance updates the City Manager’s appointment powers to include the City Clerk, consistent with the council-manager form of government and current operational needs. California Government Code § 36501 requires cities to have a City Clerk, but does not dictate the appointment method. Many general law cities place the Clerk under the City Manager. The amendment is consistent with the council-manager form of government and does not alter the Clerk’s statutory duties (e.g., elections, records, Council clerk functions)

**BACKGROUND:** Under the City’s Municipal Code § 2.12.100, the City Manager currently possesses the authority to appoint, remove, promote, and demote any and all officers and employees of the City of Sebastopol, except the City Clerk, City Attorney, and City Treasurer. The ordinance removes the City Clerk from the list of exceptions in § 2.12.100, aligning the position more fully with the City Manager’s supervisory responsibilities as outlined in Chapter 2.12.

**DISCUSSION:**

The Council approved for First Reading and Introduction of the Ordinance at their July 21<sup>st</sup> 2026 City Council Meeting. The ordinance is before the Council for adoption at this meeting.

**STAFF ANALYSIS:** The change promotes administrative efficiency and aligns with practices in similar cities. It does not affect the statutory duties of the City Clerk.

**CITY COUNCIL GOALS/PRIORITIES/ AND OR GENERAL PLAN CONSISTENCY:**

This agenda item represents the City Council goals/priorities as follows:

**Goal 4: HIGH PERFORMANCE ORGANIZATION**

Restore public trust, improve public communications, and strengthen collaborative partnerships with outside

agencies and service providers.

**PUBLIC COMMENT:**

As of the preparation of this staff report, no public comments have been received on this item. Any comments received after distribution of the report will be provided to the City Council as supplemental materials. Public comment will also be accepted during the meeting.

**COMMUNITY OUTREACH:**

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

**FISCAL IMPACT:**

There is no fiscal impact associated with this informational report.

**RESTATED RECOMMENDATION:**

That the City Council: Approve Waiving Second Reading and Adoption of Ordinance to Amend Sebastopol Municipal Code Section 2.12.100 (Power of Appointment, etc.)

**CITY COUNCIL OPTIONS:**

1. Deny the recommendation and retain authority to appoint, remove, promote, and demote the City Clerk to the City Council
2. Deny recommendation and provide direction to staff

**ATTACHMENT(S):**

Ordinance

**APPROVALS:**

|                                                                                                                                        |                           |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Department Head Approval:                                                                                                              | Approval Date: 7-25-2026  |
| CEQA Determination (Planning):                                                                                                         | Approval Date: NA         |
| <u>The proposed action is not a project under the California Environmental Quality Act (CEQA)</u>                                      |                           |
| General Plan Goal (Planning):                                                                                                          | Approval Date: 7-25-2026  |
| Administrative Services (Financial)                                                                                                    | Approval Date: 7-25-2026  |
| <u>Costs authorized in City Approved Budget:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |                           |
| Account Code (f applicable)                                                                                                            | _____                     |
| City Attorney Approval:                                                                                                                | Approval Date: 7-25-2026  |
| City Manager Approval:                                                                                                                 | Approval Date: 7-25-22026 |

**ORDINANCE NO. 1168**

**SECOND READING AND ADOPTION**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL AMENDING SECTION 2.12.100 OF THE SEBASTOPOL MUNICIPAL CODE REGARDING THE POWER OF APPOINTMENT**

**THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN AS FOLLOWS:**

**Section 1. Findings.** The City Council finds and declares as follows:

- A. The City operates under a council-manager form of government as established in the Municipal Code.
- B. Current § 2.12.100 grants the City Manager broad appointment authority with specific exceptions.
- C. Removing the City Clerk from the exceptions will promote administrative efficiency and consistency with operational practices.
- D. The amendment does not affect the statutory duties of the City Clerk under California Government Code.

**Section 2. Amendment to Municipal Code.** Section 2.12.100 of the Sebastopol Municipal Code is hereby amended to read as follows (redline shows changes):

It shall be the duty of the City Manager to, and he or she shall, appoint, remove, promote and demote any and all officers and employees of the City of Sebastopol, except the City Attorney and City Treasurer, subject to personnel rules and regulations as adopted by the City Council.

**Section 3. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**Section 4. Effective Date.** This ordinance shall take effect thirty (30) days after its final passage and adoption.

**APPROVED FOR FIRST READING AND INTRODUCTION** by the City Council of the City of Sebastopol on July 21, 2026.

**APPROVED FOR SECOND READING AND ADOPTION** by the City Council at the August 4, 2026 City Council Meeting by the following vote:

**VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: \_\_\_\_\_  
Mayor, Jill McLewis

ATTEST: \_\_\_\_\_  
Mary Gourley, City Manager

APPROVED AS TO FORM: \_\_\_\_\_  
Alex Mog, City Attorney