



City of Sebastopol

**CITY OF SEBASTOPOL CITY COUNCIL**

**AGENDA ITEM REPORT FOR MEETING OF:** March 3, 2026

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To: Honorable Mayor and City Councilmembers  
 From: Alex Mog, City Attorney  
 Subject: Second Reading and Adoption of an Ordinance to Amend Sebastopol Municipal Code Chapter 8.80, Surveillance Technology and Community Safety Ordinance, of the Sebastopol Municipal Code.

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**RECOMMENDATION:**

It is recommended that Council waive the second reading and adopt an Ordinance to amend Sebastopol Municipal Code Chapter 8.80, Surveillance Technology and Community Safety Ordinance, of the Sebastopol Municipal Code.

**EXECUTIVE SUMMARY:**

The City Council previously enacted the Surveillance Technology and Community Safety Ordinance, codified as Chapter 8.80 of the Sebastopol Municipal Code, to govern the City’s use of surveillance technology. The proposed ordinance would make minor amendments to clarify the City’s authority to use privately owned cameras. The City Council held the first reading of the ordinance on February 17, which included changes made by the Council as part of the motion.

**BACKGROUND**

Section 8.80.030 requires the City Council to approve (by ordinance) a surveillance use policy before the City can do any of the following:

- Seek funds or accept donations for surveillance technology
- Acquire or borrow new surveillance technology
- Use new surveillance technology
- Use existing surveillance technology for a purpose, in a manner or in a location not previously approved by the City Council
- Entering into an agreement, including a written or oral agreement, with a non-City entity to acquire, share or otherwise use surveillance technology

The Ordinance defines “Surveillance technology” broadly as “any software, electronic device, system utilizing an electronic device, or similar, used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, biometric, olfactory or similar information specifically associated with, or capable of being associated with, any individual or group.”

**DISCUSSION:**

The ordinance is generally focused on regulating the use of advanced technologies, such as biometric surveillance technology, automatic license plate readers, or other devices with predictive technology, artificial technology, or recognition technology. However, because “surveillance technology” is defined broadly, it also applies to traditional video cameras.

Because the Ordinance requires Council approval for the City to use technology in any new location, the ordinance creates ambiguity whether or not the City can use privately owned security cameras to solve crimes, since the Council has not approved the use of cameras in those specific locations. There have been multiple instances where the Police Department was unable to utilize camera footage from private security cameras/doorbell cameras as part of a criminal investigation because doing so would potentially violate the ordinance.

Staff does not believe these types of impacts were the original intent of Chapter 8.80. Accordingly, the proposed ordinance would make minor amendments to clarify that Chapter’s scope.

Specifically, the proposed amendment will clarify that the Chapter does not require prior approval of the City Council for the use of security cameras as long as the security cameras only capture video and sound, and do not collect thermal, biometric, olfactory or similar information or involve the use of any predictive technology, artificial technology, or recognition technology. However, Council approval would still be required prior to using any City-owned cameras in a new location.

The ordinance proposed amendments would clarify that the City may enter into an agreement (written or informal/oral) with a non-party entity for the City to use traditional security cameras for a specific incident or event, as long as such use is not part of an ongoing arrangement. Council approval (or a judicial warrant) would still be required for a non-City entity to use footage in the City’s possession.

The original draft of the ordinance would have allowed the City to upgrade City-owned traditional security cameras without Council approval. That proposed language was eliminated as part of the introduction of the Ordinance. In the coming months, staff anticipates seeking Council approval to upgrade certain City-owned security cameras that currently only capture live video so they can also record. Pursuant to Section 8.80.050, a surveillance impact report and a proposed surveillance use policy for those upgrades will be posted on the City’s website at least 30 days prior to a public hearing at which the Council will consider an ordinance to authorize the upgrades.

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

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

Goal 2 Public Safety: Strengthen the public’s safety and improve the quality of life. Includes supporting our first responders (police, fire, public works), responding to emergencies, protecting people, property, and businesses, and engaging in emergency preparedness community outreach, public education and prevention activities.

**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 schedule meeting date. The City has also used social media to promote and advertise the City Council Meeting Agenda Items.

**FISCAL IMPACT:**

There are no direct fiscal costs associated with adoption of the proposed ordinance. The ordinance does not authorize the purchase of any equipment, which would be handled through the City's existing budget and procurement processes.

**RESTATED RECOMMENDATION:**

Waive the second reading and adopt an Ordinance to amend Sebastopol Municipal Code Chapter 8.80, Surveillance Technology and Community Safety Ordinance, of the Sebastopol Municipal Code.

**OPTIONS:**

1. Do not adopt ordinance
2. Provide alternative direction to staff

**ATTACHMENTS:**

1. Ordinance with Exhibit A

ORDINANCE NUMBER 1164

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL AMENDING  
CHAPTER 8.80, SURVEILLANCE TECHNOLOGY AND COMMUNITY SAFETY ORDINANCE,  
OF THE SEBASTOPOL MUNICIPAL CODE

WHEREAS, the City Council previously enacted the Surveillance Technology and Community Safety Ordinance, codified as Chapter 8.80 of the Sebastopol Municipal Code, to govern the City's use of surveillance technology; and

WHEREAS, Section 8.80.030 requires the City Council to approve (by ordinance) a surveillance use policy before the City Use new surveillance technology or use existing surveillance technology for a purpose, in a manner or in a location not previously approved by the City Council;

WHEREAS, Chapter 8.80 defines "Surveillance technology" broadly to include both advanced technology and video cameras;

WHEREAS, the City Council desires to amend Chapter 8.80 to clarify the City's authority to use traditional video cameras.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN AS FOLLOWS:

SECTION 1.      Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2.      Amended Definitions. Section 8.80.020, "Definitions", of the Sebastopol Municipal Code is hereby amended to include the following definition (additions underlined and highlighted in red, deletions in ~~strike~~):

"Traditional Security Camera" means any camera that is solely capable of capturing and recording video and/or audio. Traditional security cameras do not include cameras that are capable of collecting thermal, biometric, olfactory, or similar information, involve the use of any predictive technology, scanning technology, artificial technology, or recognition technology of any kind.

SECTION 3.      Mandated Council Review. Section 8.80.030, "City Council Review Mandatory for Surveillance Technology Decisions", of the Sebastopol Municipal Code is hereby amended to read as follows (additions underlined and highlighted in red, deletions in ~~strike~~):

8.80.030 City Council review mandatory for surveillance technology decisions.

A City department must obtain City Council approval by ordinance of a surveillance use policy following a public hearing conducted at a regular City Council meeting, prior to engaging in any of the following:

- A. Seeking funds for a surveillance technology, including, but not limited to, applying for a grant or soliciting or accepting State or Federal funds or in-kind or other donations for the purpose of acquiring surveillance technology;
- B. Acquiring or borrowing a new surveillance technology, including, but not limited to, acquiring such technology without the exchange of monies or consideration;

C. Using a new or existing surveillance technology for a purpose, in a manner or in a location not previously approved by the City Council in accordance with this chapter. This does not apply to traditional security cameras, except for the use of traditional security cameras owned by the City in a new location; or

D. Entering into an agreement, including a written or oral agreement, with a non-City entity to acquire, share or otherwise use surveillance technology or the information it provides, including data-sharing agreements. This does not include the City using traditional security cameras for a specific incident or event, as long as such use is not part of an ongoing arrangement with a non-City entity.

SECTION 4. CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Effective Date and Publication. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its adoption. Before the expiration of fifteen (15) days after said passage, this ordinance or a summary therefore as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Sebastopol, along with the names of the Council Members voting for or against its passage.

APPROVED FOR WAIVING OF SECOND READING AND ADOPTION OF ORDINANCE at the Regular City Council Meeting of March 3, 2026.

**VOTE:**  
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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

ATTEST: \_\_\_\_\_  
Mary Gourley, Interim City Manager/City Clerk, MMC

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