



City of Sebastopol

CITY OF SEBASTOPOL CITY COUNCIL

AGENDA ITEM REPORT FOR MEETING OF: February 17, 2026

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To: Honorable Mayor and City Councilmembers
From: Alex Mog, City Attorney
Responsible Department: City Attorney/Police
Subject: Introduction and First Reading of an Ordinance to Amend Sebastopol Municipal Code Chapter 8.80, Surveillance Technology and Community Safety Ordinance, of the Sebastopol Municipal Code.

RECOMMENDATION:

It is recommended that Council introduce and waive the first reading of 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 and upgrade existing cameras.

PROCESS OF AGENDA ITEM:

- a. Presentation of agenda item by the City Attorney
- b. Questions and discussion from Councilmembers
- c. Public hearing and comment period
- d. Council takes action.

BACKGROUND

In 2022, the City Council adopted the Surveillance Technology and Community Safety Ordinance, codified as Chapter 8.80 of the Sebastopol Municipal Code. In adopting the Chapter 8.80, the City Council found that "Biometric surveillance and predictive policing technologies have the potential to grant government entities the unprecedented power to secretly identify, monitor, and locate people simply going about their daily lives, threatening Californians' privacy, liberty, safety and freedom as guaranteed by the California Constitution." The Council also found that "The use of biometric surveillance systems and predictive policing technology to watch, categorize, monitor and record the activities and movements of all Californians disproportionately impacts people of color, women, immigrants, LGBTQ people, and political activists of all backgrounds." For these reasons, the Council determined that the "public has a right to know about any funding, acquisition, or use of surveillance technologies within the City of

Sebastopol. This chapter codifies and guarantees that the acquisition and use of these technologies are subject to rigorous review, public debate, oversight and annual reporting by any City department utilizing these technologies.”

Specifically, 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.

The broad scope of the ordinance has recently created some practical impacts. For example, the City has security cameras at various City facilities. The security cameras at City Hall record video, while the security cameras at certain other facilities only capture a live feed. Because the ability of a camera to record video is a type of new technology not currently in use at these facilities, in order for staff to upgrade the cameras to those that record, City Council approval is required first. The approval process mandated by Chapter 8.80 involves a minimum of three City Council meetings and more than 90 days. The same process would be required for other similar technology upgrades, such as replacing black and white cameras with color cameras.

Additionally, 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. Recently, 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, whether privately or publicly owned, 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. The ordinance will also clarify that the City may replace and upgrade existing cameras without further approval as long as the new cameras do not include these additional technologies. Council approval would still be required before the City could install cameras in a new location.

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:

introduce and waive the first reading of 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 introduce ordinance
2. Provide alternative direction to staff

ATTACHMENTS:

1. Ordinance with Exhibit A

APPROVALS:

Department Head Approval:	Approval Date: 2-11-2026
CEQA Determination (Planning):	Approval Date: 2-11-2026
The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA)	
Administrative Services/Financial Approval:	Approval Date: 2-11-2026
Costs authorized in City Approved Budget:	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
Account Code (if applicable) _____	
City Attorney Approval:	Approval Date: 2-11-2026
City Manager Approval:	Approval Date: 2-11-2026

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL AMENDING
CHAPTER 8.80, SURVEILANCE 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 ~~strikethrough~~):

"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, deletions in ~~strikethrough~~):

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, except for traditional security cameras;

B. Acquiring or borrowing a new surveillance technology, including, but not limited to, acquiring such technology without the exchange of monies or consideration, except for traditional security cameras;

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 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 FIRST READING AND INTRODUCTION OF ORDINANCE at the Regular City Council Meeting of February 17, 2026.

VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Mayor, Jill McLewis

ATTEST: _____

Mary Gourley, Interim City Manager/City Clerk, MMC

Page 2 of 3

APPROVED AS TO FORM: _____
Alex Mog, City Attorney