



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 8/18/2026

ITEM NO: 09

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DATE: August 18, 2026  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: Adopt a Resolution Renewing Ordinance Approving Military Equipment Funding, Acquisition, and Use Policy Pursuant to Assembly Bill 481.

**RECOMMENDATION:** Adopt a Resolution Renewing Town of Los Gatos Ordinance 2329 approving military equipment funding, acquisition, and use policy pursuant to Assembly Bill 481.

**FISCAL IMPACT:**

There is no fiscal impact in renewing this ordinance and the military equipment use policy.

**STRATEGIC PRIORITY:**

AB 481 aligns with the strategic priority of furthering the Town's emergency preparedness, resiliency, and response capabilities by ensuring that law enforcement has continued access to specialized equipment necessary for managing critical incidents, natural disasters, and large-scale emergencies. The ordinance provides a legal framework for the use of such equipment, which can enhance the Town's ability to respond effectively to high-risk situations while maintaining public trust through required transparency, oversight, and community engagement. By complying with AB 481, the Town of Los Gatos supports both operational readiness and accountability in emergency response efforts.

**BACKGROUND:**

On September 30, 2021, Governor Newsom signed into law several major peace officer reform bills, including Assembly Bill 481 (AB 481) (Attachment 1). AB 481 was authored by

**PREPARED BY:** Rebecca Albin  
Police Captain

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Administrative Services Director

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Assemblymember David Chiu (D-San Francisco) to address the funding, acquisition, and use of items deemed to be “military equipment.”

This bill requires law enforcement agencies, including the Los Gatos-Monte Sereno Police Department, “to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined.”

Furthermore, AB 481 requires similar approval for the continued use of “military equipment” acquired by the Los Gatos-Monte Sereno Police Department prior to October 7, 2025, and allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards as described later in this report.

#### DISCUSSION:

AB 481 requires the governing body that oversees a law enforcement agency to approve and renew an ordinance adopting a military equipment use policy at a regular meeting of the governing body held in accordance with the Brown Act. The Assembly Bill has designated certain types of law enforcement equipment as "military equipment." Out of the fifteen categories of “military equipment” listed under AB 481, the Los Gatos-Monte Sereno Police Department has items in four of the categories. These items include: a robot, unmanned aerial vehicles (UAV), rifles and ammunition, noise flash diversionary devices, tear gas and munitions, and 40mm less-lethal weapons and munitions.

AB 481 requires that an ordinance be adopted before the Los Gatos-Monte Sereno Police Department may request, seek funds, acquire, collaborate to deploy, use, or solicit a proposal for any type of military equipment. On April 20, 2022, the Town Council adopted an Ordinance (Attachment 4) approving the military equipment funding, acquisition, and use policy pursuant to Assembly Bill 481.

AB 481 requires the governing body that oversees a law enforcement agency to annually renew the agency’s Ordinance approving a “Military Equipment Use Policy” and determine that the agency’s use of military equipment described in an annual report complies with the Policy and AB 481.

AB 481 outlines the requirements of the Police Department regarding ongoing access to the items mentioned, future acquisitions, and transparency requirements. Los Gatos-Monte Sereno Police contracts with Lexipol, a public safety policy and training organization, for policy development and implementation. Lexipol policy 704 - Military Equipment (Attachment 2) outlines purpose, scope, definitions, and categories deemed as military equipment.

The governing body's ordinance must include certain standards of approval, including:

- A. The "military equipment" identified in Los Gatos-Monte Sereno Police Department Lexipol Policy 704 is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
- B. Los Gatos-Monte Sereno Police Department Lexipol Policy 704 will safeguard the public's welfare, safety, civil rights, and civil liberties.
- C. The "military equipment" identified in Los Gatos-Monte Sereno Police Department Lexipol Policy 704 is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety.
- D. Prior military equipment use complied with the applicable Equipment Use Policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

The Ordinance adopted on April 20, 2022, satisfies these requirements.

In addition to posting the "military equipment" use policy on the law enforcement agency's website, each agency must submit an annual "Military Equipment" Report to the governing body detailing the equipment used in the preceding year. This report must include a summary of how the equipment was used, a summary of complaints received, the result of any internal audit and actions taken in response, the total annual cost and the quantity possessed of each type of "military equipment", and any additional equipment the agency intends to acquire in the next year.

Each year the governing body must review the annual report and determine whether each type of military equipment identified in that report has complied with the standards for approval set forth above and vote on whether to renew it, in accordance with Government Code Section 7071 (e)(2). This report can be found in Attachment 3 and staff finds the report to be compliant.

The Los Gatos-Monte Sereno Police Department held a community outreach event on August 4, 2026, in conjunction with National Night Out to provide members of the community an opportunity to discuss AB 481. Lexipol policy 704 and the attachment of detailed list of our military equipment is posted on the Police Department website.

CONCLUSION:

Staff recommends that the Town Council adopt a resolution to renew ordinance 2329 (to be adopted on Tuesday, August 18, 2026) and determine that the agency's use of military

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equipment described in the annual report complies with the Los Gatos Police Department's Lexipol Policy 704.

COORDINATION:

This report was coordinated with the Town Attorney's Office.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Assembly Bill 481
2. LGMSPD Lexipol Policy 704 inclusive of a hyperlink to AB 481 Defined list of Military Equipment in LGMSPD possession.
3. LGMSPD Military Equipment Inventory 2026
4. Ordinance 2329
5. Draft Resolution to Renew the Use of Military Equipment Ordinance