



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 10/07/2025

ITEM NO: 15

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DATE: October 7, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Pursuant to Assembly Bill 481, renew Ordinance Approving Military Equipment Funding, Acquisition, and Use Policy and Determine that Use of Military Equipment Identified in Annual Report Complies with Standards.**

RECOMMENDATION: Pursuant to Assembly Bill 481, renew Ordinance Approving Military Equipment Funding, Acquisition, and Use Policy and Determine that Use of Military Equipment Identified in Annual Report Complies with Standards.

FISCAL IMPACT:

There is no fiscal impact in adopting a resolution renewing the “Military Equipment Use” ordinance and determining that the military equipment use complies with the standards set forth in the policy and AB 481.

STRATEGIC PRIORITY:

This item aligns with the strategic priority to further the Town’s emergency preparedness, resiliency, and response capabilities, particularly in the area of wildfire risk. (Public Safety)

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.

PREPARED BY: Name: Rebecca Albin  
Title: Police Captain

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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EXECUTIVE SUMMARY:

AB 481 requires law enforcement agencies to obtain annual approval from their governing body for the use and acquisition of military equipment. This report provides the required update and request for ordinance renewal to ensure continued compliance with state law and transparency in equipment use.

BACKGROUND:

On September 30, 2021, Governor Newsom signed into law several major peace officer reform bills, including Assembly Bill 481 (AB 481). AB 481 was authored by Assemblymember David Chieu (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 seek annual renewal of their Ordinance approving the use of military equipment and a "Military Equipment Use Policy" and a determination that Department's use of military equipment complies with the Department's "Military Equipment Use Policy" and AB 481. 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.

DISCUSSION:

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 designates 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, an unmanned aerial vehicle (UAV), rifles and ammunition, noise flash diversionary devices, tear gas and munitions, and 40mm less lethal weapon and munitions.

Adoption of the proposed Resolution would renew the Ordinance authorizing the continued use of military equipment and would approve the military equipment funding, acquisition, and use policy pursuant to Assembly Bill 481. The ordinance authorizes the Los Gatos-Monte Sereno Police Department to request, seek funds, acquire, collaborate to deploy, use, or solicit a proposal for any type of military equipment. AB 481 outlines the requirements of the Police Department so that ongoing access to the items mentioned can continue, and for the future acquisition process and the 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 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 the 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 the 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.

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).

The Los Gatos-Monte Sereno Police Department will be holding a community outreach meeting to discuss AB 481 on Wednesday, October 15, 2025. Lexipol policy 704 and the attachment of the detailed list of our military equipment are posted on the Police Department website.

CONCLUSION:

Staff recommends that the Town Council adopt a resolution renewing Ordinance 2329, adopting the military equipment use policy as set forth in the Los Gatos Police Department's Lexipol Policy 704; and determining that the Department's use of military equipment described in the attached report complies with the Town's adopted policy and AB 481.

ALTERNATIVES:

Renewal of Ordinance 2329 (Ordinance Governing the Use of Military Equipment) is required in order to remain in compliance with state law, which mandates annual approval for the continued

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use of specified military-grade equipment by local law enforcement. There are no alternatives to renewal, as failure to do so would prohibit the use or acquisition of such equipment, regardless of operational need. The ordinance ensures legal authorization, transparency, and public oversight as outlined in AB 481.

COORDINATION:

Partner Department: 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 Report 2025
4. Ordinance
5. Resolution to Renew Ordinance