

**TOWN OF TRUCKEE  
California**

**ORDINANCE 2023-04**

**AN ORDINANCE OF THE TOWN OF TRUCKEE ADOPTING A MILITARY EQUIPMENT USE  
POLICY PURSUANT TO GOVERNMENT CODE SECTION 7071 (AB 481)**

**WHEREAS**, Assembly Bill 481 enacted Government Code Sections 7070-7073, establishing certain requirements pertaining to the acquisition and use of “military equipment” by California law enforcement agencies; and

**WHEREAS**, Government Code Section 7070 defines “military equipment” as consisting of 15 categories of items, most of which the Truckee Police Department does not have, has never had, and is not likely to have in the foreseeable future, such as tracked armored vehicles or armed aircraft; and

**WHEREAS**, the Truckee Police Department does have unarmed drones with cameras, pepperball and bean bag systems used as both a less-than-lethal force option and for non-lethal wildlife diversion, and “simunition” firearms and rounds used only for training, which are defined as “military equipment” under Government Code Section 7070; and

**WHEREAS**, Government Code Section 7071 requires the Town Council to adopt by ordinance a “military equipment use policy” in order for the Truckee Police Department to, among other things, use its existing “military equipment”, acquire new “military equipment” (including replacements for expired or worn out existing equipment), or collaborating with any other law enforcement agency (such as an agency with a mutual aid agreement with the Truckee Police Department) that might use “military equipment” in Truckee; and

**WHEREAS**, a draft military equipment use policy has been available on the Truckee Police Department’s website for at least 30 days prior to the first reading of this ordinance, pursuant to Government Code Section 7071(b); and

**WHEREAS**, the Town Council held a public hearing in connection with the adoption of this ordinance and has considered this ordinance at an open session at a regular Town Council meeting and provided for public comment in accordance with Government Code Section 54950 et seq, pursuant to Government Code Section 7071(c);

*The Town Council of the Town of Truckee Does Ordain as Follows:*

**Section 1.** The recitals above are incorporated herein.

**Section 2.** Pursuant to California Government Code Section 7071(d), the Town Council finds and determines as follows, with respect to Policy 709 – Military Equipment Funding, Acquisition, and Use Policy attached hereto as Exhibit “A” and incorporated herein by reference (“the Policy”):

- (A) The military equipment listed in the table in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

- (B) The Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (C) When and if replacement items are purchased for the items of military equipment listed in the table in the Policy, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (D) Prior use by the Truckee Police Department of items now classified as "military equipment" by Government Code Section 7070 complied with the military equipment use policy that was in effect at the time.

**Section 3.** The Policy is hereby adopted, including the table attached thereto. The Policy, as it may be amended from time to time, shall be made available on the Truckee Police Department's website for as long as the Truckee Police Department has any military equipment available for use.

**Section 4.** Pursuant to Government Code Section 7071(e), Town staff are directed to bring this ordinance to the Town Council for review "at least annually" so that the Town Council may vote on whether to renew the ordinance and determine whether each type of military equipment has complied with the standards of approval set forth herein and in Government Code Section 7071(d).

**Section 5.** Truckee Police Department staff are directed to submit to the Town Council an annual military equipment report for each type of military equipment approved by the Town Council, and to make each such report available on the Truckee Police Department website for as long as military equipment is available for use. Each report shall contain the information required by Government Code Section 7072(a). Truckee Police Department staff are further directed to hold an annual community engagement meeting pursuant to Government Code Section 7072(b), within 30 days of submitting and releasing the annual military equipment report.

**Section 6.** If any provision of this ordinance or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

**Section 7.** The Town Clerk is hereby directed to publish this ordinance or a summary thereof in accordance with the law.

\* \* \* \*

The foregoing ordinance was introduced at a regular meeting of the Truckee Town Council held on the \_\_\_\_ day of \_\_\_\_\_, 2023, and adopted at a regular meeting of the Truckee Town Council, on the \_\_\_\_ day of \_\_\_\_\_, 2023; \_\_\_\_\_, moved for the adoption, the motion was seconded by \_\_\_\_\_ and was carried by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
**Lindsay Romack, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Judy Price, MMC, Town Clerk**

\_\_\_\_\_  
**Andy Morris, Town Attorney**

**Exhibit A**

**Policy 709 – Military Equipment Funding, Acquisition, and Use Policy**