

ORDINANCE NO. 1361

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY RENEWING ORDINANCE NO. 1344, CHAPTER 8.80 TO THE MILL VALLEY MUNICIPAL CODE REGARDING ESTABLISHMENT OF A MILITARY EQUIPMENT USE POLICY FOR THE MILL VALLEY POLICE DEPARTMENT

THE CITY COUNCIL OF THE CITY OF MILL VALLEY does ordain as follows:

SECTION 1. Ordinance No. 1344 is hereby renewed and Chapter 8.80 of the Mill Valley Municipal Code is to read as follows:

Chapter 8.80 FUNDING, ACQUISITION, AND USE OF MILITARY EQUIPMENT

8.80.10 me of Ordinance.

- A. This Ordinance shall be known as the “Military Equipment Use Ordinance”.

8.80.020 Purpose and Intent.

- A. On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies.
- B. Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a “military equipment” use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term “military equipment” is defined in California Government Code section 7070.
- C. Assembly Bill 481 allows the governing body of a city to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations. The proposed military equipment use policy is found within Mill Valley Police Department Policy 709.

8.80.030 Findings and Determinations.

- A. Mill Valley Police Department Policy 709 was published on the Mill Valley Police Department’s internet website on April 15, 2022, updated on April 27, 2022, and will remain on the Department’s website as long as specified military equipment is in use by the Department. Mill Valley Police Department Policy 709 meets the requirements of California Government Code section 7070, subdivision (d).
- B. Based on the findings above, in addition to information provided to the City Council at the public meeting, the City Council determines as follows:
1. The military equipment identified in Mill Valley Police Department Policy 709 is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
 2. Mill Valley Police Department Policy 709 will safeguard the public’s welfare, safety, civil rights, and civil liberties.

3. The military equipment identified in Mill Valley Police Policy 709 is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
 4. Prior military equipment use complied with the military use policy 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.
- C. The Mill Valley City Council approves Mill Valley Police Department Policy 709 as the City of Mill Valley's military equipment use policy, pursuant to Assembly Bill 481. This authorizes the Police Department to acquire, and use specified military equipment as defined in Assembly Bill 481 subject to annual approval of this ordinance. The Department may purchase and acquire military equipment to maintain current inventory during each year the ordinance is approved.
- D. In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the Mill Valley Police Department for as long as the military equipment is available for use.

8.80.040 Definitions.

- A. "Military Equipment" includes all of the following (Per CA Gov. Code §7070):
1. Unmanned, remotely piloted, powered aerial or ground vehicles.
 2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
 3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
 4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
 5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
 6. Weaponized aircraft, vessels, or vehicles of any kind.
 7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
 8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
 9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
 10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
 11. Any firearm or firearm accessory that is designed to launch explosive projectiles.

12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
 13. Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
 14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
 15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
 16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.
- B. "City" means any department, agency, bureau, and/or subordinate division of the City of Mill Valley.
- C. "Police Department" means any division, section, bureau, employee, volunteer and/or contractor of the Mill Valley Police Department.
- D. "City Council" means the Mill Valley City Council.
- E. "Military equipment use policy" means a publicly released, written document governing the use of military equipment by a law enforcement agency or state agency that addresses, at a minimum, all of the following:
1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
 2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
 3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
 4. The legal and procedural rules that govern each authorized use.
 5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
 6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
 7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.
- F. "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

G. "Type" means each item that shares the same manufacturer model number.

8.80.050 Renewal of Ordinance.

- A. This City Council shall review this Chapter at least annually to approve the funding, acquisition, or use of military equipment, and shall vote on whether to renew this ordinance at a regular meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).
- B. The renewal and proposed military equipment use policy shall be available on the Mill Valley Police Department's internet website at least 30 days prior to the public hearing concerning the military equipment at issue.

8.80.060 Reporting Requirements on the Use of Military Equipment.

- A. The Police Department shall submit to City Council an annual Military Equipment Report for each type of Military Equipment approved by the City Council within one year of approval, and annually thereafter for as long as the Military Equipment is available for use.
- B. The Police Department shall make each annual Military Equipment Report required by this section publicly available on its internet website for as long as the Military Equipment is available for use.
- C. The annual Military Equipment Report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of Military Equipment:
 - 1. A summary of how the Military Equipment was used and the purpose of its use.
 - 2. A summary of any complaints or concerns received concerning the Military Equipment.
 - 3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
 - 4. The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the Military Equipment in the calendar year following submission of the annual Military Equipment Report.
 - 5. The quantity possessed for each type of Military Equipment.
 - 6. If the law enforcement agency intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.
- D. Within 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual Military Equipment report and the law enforcement agency's funding, acquisition, or use of Military Equipment.
- E. The City Council shall determine, based on the annual Military Equipment Report submitted pursuant to this section, whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in this code and the Military Equipment Policy. If the City Council determines that a type of Military Equipment identified in that annual Military Equipment Report has not complied with the standards for approval, the City Council shall either disapprove a renewal of the

authorization for that type of Military Equipment or require modifications to the Military Equipment Policy in a manner that will resolve the lack of compliance.

- F. Notwithstanding the requirements of this section, inclusive, if the City contracts with another entity for law enforcement services, the City shall have the authority to adopt a military equipment use policy based on community needs.

8.80.070 Whistleblower Protections.

All provisions of Mill Valley's Protection of Whistleblowers Workplace Policy, and including any updates or replacements thereto, shall apply.

8.80.080 Severability.

- A. If any part of Chapter 8.80, or any portion of Assembly Bill 481 (Government Code sections 7070 through 7075) are found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter.

8.80.090 Conflict with State Law.


To the degree any part of Chapter 31 conflicts with the provisions of Assembly Bill 481 (Government Code section 7070 through 7075), state law shall control, except that the City of Mill Valley may implement additional requirements and standards related to the purchase, use, and reporting of military equipment by the Mill Valley Police Department that do not conflict with state law.

SECTION 2. This ordinance shall be effective 30 days following its adoption by the City Council. A summary of this ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the Councilmembers voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Mill Valley on the 4th day of August 2025, and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the 20th day of October 2025, by the following vote:

AYES: Councilmember: Jones, Carmel, Joachim, Perrey, Burke
NOES: None.
ABSENT: None.
ABSTAIN: None.



Stephen Burke, Mayor

ATTEST:



Risa De Ferrari, City Clerk