

DRAFT

BEFORE THE BOARD OF DIRECTORS OF THE  
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the Matter of Authorizing  
the adoption of a resolution making  
four necessary preliminary findings in  
support of the adoption of a Military  
Equipment Use Policy and Ordinance.

Resolution No. \_\_\_\_\_

WHEREAS, State legislation requires the adoption of a policy and an ordinance in order continue the use of military equipment for California law enforcement agencies; and

WHEREAS, BART desires to continue to use military equipment for policing purposes within the policy and ordinance parameters established by the District Board, and

WHEREAS, the enabling legislation requires the making of certain findings prior to the adoption of a military equipment use policy and ordinance, and

WHEREAS, the Board of Directors believes that it can make the below listed four findings in good faith, based upon the representations of BART Police representatives,

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board finds the military equipment addressed in the proposed policy and ordinance is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The Board finds that the proposed policy and ordinance will safeguard the public welfare, safety, civil rights and civil liberties.
3. The Board finds that purchasing the military equipment addressed in the military equipment use policy is reasonably cost effective compared to available alternatives that could achieve the same objective of officer and civilian safety.
4. The Board finds that, when the information required under AB 481 is received regarding the BART Police Department's prior use of military equipment (as defined in said law), it will faithfully determine whether prior military use has complied with Board policies, that BART Police will take corrective action to curb nonconforming uses, if any, and will ensure future compliance with the terms of the Military Equipment Use Policy and the Military Equipment Use Ordinance.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
PRESIDENT

ATTEST:

\_\_\_\_\_  
DISTRICT SECRETARY