

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB 266-4511**

July 25, 2018

TO: Sarah Edgerton, Interim IT Director

FROM: Michael P. May, City Attorney

RE: New Surveillance Technology: Purchase Approval Process

Currently, the City purchases surveillance equipment if the funds have been approved in the City's budget. The Council is considering taking a more active role in approving the purchase of surveillance technology.

You asked for my opinion on crafting a method where the Mayor and the Common Council would have a "passive" review prior to the purchase of new surveillance technology. This method would be similar to that used by the City Attorney for commencing a nuisance action. This is spelled out in sec. 3.07(2), MGO, which reads:

(2) Public Nuisance Authority.

The City Attorney is authorized to commence and prosecute public nuisance actions on behalf of the City under Wis. Stat. ch. 823, if the following occurs:

- (a) The City Attorney provides written notice to the Mayor and Common Council of the intent to file a nuisance action. This written notice will include a description of the nuisance, why action is necessary, and a reminder of the fifteen (15) day time limit in this ordinance to request Common Council consideration of a resolution.
- (b) If the Mayor or any member of the Common Council wishes to have the matter considered by resolution of the Common Council, he or she shall, within fifteen (15) days of receipt of the notice from the City Attorney, provide a written request for such a resolution to the City Attorney.
- (c) If there is a request for a resolution, the City Attorney shall draft a resolution (sponsored by the person requesting the same) requesting authorization to commence the nuisance action. This resolution is to be considered immediately at the next scheduled Common Council Meeting.

(d) If the City Attorney does not receive a request for a resolution within fifteen (15) days of receipt of the City Attorney's notice, the City Attorney does not need to obtain a resolution and is authorized to commence and prosecute the nuisance action as authorized under Wis. Stat. ch. 823.

In my opinion, a similar method could be set up for the purchase of surveillance technology that is not required to remain confidential. IT would provide a notice to specified elected officials. This would be the Mayor and the Common Council. Then, if nobody asked for a resolution to examine the placement in more detail after a certain period of time, the purchase could go forward. If the purchase of surveillance technology is required to remain confidential, IT would provide notice to the mayor and Common Council leadership which would be kept on file in the mayor's office.

If this is something to be pursued, our office can assist at the time the current Surveillance Committee is finishing its work.

cc: Marci Paulsen