



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 61252**

**File ID:** 61252

**File Type:** Ordinance

**Status:** Items Referred

**Version:** 2

**Reference:**

**Controlling Body:** FINANCE  
COMMITTEE

**File Created Date :** 07/06/2020

**File Name:** Procedures for MPD to obtain property from Defense  
Logistics Agency

**Final Action:**

**Title:** ALTERNATE - Creating Section 5.18 of the Madison General Ordinances to establish procedures for the Madison Police Department to obtain property from the Defense Logistics Agency under the 1033 Program.

**Notes:** 6383defenselogistics-alternate

**Sponsors:** Keith Furman and Barbara Harrington-McKinney

**Effective Date:**

**Attachments:** 61252 Version 1.pdf

**Enactment Number:**

**Author:** Marci Paulsen

**Hearing Date:**

**Entered by:** jphelps@cityofmadison.com

**Published Date:**

### Approval History

Version	Date	Approver	Action
1		Michael Haas	Approved as to Form
1		Elizabeth York	Approve
2		Michael Haas	Approved as to Form
2		Ryan Pennington	Delegate
2		Elizabeth York	Approve

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	07/06/2020	Referred for Introduction				
	<b>Action Text:</b>	This Ordinance was Referred for Introduction					
	<b>Notes:</b>	Public Safety Review Committee, Finance Committee					

1	COMMON COUNCIL	07/14/2020	Refer	PUBLIC SAFETY REVIEW COMMITTEE		Pass
	<b>Action Text:</b>	A motion was made by Carter, seconded by Abbas, to Refer to the PUBLIC SAFETY REVIEW COMMITTEE. The motion passed by voice vote/other.				
	<b>Notes:</b>	Additional Referrals to Finance Committee, Equal Opportunities Commission, Common Council Executive Committee				
1	PUBLIC SAFETY REVIEW COMMITTEE	07/14/2020	Referred	FINANCE COMMITTEE		
	<b>Action Text:</b>	This Ordinance was Referred to the FINANCE COMMITTEE				
	<b>Notes:</b>					
1	PUBLIC SAFETY REVIEW COMMITTEE	07/14/2020	Referred	EQUAL OPPORTUNITIES COMMISSION		
	<b>Action Text:</b>	This Ordinance was Referred to the EQUAL OPPORTUNITIES COMMISSION				
	<b>Notes:</b>					
1	PUBLIC SAFETY REVIEW COMMITTEE	07/14/2020	Referred	COMMON COUNCIL EXECUTIVE COMMITTEE		
	<b>Action Text:</b>	This Ordinance was Referred to the COMMON COUNCIL EXECUTIVE COMMITTEE				
	<b>Notes:</b>					
1	FINANCE COMMITTEE	07/20/2020	Refer	FINANCE COMMITTEE	07/27/2020	Pass
	<b>Action Text:</b>	A motion was made by Kemble, seconded by Verveer, to Refer to the FINANCE COMMITTEE and should be returned by 7/27/2020. The motion passed by voice vote/other.				
1	FINANCE COMMITTEE	07/27/2020	Refer	FINANCE COMMITTEE	08/10/2020	Pass
	<b>Action Text:</b>	Alder Harrington-McKinney (seconded by Carter) proposed an alternate requiring MPD to seek CC approval prior to applying for equipment through the 1033 program. This motion was withdrawn by Alder Harrington-McKinney.				
		A motion was made by Alder Harrington-McKinney, seconded by Carter, to Refer to the FINANCE COMMITTEE, due back on 8/10/2020. The motion passed by the following vote:				
		Ayes: 5 Sheri Carter; Donna V. Moreland; Barbara Harrington-McKinney; Keith Furman and Michael E. Verveer				
		Noes: 1 Rebecca Kemble				
		Non Voting: 1 Satya V. Rhodes-Conway				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	08/04/2020				
1	PUBLIC SAFETY REVIEW COMMITTEE	08/12/2020				
1	EQUAL OPPORTUNITIES COMMISSION	08/13/2020				

**Text of Legislative File 61252**

**Fiscal Note**

The proposed ordinance prohibits the Madison Police Department (MPD) from obtaining certain items from the Defense Logistics Agency under the 1033 Program. Over the past six years (2014-2019), the average annual value of items received was \$160,138. MPD estimates annual operating supply purchases (i.e. respirator masks, medical tourniquets, etc.) of approximately \$25,000 and approximately \$100,000 in annual capital purchases for larger equipment (i.e. robotics, optics/night vision, etc.).

**Title**

ALTERNATE - Creating Section 5.18 of the Madison General Ordinances to establish procedures for the Madison Police Department to obtain property from the Defense Logistics Agency under the 1033 Program.

**Body**

DRAFTER'S ANALYSIS: The National Defense Authorization Act, through its 1033 Program, allows law enforcement agencies to acquire military property. Some of the items the 1033 Program disburses to the Madison Police Department (MPD) include night vision equipment, rifles, flashlights, respirator masks and first aid kits. This ordinance authorizes the Madison Police Department to obtain said property. Under this ordinance MPD is prohibited from using any individual item valued over \$50,000 without first obtaining approval of said use from the Common Council. It also requires MPD to provide a bi-annual report to the Common Council of all property received from this program. The ordinance prohibits MPD from obtaining tear gas, bayonets, grenade launchers, grenades, explosives, armor-piercing firearms and ammunition, tracked combat vehicles and weaponized drones from the Defense Logistics Agency under the 1033 Program.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 5.18 entitled "Procedure for Obtaining Property From Defense Logistics Agency Under 1033 Program" of the Madison General Ordinances is created to read as follows:

**"5.18 PROCEDURE FOR OBTAINING PROPERTY FROM DEFENSE LOGISTICS AGENCY UNDER 1033 PROGRAM.**

- (1) The Madison Police Department is hereby authorized to obtain property from the Defense Logistics Agency under the 1033 Program. Prior to using any individual item valued over \$50,000, the Madison Police Department must apply for approval for said use, by providing the Common Council with notice of the acquisition via Resolution. The Madison Police Department must provide the Common Council with a bi-annual report on all property received from the Defense Logistics Agency under the 1033 Program.
- (2) Exceptions. The Madison Police Department is prohibited from obtaining any of the following property from the Defense Logistics Agency under the 1033 Program:
  - a. Tear Gas.
  - b. Bayonets.
  - c. Grenade launchers, grenades, and explosives.
  - d. Armor-piercing firearms and ammunition.
  - e. Tracked combat vehicles.
  - f. Weaponized drones.