



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: 1

Reference:

Controlling Body: PUBLIC SAFETY
REVIEW
COMMITTEE

File Created Date : 07/06/2020

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

Final Action:

Title: Creating Section 5.18 of the Madison General Ordinances to prohibit the Madison Police Department from obtaining any property from the Defense Logistics Agency under the 1033 Program.

Notes: 6383defenselogistics-alternate

Sponsors: Max Prestigiacomo and Rebecca Kemble

Effective Date:

Attachments: 61252 v2_Alternate.pdf, 61252 Version 1.pdf, LESO
Inventory.pdf, 61252 v1_Legistar.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 | | | | |
| Action Text: | | This Ordinance was Referred for Introduction | | | | | |

Notes: Public Safety Review Committee, Finance Committee

1 COMMON COUNCIL 07/14/2020 Refer PUBLIC SAFETY REVIEW COMMITTEE 09/16/2020 Pass

Action Text: A motion was made by Carter, seconded by Abbas, to Refer to the PUBLIC SAFETY REVIEW COMMITTEE. The motion passed by voice vote/other.

Notes: Additional Referrals to Finance Committee, Equal Opportunities Commission, Common Council Executive Committee

1 PUBLIC SAFETY REVIEW COMMITTEE 07/14/2020 Referred FINANCE COMMITTEE 08/10/2020

Action Text: This Ordinance was Referred to the FINANCE COMMITTEE

Notes:

1 PUBLIC SAFETY REVIEW COMMITTEE 07/14/2020 Referred COMMON COUNCIL EXECUTIVE COMMITTEE 08/18/2020

Action Text: This Ordinance was Referred to the COMMON COUNCIL EXECUTIVE COMMITTEE

Notes:

1 PUBLIC SAFETY REVIEW COMMITTEE 07/14/2020 Referred EQUAL OPPORTUNITIES COMMISSION 08/13/2020

Action Text: This Ordinance was Referred to the EQUAL OPPORTUNITIES COMMISSION

Notes:

1 FINANCE COMMITTEE 07/20/2020 Refer FINANCE COMMITTEE 07/27/2020 08/10/2020 Pass

Action Text: 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 08/10/2020 Pass

Action Text: 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 Re-refer COMMON COUNCIL EXECUTIVE COMMITTEE 08/18/2020

Action Text: Re-refer to future August 2020 COMMON COUNCIL EXECUTIVE COMMITTEE meeting.

2 FINANCE COMMITTEE 08/10/2020 Return to Lead with the Recommendation for Approval PUBLIC SAFETY REVIEW COMMITTEE 09/16/2020 Pass

Action Text: Alder Verveer proposed a substitute to remove the reference to armor piercing firearms and ammunition from the ordinance. This substitute failed on a 4-2 vote.

Alder Verveer proposed a substitute that would have decreased the funding threshold for Common Council approval from \$50,000 to \$10,000. This substitute failed on a 4-2 vote.

A motion was made by Carter, seconded by Furman, to Return to Lead with the Recommendation for Approval to the PUBLIC SAFETY REVIEW COMMITTEE,. The motion passed by the following vote:

Ayes: 4 Sheri Carter; Donna V. Moreland; Barbara Harrington-McKinney and Keith Furman
 Noes: 2 Rebecca Kemble and Michael E. Verveer
 Non Voting: 1 Satya V. Rhodes-Conway

1 PUBLIC SAFETY REVIEW 08/12/2020 Refer PUBLIC SAFETY 09/16/2020 09/16/2020
 COMMITTEE REVIEW
 COMMITTEE

Action Text: Acting Chief Wahl explained the 1033 program which is a place for police department surplus and supplies. Some of the items are returned and some not. Wahl indicated he would be comfortable with the language in the alterate however not the original. Konkel requested if the Chief could share the inventory information to the committee before the September meeting. Alder Heck suggested the committee watch the Finance committee meeting on city cable channel before the next PSRC meeeting as there are a lot of the same questions answered. Alder McKinney made a motion to refer this item to the September meeting. Anglim seconded the motion. There was unanimous consent.

Notes:

1 EQUAL OPPORTUNITIES 08/13/2020 Return to Lead with COMMON Pass
 COMMISSION the COUNCIL
 Recommendation
 for Approval

Action Text: A motion was made by Moreland, seconded by Wallace, to Return to Lead with the Recommendation for Approval of 61252 v2 Alternate to the COMMON COUNCIL. The motion passed by voice vote/other.

2 COMMON COUNCIL 08/18/2020 Return to Lead with PUBLIC SAFETY 09/16/2020 Pass
 EXECUTIVE COMMITTEE the REVIEW
 Recommendation COMMITTEE
 for Approval

Action Text: A motion was made by Ald. Syed Abbas, seconded by Ald. Barbara Harrington-McKinney, to Return to Lead with the Recommendation for Approval the ALTERNATE Resolution to the PUBLIC SAFETY REVIEW COMMITTEE. The motion passed by the following vote:

Notes: Roll Call: 5:1:2 - Ayes: Abbas, Harrington-McKinney, Henak, Skidmore, Tierney; Noes: Kemble; Non-Voting: Carter, Bidar

Ayes: 5 Syed Abbas; Barbara Harrington-McKinney; Paul E. Skidmore; Zachary Henak and Michael J. Tierney
 Noes: 1 Rebecca Kemble
 Non Voting: 2 Sheri Carter and Shiva Bidar

2 PUBLIC SAFETY REVIEW 09/16/2020 RECOMMEND TO Pass
 COMMITTEE COUNCIL TO
 ADOPT - REPORT
 OF OFFICER

Action Text: Alder Heck made a motion for approval of the alterate. Mitnick seconded the motion. There was unanimous consent from the committee.

Absent: 2 Gideon W. Amoah and Christian A. Albouras

Ayes: 7 Patrick W. Heck; Brenda K. Konkel; Matthew D. Mitnick; Mary T. Anglim; Allen M. Rickey; Barbara Harrington-McKinney and Charles Myadze

2 COMMON COUNCIL 10/06/2020

Text of Legislative File 61252

Fiscal Note

The proposed ordinance prohibits the Madison Police Department (MPD) from obtaining any property 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 the impact of a prohibition would be \$25,000 in annual operating supply funds (i.e. respirator masks,

medical tourniquets, etc.) and \$100,000 in annual capital funds for larger equipment (i.e. robotics, optics/night vision, etc.).

Title

Creating Section 5.18 of the Madison General Ordinances to prohibit the Madison Police Department from obtaining any 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 include night vision equipment, rifles, flashlights, respirator masks and first aid kits. This ordinance prohibits the Madison Police Department from obtaining any property from the Defense Logistics Agency under the 1033 Program.

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

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

"5.18 PROHIBITION OF OBTAINING PROPERTY FROM DEFENSE LOGISTICS AGENCY UNDER 1033 PROGRAM.

- (1) The Madison Police Department is prohibited from obtaining any property from the Defense Logistics Agency under the 1033 Program."