



Legislation Details (With Text)

**File #:** 61252      **Version:** 2      **Name:** Procedures for MPD to obtain property from Defense Logistics Agency

**Type:** Ordinance      **Status:** Passed

**File created:** 7/6/2020      **In control:** Attorney's Office

**On agenda:** 10/6/2020      **Final action:** 10/6/2020

**Enactment date:** 10/21/2020      **Enactment #:** ORD-20-00095

**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.

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

**Indexes:**

**Code sections:**

**Attachments:** 1. 61252 v2\_Alternate.pdf, 2. 61252 Version 1.pdf, 3. LESO Inventory.pdf, 4. 61252 v1\_Legistar Version.pdf

Date	Ver.	Action By	Action	Result
10/6/2020	2	COMMON COUNCIL	Adopt Substitute	Pass
9/16/2020	2	PUBLIC SAFETY REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
8/18/2020	2	COMMON COUNCIL EXECUTIVE COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
8/13/2020	1	EQUAL OPPORTUNITIES COMMISSION	Return to Lead with the Recommendation for Approval	Pass
8/12/2020	1	PUBLIC SAFETY REVIEW COMMITTEE	Refer	
8/10/2020	2	FINANCE COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
8/4/2020	1	COMMON COUNCIL EXECUTIVE COMMITTEE	Re-refer	
7/27/2020	1	FINANCE COMMITTEE	Refer	Pass
7/20/2020	1	FINANCE COMMITTEE	Refer	Pass
7/14/2020	1	PUBLIC SAFETY REVIEW COMMITTEE	Referred	
7/14/2020	1	PUBLIC SAFETY REVIEW COMMITTEE	Referred	
7/14/2020	1	PUBLIC SAFETY REVIEW COMMITTEE	Referred	
7/14/2020	1	COMMON COUNCIL	Refer	Pass
7/6/2020	1	Attorney's Office	Referred for Introduction	

**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.