

Objections force flier reprint - Mailing on jail millage totals \$37,000 after first batch shelved

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News Staff Reporters

Washtenaw County spent more than \$37,000 to print and mail to voters educational fliers about the jail millage plan on the ballot Tuesday. The levy would raise \$314 million over 20 years to pay for an expanded and renovated jail and new court facilities.

But only about half of the county's fliers were mailed.

The first batch, printed at a cost of \$11,000, was shelved after a local lawyer complained that some of the wording amounted to advocacy. State campaign laws prohibit governments from spending money to promote or criticize any ballot issue.

"The initial piece was fine and within the law," said County Administrator Bob Guenzel, but the fliers were reprinted to avoid a formal complaint to the Secretary of State's office.

The lawyer who complained, Ann Arbor resident and jail millage opponent David Cahill, said the revisions were satisfactory in legal terms.

But a formal complaint over the fliers was filed with the Secretary of State's office by Scio Township resident and trustee Chuck Ream. The state office dismissed the complaint late last week. Kelly Chesney, spokeswoman for the secretary of state's office, said the complaint was dismissed because the courts have consistently ruled that communications that don't specifically advocate a position - a yes or a no vote - are not subject to campaign finance regulation.

Ream also filed a complaint about the county's decision to spend \$10,000 to poll registered voters in December about the jail millage, saying the money was spent to generate positive publicity about the plan. Chesney said that complaint was dismissed for the same reason.

The county's original flier said the three-quarter mill levy was "recommended" by the Criminal Justice Collaborative Council, the group of county board members, administrators, judges and law enforcement officers who developed the proposal.

"It plainly was a campaign piece and they should not get away with spending public money on this propaganda," Cahill said.

Guenzel said the original language was fine, but after discussing the issue with corporation counsel Curtis Hedger and considering the long process a formal complaint might entail county officials decided to reprint.

"We just didn't want a complaint. It wasn't worth it," Guenzel said. He also said the one-page, four-color flier had not been mailed at that point.

The revised flier, also printed for about \$11,000, states the millage is the unanimous proposal of the Criminal Justice Collaborative Council.

A number of county agencies, including those that advocate mental health issues and the Washtenaw County Bar Association, have endorsed the proposal. But Ream is among a group of vocal opponents who argue that although some of the pieces of the plan might be needed the overall project is just too costly.

Millage opponents who share his view staged a small rally Wednesday outside the County Administration building in downtown Ann Arbor shortly before the Board of Commissioner's meeting. Five protesters, some armed with signs advocating a 'no' vote, braved the cold for about 30 minutes before heading into the meeting.

Ann Arbor resident and rally organizer Dee Smith, a member of the grass-roots Citizens United for Better Government, said he was compelled to act because he felt the millage designers didn't include enough community input when devising the plan.

"Projections don't mean anything," Smith said. "It's a matter of trust and I think the county officials have breached the trust of the community in terms of the dollars they're asking for. They've said: Here it is, we're going to shove it down your throats and make everybody swallow this."

Lisa Klionsky can be reached at lkionsky@annarbornews.com or (734) 994-6852.

Art Aisner can be reached at aaisner@annarbornews.com or (734) 994-6823.

