

Townships sue to keep patrols - County has hinted at deputy layoffs if deal isn't signed by Wednesday

Ann Arbor News, The (MI) (Published as Ann Arbor News (MI)) - January 14, 2006

• Author/Byline: ART AISNER

• Page: A1

• Readability: >12 grade level (Lexile: 1500)

News Staff Reporter

As promised, attorneys for Augusta, Salem and Ypsilanti townships on Friday took the ongoing squabble over policing contracts from the negotiating room to the courtroom.

The three townships, the only ones currently receiving police services from the Washtenaw County Sheriff's Department to refuse a new, four-year contract offer, filed paperwork in Washtenaw County Circuit Court late Friday seeking an injunction to block layoffs or reductions in the level of police protection after Wednesday.

They also filed a lawsuit claiming the county has breached a previously ratified contract that guaranteed a base level of county funding for police protection through 2010 while each community with a contract agreed to pay 6 percent annual increases.

But it's unclear what judge will hear their arguments as Wednesday's final contract deadline nears. All circuit judges in Washtenaw County either have or will recuse themselves from hearing the case, said Doug Winters, the attorney for both Salem and Ypsilanti townships, who consulted with local court administrators late Friday.

The matter is now within the jurisdiction of the Michigan Supreme Court Administrative Office, which historically appoints a visiting judge from a neighboring county to preside under similar circumstances.

Due to the Martin Luther King holiday Monday, Winters said he did not expect a hearing date to be decided until Tuesday at the earliest.

"We have a very compelling argument for the injunction to maintain the status quo," Winters said.

County Administrator Bob Guenzel said he received copies of the motion for the injunction and the lawsuit Friday evening and could not comment without reviewing the documents. He maintained the county's position that the intent of the new contracts is to provide long-term stability in funding police services at a fairer price for all county taxpayers.

"I do not want to withdraw services and I'm not interested in laying off deputies," Guenzel said. "If those townships want to continue services it's just a question of how much are they willing to pay."

Though time is short, Guenzel insisted that the county still seeks a compromise and may be able to reach one before or at the next Board of Commissioners meeting Wednesday night.

The previous two-year contracts that provided 90 deputies for 11 townships, two villages and four school districts across the county expired Dec. 31. Most of the entities signed the county's four-year pact even though terms of service and costs for the final two years will not be determined until April. Augusta, Salem and Ypsilanti townships accepted the terms of the first two years and offered to sign a shorter pact, which the county Board of Commissioners rejected.

Instead, they offered the holdouts a short-term extension that provided the same level of service but at nearly double the current price of about \$52 per patrol hour. The offer expires Wednesday, at which time Guenzel is authorized to lay off deputies.

Ypsilanti Township contracts for the highest number of deputies in the county - 44. Augusta contracts for two deputies and Salem for one.

Each of the three townships declined the extension at their regularly scheduled Board of Trustees meetings this week and agreed to share attorneys, litigation costs and legal strategies while the issue is pending in court.

The lawsuit, presented with a plethora of past memos, board resolutions and meeting transcripts deemed as evidence, was nearly 2 inches thick.

It alleges the county breached a "master" contract ratified by both parties in 2003 that increased costs to the townships by 6 percent annually through 2010. Under that agreement, the county would maintain its 0.5 mill contribution to fund core police services through 2010 and would enter a new contract with local governments every two years solely to account for staffing variations.

The county implemented changes to the funding structure to shift money dedicated to police patrols to instead pay for jail expansion and court security improvements after voters overwhelmingly defeated a \$314 million millage proposal last February.

The county puts the annual cost of a deputy, including equipment and supervision, at about \$180,000. The county is charging townships \$94,000 this year and \$99,800 in 2007, subsidizing the rest. The county plans to then phase out some of the subsidy and use that money for the jail expansion and court improvements.

The suit notes that Ypsilanti Township passed a new police millage in 2005 based on the previous agreement, as did Augusta Township. Salem set aside funds through its annual budgeting process to absorb the increases through 2010.

The county also violated its constitutional duties to provide public safety and erroneously claimed the patrol services were non-mandated services, according to the suit.

"This is the culmination of seven years of promises made and promises broken repeatedly by the county administrator and the Board of Commissioners," Winters said.

Salem Township Attorney Ken Schwartz said the lawsuit is aimed, in part, at defining the legal obligations of both the county and the township when it comes to providing public safety.

"We have been trying to find out the cost of a deputy for years and we are not closer today than four years ago," he said.

If the county should make concessions because of the lawsuit, other municipalities that have already signed contracts are likely to expect something in return, too.

"We would expect any benefit to come from litigation would be applied to us as well," said Scio Township Trustee Chuck Ream. "It's only fair."

Staff reporter Khalil Hachem contributed to this report. Art Aisner can be reached at (734) 994-6823 or aaisner@annarbornews.com.

• *Record: 0415773557*

• *Copyright: Copyright, 2006, The Ann Arbor News. All Rights Reserved.*