

POLICE SERVICES STEERING COMMITTEE

Wednesday July 18, 2007

4:30pm – 6:00pm

Western Service Center

705 North Zeeb Road

Members Present:

Paul Bunten	Chief of Police Saline
Jeff Irwin	County Commissioner, Chair of Board
Pat Kelly	Dexter Township
Karen Lovejoy Roe	County Commissioner
William McFarlane	Superior Township
Michael Moran	Ann Arbor Township
Mark Ouimet	County Commissioner
Kenneth Schwartz	County Commissioner
Kenneth Unterbrink	Lima Township
Patricia Vaillencourt	Village of Manchester

Members Absent: Ruth Ann Jammick, Herb Mahony (Designee), Dan Minzey, Brenda Stumbo

Staff Present: Mary O’Hare (Facilitator), David Behen, Gordon Burger, Scott Patton, Linda Wicks (Recording Secretary)

Others Present: Mike Radzik

1. Call to Order

The meeting was called to order by Facilitator O’Hare, 4:35pm, at the Washtenaw County Western Service Center lower level conference room, 705 North Zeeb Road, Ann Arbor.

2. Approval of Minutes

Kelly moved for approval of the June 20, 2007, Police Services Steering Committee meeting minutes; Bunten seconded; all in favor.

3. Citizen Participation

None.

4. Committee Check-In / Other

McFarlane provided an update on the *Eastern Regional Police Feasibility Study*, indicating that the selected consultant, Virchow Krause, has begun the study and has been interviewing different members. He indicated that the process is moving along well, and that the final report is still on target for early November.

Patton reported on the “number of deputy” counts for contracting agencies, indicating that all agencies have been heard from, with one school count still outstanding. He indicated the overall number has decreased: Ypsilanti Township is down six to 38; Scio Township is down two; and Manchester is down one – for a total decrease of nine.

5. Remaining Discussion of Police Services Contracts (08/09 Methodology)

O'Hare asked *PSSC* members to continue discussions from the June 20 *PSSC* meeting, reviewing feedback from the Police Services Workshops held June 14-June 15.

Cost to jurisdiction for Position Vacancy that must be filed with overtime

If there is a vacancy (not sick, vacation, disability, etc.) from the Sheriff's Department impacting a jurisdiction's coverage, and another deputy is not able to fill in right away, what happens with the first two weeks – should this be the obligation of the jurisdiction to pay for this coverage plus overtime? Should the jurisdiction pay the flat deputy rate for the year, and in addition, pay the overtime rate to fill the first two weeks of the vacant position?

McFarlane stated that this would seem to be an easy question to answer – that if there is no “body” filling the position, why should the jurisdiction pay?

Vaillencourt agreed with McFarlane's response, sharing concern about the discussion at their jurisdiction's recent meeting with the Sheriff; at which it was said the jurisdiction would be responsible for paying the overtime to fill the contracted slot if a vacancy occurs.

O'Hare asked *PSSC* members to formulate what they think is fair, and look at language to reflect this – articulating what the *PSSC* would see as a fair solution. She indicated that she had reviewed documents and minutes for the past two years, and had not found reference to a true “vacancy” situation.

Kelly stated that “a vacancy is a vacancy – Washtenaw County has to provide a body... if there is no body, why would (the jurisdiction) pay extra for one?”

Vaillencourt offered the following language: “If there is a vacancy, it is the Sheriff's Department or County's responsibility to provide enough deputies for coverage for the amount of contracts they enter into. If they accept contracts for 83 deputies, they are responsible to have 83 deputies or cover the cost to ensure there is coverage the 83 deputies are contracted to give”.

McFarlane stated the impact of no rebates, suggesting a reimbursement of the flat rate paid for the deputy if there is a true vacancy.

Vaillencourt noted that if contracts are agreed upon for a specific number of deputies, the County is receiving monies for this number of deputies even when there are vacancies, indicating that for the jurisdictions to pay overtime to backfill these positions seems extremely one-sided.

Irwin stated that his preference would be to say that in the case of a true vacancy the County should pick up the cost of providing a body, while simultaneously being on top of the hiring process for a replacement.

Burger noted that the County needs to hire and train a new deputy before putting him/her on the road – and that there are costs involved with this training, not charged to jurisdictions; indicating this was part of the rationale for the two-week charge to jurisdictions.

Schwartz inquired if a vacancy ever occurs because of the action of a jurisdiction; indicating that it would seem the jurisdiction has no control over the vacancy issue and that it should be the

County's responsibility to maintain a full force and therefore the County's obligation to step in and pick up the difference in the event of a vacancy. He noted that the responsible party should be the one that has "control" over the vacancy, and that if this is the County and Sheriff then they should be the responsible party for payment.

Radzik clarified that today's *PSSC* discussion is just about the first two weeks of a vacancy, noting that the actual expense to the County for this period would not be extensive, that it would actually be the .5 overtime costs (above the flat rate received from the jurisdiction). He noted the higher expense is involved in the training for six months after hiring.

Irwin noted that the County will probably take a hit on covering these two week costs; noting that about \$½ million had been budgeted for overtime expenses, indicating that the \$½ million has been a conservative estimate. He stated that the jurisdictions are now starting to take on some of the risks that the County has always assumed, and that the County covering these two weeks may be a way of filling that hole in terms of risk. He indicated that the County may have more of an opportunity to work with the Sheriff in terms of hiring and trying to make sure that this happens at the appropriate time and that pending retirements are planned for if possible.

Ouimet suggested that a model could be developed based on vacancy history for the Sheriff's Department. Burger indicated he would check on how many vacancies there were in 2006, looking at cost factors for this. Vaillencourt suggested this be researched back further, indicating recent issues may have impacted Sheriff department vacancies. Ouimet suggested vacancies be researched back for a number of years, developing a blended number as a model.

O'Hare inquired if this new language regarding the first two weeks of a vacancy would need to be inserted into the contract or if it could be incorporated into the Overtime Protocol page. Patton suggested that a letter amendment could work. O'Hare indicated that Corporation Counsel will be checked with to determine the appropriate language and where it needs to be inserted.

Creation of a Dispute Resolution Forum:

O'Hare asked *PSSC* members to consider what a *Dispute Resolution Forum* might look like, and who would be members. She stressed that this forum is not for billing dispute issues, noting that resolution for billing disputes is built into the contract. O'Hare indicated that this "Dispute Resolution Forum" could address such issues as "who should have paid for overtime?", "was this really mutual aid?" or "was this the appropriate way to have addressed this particular issue?" – along the line of deployment of services. She further noted, however, that a billing dispute could result in issues for the "Dispute Resolution Forum," such as reviewing if the right deployment opportunity was used.

Moran inquired if the County has any existing Dispute Resolution Forums for other issues.

O'Hare shared the Dispute Resolution article from the contracts (Article IV), noting that this is for billing issues only.

Article IV – Dispute Resolution

The parties agree that the Township may dispute any County invoice by taking the following actions within 30 days of receiving the invoice: (1) the Township must pay the disputed amount to the County; and (2) the Township must send written notice to the County Administrator that it disputes the invoice. The Township is encouraged to attach any written documentation supporting its claim to its request to County Administration for dispute resolution.

Within 30 days of receiving the Township’s notice disputing the invoice, County Administration will investigate the claim. If the investigation supports the Township’s claim, the disputed money will be refunded back to the Township, along with interest at an annual rate of 2% pro-rated to equal the length of the arbitration process. If, however, as a result of the investigation, County Administration disagrees with the Township’s claim, the County and Township shall jointly pick a mutually acceptable arbitrator to hear the positions of the Township and County. The County and the Township shall also have the right to jointly compile a list of acceptable arbitrators which, if compiled, shall be an attachment to this contract. The arbitrator’s decision on the claim shall be binding. If the arbitrator ultimately decides in favor of the Township, the County agrees to refund the money paid by the Township, along with an annual 2% interest payment pro-rated to equal the length of the arbitration. The cost to retain the arbitrator shall be paid by the losing party.

Kelly inquired if it would make sense for the **PSSC** to be the first “semi-formal” step in the process, before taking more formal action – noting that **PSSC** members are familiar with the issues and could provide some sort of initial review/report. Behen suggested that a second step might be a more neutral body.

Irwin suggested that the Dispute Resolution Process in the contract could be used for other issues of dispute, perhaps having County Administration’s determination in writing presented to the **PSSC** for informal discussion/mediation. He noted that this process appears clean and fair.

Ouimet suggested the opportunity for information discussion at the **PSSC** to talk through disputes.

Kelly noted that disputes may come up during the first year, for which precedent may be set and which can be settled “for good”.

McFarlane noted the value of having disputes come before the **PSSC**, which might offer solutions without the more formal remedy of Dispute Resolution/arbitration.

Vaillencourt noted that having the **PSSC** serve as the first intermediate step could provide value in a learning experience and growth for **PSSC** members as jurisdictions begin talks for the next contract – perhaps providing better insight on unclear areas and issues.

Schwartz noted that full arbitration over minor disputes or minimal hours may not lend itself to good governance, agreeing with the opportunity for an intermediate step that can informally try to resolve some of the minor issues.

Moran captured *PSSC* discussion, suggesting that the *PSSC* serve as a mediation group for minor disputes as opposed to arbitration, agreeing that this makes some sense, noting that if the jurisdiction or BOC disagrees there is the more formal process available.

Behen, summarizing that the Dispute Resolution Process for non-billing issues could follow Article IV of the contract, with the additional step of having the written letter to County Administration come to the *PSSC* first for informal mediation.

O'Hare captured the *PSSC* recommendation that "mediation" could be part of the letter amendment to the contract, stating that the first step would still be the submission of a letter from the jurisdiction to County Administration stating that they are in dispute, and that County Administration would then forward this to the *PSSC* for review and possible informal mediation (inviting the parties to attend the meeting). Following this, the parties would still have the option to get an arbitrator and follow the more formal Dispute Resolution Process. She noted that the *PSSC* role would be to make an advisory recommendation.

O'Hare inquired if *PSSC* members would want to know about any disputes, even if County Administration agreed to the jurisdiction's claim initially. *PSSC* members indicated they would like to know about these issues for informational purposes (exclusive of simple accounting errors which may be handled via a phone call to the Sheriff's Office).

6. Report from Subcommittee on Police Services Reports

Patton provided an update from the subcommittee that had met July 17 in Superior Township to discuss a standardized police services report for jurisdictions, indicating that this meeting had been very productive.

Patton stated that the meeting had offered an educational component, reviewing reports received on a monthly basis, communicating the value of each piece of information and identifying information that may not be needed. He noted the consensus was that most of the information received was of value. He said that formatting and additional/historical information needed for tracking were also discussed. He said that the "False Alarm" report was found to be of value even to jurisdictions that do not have an alarm ordinance – providing for an opportunity to follow-up with residents and decrease future false alarms.

Patton indicated that new information was launched earlier this month, as an outcome of the new Time Capture system available – allowing deputies to login their activities throughout the day, assigning time to jurisdictions. He indicated that this new Time Capture system will allow for good tracking and enhanced reporting for jurisdictions, indicating that IT staff are exploring the possibility of online "on demand" report access via a secured website. He noted the opportunity to add fields to the system for tracking/reporting (e.g., SWAT, Dive Team).

Patton stated that police agencies are moving to the CLEMIS system, providing increased functionality, which may offer opportunities for better tracking and reporting.

Behen inquired regarding a timeline for online reporting; likening this to a secured "dashboard" of up-to-date information from which jurisdictions may select and customize the information needed. Patton replied that there is no timeline established currently; that Jim Burkey, Project Manager Application Specialist, is currently researching this project. O'Hare noted the first

priority of getting the reports that can be generated accurate and the system capturing time. Behen stressed the goal of having reports to jurisdictions in September so that there are no year-end surprises.

Kelly noted the importance of deputies being trained in how to enter time appropriately in the system (Mobile Data Computer), providing a measure of consistency – indicating that she is encouraged that this training is taking place.

Vaillencourt noted that one report item they are not seeing currently but are sensitive to is the amount of time deputies spend outside of their village limit. Patton replied that this was a core issue addressed at the subcommittee meeting.

O'Hare asked Patton what the next steps are for this “reports” subcommittee, and if there would be any draft reports for the *PSSC* to review. Patton indicated that the subcommittee will be reconvened to review improvements in the reports.

Prior to the availability of a “dashboard” online approach to report access, O'Hare inquired if it would be better to be inclusive regarding standardized report content, and let jurisdictions simply ignore pieces not needed, then to have items not included or to offer different report versions. Kelly stressed that if the reports are received electronically, any unneeded report data would have no impact. Radzik suggested that the additional information can be accessible “administratively” if not included in the base standardized report (report info by request).

McFarlane indicated the subcommittee would meet again in September and would report back to the *PSSC*. Vaillencourt indicated the subcommittee could meet in Manchester.

Radzik inquired about the reporting issue and if it is part of the contract. O'Hare clarified that reports being available is part of the contract.

Patton indicated he would send his subcommittee meeting notes out to *PSSC* members.

7. Update on Discussions with Jurisdictions (overtime protocol)

8. County-wide Road Patrol Deployment Input

Postponed to future *PSSC* meeting (Mahony not present to provide update).

O'Hare will contact Mahony for any updates and will send this out via email to *PSSC* members prior to the August 1, 2007, meeting.

9. August 1, 2007, PSSC Meeting

O'Hare asked *PSSC* members if they would like to meet again in two weeks, back on the regular “First Wednesday of the Month” schedule, or wait until the September 5 *PSSC* meeting – inquiring if there should there be an August meeting.

PSSC members indicated they would like to meet as planned on August 1, pending the readiness of Sheriff's Office documents/reports to discuss the postponed items – asking that these be disseminated to *PSSC* members prior to the meeting for review.

Radzik noted that they have been getting a number of questions regarding cutbacks in Ypsilanti Township, clarifying that they have had a reduction of only six. He indicated that currently 36 of

44 are on the patrol schedule, and the other eight are on special assignment. He indicated that the plan is to reduce only one off the patrol – going from 36 to 35 – and that five of the eight specialty jobs will be eliminated – indicating that there should not be any significant impact on the ability to answer calls for services in Ypsilanti Township.

Ouimet indicated that there could be a reduction in actual coverage in Scio Township.

Vaillencourt shared with *PSSC* members that her term is up and the Village is holding an election on September 11. She indicated that she is running for re-election, and has an opponent.

10. Adjournment

The meeting was adjourned by Facilitator O’Hare at 5:40 pm.

Next Meeting:

Wednesday, August 1, 2007

4:30pm – 6:00pm

110 N. Fourth Avenue, Large Conference Room

Approved by Committee: 5 September 2007

(August PSSC Meeting Canceled)