



Legislation Details (With Text)

File #: 2009-0553 **Version:** 1

Type: Agreement **Status:** Passed

File created: 12/8/2009 **In control:** City Council Regular Meeting

On agenda: **Final action:** 12/7/2009

Title: Request to authorize the Mayor and the City Clerk to execute a one-year (FY2010) agreement with the Oakland County Sheriff's Office for Law Enforcement Services

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Date	Ver.	Action By	Action	Result
12/7/2009	1	City Council Regular Meeting	Adopted by Resolution	Pass

Request to authorize the Mayor and the City Clerk to execute a one-year (FY2010) agreement with the Oakland County Sheriff's Office for Law Enforcement Services

Whereas, the City of Rochester Hills and its predecessor, the Charter Township of Avon, have contracted with Oakland County and the Oakland County Sheriff for law enforcement services continuously for 30+ years; and

Whereas, the City and its residents have benefited from the law enforcement services provided over the years by the Sheriff and desire to continue their contractual relationship and law enforcement services; and

Whereas, the City, County and Sheriff have entered into and operated under the same basic form of Law Enforcement Services Agreement for many years; and

Whereas, the current Agreement expires at the end of this month, and for 2010, the County and Sheriff have proposed a form of Agreement containing material changes relating to responsibility for loss or damage to the Sheriff's Dept. substation caused by Sheriff's deputies, and relating to indemnification of the City for claims, costs and damages incurred by the City as a result of the acts or omissions of the Sheriff's Departments; and

Whereas, under the prior and current Law Enforcement Services Agreement, the County and Sheriff have been responsible for any loss or damage they cause to the Substation premises, and the County and Sheriff are contractually obligated to indemnify and hold the City harmless from claims, costs and damages against the City that may arise out of the acts or omissions of the Sheriff's Department; and

Whereas, in the proposed 2010 Law Enforcement Agreement, the County has unilaterally, and without prior discussion, eliminated the aforesaid provisions resulting in shifting risk and responsibility for loss or damage to the Substation from the County to the City, and further exposing the City to risk of liability and litigation costs in regard to claims that may be asserted against the City due to the acts or omissions of the Sheriff's Department; and

Whereas, these material changes to the form of Law Enforcement Agreement will have the effect of transferring risks and potential costs to the City and its taxpayers with no corresponding offset, consideration or benefit to the City; and

Whereas, the City Council is aggrieved that these proposed changes to the Agreement were not fairly or properly presented, discussed with or explained to the City by County or Sheriff representatives; the City was neither consulted nor notified that the County was considering these material changes, and the County has not afforded the City a reasonable opportunity or adequate time to evaluate alternatives; and

Whereas, the County has been resolute in refusing to consider the City's legitimate concerns and disagreements over the proposed material changes to the Law Enforcement Agreement, in rejecting any and all alternative provisions suggested by the City, and in declining the City's request to extend or carry over the current form of Agreement for at least one more year in order to reasonably allow the City to explore alternatives and to negotiate and work cooperatively with the County to reach a mutually satisfactory resolution; and

Whereas, the City Council does not believe the County has negotiated or approached the proposed 2010 Law Enforcement Agreement reasonably, fairly or in good faith; and

Whereas, the City Council disagrees with the changes made to the 2010 Law Enforcement Agreement by the County and imposed on the City without consideration.

THEREFORE, IT IS RESOLVED, that for the foregoing reasons, the Rochester Hills City Council regrettably approves the form of the 2010 Law Enforcement Agreement proposed by the County and the Sheriff and authorizes the Mayor and the Clerk to sign the Agreement.