

**Ordinance No. 68-2019****Council Members:** Zone and Kelley

**An emergency ordinance authorizing the Director of Public Safety to enter into an amendment to Contract No. CT 6007 PS 2017-251 with Cuyahoga County for the County Sheriff's Department, to house and provide services for City prisoners in order to add an additional limited category to the definition of City prisoners for which the City will pay the County's prisoner per diem amount.**

**WHEREAS**, under Ordinance No. 299-14, passed April 28, 2014, as amended by Ordinance No. 246-17, passed June 5, 2017, and Ordinance No. 1216-17, passed October 16, 2017, this Council authorized the Director of Public Safety to enter into Contract No. CT 6007 PS 2017-251 with Cuyahoga County for the Cuyahoga County Sheriff's Department, ("County"), to house and provide services for City prisoners (the "Agreement"); and

**WHEREAS**, in the Agreement, the definition of "City Prisoners" excludes any individuals arrested or detained by any other law enforcement agency, ("agency or agencies"), operating in or outside the City of Cleveland; and

**WHEREAS**, the City wishes to pay to the County the County's prisoner per diem amounts for prisoners of certain agencies operating in the City of Cleveland that, either now or in the future, have police authorizing agreements or mutual aid agreements with the City of Cleveland, and where their officers take persons they arrest pursuant to Cleveland Codified Ordinances, ("prisoners"), to the Cuyahoga County's jails for detention; and

**WHEREAS**, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:**

**Section 1.** That the Director of Public Safety is authorized to enter into an amendment to Contract No. CT 6007 PS 2017-251, with the County to add to the definition of "City Prisoners" in order to pay to the County the County's prisoner per diem amount for certain law enforcement agencies that, either now or in the future, have police authorizing agreements or mutual aid agreements with the City of Cleveland, and where such agencies' officers take their prisoners to the Cuyahoga County's jails for detention for violations of Cleveland's Codified Ordinances. The City shall not pay any prisoner costs for any agencies' prisoners arrested under State or federal law and shall not pay for any agencies' prisoners arrested on the sole charge of a fourth-degree misdemeanor under Cleveland's Codified Ordinance. All other terms and conditions of the Agreement shall remain the same.

**Section 2.** That the Agreement shall be prepared by the Director of Law.

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**Passed January 28, 2019.**

**Effective January 29, 2019.**