

# Ordinance No. 246-17

**Council Members Zone and Kelley  
(by departmental request)**

## **AN EMERGENCY ORDINANCE**

To amend Section 1 of Ordinance No. 299-14, passed April 28, 2014, relating to an agreement with Cuyahoga County for booking, housing, and other related services of City prisoners to change certain terms and conditions of the agreement; to supplement the ordinance by adding new Section 3; and to renumber existing Sections 3, 4 and 5 to Sections 4, 5, and 6.

WHEREAS, under Ordinance No. 299-14, passed April 28, 2014, this Council authorized the Director of Public Safety to enter into an Agreement with Cuyahoga County ("County") to permit the County's Sheriff's Department to provide the City with all booking, housing, and other related services for City Prisoners for a per diem rate per prisoner; and

WHEREAS, the parties wish to amend Ordinance No. 299-14 to change certain terms and conditions of the agreement; 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 Section 1 of Ordinance No. 299-14, passed April 28, 2014, is amended to read as follows:

Section 1. That the Director of Public Safety is authorized to enter into an agreement with Cuyahoga County to have the County's Sheriff Department provide all booking, housing and other related services for "City Prisoners" for a fee calculated at a per diem rate per City Prisoner established by the Board of Control. The agreement shall provide for a transition period for the orderly transfer of operations and upon completion of the transition period,. The Agreement shall have no termination date. The per diem rate may be increased upon written agreement of the parties with Board of Control approval up to, but not to exceed, 2% after completion of the transition period and not more than once every twelve month period, but only upon substantiation by County of increased County costs directly attributable to City Prisoners any such suggested cost increase, along with substantiation, shall be immediately reported to Council.

Section 2. That existing Section 1 of Ordinance No. 299-14, passed April 28, 2014, is repealed.

Section 3. That Ordinance No. 299-14, passed April 28, 2014, is supplemented by adding new Section 3 to read as follows:

Section 3. That the Director of Public Finance is authorized to pay the County during the Transition period two payments of \$2.6 million each for non-recurring start-up expenses necessary for the County to effectuate the takeover of all City Prisoner operations in accordance with the terms and conditions of the agreement.

Section 4. That existing Sections 3, 4, and 5 of Ordinance No. 299-14, passed April 28, 2014, are renumbered to new "Section 4", "Section 5" and "Section 6".

Section 5. 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.

**Ord. No. 246-17**

**REPORT  
after second Reading**

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**READ FIRST TIME on MARCH 6, 2017**

**and referred to DIRECTORS of Public Safety, Finance, Law;  
COMMITTEES on Safety, Finance**

**REPORTS**

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
SAFETY**

FILED WITH COMMITTEE

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE**

FILED WITH COMMITTEE

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