



City of Cleveland Memorandum
Frank G. Jackson, Mayor

To: Matthew Zone, Chairman
Safety Committee

From: Michael McGrath, Director
Department of Public Safety

Martin Flask, Executive Assistant to the Mayor
Office of the Mayor

Subject: Ordinance No. 246-17, Amend Ordinance No. 299-14 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

Date: May 24, 2017

Ord. 246-17 amends certain terms and conditions in the agreement with the County that was previously authorized under Ord. 299-14. The legislation will authorize the City to pay the County two payments of \$2.6 million each during the transition period for non-recurring and start-up expenses necessary for the County to effectuate the takeover of City prisoners operations in accordance with the terms and conditions of the agreement.

The agreement, if approved by Cleveland and Cuyahoga County Councils, will authorize the Director of Public Safety to enter into an agreement with the County Sheriff to transfer all Cleveland Jail and House of Corrections duties and responsibilities to the Sheriff.

The transferred duties and responsibilities include, but are not limited to the receipt at the County Jail of any individual arrested by officers of the Division of Police, booking, fingerprinting, photographing, DNA testing, lodging, medical and psychological care, meals, delivery to court and the transport and confinement of any individuals sentenced by the judges of Cleveland Municipal Court.

The agreement with the County will include a 270-day transition period during which the City shall make the first of two payments to the County and the City will work cooperatively to transfer all jail responsibilities to the Sheriff. The 270-day period includes the deactivation of the House of Correction and transferring all inmates currently confined at the HOC to the County; hiring, training, and equipping addition County jail, administrative and medical staff; and, an increase in operational hours at the County Jail to enable 24-hour receipt of prisoners.

At the end of the 270-day transition period, the City agrees to pay the County ninety-nine (\$99) dollars per day per prisoners, and the City will deactivate the City Jail and House of Correction. The House of Correction in Highland Hills – unless an alternative use is identified, will become excess property.

The agreement includes a provision that the City sell to the County the Police Headquarters Building at the Justice Center.

The City currently averages a combined 160 prisoners and inmates on a daily basis at the City Jail and House of Correction. That number is significantly lower than the numbers used in the 2014 proposed agreement. Reductions are the direct result of a mandate by Cleveland Municipal Court that all suspects be charged or released within 36 hours and changes to the bond schedules that enables arrested suspects to be released on their own recognizance.

Cuyahoga County will, of course, need to increase their staffing levels and expressed a commitment to hiring the current Correction Officer staff to fill anticipated vacancies.

to implement the programs as described in the file and appropriated for those purposes.

Section 6. That the Director of Community Development is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period during the grant terms, for each or all of the following items: materials, equipment, supplies, and services needed to implement the grant and for the rental of furniture and other household articles to supply and accommodate displaced persons during lead abatement performed under the grants as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Community Development. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 7. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each of which purchases or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 8. That, unless expressly prohibited by the grant agreements, under Section 10(b) of the Charter, purchases or procurements made under the grant agreements may be made through cooperative arrangements with other governmental agencies. The Director of Community Development may sign all documents and do all things that are necessary to make the purchases or procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 9. That the Director of Community Development is authorized to enter into one or more contracts with or make payments to various entities, agencies, or individuals to implement the grants as described in the file.

Section 10. That the costs of the contract or contracts authorized by this ordinance and administrative costs shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance, except for the professional services for grant writing authorized in Section 1 of this ordinance, which shall be paid from Fund No. 14 SF 040, RQS 8006, RL 2017-25.

Section 11. 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.

Referred to Directors of Community Development, Finance, Law; Committees on Development Planning and Sustainability, Finance.

Ord. No. 246-17.

By 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.

Referred to Directors of Public Safety, Finance, Law; Committees on Safety, Finance.

Ord. No. 247-17.

By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property to Cuyahoga County no longer needed for public use located at 1300 Ontario Street and known as the Police Headquarters Building at the Justice Center to Cuyahoga County.

Whereas, the Director of Public Safety has requested the sale of the City-owned property to Cuyahoga County (the "County") no longer needed for the City's public use and located at 1300 Ontario Street and known as the Police Headquarters Building at the Justice Center; 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 notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for the City's public use:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of original Two Acre Lots Nos. 35 and 36 further described as follows:

Beginning at a point in the north line of St. Clair Avenue (99' wide) at its intersection with the west line of Ontario Street (99' wide).

Thence west 284.00 feet along said north line of St. Clair Avenue to a point;

Thence north at a 90° angle with said north line of St. Clair Avenue 238.50 feet to a point;

Thence east 53.50 feet parallel to said north line of St. Clair Avenue to a point;

Thence north at a 90° angle with said north line of St. Clair Avenue 7.00 feet to a point;

Thence east 230.50 feet, more or less, parallel to said north line of St. Clair Avenue to a point in the west line of Ontario Street;

Thence south 245.50 feet, more or less, along the west line of Ontario Street, to a point, and the place of beginning.

Containing 1.6 acres, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the County for \$9,250,000, which is determined to be fair market value.

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of

to implement the programs as described in the file and appropriated for those purposes.

Section 6. That the Director of Community Development is authorized to make one or more written standard purchase and/or requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period during the grant terms, for each or all of the following items: materials, equipment, supplies, and services needed to implement the grant and for the rental of furniture and other household articles to supply and accommodate displaced persons during lead abatement performed under the grants as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Community Development. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 7. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each of which purchases or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 8. That, unless expressly prohibited by the grant agreements, under Section 106(b) of the Charter, purchases or procurements made under the grant agreements may be made through cooperative arrangements with other governmental agencies. The Director of Community Development may sign all documents and do all things that are necessary to make the purchases or procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

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