

Ordinance No. 1115-18

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

AN EMERGENCY ORDINANCE

To amend Sections 135.01, 181.101 and 615.14, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to repeal various sections of Chapter 135, of the codified ordinances, including 135.57 for the discontinuance of the Division of Corrections, relating to cessation of jail operations by the City of Cleveland.

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, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the duties of the Director of Public Safety are amended, and for such purpose Section 135.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 171-06, passed December 11, 2006, are amended as follows:

Section 135.01 Establishment; Duties of Director

There is established a Department of Public Safety, to be controlled and administered by a Director of Public Safety, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Mayor. The Director shall be the executive head of the police and fire forces of the City under the direction of the Mayor and shall be the appointing authority. The Director may appoint and employ officers and employees as may be necessary for the operation of this office and the several divisions and activities comprising the Department, except officers and employees appointed by division heads other than the Chiefs of Police and Fire under the provisions of Charter Section 79. ~~The Director shall have power to receive persons sentenced or committed to penal and correctional institutions within the Public Safety Department from jurisdictional institutions other than the City, and to release and parole all prisoners sentenced or committed to penal or correctional institutions within the Public Safety Department, except prisoners of the Federal government.~~

Section 2. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the duties of the Director of Public Safety are amended, and for such purpose existing Section 135.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1871-06, passed December 11, 2006, is repealed.

Section 3. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Division of Corrections is

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discontinued and Section 135.57 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1871-06, passed December 11, 2006, is repealed.

Section 4. That Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 497-08, passed June 2, 2008, and Section 615.14 of the codified ordinances, as amended by Ordinance No. 90-96, passed March 18, 1996, are amended to read as follows:

Section 181.101 Purchase or Rental of Commodities, Goods, and Services

(a) The Director of Finance, or other appropriate director, is authorized to enter into one (1) or more standard or requirement contracts for purchase or rental agreements or leases with or without an option to purchase, when the Director of Finance determines they are financially advantageous, duly let to the lowest and best bidder following the procedures stated in Section 181.10, for the following commodities, goods, or services that are required for the usual daily operation of the various departments of the City, provided that the estimated amount per contract year on any individual contract shall not exceed two hundred fifty thousand dollars (\$250,000.00):

- (1) Except when a public improvement, building construction materials including, but not limited to, bricks, ready-mix concrete, dry wall, lumber, paint, and roofing;
- (2) Except when a public improvement, building maintenance and repair including, but not limited to, parts and services for doors, elevators, HVAC, mechanical systems, roofs, and windows;
- (3) Except when a public improvement, road, sidewalk, and sewer repair and replacement materials, supplies, and services, including but not limited to, tack coat, manhole risers, crack sealing material, emulsion, cold mix, guard rail supplies, liquid de-icer, salt inserts, traffic control devices, quicklime, and disposal of materials;
- (4) Construction equipment, without operators, including, but not limited to, earth, snow, and debris moving and removal, and materials, supplies, parts, and repair and maintenance services for them;
- (5) Cleaning and janitorial maintenance equipment, services, and supplies including, but not limited to, chemicals including pool chemicals, odor control, paper products, and pest control;
- (6) Educational and photographic equipment, supplies, parts, and maintenance and repair services for them;
- (7) Electrical supplies including, but not limited to, batteries, fixtures, lighting, and wiring;

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- (8) Fuels and lubricants including, but not limited to, diesel, gasoline, natural gas, grease, and oil, and delivery of them;
- (9) Food and beverages for facility-user consumption at Camp Forbes, ~~House of Correction, City jails,~~ and for resale at Highland and Seneca Golf Courses;
- (10) Hardware including, but not limited to, handheld tools and fasteners;
- (11) Industrial gases including, but not limited to, acetylene, argon, nitrogen, and oxygen;
- (12) Laboratory and testing equipment and lab supplies and services;
- (13) Except when a public improvement, landscaping equipment, materials, supplies, parts, and repair and maintenance services, and supplies including, but not limited to, indoor and outdoor plants, grounds, and trees materials and maintenance and repair of any of them, and plant rentals;
- (14) Medical equipment, materials, and supplies including, but not limited to, first- responder/first-aid supplies, and pharmaceuticals;
- (15) Mail, messenger, and moving services;
- (16) Office supplies, furniture, and equipment including, but not limited to, computers, computer peripherals and appurtenances, office machines, copiers, printers, and printing and mailing equipment, and materials, supplies, parts, and repair and maintenance services for any of them;
- (17) Paper products including, but not limited to, fine papers, printing media, envelopes, and printed forms;
- (18) Plumbing equipment, materials, supplies, and parts including, but not limited to, pipe, fittings, and fixtures;
- (19) Power tools, portable powered machines, electric motors, pumps, powered appliances, and milling and tapping machines, including materials, supplies, parts, and maintenance and repair services for any of them;
- (20) Program promotional items including, but not limited to, advertising specialties, caps, and printed T-shirts;
- (21) Property protection equipment, materials, supplies, parts, and repair and maintenance services, including, but not limited to, fire extinguisher and fire suppression equipment and testing, locksmith services and supplies, property and casualty insurance covering City property and buildings, and security services;

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(22) Records management systems and services including, but not limited to, microfilm, microfiche, and compact disc (CD) copying, file storage, data entry, and shredding;

(23) Recreation and sports equipment;

(24) Snow and ice removal services;

(25) Uniforms, work clothing, laundry, towel, and linen service, and supplies; and

(26) Vehicle maintenance and repair equipment, materials, supplies, parts, and services.

Any purchase under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for such purpose.

(b) That under Section 108(b) of the Charter, the purchases authorized by this section may be made through cooperative agreements ~~using state procedures with other governmental agencies.~~ The Director of Finance may sign all documents with the ~~State of Ohio or any of its political subdivisions~~ that are necessary to make the purchases, and may enter into one (1) or more contracts with the vendors selected through that cooperative process.

Section 615.14 Copying Police and Fire Uniforms

(a) No person not a member of the Police or Fire Division shall wear a uniform, cap, badge or buttons similar to, or in imitation of the official uniform, cap, badge or buttons at the time in use by members of the Police and Fire Divisions. ~~This section does not apply to guards at the Cleveland House of Correction, or other City inspectors, while such guards or inspectors are engaged in the performance of their respective official duties.~~

(b) No person, firm or corporation desiring to provide special police, watchmen, or detective service, either for itself or for hire to others, shall use a distinctive uniform cap, badge or buttons, to be worn by such person or any employees engaged for such purpose, until the form, design and color thereof have first been submitted to and approved by the Director of Public Safety, and a record sufficient to identify the users thereof has been made by the Director.

(c) Whoever violates this section is guilty of copying official uniforms, a minor misdemeanor.

Section 5. That existing Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 497-08, passed June 2, 2008,

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and existing Section 615.14 of the codified ordinances, as amended by Ordinance No. 90-96, passed March 18, 1996, are repealed.

Section 6. That the following sections:

Section 135.48, as amended by Ordinance No. 1016-91, passed June 17, 1991,

Section 135.55, as amended by Ordinance No. 370-96, passed June 10, 1996, and renumbered from Section 135.47 by Ordinance No. 1285-96, passed October 21, 1996,

Section 135.58, as amended by Ordinance No. 1871-06, passed December 11, 2006,

Section 135.59, as amended by Ordinance No. 1280-16, passed November 21, 2016, and

Sections 135.60 through and including 125.70, as amended by Ordinance No. 1871-06, passed December 11, 2006

are repealed.

Section 7. 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.

NK:nl
9-10-18

FOR: Director McGrath

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Council Members Zone and Kelley (by departmental request)

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READ FIRST TIME on SEPTEMBER 10, 2018
and referred to DIRECTORS of Public Safety, Finance, Law;
COMMITTEES on Safety, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____

Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE