



AGENDA
CUYAHOGA COUNTY PUBLIC SAFETY & JUSTICE AFFAIRS COMMITTEE MEETING
TUESDAY, FEBRUARY 21, 2023
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
1:00 PM

Committee Members:

Michael J. Gallagher, Chair – District 5
Yvonne M. Conwell, Vice Chair – District 7
Patrick Kelly – District 1
Sunny M. Simon – District 11
Scott Tuma – District 4

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. APPROVAL OF MINUTES FROM THE JANUARY 17, 2023 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2023-0024: A Resolution awarding a total sum, not to exceed \$8,000, to the City of Fairview Park for the Evolis Radar Speed Sign Project from the District 1 ARPA Community Grant Fund; and declaring the necessity that this Resolution become immediately effective.
 - b) R2023-0025: A Resolution awarding a total sum, not to exceed \$28,850, to the City of Lyndhurst for the purpose of procuring an “All Hazards Command – Rehab Vehicle” from the District 11 ARPA Community Grant Fund; and declaring the necessity that this Resolution become immediately effective.
 - c) O2023-0003: An Ordinance amending Section 202.07 of the Cuyahoga County Code to clarify the reporting of the County’s Sheriff; and

declaring the necessity that this Ordinance become immediately effective.

6. MISCELLANEOUS BUSINESS

7. ADJOURNMENT

**Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5th floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*

***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*



MINUTES

CUYAHOGA COUNTY PUBLIC SAFETY & JUSTICE AFFAIRS COMMITTEE MEETING
TUESDAY, JANUARY 17, 2023
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
1:00 PM

1. CALL TO ORDER

Chairman Gallagher called the meeting to order at 1:02 p.m.

2. ROLL CALL

Mr. Gallagher asked Deputy Clerk Carter to call the roll. Committee members Gallagher, Tuma, Kelly and Simon were in attendance and a quorum was determined. Committee member Conwell joined the meeting after the roll call was taken. Councilmember Miller was also in attendance.

3. PUBLIC COMMENT

[Clerk's note: Public comment was given after item No. 6.]

Mr. Mark Szabo and Ms. Joanne Szabo addressed the Committee regarding Ohio H.B. 458 and voting rights for military service members.

4. APPROVAL OF MINUTES FROM THE NOVEMBER 15, 2022 MEETING

A motion was made by Mr. Tuma, seconded by Mr. Gallagher and approved by unanimous vote to approve the minutes from the November 15, 2022 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2023-0011: A Resolution authorizing an amendment to Contract No. 2973 (fka Contract No. 756) with Applewood Centers, Inc. for secure residential treatment services for the period 1/1/2018 – 6/30/2022 to

extend the time period to 6/30/2024, to modify the terms effective 7/1/2022, and for additional funds in the amount not-to-exceed \$1,114,826.80; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Ms. LaTerra Brown, Business Manager for Juvenile Court; and Ms. Bridget Gibbons, Deputy Court Administrator of Juvenile Court, addressed the Committee regarding Resolution No. R2023-0011. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. Brown and Ms. Gibbons pertaining to the item, which they answered accordingly.

On a motion by Ms. Simon with a second by Mr. Tuma, Resolution No. R2023-0011 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- b) R2023-0012: A Resolution authorizing an amendment to Contract No. 2525 (fka Contract No. 1791) with Applewood Centers, Inc. for emergency respite and crisis bed services for youth referred by the Coordinated Approach to Misdemeanors (CALM) Program for the period 7/1/2021 – 6/30/2022 to extend the time period to 6/30/2023, to modify the terms, effective 7/1/2022, and for additional funds in the amount not-to-exceed \$926,647.31; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Ms. Brown and Ms. Gibbons addressed the Committee regarding Resolution No. R2023-0012. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. Brown and Ms. Gibbons pertaining to the item, which they answered accordingly.

On a motion by Mr. Tuma with a second by Ms. Simon, Resolution No. R2023-0012 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

6. DISCUSSION

- a) Medical transportation from County jail

Mr. Steven Hammett, Interim Sheriff, addressed the Committee regarding the cost, time spent and number of prisoners relating to emergency medical transports from the County jail. Discussion ensued.

Committee members and Councilmembers asked questions of Sheriff Hammett pertaining to the item, which he answered accordingly.

Ms. Nailah Byrd, Clerk of Courts and Deputy Chief of Public Safety, addressed the Committee regarding plans for a new County jail. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. Byrd pertaining to the item, which she answered accordingly.

7. MISCELLANEOUS BUSINESS

Mr. Gallagher welcomed Mr. Kelly as a new member of the Public Safety and Justice Affairs Committee.

8. ADJOURNMENT

With no further business to discuss, Chairman Gallagher adjourned the meeting at 1:41 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2023-0024

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| Sponsored by: Councilmember Kelly | A Resolution awarding a total sum, not to exceed \$8,000, to the City of Fairview Park for the Evolis Radar Speed Sign Project from the District 1 ARPA Community Grant Fund; and declaring the necessity that this Resolution become immediately effective. |
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WHEREAS, Cuyahoga County received \$239,898,257 from the Federal Government through the American Rescue Plan Act (“ARPA”); and

WHEREAS, Cuyahoga County calculated 100% of the ARPA dollars as loss revenue under the U.S. Department of the Treasury Final Rule; and

WHEREAS, since all the ARPA dollars have been calculated as loss revenue, the ARPA dollars have been deposited in the County’s General Fund; and

WHEREAS, the County Executive and County Council have authorized \$86 million of the ARPA dollars for community grants to benefit the residents of Cuyahoga County (the “ARPA Community Grant Fund”); and

WHEREAS, of the \$86 million for community grants, \$66 million have been encumbered for equal distribution to each County Council District; and

WHEREAS, the Cuyahoga County Council desires to provide funding from the District 1 ARPA Community Grant Fund in the amount of \$8,000 to the City of Fairview Park for the Evolis Radar Speed Sign Project; and

WHEREAS, the City of Fairview Park estimates approximately 17,000-50,000 people will be served annually through this award; and

WHEREAS, the City of Fairview Park estimates the total cost of the project is \$8,000; and

WHEREAS, the City of Fairview Park is estimating the start date of the project will be completed by May 2023; and

WHEREAS, the City of Fairview Park requested \$8,000 from the District 1 ARPA Community Grant Fund to complete this project; and

WHEREAS, the Cuyahoga County Council desires to provide funding in the amount of \$8,000 to the City of Fairview Park to ensure this project is completed; and

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue to provide for the usually, daily operations of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby awards a not-to-exceed amount of \$8,000 to the City of Fairview Park from the General Fund made available by the American Rescue Plan Act revenue replacement provision for the Evolis Radar Speed Sign Project.

SECTION 2. If any specific appropriation is necessary to effectuate this agreement, the Director of the Office of Budget and Management is authorized to submit the requisite documentation to financial reporting to journalize the appropriation.

SECTION 3. That the County Council staff is authorized to prepare all documents to effectuate said award.

SECTION 4. That the County Executive is authorized to execute all necessary agreements and documents consistent with said award and this Resolution.

SECTION 5. If requested or necessary, the Agency of the Inspector General or Department of Internal Audit is authorized to investigate, audit, or review any part of this award.

SECTION 6. To the extent that any exemptions are necessary under the County Code and contracting procedures, they shall be deemed approved by the adoption of this Resolution.

SECTION 7. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

County Council of Cuyahoga County, Ohio

Resolution No. R2023-0025

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| Sponsored by: Councilmember Simon | A Resolution awarding a total sum, not to exceed \$28,850, to the City of Lyndhurst for the purpose of procuring an “All Hazards Command – Rehab Vehicle” from the District 11 ARPA Community Grant Fund; and declaring the necessity that this Resolution become immediately effective. |
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WHEREAS, Cuyahoga County received \$239,898,257 from the Federal Government through the American Rescue Plan Act (“ARPA”); and

WHEREAS, Cuyahoga County calculated 100% of the ARPA dollars as loss revenue under the U.S. Department of the Treasury Final Rule; and

WHEREAS, since all the ARPA dollars have been calculated as loss revenue, the ARPA dollars have been deposited in the County’s General Fund; and

WHEREAS, the County Executive and County Council have authorized \$86 million of the ARPA dollars for community grants to benefit the residents of Cuyahoga County (the “ARPA Community Grant Fund”); and

WHEREAS, of the \$86 million for community grants, \$66 million have been encumbered for equal distribution to each County Council District; and

WHEREAS, the Cuyahoga County Council desires to provide funding from the District 11 ARPA Community Grant Fund in the amount of \$28,850 to the City of Lyndhurst for the purpose of procuring an “All Hazards Command – Rehab Vehicle”; and

WHEREAS, the City of Lyndhurst estimates approximately 1.2 million people will be served annually through this award; and

WHEREAS, the City of Lyndhurst estimates the total cost of the project is \$560,000; and

WHEREAS, the City of Lyndhurst indicates the other funding source(s) for this project includes:

- A. \$454,500 from an Assistance to Fire Fighters Grant;

- B. \$45,450 from Cuyahoga County Public Safety and Justice Services matching grant;
- C. \$24,000 from the Cuyahoga County Local Emergency Planning Committee (LEPC);
- D. \$8,000 from the Urban Area Security Initiative Grant; and

WHEREAS, the City of Lyndhurst is estimating the start date of the project will be September 2022 and the project will be completed by September 2023; and

WHEREAS, the City of Lyndhurst requested \$28,850 from the District 11 ARPA Community Grant Fund to complete this project; and

WHEREAS, the Cuyahoga County Council desires to provide funding in the amount of \$28,850 to the City of Lyndhurst to ensure this project is completed; and

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue to provide for the usually, daily operations of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby awards a not-to-exceed amount of \$28,850 to the City of Lyndhurst from the General Fund made available by the American Rescue Plan Act revenue replacement provision for the purpose of procuring an “All Hazards Command – Rehab Vehicle”.

SECTION 2. If any specific appropriation is necessary to effectuate this agreement, the Director of the Office of Budget and Management is authorized to submit the requisite documentation to financial reporting to journalize the appropriation.

SECTION 3. That the County Council staff is authorized to prepare all documents to effectuate said award.

SECTION 4. That the County Executive is authorized to execute all necessary agreements and documents consistent with said award and this Resolution.

SECTION 5. If requested or necessary, the Agency of the Inspector General or Department of Internal Audit is authorized to investigate, audit, or review any part of this award.

SECTION 6. To the extent that any exemptions are necessary under the County Code and contracting procedures, they shall be deemed approved by the adoption of this Resolution.

SECTION 7. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: February 14, 2023

Committee(s) Assigned: Public Safety & Justice Affairs

Journal _____

_____, 20____

County Council of Cuyahoga County, Ohio

Ordinance No. O2023-0003

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| Sponsored by: Councilmember Sweeney | An Ordinance amending Section 202.07 of the Cuyahoga County Code to clarify the reporting of the County’s Sheriff; and declaring the necessity that this Ordinance become immediately effective. |
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WHEREAS, Article V, Section 5.08 of the Cuyahoga County Charter provides that “all powers and duties now or hereafter vested in or imposed upon county sheriffs by general law shall be carried out by the appointed Sheriff;” and,

WHEREAS, O.R.C. § 311.07(A) provides that the general powers and duties of a county sheriff include, among others, the duty to preserve the public peace, and to execute warrants, writs and other process directed to the sheriff by any lawful and proper authorities of this state and of other states; and,

WHEREAS, O.R.C. § 341.01 provides that the county sheriff shall have charge of the county jail and all persons confined therein; and,

WHEREAS, Article III, Section 3.09(2) of the Cuyahoga County Charter provides Council with the power “to establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in this Charter, as the Council determines to be necessary for the efficient administration of the County;” and,

WHEREAS, in 2013, County Council passed O2013-0015 enacting Section 202.07 (“Sheriff’s Department”) of the Cuyahoga County Code, but did not update the language of the Cuyahoga County Code to reflect the amendments set forth in the 2019 Charter amendment; and

WHEREAS, the voters of Cuyahoga County, Ohio, overwhelming approved a Charter Amendment to the Cuyahoga County Charter in 2019 regarding the Cuyahoga County Sheriff; and

WHEREAS, the Charter Amendment in 2019 regarding the County Sheriff didn’t clearly define who the Sheriff directly reported to; and

WHEREAS, this ordinance is necessary in order to align the language in the Cuyahoga County Code with the County Charter to provide clarity regarding the duties and responsibilities of the Cuyahoga County Sheriff; and

WHEREAS, this Council finds it is necessary that this Ordinance become immediately effective to clarify the duties of the Cuyahoga County Sheriff.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Section 202.07 of the Cuyahoga County Code is hereby amended to read as follows:

Section 202.07: Sheriff and the Sheriff's Department

A. The Sheriff's Department is hereby established, and it shall be its own appointing authority pursuant to the relevant provisions of the Cuyahoga County Charter. **The Sheriff shall fulfill all obligations and duties vested in the Sheriff by the County Charter, the County Code and general law.**

B. The Sheriff shall report directly to the County Executive.

C. The Sheriff's Department shall be under the direction of the County Sheriff. The Sheriff's Department and its employees shall aid and assist the County Sheriff in carrying out the powers, duties, and responsibilities that are assigned to the Sheriff by the general law, the County Charter, and by County law. With the approval of the County Executive, the Sheriff shall employ and supervise such number of deputies, assistants, and employees as are reasonably necessary to carry out the Department's functions. All employees assigned to the County Sheriff are hereby assigned to the Sheriff's Department. Nothing in the Cuyahoga County Code is intended to limit the ability of the County Executive and the County Sheriff to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law or County law.

D. The Sheriff's Department shall include, but is not limited to, the following divisions:

1. Division of Civil Court Orders whose responsibility shall be to carry out court orders.
2. Division of Corrections whose responsibility shall be the administration and operation of the Cuyahoga County Corrections Center;
3. Division of Law Enforcement whose responsibility shall be the law enforcement duties of county sheriffs.
4. Division of Protective Services whose responsibility shall be the provision of security services for county offices and buildings where the County Sheriff determines that such services should be provided using County personnel. Protective Services Officers shall be considered

County security personnel who are not law enforcement officers. The Sheriff shall determine the training necessary for the certification of Protective Services Officers. Such training shall, at a minimum, include satisfactory completion of programs that have been approved by the Ohio Peace Officer Training Commission designed to qualify persons for positions as security guards.

E. Authority to Carry Weapons:

1. Employees of the Sheriff's Department who are authorized to carry weapons pursuant to general law shall comply with all state and federal laws governing certification and re-certification necessary to carry weapons.
2. Where general law does not govern the certification and re-certification of employees to carry weapons, the following provisions shall apply:
 - a. The Sheriff may issue firearms, other intermediate weapons (e.g., pepper spray), and/or hard controls (e.g., handcuffs) to any employees in the Sheriff's Department who are specifically pre-authorized by the Sheriff and are designated in the Department's written policies and procedures. The Sheriff shall have the power to commission employees in the Sheriff's Department to carry firearms if the employee has successfully completed the firearms training and requalification programs that are required by law for Deputy Sheriffs. The Sheriff may permit employees to carry intermediate weapons and hard controls if the employee has successfully completed required training as determined by the Sheriff.
3. The Sheriff shall ensure that the Department's continuum of force policy applies to all employees who carry weapons. All employees who carry weapons shall properly secure firearms or other weapons, while on duty and off as required by the Sheriff.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: February 14, 2023

Committee(s) Assigned: Public Safety & Justice Affairs

Journal _____
_____, 20__