

ORDINANCE NO. 2016-11
INTRODUCED BY: MAYOR AND COUNCIL

**AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH THE GEAUGA COUNTY BOARD OF
COMMISSIONERS FOR BOARDING OF PRISONERS AND
DECLARING AN EMERGENCY.**

WHEREAS, the Village of Chagrin Falls ("Village") has determined that it is necessary and appropriate to be able to house prisoners, pursuant to Section 753.02 of the Ohio Revised Code, with various governmental facilities; and

WHEREAS, the Village wishes to enter into an Agreement with the Geauga County Board of Commissioners to receive Village prisoners and to keep, board and maintain the Village prisoners in the Geauga County Safety Center.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF
CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That the Mayor be and is hereby authorized and directed to enter into an Agreement with the Geauga County Board of Commissioners to receive adult Village prisoners and to keep, board and maintain the Village prisoners in the Geauga County Safety Center, in substantially the form as attached hereto as Exhibit "A".

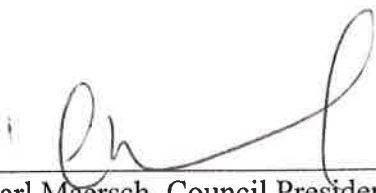
SECTION 2. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 4. That this Ordinance be and is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the habitants of the Village and for the reason that additional facilities were required to be obtained in order to house prisoners charged with violations of law, which Agreement was required to go into effect immediately due to the need to place a prisoner in the Geauga County Safety Center. Wherefore, provided it receives two-thirds (2/3) of the votes of all members elected to Council, this Ordinance shall be in full and effect from and immediately upon its passage by this Council and

approval by the Mayor; otherwise it shall take effect and be in force after the earliest period allowed by law.

PASSED: March 28, 2016



Karl Maersch, Council President

Submitted to the Mayor for
his approval on this

29th day of March, 2016

Approved by the Mayor

March 29, 2016



Mayor William Tomko

I hereby certify that Ordinance No. 2016-11 was duly enacted on the 28th day of March, 2016, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



EXHIBIT "A"

**AGREEMENT FOR BOARDING OF PRISONERS BY AND
BETWEEN THE GEAUGA COUNTY BOARD OF
COMMISSIONERS AND THE VILLAGE OF CHAGRIN FALLS**

This agreement entered into as of this 28 day of MARCH, 2016 by and between the Geauga County Board of Commissioners, hereinafter referred to as "County", and the Village of Chagrin Falls, hereinafter referred to as "Village".

WITNESSETH:

WHEREAS, Section 753.02 of the Ohio Revised Code authorizes the Village to incarcerate persons charged or convicted of violations of the ordinances of the Village , hereinafter referred to as "Village Prisoners"; and

WHEREAS, the Council of the Village has adopted Ordinance No. 2016-11 authorizing its Mayor to execute this agreement on behalf of the Village.

WHEREAS, Section 307.15 of the Ohio Revised Code authorizes the County to enter into an agreement with the Village to perform any function, or render any service, on behalf of the contracting subdivision or its legislative authority, that such subdivision or legislative authority may exercise, perform or render.

NOW, THEREFORE, IN CONSIDERATION of the foregoing and of the mutual agreements hereinafter set forth, the parties hereby agree for themselves and their respective successors and assigns as follows:

1. Subject to the availability of space, the Geauga County Sheriff's Office ("GCSO") shall receive able-bodied adult Village Prisoners and keep, board and maintain Village Prisoners in the Geauga County Safety Center ("Jail") in its present location or where it shall be established in the future. The Geauga County Sheriff or his designee shall retain the authority to refuse to accept or to release any Village Prisoner when in his judgment such act is necessary in order to comply with any order of a court of competent jurisdiction or meet the requirements of minimum standards for

jails promulgated by the Ohio Department of Rehabilitation and Corrections.

2. In exchange for these services, the Village shall reimburse the County for each Village Prisoner incarcerated in the Geauga County Safety Center in accordance with the following terms and conditions:

(a) For the period January 1, 2016 through December 31, 2016, the Village shall pay the sum of Seventy-Five Dollars (\$75.00) per day to the County for each Prisoner so committed for the use of the Geauga County Safety Center. Each twenty-four (24) hour day, or part thereof, that the Prisoner serves in the Geauga County Safety Center is a day of confinement for the purpose of this agreement. The period of confinement begins when the Prisoner is booked and ends when the Prisoner is discharged. The number of days billed under this agreement shall be equal to the number of days credited as time served as determined by the GCSO Jail Registrar.

Each January thereafter, the rates will be adjusted based on the actual daily cost to house an inmate in the Geauga County Jail. The County shall notify the Village, in writing, no later than the fifteenth day of January of the adjusted rate. Adjusted rates will be effective January 1 of each succeeding year and the Village shall pay the sum to Geauga County in the manner set forth above.

(b) The Village shall pay all reasonable and necessary medical expenses incurred by each Village Prisoner. The County shall use its best efforts to avoid any excess medical expenses.

(c) GCSO shall provide guarding of Village Prisoners for emergency medical treatment outside the Geauga County Jail until such time as the GCSO Deputy is relieved by a Village Officer, when a guard is required. The Village shall reimburse the County for such services by paying for the time actually spent by any GCSO Deputy needed for such guarding and transportation at the rate of Thirty-Five Dollars and Fifty-Three Cents (\$35.53) per hour.

(d) In the event of the death of an indigent Village Prisoner, the Village shall be liable for the cost of burial.

3. At the end of each month, GCSO shall submit to the Village an itemized statement, certified by the Chief Deputy of Geauga County, or other person designated by him, showing the name of the Village Prisoner, dates of days confined in the Geauga County Jail, the number of days billed, additional

account of each Village Prisoner's confinement under this agreement. All billing shall be paid within thirty (30) days of their receipt.

4. A Village Prisoner shall be defined as any prisoner accepted for booking or judicially ordered or sentenced to incarceration in the Geauga County Safety Center for violations of ordinances of the Village, and not otherwise held under charges constituting a felony, except felonies of the 5th degree, under State Law, whether convicted or only held prior to making bond on felony charged.

5. Except as to prisoners received by the Geauga County Safety Center prior to the date of notice of termination, either party may terminate or request re-negotiation of the Agreement for any cause by providing ninety (90) days written notice to the other party.

6. The Village shall cause the Geauga County Board of Commissioners to be named as an additional insured on its General Liability Insurance Policy in relation to the keeping, boarding and maintaining of Village Prisoners in the jail.

7. Any litigation arising hereunder shall be brought in a Court of Competent Jurisdiction of Geauga County, Ohio.

8. In consideration of the foregoing Agreement, the Village hereby further agrees to refrain from changing the codes used in charging arrestees from Village ordinance to State statute, when the intent of such change is to allow the Village to avoid payment provided by this Agreement.

9. The parties do not enter into this Agreement for the benefit of any person other than the parties to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Witness



Chagrin Falls, Ohio


Mayor William Tomko

Approved as to Form:

Daryl Whitlow
Chagrin Falls Law Director

Bonday Lawrence
Geauga County Asst. Prosecutor

Witness

Geauga County Board of Commissioners

Christine Clark

Absent
Ralph Spidalieri

Blake A. Rear
Blake A. Rear

Walter M. Claypool
Walter M. Claypool