

RESOLUTION NO. 2015-123

AMENDING CHAPTER 280, "OPERATIONS DIVISION" RE-NUMBERING SECTION 298.01 "COMMISSIONING OF OFFICERS," AS SECTION 280.03, ENACTING SECTION 280.04 "MUTUAL AID AGREEMENTS" AND REPEALING SECTION 298.02, "SECURITY CONTRACTS" OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees the Authority codified the resolutions establishing its policies and procedures; and

WHEREAS, over the years, many of the resolutions have been amended; and

WHEREAS, at the present time, the Authority deems it necessary to review, revise and update the codified rules and regulations; and

WHEREAS, the Authority has conducted a review and determined that certain portions of Chapter 280, Operations Division, and Chapter 298, Security/RTA Police Department must be revised; and

WHEREAS, pursuant to Resolution Nos. 1997-020, 2005-097, 2008-043, 2010-027, 2011-059 and 2015-073, the Authority has entered into and amended mutual aid agreements with the cities of Cleveland and East Cleveland to provide for mutual assistance and interchange and use of police personnel and equipment and provide for arrest authority for the Authority's police officers when they are not physically on Authority property; and

WHEREAS, the Authority deems it necessary to enter into and amend mutual aid agreements from time to time with cities within its service area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That Section 280.01 is hereby amended to read as follows:

280.01 COMPOSITION.

The Operations Division is responsible for the management of the Authority's transportation services, which includes service management, operation of bus, rail and paratransit districts, fleet management, transit police, service quality, and asset and configuration management.

Section 2. That Section 298.01 is hereby re-numbered as Section 280.03 to read as follows:

280.03 COMMISSIONING OF TRANSIT POLICE OFFICERS.

(a) The President of the Board of Trustees is hereby authorized to empower duly appointed individuals with all statutory duties and powers granted by Ohio R.C. 109.78(B) and 306.35(Y).

(b) As a condition precedent to commissioning for and before exercising police

powers on behalf of the Authority, each appointee shall take an oath and give a bond in an amount to be determined by the General Manager/Secretary-Treasurer, in consultation with the Chief of Police and the Risk Management Department. Such bond shall be filed with the General Manager/Secretary-Treasurer of the Authority.

(c) As a further condition, each appointee shall complete the training required for the position to which he or she has been appointed, as provided and required by the Ohio Peace Officers Training Council as provided in Ohio R.C. 109.78, or shall be otherwise qualified.


Section 3. That Section 298.02 is hereby repealed in its entirety.

Section 4. That Section 280.04 is hereby enacted to read as follows:

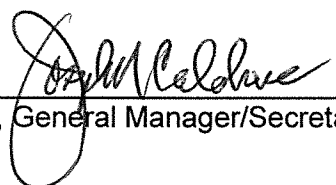
The CEO, General Manager/Secretary-Treasurer is hereby authorized to enter into and amend mutual aid agreements with cities within the Authority's service area, to provide for mutual assistance and interchange and use of police personnel and equipment and provide for arrest authority for the Authority's police officers when they are not physically on Authority property. Such mutual aid agreements shall include the authority to enter into protocol agreements to establish procedures governing the exercise of mutual aid and shall be subject to all other conditions or obligations imposed by law upon the Authority.

Section 5. That this resolution shall become effective immediately upon its adoption.

Adopted: December 15, 2015



President

Attest: 

CEO, General Manager/Secretary-Treasurer

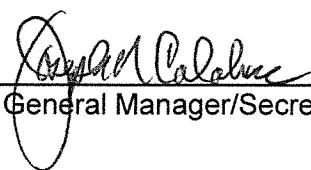


Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AMENDING CHAPTER 280, "OPERATIONS DIVISION" RE-NUMBERING SECTION 298.01 "COMMISSIONING OF OFFICERS," AS SECTION 280.03, ENACTING SECTION 280.04 "MUTUAL AID AGREEMENTS" AND REPEALING SECTION 298.02, "SECURITY CONTRACTS" OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	Resolution No.: 2015-123
	Date: December 10, 2015
	Initiator: Legal
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This resolution will amend Chapter 280, re-number Section 298.01 as Section 280.03, enact Section 280.04 and repeal Section 298.02 of the Codified Rules and Regulations ("Code") of the Greater Cleveland Regional Transit Authority.
- 2.0 DESCRIPTION/JUSTIFICATION: The Policies and Procedures of the Board of Trustees were codified in 1989, pursuant to Resolution 1989-176. The code book has been updated periodically. It is now time for a comprehensive review and update so that the updated Code will conform to the current structure and operations of the Authority.
- Section 280.01 is being revised to reflect the current responsibilities of the Operations Division. Section 298.01 is being moved to Chapter 280 and being re-numbered as Section 280.03 to reflect that the Transit Police Department is currently located within the Operations Division. Section 280.04 is being enacted to codify Resolution No. 1997-20 and provide the Transit Police Department with authority to enter into and amend mutual aid agreements. Section 298.02 is being repealed because it is obsolete.
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: Adoption of the resolution will result in a clear, accurate and current policy.
- 6.0 ECONOMIC IMPACT: Does not apply.
- 7.0 ALTERNATIVES: Not adopting this resolution. Not adopting this resolution would result in Chapters 280 and 298 remaining out of date.
- 8.0 RECOMMENDATION: It is recommended that this resolution be adopted.
- 9.0 ATTACHMENTS: Redline copy of revisions to Chapters 280 and 298.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



CEO, General Manager/Secretary-Treasurer

CHAPTER 280
Operations Division

- 280.01 Composition.
280.02 Deputy General Manager-Operations.
280.03 Commissioning of Transit Police Officers
280.04 Mutual Aid Agreements

CROSS REFERENCES

~~Urban-mass~~Public transportation - see 49 U.S.C.A. 531601
et seq. ~~Urban-Mass~~Federal Transportation-Transit
Administration, Department of
Transportation - see 49 C.F.R. Ch. VI
Crime prevention and security - see 49 U.S.C.A. 5321
Public transportation safety program - see 49 U.S.C.A. 5329
County sheriffs - see Ohio R.C. Ch. 311
Private police - see Ohio R.C. 737.05
Arrest powers - see Ohio R.C. 2935.03
Private investigators; security services - see Ohio R.C. Ch. 4749

Deputy General Manager-Operations as member of Executive
Management Team - see ADM. 240.01
Vehicle operation - see VEH. & OP. Ch. 840 et seq.

Safety Department/Legal Affairs Division - see ADM. Ch. 284
Law Enforcement Fund - see FIN. 460.09
Protection against internal losses of public assets - see FIN. Ch.
464
Service to auxiliary and reserve police - see VEH 840.07

280.01 COMPOSITION.

The Operations Division ~~comprises the following components:~~is responsible for the management of the Authority's transportation services, which includes service management, operation of bus, rail and paratransit districts, fleet management, transit police, service quality, and asset and configuration management.

- ~~(a) The Service Management Department;~~
~~(b) Six District Directors;~~
~~(c) The Fleet Management Department (comprising the Inventory and the Technical Services Sections); and~~
~~(d) The Transit Police Department.~~

(Res. 1999-147. Passed 10-26-99. Res. 2015-XXX. Passed 12-15-15.)

280.02 DEPUTY GENERAL MANAGER-OPERATIONS.

There is hereby established in the Operations Division the unclassified position of Deputy General Manager-Operations, within the executive management structure.
(Res. 1999-147. Passed 10-26-99.)

280.03 COMMISSIONING OF TRANSIT POLICE OFFICERS.

(a) The President of the Board of Trustees is hereby authorized to empower duly appointed individuals with all statutory duties and powers granted by Ohio R.C. 109.78(B) and 306.35(Y).

(b) As a condition precedent to commissioning for and before exercising police powers on behalf of the Authority, each appointee shall take an oath and give a bond in an amount to be determined by the CEO, General Manager/Secretary-Treasurer, in consultation with the Chief of Police and the Risk Management Department. Such bond shall be filed with the CEO, General Manager/Secretary-Treasurer of the Authority.

(c) As a further condition, each appointee shall complete the training required for the position to which he or she has been appointed, as provided and required by the Ohio Peace Officers Training Council as provided in Ohio R.C. 109.78, or shall be otherwise qualified. (Res. 1981-309. Passed 10-20-81. Res. 2015-XX. Passed 12-15-15.)

280.04 MUTUAL AID AGREEMENTS

The CEO, General Manager/Secretary-Treasurer is hereby authorized to enter into and amend mutual aid agreements with cities within the Authority's service area, to provide for mutual assistance and interchange and use of police personnel and equipment and provide for arrest authority for the Authority's police officers when they are not physically on Authority property. Such mutual aid agreements shall include the authority to enter into protocol agreements to establish procedures governing the exercise of mutual aid and shall be subject to all other conditions or obligations imposed by law upon the Authority. (Res. 1997-020. Passed 1-21-97. Res. 2005-097. Passed 8-23-05. Res. 2008-043. Passed 3-18-08. Res. 2010-027. Passed 4-20-2010. Res. 2011-059. Passed 7-12-11. Res. 2015-073. Passed 7-28-15. Res. 2015-XX. Passed 12-15-15.)

CHAPTER 298

Security/RTA Police Department

EDITOR'S NOTE: Resolution 1997-20, passed January 21, 1997, authorized the General Manager/Secretary-Treasurer to enter into a mutual aid agreement with the City of Cleveland to provide for mutual assistance and interchange and use of police personnel and equipment and to provide for arresting authority for GCRTA police officers, under certain circumstances, when not on Authority property. Copies of such resolution and of the Agreement may be obtained, at cost, from the office of the General Manager/Secretary-Treasurer. In 1998, the Transit Police Department was moved under the Operations Division. Resolution 2015-XXX, passed December 15, 2015, re-numbered Section 298.01 as Section 280.03 and repealed Section 298.02.

~~298.01—Commissioning of officers.~~

~~298.02—Security contracts.~~

CROSS REFERENCES

~~Crime prevention and security—see 49 U.S.C.A. 5321~~

~~Safety authority~~Public transportation safety program~~—see 49 U.S.C.A. 53291618~~

~~Crime prevention and security—see 49 U.S.C.A. 1620~~

~~County sheriffs—see Ohio R.C. Ch. 311~~

~~Private police—see Ohio R.C. 737.05~~

~~Arrest powers—see Ohio R.C. 2935.03~~

~~Private investigators; security services—see Ohio R.C. Ch. 4749~~

~~Safety Department—see ADM. Ch. 299~~

~~Law Enforcement Fund—see FIN. 460.085~~

~~Protection against internal losses of public assets—see FIN. Ch. 464~~

~~Service to auxiliary and reserve police—see SERV. Ch. 1082~~

~~298.01—COMMISSIONING OF OFFICERS.~~

~~(a)—The President of the Board of Trustees is hereby authorized to empower duly appointed individuals with all statutory duties and powers granted by Ohio R.C. 109.78(D) and 306.35(Y).~~

~~(b)—As a condition precedent to commissioning for and before exercising police powers on behalf of the Authority, each appointee shall take an oath and give a performance bond in the amount of one thousand dollars (\$1,000). Such bond shall be filed with the General Manager/Secretary-Treasurer of the Authority.~~

~~(c)—As a further condition, each appointee shall complete the training required for the position to which he or she has been appointed, as provided and required by the Ohio Peace Officers Training Council as provided in Ohio R.C. 109.78, or shall be otherwise qualified. (Res. 1981-309. Passed 10-20-81.)~~

~~298.02 — SECURITY CONTRACTS.~~

~~(a) The President and Vice President of the Board of Trustees are hereby authorized to enter into contracts, the form of which shall be subject to the approval of the Board, with individual police officers employed by public law enforcement agencies within the County, after such officers have received permission of the appropriate safety directors, police chiefs or other supervisors of such public law enforcement agencies, to provide a protective service security system for the riding public and transit employees.~~

~~(b) The consideration for such services shall be at the prevailing rate of services of this type.~~

~~(Res. 1975-66. Passed 9-23-75.)~~