

RESOLUTION NO. 2008 – 43

AUTHORIZING THE GENERAL MANAGER TO AMEND AN AGREEMENT WITH THE CITY OF CLEVELAND FOR THE EXERCISE OF MUTUAL AID TO PROVIDE FOR ADDITIONAL TRANSIT POLICE TRAFFIC ENFORCEMENT AUTHORITY AT BUS STOPS, RAIL CROSSINGS AND LAYOVER ZONES.

WHEREAS, the City of Cleveland and the Greater Cleveland Regional Transit Authority maintain separate police departments pursuant to Sections 3 and 7 of Article XVIII of the Ohio Constitution and Section 306.35(Y) of the Ohio Revised Code, respectively; and

WHEREAS, the City of Cleveland and the Greater Cleveland Regional Transit Authority desire to provide for mutual assistance and interchange and use of their police personnel and equipment and provide for arrest authority for GCRTA's police officers when they are not physically on GCRTA property; and

WHEREAS, the City of Cleveland ("City") by virtue of Article XVIII of the Ohio Constitution, and the Greater Cleveland Regional Transit Authority ("Transit Authority") by virtue of Section 306.35 (CC) of the Ohio Revised Code, are empowered to provide such mutual assistance by means of an Agreement; and

WHEREAS, such mutual assistance serves to benefit the passengers and operation of the Transit Authority; and

WHEREAS, on August 31, 2005 a mutual aid agreement known as City Contract No. 64704 was entered into between the City and the Transit Authority providing for certain enforcement jurisdiction to be granted to the Transit Authority; and

WHEREAS, the City and the Transit Authority desire to enter into an amendment of the mutual aid agreement to provide for certain additional traffic enforcement jurisdiction at bus stops, rail crossings and layover zones, as well as certain other modifications.

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

Section 1: That the General Manager is hereby authorized to enter into a First Amendment to Agreement No. 64704 between the City of Cleveland and the Greater Cleveland Regional Transit Authority as proposed by the City on February 14, 2008 to provide for mutual assistance and interchange and use of police personnel and equipment and provide for arrest authority for Greater Cleveland Regional Transit Authority police officers when they are not physically on Greater Cleveland Regional Transit Authority's property, as well as certain traffic enforcement authority at bus stops, rail crossings and layover zones, all as provided for in said amendment.

Section 2: That the terms of the First Amendment to Agreement No. 64704 shall be in accordance with and consistent with the terms contained in the First Amendment to Agreement No. 64704 attached hereto and incorporated herein as Exhibit "A."

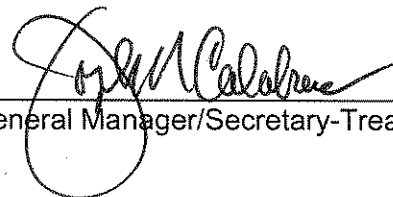
Section 3: That this Resolution and the Mutual Aid Agreement entered in accordance herewith shall be subject to all other conditions or obligations imposed by law upon the Greater Cleveland Regional Transit Authority.

Section 4: That this Resolution shall take effect immediately upon its adoption and execution by the president of the Board.

Exhibit "A" – First Amendment to Agreement No. 64704

Adopted: March 18, 2008

  
\_\_\_\_\_  
President

Attest:   
\_\_\_\_\_  
CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

TITLE/DESCRIPTION: AUTHORIZING THE GENERAL MANAGER TO AMEND AN AGREEMENT WITH THE CITY OF CLEVELAND FOR THE EXERCISE OF MUTUAL AID TO PROVIDE FOR ADDITIONAL TRANSIT POLICE TRAFFIC ENFORCEMENT AUTHORITY AT BUS STOPS, RAIL CROSSINGS AND LAYOVER ZONES	Resolution No.: 2008-43
	Date: March 13, 2008
	Initiator: Transit Police
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 action amends the agreement between the City of Cleveland and the GCRTA entered into on August 31, 2005 for the exercise of a Mutual Aid Agreement.
- 2.0 DESCRIPTION/JUSTIFICATION: The August 31, 2005 Mutual Aid Agreement granted GCRTA police officers full law enforcement authority within transit facilities owned, operated, or leased by the GCRTA including bus shelters, BRT stations and associated curtilage and within defined areas of Public Square, the Transit Zone, and the BRT Zone. This amended to the Agreement expands Transit Police authority to all bus stops, rail crossings and layover zones. The additional authority will make GCRTA operations safer, and more efficient.
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 DBE/AFFIRMATIVE ACTION BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: This action is consistent with the Board of Trustees Customer Focus policy goal which is to provide safe, high-quality service to all customers and support our employees in that endeavor.
- 6.0 ECONOMIC IMPACT: No additional Transit Police resources are required to fulfill this agreement.
- 7.0 ALTERNATIVES: Do not approve the amendment of the Mutual Aid Agreement. This would not allow GCRTA Transit Police the authority to be expanded to all bus stops, rail crossings and layover zones.
- 8.0 RECOMMENDATION: The Mutual Aid Agreement was discussed at the Committee of the Whole meeting of the Board of Trustees on March 4, 2008 and recommended for approval by the Board of Trustees. It is recommended that the resolution be passed authorizing the General Manager/Secretary-Treasurer to enter into this agreement.
- 9.0 ATTACHMENTS: None.

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

  
\_\_\_\_\_  
CEO/General Manager/Secretary-Treasurer

**FIRST AMENDMENT  
TO  
AGREEMENT NO. 64704  
Between  
THE CITY OF CLEVELAND  
And  
THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY  
For  
The Granting of Additional Law Enforcement Authority to GCRTA-Police and  
Procedures for GCRTA-Police Prisoners**

**THIS FIRST AMENDMENT TO AGREEMENT NO. 64704** ("First Amendment") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between the CITY OF CLEVELAND ("City") under the authority of City of Cleveland Ordinance 846-05 passed by Cleveland City Council on July 13, 2005, (Exhibit A), and the GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY ("GCRTA"), both political subdivisions of the State of Ohio and duly authorized to enter into this First Amendment.

**WHEREAS**, the parties entered into an Agreement on August 31, 2005, to provide for mutual assistance between the City's Division of Police and the GCRTA's Police Department and for the City to authorize GCRTA Police to exercise certain law enforcement authority in certain areas outside GCRTA's jurisdiction.

**WHEREAS**, the GCRTA has requested that the City authorize GCRTA police to exercise additional traffic and parking enforcement authority in certain areas outside GCRTA Police jurisdiction.

**WHEREAS**, the City desires to confer such further authority and to amend certain protocols contained in Appendix 4 attached to Agreement No. 64704.

THEREFORE, the parties agree as follows:

**ARTICLE I. SCOPE OF AMENDMENT**

This Amendment does not modify or change in any manner any term or condition not expressly addressed by this Amendment. All terms and conditions of Agreement No. 64704 shall remain in full force and effect unless changed or modified by this Amendment. In the event of any conflict between the Agreement, and this First Amendment, the terms, conditions, and provisions of the Agreement shall control.

**ARTICLE II. ADDITIONAL PARKING AND TRAFFIC ENFORCEMENT AUTHORITY**

City grants GCRTA Police additional law enforcement authority to issue parking infraction notices and moving violation citations at and in the immediate vicinity of all GCRTA bus shelters, bus stops, marked bus layover areas, and GCRTA rapid transit crossings within the City of Cleveland as requested by GCRTA in its correspondence dated May 29, 2007, attached as Exhibit B and expressly incorporated herein. This additional authority shall be exercised under all terms and conditions of Agreement No. 64704, which is expressly incorporated herein.

"Immediate vicinity" as used in this Article shall mean the curb lane from a point 60 feet away from the GCRTA bus stop or bus layover sign and, for GCRTA rapid transit crossings, within 50 feet of the crossing.

**ARTICLE III. JAIL BOOKING PROCEDURES**

Part "V. JAIL BOOKING PROCEDURES" in the Protocols attached to Agreement 64704 is deleted and amended to state as follows:

A. Arrest Procedures

1. All suspects arrested by GCRTA Police shall be conveyed to the Central Prison Unit (CPU) located on the 6<sup>th</sup> floor at the Cleveland Police Headquarters. If the CPU is filled to capacity, GCRTA Police shall transport its prisoners to an alternate holding facility in accordance with Cleveland Division of Correction (CDOC) procedures.

2. Suspects shall be booked by the GCRTA Police arresting officer(s) in accordance with CDOC procedures. The top right hand corner of the booking card shall be marked distinctly with the initials "GCRTAPD". The Offense/Incident Number must be included with the booking information.

3. One copy of the booking information card shall be provided to the GCRTA Police transporting officer.

4. The CDOC retains the right, in its sole discretion, to refuse to accept a GCRTA Police prisoner

**ARTICLE IV. GCRTA PRISONERS CONFINED IN CITY JAILS**

Part II.A.6 of the Protocols attached to Agreement No. 64704 as Appendix 4, is hereby amended to include the following provision: "GCRTA agrees to be responsible for the cost, if any, of any medical care, hospitalization, prescription, or other healthcare cost incurred by City on behalf of GCRTA prisoners while in the custody and control of the City, to the same extent the City would be liable for such costs in the case of a City prisoner."

This amendment shall supplement and apply as an exception to Section III of Agreement No. 64704.

**IN WITNESS WHEREOF**, the parties have caused this First Amendment to be executed by their authorized representatives.

**CITY OF CLEVELAND**

By: \_\_\_\_\_  
Martin L. Flask, Director  
Department of Public Safety

**GREATER CLEVELAND REGIONAL  
TRANSIT AUTHORITY**

By: \_\_\_\_\_  
Joseph Calabrese  
General Manager/Secretary-Treas.

The legal form and correctness  
of this instrument is approved.

CITY OF CLEVELAND  
Robert J. Triozzi, Director of Law

By: \_\_\_\_\_  
Nancy Kelly, Assistant Director of Law

Date: \_\_\_\_\_

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

By: \_\_\_\_\_  
Attorney for GCRTA

\_\_\_\_\_  
Print name and title

Date: \_\_\_\_\_