

RESOLUTION NO. 2015-73

AUTHORIZING THE GENERAL MANAGER TO AMEND AN AGREEMENT WITH THE CITY OF CLEVELAND FOR THE EXERCISE OF MUTUAL AID TO PROVIDE FOR EXPANDED ENFORCEMENT AUTHORITY ALONG CLIFTON BOULEVARD IN THE CITY OF CLEVELAND, OHIO

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

WHEREAS, the City of Cleveland ("City") by virtue of Article XVIII of the Ohio Constitution, and the 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, on April 1, 2008 the City and the Transit Authority entered into a First Amendment to Agreement No. 64704 to authorize Transit Police to exercise additional traffic and parking enforcement authority and to amend certain protocols regarding Transit Authority prisoner detainees; and

WHEREAS, on May 7, 2010 the City and the Transit Authority entered into a Second Amendment to Agreement No. 64704 to expand Transit Police enforcement authority in the BRT Zone and to make changes to the protocols regarding Transit Authority prisoner detainees.

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 Third Amendment to Agreement No. 64704 between the City of Cleveland and the Transit Authority to provide for expanded police enforcement authority for Transit Police in the bus lanes on Clifton Blvd. in the City of Cleveland.

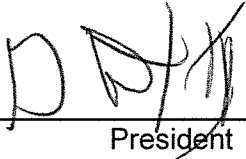
Section 2. That the terms of the Third Amendment to Agreement No. 64704 shall be in accordance with and consistent with the terms contained in the Third Amendment to Agreement No. 64704 attached hereto and incorporated herein as "Attachment A."

Section 3. That this Resolution and the Third Amendment to the Mutual Aid Agreement with the City entered in accordance herewith shall be subject to all other conditions or obligations imposed by law upon the Transit Authority.

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

Attachment: Exhibit "A" – Third Amendment to Agreement No. 64704

Adopted: July 28, 2015

  
\_\_\_\_\_  
President

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

**THIRD AMENDMENT TO AGREEMENT NO. 64704**  
**Between**  
**THE CITY OF CLEVELAND**  
**And**  
**THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY**  
**For GCRTA-Police to Exercise Police Powers**

**THIS THIRD AMENDMENT TO AGREEMENT NO. 64704** ("Third Amendment") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, ("Effective Date") by and between the City of Cleveland ("City") through its Director of Public Safety pursuant to City of Cleveland Ordinance 846-05 passed on July 13, 2005, and the Greater Cleveland Regional Transit Authority ("GCRTA"), pursuant to Ohio Revised Code Section 306.35, through its authorized representative.

**WHEREAS**, the parties entered into Agreement No. 64704 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 parties entered into a First Amendment on April 1, 2008 and a Second Amendment to Agreement 64704 on May 7, 2010.

**WHEREAS**, GCRTA requests that the City additionally authorize GCRTA-Police to exercise traffic and parking enforcement authority within marked bus lanes located on Clifton Boulevard.

**WHEREAS**, the City desires to confer such further authority for the public purpose of improving safety and promoting the public good.

**THEREFORE**, the parties agree as follows:

**ARTICLE I. SCOPE OF THIRD AMENDMENT**

This Third Amendment does not modify or change in any manner any term or condition not expressly addressed by this Third Amendment. All terms and conditions of Agreement No. 64704 and the amendments thereto shall remain in full force and effect unless changed or modified by this Third Amendment.

**ARTICLE II. ADDITIONAL POLICE AUTHORITY**

In accordance with the terms and limitations specified in Agreement No. 64704, and its amendments as applicable, GCRTA-Police are permitted to exercise full police authority within marked bus lanes on Clifton Boulevard in regard to moving violations, equipment violations, minor misdemeanors citations and parking notices. The area of additional jurisdiction is further described in the diagram attached hereto and incorporated herein as Exhibit A.

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

**CITY OF CLEVELAND**

By: \_\_\_\_\_  
Michael McGrath, Director  
Department of Public Safety

**GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY**

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

The legal form and correctness of this instrument is approved.

CITY OF CLEVELAND  
Barbara Langhenry, Director of Law

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

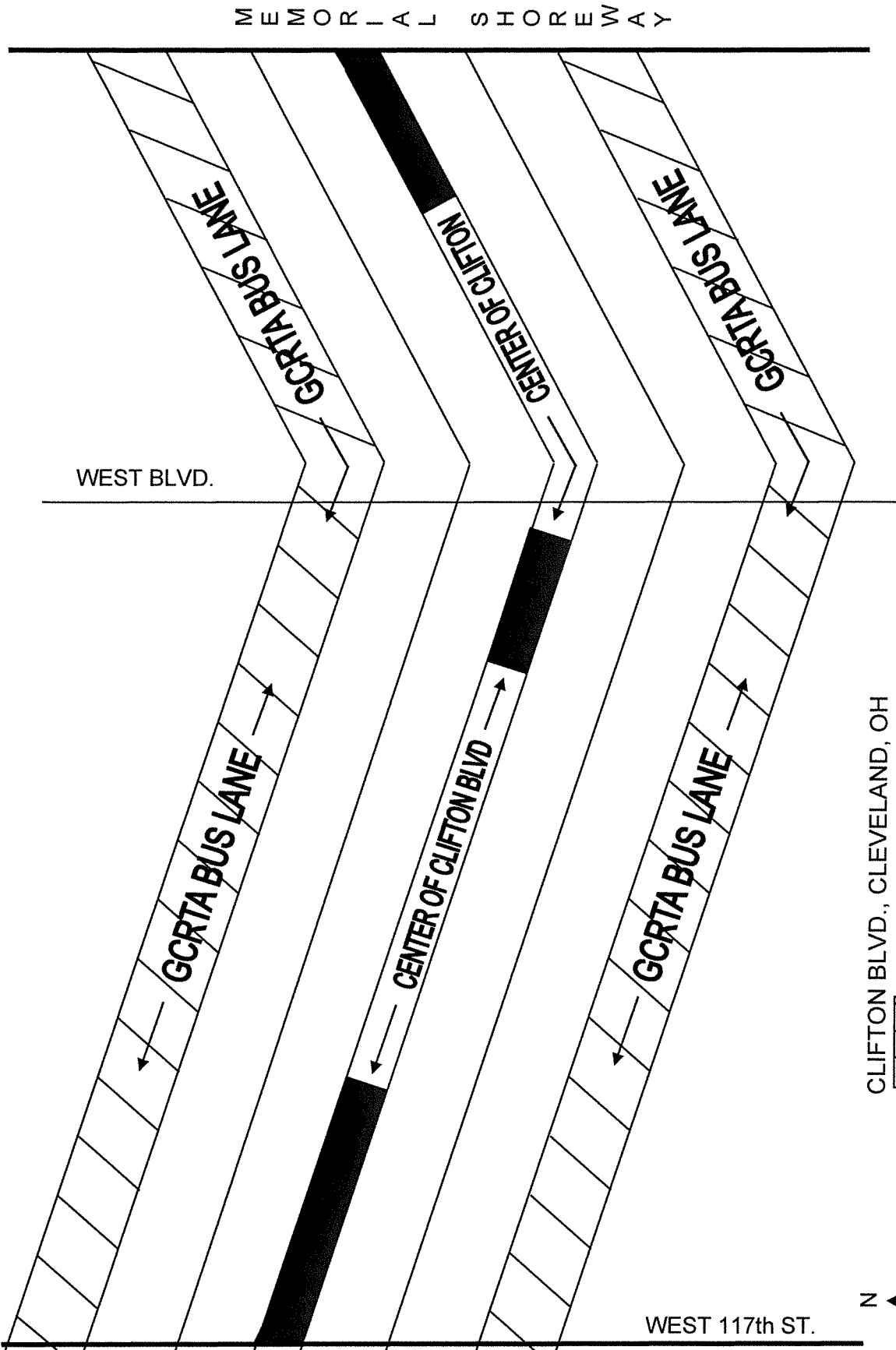
Date: \_\_\_\_\_

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY  
Sheryl King Benford, General Counsel  
Deputy General Manager for Legal Affairs

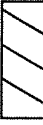
By: \_\_\_\_\_

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EXHIBIT A

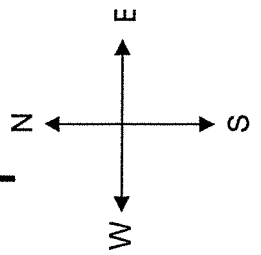


CLIFTON BLVD., CLEVELAND, OH

 - GCRTA BUS LANES

Area of Jurisdiction Between

West 117th St. & The Memorial Shoreway






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

TITLE/DESCRIPTION: CONTRACT: THIRD AMENDMENT TO MUTUAL AID AGREEMENT WITH CITY OF CLEVELAND  AMOUNT: \$0	Resolution No.: 2015- 73
	Date: July 23, 2015
	Initiator: Transit Police
ACTION REQUEST: <input type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: The purpose of this Third Amendment to the Mutual Aid Agreement with the City of Cleveland is to expand GCRTA Transit Police law enforcement jurisdiction in the bus lanes on Clifton Boulevard in the City of Cleveland.
- 2.0 DESCRIPTION/JUSTIFICATION: This amendment will expand GCRTA Transit Police law enforcement authority to include bus lanes on Clifton Boulevard in the City of Cleveland.
- 3.0 PROCUREMENT BACKGROUND: N/A
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: N/A
- 5.0 POLICY IMPACT: This will enable the GCRTA Transit Police to provide safe, high-quality service to transit riders.
- 6.0 ECONOMIC IMPACT: None.
- 7.0 ALTERNATIVES: Reject this Agreement. Rejection of this Third Amendment to the Mutual Aid Agreement will prohibit the expansion of Transit Police law enforcement authority in the bus lanes on Clifton Boulevard in the City of Cleveland.
- 8.0 RECOMMENDATION: It is recommended that the Third Amendment to the Mutual Aid Agreement with the City of Cleveland be accepted and this resolution passed.

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

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