

RESOLUTION 2022-37
Introduced by Mayor Bodnar

**AN EMERGENCY RESOLUTION
AUTHORIZING AND DIRECTING THE MAYOR
AND PRESIDENT OF COUNCIL
TO ENTER INTO AN AGREEMENT WITH
THE LAKE COUNTY BOARD OF COMMISSIONERS
FOR THE BOARDING OF PRISONERS.**

WHEREAS, when the Mayfield Village Police Department was constructed in 2010, it included a Temporary Holding Facility allowing the Police Department to hold persons under arrest for a maximum of six hours; and

WHEREAS, any person arrested that needs to be held longer than six hours is transferred to a full-service jail facility; and

WHEREAS, the Village currently has a contract with the Geauga County Sheriff's office to serve as the full-service jail facility; and

WHEREAS, due to issues including COVID-19, staffing and jail space, it has become increasingly difficult to transfer persons to the Geauga County Jail; and

WHEREAS, the Village wishes to enter into an Agreement with the Lake County Sheriff's office similar to the one with the Geauga County Jail for the confinement of the Village's prisoners convicted of violation of State law or Village ordinance, or awaiting hearing or trial of any such violation; and

WHEREAS, Council deems it in the Village's best interest to enter into an Agreement with the Lake County Board of Commissioners for the boarding of prisoners.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

SECTION 1. The Mayor and President of Council are authorized and directed to enter into an agreement for the boarding of prisoners by and between the Lake County Board of Commissioners and Mayfield Village, Ohio, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A".

SECTION 2. A copy of said agreement will be kept by the Mayor's Office, Police Department, and Finance Director.

SECTION 3. Upon the passage and execution of this Resolution, the Clerk of Council is authorized and directed to certify a copy of this Resolution to the Lake County Board of Commissioners and the Lake County Sheriff's office.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of health, safety and welfare of the residents of Mayfield Village, Ohio, in order that adequate housing is provided for prisoners committed by Mayfield Village in accordance with the State of Ohio's minimum jail standards. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than five (5) members elected to Council and approved by the Mayor or otherwise at the earliest time allowed by law.



STEPHEN SCHUTT
Council President

First Reading: September 19, 2022

Second Reading: Suspended, 2022

Third Reading: Suspended, 2022

PASSED: September 19, 2022


BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:


DIANE A. CALTA, Director of Law

ATTEST: 
MARY E. BETSA, MMC, Clerk of Council

AGREEMENT FOR BOARDING OF PRISONERS
BY AND BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS
AND MAYFIELD VILLAGE, OHIO

This agreement is entered into on this ____ day of _____, 2022 between the Lake County Board of Commissioners, with their offices located at 105 Main St, Painesville, OH 44077 (“County”) and the Village of Mayfield, Ohio, a chartered municipality organized under the laws of the State of Ohio with its offices located at 6622 Wilson Mills Road, Mayfield Village, Ohio 44143, (“Village”). The County and the Village are herein collectively referred to as the “Parties.”

WITNESSETH:

WHEREAS, the Village wishes to enter into an Agreement with the County for the confinement of the Village’s prisoners convicted of violation of State law or Village ordinance, or awaiting hearing or trial of any of those violations; and

WHEREAS, Section 341.12 of the Ohio Revised Code authorizes the County to enter into an agreement with the Village to incarcerate Village prisoners for which the Village does not have space; and

WHEREAS, the County agrees to accept male and female Village prisoners provided space is available in the Lake County Adult Detention Facility; and

WHEREAS, the Village’s Mayor and President of Council have been authorized by its Council to enter into this Agreement with the County for the confinement of the Village’s prisoners and, likewise, the County has been authorized by its Board of Commissioners to enter into this Agreement with the Village.

NOW, THEREFORE, IN CONSIDERATION of the foregoing and of the mutual agreements hereinafter set forth, the Parties hereby mutually agree as follows:

1. Reception of Prisoners. Subject to the availability of space, the Lake County Sheriff’s Office (“LCSO”) shall receive able-bodied adult MALE and FEMALE Prisoners and keep, board and maintain said Prisoners in the Lake County Adult Detention Facility (“Jail”) in its present location or where it shall be established in the future. The Lake County Sheriff or his designee, shall retain the authority to refuse to accept or to release any 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. Payment. In exchange for these services, the Village shall reimburse the County for each Prisoner incarcerated in the Jail in accordance with the following terms and conditions:
 - (a) Payment for Confinement Services. For the period January 1, 2022 through December 31, 2022, the Village shall pay the sum of One-Hundred Twenty Dollars (\$120.00) per day as full compensation to the County for each Prisoner so committed for the use of the Jail, including but not limited to the feeding, supervising, confining, and

boarding of each Prisoner by the County. Each twenty-four (24) hour day, or part thereof, that the Prisoner serves in the Jail is a day of confinement for the purpose of this agreement, except that Prisoners who are incarcerated by the County for less than 8 hours will result in a charge of one-half of the daily rate being assessed to the Village. 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 LCSO Jail Registrar.

Each January thereafter, the rates will be adjusted based on the actual daily cost to house an inmate in the Lake County Adult Detention Facility. 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 year and the Village shall pay the sum to the County in the manner set forth above.

(b) Medical Expenses. The Village shall pay all reasonable and necessary medical expenses incurred by each Village Prisoner. The County shall avoid any excess medical expenses.

LCSO shall provide transportation and guarding of Village Prisoners for emergency medical treatment outside the Jail. The Village shall reimburse the County for such services by paying for the time actually spent by any LCSO Deputy needed for such guarding and transportation at the Deputies current rate per hour. If LCSO does not have sufficient staff to guard the inmate until release, LCSO will inform the Village's Police Department, who will then send an officer to relieve the LCSO staff.

In the event of the death of an indigent Village prisoner, the Village shall be liable for the cost of burial.

3. Billing. At the end of each month, LCSO shall submit to the Village an itemized statement, certified by the Chief Deputy of the County, or other person designated by him, showing the name of the Village Prisoner, dates of days confined in the Lake County Adult Detention Facility, the number of days billed, additional charges billed and their amount, and the amount due from the Village on account of each Village Prisoner's confinement under this agreement. All billing shall be paid within thirty (30) days of their receipt.

4. Prisoner Defined. "Prisoner" shall be defined as any prisoner accepted for booking or, convicted of violation of State law or Village ordinance, or awaiting hearing or trial of any of those violations.

5. Termination. Except as to Prisoners received by the Jail prior to the date of any notice of termination, either party may terminate or request re-negotiation of this Agreement for any cause by providing ninety (90) days written notice to the other party.

6. Additional Insured. The Village shall cause the Lake 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. Litigation. Any litigation arising hereunder shall be brought in a Court of Competent Jurisdiction in Lake County, Ohio.

8. Local Codes. In consideration of the foregoing Agreement, the Village hereby further agrees to refrain from changing the codes used in charging arrestees from County or municipal ordinance to State statute, if the change allows the Village to avoid payment provided by this Agreement.

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

The Parties have executed this Agreement on the dates indicated below:

Mayfield Village

Brenda T Bodnar September 19, 2022
Brenda T. Bodnar, Mayor Date

Stephen Schutt September 19, 2022
Stephen Schutt, President of Council Date

Diane A. Calta September 19, 2022
Diane A. Calta, Director of Law Date

Lake County Board of Commissioners

John R. Hamercheck, Commissioner Pres. Date

John Plecnik, Commissioner, VP Date

Mark Tyler, Commissioner Date

Jason W. Boyd, County Administrator
Authorized Signing Agent Date

Lake County Sheriff's Office

Frank Leonbruno, Sheriff Date