

The City Record

Official Publication of the Council of the City of Cleveland

November 15, 2024



*Published weekly by the City Clerk, Clerk of Council
under authority of the Charter of the City of Cleveland*

The City Record is available online at www.clevelandcitycouncil.org

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Table of Contents

Click on an entry below to go to that section.

Board of Control	3
Schedule of the Board of Zoning Appeals	19
Report of the Board of Zoning Appeals	23
Agenda of the Board of Building Standards and Building Appeals	25
Public Notice	30
Adopted Resolutions and Passed Ordinances	97
Directory of City Officials	
City Council	180
Permanent Schedule — Standing Committees of Council	181
City Departments	183
Cleveland Municipal Court	189
City Links	190

Board of Control

Wednesday, November 6, 2024

The meeting of the Board of Control convened in the Mayor's office on Wednesday, November 13, 2024, at 3:06 p.m. with Acting Director Stephanie Melnyk presiding.

Members Present: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Absent: Mayor Bibb

Others Present: James DeRosa, Director
Mayor's Office of Capital Projects

Tiffany White Johnson, Commissioner
Division of Purchases & Supplies

Jennifer Wiman, Contract Compliance Officer
Office of Equal Opportunity

Bryan Oden, Business Process Specialist
Office of Equal Opportunity

Wes Moloney, Treasurer (via Webex)
Fabrizi Trucking & Paving Co., Inc.

Tomasz Kacki, Paralegal
Law Department

On motions, the resolutions attached were adopted, except as may be otherwise noted. There being no further business, the meeting was adjourned at 3:19 p.m.

Jeffrey B. Marks
Secretary – Board of Control

Resolution No. 575-24

Adopted 11/13/24

By Director Keane

BE IT RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subcontractor by J.W. Didado Electric, under Contract No. RC2024-92 for Labor and Materials Necessary to Maintain, Repair and Replace Substation Equipment, including but not Limited to Switchgear, Circuit Breakers, Batteries and Fiber Optic Splicing (all items) for the Division of Cleveland Public Power, Department of Public Utilities, is approved:

<u>Subcontractor</u>	<u>Work</u>	<u>Percentage</u>
Safeguard Associates (CSB/MBE)	\$96,566.84	1.6%

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 576-24

Adopted 11/13/24

By Director Keane

PUBLIC IMPROVEMENT CONTRACT

BE IT RESOLVED by the BOARD of CONTROL of the CITY OF CLEVELAND
that the bid of

Catts Construction, Inc.

for the public improvement of East 115th Street Sewer Project (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on October 4, 2024, under the authority of Ordinance No. 1141-16, passed by the Council of the City of Cleveland on October 17, 2016, upon a unit basis for the improvement, in the aggregate amount of \$995,251.40, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

BE IT FURTHER RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Catts Construction, Inc. for the above-mentioned public improvements is approved:

<u>Subcontractor</u>	<u>Work</u>	<u>Percentage</u>
LTC Trucking (CSB/FBE)	\$70,000.00	7.00%
LTC Trucking (CSB/FBE)	\$18,000.00 (60% supplier)	2.00%
Trafftech, Inc. (CSB/FBE)	\$5,190.00	1.00%
Cook Paving & Construction (CSB/MBE/FBE)	\$93,425.00	9.00%
Nosan Trucking Co. (CSB/FBE)	\$40,000.00	4.00%
Nosan Trucking Co. (CSB/FBE)	\$78,950.74 (60% supplier)	8.00%

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 577-24

Adopted 11/13/24

By Director Francis

BE IT RESOLVED by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 1365-2023, passed by the Council of the City of Cleveland on December 4, 2023, the firm of RS&H Ohio, Inc. ("Consultant") is selected upon the nomination of the Director of Port Control from a list of qualified firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional construction administration services, for the Membrane RTA Tunnel project, at Cleveland Hopkins International Airport, for the Department of Port Control.

BE IT FURTHER RESOLVED that the Director of Port Control is authorized to enter into a written contract with Consultant for the above-mentioned services, based upon its October 8, 2024 proposal, which contract shall be prepared by the Director of Law, shall provide that the compensation to Consultant for the services authorized shall not exceed \$664,437.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

BE IT FURTHER RESOLVED by the Board of Control of the City of Cleveland that the employment of the following sub-consultants by Consultant is approved:

<u>Subconsultants</u>	<u>Certification</u>	<u>Amount</u>
G&T Associates, Inc.	18.29% DBE	\$ 121,500.00
Somat Engineering of Ohio, Inc.	7.56% SBE	\$ 50,216.68
Michael Baker International, Inc.	8.28% Non-certified	\$55,000.00

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 578-24

Adopted 11/13/24

By Director DeRosa

WHEREAS, Board of Control Resolution No. 551-24, adopted October 23, 2024, authorized the Director of Capital Projects to enter into contract with Northeast Ohio Trenching Service, Inc., for the public improvement of the Ridge Road Transfer Station Site Drainage Improvements ("Improvement"), for the Division of Architecture and Site Development, Office of Capital Projects; and

WHEREAS, Resolution No. 551-24 incorrectly identified the contract amount for the Improvement; now, therefore,

BE IT RESOLVED by the BOARD OF CONTROL of the CITY OF CLEVELAND that Resolution No. 551-24, adopted by this Board October 23, 2024, approving the bid of Northeast Ohio Trenching Service, Inc., as the lowest responsible for the public improvement of Ridge Road Transfer Station Site Drainage Improvements, is amended by substituting "\$721,721.00" for "\$721,171.00" where appearing in the resolution.

BE IT FURTHER RESOLVED that all other terms of Resolution No. 551-24 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 579-24

Adopted 11/13/24

By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that pursuant to the authority of Ordinance No. 1338-2023, passed by the Council of the City of Cleveland on November 27, 2023, Mott MacDonald, LLC is selected upon the nomination of the Director of Capital Projects from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the Rehabilitation of Carnegie Avenue between East 9th Street and East 55th Street.

BE IT FURTHER RESOLVED that the Director of Capital Projects is authorized to enter into a written contract with Mott MacDonald, LLC based on its proposal dated August 19, 2024, provided that the compensation to be paid shall not exceed \$915,867.00. The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

BE IT FURTHER RESOLVED that the employment of the following subconsultants by Mott MacDonald, LLC for the above authorized contract is approved:

Chagrin Valley Engineering Ltd	CSB	\$273,866.00	29.90%
Pro Geotech, Inc.	CSB/MBE	\$52,117.00	5.69%
Surveying and Mapping, LLC	N/A	\$49,799.76	5.44%
SE Blueprint Inc	CSB	\$2,123.61	0.23%

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 580-24

Adopted 11/13/24

By Director DeRosa

WHEREAS, Ordinance No. 1023-2023, passed by the Cleveland City Council on October 27, 2023, authorized the Director of Capital Projects ("Director") to enter contract for the public improvement of the Tree Damaged Sidewalk Recovery Project; now, therefore,

BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND that all bids received on September 12, 2023, under the authority of Ordinance No. 1023-2023, passed by the Cleveland City Council on October 27, 2023, for the public improvement of Tree Damaged Sidewalks Recovery Project, base bid, bid alternate #1, and bid alternate #2, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, are rejected.

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 581-24

Adopted 11/13/24

By Director Hernandez

WHEREAS, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 015-04-082 located at 3211 West 35th Street; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Berardi Properties, Inc. has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 14 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Berardi Properties, Inc., for the sale and development of Permanent Parcel No. 015-04-082 located at 3211 West 35th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcel shall be \$1,533.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 582-24

Adopted 11/13/24

By Director Hernandez

WHEREAS, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 115-26-023 located at 855 Rondel Road; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Melonie Carlton has proposed to the City to purchase and develop the parcel for Yard Expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 8 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Melonie Carlton, for the sale and development of Permanent Parcel No. 115-26-023 located at 855 Rondel Road, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 583-24

Adopted 11/13/24

By Director Hernandez

WHEREAS, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 119-30-111 located at 2298 East 85th Street; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Karl Thomas Clark has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 6 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Karl Thomas Clark, for the sale and development of Permanent Parcel No. 119-30-111 located at 2298 East 85th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 584-24

Adopted 11/13/24

By Director Hernandez

WHEREAS, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 107-05-056 located at 8117 Bellevue Avenue; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Karen Taylor-Davis and Sanders Davis have proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 9 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchasers of the parcel are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Karen Taylor-Davis and Sanders Davis, for the sale and development of Permanent Parcel No. 107-05-056 located at 8117 Bellevue Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 585-24

Adopted 11/13/24

By Director Hernandez

WHEREAS, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel Nos. 128-11-032, 128-11-033, 128-11-037, 128-14-001 and 128-14-008 located on Elwell Avenue and East 100th Street; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Greater Cleveland Habitat for Humanity, Inc. has proposed to the City to purchase and develop the parcels for new single family construction; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 9 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Greater Cleveland Habitat for Humanity, Inc., for the sale and development of Permanent Parcel Nos. 128-11-032, 128-11-033, 128-11-037, 128-14-001 and 128-14-008 located on Elwell Avenue and East 100th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcel shall be \$1,000.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 586-24

Adopted 11/13/24

By Director Hernandez

WHEREAS, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 138-06-085 located at 13714 Benwood Avenue, Cleveland, Ohio 44105; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Beverly L. Perry has proposed to the City to purchase and develop the parcel for Side Yard Expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 1 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Beverly L. Perry, for the sale and development of Permanent Parcel No. 138-06-085 located at 13714 Benwood Avenue, Cleveland, Ohio 44105, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 587-24

Adopted 11/13/24

By Director Cole

WHEREAS, Board of Control Resolution No. 499-24, adopted September 25, 2024, authorized the Director of Human Resources to enter into contract with CaremarkPCS Health, LLC ("Consultant"), based on its proposal dated August 21, 2024, for professional services to administer and provide group prescription insurance coverage for City of Cleveland employees, for a period of one year, with two one-year options to renew; and

WHEREAS, the parties desire to enter into contract for said professional services on the basis of Consultant's original proposal dated May 10, 2024 in lieu of the proposal dated August 21, 2024; now, therefore,

BE IT RESOLVED by the BOARD OF CONTROL of the CITY OF CLEVELAND that Resolution No. 499-24, adopted September 25, 2024, authorizing the Director of Human Resources to enter into contract with Consultant for professional group prescription insurance coverage services for City of Cleveland employees, is amended by substituting "May 10, 2024" for "August 21, 2024", where appearing in the resolution.

BE IT FURTHER RESOLVED that all other terms of Resolution No. 499-24 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Resolution No. 588-24

Adopted 11/13/24

By Director Williams

WHEREAS, under the authority of Section 181.19(a) of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when so directed by the Board of Control, to sell personal property that is no longer needed or suitable for use by any department or office of the City of Cleveland.

WHEREAS, the Commissioner of Purchases and Supplies has determined that surplus parking items ("Property") located in the Gateway Garage East at 650 Huron Road East, Cleveland, Ohio, are no longer needed or suitable for use by the City of Cleveland and has posted and advertised the sale of such Property in accordance with Section 181.19(a) of the Codified Ordinances.

WHEREAS, the Cleveland Guardians Baseball Company, LLC has submitted a bid to the City to purchase the Property for the amount of \$50,789.72; now, therefore.

BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND that the bid of the Cleveland Guardians Baseball Company, LLC is affirmed and approved as the highest and best and, under the authority of 181.19(a), the Commissioner of Purchases and Supplies is directed to enter into an agreement to sell the Property for \$50,789.72 to the Cleveland Guardians Baseball Company, LLC.

Yeas: Acting Director Melnyk; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond, Hernandez, Cole, McNair, McNamara; Acting Director Majeski

Nays: None

Absent: Mayor Bibb

Schedule of the Board of Zoning Appeals

**Monday, November 25, 2024
9:30 a.m.**

Under the conditions specified by law, the Board of Zoning Appeals will be conducting a hybrid in-person and virtual hearing using the WebEx Platform. IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY THROUGH WEBEX, contact the Board of Zoning Appeals office and request the link at 216-664-2580 by noon on November 15, 2024. You can also email us boardofzoningappeals@clevelandohio.gov.

The in-person hearing will be held in Room 514 in City Hall. Bring proper ID to enter the building.

Those individuals not planning to attend are encouraged to view one of the live streams:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or https://www.youtube.com/channel/UCB8ql0Jrhm_pYIR1OLY68bw/

**Calendar No. 24-189: 2478 West 6th Street
Ward 3 – Kerry McCormack**

Whiteside, LLC, owners, propose to erect a 2,239 square foot, two-story frame, single-family residence with front loaded attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (6)(A)(2) of Section 337.23, which states that attached garage shall be located on the rear half of the lot.
2. Division (b) of Section 355.04, which states that minimum lot size required is 4,800 square feet; proposing 4,628 square feet.
3. Division (b)(1) of Section 357.08, which states that required rear yards shall not be less than 21 feet and 8 inches where the appellant is proposing 2 feet and 4 inches from chimney wall.
4. Division (b) of Section 341.02, which states that City Planning Design Review approval is required.

**Calendar No. 24-191: 12909 Lenacrave Ave.
Ward 2 – Kevin Bishop**

Cassandra James, owners, proposes to change use of single-family residence into Type “A” home daycare for a maximum of 12 children in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Division (b) of Section 337.03, which states that a Daycare shall not be located less than 30 feet from any adjoining premises in a residence district not used for similar purpose per 337.02(g)(3)C, and subject to the review and approval of the Board of Zoning Appeals.

**Calendar No. 24-192: 3586 East 114th Street
Ward 2 – Kevin Bishop**

Rahim Muhammad, owner, proposes to establish use as Residential Facility for eight occupants in a B1 Two-Family residential district. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571, which states that “Residential Facility” means a publicly or privately operated home of facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one or two unrelated persons with mental illness; (b) one or two unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three to 16 unrelated adults.
2. Division (h) of Section 337.03, which states that in a Two-Family District a maximum of 5 people is permitted in a Residential Facility, and the appellant is proposing 8 occupants.
3. Division (g) of Section 337.08, which states that City Planning conditional use for 8 occupants; approval is required.

**Calendar No. 24-193: 2476 West 10th Street
Ward 3 – Kerry McCormack**

2476 West 10th, LLC, owner, proposes to erect a rear, three-story, three-family residence with existing front two-family residence on existing parcel in a B1 Two-Family Residential. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (a) of Section 337.03, which states that a multi-family dwelling is not permitted in a Two-Family District but is first allowed in Multi-Family District 337.08(b).
2. Division (b) of Section 355.04, which states that the maximum gross floor area shall not exceed 50 percent of lot area or in this case 3,191 square feet, and the appellant is proposing 3,651 square feet.
3. Division (b) of Section 355.04, which states that minimum lot area required is 12,000 square feet, and the appellant is proposing 6,383 square feet.

4. Division (a) of Section 349.04, which states that 5 required accessory off-street parking spaces are required; proposing 4.
5. Division (b)(2) of Section 357.09, which states that a total of 14 feet is required for the side yards combined and the appellant is proposing 7 feet. The minimum required interior side yard is 7 feet, and appellant is proposing 3 feet.
6. Division (b)(1) of Section 357.08, which states that required rear yard shall be not less than one-half the height of main building or in this case 24 feet and 8 inches, where the appellant is proposing 10 feet.

Note: City Planning Design Review approval is required before issuance of building permit.

Postponed from October 21, 2024

**Calendar No. 24-175: 11006 Edgewater Drive
Ward 15 – Jenny Spencer**

Michael Vadini, owner, proposes to install a six foot tall fence in an AA1 Limited One-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 358.04 which states that fences in actual front yard shall not exceed four feet in height and shall be at least 50% open.

POSTPONED TO ALLOW TIME FOR THE APPELLANT TO UPDATE SITE PLAN TO SHOW 18 INCH KNEE WALL, 5 FEET, 6 INCH PIERS, AND 4 FOOT OVERALL HEIGHT FOR FENCE. ALSO TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE NEIGHBORS.

Postponed from November 4, 2024

**Calendar No. 24-176: 18517 Glenfield Road
Ward 8 – Michael Polensek**

Rebeca Cruz, owner, proposes to install approximately 139 linear feet of six-feet-high, wood privacy fence in a Two-Family Zoning District. The owner appeal for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Division (a) of Section 358.04, which states that fences in actual front yards shall not exceed 4 feet in height and shall be at least 50% open. Fences in actual rear yards and in actual interior side yards shall not exceed 6 feet in height and may be solid or open. No fence shall be higher than its distance from a residence building on an adjoining lot or from the permitted placement of a future residence on such lot, if such fence will be generally parallel to and adjacent to the closet wall of the residence. A 6-foot-high privacy fence is proposed in actual front yard.

POSTPONED TO ALLOW TIME FOR THE APPELLANT TO UPDATE HER DRAWINGS AND MEET WITH CITY PLANNING COMMISSION. TESTIMONY TAKEN.

Report of the Board of Zoning Appeals

Monday, November 11, 2024

At the meeting of the Board of Zoning Appeals on Monday, November 11, 2024, the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED**:

Calendar No. 24-182: 1089 Lakeview Road

2M RE Holdings, LLC, owner, and B3M Resident Care Facilities LLC propose to establish use as Residential Facility for five occupants in a B1 Two-Family Residential District.

The following appeals were **DENIED**:

Calendar No. 24-179: 4703 State Road

Willow Park Properties/Empower Recovery, owner, proposes to establish use as a mental health center for substance abuse treatment in a C1 Local Retail Business Residential District.

The following appeals were **WITHDRAWN**:

Calendar No. 24-109: 10936 Drexel Avenue

Devondra Marshall, owner, proposes to establish use as Residential Facility for five occupants in a B1 Two-Family Residential District.

Calendar No. 24-110: 1147 Parkwood Drive

RDD Safe Loc, LLC, owner, proposes to establish use as Residential Facility for five occupants in a B1 Two-Family Residential District.

The following appeals were **DISMISSED**: **None**

The following cases were **REMANDED**: **None**

The following cases were **POSTPONED**:

Calendar No. 24-180: Family Love Enterprise LLC

13405 St. Clair Avenue. January 6, 2025.

The following cases were heard by the Board of Zoning Appeals on Monday October 28, 2024, and the decisions were adopted and approved on Monday, November 4, 2024:

Calendar No. 24-070: 7413 Lockyear Avenue

Yetta Peek, owner, proposed to use existing, single-family residence as a Type “A” home daycare for a maximum of 12 children in a B1 Two-Family Residential District.

Calendar No. 24-177: 3851 West 39th Street

Adrume Isaac Yeka, owner, proposed to install a fence B1 Two-Family Residential District.

Calendar No. 24-178: 1348 West 78th Street

1348 W 78th LLC, owner, proposed to erect a three-story frame, two-family residence with detached garage in a B3 Semi-Industry District.

Agenda of the Board of Building Standards and Building Appeals

Wednesday, December 4, 2024

Board of Building Standards and Building Appeals
Cleveland City Hall - Room 514 or via WebEx at 9:30 a.m. EST
BBSA@clevelandohio.gov

NOTE: This is a tentative Agenda and may vary both in scope and order of presentation as time permits and circumstances warrant.

Download the WebEx Desktop App or the mobile App from the WebEx website at <https://www.webex.com/downloads.html/>

Instructions to enable a browser plug-in for Chrome or Firefox can be found here: <https://help.webex.com/en-us/WBX77970/How-Do-I-Enable-the-Webex-Plug-in-to-Join-aMeeting-Using-Chrome-or-Firefox>

For instructions to join the call you can go to here: <https://help.webex.com/en-us/bksp8r/Join-a-Meeting-from-the-Webex-Meetings-Desktop-Appor-Mobile-App>

Email: cdavis@clevelandohio.gov to receive the calendar invite (This invite is for testament/witness purposes only)

PUBLIC HEARINGS WILL BE STREAMED LIVE ON YOUTUBE:

https://www.youtube.com/channel/UCB8ql0Jrhm_pYIR1OLY68bw/

BUILDING:

Docket A-140-24	115 East 152nd Street	WARD: 10
		(Anthony T. Hairston)

MCM Warehouse Inc., Owner of the MXD Mixed Uses-Multiple Uses In One Building; Three-Story Masonry Walls/Wood Floors Building appeals from a **NOTICE OF VIOLATION – CONDEMNATION-MAIN STRUCTURE,,** dated June 26, 2024, the appellant is requesting time to complete abatement of the violations.

Docket A-143-24	15203 Kinsman Road	WARD: 1
		(Joseph T. Jones)

Guardian Investment Group-2., Owner of the MXD Mixed Uses-Multiple Uses In One Building Two-Story Masonry Building appeals from a **NOTICE OF VIOLATION**

– **EXTERIOR MAINTENANCE**, dated June 14, 2024, the appellant is requesting 45 days to complete abatement of the violations.

HOUSING:

Docket A-128-24 1437 West 50th Street WARD: 3
(Kerry McCormack)

Glen Cunningham, Owner of the One Dwelling Unit; Single-Family Residence;; One and Half-Story Frame Property, appeals from a **NOTICE OF VIOLATION – FIRE DAMAGE**, dated June 3, 2024, the appellant is requesting for six months to complete abatement of the violations.

Docket A-137-24 3927 Newark Avenue WARD: 14
(Jasmin Santana)

M A G Rabbani, Owner of the Two Dwelling Units; Two-Family Residence;; Two and Half-Story Frame Property, appeals from a **NOTICE OF VIOLATION – CONDEMNATION – MAIN STRUCTURE,,** dated May 16, 2024, the appellant is requesting one year to complete abatement of the violations.

Docket A-138-24 3512 Independence Road WARD: 12
(Rebecca Maurer)

Thomas J. Herman, Owner of the One Dwelling Unit; Single-Family Residence; Two and Half-Story Frame Property, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE**, dated June 7, 2024, the appellant is requesting three months to complete abatement of the violations.

Docket A-139-24 4093 East 123rd Street WARD: 9
(Kevin Conwell)

D&R Estate Holdings LLC, Owner of the Two Dwelling Units; Two-Family Residence; Two and Half-Story Frame Property, appeals from a **NOTICE OF VIOLATION – CONDEMNATION – MAIN STRUCTURE**., dated May 21, 2024, the appellant is requesting six months to complete abatement of the violations.

Docket A-142-24 675 East 159th Street WARD: 8
(Michael D. Polensek)

Conley Realty LLC., Owner of the Two Dwelling Units; Two-Family Residence; Two-Story Frame Structure, appeals from a **NOTICE OF VIOLATION – CONDEMNATION – MAIN STRUCTURE,,** dated June 4, 2024, the appellant is requesting one year to complete abatement of the violations.

Docket A-144-24 4301 West 41st Street WARD: 13
(Kris Harsh)

Jennifer Rinella Witt, Owner of the One Dwelling Unit; Single-Family Residence; One-Story Frame Structure, appeals from a **NOTICE OF VIOLATION – CONDEMNATION – MAIN STRUCTURE**, dated June 3, 2024, the appellant is requesting 6-12 months to complete abatement of the violations.

Docket A-145-24

3071 West 111th Street

WARD: 11
(Danny Kelly)

Born's Property, Management, LLC, Owner of the Two Dwelling Units; Two-Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE & HAZARDOUS CONDITIONS**, dated June 24, 2024, the appellant is requesting three months to complete abatement of the violations.

Docket A-147-24

3610 East 113th Street

WARD: 2
(Kevin L. Bishop)

LaBron A. Sanford, Owner of the One Dwelling Unit; Single-Family Residence; Two-Story Wood Frame/Siding/Masonry Veneer Property, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE & ELECTRICAL**, dated July 16, 2024, the appellant is requesting for one year to complete abatement of the violations.

Docket A-149-24

2395 East 39th Street

WARD: 5
(Richard A. Starr)

Warren Phillips, Owner of the One Dwelling Unit; Single-Family Residence; Two-Story Frame Structure, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE & CONDEMNATION-GARAGE**, dated July 17, 2024, appellant is requesting one year to complete abatement of the violations.

Docket A-150-24

3357 West 122nd Street

WARD: 16
(Brian Kazy)

David & Bonnie Zink, Owner of the One Dwelling Unit; Single-Family Residence; Two and Half-Story Frame Property, appeals from a **NOTICE OF VIOLATION – CONDEMNATION – GARAGE**, dated June 6, 2024, appellant is requesting 60 days to complete abatement of the violations.

Approval of Resolutions

Docket/s:

A-30-24	R & R Luxury Homes LLC
A-110-24	A Clean House LLC
A-126-24	Daewood Hoist and Cranes LLC
A-127-24	Gold Star Housing LLC
A-129-24	Kevin Lovas
A-130-24	Maple Park Townhouse Apartments LLC
A-131-24	Alicia Allen
A-132-24	Joynal Abedin
A-133-24	New Horizon Capital Holdings LLC
A-134-24	Sees Inc
A-135-24	Fidel Rodriguez
A-199-24	Synthia Tell
A-207-24	United Twenty Fifth Building LLC

Approval of Minutes

November 20, 2024

MEMO

To: Tom Vanover, Commissioner/CBO

From: Carmella Davis, Executive Secretary
Board of Building Standards and Building Appeals

Date: November 12, 2024

Subject: Request for presence at board hearing

The Board of Building Standards and Building Appeals request the presence of a representative for a Public Hearing on the following Docket/s from the Department of Building and Housing, and the presence of a representative from the Division of Fire on Wednesday, December 4, 2024, at approximately 9:30 a.m.

DOCKET NO.	ADDRESS	INSPECTOR/S
A-140-24	115 East 152	J. Corrao
A-143-24	15203 Kinsman	K. McMahon
A-128-24	1437 West 50	M. Rowshanbakhtfardian
A-137-24	3927 Newark	T. Barisic
A-138-24	3512 Independence	R. Bauer
A-139-24	4093 East 123	J. Barkas
A-142-24	675 East 159	R. Conte
A-144-24	4301 West 41	M. Santillo
A-145-24	3071 West 111	R. Derrett
A-147-24	3610 East 113	B. McClure
A-149-24	2395 East 39	A. Smith
A-150-24	3357 West 122	C. Davis

EXHIBIT B



CIVILIAN POLICE REVIEW BOARD

OPERATING MANUAL AND PROCEDURES

CIVILIAN POLICE REVIEW BOARD

OPERATING MANUAL AND PROCEDURES

A. Purpose of the Police Review Board

1. The purpose of these procedures is to facilitate the operation of the Civilian Police Review Board (hereinafter "the CPRB" or "the Board"), including the review of public complaints filed against sworn police officers and non-sworn employees who are employed by the Cleveland Division of Police ("CDP") as authorized by the City of Cleveland Charter (§§ 115-2, 115-3, 115-4).
2. In order for this purpose to be achieved, the Board shall have the power to receive, cause investigation of, and recommend, and in some cases determine, the resolution of public complaints regarding misconduct allegedly committed by employees of CDP.

B. Purpose, Scope, and Force of this Operating Manual

1. In addition to those set forth in the Cleveland Charter, this Operating Manual contains all of the rules, procedures, processes, and general operations of the Board. If rules, procedures, processes, or operations are codified or functionally operational elsewhere and potentially, apparently, and/or actually conflict with the provisions of this Manual, the provisions of this Manual control.
2. All provisions of this Operating Manual must be considered in a manner consistent with the Charter of the City.
3. All Board members and staff are employees of the City and therefore subject to all Human Resources ("HR") policies and procedures, including but not limited to those listed in the HR Policies and Workplace Policies manuals and the City Civil Service Commission Rules.

C. Duties and Responsibilities of the Board, Its Members, and Staff

1. The Board, Board Members, and all Board staff must acquit themselves of the duties outlined here in a manner that is consistent with the following statement of ethics (adopted from the National Association for Civilian Oversight of Law Enforcement ("NACOLE") Code of Ethics). (See Attachment A.)
 - a. Members of the Board have a unique role as public servants overseeing the conduct of law enforcement officers. The community, government, and law enforcement have entrusted members of the Board to conduct their work in a professional, fair and impartial manner. This trust is earned through a firm commitment to the public good, the mission of the Board, and to the ethical and professional standards described herein.

- b. These standards are intended to be of general application. The spirit of these ethical and professional standards should guide Board members and staff in adapting to individual circumstances, and in promoting public trust, integrity and transparency.
- c. Personal Integrity: Board members and staff will demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among Board stakeholders, and to set an example for others.
- d. Avoid conflicts of interest: Board members and staff are expected to conduct themselves in a fair and impartial manner and recuse themselves when significant conflicts of interest arise. Board members and staff will not accept gifts, gratuities or favors that could compromise their impartiality and independence or that have a substantial and improper influence upon the performance of their duties. As public officials, Board members are bound by the City and State ethics laws.
- e. Independent and Thorough Oversight: Board members and staff are expected to conduct all evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, and in a timely manner. Board members and staff are expected to rigorously test the accuracy and reliability of information from all sources and consider and present facts and findings without regard to personal beliefs or concern for personal, professional or political consequences.
- f. Transparency and Confidentiality: Board members and staff are expected to conduct their activities openly and transparently (as permitted by applicable policy and law), to include providing explanation of CPRB and OPS procedures and practices to as wide an audience as possible. Board members and staff must maintain the confidentiality of information that cannot be disclosed by law and policy and protect the security of confidential records.
- g. Respectful and Unbiased Treatment: Board members and staff must treat all individuals with dignity and respect, and without preference or discrimination including but not limited to the following protected classes: age, ethnicity, culture, race, disability, gender, gender identity, religion, sexual orientation, socioeconomic status or political beliefs.
- h. Outreach and Relationships with Stakeholders: Board members and staff are expected to disseminate information and conduct outreach activity in the community as permitted by law and policy. Board members and staff pursue open, candid, and non-defensive dialogue with all stakeholders and seek to educate and learn from the community.
- i. Self-examination and Commitment to Policy Review: Board members and staff seek continuous improvement in the effectiveness of civilian oversight of law enforcement programs in Cleveland. Board members and staff gauge their effectiveness through evaluation and analysis of their work product and seek to

emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

- j. Professional Excellence: Board members and staff seek professional development to ensure competence. Board members and staff seek to acquire the necessary knowledge and understanding of the policies, procedures and practices of CDP and the Department of Public Safety and keep informed of current legal, professional and social issues that affect the community, the CDP, the Office of Professional Standards ("OPS") and the Board.
- k. Primary Obligation to the Community: At all times, Board members and staff place their obligation to the community, their duty to uphold the law and the goals and objectives of the Board, above personal self-interest.

D. Organization and Meetings

- 1. Composition of the Board
 - a. The Board consists of nine members who are representative of the diverse communities within the City.
 - b. The Mayor appoints five members.
 - c. The City Council ("Council") appoints four members.
 - d. No more than one Board Member may be a resident of the same police district, unless the City establishes fewer than nine districts.
 - e. When reasonably feasible, at least one member of the Board should be between the ages of eighteen (18) and thirty (30) at the time of appointment and may be among the members appointed by either the Mayor or the Council. At least two members should be attorneys with either experience representing victims of police misconduct or criminally prosecuting police misconduct.
- 2. No member of the Board may be currently employed as a law enforcement officer and no member may be a current or former employee of CDP.
 - a. The members of the Board holding the office as of November 2, 2021, may continue in office for the remainder of their terms recognizing that all of the police districts may not be represented until the service of those members is completed.
- 3. Term of Membership
 - a. Terms of office for Board Members shall be four years.
 - b. No Board Member may serve more than two four-year terms when the second term begins less than four years after the end of the first term. However, a person

may be eligible for re-appointment four years after the end date of their second term.

- c. Time spent fulfilling an unexpired term of two years or less shall not be considered as part of the two consecutive terms.

4. Vacancies of the Board

- a. Any of the following circumstances shall lead to a vacancy on the Board:
 - 1. Expiration of the member's term,
 - 2. Death,
 - 3. Removal, or
 - 4. Resignation of the member.
- b. The Mayor may remove any Board Member, upon notice and hearing, for malfeasance, misfeasance, nonfeasance, or gross neglect of duty.
- c. Vacancies during a term shall be filled in the same manner as original appointments for the unexpired term.
- d. The Mayor and Council must fill vacancies within sixty (60) days of when they arise. Within thirty (30) days of any Board vacancy, including vacancies caused by the end of a term, the City must post an announcement of any vacancy and a request for applications to fill any vacancy. Members must be chosen from among the applicants.
- e. A Board Member who desires to resign shall notify the Chair, the Mayor and the Clerk of Council of the resignation. If the Board becomes aware of a circumstance giving rise to a vacancy, other than expiration of a member's term or notice of resignation as outlined above, the Board Chair shall notify the Mayor and the Clerk of Council as soon as possible.

5. Attendance & Participation

- a. Board Members have a duty to use best efforts to attend all regularly-scheduled Board meetings.
- b. Board Members have a duty to use all reasonable efforts to attend any special, emergency, or other similar meetings that are not regularly scheduled.
- c. If a Board Member cannot attend a meeting or other function of the Board where official business will be conducted, the Board Member must provide notice to the Board Chair and/or the Board's Secretary as soon as possible. The Chair will have discretion to classify absences as excused or unexcused.
 - 1. An absence about which the Chair and/or Board Secretary have received advance notice of more than seventy-two (72) hours will be presumed to be excused; where advance notice of less than seventy-two (72) hours is

provided, the absence will be presumed to be unexcused unless the Chair identifies emergency or other extenuating circumstances that warrant the absence being classified as excused.

2. The CPRB Secretary will track all Board Member absences in an electronic database.

d. Board Members have a duty to be responsive to communications from the Board, other Board Members, and the Board's staff, including but not limited to telephone, electronic, and other communications.

6. Compensation

a. Members of the Board shall receive compensation as may be established by the Council through an ordinance.

7. Budget

a. The Board and OPS will have a budget separate from the Department of Public Safety's budget. The Board and OPS must receive a combined budget totaling at least 1.0% of the budget allocated to CDP pursuant to Charter Section 115-2¹.

b. The OPS Administrator shall prepare the Board's and OPS's budgets on behalf of, and with guidance from, the Board. The OPS Administrator shall present the budgets to the Board for approval by vote.

8. Officers

a. Board Chair

1. The Board shall select annually one Board member to serve a one-year term ("Term") as Chair. Selection shall be through a majority vote of the Board Members during a public meeting. To ensure that all Board Members can select a Chair who will enable the Board to best carry out its duties, the vote for filling the positions of Chair shall be conducted by a roll call vote of each Member with the Board's Secretary keeping a written record of each Member's vote and the written ballot process. After Board Members have verbally acknowledged their selections for the Chair, the Board's Secretary shall collect and tally the ballots and subsequently read the results. Any Board Member may request to inspect the written ballots after the results have been read.

¹ For operational purposes, CPRB and OPS have two separate budgets, each of which is separate from the Department of Public Safety's budget. Those combined budgets are derived from the allocated 1% outlined in Charter Section 115-4.

2. No person shall serve more than two consecutive Terms as the Board Chair, but, except as further provided, may be eligible for appointment two years after the end date of the second Term.
3. The Chair shall preside over all meetings of the Board and shall have the right to vote on all motions.
4. The Chair shall ensure that all municipal and state laws pertaining to the activities and rulings of the Board are faithfully executed.
5. The Chair shall act as the spokesperson in all matters pertaining to the Board.
6. The Chair shall sign all documents on behalf of the Board after approval by the Board.
7. The Chair shall perform such other duties and responsibilities imposed upon him or her by the Board.
8. In conjunction with Section 11(c) below, the Chair shall appoint all subcommittees, and, ex-officio, be a member of all subcommittees.

b. Board Vice-Chair

1. The Board Vice-Chair shall be elected in the same manner as the Board Chair, as outlined in Section D.8.a.1 above. In the event that the Chair and Vice-Chair elections are to be held at the same meeting, the election for the Chair shall be held before the election for the Vice-Chair.
2. If at any time the Chair is absent from a meeting for any reason or is unable or unwilling to perform his/her duties, whether within a meeting or outside a meeting, the Vice-Chair shall perform all the duties of the Chair with the same force and effect as if performed by the Chair.
3. No person shall serve more than two consecutive Terms as the Board Vice-Chair, but, except as further provided, may be eligible for appointment two years after the end date of the second Term.

- c. A Board Member who has served the maximum two consecutive Terms as Board Chair is eligible to hold the position of Vice-Chair. Likewise, a Board Member who has served the maximum two consecutive Terms as Vice-Chair is eligible to hold the position of Chair. Any Board Member who has served four consecutive Terms in either officer position shall not be eligible to hold an officer position for two years after the expiration of the fourth Term.

d. Chair Pro Tem

1. If both the Chair and Vice Chair (together, the “Chairs”) are absent at any meeting of the Board, the Chairs may select a Chair Pro Tem who shall perform all the duties of the Chair for that specific meeting only.
2. If the Chairs have not selected a Chair Pro Tem, the Board shall select by a majority vote a Chair Pro Tem who shall perform all the duties of the Chair for that specific meeting only.

e. Vacancy of Chair and/or Vice-Chair Position

In the event that either or both the Chair or the Vice-Chair resign as an officer, resign from the Board or are unable to fulfill their term as an officer (i.e. death, illness or some other event that no longer allows them to fulfill the duties of the position of officer to the Board). The Board may hold an election to fill the vacancy at their next regularly scheduled meeting. The procedure for filling either or both officer positions will be the same as outlined in D.8.a.1 and D.8.b.1. Partial terms shall not be counted towards a Board member’s officer term limit.

f. Duties of the Board Secretary

1. The Board Secretary shall be appointed by the Chair.
2. The Board Secretary shall keep a true and correct record of all proceedings of the Board.
3. The Board Secretary shall work with OPS staff to ensure that either Board staff or OPS staff maintains custody of all reports, books, papers, and records of the Board.
4. The role of Board Secretary can be designated to the Board staff by a majority vote of the Board.
5. Perform additional duties as assigned by the OPS Administrator.

9. Orientation and Training

- a. The OPS Administrator in consultation with the Board Chair is responsible for the establishment of an orientation and training program for the Board Members.
- b. The orientation and training program shall include familiarization with the following:
 1. Constitutional and other relevant law on police-citizen encounters, including law on the use of force and stops, searches, and arrests;
 2. Police tactics;
 3. Investigations of police conduct;

4. Bias-free policing;
 5. Policing individuals in crisis;
 6. CDP policies, procedure, and disciplinary rules;
 7. OPS policies, procedure, and rules; and
 8. Community outreach.
 - c. Training and orientation shall be provided by sources both inside and outside of the City (including but not limited to CDP and OPS).
 - d. All Board Members must participate in initial and annual training on topics relevant to Board duties.
10. Structure of Meetings
- a. Meetings
 1. All Board meetings shall be open to the public.
 2. The Board shall establish a regular meeting schedule and shall give public notice of the time and place of the meetings.
 3. The meetings and business of the Board shall be conducted in accordance with the following:
 - 1) The agenda for each meeting will normally be provided to all members in time to be received at least one week prior to regularly scheduled meeting.
 - 2) The agenda for each meeting will be posted on the Board's website.
 - 3) The Board shall keep written minutes of all meetings and a copy shall be filed with OPS. The meeting minutes shall also be posted on the Board's website.
 - 4) Segments of Board meetings that are open to the public shall be recorded. These recordings and any transcription of the recordings shall be maintained by OPS.
 - b. The order of business for Board meetings shall include the following topics in a format that is similar to what is outlined below:
 1. Roll Call.
 2. Approval of Minutes.

3. Special orders of business; announcements; communications.
 4. New business.
 5. Public comment
 6. Report from OPS (including report of new complaints received by OPS on behalf of the Board).
 7. General policy items
 8. Subcommittee reports
 9. Unfinished business
 10. Discussion and consideration of complaints and report.
 11. Recess to executive session (if necessary).
 12. Public meeting shall resume at such time as the Board has concluded these matters authorized to be conducted in Executive Session.
 13. Voting on adjudication of complaints
 14. Adjourn
- c. Special meetings may be held at the call of the Chair or the Vice-Chair in the absence of the Chair. In addition, upon request of a majority of Board Members, the Chair shall call a special meeting of the Board as soon as reasonably possible.
1. Board Members will be given at least seventy-two (72) hours' notice prior to any special meeting.
 2. Notice of a special meeting shall be posted on the Board's website.
 3. No business other than that specified in the special meeting agenda shall be considered.
11. Quorum and Voting
- a. A majority of members currently appointed to the Board shall constitute a quorum.
 - b. The affirmative vote of a majority of members present shall be required to carry a motion, proposal, or recommendation, unless provided otherwise in this Manual.
 - c. Subcommittees

1. The Board, as appropriate, may vote to establish subcommittees. The purpose of the subcommittee must be voted on by the Board.
2. No more than four members of the Board shall serve on any one subcommittee.
3. The Board shall vote to designate the subcommittee Chair and members of each subcommittee.
4. The subcommittee must report to the Board and recommendations from the subcommittee must be presented to the Board. The Board must vote to approve any recommendations from the subcommittee in the same manner as any other motion.
5. Examples of subcommittees may include, but are not limited to, the following:
 - 1) Policy review
 - 2) Continuing education
 - 3) Recruitment and training
 - 4) Outreach
 - 5) Rules

12. Board and OPS Staff

- a. The Board, or the OPS Administrator at the direction of the Board, shall hire and/or appoint support personnel for both OPS and the Board in accordance with the City's Civil Service laws and rules.
- b. The Board Chair shall recommend to the Board the filling of any OPS or Board staff position for approval by the Board; and shall supervise the administrative, clerical, investigative, and other personnel as necessary to discharge the functions of the Board and OPS. Board and OPS staff persons shall follow all laws, rules and regulations relevant to City employees. The Board may delegate supervisory responsibilities of Board and OPS staff to the OPS Administrator.
 1. If the Board requires that new or additional investigative work be performed in any given matter, the Chair may coordinate the execution of such work with the OPS Administrator. Instructions regarding any additional investigative work to be performed at the Board's behest must be provided in writing, to the OPS Administrator.
- c. The OPS Administrator shall ensure that internal office procedures are promulgated and prepare necessary standardized forms for the Board's receipt,

review, and resolution of public complaints. The daily operations of the Board, including complaint review and resolution, shall be managed by the Board Chair or delegated to the OPS Administrator, who shall oversee the regular functioning of the OPS and Board staff assigned to help carry out the duties of the Board.

E. Authority, Jurisdiction, Duties, and Responsibilities

1. Jurisdiction

- a. The Board has the power to receive, cause investigation of, and recommend resolution of any and all non-criminal complaints filed with it, or on its own complaint based on information that comes to its attention alleging misconduct by officers and non-sworn employees of the CDP, regardless of their duty status, when such misconduct is directed toward any person who is not a CDP employee. The Board may direct the OPS Administrator to conduct an investigation of any alleged misconduct including but not limited to, excessive or deadly force by members of the police force.
- b. Under the Charter of the City, the Board has jurisdiction over complaints of misconduct that are made against personnel of CDP. The following provides a non-exhaustive list of the most common complaints received by the Board:
 1. Harassment complaints, to include those alleging biased policing, discrimination, and profiling;
 2. Excessive and Deadly Force complaints;
 3. Unprofessional Behavior/Conduct complaints;
 4. Improper Procedure complaints, including improper arrest, improper citations, and improper searches;
 5. Improper Stop;
 6. Improper Tow;
 7. Service complaints, including insufficient CDP employee service, and no CDP service;
 8. Property complaints, including missing property and damage to property; and
 9. Misconduct related to the receipt of a Uniform Traffic Ticket or Parking infraction Notice if the Parking Infraction Notice was issued by the personnel in CDP.
- c. In determining whether to investigate a complaint, it is improper for the Board or OPS to choose not to investigate particular allegations of police officer or CDP employee misconduct based on the fact or belief that another investigative

agency, including the CDP's Internal Affairs Unit, or that some other non-federal law enforcement agency, is investigating, or has already investigated and concluded that no misconduct or something less serious than the misconduct a complainant alleged took place.

2. Filing Complaints

- a. The Board shall notify OPS of the Board's receipt and acceptance of a complaint and direct the OPS Administrator to commence an investigation.
- b. The Board authorizes OPS to receive complaints on its behalf and to begin investigation of those complaints upon receipt.
- c. The Board, on its own complaint based upon an allegation of misconduct by CDP Members or other information that comes to its attention, may cause an investigation of the incidents.
- d. These investigations will be completed by OPS in accordance with its procedures.
- e. When the Board refers, on its initiative, a complaint to OPS for investigation, OPS will determine whether there is an open IA investigation. When there is an open IA investigation at the time of referral from the Board, OPS will proceed in accordance with paragraph 305 of the OPS Manual.

F. Initial Procedures

1. Transmittal of Cases

- a. OPS shall provide access to the full investigative files of cases that will be considered, discussed, and/or adjudicated by the Board not fewer than fifteen (15) calendar days before the Board convenes to address the case.
 1. OPS will ensure that all Board Members have full access to all investigatory materials related to the case while also ensuring that OPS files will remain secure from inappropriate dissemination or disclosure. The Chair and the OPS Administrator will collaborate in the creation of a protocol, which will ensure both appropriate board access and the ability to maintain the necessary security for OPS files. This protocol will be subject to review and comment by the Board and will require adoption by a majority vote of the Board.
- b. The Investigative File that OPS maintains and that must be made available for Board Members will include, and always in this order, the following:
 1. A cover letter indicating what documents are in the file.
 2. The complaint.

3. The allegations (or "charges") that were (1) suggested by the face of the original complaint alone, and (2) any additional allegations or charges that surfaced during the course of the investigation of the complaint.
4. OPS's recommendations and findings including relevant case law, statutes, and CDP General Police Orders and Procedures.
5. Reports, including but not limited to incident reports, duty reports, and field reports.
6. Audio, visual, or transcripts of interviews of witnesses or parties to the incident.
7. OPS investigator's notes.
8. Wearable Camera System ("WCS") or dashboard video and physical evidence in the investigation.

2. Notice to Complainants

- a. Upon receipt of the Investigative File, the Board or its designee shall notify the complainant and each subject CDP employee. The notice shall advise in writing that the complaint will be considered by the Board; and contain an explanation of the process to be utilized by the Board.
- b. The notice shall state the date, time and location of the scheduled public meeting.
- c. Five days before the public meeting, the Board or its designee shall send another notification to the complainant and the subject CDP employees.
- d. The Board or its designee shall use best efforts to contact the complainant and subject CDP employees, including:
 1. Sending a letter via United States Postal Service to the last known address of the complainant.
 2. Providing written notice to the subject employees through the subject officer's command staff or the subject employee's supervisor.
 3. Electronic mail to the parties, when feasible.
- e. The Board shall make record of notices sent.

G. Review of Complaint, Investigation, and Investigatory Follow-Up

1. Method of Investigation

- a. When reviewing a complaint, Board Members may use any of the methods in this Section.

2. Obtaining Documents and Other Evidence

- a. While reviewing the Investigative File, Board Members may make written inquiries of the OPS Administrator to obtain additional information, documents, or other evidence. Such written inquiries will become part of the OPS Investigative file.
- b. Board Members shall send any questions or requests to OPS as soon as possible but, in any event, at least seventy-two (72) hours before the designated meeting date.
- c. Board Members shall allow complainants or subject employees who are present to speak after the case is called by the Board and the allegations have been presented to the Board by OPS.
- d. Board Members may ask follow-up questions of any person who has addressed the Board.

3. Cooperation and Coordination

- a. In the discharge of its duties, the Board expects complete and prompt cooperation from all employees of the City or the CDP, to include prompt production of all information and records requested, in no case in more than thirty (30) days. The Chair may lodge a formal complaint with the hiring authority of any employee of the City who does not cooperate with the Board in the lawful execution of its duties.
- b. Without interference from the Chief of Police or executive head of the police force, and with the full cooperation of both, OPS must cause, for the Board's benefit, a full and complete investigation to be made of each complaint. The investigation need not be confined to matters set forth in a complaint and may be expanded based upon facts and allegations uncovered in the investigation.

4. Subpoenas

- a. Upon majority vote, and at the request of the OPS Administrator or his or her designee, the Board has the power to subpoena and require the attendance of witnesses, the production of documents, and/or the production of other papers pertinent to its adjudications; and shall have the power to administer oaths.
- b. Prior to issuing any subpoena the Board may notify the Executive Head of the Police Force ("Executive") and the Chief of Police.

H. Hearing Procedures

1. Purpose/Scope of Hearing

- a. The Board shall hear each case during a regularly scheduled meeting at which a quorum of members is present.
- b. The purpose of this hearing is to review the case pursuant to the procedures set forth in this Manual, in order to reach a disposition and a recommendation on corrective action for each allegation identified by OPS or by Board Members during their review and discussion of the case.
- c. The Board shall give weight to the OPS Administrator's recommended disposition, and shall justify in writing any departure from it. However, the Board is not bound by the OPS Administrator's categorization of allegations or recommendations, and shall reach its own conclusions regarding the allegations and appropriate disposition.
 1. Should the Board depart from the OPS Administrator's categorization of allegations contained in the investigative report, the Board shall direct OPS to re-investigate under the new categorization by the Board allowing for due process for the subject CDP employee.

2. Standard of Proof – Dispositions

- a. No finding with respect to an allegation of a case shall be sustained unless it is proven by a preponderance of the evidence. "Preponderance of the evidence" means the greater weight of evidence; for example, based on all of the evidence it is more likely than not that conduct inconsistent with CDP policy, procedure or training has occurred or has not occurred.
- b. For purposes of applying the "preponderance of the evidence" standard of proof, officer performance must be evaluated against the policy, procedure, or training that was in effect on the day that, or during the relevant time period during which, the alleged incident occurred.

3. Standard for Recommendation Regarding Corrective Action

- a. When considering a recommendation regarding corrective action, the Board shall apply a standard of "just cause." In determining whether there is just cause for the recommended corrective action, the Board shall consider all of the following:
 1. Was CDP policy, procedure or training at issue documented and available to CDP officers or employees who were expected to follow it?
 2. Was OPS's investigation of the complaint complete, fair and objective?

3. Was there sufficient evidence to establish by a preponderance of the evidence that the alleged conduct occurred and that it violated a CDP policy, procedure or training?
4. Is the recommended corrective action consistent with the CDP Corrective Action General Police Order in place at the time the conduct occurred?

4. Presentation of Investigations

- a. The Presentation of Investigations shall be open to the public.
- b. The Presentation of Investigations shall consist of the following, which shall be addressed in the following order:
 1. The OPS investigator who was assigned the case and completed the OPS investigator's summary shall provide a list of the allegations investigated by OPS, a summary of their investigation, and the OPS Administrator's recommendations and conclusions to the Board. This summary will not necessarily inventory all evidence and investigatory material but should, at minimum, outline the nature of the complaint, the nature of the allegations involved, and the material evidence and facts established by the investigation.
 2. Following the investigator's summary, Board Members shall pose any questions they may have for OPS relating to the investigation or the recommendations and conclusions.

5. Executive Session

- a. The Board shall enter Executive Session if required by law and may enter Executive Session upon the request of any Board Member if permissible by law. During discussions and deliberations that occur in Executive Session, no individuals or entities who are not either Board Members, Board staff, or Board Legal Counsel may be present in the room unless invited by the Board. The Board may invite the OPS Administrator or his or her designee to remain during executive session deliberations on cases in order to provide advice and consult. The Board shall move from an Executive Session back into a regular, public session only (1) upon completion of consideration of all issues listed in paragraph I.6.c for a case, and (2) upon motion by the Chair or another Board Member.
- b. Board Members have both an opportunity to provide the OPS investigator with questions about investigated cases prior to Board meetings and may also ask the investigator questions during the Presentation of Investigations that occurs before an Executive Session and/or before the Board makes a determination. If questions or issues nonetheless arise for the first time during an Executive Session, the Board may, on motion by the Chair or another Board Member, vote on tabling deliberation and/or adjudication of a case in order to pose the question(s) or issue(s) to OPS. The Board may return to public session to make additional

inquiries of OPS and then return to conclude its deliberations immediately thereafter.

1. If deliberation or consideration of any case is tabled in order for the Board to follow up with an OPS investigator on a question or issue, the deliberation or consideration of that case will continue at the earliest opportunity, or in any event no later than at the start of the Board's next meeting, whether regularly-scheduled or otherwise.

6. Board Discussions

- a. The Chair or Vice Chair shall begin the discussion of the case. The objective of this discussion is to allow each Board Member to reach a conclusion, by a preponderance of evidence, regarding the appropriate case disposition.
- b. Board discussions shall address the following:
 1. Investigations and evidence that tend to support OPS's recommendation;
 2. Investigations and evidence that tend to not support OPS's recommendation;
 3. The relevant case law, statutes, and CDP policies, procedures and training;
 4. Whether the OPS investigation tends to support the allegation by a preponderance of the evidence. The "preponderance of the evidence" means that, based on all of the evidence, it is more likely than not that a violation has occurred;
 5. Individual Board Member recommendations.
- c. The Board shall conclude the deliberation of each case only (1) upon consideration of all issues listed above, and (2) upon motion by the Chair or another Board Member.

7. Adjudication of Cases

- a. After consideration of each case, the Board shall move into the voting process.
- b. Categories of Dispositions
 1. The Board shall vote on a recommendation of one of the following findings for each allegation:
 - 1) **Sustained:** Preponderance of the evidence supports a finding that the alleged conduct occurred and the officer's actions were inconsistent with law or CDP policy, procedure, or training. A complaint may be "sustained in part" if the investigation revealed sufficient evidence to support a finding of a policy violation on one or more, but not all of

the complainant's allegations. A complaint may also be "sustained for a violation not based on original complaint" if the investigation reveals evidence of misconduct that was not included in the complainant's original allegation but arose out of the incident that is the subject of the complaint.

- 2) **Exonerated:** Preponderance of the evidence supports a finding that the alleged conduct occurred but the officer's actions were consistent with law or CDP policy, procedure or training.
- 3) **Unfounded:** Preponderance of the evidence supports a finding that the alleged conduct did not occur.
- 4) **Insufficient Evidence:** Preponderance of the evidence fails to establish whether or not the conduct occurred.

c. Standard for Disposition

1. The Board shall apply the "preponderance of evidence" standard of proof, set forth in Section (I)(2), to each and all of the allegations identified in the investigative file.

d. Voting

1. Disposition votes shall be public.
2. Decisions of the Board shall be made by a majority vote.
3. If a majority vote cannot be achieved, the Board will recess the case until its next meeting and deliberate anew.

8. Recommendations Regarding Corrective Action

- a. Where the Board reaches an adjudication of "Sustained" on one or more allegations, the Board will subsequently deliberate on a recommendation regarding appropriate corrective action.
- b. Potential corrective action includes re-training, a non-disciplinary letter of re-instruction, counseling from a supervisor, suspension, demotion, termination, or other action that may be appropriate to address the violation.
- c. To determine the recommended corrective action, the Board shall refer to the relevant Corrective Action General Police Order and/or other relevant General Police Orders addressing corrective action, re-training, supervisory intervention, or other remedial action for misconduct or deficient performance. The Board shall make recommendations consistent with and not materially deviating from,

the Corrective Action General Police Order and/or other relevant General Police Orders.

- d. If the Board finds a sustained allegation that is for racist, sexist, anti-LGBTQ+, anti-immigrant, national origin based, or otherwise bigoted conduct, slurs or language used in the course and scope of employment or, if the officer or CDP employee's language is on a matter of public concern, where that officer or CDP employee's interest in commenting on matters of public concern does not outweigh the City's interests, as an employer, in promoting the efficiency of public services it performs through its employees, termination will be the presumed corrective action. Factors to weigh when considering the language include whether it:
 1. Impairs corrective action by superiors or harmony among co-workers;
 2. Has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary;
 3. Impedes the performance of the officer or employee's duties or interferes with the regular operation of the enterprise, or
 4. Undermines the City or CDP's mission.
- e. Guidance for assessing these factors include:
 1. Whether inaction by the City could possibly be seen as an endorsement of the speech and impair future corrective action for similar derogatory statements;
 2. Whether the language is reasonably likely to have a detrimental impact on close working relationships within the police force or undermine trust;
 3. The need to preserve the appearance of impartiality, the role and responsibilities of the CDP officers and employees, and
 4. When the role is public facing whether the danger to successful function of CDP will increase. This includes making a reasonable prediction about whether the language, when known to the public, would harm CDP's mission; or undermine the community's respect, trust, or perception that the police enforce the law fairly, even-handedly, and without bias.
- f. In its deliberations on its disciplinary recommendations, the Board will determine the disciplinary group found in the disciplinary matrix to be recommended to the Chief of Police or the Executive. In unusual cases where the Board concludes that the corrective action imposed should be at the high or low end of the range of the disciplinary matrix group, the Board may recommend a specific corrective action such as a specific length of suspension to be served, termination or demotion, verbal counseling, letter of re-instruction or remedial training.

g. The Board shall conclude the deliberation regarding corrective action only upon motion by the Chair or another Board Member.

h. Voting

1. Disposition votes regarding corrective action shall be public.

2. Decisions of the Board regarding recommendations on corrective action shall be made by majority vote. In the event a majority of the Board cannot agree on a particular corrective action, the Board Secretary will prepare an explanation of the votes cast by each Board member for the Board's final summary.

9. Regarding Training/Policy Changes

a. In addition to recommending corrective action for CDP officers and employees, the Board shall consider, and include in the Final Summary described below in subsection 11, whether a complaint suggests that CDP should promulgate or revise its policies, rules, and regulations.

b. A copy of the Board's recommendation to CDP regarding promulgating or revising its policies, rules, and regulations shall be sent to the Executive and Chief of Police who shall distribute to the relevant units with a copy to the Community Police Commission ("CPC"), and must notify the complainant that it has done so. If the complainant is not known the copy will stay in the OPS file.

10. Commendations

a. During review and consideration of investigations, Board Members may identify officer or employee performance that is commendable, superior, and noteworthy or otherwise deserving of special and positive recognition. In such circumstances, a Board Member may move that the Board issue a commendation.

b. If a majority of the Board votes to approve the motion, the Board's Chair will provide a written commendation of the identified officer or employee's performance to the Chief of Police and Executive.

11. Final Summary

a. Board staff, under the direction of the Chair or designee, shall prepare a Final Summary with respect to each case or matter under consideration which shall include: (1) the names of Board or panel members who reviewed the case; (2) the final vote for each recommended disposition; (3) an explanation that outlines with sufficient detail the following:

1. The relevant case law, statutes, and CDP policies and procedures;

2. Evidence supporting the Board's recommendation; and

3. Justification for any departure from OPS's recommended allegation and disposition; if the Board "sustains" any allegation, it must include the Board's recommendation regarding corrective action. If there is a recommendation regarding corrective action, the following statement must be included: In reaching this recommendation, the Board has determined that it is consistent with CDP's disciplinary matrix.
- b. The Final Summary shall include the Board's disposition and, where applicable, recommended corrective action, and a brief outline of the evidence that the Board concluded tended to support the disposition and/or recommendation. If the Board's recommended disposition departs from OPS's recommended disposition, the Final Summary shall also include a written justification for the departure. The Summary may also include a recommendation that the incident suggests that CDP should revise its policies, strategies, tactics, or training.

I. Special Procedures for Administrative Dismissal

1. Assignment of Cases

- a. On an interim basis, cases in which OPS has initiated a disposition of "Administrative Dismissal" shall be reviewed by the Board upon a timely request for review ("appeal") by a complainant. In order to facilitate this process, OPS shall include in every disposition letter where a complaint has been administratively dismissed, notice to the complainant of their right to request a review by the Board within fifteen (15) days of the date of receipt of the OPS notice.
- b. During the pendency of the Consent Decree between the United States and City addressing the performance of CDP, ongoing reviews and audits of the Administrative Dismissal process will be conducted by the Monitoring Team to ensure compliance with OPS policies and the Consent Decree.

2. Eligibility for Administrative Dismissal

- a. Only the following types of complaints may be Administratively Dismissed:
 1. Complaints disputing traffic citations, except that allegations of misconduct contained in such complaints (e.g., racial profiling, illegal search, search, excessive force) will be classified and investigated according to their merits;
 2. Complaints alleging a delay in police services where the preliminary investigation demonstrates that the delay was due to workload, or was otherwise unavoidable;
 3. Complaints regarding off-duty conduct, unless the employee is working secondary employment, or the alleged conduct, or its effects, are inconsistent with law or CDP policy, procedure, or training or have a substantial nexus to the officer's City employment; and

4. Complaints in which the preliminary investigation demonstrates that the officer was not an employee of CDP at the time the conduct occurred, or where the identity of the employee cannot be determined despite the best efforts of OPS.
- b. Complaints that allege other types of conduct cannot be disposed of via the Administrative Dismissal process.

J. Board Post-Hearing Procedures

1. Notice Regarding a disposition of “Insufficient Evidence”, “Unfounded”, or “Exonerated”
 - a. In cases adjudicated by the Board, where the Board determines that the complaint warrants no action the Board will direct OPS to provide a timely written explanation to the complainant and the subject employee(s), outlining the reasoning behind the Board's decision to issue findings of "insufficient evidence," "unfounded" or "exonerated."
2. Notice Regarding a disposition of “Sustained”
 - a. Notice to Complainant and Subject CDP Employee
 1. In cases adjudicated by the Board, where the Board determines that the complaint is sustained in whole or in part, the notice shall contain written notice that the complaint was considered by the Board and the date of that hearing; and an explanation of the process utilized by the Board.
 2. The notice shall include:
 - 1) The date, time and location of the hearing.
 - 2) The nature of the Board's conclusions and recommendations
 - 3) An explanation of the evidence that both tended to support and tended not to support the conclusion.
 - 4) Information on whether there will be further proceedings related to the complaint, such as referral of the matter to the Chief of Police or Executive for a hearing and possible imposition of corrective action.
 - 5) In the event the matter is referred to the Chief of Police or Executive for a hearing, the notice shall inform the complainants of their right to submit a Personal Statement to be part of the Board's Final Summary in accordance with CPRB Manual Section K(2).

3. OPS shall use best effort to contact the complainant and subject employees, including:
 - 1) Sending a letter via United States Postal Service to the last known address of the complainant;
 - 2) Providing written notice to subject employees through the subject officers' command staff or the subject employees' supervisor; and
 - 3) Electronic mail to the parties, when feasible.
- b. Forwarding of Findings to the Chief of Police
 1. Upon completion of a hearing, the Board or its designee shall deliver its Final Summary prepared for each complaint adjudicated as "Sustained" to the Executive or Chief, as appropriate, within fourteen (14) calendar days.
 2. The Executive or Chief shall hold a due process hearing, as required by law, at which involved officers may present testimony or other evidence.

K. Action Following Executive or Chief's Hearing

1. Notice to the Board of Hearing Outcome
 - a. The Executive or Chief will notify the Board of the outcome of the hearing, including the disposition and any corrective action to be imposed within ten (10) days of receiving the Board's Final Summary.
 1. The Executive or Chief must presume the Board's Final Summary is correct and defer to the Board's Final Summary.
 - 1) If the Executive or Chief agrees with the Board's Final Summary, the Executive or Chief will notify the Board in writing and impose at least the minimum corrective action that the Board has recommended; or
 - 2) If the Executive or Chief believes that there is clear and convincing evidence that exists that would justify disregarding or modifying the Board's Final Summary, the Executive or Chief must notify the Board in writing, detailing the reasons and providing the Board with the clear and convincing evidence justifying the decision; or
 - 3) If the Executive or Chief agrees in part with the Board's Final Summary, the Executive or Chief will notify the Board in writing of the disposition and impose at least the minimum corrective action for those sections of the Final Summary the Executive or Chief agrees with; and for the portions of the Final Summary that the Executive or

Chief believes there is clear and convincing evidence that exists that would justify disregarding or modifying a portion of the Board's Final Summary, the Executive or Chief must notify the Board in writing, detailing the reasons and provide the Board with the clear and convincing evidence justifying the decision.

- b. The Executive or Chief cannot use precedents, patterns or practices, and corrective action predating the November 21, 2021 amendments to the City's Charter to constitute clear and convincing evidence justifying any decision to impose lesser or no corrective action than what the Board recommends.

2. Overriding Departure by the Executive or Chief

- a. The Chair of the Board or his/her designee will present to the Board the Executive's or Chief's disposition of the cases heard at the first Board meeting following receipt of the Executive's or Chief's disposition.
- b. Where the Executive or Chief departs from the Board's Final Summary, whether in whole or in part, the Board may, in its discretion, overrule the Executive or Chief and order either of them to impose the corrective action on the subject CDP employee as recommended, up to and including termination pursuant to Charter Section 115-4 and in accordance with Charter Section 119.

1. If any member of the Board believes that the Executive's or Chief's written explanation fails to support the departure with clear and convincing evidence, and that there is just cause for the Board's original recommendation regarding corrective action, including suspension, demotion or termination, then the Board Member shall move for the Board to vote to overrule the Executive's or Chief's disposition and to impose the corrective action outlined in the Board's Final Summary pursuant to Charter Section 115-4 and in accordance with Charter Section 119.

- 1) Board Members must closely review and consider the disciplinary letter, OPS investigative file, and the content of any clear and convincing evidence provided by the Executive or Chief that was presented at the Executive's or Chief's hearing of the subject CDP employee.

- The Board Members must determine (i) whether the submitted evidence and explanation for the departure satisfies the burden of proof, which is clear and convincing evidence, and (ii) whether there is still just cause to make a finding and/or impose corrective action in light of the explanation for the departure.

- 2) If the Board determines (i) the Chief's or Executive's departure does not satisfy the "clear and convincing" burden of proof and (ii) there is just cause to impose its original determination regarding corrective action, the Board shall prepare an Amended Final Summary

explaining its rationale. The Board's Secretary will send the Amended Final Summary to the Executive with a copy to the Chief. The Amended Final Summary will constitute a formal certification in writing of the Board's determination, to the Executive or Chief.

- c. If the Board agrees with the clear and convincing evidence provided by the Executive or Chief, the Board shall vote to accept the Executive's or Chief's disposition and close the case.
- d. The Executive or Chief must then comply with the Board's determination.

3. Notice to Complainant and Subject CDP Employee

- a. The Board shall cause OPS to notify the complainant and subject CDP employee(s) regarding the Executive or Chief's determination. The complainant and subject CDP employee(s) shall be notified no later than ten (10) days following the Board's next regular meeting.
 - 1. For cases where the Executive or Chief agreed with the Board's determination, the notice shall include the Board's Final Summary.
 - 2. For cases where the Board overrules, in whole or in part, the Executive's or Chief's departure, the notice shall include the Board's Amended Final Summary.

4. Complainant's Rights

- a. The Board must timely and consistently notify complainants of the status progress and disposition of their complaints, and afford complainants the right to be heard in every step of the disciplinary process. This notification will come through OPS.
- b. The Board is only responsible for those notifications that are related to OPS investigations, Board proceedings, and hearings over which the Chief presides.
- c. The Board will inform the Complainant that upon the Board's final determination (closing of the file/case) the Complainant may seek review by the CPC in accordance with the rules and procedures established by the CPC.

5. Board's Additional Authority

- a. The Board may take legal action to enforce all terms in all Charter sections relating to the Board.
- b. The Board may opt, if it deems the Director of Law to have a conflict of interest, to engage outside counsel at the Department of Law's expense.

L. Amendment to Operating Manual, Procedure and Rules

1. The rules contained within this Operating Manual, and the procedures and rules outlined here, may only be modified, revised, amended, replaced, or otherwise changed via the following process:
 - a. A Board Member must place an amendment of the Operating Manual on the Board agenda.
 - b. The Manual amendment must be read and discussed as part of the agenda of a regular Board Meeting at least one regular meeting prior to the amendment being the subject of a vote.
 2. For a proposed amendment to the Manual to become effective, two-thirds of the members of the Board (i.e., 6 out of 9 members) must vote in favor.
- M.** The rules in the Manual take effect fifteen (15) days after their publication in the City Record.
- N.** During the pendency of the Consent Decree between the United States and the City addressing the performance of CDP and related organizations and systems, any and all modifications, revisions, amendments, replacements, or other changes to this Manual must be approved by the Court overseeing implementation of the Decree.

EXHIBIT A



OFFICE OF PROFESSIONAL STANDARDS

CLEVELAND, OHIO

OPERATING MANUAL AND PROCEDURES

INTRODUCTORY MATTERS

1. Pursuant to the 2021 amendment to the City of Cleveland Charter, the Office of Professional Standards is now under the supervision of the Civilian Police Review Board (the “Board”). The Board has full authority over the Office of Professional Standards’ operations and organization, including, but not limited to, employment, structure, budget, and disciplinary matters.
2. **MANUAL OBJECTIVE.** The purpose of this Operations Manual (the “Manual”) is to provide the Office of Professional Standards (“OPS”) Investigators and staff, Cleveland Division of Police (“CDP” or “Division”) employees, and the general Cleveland community with the express standards, expectations, and processes for the receipt and investigation of public complaints about police performance or conduct regarding CDP employees.

3. **DEFINITIONS.**

“Allegation” refers to a charge or claim made by a complainant that, if established as true, could constitute a violation of a specific provision of CDP policy.

“Relevant” means evidence having a tendency to make the existence of any fact that is of consequence to the investigation of a given complaint more probable or less probable than it would otherwise be without the evidence.

“Timely” means within a reasonable span of time in light of the circumstances.

“Members” refers to sworn officers and non-sworn employees employed by CDP.

100. MISSION, JURISDICTION, ETHICAL & EMPLOYMENT REQUIREMENTS

101. **MISSION.** To ensure constitutional, lawful, accountable, effective, and respectful policing, and to have a safe community, there must be trust between police and those they serve. For that reason, the City of Cleveland (the “City”) established the Office of Professional Standards (“OPS”), an agency within the City and independent of CDP, for the purpose of investigating non-criminal complaints filed by the public against sworn and non-sworn CDP employees (“Members”) subject to OPS Manual Section 304. OPS is not a part of CDP. OPS is a separate agency, under the supervision of the Board, charged with providing civilian oversight of CDP.

The mission of OPS is to increase accountability and improve public confidence in the police by fairly, thoroughly, objectively, and timely investigating any complaints against CDP employees that it receives, and presenting investigations on these complaints to the Civilian Police Review Board.

As part of its mission, OPS is also empowered to make policy recommendations that will improve the citizen complaint process, increase understanding between the public and CDP employees, clarify CDP training and procedures, reduce the incidence of misconduct and reduce the risk of the use of force by CDP officers. OPS investigations are to be conducted in a fair, objective, impartial, timely, and comprehensive manner by the OPS investigative staff, which is composed entirely of civilian employees. OPS is committed to providing the community with an accessible and safe environment in which to file complaints.

102. JURISDICTION. Under the Charter of the City (§ 115-1, 115-4), OPS must cause, for the Board's benefit, a full and complete investigation to be made of each complaint. The investigation need not be confined to matters set forth in the complaint and may expand based upon facts and allegations uncovered in the investigation. The following provides a non- exhaustive list of the kind of complaints received by OPS for investigation:
- i. Harassment complaints, to include those alleging biased policing, discrimination, profiling;
 - ii. Excessive and Deadly Force complaints;
 - iii. Unprofessional Behavior/Conduct complaints;
 - iv. Improper Procedure complaints, including improper arrest, improper citations, and improper search;
 - v. Improper Stop;
 - vi. Improper Tow;
 - vii. Service complaints, including insufficient CDP employee service, and no CDP service;
 - viii. Property complaints, including missing property and damage to property; and
 - ix. Misconduct related to the receipt of a Uniform Traffic Ticket or Parking Infraction Notice if the Parking Infraction Notice was issued by CDP personnel.
103. ETHICAL REQUIREMENTS.
- a) All OPS employees, staff, contractors, or other agents must acquit themselves of the duties outlined here in a manner that is consistent with the following statement of ethics (adopted from the National Association for Civilian Oversight of Law Enforcement ("NACOLE") Code of Ethics). (See Attachment A.)
 - i. OPS employees and staff have a unique role as public servants overseeing the conduct of law enforcement officers. The community, government, and law enforcement agencies have entrusted OPS personnel to conduct their work in a professional, fair and impartial manner. This trust is earned through a firm commitment to the public good, the mission of the OPS, and to the ethical and professional standards described herein.
 - ii. These standards are intended to be of general application. The spirit of these ethical and professional standards should guide OPS employees and staff in adapting to individual circumstances, and in promoting public trust, integrity and transparency.
 - iii. **Personal Integrity:** OPS employees and staff will demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among OPS stakeholders, and to set an example for others.
 - iv. **Avoid Conflicts of Interest:** OPS employees and staff are expected to conduct themselves in a fair and impartial manner and recuse themselves when significant conflicts of interest arise. OPS personnel will not accept gifts, gratuities or favors that

could compromise their impartiality and independence or that have a substantial and improper influence upon the performance of his or her duties. As public officials, OPS employees are bound by City and State ethics laws.

- v. **Independent and Thorough Oversight:** OPS employees and staff are expected to conduct all investigations and reviews with diligence, an open and questioning mind, integrity, objectivity, and fairness, in a timely manner. OPS employees and staff are expected to rigorously test the accuracy and reliability of information from all sources and consider and present facts and findings without regard to personal beliefs or concern for personal, professional or political consequences.
 - vi. **Transparency and Confidentiality:** OPS employees and staff are expected to conduct their activities openly and transparently (as permitted by applicable policy and law), to include providing explanation of OPS and Board procedures and practices to as wide an audience as possible. OPS employees and staff must maintain the confidentiality of information that cannot be disclosed by law and policy and protect the security of confidential records.
 - vii. **Respectful and Unbiased Treatment:** OPS employees and staff must treat all individuals with dignity and respect, and without preference or discrimination including but not limited to the following protected classes: age, ethnicity, culture, race, disability, gender, gender identity, religion, sexual orientation, socioeconomic status, or political beliefs.
 - viii. **Outreach and Relationships with Stakeholders:** OPS employees and staff are expected to disseminate information and conduct outreach activity in the community as permitted by law and policy. OPS employees and staff shall pursue open, candid, and non-defensive dialogue with all stakeholders and seek to educate and learn from the community.
 - ix. **Self-examination and Commitment to Policy Review:** OPS employees and staff should seek continuous improvement in the effectiveness of civilian oversight of law enforcement programs in Cleveland. OPS employees and staff gauge their effectiveness through evaluation and analysis of their work product and seek to emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.
 - x. **Professional Excellence:** OPS employees and staff should seek professional development to ensure competence. OPS employees and staff should seek to acquire the necessary knowledge and understanding of the policies, procedures and practices of the CDP and the Department of Public Safety and keep informed of current legal, professional and social issues that affect the community, CDP, OPS, and the Board.
 - xi. **Primary Obligation to the Community:** At all times, OPS employees and staff should place their obligation to the community and their duty to uphold the law, goals, and objectives of OPS, above personal self-interest.
- b) All OPS employees, staff, contractors, or other agents have an affirmative duty to ensure that all OPS investigations are fair, thorough, unbiased, comprehensive, and timely. This includes taking all reasonable steps to ensure the following:

- i. **Independence:** The integrity of the accountability process relies on the independence of OPS. No CDP personnel will have any active role in OPS investigations. OPS will not allow CDP personnel to participate in OPS functions for the purposes of influencing the outcome of OPS investigations or operations. With respect to any OPS investigation or other OPS matter, OPS employees take direction from the OPS Administrator and other OPS supervisors, not CDP command staff or supervisors.
 - ii. **Confidentiality:** OPS personnel must maintain the highest degree of confidentiality concerning matters related to OPS complaints and investigations. Only the OPS Administrator or his/her designee is authorized to disclose or confirm to anyone outside of OPS, other than authorized CDP personnel and the Board, whether a complaint has been made or an investigation is being conducted, including the identity of complainants and names of witnesses and employees. Complaint and investigative information must not be left unattended in areas accessible by non-OPS personnel. OPS personnel will be required to sign an agreement regarding confidentiality. The OPS Administrator may authorize appropriate OPS personnel to make public announcements to locate potential witnesses to incidents under investigation by OPS. The OPS Administrator shall refer any request for a copy of an OPS investigation file(s) or any individual component of an OPS investigative file to the City's Public Records Portal so the requestor can make a public records request.
 - iii. **Avoid Conflicts of Interest:** Any potential, actual, or apparent conflict of interest with the parties or subject matter in any investigation should immediately be brought to the attention of the OPS Administrator, Senior Investigator, or other such OPS supervisor. If any relationship or previous experience with anyone involved in a complaint might materially impact (or have the appearance of impacting) neutrality in handling OPS matters, the issue of whether a conflict exists should be reviewed and decided by OPS supervisors. Final determination in such cases, to include re-assignment of the investigation where deemed appropriate, rests solely with the OPS Administrator.
- c) OPS will treat all individuals with dignity and respect, and without preference, bias, or discrimination.

104. **EMPLOYMENT REQUIREMENTS.** No OPS personnel may be current or former Members of CDP.

All OPS employees are employees of the City and therefore subject to all City Human Resources policies and procedures including, but not limited to, those listed in the HR Policies and Workplace Policies manuals and the City Civil Service Commission Rules.

105. **BUDGET.** The Board and OPS will have a budget separate from the Department of Public Safety's budget. The Board and OPS must receive a combined budget totaling at least 1.0% of the budget allocated to CDP pursuant to Charter Section 115-2¹.

The OPS Administrator shall prepare the Board's and OPS's budgets on behalf of, and with guidance from, the Board. The OPS Administrator shall present the budgets to the Board for approval by vote.

¹ For operational purposes, CPRB and OPS have two separate budgets, each of which is separate from the Department of Public Safety's budget. Those combined budgets are derived from the allocated 1% outlined in Charter Section 115-4.

Any employment positions described or outlined in Section 900 below are subject to change without having to be approved by the Court based upon the approved budget by City Council or the necessary organizational/operational needs of the office.

106. **CDP PERSONNEL COOPERATION WITH OPS INVESTIGATIONS.** Pursuant to Division policy, CDP personnel who have witnessed, participated, or otherwise have first hand knowledge of an incident subject to an OPS complaint are required to cooperate with the OPS investigation. CDP personnel may be asked to respond to OPS questions, either written, or asked in an interview. The failure to fully, fairly, truthfully, and timely cooperate with an OPS investigation may result in employment consequences, up to and including termination. As such, OPS employees must bring any false statements or material omissions on the part of a CDP employee to the attention of the OPS Administrator who will, in turn, bring such information to the attention of the Chief of Police and the Director of Public Safety.
107. **NO RETALIATION.** Retaliation in any form by CDP Members or other City employees against individuals for the filing of a complaint, or for participation in the complaint, investigation, or adjudicative process is strictly prohibited by both the City and CDP and may constitute grounds for discipline. Actions which would be considered retaliatory can take many forms, including, but not limited to, the malicious filing of a criminal or civil action, threats or harassment in any form, undertaking any adverse action against any person involved in the filing, investigation, or adjudication of a complaint, or decisions affecting an employee's hiring, promotion or assignment. Retaliation, in addition to violating City and CDP policy, may also be a crime warranting criminal investigation by an appropriate authority.

If OPS personnel are made aware of facts indicating possible retaliation by CDP Members or other City employees against a complainant, witness, OPS employee, or Board member, the OPS personnel shall immediately bring such facts to the attention of the OPS Administrator who will immediately inform the Board Chair and the Director of Law.

200. GENERAL INTAKE PROCESS

201. **OBJECTIVE OF THE INTAKE AND COMPLAINT DOCUMENTATION PROCESS.** Regardless of the manner in which a complaint, inquiry, or concern is presented, OPS shall thoroughly document and track all complainant contacts regardless of whether a formal complaint investigation results. The purpose of this documentation is to ensure that thorough and accurate information is captured pertaining to contacts, the basis for such contacts, and the manner in which OPS responds to or otherwise resolves a person's complaint, inquiry, or concerns.

The process undertaken by OPS to properly address complaints brought by a citizen against a CDP employee for misconduct or, pursuant to Charter Section 115-3, by the Board on its own complaint typically has three distinct phases: (1) the intake phase, (2) the investigative phase, and (3) the adjudication phase. Subsequent sections of this Manual specifically address the second (Sections 400 - 700) and third (Section 800) phases of the OPS process.

The purpose of the initial intake stage is to capture relevant citizen and Board generated contact information and to conduct an initial assessment of the complaint solely to determine whether it falls within the purview of OPS's jurisdiction and investigative authority.

202. **DOCUMENTATION OF ALL CITIZEN CONTACTS.** All citizen, Board identified, and/or community contacts, regardless of whether the contact results in a complaint being made against

CDP employees or relates to a complaint that has been previously made against CDP employees, will be thoroughly, timely, and accurately documented using the Intake Reporting Form. (See Appendix B).

Every effort will be made to ensure that the Intake Reporting Form is completed in its entirety. If a citizen refuses to provide information that is prompted by the various elements contained within the report, the OPS employee completing the report will enter “DECLINED TO PROVIDE” (“DTP”) in the appropriate space.

203. **ASSIGNMENT OF CONTACT NUMBER.** Upon completion of the Intake Reporting Form, an OPS contact number will be assigned and the citizen’s name, contact information, the name of the OPS representative completing the form, and the referral or disposition information shall be entered into OPS’s IAPro database (the “IAPro database” or “database”) for electronic tracking purposes. The OPS Administrator or his/her designee will review the form to ensure that it is complete and accurate, and the matter falls within OPS’s jurisdiction. The Intake Reporting Form shall be scanned into the IAPro database and a hard copy shall be maintained at OPS in accordance with state records retention laws.
204. **CONTACTS CLASSIFIED AS COMPLAINTS.** In instances where the facts as alleged taken with all reasonable inferences would, if established as true, constitute misconduct, citizen contacts may be properly classified as a “complaint.”

Where a contact articulates a complaint, the Intake Reporting Form shall be assigned an OPS complaint number and handled in accordance with the complaint procedures set out in this Manual. The contact number shall be cross referenced with the complaint number in the database, and a copy of the Intake Reporting Form shall be maintained in the OPS investigative file.

OPS shall consider whether a claim, if true, would constitute a complaint of misconduct against CDP personnel. For purposes of any jurisdictional determination or inquiry, OPS shall not make any determinations about or otherwise consider the truthfulness, adequacy, plausibility, or credibility of any claims, allegations, or facts asserted. Instead, OPS shall consider only whether the claims, if true, would give rise to a complaint that OPS is authorized to investigate.

205. **CONTACTS NOT CONSTITUTING A COMPLAINT OR OUTSIDE THE JURISDICTION OF OPS.** Some contacts may involve claims or allegations that do not constitute a complaint of misconduct. In such instances, the claims may, upon the complainant’s approval, be forwarded to the entity that is best suited to handle or otherwise address the nature of the complainant’s concern, and/or the complainant shall be provided the information necessary to contact the appropriate entity. The forwarding of these claims to the appropriate entity shall be done with the complainant’s approval within three (3) business days from a determination that the complaint falls outside the jurisdiction of OPS. Notwithstanding anything in this section, complainant approval shall not be required for forwarding of alleged criminal claims in an OPS complaint, pursuant to section 304.

Inquiries regarding police policy, procedure, or service delivery that are not within OPS’s jurisdiction, shall, upon the citizen’s approval, be forwarded to the appropriate element within CDP for resolution. Upon confirming such approval, the OPS Administrator or his/her designated representative shall provide the citizen the information necessary to contact the appropriate entity for information. A copy of the Intake Reporting Form shall be forwarded to the Internal Affairs

Unit in a timely fashion. If the citizen does not approve forwarding of the inquiry to the appropriate element within CDP for resolution, the fact that the citizen declined the forwarding shall be logged into the IAPro database. In cases where the citizen declines to have information forwarded, the OPS Administrator may approve forwarding the inquiry to CDP for information only while protecting the identity of the citizen.

206. **DUTY TO UPDATE COMPLAINANTS.** A complainant may contact OPS at any time to determine the status of his or her complaint. OPS must provide a complainant inquiring about the status of his or her complaint with as much information as is feasible given the progress and/or status of the investigation.
207. **PREPARATION OF MONTHLY STATISTICAL REPORT REGARDING INTAKE PROCESS.** The OPS Administrator or his/her designee shall prepare a monthly statistical report regarding the Intake reporting process that delineates information in the following manner: contacts that result in a complaint investigation delineated by CDP district, unit, or bureau; inquiries regarding police policy, procedure, or service delivery that do not rise to the level of a complaint delineated by CDP district, unit, or bureau; and contacts that are outside OPS jurisdiction and are referred to agencies other than CDP for additional follow up. The OPS Administrator shall forward this report to the Board and the City's Director of Public Safety. The OPS Administrator shall assess the monthly statistical report for patterns and trends and make recommendations to CDP where warranted.

300. COMPLAINT INTAKE

301. **COMPLAINTS.** Matters come to the attention of OPS in a variety of ways. Anyone, other than a CPD Member, may file a complaint with OPS, including but not limited to the subject of a police incident, recipient of police service, a witness to a police incident, a bystander of police service, a third party (such as a parent or spouse of the subject), a legal representative, an anonymous subject, the OPS Administrator, the Board or the Cleveland Community Police Commission ("CPC").

Every complaint shall be logged on a complaint form. The OPS complaint form shall not contain any language that could reasonably be construed as discouraging the filing of a complaint, including but not limited to warnings about the potential criminal consequences of filing false complaints. Nor shall OPS intake staff attempt to dissuade anyone from the filing of a complaint. Complaint forms, as well as all related informational materials, will be made available, at a minimum, in English and Spanish. OPS will provide a qualified interpreter for those individuals who have limited English proficiency and those who are deaf or hearing impaired or ensure that complainants who speak other languages (including sign language) and have limited English proficiency can file complaints in their preferred language. The fact that a complainant does not speak, read, or write English, or is deaf or hearing impaired, will not and cannot be grounds to decline to accept or investigate a complaint. Complaint forms will be made available at the OPS office and distributed by OPS on a regular basis to the following locations to ensure the accessibility of the complaint process to the community:

- The five (5) CDP District Stations, and
- The CDP Patrol Division (to make available to all CDP officers traveling in a Zone Car).

In addition, Complaint forms will be available for downloading from the OPS webpage. Complaint forms will also be made available, upon request by postal mail or facsimile, or electronically via email. OPS will make complaint forms available online, either in a fillable format that may be mailed to OPS or that may be electronically submitted. Completed complaint forms may be submitted to OPS in person, by phone, by postal mail, facsimile, or electronically. Complaints also may be submitted at any of the five (5) CDP District Stations. The citizen should be able to obtain assistance in completing the form at OPS or any other location where the complaint form may be obtained. Complaint forms filed at CDP District Stations are expected to be forwarded to OPS via electronic mail within twenty-four (24) hours of filing. Nothing within this provision removes OPS's obligation to take anonymous complaints, unsigned complaints, third party complaints, or complaints received by any electronic or written format regardless of how the complaint is received or otherwise transmitted. The current hard-copy OPS complaint form is in triplicate form. (See Appendix C). The white copy is the original and is maintained at OPS. The yellow copy is designated for the CDP District of the location where the incident occurred. When a complaint is filed at OPS, the complainant will receive the pink copy of his or her complaint. When a complaint form is filed at all other locations, a copy will be sent to the complainant once it is received by OPS.

302. DUTIES OF OPS UPON RECEIVING A COMPLAINT.

- a) EXPLANATION OF COMPLAINT PROCESS TO COMPLAINANT. Any OPS employee or staff charged with interacting with individuals who come to the OPS office will fully explain the complaint process to those individuals who make contact and are interested in filing a complaint. OPS will provide a qualified interpreter for those individuals who have limited English proficiency and for those who are deaf or hearing impaired. OPS shall not request that friends or family members serve as translators or interpreters; however, OPS shall not object if a citizen requests that a friend or family member provide such assistance. OPS will ensure that all individuals with any sort of disability are reasonably accommodated.
- b) WALK-IN COMPLAINTS. For individuals who walk-in to make complaints in person at the OPS office, the OPS Intake Coordinator shall check the IAPro database to determine whether the individual has already filed a complaint about the allegation with OPS. If no complaint has been filed, then an assigned Investigator shall offer to interview the complainant at that time. If the complainant agrees to be interviewed and an interview takes place, the interview shall be conducted in accordance with Section 400 of this Manual.

OPS staff must provide a written statement form, (see Appendix D), a "Rights and Responsibilities" form, (see Appendix E), and a document that details OPS/Board investigation and adjudication processes to those persons who file or are interested in filing an OPS complaint. When a walk-in complainant alleges excessive force or injuries resulting from contact with a CDP employee, the Intake Coordinator or an assigned Investigator will take steps to properly photograph and document any and all injuries and request that a Release of Medical Information Form be signed. (See Appendix F). If the walk-in complainant has in his or her possession photographs, video, text messages or other evidence relating to his or her complaint, the Intake Coordinator or an assigned Investigator will make efforts to obtain from the complainant any such evidence or copies of the evidence.

- c) ASSIGNMENT OF COMPLAINT NUMBER TO COMPLAINT. The Intake Coordinator will assign the complaint form an OPS complaint number, scan the complaint form into IAPro

and enter all information pertaining to the allegation into the database as soon as practicable, but, in any event, no later than the close of the next business day. The Intake Coordinator shall also create an investigative file, which shall contain the complaint form and all other investigative documents related to the case.

- d) **ASSIGNMENT OF INITIAL CATEGORY TO TRACK.** The Intake Coordinator, in consultation with the OPS Administrator or his/her designee, will determine whether the complaint should be classified as “Standard” or “Complex.” Categorization may change based on information discovered through the course of the investigation, and as approved by the OPS Administrator or his/her designee.

A “Standard” investigation is one where the facts, circumstances, number of involved parties or witnesses, number of potential allegations, or other factors suggest that a full, fair, thorough, and unbiased investigation can be completed within forty-five (45) days.

A “Complex” investigation is one where the facts, circumstances, number of involved parties or witnesses, number of potential allegations, or other factors suggest that a full, fair, thorough, and unbiased investigation will take more than seventy-five (75) days to complete. The Intake Coordinator will assign a generalized complaint category to the complaint based solely on the content of the complaint. The initial categorization of the complaint may include one or more of the following:

- i. Biased policing;
- ii. Unlawful Investigatory stop,
- iii. Unlawful search,
- iv. Unlawful arrest;
- v. Excessive and/or improper force;
- vi. Harassment;
- vii. Service Complaints;
- viii. Property Complaints; and
- ix. Improper Procedure.

Additionally, the Intake Coordinator will identify each specific allegation of misconduct made by the complainant which will ultimately require adjudication by the Board and CDP. The OPS Administrator or his/her designee is responsible for ensuring that all complaint categories and each allegation of misconduct correctly represents the full content of the complaint.

- e) **ACQUISITION OF BASIC MATERIALS.** Upon review of the complaint, the Intake Coordinator, or a designee specifically assigned to this task, will initiate the process of acquiring divisional reports and related materials that may be of assistance during the investigative process (the “initial investigative materials”).

Such materials may include, but may not be limited to, the following:

- i. Incident Reports;
 - ii. Supervisory Investigations related to the incident, including completed Internal Affairs investigations and Force Review Board reports;
 - iii. Arrest Reports;
 - iv. Uniform Traffic Ticket;
 - v. Parking Infraction Notice;
 - vi. Daily Activity Reports;
 - vii. Daily Duty Assignment Report;
 - viii. All available footage from Wearable Camera System (WCS), dash cameras, and lobby cameras;
 - ix. Dash Camera download;
 - x. Dispatch Audio and 911 Call Information;
 - xi. Computer Aided Dispatch (CAD) Report;
 - xii. Accused Officer's Prior Complaint and Disposition history; and
 - xiii. Complainant's prior contacts with OPS and the nature of those contacts.
- f) COMPLETION OF INVESTIGATION COMPLAINT CHECKLIST. The Intake Coordinator will denote on the Investigation Complaint Checklist (*see* Appendix G) that is contained in the OPS investigative file the reports/materials requested, from whom those reports/materials were requested, and the date, time, and status (if known) of those requests.
303. NEW COMPLAINTS FORWARDED TO OPS ADMINISTRATOR. Upon completion of the intake process and within three (3) business days of receiving the complaint, the Intake Coordinator shall forward the investigative file to the OPS Administrator or his/her designee, containing all investigative materials received to date, for review and assignment.

It will be the responsibility of the OPS Administrator or his/her designee to ensure that:

- a) Each complaint is within the jurisdiction of OPS;
- b) Each complaint has been properly classified and each allegation identified; and that
- c) All preliminary information requested from CDP is either contained in the file or there is documentation stating that the information has been requested and OPS is awaiting CDP's response.

304. COMPLAINTS ALLEGING VIOLATION OF CRIMINAL LAW. Complaints that contain allegations, claims, or factual assertions that, if true, may constitute a violation of criminal law will be referred to CDP's Internal Affairs Unit. The OPS Administrator or his/her designee will use best efforts to make this initial determination within twenty-four (24) hours of receipt of the complaint, or by the close of the next business day. The OPS Administrator or his/her designee will use best efforts to process initial determinations of complaints submitted on weekends and holidays within twenty-four (24) hours of the following business day. If the OPS Administrator or his/her designee is unable to make this initial determination within twenty-four (24) hours of receipt of the complaint, the OPS Administrator or his/her designee will include a memorandum in the investigative file that outlines the circumstances that prevented such a determination within twenty-four (24) hours of receipt of the complaint.

If, after conferral with the CDP's Internal Affairs Unit and the City Attorney, the OPS Administrator or his/her designee determines that a complaint has no potential for criminal charges, the complaint shall be assigned in accordance with Sections 306 through 308 of this Manual. However, regardless of the initial determination, at any point during the investigation of a complaint the OPS Investigator must inform the OPS Administrator as soon as practicable upon the discovery of any facts, allegations, evidence, information, or other material that implicate potential criminal conduct. The OPS Investigator must prepare a memorandum for the investigative file that outlines the nature of the material that the Investigator believes to implicate potential criminal conduct.

After receiving a memorandum from the investigator, the OPS Administrator or his/her designee must then reassess the complaint and make a determination as to whether the complaint constitutes a potential violation of criminal law such that it should be forwarded to CDP's Internal Affairs Unit. This determination must be made within twenty-four (24) hours or by the close of the next business day of being informed by an OPS Investigator about the discovery of any facts, allegations, evidence, information, or other material that implicate potential criminal conduct. If the OPS Administrator or his/her designee is unable to make this initial determination within twenty-four (24) hours of receipt of the additional information, the OPS Administrator or his/her designee will include a Memorandum in the investigative file that outlines the circumstances that prevented such a determination within the required period of time.

If the OPS Administrator or his/her designee determines that a complaint requires a criminal investigation and should, therefore, be referred to the Internal Affairs Unit for a criminal investigation, a duplicate file will be made and forwarded to the respective unit for review and possible investigation. Thereafter, the OPS Administrator or his/her designee will update the IAPro database and make a notation in the original file. The complainant shall also be advised that the matter has been forwarded to the respective unit. When contact information is available a confirmation letter to the complainant should be sent by email or mail as soon as practicable, no later than the close of the next business day. A copy of the correspondence shall be time-stamped, saved in IAPro, and placed in the investigative file. The Investigation Complaint Checklist shall also denote the date the correspondence was sent.

Pursuant to CDP policy, the Superintendent of the Internal Affairs Unit is required to notify the OPS Administrator no later than fifteen (15) business days from receipt of the complaint and provide a status update. If the Superintendent of Internal Affairs fails to do so, the OPS Administrator shall promptly notify, in writing, the Chief of Police and the Director of Public Safety. Division policy also requires that the CDP Internal Affairs Superintendent provide the

OPS Administrator with a comprehensive report as to the status of all CDP investigations initiated pursuant to a public complaint at least once every thirty (30) calendar days. If the Superintendent of the Internal Affairs Unit fails to do so, the OPS Administrator shall promptly notify the Chief of Police and the Director of Public Safety, in writing.

If the Internal Affairs Unit determines that the matter will not be handled as a criminal investigation or if a criminal investigation results in no charges, the file – including any new Investigatory materials generated by Internal Affairs – will be returned to OPS. Once the file is received, the IAPro database will be updated and a notation entered on the Investigation Complaint Checklist to reflect the current posture of the investigation and the transfer of investigative responsibility. Thereafter, the matter will be assigned to an OPS Investigator for review of the CDP investigation and to establish the additional independent investigation necessary to be accomplished to ensure OPS control and accountability over investigations of CDP. Within five (5) business days of the file being returned to OPS, the complainant will be informed that the matter will not be handled as a criminal investigation (to include an explanation of that decision) and that the complaint has been returned to OPS for investigation. A confirmation letter shall be sent to the complainant via mail or email, when contact information is available, time-stamped, saved in IAPro, and placed in the investigative file. The Investigation Complaint Checklist shall also denote the date the letter was sent.

305. CONCURRENT COMPLAINT INVESTIGATIONS WITH CDP.

- a) The OPS Administrator shall meet with the CDP Internal Affairs Superintendent on a regular basis to identify and discuss the status of cases referred between OPS and CDP to ensure a seamless transition between cases falling within the jurisdiction of both OPS and CDP. OPS shall share with CDP Internal Affairs a weekly status report identifying all open cases, which have been referred to Internal Affairs or involve investigations being conducted consecutive to, or concurrent with an Internal Affairs investigation.
- b) Upon receipt of a complaint, OPS shall determine whether CDP has already initiated an investigation into the incident. If CDP has already initiated an investigation, then OPS will delay its investigation until the completion of the CDP investigation.
- c) OPS retains jurisdiction even where CDP has already opened an investigation into the incident, unless disciplinary proceedings have already been initiated by CDP. In the event it appears that CDP will not complete its investigation according to the timelines set forth in the Internal Affairs Unit Manual, OPS will confer with Internal Affairs to determine appropriate next steps. Additionally, any information obtained by OPS from the complainant, including information provided by a citizen during any OPS interview, will be provided to CDP for inclusion in its investigation as provided in the Internal Affairs Unit Manual. Upon receipt of a completed CDP investigation, the investigative materials must be reviewed by OPS to determine if any additional investigation is necessary for OPS's administrative review. OPS is required to ensure independent review prior to submission of the investigation to the Board for appropriate findings.
- d) While OPS must not defer to CDP or outside, non-federal law-enforcement authorities in completing its investigation, OPS is not required to duplicate investigative efforts if they determine that the material generated in the CDP investigation is HELPFUL OR INFORMATIVE AND OPS CONTINUES TO act independently, consistent with their

mission of exercising civilian control and accountability over CDP. OPS retains independent authority and responsibility to conduct additional investigation of any incident falling within its jurisdiction, whether or not CDP has or has not previously investigated the underlying incident, circumstances, or nucleus of underlying facts. In addition, in any case where a CDP criminal or critical incident investigation did not cover all possible policy, procedures, or training issues, additional administrative investigation may be necessary.

306. **ASSIGNMENT OF A NEW COMPLAINT TO AN OPS INVESTIGATOR.** In determining the assignment of a new complaint investigative file to an OPS Investigator, the OPS Administrator must consider the current caseload of Investigators, the complexity of the investigation balanced against the experience of the Investigator, and the next Investigator in the standard queue to be assigned an investigation.
307. **DEADLINE FOR ASSIGNMENT OF NEW COMPLAINT TO AN OPS INVESTIGATOR.** The OPS Administrator, or his/her designee, will assign every investigative file within twenty-four (24) hours of receipt or no later than the close of the next business day. The name of the OPS Investigator assigned to the complaint and the date of such assignment shall be noted in the Investigation Complaint Checklist. If the investigative file is not assigned within the above prescribed time period, the OPS Administrator, or his/her designee, will document the reason for the delay in both the investigative file and the IAPro database.
308. **REQUIREMENT TO PROVIDE NOTICE TO COMPLAINANT OF COMPLAINT RECEIPT.** Prior to transferring custody of the file to the OPS Investigator, the OPS Administrator or his/her designee shall direct the Intake Coordinator to prepare and mail or email a letter to the complainant acknowledging receipt of the complaint, identifying the complaint file number, and providing the contact information of the assigned OPS Investigator. The letter shall also state that the assigned OPS Investigator may contact the complainant to schedule an appointment in order to obtain a more detailed statement. The letter should be sent by the Intake Coordinator as soon as practicable, and no later than the close of the next business day. A copy of the letter shall be time-stamped, saved in IAPro, and placed in the investigative file prior to being forwarded to the Investigator. The Intake Coordinator shall also denote on the Investigation Complaint Checklist the date the letter was sent. All complainant notification letters shall be sent to the complainant no later than seven days after OPS's receipt of the complaint.
309. **REQUIREMENT TO PROVIDE NOTICE TO IMPLICATED CDP PERSONNEL.** The OPS Administrator will direct that a notification to the implicated, accused, or otherwise principally-involved CDP employee(s) be prepared which documents the following:
 - a) Date and time the complaint was received;
 - b) The nature of the complaint;
 - c) The date, time, and location of the alleged incident; and
 - d) The assigned Investigator's name and contact information.

The OPS Administrator shall further direct timely supplemental notice should the investigation be expanded, pursuant to the authority of Charter Section 115-4, beyond the matters set forth in the original complaint. The initial notification and any supplemental notifications shall be forwarded to the subject employee's supervisor or the CDP Member's commanding officer for

service. Upon receipt, the signed copy of the notification acknowledging receipt shall be saved in IAPro and retained in the investigative file. If the signed copy of the notification acknowledging receipt is not returned to OPS within ten (10) business days, the OPS Administrator or his/her designee should be advised in order to follow up with the subject employee's supervisor or commanding officer.

In some extraordinary circumstances, and depending on the nature of the allegation, the OPS Administrator may determine that it would not be prudent to immediately notify the subject CDP Member. Under such circumstances, the OPS Administrator will confer with the City Law Director, thereafter make appropriate notifications to CDP command staff, and document in the investigative file the reason why the notification was not made as set out above.

400. COMPLAINT INVESTIGATION PROCESS

401. **OVERVIEW.** The complaint investigative process must provide complainants with a thorough, impartial, objective, and timely avenue for review of their grievances against CDP employees, and at the same time protect Division employees from false allegations of misconduct or wrongdoing. In an effort to maintain the integrity of the investigative process, precise procedures have been established for the receipt, investigation, and adjudication of misconduct complaints. In addition to the receipt and processing of a complaint, the investigation will typically involve the gathering of physical and testimonial evidence. Testimonial evidence is gathered by taking statements or conducting recorded interviews from the complainant who filed the complaint and all witnesses who may have factual information pertaining to the complaint. Statements may also be taken from persons who have specialized knowledge regarding the complaint or the circumstances related to the complaint. In addition to the gathering of physical and testimonial evidence, Investigators may also seek to gather documentary evidence such as reports, activity sheets, 911 calls, dispatch reports, crime scene materials, as well as video or audio recordings that may be related to the complaint.

The initial review of a complaint is an important part of the investigative process as it will help the Investigator determine the nature and complexity of their investigation. Understanding the complexity of an investigation will help to determine if any additional investigative resources may be needed to conduct the investigation, and will also establish a reasonable time-line for completion of the investigation.

402. **ASSIGNING THE CASE TO AN INVESTIGATOR.** Once the intake process has been completed and the complaint has been reviewed by the OPS Administrator or his/her designee it is assigned to an Investigator. The investigative file will be placed in the assigned Investigator's inter-office mailbox. Once received, the Investigator will notify the OPS Administrator's Administrative Assistant as to the date and time of receipt and the administrative assistant will enter that information into the database that is used to track the investigation and assist the OPS Administrator in managing the investigative process.
403. **PROCEDURES FOR CONTACTING AND/OR INTERVIEWING THE COMPLAINANT WHO FILED THE COMPLAINT.** Within three (3) business days of receipt of the file, the assigned Investigator will make an attempt to contact the complainant by phone and/or by email and schedule an in-person interview if an in-person interview did not take place at the time of Intake.

- a) In the event that phone contact is made with the complainant, the call will be digitally recorded and state the date and time of the call as well as its intended purpose. (Example: "The date is [date m/d/y]. The time is [time]. This is Investigator Jones and I am speaking with or attempting to contact Mr. Smith, the complainant in case number 2024-0000, in order to schedule an in-person interview.")
- b) Upon making contact with the complainant, the Investigator will advise the complainant that the call is being recorded for quality assurance purposes and to ensure the information discussed is properly captured and preserved. If the complainant requests that the call not be recorded, the Investigator will document this request in the investigative file and promptly discontinue the recording and continue with the call.
- c) A copy of each and every recorded call and email made in an effort to contact a complainant or witness will be maintained and become a part of the investigative file. In addition, the call(s) and email(s) will be recorded in the investigative file and entered in the IAPro database.
- d) After three unsuccessful attempts to contact the complainant, the Investigator should go to the complainant's last known address in an effort to make contact. If unable to do so or if visiting the last known address proves to be unsuccessful, a certified letter (return receipt requested) shall be forwarded to the complainant setting out the Investigator's efforts to make contact and the need to obtain additional information. A letter personally delivered to the last known address may substitute for a certified letter. The personal delivery shall be documented.
- e) Each effort and step to make contact with the complainant, and the manner in which such contact was attempted, shall be properly recorded in the investigative file and in the IAPro database.
- f) In the event the complainant agrees to provide an in-person interview, the Investigator will meet the complainant in the OPS lobby and briefly describe the process that will be undertaken, to include the fact that with the complainant's permission the statement may be audio and video recorded.
- g) Statements taken without being preserved by video and audio recording should be provided in the complainant's own handwriting, if possible. If, for whatever reason, the complainant is unable to prepare a written statement, the statement will be transcribed by the Investigator and later read to or otherwise presented to the complainant. Once determined to be accurate the complainant will be asked to sign the statement. OPS must investigate the complaint regardless of whether the statement is signed.

404. THE IDENTIFICATION OF EVIDENCE. The types of evidence gathered during the course of an OPS investigation will usually fall into four areas: statements/testimonial evidence, documentary evidence (reports, photographs, etc.), physical evidence, or forensic evidence. Physical evidence may include such things as objects, fingerprints, footprints, handprints, or marks left behind by tools or weapons. Forensic evidence may include such things as bruises or bite marks. CDP and the Department of Public Safety are to provide all evidentiary information and records necessary for the OPS investigator to carry out his or her investigatory duties. Such records are to be promptly produced, and in no case more than thirty (30) days after the request is made. The OPS investigator is to contact the OPS Administrator or his/her designee to follow up with CDP or the Department of Public Safety if the production of requested evidentiary

information and records exceeds thirty (30) days.

Typically, physical and forensic evidence is gathered during the preliminary stages of a criminal or critical incident investigation. However, it is not unusual for an OPS investigation to involve the documenting and photographing of objects, swelling, bruises, cuts, bite marks, or any other forms of evidence that support or contradict a complainant's allegations. During the course of the initial (or preliminary) stages of the investigative process, the Investigator will ensure that the following information is collected with the permission and cooperation of the complainant; the complainant's full name, mailing address, telephone number(s), email address, race, gender, and date of birth. The person making a complaint is under no obligation to provide this information. However, such information may assist the Investigator in conducting a thorough and comprehensive investigation and will facilitate the process by which the complainant can be properly notified regarding the investigative status, the findings and conclusions reached by the Investigator, and notice of any action to be taken by the Board. In addition, this information can also be used in an aggregate manner to allow OPS to identify patterns in complaints and publicly report on patterns relating to police conduct and use of force. A complaint investigation has the ultimate goal of determining the truth and facilitating a process which will provide accountability for official misconduct. The preliminary investigation endeavors to answer the following foundational questions about the incident; who, what, when, where, how, and why.

- a) Who: Who was involved? Does the complaint involve a CDP employee? Who established the employee's identity and how was that accomplished? Who was present at the time of the alleged misconduct, or who may have first-hand knowledge of the incident?
- b) What: In the complainant's (or witness's) own words, what happened? What are the specific details prior, during, and after the incident which gave rise to the complaint? What specifically was the complainant's (or witness's) involvement? What, if any, relationship may exist between any of the involved parties? What was the mechanism of injury? What outcome is the complainant seeking to achieve by contacting OPS and making a complaint?
- c) Where: Where did the incident occur? What specific details can the complainant or witness provide about the location where the incident occurred?
- d) When: When did the incident happen (date and time)? When did the complainant first become aware of the misconduct (was the complainant the involved party or are they reporting on behalf of someone else)?
- e) How: How did the complainant become aware of the incident (that is, in cases where the complainant may be filing the complaint on behalf of someone else)? How did the incident unfold or develop? How can OPS learn more about the incident?
- f) Why: Why does the complainant believe the misconduct may have taken place? Why did the complainant decide to file a complaint with OPS?

Typically, the preliminary process is completed within fifteen (15) days of the filing of the complaint but may be impeded by delays in acquiring information or data that is outside of the Investigator's control. Quickly completing the preliminary review process will help ensure that evidence related to an incident is not lost or destroyed, and witnesses' memories are not allowed to fade with time before an interview is conducted. If an on-site view or photographs may be of particular value, and the passage of time may diminish such evidence, OPS personnel should take

steps to secure the potential evidence during the preliminary review.

405. **CREATING THE INVESTIGATION PLAN.** After the Investigator has prioritized the contact of the complainant and the scheduling of an interview with the complainant, the Investigator must prepare and make available for OPS Administrator review an Investigation Plan to help focus and guide the investigation. The Investigation Plan provides an investigative strategy, identifies potential sources of information, sets out anticipated timelines for conducting the investigation, and helps the Investigator anticipate problems before they arise.

Properly planning the next steps of the investigative process requires that the OPS Investigator determine the most efficient and effective investigative strategy based on both the nature of the complaint and the evidence gathered thus far. The Investigator must also identify other potential sources of information that have not already been identified, establish anticipated timelines related to the various remaining stages of the investigation and completion, and attempt to identify any potential challenges or impediments that may impact the investigation and interfere with a thorough, objective, and timely resolution.

An important part of beginning an investigation of reported misconduct is understanding the nature of the allegations and the sources which will help in determining or disproving the existence of misconduct or wrongdoing on the part of the CDP employee. In addition to state and federal laws governing the conduct of law enforcement officers and other governmental employees, such as non-sworn CDP Members, the Division's General Police Orders ("GPOs") provide the Investigator with the means of determining whether the conduct or behavior proven during the course of an investigation violated established CDP policy or law. Referring to CDP GPO's will help the Investigator in identifying specific conduct alleged in the complaint in an effort to assess whether such conduct violates divisional policy.

With respect to better understanding and interpreting issues of law that may be present at the onset of an investigation, or may surface during the investigative process, OPS Investigators may seek the guidance of appropriate legal counsel representing OPS who does not have any actual or apparent conflicts of interest.

Key segments of the Investigation Plan include:

- a) **ALLEGATIONS & CLASSIFICATIONS.** The assigned OPS Investigator must first create a witness list identifying the complainant, the named employee(s) and all potential witnesses, if any. The Investigator must then prepare a briefing document incorporating a brief factual summary of the underlying incident and factual claims or assertions made, and listing each and every specific allegation of misconduct. The document must also list the laws, CDP GPO's, police procedures, or training implicated such that, on the face of the complaint itself and the other preliminary information gathered through the procedures outlined above in Section 401(1) – (3), the law, CDP policies, procedures, or training would have been violated if the facts or actions alleged were later proven to be true.

OPS should consider as applicable "allegations" all those facts or officer actions described in the complaint that, if true, would violate the law, CDP GPO's, police procedures, or training. OPS, in making this determination, at this pre- investigation phase, shall draw all reasonable and favorable inferences to the person making the complaint.

If, upon review of the Investigation Plan, the OPS Administrator or his/her designee believes

that different, other, more or fewer misconduct allegations arising from the incident are warranted by the content of the investigative file to date, the OPS Administrator or his/her designee will outline such determinations in an Investigation Plan Review Memorandum and instruct that the appropriate allegations be addressed by the OPS investigation. The OPS Administrator will be the final decision-maker in that regard. The OPS Investigator shall add specific allegations, which must all correspond to specific CDP Manual section(s), throughout the investigation whenever new information is discovered that appears to implicate additional, different, or other CDP Manual section(s).

- b) **WITNESSES & OTHER KEY SOURCES OF EVIDENCE.** The Investigator should identify and document the witnesses and other individuals who may have information relevant to the investigation. The Investigation Plan should consider the order in which witnesses are interviewed and any special considerations, such as whether any parties are anticipated to be unavailable for any period of time or whether there is a concern that a witness might be less willing to participate if too much time elapses. The Investigator should also outline the types of documentary evidence (some of which might have already been gathered during the initial Intake Phase), including but not limited to:
- i. CDP incident reports, CAD information, duty logs, and other similar performance databases and/or logs;
 - ii. Property or evidence reports;
 - iii. Booking reports and photos;
 - iv. Documents establishing consent to search;
 - v. Secondary employment permits;
 - vi. Work assignments;
 - vii. GPS records, if available;
 - viii. Notes, email, text messages, correspondence, or memoranda;
 - ix. Training protocols (including training curriculum, syllabuses or videos)
 - x. Officer training records;
 - xi. Operational or unit manuals;
 - xii. Payroll or other personnel records;
 - xiii. Cleveland Division of Fire or Emergency Medical Services records;
 - xiv. Medical records as authorized by a patient; and
 - xv. Other Departmental or City records of potential relevance.

The Investigator should further outline the types of physical evidence (some of which might have already been gathered during the initial Intake Phase), including but not limited to:

- i. WCS and Dash Camera Video;
 - ii. Holding Cell video;
 - iii. CDP communications recordings;
 - iv. Video and/or audio from the scene (e.g., security systems from nearby businesses) or taken by witnesses (e.g., cell phone recordings);
 - v. Photographs, maps, and phone records; and
 - vi. Postings to social media sites.
- c) **SECURING OF EVIDENCE.** The OPS Administrator or his/her designee shall create and implement protocols which ensure the appropriate handling and documentation of the receipt of all physical and documentary evidence that may be collected during the course of an OPS investigation, including the prompt production of the WCS within fourteen (14) days and all other requested CDP information and records within thirty (30) days of the request. Such protocols will be submitted for the review and approval of the Board.
- d) **MILESTONES & TIMELINES.** The Investigator must set out an anticipated chronology and timeline for the investigation. That chronology and timeline should consider, respond to, and answer at least the following questions:
- Do all documents and physical evidence need to be collected and analyzed before witness interviews begin?
 - In what order should the witnesses be interviewed and why?
 - What is an objective estimate as to how long each step of the investigation will take? Could there be any problem in meeting these timelines or deadlines?
 - Will holidays, training schedules, workload, or scheduled absences (whether for the Investigator, OPS staff or personnel, or witnesses) impact the investigation timeline?
 - How long will it take to prepare the Investigative Summary Report and take other steps to organize the case file after the investigation is completed and before forwarding it to the OPS Administrator for review?

The Investigation Plan should include a schedule for the investigation that includes all steps to be taken before it can be forwarded to the OPS Administrator for review.

406. **EVALUATION OF RELEVANT EVIDENCE.** In every investigation, OPS will consider all relevant evidence that tends to make the existence of any fact that is of consequence to the investigation of a given complaint more probable or less probable than it would otherwise be without the evidence. In evaluating the credibility of any individual, there will be no automatic preference for a CDP Member's statement over that of the person filing the complaint or any independent witness or vice versa. OPS will not disregard a statement solely because the person who made the statement has some connection to either the complainant or the involved CDP employee. Nor will OPS reject a complaint because the complainant or a witness has a criminal

history. OPS will make all reasonable efforts to resolve material² inconsistencies between witness statements.

OPS will document in writing the investigation of each complaint, including all Investigatory steps taken, as well as findings and conclusions.

In addition to determining whether a CDP employee engaged in the conduct alleged in the complaint, and whether that conduct violated policy, procedure, or training, OPS may include recommendations on the following:

- 1) Is there a need for additional training, counseling, or other corrective measures?
- 2) Should CDP revise its policies, strategies, tactics, or training?

As evidence is obtained during the investigation, it will be carefully and thoroughly catalogued in the investigative file, including the source, date obtained, etc., examined and described in the case notes, and uploaded using the OPS exhibit-naming procedure. At the conclusion of the investigation, the value and importance of each piece of evidence must be weighed and described in the Investigative Summary Report.

407. INTERVIEWS.

- a) **PREPARING FOR INTERVIEWS.** Prior to any witness interview, and whether the witness is civilian or sworn, the OPS Investigator should review the Investigative Plan to determine the issues to be addressed with the individual to be interviewed, considering whether there is documentary or physical evidence that the Investigator wants to use. The Investigator shall prepare an outline of topics and subtopics to be covered with the interviewee.
- b) **RECORDING INTERVIEWS.** Testimonial evidence is a critical part of the complaint investigative process. Such evidence consists of written or oral statements taken from the complainant, and any witnesses who may have factual information regarding the complaint. How such statements are preserved is especially important in ensuring that the testimony given accurately reflects the words provided by the person giving the statement. Therefore, an Investigator may ask that any written statement be signed by the person making such statement. Neither the person making the complaint, nor any of witness from whom a written statement is collected will be required to sign as a condition of the investigation proceeding.³

All interviews, whether in-person or by telephone, should be recorded in their entirety, as a safeguard to ensure that there is a record of exactly what was said during any interview. If any relevant discussion or review of a video or other evidence occurred prior to the recording, it should be noted on the record during the recorded interview. Again, the purpose of this practice is to properly preserve any statements that are provided during the course of an investigation. Video and audio recorded testimony provides the best assurance that any statements taken or testimony provided is true, accurate, voluntary, and not influenced by the

² Material is defined as “Facts or issues of a case or inquiry that can affect its conclusion or outcome.” (Black’s Law Dictionary, 2nd Edition Online)

³ Employees of CDP may be required to affix their signature to any documents that they prepare in accordance with CDP policy or practice.

actions of the Investigator.

All CDP employees are obligated by Division policy to submit to recorded interviews. Witnesses who are not employed by CDP should be told the rationale for recording interviews and encouraged to consent.

If a civilian witness does not consent to a video or audio recorded statement, the refusal should be documented and the Investigator shall prepare a narrative summary of the interview immediately after, and not more than twenty-four (24) hours after, the interview has concluded. If a person chooses not to provide a video or audio recorded statement, the OPS Investigator will take the statement in writing after which time the person making the statement will be asked to review the document to ensure that it accurately reflects the information that has been provided.

The OPS Investigator should advise any civilian witness who is concerned about providing consent for a video interview that video-recorded interviews of all witnesses (whether officer or civilian) are generally the best practice as recorded interviews allow a reviewer to observe demeanor, appearance, and gestures in addition to documenting and recording the verbal statements of the witness. If interviewees bring their own recording devices to the interview, they will be permitted to create their own recording of the interview. Upon request, OPS will refer witnesses to the City's Public Records Portal to make a public records request for a copy of the interview.

- c) **CONDUCTING INTERVIEWS.** Where there are significant facts in dispute, it is a best practice to conduct in-person interviews of witnesses who have material information to provide. The OPS Investigator must ensure that the Investigator's demeanor during all interviews is respectful, courteous, and professional. Each person interviewed should be addressed by his or her surname (e.g., "Mr. Jones" or "Mrs. Smith" or "Officer Smith") in order to maintain formality and neutrality. Civilian witnesses may be accompanied to the interview by a representative of their choosing.

The Investigator should avoid forming any opinion regarding the person being interviewed and, instead, focus on obtaining as much information and evidence as possible. The Investigator must also avoid expressing an opinion regarding how the case will or should be decided. If the Investigator believes that it will be difficult to maintain such neutrality with any witness for any reason, he or she should consult with an OPS supervisor and action should be taken to ensure a fair and unbiased investigation.

Although the nature of the complaint may make the interview uncomfortable at times, the Investigator must not avoid asking the necessary questions of any witness. Specific and sometimes direct questions must be asked in order to address the elements present in each allegation. At times, it may be necessary for the OPS Investigator to challenge assertions or probe further when witnesses provide incomplete, vague, imprecise, or unreasonable responses. Where there may be a discrepancy between the interviewee's testimony and other testimony or evidence, the OPS Investigator should question the interviewee about the discrepancy without expressing judgment.

Interview questions should address the elements present in the allegation(s) raised against the named employee. Some witnesses may be able to speak to all elements of all allegations, while

other witnesses may offer more limited or targeted information.

Open-ended and probing follow-up questions must be asked in order to fully understand what the person being interviewed saw, heard, and otherwise knows about the matter under investigation. Leading questions (which are those that can typically be answered with a “yes” or “no” or where the answer is implied or strongly suggested in the question) should be avoided. Generally, interviews should move from broad to more specific questions, with relationships among any parties present at the incident, as well as any other witnesses, established.

Where feasible, OPS Investigators should use tools such as maps, diagrams, photos, or videos with the individual being interviewed to help explain what happened. If acronyms or special terminology are used during the interview, ask the interviewee to explain it for the record. When interviewing non-police personnel, OPS Investigators should attempt to avoid the use of police terminology or jargon, as the use of terms and concepts that are familiar to the public ensure that interviewees understand what they are being asked.

At the beginning of each interview, the Investigator should determine if any witness has been exposed to any evidence (to include other witnesses or video of the incident) which may impact their perception or recollection of the incident under investigation. Probing questions may be necessary to ensure that the information being provided is based on the witness’ memory and perception of the event and not the memory or perception of another person or mechanism (such as a video recording).

At the conclusion of all interviews, the Investigator should ensure that he or she has all current contact information for the witness. Witnesses should be told that OPS may need to follow up with them if necessary. Interviewees who are not CDP employees should be encouraged not to talk about the interview or incident with anyone else out of fairness to all persons involved and to ensure an objective, fair, and unbiased investigation.

- d) **LOCATING AND INTERVIEWING INDEPENDENT WITNESSES (E.G. “CANVASSING” FOR WITNESSES).** Every effort will be undertaken by the Investigator to inspect the location where the subject incident occurred. Steps will be undertaken to identify the existence of independent witnesses, and to locate possible video surveillance technology that may have captured the police-complainant interaction. This step in the investigative process may precede the Investigator’s initial meeting with the complainant in those cases where an early response to the scene would increase the likelihood of gathering evidence.

Information obtained from witnesses located during a canvass of the area should be preserved by audio or video recording.

In the event use of audio or video technology is unavailable at the time, or the witness refuses to be audio or video recorded, the Investigator will provide the witness with a Witness Statement Form to complete and sign, if possible. The inability, impracticality, or refusal of a witness to complete the Witness Statement Form should be documented in the investigative file.

- e) **CONDUCTING AN INTERVIEW OF A CDP EMPLOYEE.** The Investigator will send notice to the CDP employees’ supervisor or Commanding Officer requesting an in- person interview with the CDP employee who is the subject of the complaint. Additionally,

correspondence will be forwarded to any relevant CDP employees who may have been witnesses requesting an in-person interview.

Prior to the interviews taking place, the Investigator will take steps to obtain any written reports previously prepared by the CDP employee or CDP witnesses, and any and all audio or video recordings that may be in existence and in the possession of CDP. Any outlines or questions prepared in advance, along with notes taken by the Investigator during the course of the interviews, will be made part of the investigative file.

Pursuant to CDP policy, the Chief of Police will order employees who witnessed or participated in an incident that is the subject of an OPS complaint to cooperate with the OPS investigation, including submitting to an in-person interview.

OPS Investigators should ensure that interviews of CDP employees are scheduled in a timely manner and that any failure to cooperate in the timely attendance at OPS interviews by CDP employees is reported immediately to the OPS Administrator for appropriate action with CDP command staff.

At the beginning of an employee interview, it shall be determined and stated on the record whether the employee is voluntarily making a statement or is doing so under compulsion.

CDP employees should be asked about their understanding of the policy or policies at issue or implicated by the allegations and their understanding of all related training.

In nearly all instances, the OPS interview of a CDP employee should be conducted in person. During an in-person interview of a CDP employee, the CDP employee may elect to have a representative of the employee's union present. The primary role of a union representative during an interview is to protect the contract rights of the employee. Unless the purpose of a union representative's participation is reasonably connected to the protection of a contract right of the employee, the union representative must not be allowed to interrupt or otherwise disrupt an OPS interview. The OPS Investigator should invite the union representative to place any objections on the record at the end of the interview.

In general, the subject employees(s) is/are interviewed after all other evidence is compiled. There will be cases, however, when an initial interview of a subject employee may need to be conducted early in the investigation to ensure all investigative tasks can be identified in a timely manner. Re-interviews of the complainant, witnesses or subject employees may be necessary when new or different information or allegations have been developed during the course of an investigation.

CDP employees are to be given a specific order by the Chief of Police not to discuss the matter or their interview with any unauthorized persons, which will almost always be all individuals who are not their union or legal representative(s).

408. **DUTY TO REVIEW AND EVALUATE EVIDENCE.** As evidence is obtained during the investigation, it should be carefully and thoroughly catalogued in the case file in IAPro (including the source of the evidence, date that the evidence was obtained, etc.), examined and described in the case file, and uploaded to IAPro. At the conclusion of the investigation, the value of each piece of evidence must be weighed and described in the Investigative Summary Report. Care

should be taken to mitigate the effects of bias (conscious or unconscious on the part of the Investigator).

OPS Investigators will make all reasonable efforts to resolve material inconsistencies between witness statements.

409. **DUTY TO COMPLETE AN INITIATED INVESTIGATION.** OPS will not terminate an investigation simply because the complainant seeks to withdraw the complaint or is unavailable, unwilling, or unable to cooperate with an investigation. OPS will continue the investigation and reach a finding, where possible, based on the evidence and investigatory procedures and techniques available.
410. **ACCESS TO RELEVANT DISCIPLINARY INFORMATION.** In order to ensure a thorough investigation, OPS Investigators may need access to any and all relevant disciplinary information in the record of an officer who is the subject of a current investigation. Any impediment to obtaining such records should be promptly reported to the OPS Administrator for resolution with CDP.
411. **PREPARING THE INVESTIGATIVE SUMMARY REPORT.** After review of all relevant reports, materials, and interviews the Investigator will prepare a report outlining the investigation to include the following: a description of the complaint, applicable CDP policies, investigative steps taken, a synopsis of all witness statements and evidence, and a deliberative analysis.

In addition to providing the information necessary to ensure informed findings as to whether an officer committed the conduct alleged in the complaint and whether the conduct violated policy, training or legal standards, the Investigative Summary Report must consider whether:

- (1) The incident indicates a need for additional training, counseling, or other corrective measures; and
- (2) The incident suggests that CDP should revise its policies, strategies, tactics, or training.

- a) **FORM AND FORMAT OF THE INVESTIGATIVE SUMMARY REPORT.** OPS Investigative Summary Reports begin with the allegations and elements within each allegation followed by the testimonial, documentary, or physical evidence that is relevant to each such allegation or element listed and discussed in association with it. While this approach means that some evidence may be repeated when it is relevant to more than one allegation or element, this will help subsequent decision-makers sort through the information and more easily, fairly, accurately, and timely arrive at the disposition.

All persons who have been interviewed and listed in the Investigative Summary Report will be identified as either as the complainant, witness, persons with specialized knowledge, or CDP employee.

- b) **IMPORTANT FEATURES OF THE INVESTIGATIVE SUMMARY REPORT.** Investigators shall refrain from making credibility determinations related to the person who brought the complaint, witnesses, or the subject employees(s) unless there is credible and objective evidence to support such a determination. To the extent, the Investigator deems such a determination to be material to the conclusions, such a determination should be thoroughly documented. There will be no automatic preference for an employee's statement

over the statement of a civilian or vice-versa.

412. **INVESTIGATOR FINDINGS & RECOMMENDATIONS.** Once the OPS investigation has been completed, the OPS Investigator shall confer with the OPS Administrator or his/her designee in order to determine the appropriate disposition of each allegation in the complaint. The Investigative Summary Report shall contain the Investigator's recommended findings, conclusions, and/or other non-objective determinations about, regarding, or related to the investigation.

500. TIMELINES & MILESTONES

501. **TIMELINESS OF INVESTIGATIONS.** The timeliness of an investigation is a measure of how efficient the Investigatory process functions. It also helps to instill public confidence in the citizen complaint and investigation process.

It is the goal of OPS to resolve all complaints brought to their attention within forty-five (45) days of receipt for Standard complaints and within seventy-five (75) days for Complex complaints. Investigations which exceed these time periods will be brought to the attention of the OPS Administrator. A written request for an extension will be filed by the Senior Investigator, forwarded to the OPS Administrator and made part of the investigative file. In addition, the complainant will be notified as to the specific reasons for the delay, and a projected timeline for completion.

A number of factors influence how swiftly an investigation may be completed. The case load of OPS investigative staff and the overall capacity of the office to manage the number of investigations pending resolution is a factor that has a realistic impact on how quickly complaint investigations are completed and scheduled for review and adjudication by the Board. Both of these considerations are the responsibility of OPS to effectively manage and resolve to ensure that citizen complaints are not impeded, and swift and impartial accountability results.

However, there are also factors that influence the timeliness of an investigation that may be outside the immediate control of OPS staff, including the nature and complexity of an investigation, immediate access to certain documents or records that may be in the custody of CDP or other entities, the continued cooperation of the complainant, and access to relevant witnesses. Additionally, the duty status of the CDP employee who is the subject of the complaint may also impact the speed in which an investigation is accomplished. For example, if a CDP employee has been relieved from duty, is incapacitated, or on approved leave during the course an investigation an Investigator may be precluded from obtaining a statement and, thus, reaching an investigative conclusion may be delayed.

In any case where the unavailability of a witness (including a witness or subject employee) is the cause of a substantial delay in the completion of an OPS investigation, the Investigator will advise the OPS Administrator to determine if the investigation may proceed without a statement or whether the investigation must be held in abeyance until the witness becomes available for an interview.

600. OPS ADMINISTRATOR'S REVIEW OF THE INVESTIGATIVE FILE

601. **REVIEW OF INVESTIGATION.** Upon completion of the investigative report, the entire investigative file will be submitted to the OPS Administrator or his/her designee for review to

ensure that it is complete, thorough, and objective.

The criteria the OPS Administrator or his/her designee must consider includes, but will not limited to:

- 1) Was all relevant evidence collected?
- 2) Were all witnesses contacted and interviewed when possible?
- 3) Were all interviews thorough?
- 4) Were all applicable OPS procedures followed?

Testimonial evidence (statements made by involved parties and witnesses) must be carefully weighed and evaluated as to relevance and credibility. For example, the reviewer must avoid giving any greater or lesser weight or credence to an individual's testimony because of that person's position (including employment by CDP or another City entity), race, ethnicity, gender identity, economic status, sexual orientation, etc. Only objective criteria relating directly to the truthfulness or credibility of the person should be used in deciding what weight is to be given to his or her testimony.

602. DEFICIENT, INCOMPLETE, OR UNSATISFACTORY INVESTIGATIONS.

If an investigation is incomplete, unsatisfactory, or deficient in any way, the Administrator will direct the Investigator to take whatever additional investigative steps deemed necessary to thoroughly and satisfactorily complete the investigation.

Where the OPS Administrator has any concerns about the investigation, or determines that further investigation is necessary, the Investigator will complete the assigned steps as expeditiously as possible. The Investigative Summary Report will then be amended and re-submitted to the OPS Administrator for further review and, if appropriate, approval.

603. DUTY TO UPDATE DATABASE UPON RECEIPT OF FILE. Upon the Administrator's receipt of the investigative file, the OPS Secretary will update the IAPro database to reflect the status of the investigation and ensure that all relevant fields in the database have been updated and completed.

604. OPS FINDINGS. Upon concluding that the OPS Investigation is complete, the OPS Administrator or his/her designee must review the recommended findings contained in the Investigative Report in order to ensure they are appropriate and defensible. Any findings that are not appropriately made and based upon the evidence contained in the OPS file will be changed and updated as directed by the OPS Administrator or his/her designee. The OPS Administrator or his/her designee will ensure that written findings as to each allegation in the complaint will include appropriate reasoning for each finding.

- a) PREPONDERANCE OF THE EVIDENCE STANDARD. The applicable standard governing any and all of the Administrator's findings, conclusions, and/or other non-objective determinations shall be by a preponderance of the evidence. The preponderance standard is defined as, based on all of the evidence it is more likely than not that conduct inconsistent with CDP policy, procedure or training has occurred or has not occurred. As further defined in Black's Law Dictionary, a preponderance of evidence is the recognition

that “the greater weight of evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.”

b) **CATEGORIES OF FINDINGS.** The only findings that an OPS Investigator may recommend are as follows:

- i. **SUSTAINED:** If the preponderance of the evidence supports a finding that the alleged conduct occurred and the officer’s actions were inconsistent with law or CDP GPOs, training, or procedures, the recommended finding will be “Sustained.” A complaint may be “sustained in part” if the investigation revealed sufficient evidence to support a finding of a policy violation on one or more, but not all of the complainant’s allegations. A complaint may also be “sustained for a violation not based on original complaint” if the investigation reveals evidence of misconduct that was not included in the complainant’s original allegation but arose out of the incident that is the subject of the complaint.
- ii. **EXONERATED:** The preponderance of the evidence gathered throughout the investigation supports a finding that the alleged conduct occurred but the officer’s actions were consistent with law, CDP GPOs, training, or procedures.
- iii. **UNFOUNDED:** The preponderance of the evidence supports a finding that the alleged conduct did not occur.
- iv. **INSUFFICIENT EVIDENCE:** If the preponderance of the evidence fails to establish whether the alleged conduct did or did not occur, the Investigator will make a recommended finding of “Insufficient Evidence.”

605. **DISCIPLINARY RECOMMENDATIONS.** OPS shall not make any recommendations as to potential discipline. Instead, OPS must make recommendations only as to the disposition of specific allegations of violations of the law or CDP policy, procedure or training.

606. **NOTIFICATION AFTER OPS FINDING DETERMINATIONS.** The OPS Secretary will prepare and mail a letter to the complainant and the subject CDP employee(s) advising that the investigation has been concluded and the date that the Board will convene to review the matter. The letter will also advise the complainant and the subject employee(s) of the opportunity to attend the Board meeting. Information regarding the hearing process and disciplinary recommendations can be found in the manual governing the Board.

607. **FORWARDING OF INVESTIGATION AND WRITTEN CONCLUSIONS TO CIVILIAN POLICE REVIEW BOARD.** OPS will forward all investigations and its written conclusion to the Board in sufficient time for Board to consider them no later than the second regularly scheduled Board meeting following the completion of the investigation.

700. ADMINISTRATIVE DISMISSALS

701. **GENERALLY.** Administrative dismissal may be appropriate for those limited instances where: the individual complained of is not a CDP employee; the employee referenced in the complaint

cannot be identified despite the best efforts of the agency; the preliminary investigation reveals that the delay in police services was due to workload or otherwise unavoidable; the conduct alleged involves an off-duty conduct of a civil nature (unless the alleged conduct, or its effects, constitute misconduct or have a substantial nexus to the officer's City employment); or, the complaint is about receiving a uniform traffic ticket and/or parking infraction notice without any additional claims of racial profiling, illegal search, excessive force, or other allegations within OPS's jurisdiction.

On an interim basis, the OPS Administrator has been authorized to administratively dismiss cases without the prior review or approval of the Board. During the pendency of the Consent Decree between the United States and the City addressing the performance of the CDP and related organizations and systems, ongoing reviews and audits of the administrative dismissal process will be conducted by the Monitoring Team to ensure compliance with OPS policies and the Consent Decree.

The administrative dismissal of a complaint must be accompanied by a completed Administrative Dismissal Form. (See Appendix H). The form must detail all relevant facts and information in support of the decision and must be completed by the OPS Administrator or his/her designee and the assigned Investigator.

The Administrative Dismissal Form will be promptly completed when facts supporting administrative dismissal become apparent. Written notice of the administrative dismissal (with an explanation for the reason for the dismissal) shall be mailed to the Complainant promptly after the dismissal has been documented. The dismissal letter must also inform the complainant of his/her right to request a review of this decision by the Board or the CPC if such request is received by OPS within two weeks of the receipt of the dismissal letter, or if review is sought by the CPC, in accordance with Charter Section 115-5.

702. **STANDARD OF REVIEW.** OPS will only administratively dismiss a complaint when the undisputed facts at issue clearly indicate that the complaint fits into one of the six (6) categories eligible for such disposition listed in Section 703 below.. The decision should be made only after all facts have been gathered and thoroughly reviewed.
703. **CATEGORIES OF ADMINISTRATIVE DISMISSAL.** The ONLY categories of cases for which an administrative dismissal can be appropriately recommended are:
 - a) **NON-CDP EMPLOYEE.** Complaints made regarding the conduct of individuals not employed as a CDP Member are eligible for administrative dismissal. Should a citizen initiate a complaint about the conduct of an individual employed in another department within the City other than CDP, or another government or non-government entity, the Intake Coordinator or the assigned Investigator will promptly notify the complainant that OPS lacks the authority to investigate individuals not employed by CDP. The complainant should be referred to the authority with jurisdiction to resolve the complaint. Outside agencies should not be contacted directly by OPS without the express consent of the complainant.

Proper documentation supporting a recommendation for administrative dismissal of a complaint on this basis should consist of a thorough explanation of the process by which the determination is made that the incident did not involve a CDP Member.

 - b) **UNIDENTIFIABLE OFFICER.** Instances where a diligent investigation fails to produce the identity (name, badge number, and/or zone car assignment) of a specific subject CDP Member

are eligible for administrative dismissal. The assigned Investigator will promptly notify the complainant of the inability to pursue charges against employees who cannot be identified.

The Investigator must document the process by which the determination was made that no name, badge number, or other identifying information exists. This documentation should detail the methods employed by the Investigator to confirm the lack of identification. The Intake Coordinator or assigned Investigator will notify the complainant with a fulsome explanation as to why the OPS investigation was unable to identify the involved employee(s).

- c) UNIFORM TRAFFIC TICKET (UTT) AND/OR PARKING INFRACTION NOTICE (PIN). Complaints regarding the issuance of moving traffic citations and parking violations are eligible for administrative dismissal when the issuance of the citations involved no alleged misconduct by a CDP Member. However, complaints alleging that the issuance of a citation by a CDP Member involved misconduct or other actions within OPS jurisdiction—including unprofessionalism, harassment, bias, discrimination, or profiling will be fully investigated and not subject to administrative dismissal. Where the complaint is administratively dismissed in total, the Intake Coordinator or assigned Investigator will notify the complainant with an explanation as to why the OPS investigation will not proceed.
- d) UNAVOIDABLE WORKLOAD DELAY. In instances where a complaint alleges a delay in police services and the preliminary investigation reveals that the delay was due to unavoidable workload issues, those complaints will be subject to administrative dismissal. The assigned Investigator must document the process by which the determination was made that the delay in service was unavoidable. This documentation should detail the unavoidable workload issues that prevented the CDP Member from providing reasonably prompt service. The Intake Coordinator or assigned Investigator will notify the complainant with an explanation as to why the CPD Member was prevented from providing reasonably prompt service.
- e) OFF-DUTY CIVIL CONDUCT. In instances where a complaint is made regarding the conduct of an officer while off-duty, that is of a civil nature, the complaint will be subject to administrative dismissal unless the alleged conduct – or its effects – constitute misconduct or have a substantial nexus to the officer’s employment. The assigned Investigator must document the process by which it was determined that the alleged conduct occurred while the officer was off-duty and was not substantially connected to his/her employment. The Intake Coordinator or assigned Investigator will notify the complainant with an explanation as to why OPS has no jurisdiction to conduct an investigation.

All administrative dismissals for Off-Duty Civil Conduct will be promptly referred to the Internal Affairs Unit in order to allow CDP to independently evaluate whether any allegation of off duty misconduct constitutes a violation of CDP policy.

800. FINALIZING CIVILIAN POLICE REVIEW BOARD ACTION

- 801. Upon the Board’s final disposition, the investigative file shall be returned to the OPS Administrator. The OPS Administrator shall direct the Board Secretary to notify the complainant and subject CDP employee(s) of any further disciplinary decisions by the Chief, executive head of CDP, or the Board as outlined in the CPRB Manual, Section L.
- 802. In those cases where the Board makes a “sustained” finding, the OPS Administrator will direct that a disposition letter be prepared and mailed to the complainant within fifteen (15) calendar

days of the Board's decision. The OPS Administrator will also promptly direct that a findings letter be delivered to the Chief of Police or executive head of CDP requesting that a charging document be issued and a final report of disciplinary action returned to OPS for inclusion in the case file. The Chief or executive head of CDP must presume the fact findings and recommendation from the Board are correct and defer to the Board's fact finding and recommendation absent affirmative proof by clear and convincing evidence that the findings and recommendations are clearly erroneous.

803. Absent clear and convincing evidence that the Chief or executive head of CDP believes would justify disregarding or modifying the Board's fact finding and disciplinary recommendation the Chief or executive head of CDP will impose the minimum discipline that the Board has recommended. Upon receipt of the Chief of Police's or Director of Public Safety's final disciplinary outcome, imposing the minimum discipline recommended by the Board, OPS shall notify the complainant of the outcome and inform the complainant of his or her right to appeal the complaint outcome to the CPC. If the Chief or executive head of CDP believes that the clear and convincing evidence exists that would justify disregarding or modifying the Board's fact finding and disciplinary recommendations, the Chief or executive head of CDP will notify the Board in writing within ten (10) days of any refusal to impose or lesser, alternative discipline to be imposed. Concurrent with such notification, the Chief or executive head of the CDP will detail the reasons for disregarding the Board's recommendation and will provide the Board with clear and convincing evidence justifying their decision. If the Board agrees with the Chief or executive head of CDP's decision, OPS will utilize the written findings from CDP in order to provide a complete explanation for the decision to the complainant, along with an explanation of the process that was used to adjudicate the complaint.
804. If the Board does not agree with the clear-and-convincing evidence provided by the Chief or executive head of the CDP refusing to impose the Board recommended discipline, the Board may, in its discretion, overrule the Chief or the executive head of the CDP and order CDP or the executive head of CDP to discipline the officer or employee up to and including termination. Following the order of the Board and upon receipt of the confirmation that the Chief or Director of Public Safety has imposed the minimum discipline recommended by the Board, OPS shall notify the complainant of the outcome and inform the complainant of his or her right to appeal the final decision to the CPC.
805. In those cases where a Board finding is not "sustained," the OPS Administrator will direct that a final disposition letter be prepared and mailed to the complainant within fifteen (15) calendar days of the Board's decision. OPS shall obtain from the Board the basis for the "not sustained" finding and provide that explanation to the complainant prior to closing out the complaint.
806. Notwithstanding the disciplinary outcome of a complaint following consideration and finalization of the matter by the Board, the CPC, at its discretion, has the authority to make a final decision for the City about whether to impose officer discipline where it was not imposed, or to increase discipline should the CPC determine that the corrective action imposed by the Board is insufficient. OPS shall notify complainants on behalf of the Board of their right to seek ultimate review by the CPC on the discipline decision.

900. DUTIES OF OPS AND OPS PERSONNEL

901. DUTIES OF OPS ADMINISTRATOR.

- a) ENSURE ADHERENCE OF ALL OPS PERSONNEL TO ALL PROVISIONS OF THIS MANUAL. The success or failure of OPS Investigators in effectuating full, fair, thorough, complete, unbiased, and timely investigations depends on strong, focused, and effective leadership by the OPS Administrator.
- b) MEET WITH ALL OPS PERSONNEL INDIVIDUALLY, ONCE PER WEEK, TO DISCUSS CURRENT PROGRESS ON OUTSTANDING INVESTIGATIONS. The OPS Administrator must meet at least once per week with OPS personnel to discuss the status of all ongoing, pending, outstanding, or otherwise incomplete cases assigned to the Investigator.
- c) DEVELOP OPS TRAINING. It shall be the responsibility of the Administrator, with the input of staff, to develop and implement a professional development training schedule. This will include the development and maintenance of a staff training curriculum for OPS staff to be presented at scheduled staff meetings. These brief training modules (15-20 minute blocks) shall pertain to topics related to civilian oversight, applicable law and best practices, and law enforcement practices pertaining to high risk critical tasks (i.e. arrest, search and seizure, use of force, bias-free policing, etc.). The training curriculum for each phase and records pertaining to receipt of the training shall be well documented and maintained within OPS staff personnel files and OPS indices.
- d) ATTEND EXECUTIVE-LEVEL LEADERSHIP TRAINING. The OPS Administrator shall attend appropriate executive-level leadership training once annually. Such training should be identified at the beginning of the calendar year and reviewed by the Board for approval.
- e) DEVELOP PERFORMANCE EVALUATION PLAN FOR ALL OPS PERSONNEL. It shall be the responsibility of the OPS Administrator to develop a performance evaluation plan for all OPS personnel. Such a plan shall reflect relevant performance measures and outcome goals, and define both current and future objectives for each OPS employee.

Measures:

Either on the anniversary of hire or at a specific calendar date (e.g., January 1st, July 1st, September 1st) each employee shall have an annual performance appraisal and individual development plan completed by his/her supervisor and reviewed and approved by the OPS Administrator. Nothing in this provision prevents the OPS Administrator from providing oral or written feedback on an occasional or continuing basis to employees who perform their work in an exemplary or otherwise commendable manner, or to thoroughly document and provide specific remedial direction to effectively address unsatisfactory performance, or performance that is in need of approval.

- f) CONSIDER NECESSARY CHANGES, UPDATES, OR AMENDMENTS TO OPS MANUAL. As set forth in Section 1001 of this Manual, it shall be the responsibility of the OPS Administrator to review, update, or amend the OPS Operational Manual as needed by December 31st of each calendar year. The Administrator will follow the procedures outlined in Section 1001 to effectuate this duty.

- g) ESTABLISH OUTCOME MEASURES AND REPORTS REGARDING INVESTIGATIONS THAT DO NOT MEET ESTABLISHED GOALS REGARDING QUALITY AND TIMELINESS. It shall be the responsibility of the OPS Administrator to establish outcome measures and reports regarding the percentage of investigations that do not meet the established goals, specifically identifying the obstacles that prevented the investigation from being completed within the target time-frame. Such reporting shall be forwarded to the Board no later than December 31st of each calendar year.
- h) ENSURE FULL AND EFFECTIVE IMPLEMENTATION OF OPS CASE IMPLEMENTATION SYSTEM. It shall be the responsibility of the OPS Administrator to ensure the full and effective implementation of a case management system to include transitioning to the IA Pro platform and regular supervisor review and oversight of cases.
- i) DEVELOP PLAN FOR OPS-CDP RELATIONSHIP. Establish and implement a system and plan to improve or enhance OPS relationship with CDP in order to ensure accountability and officer cooperation, promote efficient and effective investigative procedures, and build trust in the complaint process. Establish and implement a plan to improve the relationship of OPS with CDP by standard, routine and regular communication with the Chief, Supervisors, and District Commanders.
- j) DEVELOP PLAN FOR COMMUNITY TRUST. Establish and implement annual plan to build community trust and confidence in OPS. Establish new annual plan by December 31st of each calendar year.

902. DUTIES OF OPS INVESTIGATORS. OPS Investigators are primarily responsible for assisting with intake and conducting investigations of OPS cases assigned to them.

a) Generally, Investigator duties include:

- i. Assisting with intake of misconduct complaints;
- ii. Preparing investigative plans for complaints assigned for an OPS investigation;
- iii. Conducting investigations of complaints assigned for an OPS investigation;
- iv. Drafting Investigative Summary Reports and administrative dismissals;
- v. Providing case update reports to OPS supervisors on a weekly basis; and
- vi. Initiating and updating complaint-related information in the case management system.

b) Investigators are expected to:

- i. Conduct thorough, objective, and timely investigations of complaints, reach sound neutral conclusions based on investigation results and maintain confidentiality regarding process and outcomes in accordance with all legal requirements.
- ii. Prioritize and manage multiple investigations to ensure evidence is quickly gathered and contractual timelines are met.
- iii. Communicate in a fair and impartial manner with both complainants from a broad

- spectrum of diverse communities and CDP officers and employees, and to exercise tact and diplomacy in dealing with sensitive, complex and confidential issues and situations.
- iv. Understand and act consistently with the independent function of OPS, and with an understanding of the importance of public trust, so that all intakes and investigations are above reproach and all those involved in the OPS process are treated fairly.
 - v. Be well versed in the operations of CDP, including policies and procedures, supervisory responsibilities, and training and tactics.
 - vi. Be knowledgeable about accepted principles and practices of law enforcement, including use of force issues, search and seizure issues, constitutional law, state law, and investigative procedures.
 - vii. Seek professional development opportunities that enhance and strengthen their investigative skills and knowledge of civilian oversight “best practices.”
- c) Highly qualified Investigators will possess the following knowledge, skills and abilities:
- i. Ability to Maintain Confidentiality. Investigators have a moral and a legal obligation to maintain confidentiality out of respect for citizens, complainants, our employees, our policies, and the law.
 - ii. Documentation. Documentation must be accurate, concise and thorough and not exhibit bias.
 - iii. Fairness. Investigators must treat everyone involved in the investigation fairly, respecting their rights and explaining their responsibilities through each step of the investigative process.
 - iv. Knowledge. Investigators must know the law, CDP policy and their role when assigned to an internal investigation. They must not hesitate to ask questions if they come across something which with they are not familiar.
 - v. Responsibility. Investigators must recognize that when conducting an internal investigation, they have an obligation to employees, to CDP and to the community – but first and foremost to discover the truth.
 - vi. Patience. Investigators need to be patient. They need patience to locate, collect and review large amounts of evidence and they need patience to deal with the inevitable obstacles and challenges they will encounter during an investigation.
 - vii. Follow the evidence. Investigators must begin every investigation with an open mind. Good Investigators do not assume anything. They are prepared for anything to emerge as they begin to investigate. They do not accept or reject any possible explanation until they have the evidence to do so.
 - viii. Skepticism. Good Investigators do not necessarily accept evidence from anyone at face value. They look for corroboration wherever possible.
 - ix. Adaptability. Investigators have to be flexible in their approach. No two investigations

are the same and all present unique challenges and opportunities. Investigators should be good at identifying both and developing strategies to deal with them.

- x. Empathy and understanding. A degree of empathy will assist an Investigator to better engage with and understand the perspectives of the people with whom they are interacting.
- xi. Courage. It can take a great deal of personal courage to conduct misconduct investigations.
- xii. Judgment and common sense. Good judgment and common sense are much underrated qualities. Investigators sometimes have to make difficult decisions, including what issues to investigate, what investigative avenues to pursue and to what extent. They have to be able to justify why they chose to – or choose not to – interview someone. That takes sound judgment, based on common sense.
- xiii. Strategic thinking. Investigators need to be able to think ahead and think strategically. They need to be able to answer a range of challenging questions to ensure an effective investigation:
 - What approach will work best?
 - What are the possible obstacles?
 - How should a failure to cooperate be dealt with?
 - Is it possible to resolve or avoid a potential problem, before it arises?
 - How should responsibility for a lack of cooperation and delays be dealt with in order to address the difficulties encountered?

905. DUTIES OF OPS COMMUNITY ENGAGEMENT OFFICER.

- a) Develop, manage and implement the OPS community engagement activities and services that are aligned with the OPS strategic plan, and work closely with other OPS Investigators, staff and volunteers to ensure integration and coordination of efforts.
- b) Manage and track OPS Administrator's outreach briefing requirements and ensure proper briefings are ready for each event.
- c) Support efforts to inform, educate, and build partnerships within the community per the guidance and direction of the General Manager and approval of the OPS Administrator.
- d) Represent the OPS Administrator at community meetings and events as required.
- e) Routinely attend CDP and CPC meetings and events, and provide a summary of outcomes for the OPS leadership.
- f) Develop a Quarterly Newsletter, an Annual Community Plan, an Event Calendar, and community engagement activities for approval by the OPS Administrator quarterly.

- g) Track all relevant community engagement metrics on the OPS website, social media, etc.
- h) Perform other duties as assigned by the OPS Administrator.

906. DUTIES OF OPS DATA ANALYST.

- a) Manage all OPS data including creation, updates, and deletion. Provide quality assurance of imported data, commissioning and decommissioning of data sets, and processing confidential data and information according to guidelines.
- b) Collect data to analyze trends and assess the effectiveness of investigation metrics.
- c) Review, analyze, and provide statistical data for periodic reports to the OPS Administrator. Assist in the development of OPS annual, semi-annual, quarterly, and bi-weekly reports.
- d) Support initiatives for data integrity and normalization including but not limited to:
 - i. Manage and design the reporting environment, including data sources, security, and metadata.
 - ii. Assess tests, implementing new or upgraded software, and assisting with strategic decisions on new systems.
 - iii. Support the data warehouse in identifying and revising reporting requirements.
 - iv. Troubleshoot the reporting database environment and reports.
 - v. Evaluate changes and updates to source production systems.
- e) Perform other duties as assigned by the OPS Administrator.

907. DUTIES OF OPS INTAKE COORDINATOR.

- a) Greet and assist citizens when they arrive for information, to file a complaint, or for procedural questions regarding a complaint. Ensure all information, questions, or concerns are answered as required. The OPS Intake Coordinator is responsible for handling all complaints from citizens.
- b) Verify allegations of CDP officers and employees regarding complaints. Open all cases in IAPro and update information as required during preliminary analysis, notification letters, and dismissal letters.
- c) Manage daily and weekly interview calendar and de-conflict all investigator activities regarding scheduling interviews.
- d) Assist with requesting evidence on behalf of OPS Investigators. Maintain a spreadsheet of investigator requests and OPS complaints.

- e) Under the supervision of the OPS Secretary, perform standard clerical work (i.e. notification letters and dismissal letters) and other duties as may be assigned.

910. ANNUAL REPORT. OPS must prepare a detailed, analytical, and comprehensive annual report that addresses the operations of OPS and the Board, the number and nature of OPS complaints received, OPS investigations conducted, and the reviews and adjudication of community initiated complaints. In this annual report, OPS must summarize at least the following:

- a) A chart describing the process by which citizen complaints are accepted, investigated, reviewed and resolved;
- b) The number and types of complaints administratively dismissed and the grounds for the closures;
- c) An assessment of the types of complaints being received (based on their initial classification at intake) and an analysis of potential problematic patterns and trends;
- d) An accounting of the disposition of complaints by complaint type (based on their initial classification at intake), the number and types of complaints investigated, and the average length of complaint investigations;
- e) An accounting of the disposition of complaints by the Board and the ultimate decisions on such complaints, to include recommendations on findings and discipline and the ultimate resolution of such complaints;
- f) Discussion of issues identified during the course of OPS' ongoing work regarding police practices, processes, training or policies; and
- g) Performance measures developed and implemented by the OPS Administrator and the extent to which OPS has met those performance measures.

The report is to be completed and submitted to the Mayor, Director of Public Safety, Chief of Police, and the CPC by March 31st of each year. OPS must post the report on its website not later than five (5) business days after submitting the report to the Mayor, Director of Public Safety, Chief of Police, and CPC.

The OPS Administrator should, on an ongoing basis, provide to CDP and the Director of Public Safety, any available data or information which would inform CDP and the Director of Public Safety about patterns relating to police practices, processes, training or policies which may need attention from CDP or the Director of Public Safety.

911. INVESTIGATOR TRAINING. OPS Investigators will receive training, at least once per calendar year, that is adequate in quality, quantity, scope, and type and will include instruction relating to:

- a) investigative skills, including proper interrogation and interview techniques; gathering and objectively analyzing evidence; and data and case management;
- b) the particular challenges of administrative investigations of police conduct, including identifying conduct warranting investigation that is not clearly stated in the complaint or that becomes apparent during the investigation;

- c) properly weighing the credibility of civilian witnesses against officers;
- d) using objective evidence to resolve inconsistent statements;
- e) the proper application of the preponderance of the evidence standard; and
- f) CDP rules and policies, including the requirements of the Settlement Agreement between the United States and the City (Case: 1:15-cv-01046, Dkt. No. 413) and protocols related to administrative investigations of officer conduct alleged to be improper.

Such training should be provided by sources both inside and outside CDP, in order to ensure the highest quality training on investigative techniques and CDP policies, procedures, and disciplinary rules.

1000. AMENDMENT TO OPERATING MANUAL, PROCEDURES, AND RULES

1001. PROCEDURE FOR AMENDING OPERATING MANUAL, INTERNAL RULES, AND

OPERATING PROCEDURES. The rules contained within this Operating Manual, and the procedures and rules outlined here, may only be modified, revised, amended, replaced, or otherwise changed via the following process:

- a) The OPS Administrator must provide, in writing, any and all proposed changes to the Operating Manual to the Chair of the Board. The OPS Administrator must publicly announce any proposed changes, post such changes on the OPS website and take into consideration any public comment received.
- b) The Chair of the Board will be asked to respond, in writing, as to the Board's position as to whether the proposed change should be adopted. The Chair of the Board shall put the measure up to a vote before the full Board prior to responding to the request and the Chair will provide a written response to the OPS Administrator.
- c) Only those changes approved by the Board may become effective as part of this Manual.
- d) The rules in the Manual take effect fifteen (15) days after their publication in the City Record.
- e) During the pendency of the Consent Decree between the United States and the City addressing the performance of CDP and related organizations and systems, any and all modifications, revisions, amendments, replacements, or other changes to this Manual must be approved by the Court overseeing implementation of the Decree.

Adopted Resolutions and Passed Ordinances

These resolutions were adopted, and ordinances were passed by City Council on Monday, November 4, 2024.

Click on a piece of legislation below to read it:

[Ord. No. 551-2024](#)

[Ord. No. 1118-2024](#)

[Ord. No. 587-2024](#)

[Ord. No. 1169-2024](#)

[Ord. No. 624-2024](#)

[Ord. No. 1170-2024](#)

[Ord. No. 639-2024](#)

[Ord. No. 1204-2024](#)

[Ord. No. 838-2024](#)

[Ord. No. 1205-2024](#)

[Ord. No. 957-2024](#)

[Ord. No. 1206-2024](#)

[Ord. No. 1010-2024](#)

[Ord. No. 1207-2024](#)

[Ord. No. 1054-2024](#)

[Ord. No. 1208-2024](#)

[Ord. No. 1055-2024](#)

[Ord. No. 1216-2024](#)

[Ord. No. 1079-2024](#)

[Res. No. 958-2024](#)

[Ord. No. 1114-2024](#)

[Res. No. 1209-2024](#)

[Ord. No. 1115-2024](#)

[Res. No. 1210-2024](#)

[Ord. No. 1116-2024](#)

[Res. No. 1218-2024](#)

Ordinance No. 551-2024

By Council Members: Kazy and Griffin (by departmental request)

An emergency ordinance determining the method of making the public improvement of constructing the Brookfield Avenue/West 130th Street, Dearborn Avenue, East 27th Street, East 48th Street, East 93rd Street, Parkridge Avenue/Brookside Drive, West 19th Street, West 63rd Street, and West 89th Street area sewer replacement or rehabilitation projects; authorizing the Director of Public Utilities to enter into one or more public improvement contracts; authorizing the Director to employ one or more professional consultants necessary to design the improvement; and authorizing the Director to apply for and accept any loans or grants from any public or private entity.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Brookfield Avenue/West 130th Street, Dearborn Avenue, East 27th Street, East 48th Street, East 93rd Street, Parkridge Avenue/Brookside Drive, West 19th Street, West 63rd Street, and West 89th Street area sewer replacement or rehabilitation projects, which may include but not be limited to replacing the existing main sewer and installing a new storm relief sewer (the “Improvement”), for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 5. That the Director of Public Utilities is authorized to apply for and accept one or more grants from various public or private entities to make the Improvement; including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding or other funding to implement the Improvement, that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the grants.

Section 6. That the Director of Public Utilities and/or the Director of Finance are authorized to apply for and accept one or more Water Pollution Control Loan Fund ("WPCLF") loans from the Ohio Environmental Protection Agency ("EPA") or Ohio Water Development Authority, or other agencies; that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

The Director of Public Utilities and/or the Director of Finance, as appropriate, are authorized to enter into one or more loan agreements with the Ohio EPA or Ohio Water Development Authority, or other appropriate agency, for one or more WPCLF loans, which loan agreement or agreements shall contain additional terms that are acceptable to the Director of Law to protect the public interest. Upon execution of the WPCLF loan agreement or agreements, the Director of Public Utilities and/or the Director of Finance are authorized to repay the loan funds to the WPCLF in accordance with the terms and conditions of the WPCLF loan agreement or agreements, from the operating revenues of the Division of Water Pollution Control.

Section 7. That the Director of Public Utilities and/or the Director of Finance is authorized to apply for and accept grants as they become available and other funding from the United States of America and its federal agencies, the state of Ohio and its state agencies, and public agencies and/or pass-through entities approved by the governmental entity and that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant or grants; and that the funds are appropriated for the purposes described in this ordinance.

Section 8. That the cost of the contracts and other expenditures authorized shall be paid from Fund No. 54 SF 001, from the fund or funds to which are credited the proceeds from funding received through the NEORSD Community Cost Share Program funds, from the fund or funds to which are credited the proceeds from any grant or loan received, from the fund or funds to which are credited the proceeds from the sale of bonds authorized by Ordinance No. 898-2023, passed September 18, 2023, if the City

sells such bonds and are issued for this purpose, and from future bonds if issued for this purpose. (RQS 2003, RLA 2024-44)

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 587-2024

By Council Members: Bishop, Kazy and Griffin (by departmental request)

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for analysis, identification, storage, remediation, transportation, clean-up, emergency response, recycling, and disposal of various chemicals, hazardous waste products, and other non-hazardous and recyclable waste materials, routine industrial cleaning, and required training, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities and the Department of Public Works for a period of two years, with two one-year options to renew, exercisable by the Director of Public Utilities.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years, with two one-year options to renew, for the necessary items of labor and materials necessary for analysis, identification, storage, remediation, transportation, clean-up, emergency response, recycling, and disposal of various chemicals, hazardous waste products, and other non-hazardous and recyclable waste materials, routine industrial cleaning, and required training for Department of Public Utilities' and the Department of Public Works' employees whose work involves these products and materials, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities and the Department of Public Works for a period of two years, with two one-year options to renew, exercisable by the Director of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2002, RL 2024-17)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 624-2024

By Council Members: Kazy and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with CHN Housing Partners to administer energy, water, and sewer conservation services to low-income homeowners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period or periods not to exceed one year.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Utilities is authorized to enter into one or more agreements with CHN Housing Partners to administer energy, water, and sewer conservation services to low-income homeowners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period or periods not to exceed one year.

Section 2. That the cost of the agreement or agreements authorized shall not exceed \$900,000 and shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, RQS 2002, RL 2024-56.

Section 3. That the agreement or agreements shall be prepared by the Director of Law.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 639-2024**By Council Members:** Maurer

An emergency ordinance to amend the title of Chapter 352 and Section 352.01 of Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3077-A-89, passed June 17, 1991; and to supplement the Codified Ordinances by enacting new Section 352.13, relating to lighting requirements for outdoor parking lots.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the title of Chapter 352 and Section 352.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3077-A-89, passed June 17, 1991, are amended as follows:

Chapter 352 – Landscaping, Screening, and Outdoor Parking Lot Lighting

Section 352.01 Purpose

The purpose of the requirements in this chapter is to provide for appropriate landscaping, screening, and outdoor parking lot lighting that will:

- (a) Protect residential and all other environments from adverse effects, such as noise, odors and dust, of more intensive adjacent uses;
- (b) Protect users of parking areas from excessive wind, glare, and temperature extremes;
- (c) Mitigate the adverse effects on public streets and adjacent properties of noise, blowing dust and debris, water runoff, and glare from motor vehicle headlights and parking area lighting;
- (d) Provide adequate lighting in outdoor parking lots for the safety of residents, pedestrians, and motorists;
- (e) Discourage unsafe access to and circulation within off-street parking areas;
- (f) Contribute to improved community appearance and property values and preserve and enhance the mature “established” character of City neighborhoods;
- (g) Preserve privacy in residential areas next to non-residential uses and discourage trespass thereupon;

(h) Provide trees that improve the urban environment by cooling the air and land, reducing carbon dioxide in the air, and producing oxygen; and

(i) Compensate for the inability in an older, densely developed city like Cleveland to buffer incompatible uses by use of wide yards and open spaces.

Section 2. That existing title of Chapter 353 and Section 352.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3077-A-89, passed June 17, 1991, is repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 352.13 to read as follows:

Section 352.13 Lighting Requirements for Outdoor Parking Lots

(a) All outdoor parking lots containing ten or more spaces, which are used during non-daylight hours, shall be illuminated during those hours with one (1) to 2.5 footcandles, as recommended by the Illuminating Engineering Society (IES).

(b) The installation of lighting, replacement of lighting, and changes to existing light fixtures must be made in compliance with this Section.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 838-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Directors of Public Works and Capital Projects to convey and grant various easements to the Ohio Department of Transportation at a City-owned property within the Garfield Park Reservation in the City of Garfield Heights for the purpose of replacing the Broadway Avenue/SR-14 bridge; and declaring the easement rights no longer needed for the City's public use.

WHEREAS, the Ohio Department of Transportation ("ODOT") has requested the Directors of Public Works and Capital Projects (the "Directors") to convey and grant three (3) permanent highway, two (2) utility and one (1) temporary construction easements at the City-owned property bearing Permanent Parcel Number 544-29-001 (the "City Property") located within the Garfield Park Reservation leased to and managed by The Board of Park Commissioners of the Cleveland Metropolitan Park District (aka "Cleveland Metroparks") in the City of Garfield Heights for the purpose of replacing the Broadway Avenue/SR-14 bridge, and accompanying improvements including, but not limited to, constructing a multi-use trail, vegetated earthen slopes, a bio swale for storm water management, and electric line location (the "Project"); and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following permanent highway and utility easement interests at the City Property are not needed for the City's public use:

**PARCEL 10-SH1
Permanent Highway Easement**

Situated in Township 7 North, Range 12 West within Newburgh Township, Outlots 483 and 484, City of Garfield Heights, County of Cuyahoga and State of Ohio and being part of a 66.664 acre tract and a 75.115 acre tract described in deeds to the City of Cleveland in Deed Volume 592, Page 587 and Deed Volume 600, Page 98 and also being a parcel of land lying on the right side of the existing centerline of right of way of SR 14, as shown on the Centerline Plat and Right of Way plans of CUY-14-6.93 made for the Ohio Department of Transportation and recorded in AFN 202404170279, (all records are on file at the Recorder's office, Cuyahoga County, Ohio) and being more fully described as follows:

COMMENCING at an iron pin found with a 2" aluminum cap marked "CLEVELAND METRO PARKS" in the east line of said lands of the City of Cleveland, being 36.00 feet left of Station 3+57.98 of the Ex. Centerline of R/W of Henry Street;

Thence N00°10'04"W along the east line of said lands of the City of Cleveland, a distance of 12.78 feet to a point in the westerly right of way line of Henry Street, being 30.00 feet left of Station 3+69.27 of the Ex. Centerline of R/W of Henry Street;

Thence N28°09'36"W along the westerly right of way line of Henry Street, a distance of 388.21 feet to a R/W Pin set 30.00 feet left of Station 7+57.48 of the Ex. Centerline of R/W of Henry Street, being the POINT OF BEGINNING for the parcel herein described;

Thence passing through said lands of the City of Cleveland the following 9 courses;

1. Thence N28°09'36"W, a distance of 142.67 feet to a R/W Pin set 101.45 feet left of Station 8+35.00 of the Ex. Centerline of R/W of Henry Street;
2. Thence N11°13'54"E, a distance of 116.05 feet to a R/W Pin set 65.00 feet right of Station 373+45.00 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
3. Thence N73°01'28"W, a distance of 97.50 feet to a R/W Pin set 97.22 feet right of Station 372+55.00 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
4. Thence with a curve to the left, having a radius of 157.00 feet, a central angle of 23°56'43", and an arc length of 65.61 feet, said curve has a chord which bears N34°43'47"W and has a distance of 65.14 feet, to a R/W Pin set 76.18 feet right of Station 371+93.36 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
5. Thence with a curve to the left, having a radius of 552.00 feet, a central angle of 16°39'04", and an arc length of 160.42 feet, said curve has a chord which bears N55°01'40"W and has a distance of 159.86 feet, to a R/W Pin set 80.23 feet right of Station 370+33.55 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
6. Thence with a curve to the left, having a radius of 352.00 feet, a central angle of 10°43'55", and an arc length of 65.93 feet, said curve has a chord which bears N68°43'10"W and has a distance of 65.84 feet, to a R/W Pin set 97.42 feet right of Station 369+70.00 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
7. Thence N48°15'58"W, a distance of 296.27 feet to a R/W Pin set 70.00 feet right of Station 366+75.00 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
8. Thence N29°36'54"W, a distance of 49.24 feet to a R/W Pin set 50.00 feet right of Station 366+30.00 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
9. Thence N36°25'21"E, a distance of 17.00 feet to a R/W Pin set in the existing southwesterly right of way line of S.R. 14 (Broadway Avenue) 33.00 feet right of Station 366+30.00 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);

Thence with the existing southwesterly right of way line of S.R. 14 (Broadway Avenue) and the existing westerly right of way line of Henry Street, the following 6 courses;

1. Thence S53°34'39"E, a distance of 175.90 feet to a point being 33.00 feet right of Station 368+05.90 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
2. Thence S36°25'21"W, a distance of 2.00 feet to a point being 35.00 feet right of Station 368+05.90 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
3. Thence S53°34'39"E, a distance of 605.29 feet to a point being 41.36 feet right of Station 374+04.97 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
4. Thence with a curve to the right, having a radius of 30.00 feet, a central angle of 75°00'26", and an arc length of 39.27 feet, said curve has a chord which bears S16°04'26"E and has a distance of 36.53 feet, to a point being 30.00 feet right of Station 9+32.36 of the Ex. Centerline of R/W of Henry Street;
5. Thence S21°25'47"W, a distance of 109.37 feet to a point being 30.00 feet left of Station 8+23.00 of the Ex. Centerline of R/W of Henry Street;
6. Thence with a curve to the left, having a radius of 105.70 feet, a central angle of 49°35'24", and an arc length of 91.48 feet, said curve has a chord which bears S03°21'55"E and has a distance of 88.66 feet to the POINT OF BEGINNING.

The above described parcel is within Cuyahoga County Auditor Parcel Number 544-29-001 and contains 1.058 acres of land, more or less, of which 0.000 acres are within present road occupied.

R/W Pins set in the above description are $\frac{3}{4}$ inch diameter steel rods 30 inches in length topped by a 2 inch diameter aluminum cap stamped "ODOT R/W, PS NO. 7912, AECOM".

All bearings are for project use only. The bearings referred to herein are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011) datum from GPS observations of the ODOT VRS System in 2018 - 2021 by AECOM and are for the purpose of defining angular measurements.

The above description was prepared by James P. Villacres, Registered Professional Surveyor No. 7912 from an actual field survey in 2018 by AECOM Technical Services, Inc. and from existing records.

PARCEL 10-SH2

Permanent Highway Easement

Situated in Township 7 North, Range 12 West within Newburgh Township, Outlots 483 and 484, City of Garfield Heights, County of Cuyahoga and State of Ohio and being part of a 66.664 acre tract and a 75.115 acre tract described in deeds to the City of Cleveland in Deed Volume 592, Page 587 and Deed Volume 600, Page 98 and also being a parcel of land lying on the left side of the existing centerline of right of way of SR 14, as shown on the Centerline Plat and Right of Way plans of CUY-14-6.93 made for the Ohio Department of Transportation and recorded in AFN 202404170279, (all

records are on file at the Recorder's office, Cuyahoga County, Ohio) and being more fully described as follows:

COMMENCING at an iron pin found with a 2" aluminum cap marked "CLEVELAND METRO PARKS" at the northeast corner of said lands of the City of Cleveland, being 0.46 feet right of Station 375+08.14 of the Centerline of Construction of S.R. 14 (Broadway Avenue);

Thence S00°10'04"E along the east line of said lands of the City of Cleveland, a distance of 62.78 feet in the existing northeasterly right of way line of S.R. 14 (Broadway Avenue) being 44.38 feet left of Station 375+42.62 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);

Thence, along the existing northeasterly right of way line of S.R. 14 (Broadway Avenue) with a curve to the right, having a radius of 612.77 feet, a central angle of 06°49'10", and an arc length of 72.93 feet, said curve has a chord which bears N74°24'45"W and has a distance of 72.89 feet, to a point 44.62 feet left of Station 374+61.94 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue), being the POINT OF BEGINNING for the parcel herein described;

Thence, continuing along the existing northeasterly right of way line of S.R. 14 (Broadway Avenue) with a curve to the right, having a radius of 612.77 feet, a central angle of 17°25'31", and an arc length of 186.36 feet, said curve has a chord which bears N62°17'24"W and has a distance of 185.64 feet, to a point being 33.00 feet left of Station of the 372+64.38 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);

Thence N53°34'39"W continuing along the existing northeasterly right of way line of S.R. 14 (Broadway Avenue), a distance of 919.68 feet; to a point in the centerline of existing R/W and Construction of Chaincraft Road (formerly Broadway Avenue), in the northerly line of said lands of the City of Cleveland being 33.00 feet left of Station 363+44.70 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);

Thence S66°23'04"E along the centerline of existing R/W and Construction of Chaincraft Road (formerly Broadway Avenue), the northerly line of said lands of the City of Cleveland, a distance of 218.32 feet; (passing a centerline monument set at 162.62' at PC Sta. 103+11.50 of Chaincraft Road) to a point at the northwest corner of Parcel 3 described in DV 3576, Pg 436 (R/W for Chaincraft Road) being 81.39 feet left of Station 365+57.59 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);

Thence S53°29'40"E along the southerly line of Chaincraft Road, a distance of 642.04 feet to a point 80.47 feet left of Station 371+99.64 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);

Thence S09°56'25"W along the southerly line of Chaincraft Road, a distance of 22.36 feet to a point 60.45 feet left of Station 372+09.61 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);

Thence, along the southerly line of Chaincraft Road with a curve to the left, having a radius of 641.34 feet, a central angle of 09°21'05", and an arc length of 104.67 feet, said curve has a chord which bears S58°10'13"E and has a distance of 104.56 feet, to a point 68.82 feet left of Station 373+13.83 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);

Thence S62°50'45"E along the southerly line of Chaincraft Road, a distance of 70.94 feet to a point 76.66 feet left of Station 373+94.42 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);

Thence S36°56'46"E along the southerly line of Chaincraft Road, a distance of 66.83 feet to the POINT OF BEGINNING.

The above described parcel is within Cuyahoga County Auditor Parcel Number 544-29-001 and contains 0.989 acres of land, more or less, of which 0.165 acres are within present road occupied.

R/W Pins set in the above description are $\frac{3}{4}$ inch diameter steel rods 30 inches in length topped by a 2 inch diameter aluminum cap stamped "ODOT R/W, PS NO. 7912, AECOM".

All bearings are for project use only. The bearings referred to herein are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011) datum from GPS observations of the ODOT VRS System in 2018 - 2021 by AECOM and are for the purpose of defining angular measurements.

The above description was prepared by James P. Villacres, Registered Professional Surveyor No. 7912 from an actual field survey in 2018 by AECOM Technical Services, Inc. and from existing records.

PARCEL 10-SH3

Permanent Highway Easement

Situated in Township 7 North, Range 12 West within Newburgh Township, Outlot 484, City of Garfield Heights, County of Cuyahoga and State of Ohio and being part of a 66.664 acre tract and a 75.115 acre tract described in deeds to the City of Cleveland in Deed Volume 592, Page 587 and Deed Volume 600, Page 98 and also being a parcel of land lying on the right side of the existing centerline of right of way of SR 14, as shown on the Centerline Plat and Right of Way plans of CUY-14-6.93 made for the Ohio Department of Transportation and recorded in AFN 202404170279, (all records are on file at the Recorder's office, Cuyahoga County, Ohio) and being more fully described as follows:

COMMENCING at an iron pin found with a 2" aluminum cap marked "CLEVELAND METRO PARKS" in the east line of said lands of the City of Cleveland, being 36.00 feet. left of Station 3+57.98 Of the Ex. Centerline of R/W of Henry Street;

Thence N00°10'04"W along the east line of said lands of the City of Cleveland, a distance of 395.30 feet to a R/W Pin set 27.00 feet right of Station 115+44.26 of the Centerline of Ex. R/W and Construction of Chaincraft Road, being the POINT OF BEGINNING for the parcel herein described;

Thence N58°30'40"W through the said lands of the City of Cleveland, a distance of 31.34 feet to a R/W Pin set 27.00 feet right of Station 115+12.92 of the Centerline of Ex. R/W and Construction of Chaincraft Road;

Thence N84°53'12"W through the said lands of the City of Cleveland, a distance of 34.03 feet to a R/W Pin set 45.37 feet right of Station 114+91.84 of the Centerline of Ex. R/W and Construction of Chaincraft Road;

Thence S26°48'31"W through the said lands of the City of Cleveland, a distance of 91.89 feet to a R/W Pin set in the eastern existing right of way line of Henry Street, 30.00 feet right of Station 7+00.00 of the Ex. Centerline of R/W of Henry Street;

Thence along the eastern existing right of way line of Henry Street, the following 6 courses;

1. Thence N28°09'36"W, a distance of 32.44 feet to a point 30.00 feet right of Station 7+32.44 of the Ex. Centerline of R/W of Henry Street;
2. Thence with a curve to the right, having a radius of 80.00 feet, a central angle of 49°35'24", and an arc length of 69.24 feet, said curve has a chord which bears N03°21'55"W and has a distance of 67.10 feet, to a point 37.00 feet right of Station 8+32.88 of the Ex. Centerline of R/W of Henry Street;
3. Thence N21°25'47"E, a distance of 70.13 feet to a point 37.00 feet right of Station 9+03.02 of the Ex. Centerline of R/W of Henry Street;
4. Thence N68°34'13"W, a distance of 7.00 feet to a point 30.00 feet right of Station 9+03.02 of the Ex. Centerline of R/W of Henry Street;
5. Thence N21°25'47"E, a distance of 29.33 feet to a point 30.00 feet right of Station 9+32.35 of the Ex. Centerline of R/W of Henry Street;
6. Thence with a curve to the right, having a radius of 30.00 feet, a central angle of 41°09'18", and an arc length of 21.55 feet, said curve has a chord which bears N42°00'26"E and has a distance of 21.09 feet a R/W Pin set in the westerly existing right of way line of Chaincraft Road, 18.98 feet right of Station 113+94.89 of the Centerline of Ex. R/W and Construction of Chaincraft Road;

Thence, along the westerly existing right of way line of Chaincraft Road with a curve to the left, having a radius of 115.00 feet, a central angle of 64°20'05", and an arc length of 129.13 feet, said curve has a chord which bears S26°20'38"E and has a

distance of 122.45 feet, to a point 10.17 feet right of Station 115+07.39 of the Centerline of Ex. R/W and Construction of Chaincraft Road;

Thence S58°30'40"E along the westerly existing right of way line of Chaincraft Road, a distance of 26.95 feet to a point in the easterly line of the said lands of the City of Cleveland, 10.00 feet right of Station 115+33.78 of the Centerline of Ex. R/W and Construction of Chaincraft Road;

Thence S00°10'04"E along the easterly line of the said lands of the City of Cleveland, a distance of 19.97 feet to the POINT OF BEGINNING.

The above described parcel is within Cuyahoga County Auditor Parcel Number 544-29-001 and contains 0.214 acres of land, more or less, of which 0.000 acres are within present road occupied.

R/W Pins set in the above description are $\frac{3}{4}$ inch diameter steel rods 30 inches in length topped by a 2 inch diameter aluminum cap stamped "ODOT R/W, PS NO. 7912, AECOM".

All bearings are for project use only. The bearings referred to herein are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011) datum from GPS observations of the ODOT VRS System in 2018 - 2021 by AECOM and are for the purpose of defining angular measurements.

The above description was prepared by James P. Villacres, Registered Professional Surveyor No. 7912 from an actual field survey in 2018 by AECOM Technical Services, Inc. and from existing records.

PARCEL 10-U1

Utility Easement

Situated in Township 7 North, Range 12 West within Newburgh Township, Outlots 483 and 484, City of Garfield Heights, County of Cuyahoga and State of Ohio and being part of a 66.664 acre tract and a 75.115 acre tract described in deeds to the City of Cleveland in Deed Volume 592, Page 587 and Deed Volume 600, Page 98 and also being a parcel of land lying on the left side of the existing centerline of right of way of SR 14, as shown on the Centerline Plat and Right of Way plans of CUY-14-6.93 made for the Ohio Department of Transportation and recorded in AFN 202404170279, (all records are on file at the Recorder's office, Cuyahoga County, Ohio) and being more fully described as follows:

COMMENCING at an iron pin found with a 2" aluminum cap marked "CLEVELAND METRO PARKS" in the southerly line of said lands of Norfolk Southern Railway Company, at the northeast corner of lands described in deeds to the City of Cleveland in Deed Volume 592, Page 587 and Deed Volume 600, Page 98, the northeast corner of a right of way parcel for Chaincraft Road described as Parcel 6WD-4 in Deed

Volume 88-1631 Page 70, being 0.46 feet right of Station 375+08.14 of the Centerline of Construction of S.R. 14 (Broadway Avenue);

Thence N53°29'40"W along the southerly line of said lands of Norfolk Southern Railway Company, along the northerly right of way line of said Chaincraft Road Parcel 6WD-4, a distance of 115.71 feet to a point 30.00 feet left of Station 111+78.78 of the Centerline of Ex. R/W and Construction of Chaincraft Road, being the POINT OF BEGINNING for the parcel herein described;

Thence N62°50'45"W continuing along said northerly right of way line of Chaincraft Road, a distance of 59.48 feet to a point being 30.00 feet left of Station 111+19.30 of the Centerline of Ex. R/W and Construction of Chaincraft Road;

Thence, continuing along said northerly right of way line of Chaincraft Road with a curve to the right, having a radius of 581.34 feet, a central angle of 09°21'05", and an arc length of 94.88 feet, said curve has a chord which bears N58°10'13"W and has a distance of 94.78 feet, to a R/W Pin set at a northwesterly corner of said Parcel 6WD-4 being 30.00 feet left of Station 110+19.52 of the Centerline of Ex. R/W and Construction of Chaincraft Road;

Thence N63°04'14"E crossing the said lands of the City of Cleveland, a distance of 19.44 feet to a R/W Pin set in the northerly line of said lands of the City of Cleveland, in the southerly line of said lands of Norfolk Southern Railway Company, 47.32 feet left of Station 110+28.95 of the Centerline of Ex. R/W and Construction of Chaincraft Road;

Thence S53°29'40"E along the northerly line of said lands of the City of Cleveland, the southerly line of said lands of Norfolk Southern Railway Company, a distance of 144.46 feet to the POINT OF BEGINNING.

The above described parcel is within Cuyahoga County Auditor Parcel Number 544-29-001 and contains 0.037 acres of land, more or less, of which 0.000 acres are within present road occupied.

R/W Pins set in the above description are $\frac{3}{4}$ inch diameter steel rods 30 inches in length topped by a 2 inch diameter aluminum cap stamped "ODOT R/W, PS NO. 7912, AECOM".

All bearings are for project use only. The bearings referred to herein are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011) datum from GPS observations of the ODOT VRS System in 2018 - 2021 by AECOM and are for the purpose of defining angular measurements.

The above description was prepared by James P. Villacres, Registered Professional Surveyor No. 7912 from an actual field survey in 2018 by AECOM Technical Services, Inc. and from existing records.

PARCEL 10-U2
Utility Easement

Situated in Township 7 North, Range 12 West within Newburgh Township, Outlots 483 and 484, City of Garfield Heights, County of Cuyahoga and State of Ohio and being part of a 66.664 acre tract and a 75.115 acre tract described in deeds to the City of Cleveland in Deed Volume 592, Page 587 and Deed Volume 600, Page 98 and also being a parcel of land lying on the right side of the existing centerline of right of way of SR 14, as shown on the Centerline Plat and Right of Way plans of CUY-14-6.93 made for the Ohio Department of Transportation and recorded in AFN 202404170279, (all records are on file at the Recorder's office, Cuyahoga County, Ohio) and being more fully described as follows:

COMMENCING at an iron pin found with a 2" aluminum cap marked "CLEVELAND METRO PARKS" in the east line of said lands of the City of Cleveland, being 36.00 feet left of Station 3+57.98 of the Ex. Centerline of R/W of Henry Street;

Thence N00°10'04"W along the east line of said lands of the City of Cleveland, a distance of 12.78 feet to a point in the westerly right of way line of Henry Street, being 30.00 feet left of Station 3+69.27 of the Ex. Centerline of R/W of Henry Street;

Thence N28°09'36"W along the westerly right of way line of Henry Street, a distance of 287.02 feet to a R/W Pin set 30.00 feet left of Station 6+56.29 of the Ex. Centerline of R/W of Henry Street, being the POINT OF BEGINNING for the parcel herein described;

Thence passing through said lands of the City of Cleveland the following 4 courses;

1. Thence S25°55'17"W, a distance of 15.21 feet to a point being 42.32 feet left of Station 6+47.37 of the Ex. Centerline of R/W of Henry Street;
2. Thence N64°04'43"W, a distance of 20.00 feet to a point being 54.05 feet left of Station 6+63.57 of the Ex. Centerline of R/W of Henry Street;
3. Thence N25°55'17"E, a distance of 29.70 feet to a point in the westerly right of way line of Henry Street, being 30.00 feet left of Station 6+80.99 of the Ex. Centerline of R/W of Henry Street;
4. Thence S28°09'36"E along the westerly right of way line of Henry Street, a distance of 24.70 feet to the POINT OF BEGINNING.

The above described parcel is within Cuyahoga County Auditor Parcel Number 544-29-001 and contains 0.010 acres of land, more or less, of which 0.000 acres are within present road occupied.

R/W Pins set in the above description are $\frac{3}{4}$ inch diameter steel rods 30 inches in length topped by a 2 inch diameter aluminum cap stamped "ODOT R/W, PS NO. 7912, AECOM".

All bearings are for project use only. The bearings referred to herein are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011) datum from GPS observations of the ODOT VRS System in 2018 - 2021 by AECOM and are for the purpose of defining angular measurements.

The above description was prepared by James P. Villacres, Registered Professional Surveyor No. 7912 from an actual field survey in 2018 by AECOM Technical Services, Inc. and from existing records.

Section 2. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following temporary construction easement interest at the City Property is not needed for the City's public use:

PARCEL 10-T
Temporary Easement

Situated in Township 7 North, Range 12 West within Newburgh Township, Outlot 484, City of Garfield Heights, County of Cuyahoga and State of Ohio and being part of a 66.664 acre tract and a 75.115 acre tract described in deeds to the City of Cleveland in Deed Volume 592, Page 587 and Deed Volume 600, Page 98 and also being a parcel of land lying on the right side of the existing centerline of right of way of SR 14, as shown on the Centerline Plat and Right of Way plans of CUY-14-6.93 made for the Ohio Department of Transportation and recorded in AFN 202404170279, (all records are on file at the Recorder's office, Cuyahoga County, Ohio) and being more fully described as follows:

COMMENCING at an iron pin found with a 2" aluminum cap marked "CLEVELAND METRO PARKS" in the east line of said lands of the City of Cleveland, being 36.00 feet left of Station 3+57.98 of the Ex. Centerline of R/W of Henry Street;

Thence N00°10'04"W along the east line of said lands of the City of Cleveland, a distance of 12.78 feet to a point in the westerly right of way line of Henry Street, being 30.00 feet left of Station 3+69.27 of the Ex. Centerline of R/W of Henry Street;

Thence N28°09'36"W along the westerly right of way line of Henry Street and extending into the lands of the City of Cleveland, a distance of 530.88 feet to a R/W Pin set 101.45 feet left of Station 8+35.00 of the Ex. Centerline of R/W of Henry Street, being the POINT OF BEGINNING for the parcel herein described;

Thence passing through said lands of the City of Cleveland the following 12 courses;

1. Thence N78°46'06"W, a distance of 10.00 feet to a point being 111.29 feet left of Station 8+33.23 of the Ex. Centerline of R/W of Henry Street;
2. Thence N11°13'54"E, a distance of 101.98 feet to a point being 81.90 feet right of Station 373+41.97 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
3. Thence N66°46'33"W, a distance of 91.88 feet to a point being 102.73 feet right of Station 372+54.43 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
4. Thence with a curve to the left, having a radius of 152.00 feet, a central angle of 24°49'26", and an arc length of 65.86 feet, said curve has a chord which bears N34°17'25"W and has a distance of 65.34 feet to a point being 81.15 feet right of Station 371+92.76 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
5. Thence with a curve to the left, having a radius of 547.00 feet, a central angle of 16°39'04", and an arc length of 158.97 feet, said curve has a chord which bears N55°01'40"W and has a distance of 158.41 feet to a point being 85.16 feet right of Station 370+34.40 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
6. Thence with a curve to the left, having a radius of 347.00 feet, a central angle of 10°43'55", and an arc length of 65.00 feet, said curve has a chord which bears N68°43'10"W and has a distance of 64.90 feet to a point being 102.11 feet right of Station 369+71.75 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
7. Thence N15°54'53"E a distance of 5.00 feet to a R/W Pin set being 97.42 feet right of Station 369+70.00 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
8. Thence with a curve to the right, having a radius of 352.00 feet, a central angle of 10°43'55", and an arc length of 65.93 feet, said curve has a chord which bears S68°43'10"E and has a distance of 65.84 feet to a R/W Pin set being 80.23 feet right of Station 370+33.55 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
9. Thence with a curve to the right, having a radius of 552.00 feet, a central angle of 16°39'04", and an arc length of 160.42 feet, said curve has a chord which bears S55°01'40"E and has a distance of 159.86 feet to a R/W Pin set being 76.18 feet right of Station 371+93.36 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
10. Thence with a curve to the right, having a radius of 157.00 feet, a central angle of 23°56'43", and an arc length of 65.61 feet, said curve has a chord which bears S34°43'47"E and has a distance of 65.14 feet to a R/W Pin set being 97.22 feet right of Station 372+55.00 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
11. Thence S73°01'28"E a distance of 97.50 feet to a R/W Pin set being 65.00 feet right of Station 373+45.00 of the Ex. Centerline of R/W of S.R. 14 (Broadway Avenue);
12. Thence S11°13'54"W, a distance of 116.05 feet to the POINT OF BEGINNING.

The above described parcel is within Cuyahoga County Auditor Parcel Number 544-29-001 and contains 0.081 acres of land, more or less, of which 0.000 acres are within present road occupied.

R/W Pins set in the above description are $\frac{3}{4}$ inch diameter steel rods 30 inches in length topped by a 2 inch diameter aluminum cap stamped "ODOT R/W, PS NO. 7912, AECOM".

All bearings are for project use only. The bearings referred to herein are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011) datum from GPS observations of the ODOT VRS System in 2018 - 2021 by AECOM and are for the purpose of defining angular measurements.

The above description was prepared by James P. Villacres, Registered Professional Surveyor No. 7912 from an actual field survey in 2018 by AECOM Technical Services, Inc. and from existing records.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive easement interests to ODOT subject to any conditions stated in this ordinance at an appraised value of \$142,400.00, which is determined to be fair market value, and is further authorized in a separate agreement to donate or otherwise grant to the Cleveland Metroparks, which is the lessee to a current lease with the City for occupancy, use and management of the City Property, the proceeds of the sale of the easement interests to be used exclusively for future capital improvements subject to written approval of the Directors and in accordance to and in the manner consistent with Section 167 of the City Charter.

Section 4. That the purpose of the easements shall be for the implementation of the Project.

Section 5. That the duration of the permanent highway and utility easements described in Section 1 shall be perpetual; that the duration of the temporary construction easement shall not exceed eighteen months; that the easements may include reasonable right of entry rights to the City; that the easements shall be assignable without the consent of the Director of Public Works or Capital Projects, as appropriate; that the easements shall require that ODOT or its contractor provide reasonable insurance, and pay any applicable taxes and assessments.

Section 6. That the conveyances referred to above shall be made by official deeds of easement and official deeds of temporary construction easement prepared by the Director of Law and executed by the Director of Public Works or Capital Projects, as appropriate, on behalf of the City of Cleveland. The deeds of easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Works, Capital Projects, and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 957-2024

By Council Members: Kazy and Griffin (by departmental request)

An ordinance to amend various sections of Chapter 523, as amended by various ordinances; to repeal Section 523.021; and to enact new Sections 523.0491, 523.066, 523.067, 523.28 and 523.29, all relating to rules and rates for electricity charges for the Division of Cleveland Public Power.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That rates, rules, and regulations of the Division of Cleveland Public Power, Department of Public Utilities, fixed by the Board of Control by Resolution No.

_____, adopted _____, as set forth in Sections 523.02, 523.03, 523.04, 523.043, 523.047, 523.049, 523.05, 523.06, 523.065, 523.12, 523.16, 523.21, and 523.23 of the Codified Ordinances of Cleveland, Ohio, 1976, for electrical service as amended in this ordinance, are approved.

Section 2. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 523.02, 523.03, 523.04, 523.043, and 523.047, as amended by Ordinance No. 472-2022, passed May 23, 2022,

Section 523.049, as amended by Ordinance No. 65-08, passed March 31, 2008; and

Sections 523.05, 523.06, 523.065, 523.08, 523.11, and 523.12, as amended by Ordinance No. 472-2022, passed May 23, 2022,

Section 523.16, as amended by Ordinance No. 726-57, passed April 8, 1957, and

Sections 523.21, and 523.23, as amended by Ordinance No. 472-2022, passed May 23, 2022,

are amended to read as follows:

Section 523.02 Residential Rate Schedule

Effective January 1 of each applicable year, the following schedule is applicable to private single residences or to any individually metered family accommodation when service is used primarily for domestic and household purposes, as distinguished from commercial, professional or industrial purposes. Usage charges are not prorated. The charge used will correspond with the bill period end date.

(a) *Kilowatt Hour Charge.*

	Summer				Winter		
KWH Per Month	2024	2025	2026		2024	2025	2026
First 1,000	\$0.0774	\$0.0888	\$0.0970		\$0.0655	\$0.0752	\$0.0821
All over 1,000	\$0.0752	\$0.0863	\$0.0943		\$0.0353	\$0.0405	\$0.0443

(b) *Definition of Seasonal Rate.* For the purpose of this rate schedule, the summer rate shall be in effect during the months of June, July, August, September and October. The winter rate shall be in effect during the months of November, December, January, February, March, April and May.

(c) *Power Supply Recovery.* In accordance with Section 523.21, the Power Supply Recovery shall be determined and applied on a monthly basis by the Division of Cleveland Public Power.

(d) *Environmental and Ecological Adjustment.* An adjustment to the Power Supply Recovery shall be applied to this rate as set forth and described in Section 523.17.

Section 523.03 Small Commercial Rate Schedule

Effective January 1 of each applicable year, the following schedule is applicable to all commercial installations during any month in which such installation has a demand of less than thirty (30) kilowatts (KWD). Usage charges are not prorated. The charge used will correspond with the bill period end date.

(a) *Kilowatt Hour Charge.*

	Summer				Winter		
KWH Per Month	2024	2025	2026		2024	2025	2026
First 7,500	\$0.0679	\$0.0779	\$0.0851		\$0.0588	\$0.0675	\$0.0737
All over 7,500	\$0.0398	\$0.0457	\$0.0499		\$0.0309	\$0.0355	\$0.0387

(b) *Definition of Seasonal Rate.* For the purpose of this rate schedule, the summer rate shall be in effect during the months of June, July, August, September and October. The winter rate shall be in effect during the months of November, December, January, February, March, April and May.

(c) *Special Service.* Standby, temporary, special, welding, intermittent or extremely low load factor service is not included in this schedule and shall be subject to special rates based upon cost as computed by the Division of Cleveland Public Power.

Applicants for these services may be charged with the cost of installing and furnishing such services as well as the cost of removal of such services at the discretion of the Division.

(d) *Combined Billing.* At the option of the Division, commercial installations on the same premises may be combined on one (1) meter and billed under this schedule with the number of kilowatt hours in each block of the rate and the minimum charge multiplied by the number of commercial installations.

(e) *Plural Service Connections.* Where plural service connections supply a customer on the same premises, meter readings on one (1) commercial light service connection and on one (1) commercial power service connection may, at the option of the Division, be added for billing purposes, and meter readings on two (2) or more commercial connections supplying a customer on the same premises may be added for billing purposes at the option of the Division.

(f) *Environmental and Ecological Adjustment.* An adjustment to the Power Supply Recovery shall be applied to this rate as set forth and described in Section 523.17.

(g) *Power Supply Recovery.* In accordance with Section 523.21, the Power Supply Recovery shall be determined and applied on a monthly basis by the Division.

(h) *Flat Rate Billing.* This rate schedule may be used for billing installations where the consumption is constant, and the installation of a meter is not economic or practical, as determined by the Commissioner of the Division of Cleveland Public Power, or designee. The kilowatt hours used for billing shall be calculated based on the consumption characteristic of the device being billed. At the option of the Commissioner of the Division of Cleveland Public Power, the summer and winter kilowatt hour rates may be combined on a weighted basis to provide one rate.

(i) *Determination of Applicable Schedule.* In any month that the kilowatt demand (KWD) equals or exceeds thirty (30), the billing for that month shall be calculated using the Large Commercial Rate Schedules set forth in Section 523.04.

Section 523.04 Large Commercial Rate Schedules

Effective January 1 of each applicable year, the following are applicable to all commercial installations during any month in which such installation has a demand equal to or greater than thirty (30) kilowatts (KWD) and less than ten thousand (10,000) kilowatts (KWD) and a kilowatt hour consumption of less than or equal to five hundred thousand (500,000). Usage charges are not prorated. The charge used will correspond with the bill period end date.

(a) *Demand Charge.*

	Summer				Winter		
Kilowatt Per Month	2024	2025	2026		2024	2025	2026
First 50	\$ 7.99	\$ 9.17	\$ 10.02		\$ 7.28	\$ 8.35	\$ 9.13
All over 50	\$ 6.92	\$ 7.94	\$ 8.68		\$ 6.33	\$ 7.26	\$ 7.94

(b) *Reactive Charge.*

	Summer				Winter		
Kilowatt Per Month	2024	2025	2026		2024	2025	2026
In excess of 30	\$ 0.20	\$ 0.23	\$ 0.25		\$ 0.20	\$ 0.23	\$ 0.25

(c) *Kilowatt Hour Charge.*

	Summer				Winter		
Kilowatt Per Month	2024	2025	2026		2024	2025	2026
First 40,000	\$0.0331	\$0.0380	\$0.0415		\$ 7.28	\$ 8.35	\$ 9.13
Next 60,000	\$ 0.0207	\$ 0.0238	\$ 0.0260		\$ 0.0173	\$ 0.0199	\$ 0.0217
All over 100,000	\$ 0.0166	\$ 0.0190	\$ 0.0208		\$ 0.0140	\$ 0.0161	\$ 0.0176

(d) *Minimum Charge.* The monthly minimum charge shall be fifteen dollars and thirty-five cents (\$15.35), plus the Power Supply Recovery.

(e) *Maximum Charge.* The monthly maximum charge shall be twenty and one half cents (\$0.205)/KWH, plus the Power Supply Recovery.

(f) *Definition of Seasonal Rate.* For the purpose of this rate schedule, the summer rate shall be in effect during the months of June, July, August, September and October. The winter rate shall be in effect during the months of November, December, January, February, March, April and May.

(g) *Determination of Demand.* The kilowatt demand shall be determined monthly by demand measurements and shall be the maximum thirty (30) minute kilowatt demand during the month.

(h) *Determination of Reactive Demand.* For all three (3) phase installations where the kilowatt demand is sixty-five (65) or greater, and all single-phase installations where the kilowatt demand is seventy-five (75) or greater, the reactive billing demand shall be determined by multiplying the monthly kilowatt demand by the ratio of the monthly lagging reactive kilovolt ampere hours to the monthly kilowatt hours.

For all three (3) phase installations where the kilowatt demand is less than sixty-five (65), and all single-phase installations where the kilowatt demand is less than seventy-five (75), the reactive billing demand shall be zero.

(i) *Discount for Primary Metering.* Where the electric energy is metered on the primary (2,300 volts or higher) side of the service transformers, a discount of two percent (2%) of the gross primary metered kilowatt hours may be allowed.

(j) *Voltage Supply Discount.* Where the electric energy is provided entirely from an eleven thousand (11,000) volt circuit, a discount of five cents (\$0.05) per kilowatt of demand billed may be allowed.

(k) *Substation Ownership Discount.* A discount of thirty cents (\$0.30) per kilowatt of demand billed may be allowed when a customer owns, installs and maintains transformation and substation apparatus, thereby relieving the Division of Cleveland Public Power of these costs.

(l) *Off-Peak Demand Allowance.* At the option of the Division, the billing demand may be the greater of the regularly incurred demand or eighty-five percent (85%) of the maximum demand incurred during off-peak periods.

The cost of special metering to determine such demand shall be charged to the customer.

Off-peak periods shall be from 12:00 a.m. until 8:00 a.m., Tuesday through Saturday, and from 4:00 p.m. Saturday through 8:00 a.m. Monday.

(m) *Special Service.* Direct current, standby, temporary, special, welding, intermittent or extremely low load and extremely low load factor service is not included in this schedule and shall be subject to special rates based upon cost as computed by the Division of Cleveland Public Power.

Applicants for these services may be charged with the cost of installing and furnishing such services as well as the cost of removal of such services at the discretion of the Division.

The monthly minimum charge shall be applied in the case of all special services.

(n) *Combined Billing.* Where plural service connections supply a customer on the same premises, meter readings may, at the option of the Division, be added for billing purposes. The combined demand shall be the sum of the undiversified demands computed as for separate billing.

(o) *Environmental and Ecological Adjustment.* An adjustment to the *Power Supply Recovery* shall be applied to this rate as set forth and described in Section 523.17.

(p) *Power Supply Recovery.* In accordance with Section 523.21, the Power Supply Recovery shall be determined and applied on a monthly basis by the Division.

(q) *Determination of Applicable Schedule.* In any month that the kilowatt demand (KWD) is less than ten thousand (10,000) and the kilowatt hour consumption exceeds five hundred thousand (500,000), the billing for that month shall be calculated using the Small Industrial Rate Schedules set forth in Section 523.043.

In any month that the kilowatt demand (KWD) is less than thirty (30), the billing for that month shall be calculated using the Small Commercial Rate Schedule set forth in Section 523.03

Section 523.043 Small Industrial Rate Schedules

Effective January 1 of each applicable year, the following schedules are applicable to all commercial installations during any month in which such installation uses more than five hundred thousand (500,000) kilowatt hours during the current month and has a demand of less than ten thousand (10,000) kilowatts. Usage charges are not prorated. The charge used will correspond with the bill period end date.

(a) *Demand Charge.*

	Summer				Winter		
Kilowatt Per Month	2024	2025	2026		2024	2025	2026
First 50	\$ 7.99	\$ 9.17	\$ 10.02		\$ 7.28	\$ 8.35	\$ 9.13
All over 50	\$ 6.92	\$ 7.94	\$ 8.68		\$ 6.33	\$ 7.26	\$ 7.94

(b) *Reactive Charge.*

	Summer				Winter		
Kilowatt Per Month	2024	2025	2026		2024	2025	2026
For KVAR in excess of 30	\$ 0.20	\$ 0.23	\$ 0.25		\$ 0.20	\$ 0.23	\$ 0.25

(c) *Kilowatt Hour Charge.*

	Summer				Winter		
Kilowatt Per Month	2024	2025	2026		2024	2025	2026
First 40,000	\$ 0.0331	\$ 0.0380	\$ 0.0415		\$ 0.0288	\$ 0.0330	\$ 0.0361
Next 60,000	\$ 0.0207	\$ 0.0238	\$ 0.0260		\$ 0.0173	\$ 0.0199	\$ 0.0217
Next 200 KWH/KWD but	\$ 0.0166	\$ 0.0190	\$ 0.0208		\$ 0.0140	\$ 0.0161	\$ 0.0176

not less than 400,000 KWH							
Next 200 KWH/KWD	\$ 0.0105	\$ 0.0120	\$ 0.0132		\$ 0.0084	\$ 0.0096	\$ 0.0105
All excess KWH	\$ 0.0056	\$ 0.0064	\$ 0.0070		\$ 0.0056	\$ 0.0064	\$ 0.0070

(d) *Determination of Demand.* The kilowatt demand shall be determined monthly by demand measurements and shall be the maximum thirty (30) minute kilowatt demand during the month.

(e) *Definition of Seasonal Rate.* For the purpose of this rate schedule, the summer rate shall be in effect during the months of June, July, August, September and October. The winter rate shall be in effect during the months of November, December, January, February, March, April and May.

(f) *Determination of Reactive Demand.* The reactive billing demand shall be determined by multiplying the monthly kilowatt demand by the ratio of the monthly lagging reactive kilovolt ampere hours to the monthly kilowatt hours.

(g) *Discount for Primary Metering.* Where the electric energy is metered on the primary (two thousand three hundred (2,300) volts or higher) side of the service transformers, a discount of two percent (2%) of the gross primary metered kilowatt hours may be allowed.

(h) *Voltage Supply Discount.* Where the electric energy is provided entirely from an eleven thousand (11,000) volt circuit, a discount of five cents (\$0.05) per kilowatt of demand billed may be allowed.

(i) *Substation Ownership Discount.* A discount of thirty cents (\$0.30) per kilowatt of demand billed may be allowed when a customer owns, installs and maintains transformation and substation apparatus, thereby relieving the Division of these costs.

(j) *Off-Peak Demand Allowance.* At the option of the Division, the billing demand may be the greater of the regularly incurred demand or eighty-five percent (85%) of the maximum demand incurred during off- peak periods.

The cost of special metering to determine such demand shall be charged to the customer.

Off-peak periods shall be from 12:00 a.m. until 8:00 a.m., Tuesday through Saturday, and from 4:00 p.m. Saturday through 8:00 a.m. Monday.

(k) *Special Service.* Direct current, standby, temporary, special, welding, intermittent or extremely low load and extremely low load factor service is not included in this schedule and shall be subject to special rates based upon cost as computed by the Division of Cleveland Public Power.

Applicants for these services may be charged with the cost of installing and furnishing such services as well as the cost of removal of such services at the discretion of the Division.

The monthly minimum charge shall be applied in the case of all special services.

(l) *Combined Billings.* Where plural service connections supply a customer on the same premises, meter readings may, at the option of the Division, be added for billing purposes. The combined demand shall be the sum of the undiversified demands computed as for separate billing.

(m) *Environmental and Ecological Adjustment.* An adjustment to the Power Supply Recovery shall be applied to this rate as set forth and described in Section 523.17.

(n) *Power Supply Recovery.* In accordance with Section 523.21, the Power Supply Recovery shall be determined and applied on a monthly basis by the Division.

(o) *Determination of Applicable Schedule.* In any month that the kilowatt demand (KWD) equals or exceeds ten thousand (10,000), the billing for that month shall be calculated using the Large Industrial Rate Schedules set forth in Section 523.047.

In any month that the kilowatt hour consumption is less than or equal to five hundred thousand (500,000), and the kilowatt demand (KWD) is less than ten thousand (10,000), the billing for that month shall be calculated using the Large Commercial Rate Schedules set forth in Section 523.04.

Section 523.047 Large Industrial Rate Schedules

Effective January 1 of each applicable year, the following schedules are applicable to all commercial installations during any month in which such installation has a demand of greater than ten thousand (10,000) kilowatts. Usage charges are not prorated. The charge used will correspond with the bill period end date.

(a) *Demand Charge.*

	Summer				Winter		
Kilowatt Per Month	2024	2025	2026		2024	2025	2026
First 5,000	\$8.43	\$9.67	\$10.57		\$7.68	\$8.81	\$9.63
All over 5,000	\$7.85	\$9.01	\$9.84		\$7.09	\$8.14	\$8.89

(b) *Reactive Charge.*

	Summer				Winter		
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Kilovar Per Month	2024	2025	2026		2024	2025	2026
For KVAR in excess of 10% of kilowatt demand	\$0.20	\$0.23	\$0.25		\$0.20	\$0.23	\$0.25

(c) *Kilowatt Hour Charge.*

	Summer				Winter		
Kilowatt Per Month	2024	2025	2026		2024	2025	2026
First 115 KWH/ KWD	Charges are included in the demand charge						
Next 305 KWH/ KWD	\$ 0.0115	\$ 0.0132	\$0.0144		\$ 0.0092	\$ 0.0106	\$ 0.0115
All excess KWH	\$ 0.0050	\$ 0.0057	\$0.0063		\$ 0.0053	\$ 0.0061	\$ 0.0066

(d) *Determination of Demand.* The kilowatt demand shall be determined monthly by demand measurements and shall be the maximum thirty (30) minute kilowatt demand during the month.

(e) *Determination of Reactive Demand.* The reactive billing demand shall be determined by multiplying the monthly kilowatt demand by the ratio of the monthly lagging reactive kilovolt ampere hours to the monthly kilowatt hours.

(f) *Definition of Seasonal Rate.* For the purpose of this rate schedule, the summer rate shall be in effect during the months of June, July, August, September and October. The winter rate shall be in effect during the months of November, December, January, February, March, April and May.

(g) *Discount for Primary Metering.* Where the electric energy is metered on the primary (two thousand three hundred (2,300) volts or higher) side of the service transformers, a discount of two percent (2%) of the gross primary metered kilowatt hours may be allowed.

(h) *Voltage Supply Discount.* Where the electric energy is provided entirely from an eleven thousand (11,000) volt circuit, a discount of five cents (\$0.05) per kilowatt of demand billed may be allowed.

(i) *Substation Ownership Discount.* A discount of thirty cents (\$0.30) per kilowatt of demand billed may be allowed when a customer owns, installs and maintains transformation and substation apparatus, thereby relieving the Division of these costs.

(j) *Off-Peak Demand Allowance.* At the option of the Division, the billing demand may be the greater of the regularly incurred demand or eighty-five percent (85%) of the maximum demand incurred during off- peak periods.

The cost of special metering to determine such demand shall be charged to the customer.

Off-peak periods shall be from 12:00 a.m. until 8:00 a.m., Tuesday through Saturday, and from 4:00 p.m. Saturday through 8:00 a.m. Monday.

(k) *Special Service.* Direct current, standby, temporary, special, welding, intermittent or extremely low load and extremely low load factor service is not included in this schedule and shall be subject to special rates based upon cost as computed by the Division of Cleveland Public Power.

Applicants for these services may be charged with the cost of installing and furnishing such services as well as the cost of removal of such services at the discretion of the Division.

The monthly minimum charge shall be applied in the case of all special services.

(l) *Combined Billings.* Where plural service connections supply a customer on the same premises, meter readings may, at the option of the Division, be added for billing purposes. The combined demand shall be the sum of the undiversified demands computed as for separate billing.

(m) *Environmental and Ecological Adjustment.* An adjustment to the Power Supply Recovery shall be applied to this rate as set forth and described in Section 523.17.

(n) *Power Supply Recovery.* In accordance with Section 523.21, the Power Supply Recovery shall be determined and applied on a monthly basis by the Division.

(o) *Determination of Applicable Schedule.* In any month that the demand is less than ten thousand (10,000) kilowatts, the billing for that month shall be calculated using the Small Industrial Rate Schedules set forth in Section 523.043.

Section 523.049 Capacity Enhancement Incentive Rate Schedules

The following schedules are applicable to all new commercial customers who have not received Cleveland Public Power service at their present location in the preceding two (2) years, who enter into a written ten (10) year contract for service anticipated to commence in 2010, who will be served by distribution capacity created as part of Cleveland Public Power's "Capacity Enhancement Program," and whose peak demand is equal to or in excess of one hundred fifty (150) kilowatts. The availability of this rate schedule shall be limited to the first one hundred thousand (100,000) kilowatts of peak demand contracted under this rate schedule, or such lower total as may be determined by the Division.

The rates and charges contained in paragraphs (a) through (h) of this schedule shall be fixed for the duration of the initial contract term. For all commercial installations during any month in which such installation has a demand of less than one hundred fifty (150) kilowatts, the appropriate standard rate schedule shall apply.

For all commercial installations during any month in which such installation has a demand of at least one hundred fifty (150) kilowatts and less than six hundred fifty (650) kilowatts:

(a) *Customer Charge per Month*: Ninety dollars and fifty-eight cents (\$90.58).

(b) *Demand Charge*.

Kilowatt Per Month	Summer	Winter
For the first 200 KWD	\$14.269/ KWD	\$13.326/ KWD
For all excess KWD	\$12.631/ KWD	\$11.750/ KWD

(c) *Reactive Charge*.

Kilovar Demand Per Month	Summer	Winter
For all KVARD in excess of 30	\$0.456/ KVARD	\$0.456/ KVARD

(d) *Kilowatt Hour Charge*.

Kilowatt Per Month	Summer	Winter
For the first 200 KWH/KWD	\$0.06709/ KWH	\$0.06365/ KWH
For the next 200 KWH/KWD	\$0.05115/ KWH	\$0.04790/ KWH
For all excess KWH	\$0.04197/ KWH	\$0.04017/ KWH

For all commercial installations during any month in which such installation has a demand equal to or greater than six hundred fifty (650) kilowatts:

(e) *Customer Charge Per Month*: Two hundred twenty-six dollars and thirty-two cents (\$226.32)

(f) *Demand Charge*.

Kilowatt Per Month	Summer	Winter
For the first 500 KWD	\$14.994/ KWD	\$14.994/ KWD
For the next 500 KWD	\$13.905/ KWD	\$13.905/ KWD

	KWD	KWD
For all excess KWD	\$11.723/ KWD	\$11.723/ KWD

(g) *Reactive Charge.*

Kilovar Demand Per Month	Summer	Winter
For all KVAR in excess of 30	\$0.456/ KVAR	\$0.456/ KVAR

(h) *Kilowatt Hour Charge.*

Kilowatt Per Month	Summer	Winter
For the first 150 KWH/KWD	\$0.06480/ KWH	\$0.06480/ KWH
For the next 150 KWH/KWD	\$0.05100/ KWH	\$0.05100/ KWH
For the next 150 KWH/KWD	\$0.03552/ KWH	\$0.03552/ KWH
For all excess KWH	\$0.01362/ KWH	\$0.01362/ KWH

(i) *Applicability.* This rate schedule shall be in effect for capacity enhancement contracts entered into with new commercial customers before December 31, 2024, and will remain in effect for the duration of the contract. Usage charges are not prorated. The charge used will correspond with the bill period end date. This rate schedule will no longer be available for new commercial customers who enter into new service contracts on or after January 1, 2025. After January 1, 2025, the commercial contract rates for new commercial customers shall be determined under Sections 523.03, 523.04, 523.043 or 523.0491.

(j) *Determination of Demand.* The kilowatt demand shall be determined monthly by demand measurements, and shall be the maximum thirty (30) minute kilowatt demand during the month.

(k) *Determination of Reactive Demand.* The reactive billing demand shall be determined by multiplying the monthly kilowatt demand by the ratio of the monthly lagging reactive kilovolt ampere hours to the monthly kilowatt hours. At the Division's option, the reactive billing demand may be the metered reactive demand.

(l) *Definition of Seasonal Rate.* For the purpose of this rate schedule, the summer rate shall be in effect for bills rendered during the months of June, July, August, and

September. The winter rate shall be in effect for bills rendered during the months of October, November, December, January, February, March, April, and May.

(m) *Discount for Primary Metering.* Where the electric energy is metered on the primary (two thousand three hundred (2,300) volts or higher) side of the service transformers, a discount of two percent (2%) of the gross primary metered kilowatt hours may be allowed.

(n) *Substation Ownership Discount.* A discount of thirty cents (\$0.30) per kilowatt of demand billed may be allowed when a customer owns, installs and maintains transformation and substation apparatus, thereby relieving the Division of these costs.

(o) *Combined Billing.* At the option of the Division, where plural connections supply the same customer in the same general location, meter readings may be added for billing purposes and the combined demand shall be the coincident demand or the sum of the undiversified demands.

(p) *Transmission, Taxes, and Other Charges.* Customers under this schedule shall be charged for increases incurred after the adoption of this schedule for transmission service, costs or charges imposed by federal or state law, regulatory authorities, regional transmission operators, or reliability authorities/organizations, and taxes of any kind, however measured, paid directly or indirectly by the City. The kWh tax prescribed by RC Chapter 5727, or any successor tax, shall be charged to the same extent as such tax is applied to customers under the standard CPP rate schedules.

Section 523.05 Street Lighting Schedules

Effective January 1 of each applicable year, the following schedules are applicable to all electric street lighting service provided by the Division of Cleveland Public Power to governmental entities. Such service shall include installation and full maintenance. Usage charges are not prorated. The charge used will correspond with the bill period end date.

Any fixtures not identified in division (f) of this section, LED Street Lights will require express written approval from the Commissioner of the Division of Cleveland Public Power prior to installation.

(a) *Non-ornamental Lighting Service.*

High Pressure Sodium (Watt)	KWH/Lamp	Monthly Rate/Lamp		
		2024	2025	2026
100	52	\$6.20	\$ 8.25	\$ 8.25
150	71	\$7.66	\$ 10.19	\$ 10.19
250	112	\$9.94	\$ 13.22	\$ 13.22
400	174	\$11.28	\$ 15.00	\$ 15.00

(b) *Ornamental Lighting Service – Type I (thirty (30) ft. Steel Pole).*

High Pressure Sodium (Watt)	KWH/Lamp	Monthly Rate/Lamp		
		2024	2025	2026
100	52	\$10.58	\$14.07	\$14.07
100 (E & M only)	52	\$6.15	\$8.18	\$8.18
150	71	\$12.04	\$16.01	\$16.01
150 (E & M only)	71	\$7.55	\$10.04	\$10.04
250	112	\$14.62	\$19.44	\$19.44
250 (E & M only)	112	\$9.25	\$10.61	\$10.61
400	174	\$18.00	\$23.94	\$23.94
400 (E & M only)	174	\$12.25	\$14.06	\$14.06

Fluorescent (Watt*)	KWH/Lamp	Monthly Rate/Lamp		
		2024	2025	2026
200	101	\$10.45	\$11.99	\$11.99

* Not available for new installation

(c) *Ornamental Lighting Service – Type II (thirty (30) ft. Concrete Pole).*

High Pressure Sodium (Watt)	KWH/Lamp	Monthly Rate/Lamp		
		2024	2025	2026
250	112	\$21.21	\$28.21	\$28.21
400	174	\$24.59	\$32.70	\$32.70

(d) *Ornamental Lighting Service – Type III (forty-one (41) ft. Steel Pole w/Breakaway Base).*

High Pressure Sodium (Watt)	KWH/Lamp	Monthly Rate/Lamp		
		2024	2025	2026

400	174	\$30.00	\$34.43	\$34.43
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(e) *Street and Highway Lighting Service – Energy Only.*

High Pressure Sodium (Watt)	KWH/Lamp	Monthly Rate/Lamp		
		2024	2025	2026
100 (Controlled)	52	\$1.30	\$1.73	\$1.73
100 (Continuous)	110	\$2.75	\$3.66	\$3.66
150 (Controlled)	71		\$1.78	\$2.04
150 (Continuous)	150	\$3.75	\$4.30	\$4.30
200 (Controlled)	88	\$2.20	\$2.93	\$2.93
200 (Continuous)	185	\$4.63	\$5.29	\$5.29

High Pressure Sodium (Watt)	KWH/Lamp	Monthly Rate/Lamp		
		2024	2025	2026
250 (Controlled)	112	\$2.80	\$3.72	\$3.72
250 (Continuous)	236	\$5.90	\$6.77	\$6.77
400 (Controlled)	174	\$4.35	\$5.79	\$5.79
400 (Continuous)	366	\$9.15	\$10.50	\$10.50
1000 (Controlled)	396	\$9.90	\$13.17	\$13.17

Metal Halide (Watt)	KWH/Lamp	Monthly Rate/Lamp		
		2024	2025	2026
1000 (Controlled)	391	\$9.78	\$11.22	\$11.22

(f) LED Street Lights

LED Type	Existing HID Wattage	Equivalent LED Wattage	Monthly Rate/Lamp	
			2025	2026
Cobra Head	150	47	\$5.56	\$5.56
Cobra Head - 480 V	150	47	\$5.56	\$5.56

Cobra Head	250	111	\$7.65	\$7.65
Cobra Head - 480 V	250	111	\$7.65	\$7.65
Cobra Head	400	194	\$32.34	\$32.34
Cobra Head - 480 V	400	196	\$32.34	\$32.34
Ornamental Epic - Bell	175	80	\$71.49	\$71.49
Ornamental Epic - Bell	400	150	\$71.53	\$71.53
Ornamental Acorn w/Cage	71	71	\$44.50	\$44.50
Ornamental Acorn w/o Cage	104	71	\$44.50	\$44.50
Ornamental Round	150	75	\$41.76	\$41.76
Ornamental Octogonal	150	60	\$44.50	\$44.50
Ornamental Octogonal	250	80	\$44.50	\$44.50
Ornamental Icon (Small)	175	75	\$30.93	\$30.93
Ornamental Icon	400	150	\$50.82	\$50.82
Ornamental Tear Drops	400	200	\$54.61	\$54.61
Ornamental Tear Drops - 480V	400	200	\$54.61	\$54.61
Shoebox Classic	150	87	\$5.56	\$5.56
Shoebox Classic - 480 V	150	87	\$5.56	\$5.56
Shoebox Classic	250	143	\$7.65	\$7.65
Shoebox Classic - 480 V	250	143	\$7.65	\$7.65
Shoebox Classic	400	163	\$32.34	\$32.34
Shoebox Classic - 480 V	400	163	\$32.34	\$32.34
Shoebox Deluxe/E Cobra	400	262	\$32.34	\$32.34
Wallpack	150	40	\$16.23	\$16.23
Wallpack	250	55	\$16.23	\$16.23
Wallpack	400	70	\$29.15	\$29.15
Wallpack-480V	400	70	\$29.15	\$29.15

(g) *Terms and Conditions.*

(1) Street lights will be operated by time clock, photoelectric control, or similar technology, to provide illumination from dusk to dawn, unless illumination is specified as continuous.

(2) The Division of Cleveland Public Power pays for the entire installation of the fixture and amortizes the costs through the monthly rate.

If the installation is paid for by governmental entities and the Division maintains the installation:

- i. If Non-LED lights, the Division shall charge the appropriate “energy and maintenance only” (E & M only) rate;
- ii. If LED lights, the Division shall provide a thirty percent (30%) discount off the appropriate rate found in the division (f) of this section.

If the installation is paid for and maintained by governmental entities:

- i. If Non-LED lights, the Division shall charge the appropriate “energy only” rate;
- ii. If LED lights, the Division shall provide a sixty percent (60%) discount off the appropriate rate found in the division (f) of this section.

(3) The Division may, at its discretion, meter “energy only” installations. If such an installation is metered, the energy shall be billed at the same rate as the traffic signal service rate schedules in division (a) of Section 523.065.

(4) “Non-ornamental lighting service” means lights of an overhead-type construction where the supply circuits are overhead wires and the lights are attached or suspended from wooden poles, trolley poles or are wall-mounted.

(5) “Ornamental lighting service” means all lights other than non-ornamental including lights of an underground-type construction where the supply circuits are underground cables and lights are attached to ornamental standards; lights of an overhead construction where the supply circuits are overhead and the lights are attached to ornamental poles; and the lights that are wall-mounted in which the supply circuit is enclosed in conduit.

(h) *Environmental and Ecological Adjustment.* An adjustment to the Power Supply Recovery shall be applied to this rate as set forth and described in Section 523.17.

(i) *Power Supply Recovery.* In accordance with Section 523.21, the Power Supply Recovery shall be determined and applied on a monthly basis by the Division.

(j) For any street light fixtures not listed above, the Division of Cleveland Public Power shall select the rate that most closely resembles the type of fixture from the above schedules and shall base energy charges on the rated consumption of the fixture.

(k) For any Street Lights powered by other utilities, the Division shall charge each governmental entity the applicable fixture charge in divisions (a), (b), (c), (d), (e) or (f)

of this section and the energy cost charged to the Division of Cleveland Public Power by the applicable entity, but not the Power Supply Recovery in division (i) of this section.

Section 523.06 Protective Lighting Schedules

(a) Effective January 1 of each applicable year, the following schedules are applicable to all protective lighting service provided by the Division of Cleveland Public Power. Such service shall include installation and full maintenance. Usage charges are not prorated. The charge used will correspond with the bill period end date.

Rates are not available for new installation without written pre-approval from CPP.

Area Lighting	KWH/Lamp	Monthly Rate/Lamp		
		2024	2025	2026
100 Watt High Pressure Sodium	52	\$12.67	\$14.54	\$15.88
250 Watt High Pressure Sodium	112	\$15.16	\$17.40	\$19.01
400 Watt High Pressure Sodium	174	\$19.14	\$21.96	\$23.99
1000 Watt Metal Halide	391	\$27.85	\$31.96	\$34.91

Flood Lighting	KWH/Lamp	Monthly Rate/Lamp		
		2024	2025	2026
250 Watt High Pressure Sodium	112	\$14.41	\$16.54	\$18.07
400 Watt High Pressure	174	\$20.45	\$23.47	\$25.64
1000 Watt Metal Halide	391	\$29.05	\$33.33	\$36.42

(b) LED Protective Lighting:

LED Type	Existing HID Wattage	Equivalent LED Wattage	Monthly Rate/Lamp	
			2025	2026
Cobra Head	150	47	\$8.34	\$8.34
Cobra Head - 480 V	150	47	\$8.34	\$8.34
Cobra Head	250	111	\$11.48	\$11.48
Cobra Head - 480 V	250	111	\$11.48	\$11.48

Cobra Head	400	194	\$48.51	\$48.51
Cobra Head - 480 V	400	196	\$48.51	\$48.51
Cobra Head	1000	280	\$55.22	\$55.22

(c) LED Flood Lighting

LED Flood Lighting	LED Wattage	Monthly Rate/Lamp	
		2025	2026
180 Watt LED	180	\$34.50	\$34.50
270 Watt LED	270	\$48.12	\$48.12
270 Watt LED (2,200 K)	270	\$53.37	\$53.37
390 Watt LED	390	\$51.83	\$51.83

(d) Protective lighting and flood lighting shall be operated by time clock, photoelectric control or similar technology, to provide illumination from dusk.

(e) *Environmental and Ecological Adjustment.* An adjustment to the Power Supply Recovery shall be applied to this rate as set forth and described in Section 523.17.

(f) *Power Supply Recovery.* In accordance with Section 523.21, the Power Supply Recovery shall be determined and applied on a monthly basis by the Division.

(g) For any powered bulbs not listed above, the Division shall base charges on the wattage rating used per bulb. For protective lighting and flood lighting that do not have a wattage rating, the Division of Cleveland Public Power shall select the rate that most closely resembles the type of fixture from the above schedules.

Section 523.065 Traffic Signal Service Rate Schedules

Effective January 1 of each applicable year, the following schedules are applicable to all energy sold to governmental entities for the purpose of traffic signal service. Usage charges are not prorated. The charge used will correspond with the bill period end date.

(a) *Kilowatt Hour Charge.*

	Rates		
	2024	2025	2026
Traffic Signal Service Rate	\$ 0.023	\$ 0.026	\$ 0.029

(b) *Environmental and Ecological Adjustment.* An adjustment to the Power Supply Recovery shall be applied to this rate as set forth and described in Section 523.17.

(c) *Power Supply Recovery.* In accordance with Section 523.21, the Power Supply Recovery shall be determined and applied on a monthly basis by the Division.

Section 523.08 Provisions Governing Advance Deposits

(a) A cash deposit equal to one hundred thirty percent (130%) of the estimated average bill may be required as security for the payment of services rendered. The applicant and/or consumer may, however, file a satisfactory guarantee with the Division of Cleveland Public Power that will serve to insure payment of bills. All such guarantees, written or otherwise, shall be subject to the approval of the Division. If a deposit is required, it shall be billed at the time of application for service.

(b) A cash deposit may be required to cover the entire cost of line extensions or service connections which do not form a part of the permanent distribution system or in such cases where the revenue received by the Division will not be sufficient to cover the carrying charges thereof.

(c) Failure of the consumer to give advance notice of termination of service may result in forfeiture of the security deposit.

(d) No cash or guaranteed deposit shall be refunded or released until termination of service is complete and after all unpaid bills or other indebtedness to the Division have been paid in full. A cash deposit may be refunded, however, if the consumer files a satisfactory guarantee with the Division in lieu thereof.

(e) No cash deposit will be refunded except where sufficient revenue either has been collected or is anticipated to cover carrying charges for line extensions and service connections, as hereinbefore described.

Section 523.11 Delinquent Accounts

(a) If a statement rendered to a consumer is not paid on or before the due date stated thereon, the consumer's account shall be termed "delinquent" and shall be subject to discontinuation of service.

(b) The Division of Cleveland Public Power shall give notice to the consumer prior to termination of service. The first notice shall be sent by first class mail at least ten (10) calendar days prior to the date after which termination could occur. If the Division receives no response from the consumer within five (5) days after the date of mailing of the first notice, then a second notice shall be sent by first class mail, or personal contact shall be made with an adult on the premises (telephone or physical visitation). All notices shall be provided to the account name and address and, if different, to the address where service is provided, as well as any other party previously designated by a residential customer to receive a copy of a termination notice. The termination notice shall be provided to residential customers in alternate languages where appropriate.

(c) When terminating service to elderly or handicapped residential customers, the Division's final notice shall be by personal contact with an adult on the premises (telephone or physical visitation). If personal contact cannot be made, the notice of termination shall be posted in a conspicuous location at the service address at least forty-eight (48) hours (two (2) working days) before the date after which termination could occur.

For the purpose of this section, "elderly" means any residential customer, sixty-two (62) years of age or older, who resides at the service address and who has notified the Division of his or her status. For the purpose of this section, "handicapped" means any residential customer who resides at the service address and has any physical or mental impairment which substantially limits one (1) or more of such person's life activities, and such person:

- (1) Is certified as being physically disabled by a licensed physician; or
- (2) Is certified as being mentally disabled by a licensed psychiatrist, registered psychologist, Veterans Administration, Social Security Administration or local board of health; and
- (3) Has notified the Division of his or her status.

(d) Tenants who pay for electric service as part of their rent in master-metered buildings, shall be individually notified, when practical, of any proposed termination. Tenants shall be collectively notified by posting a termination notice in a conspicuous location, such as near mailboxes, building entrances and exits or other areas of common usage. Tenants may collectively pay the delinquent amount in order to avoid termination of service.

(e) A notice of termination of service shall include the following information:

- (1) The name, address and account number of the customer to be terminated;
- (2) A statement of the reasons for termination;
- (3) The date after which the termination could occur;

- (4) The charge for service reconnection;
 - (5) A statement that the consumer has the right to appear before a Arbitration Panel to present objections and to examine all data related to his or her account; and
 - (6) In cases where termination is based on failure to pay, the amount owed, the time period over which the amount was incurred and whether the amount was based on actual meter readings or on an estimated consumption.
- (f) The Division shall determine when termination of service to a customer would be especially dangerous to health because of extreme environmental conditions or because a residential customer or party residing at the customer's address has provided the Division with certification by a licensed physician that he or she is likely to become seriously ill or more seriously ill if such service is terminated. The Division shall not terminate service during the time any such condition exists, provided that the customer furnishes sufficient information to the Division's customer service representative to establish, to the satisfaction of the Division, that:
- (1) He or she is unable to pay for such service; or
 - (2) He or she is able to pay for such service but only in installments.

Upon establishment of the customer's eligibility for relief under this section, the Division shall refrain from terminating service so long as the conditions established prevail. The Division may, from time to time, require recertification of serious illness, if applicable. The Division shall make arrangements with the customer for the payment of delinquent bills in installments, taking into consideration the amount of money owed, the customer's ability to pay, the customer's payment history, the time that the debt has been outstanding, the reasons why the debt has been outstanding and any other relevant factor. If a customer does not meet the requirements of such installment plan, service shall be subject to termination upon notice given after such failure to pay, in accordance with divisions (a) through (c) hereof.

(g) All disputes regarding any of the provisions of Chapter 523 or rates charged thereunder shall be arbitrated before a Cleveland Public Power Arbitration Panel as set forth in Section 523.115.

Section 523.12 Special Charges

The following service charges may be charged by the Division of Cleveland Public Power:

- (a) *Penalty for Late Payments*

Service	Charge
Penalty for late payment of large commercial, small industrial, large industrial, street lighting and traffic signal invoices	1.5% per month on unpaid balance

(b) *Disconnect/Reconnect at Meter or Pole/Service Fee*

Service	Charge
Reconnect at Meter Fee - First Trip within a rolling 12-month period	\$8.00
Reconnect at Meter Fee - Second trip within a rolling 12-month period and trips thereafter	\$35.00
Reconnect at Meter Fee - Customer Reconnection-Faulty Meter Investigation	\$35.00
Disconnect/Reconnect at Pole Fee - Per Trip	\$232.00
Disconnect/Reconnect at Pole Fee - Per Trip after working hours	\$310.00

(c) *Temporary Service*

Service	Charge
Temporary Electric Service	Actual cost (\$120.00 min.)

(d) *Refasten/Relocate Facilities*

Service	Charge
Loosen/Refasten Service Pipe After Construction	Actual cost (\$80.00 min.)

(e) *Meter Test*

Service	Charge
Meter Test at Customer Request	\$84.00

(f) Repeat Trip/Broken Appointment

Service	Charge
Repeat Trip / Broken Appointment (within 24 hours of appointment time)	\$80.00

(g) Special Service Calls

Service	Charge
Special Service Calls	\$80.00

(h) Investigation Fee – Charge \$175.00

Service	Charge
Investigation Fee	\$175

(i) For purposes not named in the foregoing sections, or for the use of power under special circumstances, special rates shall be established by the Commissioner of the Division of Cleveland Public Power.

Section 523.16 Faulty Meters

Whenever a meter has failed to register correctly, the bill for such period shall be adjusted on the basis of the estimated amount of electricity used. In the event that a meter should be found to be registering incorrectly due to tampering or any illegal device attached thereto, electrical service will be discontinued immediately without notice. In the event the customer commits or is the beneficiary of any tampering or fraudulent practice in obtaining electric service, the Division of Cleveland Public Power shall assess the customer an investigation charge as stated in Section 523.12. The charge shall also be assessed where any connection or device is found on the service entrance equipment or premises of the customer or consumer which prevents the meter from accurately registering total consumption used or to be used, or where the service entrance equipment or other property used to supply electric service has been altered to avoid accurate metering or has been damaged.

The Division of Cleveland Public Power shall also assess the customer an estimated or actual bill representing the electric service fraudulently or falsely obtained and the actual costs to repair or replace any damaged or missing service entrance equipment or other property used to supply electric service. The customer shall also be assessed any additional charges for all costs of disconnection and reconnection as stated in Section 523.12.

Section 523.21 Power Supply Recovery

(a) An additional charge for fuel, power production, and purchase power costs shall be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedules as may be adopted by the City.

(b) The charge shall be based on the power cost, per kilowatt hour delivered calculated under divisions (c)(1) and (c)(2) of this section.

(c) (1) The power supply costs per kilowatt hour for residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York (PASNY) and the average cost of kilowatt hours purchased or produced from other sources needed to supply the residential customers by the total kilowatt hours distributed to residential customers. The charge calculated herein shall be adjusted by subtracting fifteen (15) mils per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and nine and three-quarters (9.75) mils per kilowatt hour for all other residential customers.

(2) Except as provided in Section 523.048, the power supply costs per kilowatt hour for all other ratepayers, shall be determined by dividing the sum of the total power supply costs by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed. The charge calculated herein shall be adjusted by subtracting three (3.0) mils per kilowatt hour.

(d) At the end of each month, the Division of Cleveland Public Power shall determine the actual power supply costs during such month as herein provided and may adjust this charge for future months to defer or over-recover the total power supply costs in order to stabilize customer bills.

Section 523.23 Pole and Anchor Attachments; Fee

The following schedule is applicable to any attachment of communication facilities to poles owned by the Division of Cleveland Public Power ("attachments") by any person or entity ("permittee") other than a joint owner of such pole or a party to any joint use agreement.

(a) *Application for Attachment.* Any person or entity desiring to install attachments shall make a written request for permission to install attachments on any pole owned by the Division of Cleveland Public Power. The request shall specify the location of each pole, the identifying number of each pole, the nature of the proposed attachment and the amount and location of space desired. Within thirty (30) days after receipt of a written request, the Division shall notify the applicant whether or not it will permit the

attachment and under what conditions. The Division shall have the sole right to determine whether an attachment would adversely affect its electric utility services and its ability to provide such services in an economic and safe manner, including considerations for the future needs of its customers.

(b) *Conditions of Attachment.* All attachments shall be placed on Division's poles in a manner satisfactory to the Division and shall not interfere with the present or future use of the pole by the Division. All attachments shall be installed and at all times maintained by the permittee so as to comply with the requirements of the National Electrical Safety Code and other applicable Federal, State, County, or Municipal codes, as well as operating procedures of the Division of Cleveland Public Power. The permittee shall be responsible for obtaining any right, license or permit from any governmental body, authority, or other person or persons which may be required for the construction and maintenance of the attachments of the permittee, including easements, rights-of-way, or rights of entry upon premises.

If the Division desires to replace an existing pole, or add facilities to an existing pole, to which the permittee has made attachments, the permittee shall, where required by the Division, relocate its facilities at its own expense.

In the event that a permittee fails to make or maintain any attachments in conformance to all applicable codes and procedures, the Division, after fifteen (15) days' written notice, shall have the right to make, or cause to be made, the necessary corrections or shall have the right to remove such attachments, without liability, at the entire expense of the permittee.

In the event of any emergency which, in the opinion of the Division, affects or threatens to affect the operations of the Division, the Division shall have the right to perform such detachment, disconnection, relocation or alteration, at the permittee's expense, of such attachments as may be necessary to meet such emergency.

(c) *Attachment Rental Fee.*

Service	Charge
Pole Attachment per Month	\$0.36
Each Anchor Attachment per Month	\$0.58

Attachment rental fees shall be billed monthly and shall be due and payable on or before twenty-one (21) calendar days following the date on which the bill is issued. Payments received after the due date shall be subject to the same penalty as prescribed in Section 523.12. The bill for attachment rental fees will reflect the total number of attachments in place during the previous month.

Within five (5) days following the end of each calendar month, the permittee shall notify the Division, in writing, of the completion of all attachments, or removal thereof, during the preceding month.

The Commissioner of the Division of Cleveland Public Power may waive the monthly pole attachment fee, and as an alternative to the monthly pole attachment fee, the Commissioner of the Division of Cleveland Public Power, at his or her discretion, may charge the per pole attachment rental fees on an annual basis. Any payments for authorized annual rental fees shall be made in advance on the 31st day of January of each year.

(d) *Reimbursement of Costs.* If attachment to the Division's poles imposes on the Division costs which would not otherwise be incurred, the party requesting attachment shall reimburse the Division for all such costs. Such costs may include, but are not necessarily limited to, any change in or strengthening of poles, any rearrangement, alteration or addition, or other changes in existing facilities, which in the opinion of the Division are necessary to accommodate the attachments of the party or entity requesting an attachment. Such costs may also include billing, engineering, and any necessary evaluation of the applicant's request for attachments. The Division reserves the right to require the permittee to have all necessary work performed at the permittee's expense by a contractor engaged by the permittee and approved by the Division, performing work in construction standards of the Division.

(e) *Multiple Applicants for Attachment.* When the Division receives application from more than one (1) applicant for permission to attach to any pole and, because of such multiple attachments, either the pole must be replaced or the facilities thereon must be rearranged to provide additional space for the attachments, the Division may apportion the additional total costs resulting from the pole replacement or rearrangement among all permittees. Such apportioned costs shall include common engineering, material and other expenses which result from the multiple applications and the multiple attachments. The permittee shall be bound by the Division's determination as to any such apportionment of costs.

(f) *Power Supplies and Amplifiers.* Power supplies and amplifiers may be mounted on the Division's poles at the sole discretion of the Division. Permittee shall request permission to mount such facilities in writing to the Division. The location and design shall be approved by the Division prior to installation.

Any electric service for power supplies and amplifiers shall be paid for by the permittee at the Division's applicable electric rate. The meter, if required, will be furnished by the Division. The meter base will be furnished by the Division and installed by the permittee according to standards set forth by the Division. The permittee's service conductors, if required, shall be furnished and installed by the permittee with weatherhead included. Sufficient conductor shall be left to reach the Division's secondary circuit. The permittee shall ensure that all equipment is effectively grounded to an earth ground, separate and apart from any ground wire belonging to the Division, and shall observe the National Electrical Safety Code and all other applicable codes in the installation of these facilities.

Power supplies and amplifiers will not be permitted on poles which have transformers, reclosers, cut-outs, oil switches, capacitors, or other equipment of a size or type which would impair climbing or working space if an additional pole-mounted facility were

installed. Power supplies and amplifiers may be prohibited in situations deemed sensitive from the standpoint of pole line appearance. The permittee shall install all of its attachments so as to not interfere with climbing space as defined by the National Electrical Safety Code or specifically defined by the Division.

(g) *Inspection of Facilities.* The Division shall have the right to inspect each installation of the permittee upon its poles and thereafter to make periodic inspections. The permittee shall reimburse the Division for the expense of such inspection, which reimbursement for any pole subject hereto, shall not exceed in any year the expense of one (1) inspection.

The right to make such inspections and any inspection made shall not impose any obligation or liability on the Division nor shall it relieve the permittee of any responsibility, obligation, or liability.

(h) *Indemnification.* The permittee shall indemnify, hold harmless, and defend the Division from and against any and all actions or causes of actions, claims, demands, liabilities, loss, damage, or expense whatsoever, including attorney's fees, which the Division may suffer or incur by reason of the failure of the permittee to secure any right, license, permit, or easement required for the construction or maintenance of permittee's attachments to the Division's poles, by reason of interruption of permittee's service to permittee's subscribers, by reason of bodily injury, including death, to any person or persons, or by reason of damage to or destruction of any property, including the loss of use thereof, arising out of or in any manner connected with the facilities of the permittee to be installed hereunder, or the installation, maintenance, removal, rearrangement or alteration of such facilities by the Division or permittee, or which the Division may sustain or incur in connection with any litigation, investigation, or other expenditures incident thereto including any suit instituted to enforce contractual obligations whether or not due in whole or part to any act, omission, or negligence of the Division, or any of its representatives or employees.

(i) *Right of Termination.* If the permittee fails to comply with any of the provisions of this section or defaults in the performance of any of its obligations under this section and fails to correct such default or non-compliance, the Division may, at its option, remove the permittee's facilities from the Division's poles and no liability shall be incurred by the Division because of such action. The permittee shall be liable for the entire cost of removing its attachments from the Division's poles.

(j) *Unauthorized Attachments.* If equipment or facilities are attached to the Division's poles for which no attachment is authorized, the Division may require the owner of the attached facilities to remove the attachments immediately at the owner's cost, or the Division may remove the facilities at the expense of the owner of the attachments without liability to the Division.

Section 3. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 523.02, 523.03, 523.04, 523.043, and 523.047, as amended by Ordinance No. 472-2022, passed May 23, 2022,

Section 523.049, as amended by Ordinance No. 65-08, passed March 31, 2008; and

Sections 523.05, 523.06, 523.065, 523.08, 523.11, and 523.12, as amended by Ordinance No. 472-2022, passed May 23, 2022,

Section 523.16, as amended by Ordinance No. 726-57, passed April 8, 1957, and

Sections 523.21, and 523.23, as amended by Ordinance No. 472-2022, passed May 23, 2022,

are repealed.

Section 4. That Section 523.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 472-2022, passed May 23, 2022, relating to Residential Incentive Rate Schedule, is repealed.

Section 5. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by adding new Sections 523.0491, 523.066, 523.067, 523.28 and 523.29, to read as follows:

Section 523.0491 Commercially Contracted Alternative Rate Schedules

Effective January 1 of each applicable year, the following schedules are applicable to all new commercial customers who have not received Cleveland Public Power service at their present location in the preceding two (2) years, and enter into, at minimum, a written ten (10) year contract for service anticipated to commence on or after January 1, 2025. This rate shall also apply to existing Cleveland Public Power customers who enter into, at minimum, a new written five (5) year contract for service commencing on or after January 1, 2025. Commercially Contracted Alternative Rate – Small Capacity rates shall apply to commercial contract customers with a peak demand between 150 kwd and 650 kwd. Commercially Contracted Alternative Rate – Large Capacity rates shall apply to commercial contract customers with a peak demand greater than 650 kwd.

The rates and charges contained in this section shall be fixed for four (4) years starting January 1, 2025, and shall be adjusted effective January 1, 2029, for five (5) additional years. For all commercial installations during any month in which such installation has a demand of less than one hundred fifty (150) kilowatts, the appropriate standard rate schedule shall apply. Usage charges are not prorated. The charge used will correspond with the bill period end date.

For all commercial installations during any month in which such installation has a demand of at least one hundred fifty (150) kilowatts and less than six hundred fifty (650) kilowatts, the schedules in divisions (a) to (d) of this section shall apply:

(a) *Customer Charge per Month – Small Capacity:*

	Commercially Contracted Alternative Rate - Small Capacity			
	Winter			Summer
Fixed Fee	2025-2028	2029-2034		2025-2028 2029-2034
Each Account	\$ 112.32	\$ 129.17		\$ 112.32 \$ 129.17

(b) *Demand Charge – Small Capacity.*

	Commercially Contracted Alternative Rate - Small Capacity			
	Winter			Summer
Demand Charges	2025-2028	2029-2034		2025-2028 2029-2034
Tier 1 (up to 200 kwd)	\$ 16.524	\$ 19.003		\$ 17.694 \$ 20.348
Tier 2 (All excess kwd)	\$ 14.570	\$ 16.756		\$ 15.662 \$ 18.012

(c) *Reactive Charge – Small Capacity.*

	Commercially Contracted Alternative Rate - Small Capacity			
	Winter			Summer
Reactive Charges (\$/kvar)	2025-2028	2029-2034		2025-2028 2029-2034
All kvar over 30	\$ 0.57	\$ 0.65		\$ 0.57 \$ 0.65

(d) *Kilowatt Hour Charge – Small Capacity.*

	Commercially Contracted Alternative Rate - Small Capacity			
	Winter			Summer
kwh Usage	2025-2028	2029-2034		2025-2028 2029-2034
First 200 kwh/kwd	\$ 0.07893	\$ 0.09076		\$ 0.08319 \$ 0.09567
Second 200 kwh/kwd	\$ 0.05940	\$ 0.06831		\$ 0.06343 \$ 0.07294
All Excess kwh	\$ 0.04981	\$ 0.05728		\$ 0.05204 \$ 0.05985

For all commercial installations during any month in which such installation has a demand equal to or greater than six hundred fifty (650) kilowatts rate the schedules in divisions (e) to (h) of this section shall apply:

(e) *Customer Charge per Month – Large Capacity.*

Commercially Contracted Alternative Rate - Large Capacity				
	Winter			Summer
Fixed Fee	2025-2028	2029-2034		2025-2028 2029-2034
Each Account	\$ 271.58	\$ 312.32		\$ 271.58 \$ 312.32

(f) *Demand Charge– Large Capacity.*

	Commercially Contracted Alternative Rate - Large Capacity				
	Winter			Summer	
Demand Charges	2025-2028	2029-2034		2025-2028	2029-2034
Tier 1 (up to 500 kwd)	\$ 17.993	\$ 20.692		\$ 17.993	\$ 20.692
Tier 2 (501-1000 kwd)	\$ 16.686	\$ 19.189		\$ 16.686	\$ 19.189
Tier 3 (All excess kwd)	\$ 14.068	\$ 16.178		\$ 14.068	\$ 16.178

(g) *Reactive Charge– Large Capacity.*

Commercially Contracted Alternative Rate - Large Capacity					
	Winter			Summer	
Reactive Charges (\$/kvar)	2025-2028	2029-2034		2025-2028	2029-2034
All kvar over 30	\$0.55	\$0.63		\$0.55	\$0.63

(h) *Kilowatt Hour Charge– Large Capacity.*

	Commercially Contracted Alternative Rate- Large Capacity				
	Winter			Summer	
kwh Usage	2025-2028	2029-2034		2025-2028	2029-2034
First 150 kwh/kwd	\$ 0.07776	\$ 0.08942		\$ 0.07776	\$ 0.08942
Second 150 kwh/kwd	\$ 0.06120	\$ 0.07038		\$ 0.06120	\$ 0.07038
Third 150 kwh/kwd	\$ 0.04262	\$ 0.04902		\$ 0.04262	\$ 0.04902
All Excess kwh	\$ 0.01634	\$ 0.01880		\$ 0.01634	\$ 0.01880

(i) *Determination of Demand.* The kilowatt demand shall be determined monthly by demand measurements, and shall be the maximum thirty (30) minute kilowatt demand during the month.

(j) *Determination of Reactive Demand.* The reactive billing demand shall be determined by multiplying the monthly kilowatt demand by the ratio of the monthly lagging reactive kilovolt ampere hours to the monthly kilowatt hours. At the option of the Commissioner of the Division of Cleveland Public Power, the reactive billing demand may be the metered reactive demand.

(k) *Definition of Seasonal Rate.* For the purpose of this rate schedule, the summer rate shall be in effect for bills rendered during the months of June, July, August, and September. The winter rate shall be in effect for bills rendered during the months of October, November, December, January, February, March, April, and May.

(l) *Discount for Primary Metering.* Where the electric energy is metered on the primary (two thousand three hundred (2,300) volts or higher) side of the service transformers, a discount of two percent (2%) of the gross primary metered kilowatt hours may be allowed.

(m) *Substation Ownership Discount.* A discount of thirty cents (\$0.30) per kilowatt of demand billed may be allowed when a customer owns, installs and maintains transformation and substation apparatus, thereby relieving the Division of these costs.

(n) *Combined Billing.* At the option of the Commissioner of the Division of Cleveland Public Power, where plural connections supply the same customer in the same general location, meter readings may be added for billing purposes and the combined demand shall be the coincident demand or the sum of the undiversified demands.

(o) *Transmission, Taxes, and Other Charges.* Customers under this schedule shall be charged for transmission service, costs or charges imposed by federal or state law, regulatory authorities, regional transmission operators, or reliability authorities/organizations, and taxes of any kind, however measured, paid directly or indirectly by the City. The kWh tax prescribed by RC Chapter 5727, or any successor tax, shall be charged to the same extent as such tax is applied to customers under the standard Cleveland Public Power rate schedules.

Section 523.066 Security Equipment Rate Schedule

The following schedule is applicable to all electric security equipment service provided by the Division of Cleveland Public Power to governmental entities:

(a) *Kilowatt Hour Charge.*

	Rates		
	2024	2025	2026
Security Equipment Rate	\$ 0.023	\$ 0.026	\$ 0.029

(b) *Environmental and Ecological Adjustment.* An adjustment to the Power Supply Recovery shall be applied to this rate as set forth and described in Section 523.17.

(c) *Power Supply Recovery.* In accordance with Section 523.21, the Power Supply Recovery shall be determined and applied on a monthly basis by the Division.

Section 523.067 Small Wireless Facility Rate Schedule

Small wireless facilities are subject to the monthly consumption charges in the small commercial rate schedule in Section 523.03 of these codified ordinances in addition to the items below.

In accordance with the Federal Communications Commission ruling, FCC 18-133 dated September 27, 2018, the rates are:

Service	Charge
Application Fee (Up to five (5) Wireless Facilities)	\$500
Application Fee (for each Small Wireless Facility Above the Initial Five (5))	\$100
Non-Recurring Fees for a New Pole Intended to Support One (1) or More Small Wireless Facilities	\$1,000
Annual Fee Per Small Wireless Facility	\$270

Section 523.28 Charges for Work Provided

In addition to all other charges in this chapter, the Division of Cleveland Public Power shall have the right to recover costs for work completed and materials furnished for repairs or improvements made on behalf of an account holder or owner(s) of the premise, as deemed appropriate by the Commissioner.

Section 523.29 Extension of Time for Payment

Cleveland Public Power bills shall be paid on or before the date stated on the bill but the Director of Public Utilities may after investigation, grant an extension of time in cases of indigency, emergency, relief and similar conditions. Partial payments may be accepted, properly approved, but bills must be paid in full pursuant to the rules and regulations of the Division of Cleveland Public Power.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective December 4, 2024.

Ordinance No. 1010-2024

By Council Members: Hairston, Bishop and Griffin (by departmental request)

An emergency ordinance approving the report of the Assessment Equalization Board on objections concerning estimated assessments to design, inspect, reconstruct, repair and/or install roadways, sidewalks, driveway aprons, curbs (including adjustments of castings and landscaping, if necessary), encroaching upon the public right-of-way on Euclid Beach Boulevard (entire street) and E. 159th Street (from Euclid Beach Boulevard to Lakeshore Boulevard); determining to proceed with the improvements; and adopting the equalized assessments.

WHEREAS, the Assessment Equalization Board appointed by Resolution No. 619-2024, adopted July 10, 2024, to hear and determine all objections concerning the estimated assessments to design, inspect, reconstruct, repair and/or install roadways, sidewalks, driveway aprons, curbs (including adjustments of castings and landscaping, if necessary), encroaching upon the public right-of-way on Euclid Beach Boulevard (entire street) and E. 159th Street (from Euclid Beach Boulevard to Lakeshore Boulevard) in accordance with Resolution No. 1301-2023, adopted January 22, 2024 (the “Resolution of Necessity”), has filed its report with this Council as to its determination of such objections; and

WHEREAS, this Council deems said report proper in all respects except to change reference to Lakeside Avenue to Lakeshore Boulevard; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the report of the Assessment Equalization Board, appointed by Resolution No. 619-2024, adopted July 10, 2024, and contained in **File No. 1010-2024-A**, is approved.

Section 2. That the assessments as equalized by the Assessment Equalization Board and recommended in its report are approved, and the assessments are directed to be filed in the Office of the Clerk of this Council.

Section 3. That it is determined to proceed to improve Euclid Beach Boulevard (entire street) and E. 159th Street (from Euclid Beach Boulevard to Lakeshore Boulevard) by designing, inspecting, reconstructing, repairing and/or installing roadways, sidewalks, driveway aprons, curbs (including adjustments of castings and landscaping, if necessary), encroaching upon the public right-of-way or otherwise improving the right-of-ways in accordance with the Resolution of Necessity.

Section 4. That the improvements shall be performed under the provisions of the Resolution of Necessity, and with the plans, specifications, and profiles approved and filed in the office of the Clerk of Council and in accordance with the estimates as equalized.

Section 5. That the estimated assessments for the improvements, as equalized by the Assessment Equalization Board, filed in the office of the Clerk of City Council, are adopted.

Section 6. That it is further determined that the portion of the cost of the improvements to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in the Resolution of Necessity.

Section 7. That no claims for damages resulting from the improvements have been filed.

Section 8. That the Clerk of this Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1054-2024

By Council Members: Kazy and Griffin (by departmental request)

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, inspect, maintain, and repair bucket and derrick trucks, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the items of labor and materials necessary to test, inspect, maintain, and repair bucket and derrick trucks, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2004, RL 2024-22)

Section 3. That under Section 108(b) of the Charter, the purchases and/or services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases and/or obtain such services and may enter into one or more contracts with the vendors and/or consultants selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1055-2024

By Council Members: Kazy and Griffin (by departmental request)

An emergency ordinance authorizing the purchase by one or more requirement contracts of duct line, street lighting bases and pull boxes, labor and materials necessary to install, repair, replace or maintain the duct line, street lighting bases and pull boxes, and other related incidentals, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years of the necessary items of duct line, street lighting bases and pull boxes, labor and materials to install, repair, replace or maintain the duct line, street lighting bases and pull boxes, and other related incidentals, including but not limited to, excavation, pavement removal and replacement, curb removal and replacement, under drains, sub base, installation and/or replacement of miscellaneous underground duct lines, manholes, pull boxes, street lighting pole bases and adjustment of casting to grade, and seeding and mulching, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 2004, RL 2024-23)

Section 3. That under Section 108(b) of the Charter, the purchases and/or services authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases and/or obtain the services, and may enter into one or more contracts with the vendors and/or consultants selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1079-2024

By Council Members: Kazy and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Windstream Communications, LLC dba Kinetic Business by Windstream for telecommunication service lines for primary and backup communications for SCADA control, security cameras, and telephones at various locations which are outside of Cuyahoga County and beyond the AT&T service area; and to authorize payment of monthly charges to Windstream, for a period up to three years, for the Division of Water, Department of Public Utilities.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council determines that the within services are non-competitive and cannot be secured from any source other than Windstream Communications, LLC dba Kinetic Business by Windstream (“Windstream”). Therefore, the Director of Public Utilities is authorized to make one or more written contracts with Windstream on the basis of its proposal effective August 30, 2024, for telecommunication service lines for primary and backup communications for SCADA control, security cameras, and telephones at locations which are outside of Cuyahoga County and beyond the AT&T service area, for a period up to three years, in an amount not to exceed \$60,000. The agreement will include the City’s obligation to pay monthly charges.

Section 2. That the Agreement shall be prepared by the Director of Law.

Section 3. That the costs of the contract or contracts and applicable subscription and service fees authorized by this ordinance shall be paid from Fund No. 52 SF 001. (RQS 2002, RL 2024-104)

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1114-2024

By Council Members: Polensek and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Safety to amend Lease Agreement No. LS 2018-24 with Cuyahoga County for the lease of certain space located on various floors of the Justice Center to extend the term for one additional year, beginning October 2, 2024, and to include additional space for the Clerk of Cleveland Municipal Court located on the 4th floor of the Justice Center.

WHEREAS, under Ordinance No. 920-18, passed August 15, 2018, this Council authorized the Director of Public Safety to enter into Lease Agreement No. LS 2018-24 with Cuyahoga County for the use and occupancy of all or a portion of floors 1, 3, 5, 6, 7, 8 and 9 located at the former Police Headquarters in the Justice Center which may be reduced during the term of the lease, and up to 119 parking spaces located on Level P1 in the underground parking area for the purpose of conducting City business (“Original Lease”); and

WHEREAS, under Ordinance No. 991-2019, passed September 16, 2019, Ordinance No. 758-2020, passed October 7, 2020, Ordinance No. 767-2021, passed October 18, 2021, Ordinance No. 1065-2022, passed December 5, 2022, and Ordinance No. 908-2023, passed October 2, 2023, this Council, among other things, extended the Original Lease for additional one-year terms, added additional lease space and parking spaces; and

WHEREAS, another extension of the Original Lease is necessary and in addition, an amendment to the Original Lease is necessary to include additional space occupied by the Cleveland Municipal Court located on the 4th floor of the Justice Center for the purpose of conducting City business; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Safety is authorized to amend the Original Lease to extend the term for one additional year beginning on October 2, 2024, with one option to renew. In addition, the Director of Public Safety, on behalf of the Clerk of Cleveland Municipal Court, is authorized to further amend the Original Lease to authorize the Clerk of the Cleveland Municipal Court to lease from Cuyahoga County, up to 3,717 square feet of space on the 4th floor of the Justice Center for the purpose of conducting City business (collectively the “Lease Amendment”). If there are no changes to the terms and conditions of the Lease Amendment, then the option to renew may be exercised by the Director of Public Safety. But if there are

changes to the terms and conditions of the Lease Amendment, then the option to renew may only be exercised through additional legislative authority.

Section 2. That the cost during the Lease Amendment shall be up to \$208,881.29 per month for rent (which includes approximately 118,217 square feet at \$20.50 per square foot and 7,557 square feet at \$11.00 per square foot); up to \$14,875 per month for up to 119 parking spaces at \$125 each; and approximately \$33,000.00 per month for proportional cost of utility costs, less reimbursement by the Cleveland Municipal Court of up to \$6,349.87 per month, for a monthly total cost of approximately \$250,406.42. All other terms and conditions of the Original Lease and Lease Amendment shall remain the same.

Section 3. That the Director of Public Safety, the Clerk of the Municipal Court, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, including an agreement between the City and the Cleveland Municipal Court concerning reimbursement of the rent and other related issues, and take any other actions which may be necessary or appropriate to effect the Lease Amendment authorized by this ordinance.

Section 4. That the Lease Amendment shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 5. That the cost of the Lease Amendment shall be paid from Fund No. 01-001-9998. (RQS 6002, RLA 2024-98)

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1115-2024

By Council Members: Polensek and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY24 Recovery Ohio LE Program to provide funding for the operation of the Cartel Gang Narcotics Laundering Task Force.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$65,000.00, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY24 Recovery Ohio LE Program to provide funding for the operation of the Cartel Gang Narcotics Laundering Task Force; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the title page and summary for the grant contained in the file described below.

Section 2. That the title page and summary for the grant, File No. 1115-2024-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority. (RQS 6002, RLA 2024-99)

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1116-2024

By Council Members: Polensek and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 2024 State Byrne Memorial Justice Assistance Grant to provide funding for the operation of the Cartel Gang Narcotics Laundering Task Force; and authorizing agreements with various entities to implement the grant.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$150,000.00, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY 2024 State Byrne Memorial Justice Assistance Grant to provide funding for the operation of the Cartel Gang Narcotics Laundering Task Force; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the title page and other pertinent pages for the grant contained in the file described below.

Section 2. That the title page and other pertinent pages for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in **File No. 1116-2024-A**, is made a part of this ordinance as if fully rewritten, are approved in all respects, and shall not be changed without additional legislative authority. (RQS 6002, RLA 2024-100)

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to enter into any agreements with the City of Bedford, Cuyahoga County Sheriff's Office, Greater Cleveland Regional Transit Authority, City of Brooklyn, City of North Royalton, City of Shaker Heights, and Ottawa County, to implement the grant as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1118-2024

By Council Members: Kazy and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to administer a Backflow Data Management Program, for a period of three years, with two one-year options to renew, exercisable by the Director of Public Utilities.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to administer a Backflow Data Management Program, including but not limited to, the administration and implementation of a backflow prevention device tracking and management system, which will incorporate a function allowing licensed plumbing contractors to submit backflow test results via a secure internet website, for a period of three years, with two options to renew for additional one-year periods, exercisable by the Director of Public Utilities.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from the fund or funds to which are credited the processing fees collected from the owner of the backflow devices under this program. (RQS 2002, RLA 2024-94)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1169-2024

By Council Members: Hairston and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Greater Cleveland Media Development Corporation dba Greater Cleveland Film Commission, or its designee, to assist with the general operating expenses of the organization.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with the Greater Cleveland Media Development Corporation dba Greater Cleveland Film Commission, or its designee, to assist with the general operating expenses of the organization.

Section 2. That the Director of Law is authorized to prepare the grant agreement and other documents that may be appropriate to complete the transaction.

Section 3. That the costs of the grant shall not exceed \$250,000 and shall be paid from Fund No. 17 SF 652. (RQS 9501, RL 2024-119)

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1170-2024

By Council Members: Polensek, Hairston and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Economic Development and the Commissioner of Purchases and Supplies to enter into a purchase agreement with Qasim Properties LLC, or its designee; and authorizing the Commissioner of Purchases and Supplies to purchase property located at 15900 Lakeshore Boulevard which will be placed into the City's Land Reutilization Program for future redevelopment, for the Department of Economic Development.

WHEREAS, the Director of Economic Development has requested the purchase of property from Qasim Properties LLC, or its designee, located at 15900 Lakeshore Boulevard which will be placed into the City's Land Reutilization Program for future redevelopment; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Economic Development and the Commissioner of Purchases and Supplies are authorized to enter into a Purchase Agreement with Qasim Properties LLC, or its designee, for the purchase of property known as the former Dave's Supermarket located at 15900 Lakeshore Boulevard which will be placed into the City's Land Reutilization Program for future redevelopment, for the Department of Economic Development.

Section 2. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies and the Mayor are authorized to purchase the property from Qasim Properties LLC, or its designee, for purposes of future redevelopment located at 15900 Lakeshore Boulevard:

**Exhibit B
Legal Description of Property**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Euclid Township tract Number 16 bounded and described as follows:

Beginning at the intersection of the southerly right-of-way line of Lake Shore Boulevard (80 feet wide) with the easterly line of East 156th Street (60 feet wide);

Thence North 70 deg. 28' 05" East along the said southerly line of Lake Shore Boulevard, 486.26 feet to the principal place of beginning;

Thence continuing North 70 deg. 28' 05" East along the said southerly line of Lake Shore Boulevard, 425.00 feet to a point;

Thence South 0 deg. 29' 47" West, 139.06 feet to a point;

Thence South 89 deg. 30' 13" East, 130.00 feet to a point;

Thence South 0 deg. 29' 47" West, 356.53 feet to a point;

Thence North 89 deg. 21' 48" West along a northerly line of Van De Boe-Hager and Co's Eastwood Subdivision as recorded in Volume 31 of Maps, Page 27 of Cuyahoga County Records, 375.95 feet to a point;

Thence North 19 deg. 31' 55" West, 241.52 feet to a point;

Thence South 70 deg. 28' 05" West, 24.50 feet to a point;

Thence North 19 deg. 31' 55" West, 139.00 feet to the principal place of beginning, containing 4.2892 acres of land, the same more or less, but subject to all legal highways.

Property Address: 15900 Lake Shore Boulevard, Cleveland OH 44110
Permanent Parcel No. 113-13-029

Section 3. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 4. That the consideration to be paid for the property described above shall be \$1,475,000 which is determined to be fair market value by the Board of Control.

Section 5. That the Director of Economic Development shall ensure compliant use of Community Development Block Grant funds to partially finance acquisition of the property described above pursuant to and documented by the Notice of Voluntary Acquisition sent to Qasim Properties LLC, or its designee, electronically and by certified mail on October 24, 2024, a copy of which has been placed in **File No. 1170-2024-A**.

Section 6. That all costs of acquiring, accepting, and recording the land shall be paid from Fund Nos. 17 SF 652 and 14 SF 049. (RQS 9501, RLA 2024-104)

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the

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

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1204-2024**By Council Members:** Kazy

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 652-2024, passed June 3, 2024, relating to a First Amendment Agreement with Bellaire-Puritas Development Corporation DBA Jefferson-Puritas West Park Development Corporation for Cleveland City Council.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Title and Section 1 of Ordinance No. 652-2024, passed June 3, 2024, are amended to read as follows:

AN EMERGENCY ORDINANCE Authorizing the Director of the Department of Community Development to enter into agreement with the Bellaire-Puritas Development Corporation DBA Jefferson-Puritas West Park Development Corporation for the public purpose of providing Ward 16 Code Enforcement Program through the use of Wards 16 Casino Revenue Funds.

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement with the Bellaire-Puritas Development Corporation DBA Jefferson-Puritas West Park Development Corporation for the public purpose of providing Ward 16 Code Enforcement Program through the use of Wards 16 Casino Revenue Funds.

Section 2. That the existing Title and Section 1 of Ordinance No. 652-2024, passed June 3, 2024, are hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1205-2024**By Council Members:** Hairston

An emergency ordinance to amend Section 5 of Ordinance No 1168-2024, passed October 28, 2024, relating to a grant agreement with Jonad Properties, LLC or its designee.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Section 5 of Ordinance No. 1168-2024, passed October 28, 2024, is hereby amended to read as follows:

Section 5. That the costs of the grant shall not exceed an amount of \$150,000 and shall be paid from Fund Nos. 01-001-9997 and 10 SF 166. (RQS 9501, RL 2024-120)

Section 2. That the existing Section 5 of Ordinance No. 1168-2024, passed October 28, 2024, is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1206-2024**By Council Members:** McCormack

An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Cocoa Run 5K, February 15, 2025, managed by Hermes Sports & Events.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cleveland Cocoa Run, February 15, 2025, managed by Hermes Sports & Events; START at Voinovich Park, East 9th Street and Lake Erie; head south on East 9th Street; turn right to take loop to South Marginal Road; continue on South Marginal Road; Turnaround; turn right to go over bridge towards North Marginal Road; turn left to get onto North Marginal Road; continue on North Marginal Road; turn right on East 9th Street; FINISH at Voinovich Park; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1207-2024**By Council Members:** McCormack

An emergency ordinance consenting and approving the issuance of a permit for the Inside the Park Homerun, June 15, 2025, managed by Hermes Sports & Events.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Inside the Park Homerun, June 15, 2025, managed by Hermes Sports & Events; START on Larry Doby Way (near East 9th Street and Eagle Avenue); left on East 9th Street; right on Bolivar Road; right on Prospect Avenue; right on East 36th Street; left on Carnegie Avenue; right through the parking lot at Minutemen (3740 Carnegie Avenue); left on Carnegie Avenue; right on East 36th Street; left on Prospect Avenue; left on Bolivar Road; left on East 9th Street; right on Larry Doby Way; FINISH inside Progressive Field, enter at the Right Field Gate (located on East 9th Street near Eagle Avenue/Larry Doby Way); provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1208-2024**By Council Members:** Howse-Jones

An emergency ordinance consenting and approving the issuance of a permit for the 7th Annual Cleveland Kurentovanje Kurent Dash on March 1, 2025, managed by Hermes Sports & Events.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the annual Cleveland Kurentovanje Kurent Dash event, on March 1, 2025, managed by Hermes Sports & Events; START on East 64th Street near Slovenian Museum and Archives (6407 St. Clair Avenue); turn right on St. Clair Avenue; turn right on East 62nd Street; turn left on Grdina Avenue; turn left on East 61st Street; turn right on Carry Avenue; turn left on East 55th Street; turn right on Hamilton Avenue; turnaround on Hamilton Avenue before East 38th Street; turn left on East 55th Street; turn right on Carry Avenue; turn left on East 61st Street; turn right on Grdina Avenue; turn right on East 62nd Street; turn left on St. Clair Avenue; FINISH on East 64th Street near Slovenian Museum and Archives; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Ordinance No. 1216-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance to make additional appropriations of Four Hundred Fifty Thousand Dollars (\$450,000) to the Enterprise Fund.

WHEREAS, it is necessary to appropriate balances in various funds, the sum of Four Hundred Fifty Thousand Dollars (\$450,000) to the Enterprise Fund which is available for additional appropriation; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

SMALL ENTERPRISE FUND	\$ 450,000
TOTAL OF ALL FUNDS	<u><u>\$ 450,000</u></u>
SMALL ENTERPRISE FUND	
DEPARTMENT OF PUBLIC WORKS	
Public Auditorium	
I Personnel and Related Expenses	\$ 450,000
TOTAL DEPARTMENT OF PUBLIC WORKS	<u>\$ 450,000</u>
TOTAL ENTERPRISE FUND	<u><u>\$ 450,000</u></u>
TOTAL OF ALL FUNDS	<u><u>\$ 450,000</u></u>

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 4, 2024.

Effective November 6, 2024.

Resolution No. 958-2024

By Council Members: Starr, Bishop and Hairston (by departmental request)

An emergency resolution declaring the intent to vacate the remaining portion of Sherman Court.

WHEREAS, this Council is satisfied that there is good cause to vacate the remaining portion of Sherman Court (12 feet wide), as described; and

WHEREAS, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council declares its intent to vacate the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a portion of Sherman Court (12 feet wide) of part of Original One Hundred Acre Lot No. 333, as shown by the recorded plat in Volume 4, Page 5 of Cuyahoga County Map Records, and is bound and described as follows:

Beginning at a drill hole in stone monument found 0.19 feet north of the intersection of the centerline of Quincy Avenue (60 feet wide) and the centerline on East 74th Street (40 feet wide);

Thence North 89°55'00" West along the centerline of said Quincy Avenue, 163.78 feet to the intersection of the centerline of East 75th Street (50 feet wide);

Thence South 00°18'10" East along said centerline of East 75th Street, passing through a stone monument found at 30.00 feet at the intersection of the southerly line of Quincy Avenue, a total distance of 192.21 feet to the intersection of the extension of the southerly right of way of Sherman Court (12 feet wide);

Thence South 89°55'23" East along said extension of the southerly right of way of Sherman Court, 25.00 feet to the intersection of the easterly right of way of the East 75th Street, and the northwesterly corner of land conveyed to Verenell Rives by deed dated May 05, 2005 and recorded in Auditor's File Number 200505051363 of Cuyahoga County Deed Records, and the PRINCIPAL PLACE OF BEGINNING of the parcel herein described;

Course 1: Thence North 00°18'10" West along the easterly right of way of East 75th Street, 12.00 feet to the intersection of the northerly right of way of Sherman Court and southerly of a parcel of land conveyed to Mema Partners, LLC by deed dated

January 17, 2023 and recorded in Auditor's File Number 202301170403 of Cuyahoga County Deed Records;

Course 2: Thence South 89°55'23" West along the northerly right of way of Sherman Court and the southerly line of a number of parcels conveyed to Mema Partners, LLC by said deed recorded in Auditor's File Number 202301170403 of Cuyahoga County Deed Records, 160.00 feet to the easterly end of right of way of Sherman Court;

Course 3: Thence South 00°18'10" East along the easterly end of Sherman Court, 12.00 feet to the intersection of the southerly right of way of Sherman Court and the northeasterly corner of land conveyed to Mema Partners, LLC by said deed recorded in Auditor's File Number 202301170403 of Cuyahoga County Deed Records;

Course 4: Thence North 89°55'23" East along the southerly right of way of Sherman Court and the northerly line of a number of parcels conveyed to Mema Partners, LLC by said deed recorded in Auditor's File Number 202301170403 of Cuyahoga County Deed Records, the northerly line of a parcel of land conveyed to Mema Partners, LLC by deed dated September 08, 2023 and recorded in Auditor's File Number 202309080611 of Cuyahoga County Deed Records, and along the northerly line of the aforementioned Verenell Rives, 160.00 feet to the PRINCIPAL PLACE OF BEGINNING and containing 0.0441 acres (1,920 square feet) of land, be the same more or less, but subject to all legal highways and easements of record.

Legal Description approved by Eric B. Westfall, P.S., Section Chief
Plats, Surveys and House Numbering Section.

Section 2. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted November 4, 2024.

Effective November 6, 2024.

Resolution No. 1209-2024**By Council Members:** Santana

An emergency resolution withdrawing an objection to the transfer of ownership and location of a C2 Liquor Permit to 3228 West 65th Street and repealing Resolution No. 535-2024, objecting to said permit.

WHEREAS, this Council objected to the transfer of ownership and location of a C2 Liquor Permit to GB License LLC, 3228 West 65th Street, Cleveland, Ohio 44102, Permit No. 30612130125 by Resolution No. 535-2024, adopted by the Council on May 6, 2024; and

WHEREAS, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; and

WHEREAS, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND

Section 1. That objection to the transfer of ownership and location of a C2 Liquor Permit to GB License, LLC, 3228 West 65th Street, Cleveland, Ohio 44102, Permit No. 30612130125, by Resolution No. 535-2024, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted November 4, 2024.

Effective November 6, 2024.

Resolution No. 1210-2024**By Council Members:** Hairston**An emergency resolution objecting to the transfer of ownership of a D3A, D3 and D1 Liquor Permit to 18025-29 Euclid Avenue.**

WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a D3A, D3 and D1 Liquor Permit from Qbyrds LLC, 18025-29 Euclid Avenue, Cleveland, Ohio 44110, Permit No. 71205090001 to Northeast Ohio Dream Developments LLC, DBA Pure Soul & Seafood, 18025-29 Euclid Avenue, Cleveland, Ohio 44110, Permit No. 66421750005; and

WHEREAS, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

WHEREAS, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

WHEREAS, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

WHEREAS, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Division of Liquor Control are prevented reasonable access to the establishment; and

WHEREAS, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

WHEREAS, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

WHEREAS, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND

Section 1. That Council does hereby record its objection to the transfer of ownership of a D3A, D3 and D1 Liquor Permit from Qbyrds LLC, 18025-29 Euclid Avenue, Cleveland, Ohio 44110, Permit No. 71205090001 to Northeast Ohio Dream Development LLC, DBA Pure Soul & Seafood, 18025-29 Euclid Avenue, Cleveland, Ohio 44110, Permit No. 66421750005; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted November 4, 2024.**Effective November 6, 2024.**

Resolution No. 1218-2024

By Council Members: McCormack

An emergency resolution approving the recommendation of the Committee on Council Operations regarding hiring certain employees by Cleveland City Council.

WHEREAS, Section 31 of the Charter of the City of Cleveland; Section 113.01 of the Codified Ordinances of Cleveland, Ohio, 1976; and Rule 11 of the Rules of Council mandate that the Council shall choose “employees of its own body as are necessary”; and

WHEREAS, a recommendation by Committee on Council Operations regarding hiring certain employees is attached as **File No. 1218-2024-A**; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council hereby approves the hiring of the following individuals as employees of Cleveland City Council:

Ilya Butler
Myrna Craig
Kelley Edmonds-Salvatore
Inés Jiménez
Tina Magistro
Ibukun Ode-Martins
David Rogers
Junita Thomas

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted November 4, 2024.

Effective November 6, 2024.

Directory of City Officials

City Council

Cleveland City Hall
601 Lakeside Avenue, Room 220
Cleveland, Ohio, 44114
Phone: 216-664-2840
www.clevelandcitycouncil.org

President of Council – Blaine A. Griffin

City Clerk, Clerk of Council – Patricia J. Britt

<i>Council Member</i>	<i>Ward</i>
Joseph T. Jones	1
Kevin L. Bishop	2
Kerry McCormack	3
Deborah A. Gray	4
Richard A. Starr	5
Blaine A. Griffin	6
Stephanie D. Howse-Jones	7
Michael D. Polensek	8
Kevin Conwell	9
Anthony T. Hairston	10
Danny Kelly	11
Rebecca Maurer	12
Kris Harsh	13
Jasmin Santana	14
Jenny Spencer	15
Brian Kazy	16
Charles Slife	17

Permanent Schedule – Standing Committees of the Council 2022-2025

MONDAY – Alternating

9:30 a.m. – **Health, Human Services and the Arts Committee:** Conwell (CHAIR), Maurer (VICE-CHAIR), Gray, Harsh, Howse-Jones, Slife, Starr.

9:30 a.m. – **Municipal Services and Properties Committee:** Bishop (CHAIR), Starr (VICE-CHAIR), Hairston, Jones, Kazy, Kelly, Maurer.

MONDAY

2:00 p.m. – **Finance, Diversity, Equity and Inclusion Committee:** Griffin (CHAIR), McCormack (VICE-CHAIR), Bishop, Conwell, Hairston, Kazy, Polensek, Santana, Spencer.

TUESDAY

1:30 p.m. – **Workforce, Education, Training and Youth Development Committee:** Santana (CHAIR), Howse-Jones (VICE-CHAIR), Gray, Jones, Slife, Spencer, Starr.

TUESDAY – Alternating

9:30 a.m. – **Development, Planning and Sustainability Committee:** Hairston (CHAIR), Santana (VICE-CHAIR), Harsh, Howse-Jones, Jones, McCormack, Spencer.

WEDNESDAY – Alternating

10:00 a.m. – **Safety Committee:** Polensek (CHAIR), Jones (VICE-CHAIR), Gray, Howse-Jones, Kelly, Slife, Starr.

10:00 a.m. – **Transportation and Mobility Committee:** McCormack (CHAIR), Slife (VICE-CHAIR), Bishop, Gray, Kazy, Maurer, Santana.

THURSDAY

10:00 a.m. – **Utilities Committee:** Kazy (CHAIR), Spencer (VICE-CHAIR), Bishop, Gray, Harsh, Kelly, Polensek.

The following Committees meet at the Call of the Chair:

Mayor's Appointments Committee: Jones (CHAIR), Griffin, Hairston, Harsh, Starr.

Operations Committee: McCormack (CHAIR), Bishop, Conwell, Griffin, Maurer.

Rules Committee: Griffin (CHAIR), Conwell, Maurer, McCormack, Polensek.

City Departments

City Hall
601 Lakeside Avenue
Cleveland, OH 44114

MAYOR – Justin M. Bibb

Bradford J. Davy, Chief of Staff

Ryan M. Puente, Deputy Chief of Staff and Chief Government Affairs Officer

Jeff Epstein, Chief of Integrated Development

Sarah N. Johnson, Chief Communications Officer

Michele Pomerantz, Chief of Education

Sonya Pryor-Jones, Chief of Youth and Family Success

Bonnie Teeuwen, Chief Operating Officer

Stephanie Wernet, Chief Innovation and Technology Officer

AGING – Mary McNamara, Director

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS –

Carmella Davis, Secretary

Patrick M. Gallagher (Labor), Chair

Howard Bradley (Builder)

(Engineer)

Robert Maschke, Architect

Peggy Lipscomb, Alternate

BOARD OF ZONING APPEALS –

Elizabeth Kukla, Secretary

Members: Alanna Faith, Nina Holzer, Priscilla Rocha, Arleesha Wilson

BUILDING AND HOUSING –

Sally Martin O'Toole, Director

Divisions:

Navid Hussain, Commissioner, Construction Permitting

Richard Riccardi, Assistant Commissioner, Construction Permitting

Thomas E. Vanover, Commissioner, Code Enforcement

CITY AUDIT COMMITTEE –

Members: Laura Armstrong, Chair; Council President Blaine A. Griffin; Law Director Mark D. Griffin; Diane Downing; Sharon Dumas; Thomas Raguz.

CITY PLANNING COMMISSION – Joyce Pan Huang, Director

Members: Lillian Kuri, Chair, Gloria Jean Pinkney, Council Member Charles Slife, August Fluker, Denise McCray, Isabella McKnight, Andrew Sargeant.

CIVIL SERVICE COMMISSION – Rachon Long, Assistant Director

Gregory E. Jordan, President; Michael Flickinger, Vice President; India Pierce Lee, Secretary; Daniel J. Brennan, Member; Cyrus L. Patton, Member

COMMUNITY DEVELOPMENT – Alyssa Hernandez, Director

Divisions:

Administrative Service – Joy Anderson, Commissioner

Office of Fair Housing and Consumer Affairs – John Mahoney, Manager

Neighborhood Development – James Greene, Commissioner

Neighborhood Services – Louise Jackson, Commissioner

COMMUNITY POLICE COMMISSION – Jason Goodrick, Interim Executive Director

Members: John Adams, Shandra Benito, James M. Chura, Charles Donaldson, Jr., Kyle Earley, Alana Garrett-Ferguson, Cait Kennedy, Gregory Reaves, Janice Ridgeway, Piet van Lier, Audrianna Rodriguez, Teri Wang, Sharena Zayed.

COMMUNITY RELATIONS BOARD – Angela Shute-Woodson, Executive Director;

Members: Mayor Justin M. Bibb, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman; Council Member Kevin L. Bishop, Daniel McNea, Stephanie

Morrison-Hrbek, Roland Muhammad, Luz Pellot, Robert Render, III, Gia Hoa Ryan, Council Member Richard Starr, Jay Westbrook, Peter Whitt.

ECONOMIC DEVELOPMENT – Thomas S. McNair, Director

FINANCE – Paul Barrett, Director

Divisions:

Accounts – Lonya Moss-Walker, Commissioner

Assessments and Licenses – Dedrick Stephens, Commissioner

Financial Reporting and Control – James Gentile, Controller

Information Technology and Services –

Kimberly Roy Wilson, Commissioner

Internal Audit – Natasha Brandt, Manager

Printing and Reproduction – Michael Hewett, Commissioner

Purchases and Supplies – Tiffany White Johnson, Commissioner

Sinking Fund Commission – Betsy Hruby, Manager

Taxation – Kevin Preslan, Commissioner and Income Tax Administrator

Treasury – James Hartley, Treasurer

HUMAN RESOURCES – Matthew J. Cole, Director

Rachon N. Long, Assistant Director

LANDMARKS COMMISSION –

Members: Julie Trott-Heisey, Chair; Robert S. Strickland, Vice Chair; Michele Anderson; Allan Dreyer; Mark Duluk, City of Cleveland Architecture and Site Development; Councilwoman Deborah A. Gray; Cleveland City Planning Commission Director Joyce Huang; Christopher Loeser; Michael R. Sanbury; Raymond Tarasuck, Jr.; Dr. Regennia Williams.

LAW – Mark D. Griffin, Director

Michele Comer, Chief Counsel

Ronda Curtis, Chief Corporate Counsel

Elena Boop, Chief Trial Counsel
Aqueelah Jordan, Chief Prosecutor
Delanté Spencer Thomas, Chief Ethics Officer
John Skrtic, Law Librarian

MAYOR'S OFFICE OF CAPITAL PROJECTS – James D. DeRosa, Director

Divisions:

Architecture and Site Development – _____, Manager
Engineering and Construction – Richard J. Switalski, Manager
Real Estate – Susanne Degennaro, Commissioner

MAYOR'S OFFICE OF EQUAL OPPORTUNITY – Tyson Mitchell, Director

MAYOR'S OFFICE OF URBAN ANALYTICS AND INNOVATION – Elizabeth Crowe, Director

MAYOR'S OFFICE OF SUSTAINABILITY – Sarah O'Keeffe, Director

PORT CONTROL – Bryant L. Francis, Director

Divisions:

Cleveland Hopkins International Airport & Burke Lakefront Airport – Khalid Bahhur,
Commissioner of Airports
Burke Lakefront Airport – Tony Campofredano, Airport Leader

PUBLIC HEALTH – David Margolius, M.D., Director

Divisions:

Air Quality – David Hearne, Commissioner
Environment – Wallace L. Chambers, Jr., Commissioner
Health – Frances Mills, Commissioner
Health Equity and Social Justice – Lita Marie Wills, Commissioner
Vital Statistics – Andrea Kacinari, City Registrar

PUBLIC SAFETY – Dornat A. Drummond, Director

Divisions:

Animal Control Services – Cory Keller, Chief Animal Control Officer

Emergency Medical Service – Orlando Wheeler, Commissioner

Emergency Operations Center – Nicole Carlton, Assistant Director

Fire – Anthony P. Luke, Chief

Police – Dorothy A. Todd, Chief

Professional Standards – Roger C. Smith, Administrator

PUBLIC UTILITIES – Martin J. Keane, Director**Divisions:**

Cleveland Public Power – Ammon Danielson, Commissioner

Radio Communications – Brad Handke, Manager

TV 20 – Kathy Allen, General Manager

Utilities Fiscal Control – Catherine Troy, Chief Financial Officer

Water – Alex Margevicius, Commissioner

Water Pollution Control – Ramona Lowery-Ferrell, Commissioner

PUBLIC WORKS – Frank D. Williams, Director**Administration:**

Administration – John Laird, Manager

Susie Claytor, Executive Commissioner, Public Auditorium

Kim Johnson, Interim Executive Commissioner, Prevention, Intervention and
Opportunity for Youth and Young Adults

Divisions:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner

Neighborhood Resource and Recreation Centers – Samuel Gissentaner,
Commissioner

Park Maintenance and Properties – Toi Porch, Interim Commissioner

Parking Facilities – Kim Johnson, Commissioner

Property Management – Tom Nagle, Commissioner

Streets – Randell Scott, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Terrell H. Pruitt, Commissioner

WORKFORCE DEVELOPMENT & OHIO MEANS JOBS –

CLEVELAND/CUYAHOGA COUNTY – Michelle Rose, Executive Director

Cleveland Municipal Court

Justice Center

1200 Ontario Street

Cleveland, Ohio, 44113

www.clevelandmunicipalcourt.org

<i>Judge</i>	<i>Courtroom</i>
Presiding and Administrative Judge Michelle D. Earley	14-C
Judge Marilyn B. Cassidy	13-A
Judge Mark R. Majer	12-B
Judge Lauren C. Moore	15-A
Judge Andrea Nelson Moore	12-A
Judge Michael L. Nelson, Sr.	15-C
Judge Ann Clare Oakar	14-A
Judge Charles L. Patton, Jr.	14-B
Housing Court Judge W. Moná Scott	13-B
Judge Suzan M. Sweeney	12-C
Judge Jazmin Torres-Lugo	13-C
Judge Shiela Turner McCall	13-D
Judge Joseph J. Zone	14-D

Earle B. Turner – Clerk of Courts

Russell R. Brown, III – Court Administrator

Belinda Gest – Housing Court Administrator

Robert J. Furda – Chief Bailiff

Dean Jenkins – Chief Probation Officer

Gregory F. Clifford – Chief Magistrate

City Links

Board of Building Standards and Building Appeals

<http://planning.city.cleveland.oh.us/bza/bbs.html>

Board of Zoning Appeals

<http://planning.city.cleveland.oh.us/bza/cpc.html>

City Bids

Invitations to Bid

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/BID>

Requests for Proposals/Requests for Qualifications

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/RFP>

Cleveland Water

<http://www.clevelandwater.com/work-with-us/invitations-to-bid>

Water Pollution Control

http://wpc.clevelandwater.com/?page_id=3342

Cleveland Airports

<https://www.clevelandairport.com/about-us/business-cle/bids-rfps>

City Jobs

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/HumanResources>

<https://www.governmentjobs.com/careers/cleveland>

City of Cleveland

<http://www.city.cleveland.oh.us/>

City of Cleveland Charter and Codified Ordinances

<https://codelibrary.amlegal.com/codes/cleveland/latest/overview>

Civil Service Commission

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission>

Cleveland City Council

<http://www.clevelandcitycouncil.org/>

Cleveland Courts

Cleveland Municipal Court

<http://clevelandmunicipalcourt.org/home.html>

Clerk of Courts – Cleveland Municipal Court

<https://clevelandmunicipalcourt.org/clerk-of-courts>

Cleveland Housing Court

<http://clevelandhousingcourt.org/>