

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 052

By: Mayor Perciak and All Members of Council

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY
OF STRONGSVILLE POLICE DEPARTMENT AND THE
SOUTHWEST GENERAL POLICE DEPARTMENT, AND
DECLARING AN EMERGENCY.**

WHEREAS, the Southwest General Police Department ("Southwest") desires to enter into a Memorandum of Understanding ("MOU") with the City of Strongsville Police Department, which would allow the Southwest officers to exercise their police powers within the property of the Strongsville Medical Center and the Thomas P. Perciak Family Residential Hospice, which are located within the City of Strongsville, and owned and operated by Southwest General Health Center; and

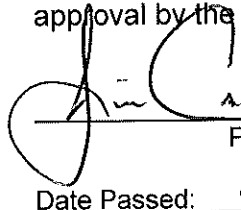
WHEREAS, the City of Strongsville is desirous of entering into such Memorandum of Understanding.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

Section 1. That the Mayor and City of Strongsville Police Department be and are hereby authorized and directed to enter into a Memorandum of Understanding with the Southwest General Police Department, which would allow Southwest's police officers to exercise their police powers within the property of the Strongsville Medical Center and the Thomas P. Perciak Family Residential Hospice, and to operate pursuant to the Memorandum of Understanding in the form attached hereto as Exhibit "A" and incorporated herein.

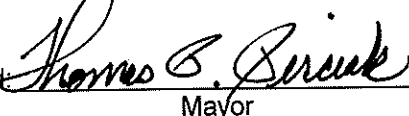
Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council; and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is necessary to enter into such Agreement in order for the Southwest General Police Department to exercise their police powers within the City of Strongsville at the Southwest General facilities, and to conserve public funds. Therefore, provided this Ordinance 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 from and after the earliest period allowed by law.



President of Council
Date Passed: 04 23 2023

Approved: _____



Mayor

Date Approved: April 3, 2023

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	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DeMio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kaminski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kosek	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roff	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Short	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest: *Aimee Pientica*
Clerk of Council

Ord. No. 2023-052 Amended: _____
1st Rdg. 04-03-23 Ref: _____
2nd Rdg. Suppended Ref: _____
3rd Rdg. Suppended Ref: _____

Public Hrg. _____ Ref: _____
Adopted: 04-03-23 Defeated: _____

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE STRONGSVILLE POLICE DEPARTMENT
AND THE
SOUTHWEST GENERAL POLICE DEPARTMENT**

PURPOSE:

The purpose of this Agreement is to enable Southwest General Police Officers to act with police authority while on the property of the Strongsville Medical Center (hereinafter "Center") and Thomas P. Perciak Family Residential Hospice (hereinafter "Hospice"), which are owned and operated by Southwest General Health Center, and are located within the City of Strongsville. The following Memorandum of Understanding ("MOU") outlines the standards and criteria to govern the interaction and cooperation between Strongsville Police Department (hereinafter "SPD"), and the Southwest General Police Department (hereinafter "SWGPD").

POLICY:

As authorized by Section 4973.17 of the Ohio Revised Code, Southwest General Health Center has established the SWGPD as an independent police department. The SWGPD has been commissioned by the Governor of the State of Ohio, pursuant to the Revised Code Section 4973.17. It is understood that these commissions grant authority to the commissioned members of SWGPD to act as police officers under the laws of the State of Ohio, including all authority and rights pertaining thereto.

The authority for SWGPD to function as an independent police department under ORC 4973.17 at the Southwest General facilities located in Strongsville is based on the recommendation and approval of the Chief of the SPD.

PROCEDURE:

I. CONCURRENT JURISDICTION

- A. The SPD and the SWGPD shall exercise concurrent jurisdiction over the enforcement of laws relative to suspected criminal violations that arise from incidents on the property of the Center and Hospice. The SPD remains obligated to preserve the peace and protect lives and property within the borders of Strongsville, which includes these Southwest General facilities. As such, personnel of the SPD have overriding authority of enforcing the law on the grounds of the Center and Hospice.
- B. The following operational procedures have been developed for the purpose of establishing a cohesive working relationship between the SPD and the SWGPD.

II. RESPONSIBILITIES OF THE SOUTHWEST GENERAL POLICE DEPARTMENT AND THE STRONGSVILLE POLICE DEPARTMENT

A. Reporting of Offenses

1. For criminal offenses that occur on the grounds of the Center and Hospice, the SWGPD shall, if requested, provide SPD with any/all appropriate documentation of SWGPD reports and evidence gathered.
2. For any parking or traffic incidents/offenses occurring on the grounds of the Center and Hospice, the SWGPD may issue traffic citations and complete Ohio Traffic Crash Reports, and forward such citations and reports to Berea Municipal Court. If requested, copies will be sent to SPD.

B. Criminal Investigations

1. In cooperation with the SPD, the SWGPD shall have the authority to investigate any suspected misdemeanor or felony offenses committed in relation to the Center and Hospice, including the procurement of warrants. The SWGPD will provide any appropriate reports, evidence, and other cooperation to enable the SPD to perform any follow-up investigation relative to suspected offenses occurring on the grounds of the Center and Hospice. It is understood that the Governor's commission received pursuant to Ohio Revised Code Section 4973.17 permits the SWGPD, where necessity may arise, to conduct pursuit, follow up, and investigative work which may extend beyond the property line of the Strongsville Ambulatory Care Center and Hospice.

C. Processing and confinement of persons detained and arrested pursuant to incidents at the Center and Hospice.

1. It is agreed and provided for in the Governor's Commission, pursuant to Ohio Revised Code Section 4973.17, that the SWGPD may process, detain, search, and/or arrest persons suspected of misdemeanor, felony or parking/traffic offenses for a reasonable time, under reasonable conditions. The SWGPD shall only detain and confine persons suspected of misdemeanor or felony crimes for such time as is reasonably necessary under the circumstances. SWGPD will be responsible for all costs, transports and procedures related to persons that need to be held in jail pending court proceedings.

III. COMMUNICATIONS

A. Telephone complaints and radio dispatch protocol

1. As the Center and Hospice is within the jurisdiction of the city of Strongsville, the SPD radio dispatchers, upon receipt of a request for service on the grounds of the Center and Hospice, shall dispatch a zone car(s) to answer such requests in accordance with SPD procedures.

2. At the discretion of SPD and its supervisory staff, the radio dispatcher may contact the SWGPD and advise them to handle this request for service in lieu of sending a SPD officer there for non-emergency calls.

IV. JAIL BOOKING PROCEDURES RELATIVE TO ARRESTS MADE BY THE SOUTHWEST GENERAL HEALTH CENTER POLICE DEPARTMENT

A. Arrest Procedures

1. A suspect arrested by the SWGPD in connection with a misdemeanor or felony offense may be conveyed by the SWGPD to an appropriate holding facility. SWGPD will handle all booking procedures unless SPD requests to handle the booking at their facility. SWGPD will notify SPD for all arrests made by SWGPD.

V. INDEMNITY

- A. Southwest General Health Center and SWGPD agree to indemnify and hold harmless the city of Strongsville, SPD, and its representatives, employees, insurers, heirs, executors, administrators, successors, and assigns, from any claim, suit, verdict or judgement, in the event any person undertakes to pursue any claim for money damages or other causes of action, including claims for loss of service, consortium, society, or companionship, wrongful death, and claims for damages and expenses, arising out of the protocol herein recited. Such claims, for which indemnity is to be provided by Southwest General Health Center, include but are not limited to any claims arising from negligence, oversight requirements provided by federal or state law, or local ordinances, false imprisonment, unlawful arrest, negligent or intentional infliction of emotional distress, trespass, violation of state or federal constitutional rights, or violations of 42 U.S.C. 1983.

VI. APPROVAL

- A. In signing this Memorandum of Understanding, the Chief of Police for SPD hereby gives approval to Southwest General Health Center to permit persons approved as police officers for SWGPD to engage in law enforcement duties on the property of the Center and Hospice, located at 18181 Pearl Road, Strongsville Ohio.

CITY OF STRONGSVILLE

By: Thomas P. Perciak

Its: Thomas P. Perciak, Mayor

By: Mark Fender

Its: Mark Fender, Chief of Police

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) ss.

BEFORE ME, a Notary Public in and for said county and state, personally appeared **CITY OF STRONGSVILLE**, by Thomas P. Perciak, its Mayor, and Mark Fender, its Chief of Police, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed and the free act and deed of said municipal corporation, and their free act and deed as officers thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Strongsville, Ohio, this 2nd day of April, 2023.

Nancy M. Sikorski
Notary Public



Southwest General Police Department
Chief of Police

Southwest General Hospital
Vice President

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On this _____ day of _____, 2023, the persons named herein personally before me, and executed the above instrument, and acknowledge to me that they executed the same.

Notary Public

My commission expires: _____