

County Council of Cuyahoga County, Ohio

Ordinance No. O2021-0001

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| Sponsored by: County Executive Budish/Department of Public Safety and Justice Services | An Ordinance enacting Section 208.04 of the Cuyahoga County Code to establish a Cuyahoga County Diversion Board to serve as a resource for information and advice on operation of, and to provide recommendations and input goals, strategies and programs of, the Cuyahoga County Assessment and Diversion Center; and declaring the necessity that this Ordinance become immediately effective. |
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WHEREAS, on December 8, 2020, Council adopted Resolution R2020-0265 which authorized a contract with the Alcohol, Drug Addiction & Mental Health Services Board of Cuyahoga County (“ADAMHS Board”) to operate and manage the Cuyahoga County Assessment and Diversion Center (“CCADC”) and its programs and services; and

WHEREAS, the primary goal of the CCADC is to use evidence-supported best practice models to implement and manage crisis intervention training for all local police departments within the County and to provide and staff a call-in help line for law enforcement officers; and

WHEREAS, in a recent study of the Cuyahoga County jail over a six-month period, more than 700 out of the approximately 2,100 inmates in the County jail’s average daily population had serious mental health and or substance abuse issues; and

WHEREAS, the CCADC will be the first of its kind in Ohio in managing the problems of rising jail populations and the growing number of inmates with mental health disorders and addiction issues; and

WHEREAS, the CCADC will house up to 50 individuals on-site for detoxification and/or stabilization and feature several components to treat their illnesses and prepare for additional care; and

WHEREAS, the County desires to establish the Diversion Board to, among other things, serve as a resource for information and advice on operation of, and to provide recommendations and input goals, strategies and programs of, the CCADC; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Section 208.04 is hereby enacted to read as follows:

Section 208.04 Cuyahoga County Diversion Board

A. Establishment. There is, hereby, created the Cuyahoga County Diversion Board.

B. Composition: The Diversion Board shall first be appointed in March 2021 and shall be composed of nine (9) members, four (4) appointed by the Executive, two (2) appointed by the Council President, one (1) by the Cuyahoga County Prosecutor, one (1) by the Cuyahoga County Public Defender, and one (1) by the Administrative and Presiding Judge of the Common Pleas Court General Division. No more than two (2) of the six (6) members appointed by the Executive and Council President may be employees of Cuyahoga County. The appointing authorities shall use good faith efforts to reflect the diversity of the people of the County in appointing the members of the Board. The four (4) members appointed by the County Executive shall be confirmed by the County Council.

1. Members shall each serve three-year terms.

- a. Two (2) of the four (4) members appointed by the Executive shall have an initial term of three (3) years, and two (2) of the four (4) members appointed by the Executive shall have an initial term of one (1) year.
- b. One (1) of the two (2) members appointed by the Council President shall have an initial term of three (3) years and one (1) of the two (2) members shall have an initial term of one (1) year.
- c. The three (3) members appointed by the Cuyahoga County Prosecutor, the Cuyahoga County Public Defender, and the Administrative and Presiding Judge of the Common Pleas Court General Division shall have an initial term of two (2) years.

Thereafter, all terms shall be for three (3) years.

2. Nothing in this section shall prohibit any initial appointee from being reappointed to the Diversion Board for a three-year term. If a vacancy occurs, the original appointing authority shall appoint a replacement in the same manner as the regular appointment for the unexpired term.

3. Members shall serve without compensation, except for out of pocket expenses, approved by the Board.

C. Leadership and Staffing: The Diversion Board shall select a member to serve as Chair and shall choose and develop its own rules of procedure, consistent with this section, other County ordinances, and the County Charter; provided that the member selected to serve as Chair shall serve in that capacity for a period of three (3) years. The Executive shall provide staff support as needed.

D. Duties: The duties of the Diversion Board shall include:

1. Acting as a resource for information and advice for the Diversion Operator, crisis intervention training teams and crisis response teams.
2. Encouraging community outreach and public participation in the goals and strategies of the center.
3. Providing recommendations and input to the Executive and County Council regarding the development of goals, strategies and programs.
4. Meeting publicly on a quarterly basis to provide a forum for the public to offer ideas and recommendations regarding the center.
5. Issue an annual report of findings and recommendations for policies by Jan. 31st each year using the data and metrics collected from the Diversion Center. This report shall also be made available to the public online.
6. Encourage Hospitals, Mental Health providers and Substance abuse providers to be resources for the Board.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Gallagher, seconded by Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Gallagher, Schron, Conwell, Brown, Stephens, Simon, Baker, Miller, Sweeney, Tuma and Jones

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: January 12, 2021
Committee(s) Assigned: Public Safety & Justice Affairs

Legislation Substituted in Committee: January 19, 2021

Committee Report/Second Reading: January 26, 2021

Legislation Substituted: February 19, 2021

Committee Report/Third Reading: February 23, 2021

[Clerk's Note: Technical correction made by Clerk to correct the motion to reflect the foregoing Ordinance was duly enacted. February 23, 2021]

[Clerk's Note: Electronic signatures affixed in accordance with Cuyahoga County Code Chapter 110]

Journal CC041
February 23, 2021