

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0170

Sponsored by: Councilmembers Brady, Simon and Conwell	A Resolution issuing a subpoena, pursuant to Section 3.12 of the Cuyahoga County Charter, to compel Cuyahoga County Sheriff Clifford Pinkney to testify before the Committee of the Whole, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Council has been investigating the official acts and conduct of the Cuyahoga County Sheriff relating to the Cuyahoga County Jail and the operations of the Cuyahoga County Sheriff's Office; and

WHEREAS, the County Council has sought information from Cuyahoga County Sheriff Clifford Pinkney to assist the County Council in its investigation; and

WHEREAS, the Cuyahoga County Sheriff has failed to cooperate with the County Council by failing to testify to matters relating to the Cuyahoga County Jail and the operations of the Cuyahoga County Sheriff's Office; and

WHEREAS, Section 3.12 of the Cuyahoga County Charter provides:

The Council or any committee may investigate the financial transactions of any office, department or agency of County government and the official acts and conduct of any County official relating to any matter upon which Council is authorized to act. In conducting such investigations, the Council or any such committee may administer oaths any may, by resolution adopted by vote of at least eight members of Council or of the committee of Council, compel the attendance of witnesses and the production of books, papers and other evidence through the issuance of subpoenas. Subpoenas shall be signed by either the President of Council or the chair of the Council committee seeking a witness's testimony or the production of evidence and shall be served and executed by an officer authorized by law to serve subpoenas and other legal process. In the matter of compelling the attendance of witnesses and the production of evidence, the majority vote of Council, if any, shall take precedence over the vote of a Council committee. If any duly-subpoenaed witness refuses to testify to any facts within the witness's knowledge, or to produce any paper, books, or other evidence in the witness's possession or in the witness's control relating to the matter under

inquiry before the Council or any such committee, the Council may refer the matter to the Prosecuting Attorney for the Prosecuting Attorney to cause the witness to be punished as for contempt.

WHEREAS, the County Council has determined that it is necessary for it to exercise its subpoena powers under Section 3.12 of the County Charter to subpoena Cuyahoga County Sheriff Clifford Pinkney to appear and testify before the Committee of the Whole; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by the Cuyahoga County Jail and the Cuyahoga County Sheriff's Office can continue and to provide for the usual, daily operation of these County entities.

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

SECTION 1. Pursuant to Section 3.12 of the Cuyahoga County Charter, County Sheriff Clifford Pinkney is hereby compelled to appear before the Committee of the Whole to testify regarding the Cuyahoga County Jail and the operations of the County Sheriff's Office on Tuesday, July 30, 2019, at 1:00 p.m.

SECTION 2. The Council President is hereby authorized to sign the subpoena.

SECTION 3. Mehler & Hagestrom Court Reporters is hereby instructed to have the subpoena authorized herein to be served by one or more process servers in accordance with Rule 45 of the Rules of Civil Procedure and Section 3.12 of the Cuyahoga County Charter.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble, and it shall take effect and be in full force upon the signature of the Clerk of Council and the Committee Chair.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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. Brady, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

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

Nays: None

Council President

Date

Clerk of Council

Date

Journal CC035
July 23, 2019

[Clerk's Note: In accordance with Rule 6B of the Rules of Council, legislation was added to the agenda by parliamentary motion: July 23, 2019]



The State of Ohio, } ss.
Cuyahoga County. }

COUNCIL OF CUYAHOGA COUNTY
SUBPOENA

TO: Sheriff Clifford Pinkney

You are hereby subpoenaed by the CUYAHOGA COUNTY COUNCIL to appear at a meeting of the Cuyahoga County Council Committee of the Whole in the C. Ellen Connally Council Chambers, 2079 East 9th Street – 4th Floor, Cleveland, Ohio, 44115 on July 30, 2019, at 1:00 pm to testify regarding the following:

- The Cuyahoga County Jail and operations at the Cuyahoga County Sheriff's Office.

This subpoena is issued to you under the authority of Section 3.12 of the Cuyahoga County Charter. If you have questions prior to appearing, please contact Jeanne Schmotzer, Clerk of the Council, at 216.698.2020.

Signed by: Daniel R. Brady, President of the Council of Cuyahoga County at Cleveland, Ohio this 23rd day of July, 2019.

Daniel R. Brady
Council President

Subscribed and sworn to before me
this 23rd day of July, 2019,

by, Jeanne Schmotzer
Notary Public

My comm. Expires: Aug 4, 2020.

JANINE CARTER
NOTARY PUBLIC • STATE OF OHIO
Recorded in Cuyahoga County
My commission expires Aug. 4, 2020

On the _____ day of _____, 20____, I served this Subpoena on the within
named: _____ as follows:

By:

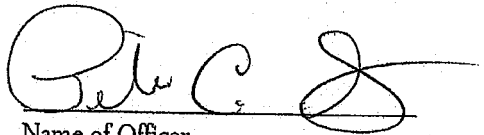
Name of Officer

On the 26th day of July, 2019, I served this Subpoena on the within

named: Sheriff Clifford Pickney as follows:

Hand delivered by Process Server, I went to McDonald Hopkins Co., LPA, 2100 Fifth Third Center, 600 Superior Avenue, Cleveland Ohio 44114 and served the Subpoena on Richard Blake, Esq. at 11:34 a.m.

By:

A handwritten signature in black ink, appearing to read "Peter C. Graves". The signature is written in a cursive style with a large initial "P" and a long horizontal stroke at the end.

Name of Officer Peter C. Graves, Process Server