

1 ORDINANCE NO. 2021-392

2  
3 SPONSOR Executive Shapiro

4  
5 DATE January 31, 2022 COMMITTEE Public Safety

6  
7 **An Ordinance enacting Section 113.08 of the Codified Ordinances of the County of**  
8 **Summit, entitled "Surcharge on part-time employment of Sheriff's Deputies by third-**  
9 **parties," to authorize the Sheriff to charge a \$6.00 surcharge per hour for part-time**  
10 **employment of Deputies, for the Executive and the Sheriff, and declaring an emergency.**

11  
12 WHEREAS, the County is required, pursuant to Section 2744.07(A)(1) of the Ohio  
13 Revised Code, to defend a Sheriff's Deputy while acting in an official capacity, which may be  
14 required by law if the Deputy, whether active duty or special is working a part-time job for a  
15 third-party employer or a traffic detail for the Sheriff and becomes involved in a law  
16 enforcement incident or an accident; and

17  
18 WHEREAS, Council previously approved Res. No. 2017-118 authorizing the surcharge  
19 and the division of funds between the County and the Sheriff; and

20  
21 WHEREAS, the County has a \$250,000.00 self-insured retention on its Law  
22 Enforcement Liability Policy; and

23  
24 WHEREAS, the Executive desires that this Council enact Section 113.08 of the  
25 Codified Ordinances of the County of Summit, entitled "Surcharge on part-time employment of  
26 Sheriff's Deputies by third-parties," to authorize the Sheriff to charge, effective as of the  
27 effective date of the enactment of Section 113.08, a \$6.00 surcharge per hour to all third-party  
28 employers for whom Sheriff's Deputies are working part-time jobs, to be deposited into an  
29 Insurance Retention Fund established by the County; and

30  
31 WHEREAS, 75% of said \$6.00 surcharge deposited into the Insurance Retention Fund  
32 shall be used to fund the County's combined retention amount and 25% of said surcharge shall  
33 be used by the Sheriff to purchase equipment and safety necessities; and

34  
35 WHEREAS, when the Insurance Retention Fund exceeds \$500,000.00, 100% of said  
36 excess funds shall be used by the Sheriff to purchase equipment and safety necessities; and

37  
38 WHEREAS, this Council finds and determines, after reviewing all pertinent  
39 information, that it is necessary and in the best interest of the County of Summit to enact  
40 Section 113.08 to authorize the Sheriff to charge, effective as of the effective date of this  
41 Ordinance, a \$6.00 surcharge per hour to all third-party employers for whom Sheriff's Deputies  
42 are working part-time jobs, to be deposited into the Insurance Retention Fund and the  
43 Equipment and Safety Fund for the aforementioned reason;

44  
45 NOW, THEREFORE BE IT ORDAINED by this Council of the County of Summit,  
46 State of Ohio, that:

47  
48 SECTION 1

49  
50 Section 113.08 of the Codified Ordinances of the County of Summit, entitled  
51 "Surcharge on third-party part-time employers of Sheriff's Deputies by third-parties," is hereby  
52 enacted as follows:  
53

3  
4 SECTION 1 (Cont.)

5  
6 **“113.08 SURCHARGE ON PART-TIME EMPLOYMENT OF SHERIFF’S  
7 DEPUTIES BY THIRD-PARTIES.**

8 (a) Surcharge. The Sheriff is hereby authorized to charge, effective as of the  
9 effective date of this Section, a \$6.00 surcharge per hour to all third-party employers for  
10 whom County Sheriff’s Deputies are working part-time jobs.

11 (b) Use of funds. The funds generated by said surcharge shall be deposited  
12 into an Insurance Retention Fund established by the Count as follows:

13 (1) When the Insurance Retention fund is \$500,000.00 or less, 75% of  
14 said \$6.00 surcharge deposited into the Insurance Retention Fund shall be used  
15 to fund the County’s combined retention amount and 25% of said surcharge  
16 shall be used by the Sheriff to purchase equipment and safety necessities.

17 (2) When the Insurance Retention Fund exceeds \$500,000.00, 100%  
18 of said excess funds shall be used by the Sheriff to purchase equipment and  
19 safety necessities.

20 (c) Accounts. The Executive’s Department of Finance and Budget is hereby  
21 authorized to establish any necessary accounts for the purposes of this Section.

22 (d) Procedures. The Executive and the Sheriff shall jointly develop  
23 procedures for the payment and collection of said surcharges.”

24  
25 SECTION 2

26  
27 This Ordinance is hereby declared an emergency in the interest of the health, safety, and  
28 welfare of the residents of the County of Summit, and for the further purpose of immediately  
29 authorizing the Sheriff to charge a necessary \$6.00 surcharge per hour to all third-party  
30 employers for whom Sheriff’s Deputies are working part-time jobs for the benefit of the  
31 County’s required combined self-insurance retention and the purchase of equipment and safety  
32 necessities by the Sheriff.

33  
34 SECTION 3

35  
36 Provided this Ordinance receives the affirmative vote of eight members, it shall take  
37 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
38 effect and be in force at the earliest time provided by law.

39  
40 SECTION 4

41  
42 It is found and determined that all formal actions of this Council concerning and  
43 relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and  
44 that all deliberations of this Council and of any of its committees that resulted in such formal  
45 action, were in meetings open to the public, in compliance with all legal requirements,  
46 including Section 121.22 of the Ohio Revised Code.



1 ORDINANCE NO. 2021-392  
2 PAGE THREE

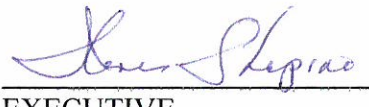
3  
4  
5 INTRODUCED December 6, 2021

6  
7 ADOPTED January 31, 2022

8  
9  
10   
11 CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

12  
13 APPROVED February 1, 2022

14  
15   
16  
17 EXECUTIVE

18  
19 ENACTED EFFECTIVE February 1, 2022

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, Feeman, McKenney, Rodgers, Schmidt, Sims, Walters, Wilhite