

BRUNSWICK CITY SAFETY & ENVIRONMENT COMMITTEE

Agenda OCTOBER 7, 2019 6:00 PM In Caucus Room

1. Discussion Items
 - (a) Police Video Project
 - (b) City Codified Ordinance 636.19 - Tobacco Products
2. General Discussion
3. Adjournment

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/7/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: A Resolution authorizing the City Manager to accept a \$50,000 Bureau of Justice Assistance grant from the Department of Justice for our Bodyworn Camera project.

BACKGROUND: A resolution authorizing the City Manager to accept a \$50,000 Bureau of Justice Assistance grant from the Department of Justice for our Bodyworn Camera project.

PURPOSE AND EXPLANATION: The acceptance of this bodyworn camera grant is a component of a larger police video project that includes police cruiser cameras, software, and storage for managing the video evidence.

IMPLEMENTATION SCHEDULE: Order the equipment in October, receive it in November, and install it in December.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: \$50,000 in federal grant money. The \$50,000 grant award will require separate financial pieces of legislation. 1) To budget the grant award and other related financial items and 2) advance (or loan) \$50,000 from the General Fund to the Department of Justice Grant Fund to cover the grant expenses up front until they can be reimbursed by the Federal Government. The financial pieces of legislation required for this grant is expected to be proposed on October 14th.

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

Requesting an emergency with suspension of the rules so we can transition from the testing and evaluation phase to preparation of purchase orders, ordering the equipment (which has a 6 week turnaround), installation and then deployment.

**ADDITIONAL
INFORMATION:**



U.S. Department of Justice
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

September 19, 2019

The Honorable Ron Falconi
City of Brunswick
4095 Center Rd
Brunswick, OH 44212-2944

Dear Mayor Falconi:

On behalf of Attorney General William P. Barr, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 19 Body-Worn Camera Policy and Implementation Program in the amount of \$50,000 for City of Brunswick.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Yolaine Faustin, Program Manager at (202) 353-1720; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Jon Adler
Director

Enclosures

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE ALL NECESSARY DOCUMENTS TO ACCEPT A \$50,000.00
BUREAU OF JUSTICE GRANT FROM THE DEPARTMENT OF JUSTICE
FOR THE BODYWORN CAMERA PROJECT.

WHEREAS: The Police Department has applied for and been approved for a \$50,000.00
Bureau of Justice Grant from the Department of Justice for the Bodyworn Camera
Project.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: The City Manager is hereby authorized, upon approval of the Law Director, to
execute all necessary documents to accept the Grant.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for
the immediate preservation of the public peace, property, health, safety or welfare,
and for the additional reason that immediate passage is necessary to deploy the
bodyworn camera equipment as soon as possible. Therefore, the same shall be in
full force and effect from and after its passage by the required number of votes or
from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/7/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: Authorize the purchase of body-worn cameras and related equipment from Watch Guard in a price not to exceed \$180,000.

BACKGROUND: A resolution authorizing the City Manager to enter into an agreement to purchase police video systems for our police cruisers which includes integrated bodycams, associated hardware and software for managing the video evidence.

PURPOSE AND EXPLANATION: Purchase police video systems for all police cruisers including integrated bodycams.

IMPLEMENTATION SCHEDULE: Order the equipment in October, receive in November and install in December.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Cost of the project not to exceed \$180,000 which includes \$50,000 in federal grant funding and the balance in the approved police capital budget. Equipment to be purchased from Watch Guard which is available on GSA contract pricing (GS-35F-0186P).

To purchase these items, it will require additional financial legislation. That legislation must include approval to appropriate the \$50,000 federal grant portion just recently awarded. Purchase orders cannot be certified until this separate legislation is approved by City Council. Appropriations for the City share portion for this purchase already exist and are included in the Division of Police's capital subfund #961. The additional budget amendment legislation is now required because the Division of Police was successful in obtaining a \$50,000 grant to help offset the costs for this purchase.

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

An emergency with suspension of the rules is requested as this legislation pairs up with the acceptance of a \$50,000 Bureau of Justice Assistance grant for bodycams and we will need to place the order as soon as approval is granted.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WATCH GUARD FOR THE PURCHASE OF POLICE VIDEO SYSTEMS IN AN AMOUNT NOT TO EXCEED \$180,000.00.

WHEREAS: The City of Brunswick belongs to the U.S. General Services Administration;

WHEREAS: The contract under U.S. General Services Administration for police video systems has been awarded to Watch Guard; and

WHEREAS: The cost for the purchase of the police video systems, which includes integrated bodycams, associated hardware and software for managing video evidence, includes a \$50,000.00 Bureau of Justice Grant from the Department of Justice.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the City Manager is hereby authorized to enter into an Agreement with Watch Guard for the purchase of police video systems in an amount not to exceed \$180,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow for immediate order placement. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam

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CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN EMERGENCY ORDINANCE AMENDING SECTION 636.19 OF THE
CITY OF BRUNSWICK CODIFIED ORDINANCES TO COMPLY WITH
OHIO LAW.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Section 636.19 of the Codified Ordinances is hereby amended to read as follows:

**636.19 ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER
TOBACCO PRODUCTS OR ALTERNATIVE NICOTINE
PRODUCTS.**

(a) As used in this section:

- (1) “Age verification” means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is ~~eighteen~~ twenty-one years of age or older.
- (2) A. “Alternative nicotine product” means, subject to subsection (a)(2)B. of this section, an electronic ~~cigarettes~~ smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving or inhaling.
B. “Alternative nicotine product” does not include any of the following:
 1. Any cigarette or other tobacco product;
 2. Any product that is a “drug” as that term is defined in 21 U.S.C. 321(g)(1);
 3. Any product that is a “device” as that term is defined in 21 U.S.C. 321(h);
 - 4) Any product that is a “combination product” as described in 21 U.S.C. 353(g).
- (3) ~~“Child” has the same meaning as in Ohio R.C. 2151.011.~~
- (4) “Cigarette” includes clove cigarettes and hand-rolled cigarettes.

- (5)(4) “Distribute” means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.
- (6)(a)(5) “Electronic ~~eigarettes~~smoking device” means, ~~subject to subsection (a)(6)B. of this section, any electronic product or device that produces a vapor that delivers any device that can be used to deliver aerosolized or vaporized~~ nicotine or any other substance to the person inhaling from the device ~~to simulate smoking and that is likely to be offered to or purchased by consumers as including~~ an electronic cigarette, electronic cigar, electronic ~~eigarillo~~ hookah, ~~vaping pen~~, or electronic pipe. “Electronic smoking device” includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. “Electronic smoking device” does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
- ~~“Electronic cigarette” does not include any item, product, or device described in — subsections (a)(2)B.1. to 4. of this section.~~
- (7)(6) “Proof of age” means a driver’s license, a commercial driver’s license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows a person is eighteen years of age or older.
- (8)(7) “Tobacco product” means any product that is made or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, ~~or~~ snuff, or snus. “Tobacco product” also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. “Tobacco product” does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
- (9)(8) “Vapor product” means a product, other than a cigarette or other tobacco product as defined in Chapter 5743. of the Revised Code, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. “Vapor product” includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. “Vapor product” does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). “Vapor product” includes any product containing nicotine, regardless of concentration.
- (9) “Vending machine” has the same meaning as “coin machine” in Ohio R.C. 2913.01.

(b) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

- (1) Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any childperson under twenty-one years of age;
- (2) Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under eighteentwenty-one years of age is prohibited by law;
- (3) Knowingly furnish any false information regarding the name, age, or other identification of any childperson under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that childperson;
- (4) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;
- (5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;
- (6) Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.

(c) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:

- (1) An area within a factory, business, office, or other place not open to the general public;
- (2) An area to which childrenpersons under twenty-one years of age are not generally permitted access;
- (3) Any other place not identified in subsection (c)(1) or (2) of this section, upon all of the following conditions:
 - A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway or outer-waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that

person.

B. The vending machine is inaccessible to the public when the place is closed.

C. A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high:

“It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products.”

(d) The following are affirmative defenses to a charge under subsection (b)(1) of this section:

- (1) The childperson under twenty-one years of age was accompanied by a parent, spouse who is eighteen twenty-one years of age or older, or legal guardian of the child person under twenty-one years of age.
- (2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a childperson under twenty-one years of age under subsection (b)(1) of this section, is a parent, spouse who is eighteen twenty-one years of age or older, or legal guardian of the child person under twenty-one years of age.

(e) It is not a violation of subsection (b)(1) or (2) of this section for a person to give or otherwise distribute to a childperson under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the childperson under twenty-one years of age is participating in a research protocol if all of the following apply:

- (1) The parent, guardian, or legal custodian of the childperson under twenty-one years of age has consented in writing to the childperson under twenty-one years of age participating in the research protocol.
 - (2) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.
 - (3) The childperson under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.
- (f) (1) Whoever violates subsection (b)(1), (2), (4), (5), or (6) or (c) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender has previously been convicted of a violation of subsection (b)(1), (2), (4), (5) or (6) or (c) of this section, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
- (2) Whoever violates subsection (b)(3) of this section is guilty of permitting children a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, permitting children a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(3) of this section, permitting children a person under twenty-one years of age

to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(g) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a ~~child~~person under twenty-one years of age in violation of Ohio R.C. 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981.

(h) This section shall not apply to a person who is eighteen years of age on or before October 1, 2019. The version of this section that was in effect prior to the effective date of this amendment shall apply to a person who is eighteen years of age on or before October 1, 2019.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to comply with Ohio law. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC