



AGENDA
CUYAHOGA COUNTY COUNCIL OPERATIONS, INTERGOVERNMENTAL
RELATIONS & PUBLIC TRANSPORTATION COMMITTEE MEETING
WEDNESDAY, JANUARY 22, 2020
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
9:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. APPROVAL OF MINUTES FROM THE SEPTEMBER 17, 2019 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2020-0016: A Resolution approving and concurring with amendments made to the Northeast Ohio Areawide Coordinating Agency (“NOACA”) Code of Regulations on 9/13/2019 as shown in NOACA Resolution No. 2019-041, and declaring the necessity that this Resolution become immediately effective.
 - b) O2020-0002: An Ordinance amending Sections 406.01 and 406.02 of the Cuyahoga County Code to clarify contents of the Whistleblower provisions.
- 6. MISCELLANEOUS BUSINESS**
- 7. ADJOURNMENT**

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***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*



MINUTES

**CUYAHOGA COUNTY COUNCIL OPERATIONS, INTERGOVERNMENTAL
RELATIONS & PUBLIC TRANSPORTATION COMMITTEE MEETING
TUESDAY, SEPTEMBER 17, 2019
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
3:00 PM**

1. CALL TO ORDER

Chairwoman Baker called the meeting to order at 3:10 p.m.

2. ROLL CALL

Ms. Baker asked Deputy Clerk Carter to call the roll. Committee members Baker, Simon and Miller were in attendance and a quorum was determined. Committee members Jones and Schron were absent from the meeting.

3. PUBLIC COMMENT

Ms. Loh addressed the Committee regarding various agenda and non-agenda items.

4. APPROVAL OF MINUTES FROM THE JULY 30, 2019 MEETING

A motion was made by Mr. Miller, seconded by Ms. Simon and approved by unanimous vote to approve the minutes from the July 30, 2019 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) None

There were no matters referred to Committee.

6. DISCUSSION

- a) Agency of Inspector General Semi-Annual Report (January 1, 2019 - June 30, 2019)

Mr. Mark Griffin, Inspector General, addressed the Committee regarding the goals, budget, investigations, contractor registrations, background checks, training, debarment, education programs, whistleblower complaints and contractor oversight relating to the first half of the 2019 Semi-Annual Report. Discussion ensued.

Committee members asked questions of Mr. Griffin pertaining to the item, which he answered accordingly.

7. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

8. ADJOURNMENT

With no further business to discuss, Chairwoman Baker adjourned the meeting at 3:46 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2020-0016

Sponsored by: County Executive Budish/Department of Sustainability	A Resolution approving and concurring with amendments made to the Northeast Ohio Areawide Coordinating Agency (“NOACA”) Code of Regulations on 9/13/2019 as shown in NOACA Resolution No. 2019-041, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on September 13, 2019, the governing board of NOACA adopted the NOACA Board Resolution No. 2019-041 to amend the NOACA Code of Regulations; and,

WHEREAS, the amendments to Section 4.2 of the NOACA Code of Regulations do not become effective unless and until ratified by the five-member counties; and,

WHEREAS, Article IV of the NOACA Code of Regulations establishes the NOACA Board of Directors, providing for the Board’s duties, composition, alternates, terms, election of officers, vacancies, removal of members, compensation of board members, and applicability of Ohio Ethics Law; and,

WHEREAS, it is necessary that this Resolution 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 RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby approves and concurs with the amendments made to the NOACA Code of Regulations on September 13, 2019, as shown in NOACA Resolution No. 2019-041.

SECTION 2. It is necessary that this Resolution 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 Resolution 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

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the counties of Cuyahoga, Geauga, Lake, Lorain and Medina, and the areawide water quality management agency for the same region; and

WHEREAS, Resolution 2019-041 amended Section 4.2 of NOACA's Code of Regulations to provide for the assignment of membership on NOACA's Board of Directors based on the population of its member Counties, which membership will be automatically adjusted at each decennial census.; and

WHEREAS, Resolution 2019-041 required ratification by all of NOACA's five counties prior to January 1, 2020; and

WHEREAS, Due to unexpected administrative issues, all five NOACA Counties have not yet ratified Resolution 2019-041.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of 45 principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina that:

Section 1. Resolution 2019-041 shall be amended to adjust the deadline for ratification to January 31, 2020.

Certified to be a true copy of a Resolution of the
Board of Directors of the Northeast Ohio Areawide
Coordinating Agency adopted this 13th day of December
2019.

Secretary: John R. Hamerstick

Date Signed: 12-13-2019

County Council of Cuyahoga County, Ohio

Ordinance No. O2020-0002

Sponsored by: Councilmembers Miller and Conwell	An Ordinance amending Sections 406.01 and 406.02 of the Cuyahoga County Code to clarify contents of the Whistleblower provisions.
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WHEREAS, Section 3.09(12) of the Cuyahoga County Charter empowers Council “to establish by ordinance a code of ethics, which shall be in addition to, and not inconsistent with, general law on the subject, which shall guide and inform County officers and employees in the performance of their official duties in a manner that will represent high standards of professionalism and loyalty to the residents of the County and that will avoid conflicts of interest, self-dealing and other violations of the public trust;” and

WHEREAS, the Council determined it was necessary to enact a comprehensive whistleblower policy, which was subsequently codified in Title IV of the Cuyahoga County Code and memorialized in Code Sections 406.01 and 406.02; and

WHEREAS, Council has determined that in the interest of good governance it is necessary to update the County’s Code to clarify the rights and responsibilities of employees making a Whistleblower complaint; and,

WHEREAS, it is necessary that this Ordinance, as amended, become immediately effective in order to provide safety and security for employees submitting complaints pursuant to County Code Sections 406.01 and 406.02; and

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

SECTION 1. Sections 406.01 and 406.02 of the Cuyahoga County Code are hereby amended as follows (additions are marked in bold and underlined; deletions are stricken):

Chapter 406: Whistleblowers

Section 406.0~~2~~**1**: Whistleblower Rights

A. Any person who reasonably believes a violation of any county, state, or federal ethics law, rule, or regulation has occurred, or will occur, may make a whistleblower complaint with a supervisor within the employee’s chain of

command, the Agency of Inspector General, or the Department of Human Resources.

B. Elected officials, employees, and board members shall not retaliate against any person who makes a whistleblower complaint pursuant to this Code section.

~~A.C. Pursuant~~ **The contents of this section are in addition** to Section 124.341 of the Ohio Revised Code, ~~if an appointing authority takes any final disciplinary or retaliatory action against an employee as a result of the employee's having filed a written report or complaint of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, the employee's sole remedy is to file an appeal with the state personnel board of review within the time period prescribed by law.~~

B.D. If any **elected official, employee, or board member** believes he or she has been subject to retaliation for ~~having filed~~ **making** a complaint of a violation of this title that is not a violation reportable under Ohio Revised Code Section 124.341, he or she ~~shall~~ **may** report such retaliation to **a supervisor within the employee's chain of command, the Agency of the Inspector General, or** the Department of Human Resources. If an appointing authority, **supervisor,** or the Department of Human Resources takes any ~~final disciplinary or~~ retaliatory action against an employee as a result of the employee's having ~~filed~~ **made** a report or complaint under this title that is not a violation reportable under Ohio Revised Code Section 124.341, the employee may file an appeal with the Personnel Review Commission. Any complaint giving rise to an alleged retaliatory act must be filed **verbally or** in writing in order for an employee to exercise his or her appeal rights under this paragraph. A complaint ~~filed in writing~~ may be ~~submitted~~ **made** anonymously; provided however that the employee shall bear the burden of proving that the employee was the source of the anonymous complaint upon appeal. Claims of retaliation heard by the Personnel Review Commission ~~shall be~~ **are** appealable to the Court of Common Pleas pursuant to Ohio Revised Code Chapter 2506.

~~E.~~ **E.** The annual training provided to employees, ~~as required in~~ **by** Chapter 403 of this code, shall include a notice to employees enumerating their whistleblower rights and responsibilities, ~~including the requirement that an employee must submit any initial ethics complaint in writing to properly exercise his or her appeal rights in the event of whistleblower retaliation.~~ **The training shall also notify supervisory employees of their responsibility to avoid retaliating against any person who makes a whistleblower complaint pursuant to this section.**

Section 406.04**2**: Whistleblower Responsibilities

~~A.~~ **A.** Any elected official, employee, or board member who possesses actual knowledge of a violation of this Title shall inform the Inspector General within five days of

Clerk of Council

Date

First Reading/Referred to Committee: January 14, 2020

Committee(s) Assigned: Council Operations, Intergovernmental Relations & Public
Transportation

Journal _____
_____, 20__