



AGENDA
CUYAHOGA COUNTY COUNCIL OPERATIONS, INTERGOVERNMENTAL
RELATIONS & PUBLIC TRANSPORTATION COMMITTEE MEETING
TUESDAY, MARCH 1, 2022
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
3:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. APPROVAL OF MINUTES FROM THE JANUARY 18, 2022 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) 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, JANUARY 18, 2022
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
3:00 PM

1. CALL TO ORDER

Chairman Sweeney called the meeting to order at 3:00 p.m.

2. ROLL CALL

Mr. Sweeney asked Deputy Clerk Carter to call the roll. Committee members Sweeney, Baker, Miller and Schron were in attendance and a quorum was determined. Committee member Simon entered the meeting after the roll call was taken.

3. PUBLIC COMMENT

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

4. APPROVAL OF MINUTES FROM THE NOVEMBER 16, 2021 MEETING

A motion was made by Ms. Baker, seconded by Mr. Miller and approved by unanimous vote to approve the minutes from the November 16, 2021 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) O2020-0002: An Ordinance amending Sections 406.01 and 406.02 of the Cuyahoga County Code to clarify contents of the Whistleblower provisions.

Ms. Alexa Beeler, Interim Inspector General, addressed the Committee regarding Ordinance No. O2020-0002. Discussion ensued.

Committee members asked questions of Ms. Beeler pertaining to the item, which she answered accordingly.

Mr. Miller introduced a proposed substitute to Ordinance No. O2020-0002. Discussion ensued.

A motion was then made by Mr. Miller, seconded by Ms. Baker and approved by unanimous vote to accept the proposed substitute.

Mr. Brendan Doyle, Special Counsel, addressed the Committee regarding Ordinance No. O2020-0002. Discussion ensued.

Committee members asked questions of Ms. Beeler pertaining to the item, which she answered accordingly.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. ADJOURNMENT

With no further business to discuss, Chairman Sweeney adjourned the meeting at 3:35 p.m., without objection.

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 406.01: Whistleblower Rights

A. Definitions:

1. For purposes of this section, a “whistleblower” is any employee, elected official, or board member of Cuyahoga County, or any person doing business with the County, who reports any violation of any federal, state, or local law or ordinance, or allegations of fraud, corruption, waste, abuse, misfeasance, and/or malfeasance.
 2. For purposes of this section, a “whistleblower complaint” is a reporting, either written or verbal, of a matter involving allegations enumerated in Section 406.01(A)(1).
 3. For purposes of this section, “retaliation or retaliatory action” is any action taken or threat by an employee, elected official, board member, or appointing authority that would discourage a reasonable person from engaging in an act protected in this Whistleblower Ordinance.
 4. For purposes of this section, a “retaliation complaint” is a reporting, either written or verbal, of any disciplinary or retaliatory action taken in response to a whistleblower complaint as defined under this section.
- B. To be afforded all rights and protections as a “whistleblower” under the County Code, whistleblowers must comply with all obligations found herein, including the reporting obligations delineated in County Code Sections 406.01 and 406.02.
- C. Whistleblowers 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.
- D. Any supervisor who receives a whistleblower complaint shall notify the Agency of Inspector General or Department of Human Resources of the complaint within five (5) business days of receipt. The Department of Human Resources shall notify the Agency of Inspector General of any whistleblower complaints brought to it within five (5) business days of receipt.
- E. For enforcement and interpretation of a whistleblower’s rights and obligations under this County Code Section, a former employee of Cuyahoga County will be granted protections, including prohibitions against retaliation, for any violations reported within 30 days after separation from the County.

~~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 discovering the violation, unless the individual knows the violation has already been reported.~~

~~B. Any person who reasonably believes a violation of this Title or of any state or federal ethics law, rule, or regulation has occurred, or will occur, may file a complaint with the Inspector General.~~

FC. No elected official, employee, board member, lobbyist, or contractor shall file a **whistleblower** complaint **with a supervisor within the employee's chain of command, the Agency of Inspector General, or the Department of Human Resources** ~~the Inspector General~~ that includes information he or she knows to be false, or which has been submitted in bad faith or with reckless disregard for the truth.

GD. No person shall retaliate against any individual who, in good faith, has filed a **whistleblower complaint** ~~written report or expressed in writing~~ his or her intent to report a violation or suspected violation of this Code, whether such retaliation is through threat, coercion, harassment, abuse of authority, or adverse employment action.

HE. Any act of retaliation **against a whistleblower** shall be considered a separate violation of this Code. ~~All complaints of retaliation shall be reported to the Inspector General for investigation.~~

Section 406.02: Whistleblower Responsibilities

~~A. Pursuant 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.~~

AB. ~~If an employee believes he or she has been subject to retaliation for having filed 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 report such retaliation to the Department of Human Resources. If an appointing authority 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 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.~~ **If an appointing authority, supervisor, or the Department of Human Resources takes any retaliatory action against an employee as a result of the employee's having made a whistleblower complaint under this title, the employee's sole and exclusive remedy is to file a retaliation complaint, either verbally or in writing,** with the Personnel Review Commission. Any **whistleblower** complaint giving rise to an alleged retaliatory act must be filed in writing in order for an employee to exercise his or her appeal rights under this paragraph. A **whistleblower** complaint filed in writing may be submitted anonymously; provided however that the employee shall bear the burden of proving that the employee was the source of the anonymous complaint upon **the filing of a retaliation complaint** ~~appeal~~. **If the employee files such a retaliation complaint, the Personnel Review Commission shall immediately notify both the employee's appointing authority and the Agency of Inspector General and shall hear the retaliation complaint. The Personnel Review**

Legislation retained per Resolution No. R2020-0271: December 8, 2020

Legislation Substituted in Committee: January 18, 2022

Journal _____
_____, 20__