



## City of Pataskala *Legislative Report to Council*

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### Legislative Report

#### February 7, 2022 Council Meeting

#### Unfinished Business

##### A. Ordinances

➤ **ORDINANCE 2021-4408 – 3<sup>rd</sup> READING - AN ORDINANCE TO AMEND SECTION III (FEES) OF THE CITY OF PATASKALA PUBLIC RECORDS POLICY**

Ordinance 2021-4408 is a direct result of a motion made and adopted during the last Records Committee meeting. Our old fee structure not only set forth a procedure for charging for records requests it also didn't allow us to deviate from that structure. As a result small records requests for paper documents or electronic records (CD's) carried a charge that cost the city more to collect than it cost us to produce. The new legislation gives the administration the ability to waive costs under \$5.00 as that was determined to be the break point of where it costs us more in time and money to invoice somebody, mail them a bill, receive it back and process it.

➤ **ORDINANCE 2022-4411 – 2<sup>nd</sup> READING – AN ORDINANCE TO REDIVIDE WARDS WITHIN THE CITY OF PATASKALA, LICKING COUNTY, OHIO**

As prescribed in the charter the Wards and Bounds Commission met in November and December. That group now has voted and approved their recommendations. This ordinance references the map only as that is what needs to be sent to the Board of Elections. That map is now finished, so we have attached a comparison map and a map of how the new wards look to the legislation. Members of the commission will be on hand at the 2/7/2022 meeting to answer any questions. I have attached their report to the legislative report as well. This ordinance will have to be amended by substitution to include the maps at this second reading.

➤ **ORDINANCE 2022-4412 – 2<sup>nd</sup> READING – AN ORDINANCE CREATING AND ESTABLISHING A NEW POSITION WITHIN THE CITY OF PATASKALA PARKS AND RECREATION DEPARTMENT, TO WIT: SWIM LESSON INSTRUCTOR**

This is an ordinance to create a swim lesson instructor position within the parks and recreation department. The Pataskala Municipal Pool has been offering a swim lesson program for many years under previous operation with official instructors. The recreation department now would like to create an official position for the pool operations to allow for a streamlined approach to our summer pool operations. In the past guards were working as both an instructor and a guard which meant longer days and burnout. With this implementation we can now hire swim instructors and

use guards with experience as substitutes or helpers if needed. This addition is going to bring many more swim lesson opportunities for the community residents including adults.

## B. Resolutions

### New Business

#### A. Ordinances

- **ORDINANCE 2022-4413 – 1<sup>ST</sup> READING - AN ORDINANCE TO CREATE A NEW POSITION OF EMPLOYMENT, UTILITY SERVICE TECHNICIAN, WITHIN THE CITY OF PATASKALA**

During the budget process for the 2022 Budget Cycle, a new position in the Utility Department was included. The Utility Service Technician position would be a member of the Utility Billing Team and would allow us to efficiently serve our customers while also allowing us to conduct more preventative maintenance than we are currently able to.

The Utility Service Technician would be responsible for the following tasks: Turn On/ Turn Offs, Customer Service Calls, Meter Reading, Failed Meter Repairs, Water and Sewer Inspections and Covering the front desk. All of these are functions that the Systems Team currently performs, time that would be better spent conducting the necessary maintenance of our distribution and collection systems. The Utility Service Technician would also serve as general labor assistance to the Utility Department as a whole, wherever that labor may be needed.

This proposed position has already been vetted by the Administration, the PBR, the USW union and the Utility Committee. The position is an entry level position and would be compensated equally to our Field Technician 1 position.

I recommend approval of Ordinance 2022-4413.

### Consent Agenda

#### 3. Motions

#### 4. Resolution

- **RESOLUTION 2022-009 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH J&K COMMUNICATIONS INC. TO CONDUCT A SCADA SYSTEM COMMUNICATIONS STUDY TO IDENTIFY NECESSARY UPGRADES**

Our SCADA system is what allows us to remotely monitor and operate all of our remote infrastructure sights. In total, we have 17 remote locations that use a radio system to communicate to our main SCADA control center. The model of radio that we are currently using is outdated and is no longer supported by the manufacturer.

There are several options available for modern communication equipment. In order to determine both the ideal type and position of the upgraded equipment we will need to conduct a study on the entire system. Things like tree growth, ice build up and interference can render even a brand new radio system useless and we want to avoid that. This study will analyze all of those factors along with new equipment

costs so that we can make an informed decision to carry us through the next 10 years of our SCADA system operations.

J&K Communications is the contractor that we have used for our radios for many years. The relationship that we have with them is excellent, and their skill level is superb. They have provided a quote of \$18,000 to conduct the study. The budget and this resolution would provide \$20,000 for this project, which would allow for any additional items that are discovered during the course of the study.

I recommend approval of Resolution 2022-009.

➤ **RESOLUTION 2022-010 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A MANAGEMENT CONSULTANT AGREEMENT WITH CLEMANS, NELSON & ASSOCIATES, INC**

This resolution directs the City Administrator to sign an agreement to have Clemans-Nelson perform some Human Resources (H.R.) functions for the city in 2022. Originally, the city planned to hire a full time H.R. professional as the number of employees has reached 50+. Leadership and the Administration worked together to formulate a plan where (if possible) Pataskala would contract this work out to a firm that specialized in H.R.. The Administration solicited multiple companies but had difficulty finding one that didn't want to do our payroll. Eventually, we found and met with Clemans-Nelson who performs similar work for several surrounding communities. That meeting went well and we took the idea to the H.R. Committee who voted unanimously to recommend that council approve a contract for 2022 with that firm. Mr. Zets has reviewed and approved the letter of intent which is attached to the legislation as "Attachment A" I have attached their services brochure to this legislative report.

➤ **RESOLUTION 2022-011 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT TO PURCHASE A 2021 INTERNATIONAL, MODEL CV515 SFA, TWO-WHEEL DRIVE, SINGLE AXLE DUMP TRUCK FROM RUSH TRUCK CENTERS THROUGH THE STATE OF OHIO COMPETITIVE PURCHASING PROGRAM, AND TO ENTER INTO A CAPITAL LEASE AGREEMENT FOR THE PROCUREMENT OF THIS EQUIPMENT**

Approval of this resolution would provide for the Public Service Department (PSD) to purchase a new single axle dump truck. One of the existing dump trucks is at the end of its useful life and is in need of replacement. The purchase of a new single axle dump truck is a PSD Capital Improvements project as identified in the approved 2022 budget.

The new truck will be outfitted with computer equipment that will control the amount of salt applied to the roads. This will be an improvement as it relates to operator control and ease, but it will also result in increased efficiency of salt use, which will yield long term savings by reducing the amount of salt required.

Note also that the listed truck is smaller than our typical single-axle trucks. The switch for this years' purchase helps with a couple of logistical challenges that the PSD has been facing. The first issue is plowing within developments; in developments where we have not yet limited parking to one side of the street, or where this is not observed/enforced, our typical single-axle dump trucks have difficulty navigating between vehicles. This smaller truck will be able to accomplish this much more easily. The smaller truck also does not require a CDL to drive; thus, in personnel shortage

situations, as we are currently facing, this will offer the potential to enlist the assistance of other personnel that are otherwise competent and available, but do not have a CDL. This will also make routing more efficient, as we can have a driver dedicated to developments, making other routes shorter and quicker, and making cleanup of developments easier and quicker. Finally, it is a \$45,000 savings over the budgeted amount for this purchase.

Approval of this resolution is recommended.

➤ **RESOLUTION 2022-012 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT TO PURCHASE A BED AND PLOW ACCESSORIES PACKAGE FROM ACE TRUCK EQUIPMENT THAT INCLUDES ALL NECESSARY EQUIPMENT TO FULLY OUTFIT A 2021 INTERNATIONAL, MODEL CV515 SFA, TWO-WHEEL DRIVE, SINGLE AXLE DUMP TRUCK, AND TO ENTER INTO A CAPITAL LEASE AGREEMENT FOR THE PROCUREMENT OF THIS EQUIPMENT**

Approval of this resolution would provide for the Public Service Department (PSD) to purchase a bed and plow accessories for the new single axle dump truck that is proposed in Resolution 2022-011. The purchase of plow accessories is included in the PSD Capital Improvements project for a single axle dump truck with plow accessories as identified in the approved 2022 budget.

The dump truck as proposed in Resolution 2022-011 does not come equipped with a bed, hydraulics, or plowing accessories. This Resolution would provide all items necessary for the dump truck to be fully outfitted and functional for snow removal operations. Approval of this resolution is recommended.

➤ **RESOLUTION 2022-013 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT TO PURCHASE AND INSTALL A PERMANENT STANDBY GENERATOR ALONG WITH AN AUTOMATIC TRANSFER SWITCH FOR THE RIVER FOREST LIFT STATION FROM C.S. ELECTRIC AND EXCAVATING LLC.**

The Utility Department has seven lift stations in the wastewater collection system. We have permanent standby generators at 4 of those locations, but the other three rely on a portable, trailer-mounted generator that must be moved between the remaining 3 lift stations as needed in the event of a power outage.

C.S. Electric will be installing the generator and transfer switch should this resolution pass. C.S. Electric is a local electrician that we use for all our electrical contractor needs in the Utility Department. They provide excellent service, have an intricate knowledge of our operations, and do so at a very reasonable price.

The generator and automatic transfer switch are quoted at \$31,293. They are both quoted from Buckeye Power Sales (BPS) and are Kohler models. That is the same model we use at all our sites and will easily be added to our annual generator maintenance program provided by BPS. The budget and this resolution allow for \$40,000 for this project to cover the equipment and the installation costs.

I recommend approval of Resolution 2022-013.

➤ **RESOLUTION 2022-014 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT TO PURCHASE A 2022 CHEVROLET SILVERADO 3500HD, 4WD, REGULAR CAB, DUMP BED TRUCK FROM COUGHLIN**

**AUTOMOTIVE LLC. HONORING THE STATE OF OHIO COOPERATIVE PURCHASING PROCUREMENT PROGRAM PRICE**

The Utility Department operates a fleet of vehicles in order to conduct our daily operations. The oldest of those vehicles is a 1998 Dodge Ram with a dump bed. This truck has exceeded its useful lifespan mechanically. The bed is so rusted that we have screwed old metal street signs into the bed so that the material hauled in the truck doesn't fall through.

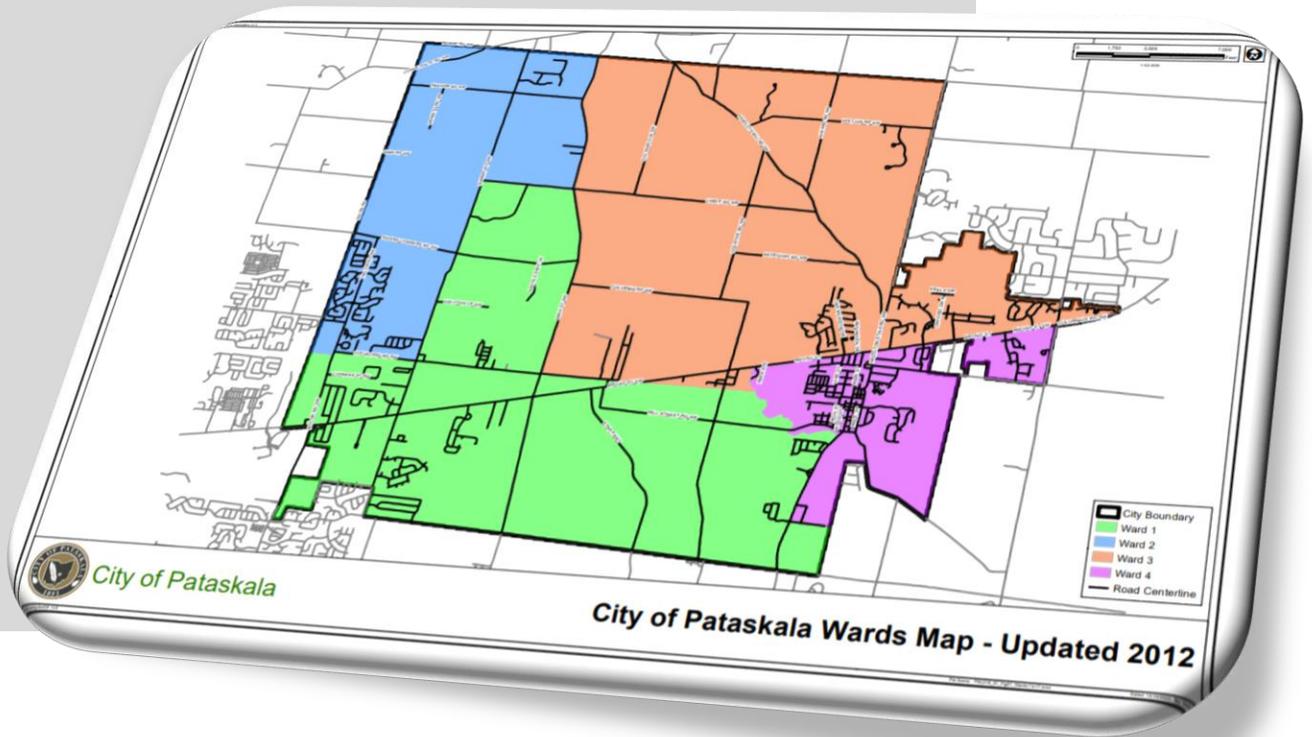
The State of Ohio Cooperative Purchasing Procurement Program sets a price that allows municipalities to purchase directly without having to go through the bidding process. The state program does not have any dump trucks of this size available currently. Coughlin Automotive here in Pataskala has provided us a quote of \$51,826 which honors the State Procurement Program price a savings of \$5,400 when compared to their normal pricing.

The budget for this item was \$50,000. That amount is a little low in light of the global supply chain's impact on new vehicle pricing. The remaining \$1,826 will come out of our water and sewer operating budgets, split evenly between the two funds.

I recommend approval of Resolution 2022-014.

➤ **RESOLUTION 2022-015 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR ECONOMIC DEVELOPMENT WITH GROW LICKING COUNTY IMPROVEMENT CORPORATION**

Due to a variety of factors the City of Pataskala decided to break ties with Grow Licking County as a development "arm" in 2018. In 2021 leadership, the city administrator and the county commissioners began discussions about Pataskala re-joining Grow Licking County, as they are the economic development arm of our county. We met with their new Director, Alexis Fitzsimmons, in the summer of 2021 and decided to move forward with the idea as long as some changes were made to the Board of "Grow". The last of those changes happened in January of 2022. The Development Committee discussed rejoining at the January 25, 2022 meeting. The discussion focused on the increased cost (\$15,000 annually) and scope of service as possible issues to address. Grow Licking County was asked to highlight services that they can provide outside the work that Montrose does for the city and they were able to do that and include it in the agreement document. The "Grow" Board also made an offer to reduce the price to \$12,500.00 for 2022. This legislation directs the City Administrator to sign the agreement which is included as an "Attachment A"



# Wards and Boundaries Commission



City of Pataskala

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# WARDS AND BOUNDARIES

## Charter of Pataskala, Ohio

### ARTICLE III COUNCIL

#### SECTION 3.03 WARDS AND BOUNDARIES.

(A) Upon the availability of decennial census information from the federal government, the Council at the next regular Council meeting shall appoint a Commission consisting of seven (7) members who are electors of the City during their term in office to divide or redivide the City into four wards for the purpose of electing four ward Council members at the next regular municipal election. The Commission shall take action by a majority vote of its members and report its recommendations to Council within six months. The division or redivision of the City into four wards shall provide for substantially equal population in each ward. The Council and Mayor shall take all actions necessary to implement the actions of the Commission.

(B) In addition to the redivision of the City into wards as required by Division (A) of this Section, the Council may, appoint a seven member commission, as described in Section 3.03(A) to redivide the City into four wards at any other time in order to provide substantially equal population in each ward.

(C) All wards shall be bounded, as far as practical, by county lines, streets, alleys, avenues, public grounds, canals, watercourses, municipal boundary lines, center lines of platted streets or railroads, or lot lines of platted subdivisions. Redivision of the City into wards shall not terminate or otherwise affect the unexpired terms of Ward Council members; however, at succeeding elections, Ward Council members shall be elected from the wards, as reapportioned or re-established under this Section.

(D) Council shall have the power to cause a census of the City to be taken if it determines a census is necessary for the proper apportionment of the City's wards. The Council may authorize officials and employees of the City, independent contractors or state or federal government agencies to conduct the census under the control and direction of the Council..

## Commission Appointments

Tom H. Lee - Ward 1

Commission Appointment: Doug Dandurand

Melissa Carter - Ward 2

Commission Appointment: Jerika Zuckerman, Commission Vice Chair

Todd Barstow - Ward 3

Commission Appointment: Brenda Sams, Commission Secretary

Brandon Galik - Ward 4

Commission Appointment: Bart Weiler

Dustin Epperson - At-Large

Commission Appointment: Pastor James Dewhurst

Jude Hampshire - At-Large

Commission Appointment: Richard Cooper, Commission Chair

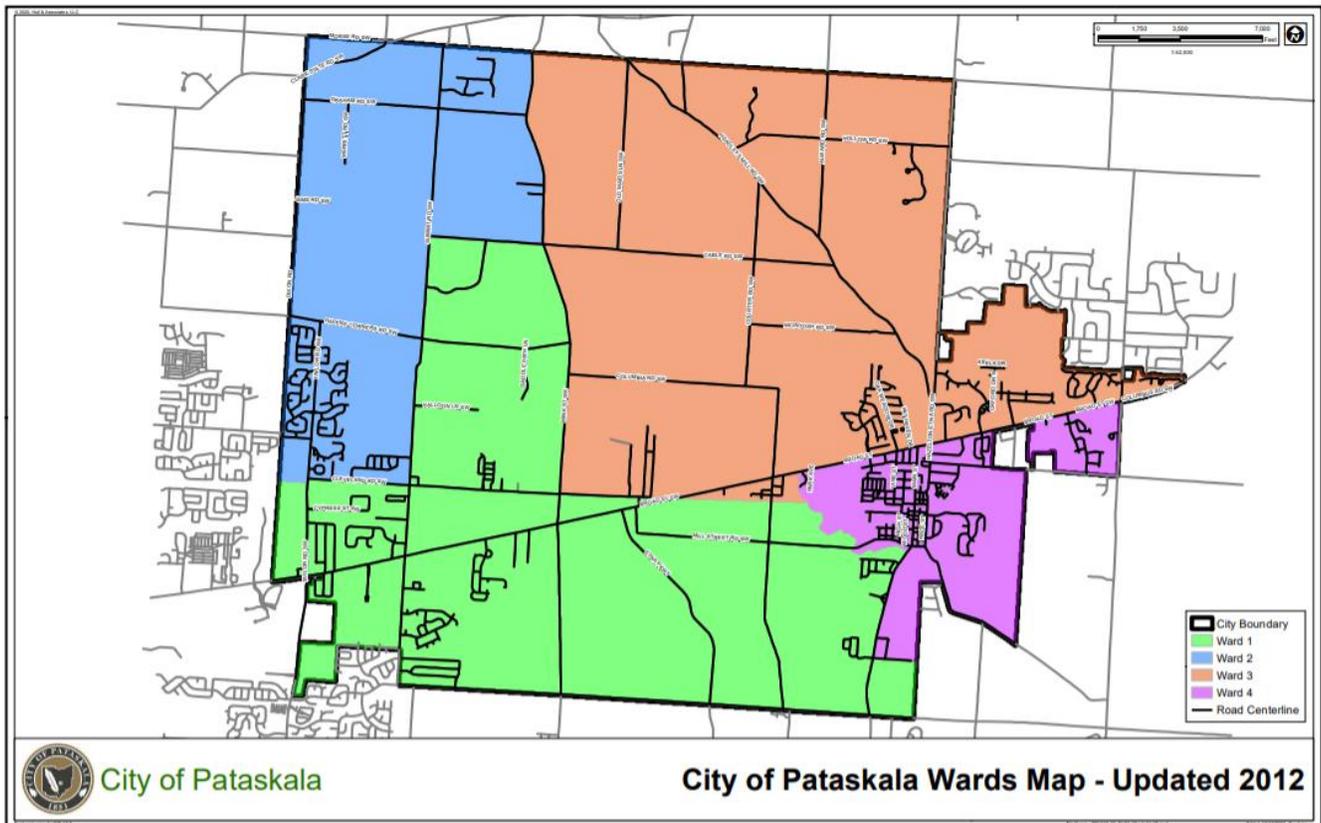
Andy Walther - At Large

Commission Appointment: Duaine Ashbrook

***“...Council at the next regular Council meeting shall appoint a Commission consisting of seven (7) members who are electors of the City...”***

# CURRENT WARDS & BOUNDARIES

The current wards and boundaries were set by the previous commission after the 2010 Census data became available.



## Ward Population - 2010

- Ward 1 - Population 3,735
- Ward 2 - Population 3,731
- Ward 3 - Population 3,779
- Ward 4 - Population 3,717

## Ward Population Growth - 2020

- Ward 1 - Population 4,696, (25.73% Increase)
- Ward 2 - Population 4,077, (9.27% Increase)
- Ward 3 - Population 4,588, (21.41% Increase)
- Ward 4 - Population 4,525, (21.74% Increase)

## Inequality Between the Wards

- Ward 1 - Population 4,696, 5.02% *higher* than the average
- Ward 2 - Population 4,077, 8.82% *lower* than the average
- Ward 3 - Population 4,588, 2.61% *higher* than the average
- Ward 4 - Population 4,525, 1.2% *higher* than the average

	5.02%	-8.82%	2.61%	1.20%
Using Proposed Boundaries (2021)				
Ward	Ward1	Ward2	Ward3	Ward4
	4,696	4,077	4,588	4,525

# COMMISSION RECCOMENDATIONS

After careful review of the current wards, boundaries, 2020 census population & the requirements set by the Board of Elections, the commission proposes the following changes:

## Proposed Changes to the Wards & Boundaries

Census Block & Tract Number	Population	Current Ward	New Ward
Block 2030, Census Tract 7565	70	Ward 4	Ward 3
Block 1008, Census Tract 7565	80	Ward 3	Ward 2
Block 1009, Census Tract 7565	126	Ward 3	Ward 2
Block 1007, Census Tract 7559.01	112	Ward 1	Ward 2
Block 3012, Census Tract 7559.01	86	Ward 1	Ward 2

## Ward Population – Recommendation

- Ward 1 - Population 4,498, 0.59% *higher* than the average
- Ward 2 - Population 4,481, 0.21% *higher* than the average
- Ward 3 - Population 4,452, 0.44% *lower* than the average
- Ward 4 - Population 4,455, 0.37% *lower* than the average

## Review of Council Members

Proposed changes would not terminate or otherwise affect the unexpired terms of Ward Council members listed below.

- Tom H. Lee - Ward 1
- Melissa Carter - Ward 2
- Todd Barstow - Ward 3
- Brandon Galik - Ward 4

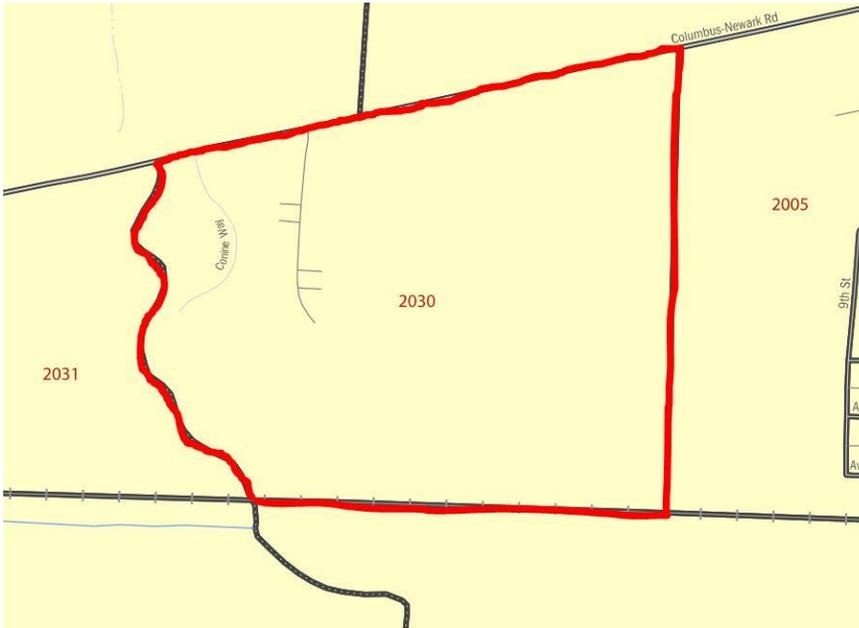
***“...Redivision of the City into wards shall not terminate or otherwise affect the unexpired terms of Ward Council members; ...”***

# PICTOMETRY

## Block 2030, Census Tract 7565 - Population 70

Original Ward: Ward 4

New Ward: Ward 3

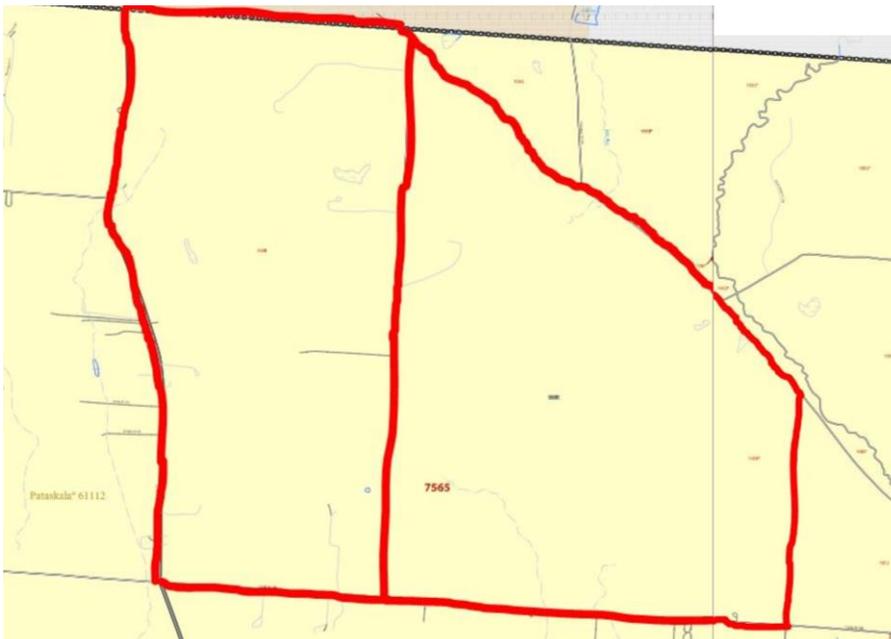


## Block 1008, Census Tract 7565 - Population 80

## Block 1009, Census Tract 7565 - Population 126

Original Ward: Ward 3

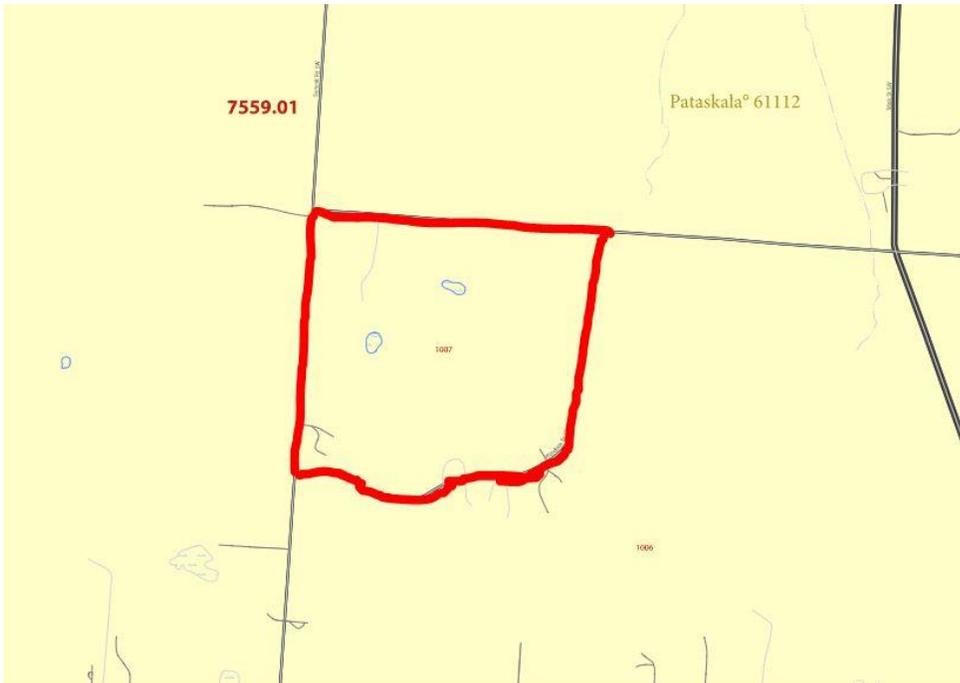
New Ward: Ward 2



### Block 1007, Census Tract 7559.01 - Population 112

Original Ward: Ward 1

New Ward: Ward 2



### Block 3012, Census Tract 7559.01 - Population 86

Original Ward: Ward 1

New Ward: Ward 2





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## SERVICES PROFILE

### Government as Business

We believe government should be run as a service business, and that government can only deliver superior service through optimum management of all its resources, especially its human resources. Human resources are assets to be developed, enhanced, managed, and conserved — assets that directly affect both the employer's reputation and the bottom line.

We have proven repeatedly that, with the right tools, public employers can manage their human resources effectively and efficiently within their financial means.

### Corporate Services

Clemans Nelson is a professional management consulting firm specializing in the following:

- Operational and Organizational Analysis; Government Restructuring
- Personnel Systems Analysis
- Employee Relations Audits
- Labor Negotiations, Contract Administration, and Arbitration
- Compliance with:
  - FLSA
  - EEOC
  - Unemployment Compensation
  - COBRA
  - OSHA
  - FMLA
  - ADA
  - Other employment-related civil service matters
- Policy Manuals, Handbooks, and Performance Evaluations
- Leadership and Supervisory Training
- Regulatory Compliance Training on:
  - Administering civil service
  - Handling leave requests and leave abuse
  - Paying overtime properly
  - Preventing sexual harassment

### Employer Representation Only

Clemans Nelson represents **only** employers. Many firms occasionally take cases or assignments against employers on behalf of individuals or employee organizations. We do not subscribe to that practice. We serve both employer and employee interests by advocating professional management.

## LABOR RELATIONS

### SERB Representation

- ↘ Union representation cases
- ↘ Bargaining unit clarifications
- ↘ Bargaining unit determinations
- ↘ Unfair labor practice cases
- ↘ SERB hearings
- ↘ SERB investigations

### Contract Negotiation

- ↘ Bargaining table representation
- ↘ Bargaining team support
- ↘ Proposal drafting and analysis
- ↘ Existing contract analysis
- ↘ Wage and benefit surveys
- ↘ Mediation and interest arbitration
- ↘ Alternative dispute resolution
- ↘ Strike management
- ↘ Research and general consultation

### Contract Administration

- ↘ Contract implementation
- ↘ Supervisory training
- ↘ Employee discipline
- ↘ Grievance handling
- ↘ Labor/Management meetings
- ↘ Work rule changes
- ↘ Benefit changes
- ↘ Research and general consultation

### Arbitration

- ↘ Case analysis
- ↘ Strategy
- ↘ Arbitrator selection
- ↘ Case preparation
- ↘ Case representation
- ↘ Arbitration support
- ↘ Research and general consultation

### Union Election Consultation

- ↘ Election strategy
- ↘ Employee relations audits
- ↘ Employee communications
- ↘ Election Day representation
- ↘ Research and general consultation
- ↘ Supervisor training regarding:
  - The election process
  - Unfair labor practices
  - Positive management
  - Post-election processes

## PERSONNEL TOPICS

### General

- Organizational and operational analysis
- Personnel systems analysis
- Personnel systems development
- Employee relations audits
- Hiring and selection analysis
- Management development
- Supervisory training
- General research and consulting

### Personnel System Development

- Policy manuals
- Employee handbooks
- Civil service rules
- Classification plans
- Job descriptions
- Essential function listing
- Hiring and selection procedures
- Performance evaluation systems
- Wage and benefits surveys
- Compensation plans
- Affirmative action plans
- Personnel records management

### Regulatory Compliance and Representation

- Civil service
- Equal Employment Opportunity (EEOC)
- Ohio and federal civil rights
- Unemployment compensation
- Fair Labor Standards Act (FLSA)
- COBRA
- Employee discipline
- Americans with Disabilities Act (ADA)
- Family and Medical Leave Act (FMLA)
- Drug Free Workplace Act
- Research and consultation
- Commercial driver's license  
drug and alcohol testing

## TRAINING AND DEVELOPMENT TOPICS

### Leadership Management

- ↘ Planning and decision-making
- ↘ Employee development
- ↘ Team building
- ↘ Conflict management
- ↘ Improving communications
- ↘ Implementing change
- ↘ Motivation and demotivation
- ↘ Customer service
- ↘ Management development
- ↘ Quality assurance
- ↘ Delegation and instruction
- ↘ Project management
- ↘ Problem solving
- ↘ Stress management
- ↘ Effective meetings
- ↘ Interpersonal communication
- ↘ Performance management
- ↘ New supervisor
- ↘ Leadership
- ↘ Time management

### Regulatory Issues

- ↘ Civil service compliance
- ↘ EEO, affirmative action, and civil rights
- ↘ Americans with Disabilities Act
- ↘ Fair Labor Standards Act
- ↘ Family and Medical Leave Act
- ↘ Classification plan administration
- ↘ Drug Free Workplace Act
- ↘ Employee discipline
- ↘ Employment-at-will doctrine
- ↘ Hiring and selection
- ↘ Performance evaluation
- ↘ Personnel policy administration
- ↘ Personnel records management
- ↘ Unemployment compensation

### Labor Relations

- ↘ Collective bargaining process
- ↘ Contract administration
- ↘ Grievance handling
- ↘ Positive management
- ↘ Impasse management



## OUR GEOGRAPHIC PROFILE

### Regional Offices

Clemans Nelson recognizes that each geographic area has customs and characteristics that differ from other areas. To better serve our clients, we maintain offices in the following locations:

#### **Columbus / Central Ohio**

485 Metro Place South, Suite 200  
Dublin OH 43017  
Phone 614.923.7700  
Fax 614.923.7707

#### **Cincinnati / Indiana / Kentucky**

420 W. Loveland Avenue, Suite 101  
Loveland OH 45140  
Phone 513.583.9221  
Fax 614.923.7707

#### **Cleveland / Akron / Pennsylvania**

2351 S. Arlington Road, Suite A  
Akron OH 44319  
Phone 330.785.7700  
Fax 330.785.4949

#### **Lima / Northern Indiana**

1541 Allentown Road, Suite D  
Lima OH 45805  
Phone 419.227.4945  
Fax 419.229.8617

### Web Site

[www.clemansnelson.com](http://www.clemansnelson.com)

### Geographic Service Areas

- Ohio
- Indiana
- Kentucky
- Minnesota
- Pennsylvania
- West Virginia



## OUR STAFF

### General Staff Characteristics

Clemans Nelson was founded in 1976 and is employee-owned. Consequently, every employee in the firm takes a strong interest in providing top-quality client service. Clemans Nelson employs 30–35 management consultants and support staff with complementary skills and backgrounds. Among our consulting staff are former business executives, government executives, and other professionals with Juris Doctorate, Masters in Public Administration, and Masters in Business Administration degrees, with experience in public administration, business administration, civil service, labor relations, civil rights, unemployment compensation, regulatory compliance, and other related areas.

All Clemans Nelson consultants, managers, and principals, including the CEO, work regularly with clients on projects and participate in continuing education seminars in order to stay current and ensure delivery of state-of-the-art consulting services.

For more information about Clemans, Nelson & Associates, Inc., please contact us, or visit our website at [www.clemansnelson.com](http://www.clemansnelson.com) to view all of our staff profiles.

### Representative Clemans Nelson Consultants

**Brian D. Butcher** serves as Clemans Nelson's President/CEO and chairs the Board of Directors. Brian advises clients in human resource management, labor relations, compensation plans, contract negotiations, regulatory compliance, discipline, and policy development. He regularly conducts training on a variety of human resource and labor relations issues such as FLSA, FMLA, ADA, discriminatory harassment, leave abuse, the use of social media and technology in the workplace, and union certification/representation. Brian has been an advocate for employers in front of various administrative agencies. He is also a frequent lecturer for public sector statewide associations. He received his J.D. from Capital University Law School and his B.A. from Muskingum College in Business and Political Science. Brian is an adjunct faculty member of Franklin University.

**E. Pete Nevada** is Vice President, is on the Board of Directors of Clemans Nelson, and serves as our Director of Research. Pete has over 40 years' experience in public and private sector labor arbitration and negotiation, unemployment compensation, equal employment opportunity compliance, Ohio civil rights compliance and representation, supervisory training, and policy development. He is also experienced in labor negotiation and arbitration as well as litigation consultation. Pete is a graduate of The Ohio State University College of Law and received his undergraduate degree from Marietta College. He formerly served as Deputy Director of the Ohio Bureau of Employment Services and as an Assistant Attorney General.

**Michael D. Esposito** is a Vice President, Shareholder, and a member of the Board of Directors whose work consists primarily of handling sensitive labor relations and personnel issues, contract negotiations, regulatory compliance, and arbitrations for a variety of public sector



entities. Mike received his B.A. from Miami University and his J.D. from Cleveland-Marshall College of Law. Based out of Clemans Nelson's Akron Regional Office, he now represents some of the largest municipalities and townships in the state and has been tapped to lecture on selected public sector labor and personnel issues for the Kent State School of Public Policy and Public Administration, the Ohio Municipal League, the Ohio Mayor's Association, the Ohio Township Association, and the Ohio Public Employers Labor Relations Association (OHPELRA).

**Brett A. Geary** is a Shareholder, Director, and the Regional Manager for Clemans Nelson's Cincinnati office; Brett also serves as Corporate Secretary. He has extensive experience in labor relations, contract interpretation, classification plan development, regulatory compliance, research, labor negotiation, grievance arbitration, and preparation of arbitration briefs. He has also lectured on various public sector labor and personnel issues. Brett received his J.D. from Cleveland-Marshall College of Law and his B.A. from The Ohio State University in Criminology.

**Robin L. Bell** is a Shareholder, Director of Human Resources, and the Regional Manager for Clemans Nelson's Akron office. Robin is experienced in labor negotiations and arbitration, supervisory training, human resource management, policy development, and equal employment opportunity and Ohio Civil Rights Commission compliance. Robin is also knowledgeable regarding the defense of civil rights litigation. She formerly served as staff attorney for a large county officeholder and is a graduate of the University of Akron School of Law and received her undergraduate degree from Ohio University.

**Patrick A. Hire** is a Shareholder, Director, and serves as Regional Manager of Clemans Nelson's Lima office. Pat assists clients in human resource management, labor relations, regulatory compliance, and staff training and development. He has over 16 years' experience in arbitration, mediation, contract negotiations, and contract interpretation. He is skilled in organizational and operational analysis, civil service compliance, federal statute compliance, EEO compliance, and policy development. Pat received his B.A. in Comprehensive Social Studies from Bluffton University and his Master of Business Administration with a specialization in Public Administration from the University of Findlay.

**Kelly E. Babcock** is a member of the Board of Directors, a Shareholder, and Regional Manager for the Central Ohio area for Clemans Nelson. Kelly has experience representing clients in labor negotiations, arbitrations, discipline hearings, and grievance meetings. She is also experienced in regulatory compliance, civil rights, personnel management, and compensation and classification plans. She regularly advises clients and conducts training regarding compliance with ADA, FLSA, FMLA, drug and alcohol testing, and sexual harassment. Kelly has represented clients in employment actions before various agencies, including the State Employment Relations Board (SERB), Industrial Commission of Ohio, Unemployment Review Commission, Equal Employment Opportunity Commission, Ohio Civil Rights Commission, and the State Personnel Board of Review, as well as in federal and state courts in employment and civil rights actions. Kelly received her J.D. from Capital University College of Law, and her B.A. in Business Communications from Otterbein College.



**Matthew B. Baker** is a Shareholder and the Manager of Administrative Practice for Clemans Nelson and represents clients before various state administrative agencies such as the State Employment Relations Board and the State Personnel Board of Review. Matt has extensive experience in public sector labor negotiations, contract administration, and grievance arbitrations. He was formerly an associate with a large Ohio law firm where his practice concentration was in labor and employment law. Matt received his B.A. in Political Science *summa cum laude* from Salisbury University and his J.D. from The Ohio State University College of Law.

**Andrew A. Esposito** is a Shareholder and Manager of Client Development. Drew advises clients in human resource management, labor relations, contract negotiations, regulatory compliance, discipline, and policy development. He regularly conducts training on a variety of human resource and labor relations issues such as social media and technology in the workplace, supervisory principles and practices, performance evaluations, FLSA, FMLA, and discriminatory harassment. Drew joined Clemans Nelson in 2011 after working for two (2) of the most preeminent law firms in Cleveland. He received his J.D. from Cleveland-Marshall College of Law and his B.S. from Ohio University in Political Science and Biology.

**Kevin J. Shebesta** is a Shareholder and Account Manager. He joined Clemans Nelson with over seven (7) years of general litigation and private employment law experience, as well as experience with private labor law matters. While in private practice, Kevin's work included counseling employers with regard to employee personnel issues and dealing with employment discrimination, wage and hour, ADA, FMLA, HIPAA, and COBRA cases, among others. Kevin has experience litigating before various state courts in Ohio and the Federal Northern District Court of Ohio. He advises clients in human resource management, labor relations, contract negotiations, regulatory compliance, discipline, and policy development. Kevin obtained his J.D., *cum laude*, in 2005 from Case Western Reserve University School of Law, and has a Bachelor's degree in Business Administration from the University of Wisconsin-Madison.

**Heidi L. Miller** joined Clemans Nelson in 2014 and is an Account Manager and Shareholder, working with clients on various employment and human resource management issues, compensation plans, and wage surveys. Heidi received her Bachelor of Science degree, with dual majors in Human Resources and Business Administration, from Franklin University. Heidi is a SHRM Certified Professional, a member of the Society for Human Resource Management (SHRM), and the Ohio Public Employer Labor Relations Association (OHPELRA).

**Frank Pompa** joined Clemans Nelson in 2016, and is a Senior Consultant in our Cincinnati office. Frank has over 30 years' experience in human resources management and is skilled in conducting organizational analyses, FLSA audits, employee relations audits, regulatory compliance, performance management and conduct, and discipline. He has a Bachelor degree from National University where he majored in Business Administration and a Bachelor of Law from LaSalle Extension University. He formerly served as a Personnel Officer and a Legal Administrative Officer in the U.S. Marine Corps, Personnel Manager for a large military contractor and for a County Public Health agency, and as Human Resources Manager of the U.S. division for a global service company. Frank is a national member of the Society for Human



Resource Management (SHRM), a member of the local chapter of the Greater Cincinnati Human Resources Association (GCHRA), and a national member of the Association of Talent Development (ATD).

**Ryan P. Woodward** joined Clemans Nelson in 2017, and is a Shareholder and Account Manager in our Cincinnati office. He represents clients in areas of labor relations, contract negotiation, discipline, wage surveys, and other human resources and management issues. Ryan earned dual BA degrees in Applied Communications and Philosophy from Asbury College and his Juris Doctorate from the University of Maine School of Law, where he was the Managing Editor of the Ocean and Coastal Law Journal. Prior to his legal education, he worked in finance and in law enforcement.

**Somany Pich** joined Clemans Nelson in 2017 and is a Senior Consultant working out of the Columbus office. Somany assists clients on various employment and human resource management issues, compensation plans, and wage surveys. Somany received her M.B.A. from Capital University in Finance, and her B.A. from Muskingum University with dual majors in Accounting and Political Science. Somany is a member of the Ohio Public Employer Labor Relations Association (OHPELRA).

**Michael Zhelesnik** joined Clemans Nelson in 2017 and is a Senior Consultant and Shareholder working out of the Akron office. Michael assists clients on various employment and human resource management issues, labor relations, and compensation plans. Michael received both his Juris Doctorate and LLM from Ohio Northern University, Pettit College of Law, and his B.A. from University of Cincinnati, where he majored in Political Science.

**Joshua Onyemachi** joined Clemans Nelson in 2019 as a Senior Consultant in our Lima office. He assists clients in areas of labor relations, discipline, policy development, and other human resources and management issues. Born in Nigeria, Josh completed his first college degree in his home country, earning a B.Sc. in Political Science from Ambrose Alli University, before moving to the U.K. and earning an M.Sc. in Strategic Studies from the University of Aberdeen, Scotland. Josh's educational journey then brought him to the United States, where he earned an M.A. in Political Science and Public Policy at Mississippi State University, before attending Ohio Northern University Law School where he earned his J.D.

**Amanda Riess** joined Clemans Nelson in 2020 as an Account Manager in our Lima office. She assists clients in areas of labor relations, discipline, policy development, and other human resources and management issues. Prior to returning to her native Northwest Ohio, Amanda was a litigation attorney for 14 years in Illinois, including working with municipalities on a variety of issues. Amanda holds a B.A. in Speech Communications from Otterbein University, and earned her J.D. at Ohio Northern University, Pettit College of Law.

**Melisa Fisco** is an Account Manager, working out of our Akron office. She advises and represents clients in labor and arbitration matters, assesses wage and benefit compatibility, develops and updates policy manuals, job classifications, and other human resource system components, and conducts client training. Melisa rejoined Clemans Nelson in 2021, after serving



as an Assistant Law Director in Cuyahoga County. Prior to joining Clemans Nelson in early 2014, Melisa represented clients in litigation and matters involving employment discrimination, harassment, retaliation, wage and hour claims, contract disputes, and non-competition agreements. Melisa received her J.D. from Cleveland-Marshall College of Law and her B.A. in Public Affairs from Cleveland State University.

**Jacob Booth** is a Consultant in our Columbus office, and joined Clemans Nelson in 2021. Jake assists clients with a variety of employment and human resource management issues, compensation plans and wage surveys, and labor relations related work. Jake is a graduate of Ohio University, earning a Bachelor of Science degree, with dual majors in Health Services Administration and Business Administration.



## REPRESENTATIVE PUBLIC SECTOR CLIENTS

### References

Clemans Nelson provides references for specific types of work upon request (with permission, of course, from those client references).

### Cities and Villages

Within the last few years, over 100 Ohio municipalities have retained Clemans, Nelson & Associates, Inc. to do project work on labor relations, personnel management, regulatory compliance, civil service, etc. The vast majority of those municipalities have utilized our services on a long-term retainer basis.

### Counties and Townships

Clemans, Nelson & Associates, Inc. represents county employers in over 50 of Ohio's 88 counties, and has presented programs and completed projects for countless townships (there are over 1400 in Ohio) regarding OSHA, ADA, FLSA, personnel management, labor relations, supervisory training, etc. As with municipalities, the overwhelming majority of our county and township clients retain us on a long-term basis.

### Public Health Agencies

Clemans Nelson represents and consults with numerous public health agencies, particularly general, city, and county health districts/departments in Ohio. We regularly speak at the statewide conference for directors of such agencies on labor and employment topics and other management issues.

### Housing Authorities

Clemans Nelson assists approximately 25 metropolitan housing authorities on various personnel and labor issues at any given time.

### Other Public/Private Employers

Clemans Nelson represents and consults for various other employers, both public and private.



## **FACTS FOR THE PROSPECTIVE RETAINER CLIENT**

The vast majority of our clients engage us on a retainer basis. Under this arrangement, we provide a number of cost-saving benefits for a nominal fee of \$250 per month, including:

### **Immediate Substantial Additional Human Resource Expertise**

When you retain Clemans Nelson, you command the services of a diverse group of human resource professionals. You add that expertise instantly — drastically improving your ability to respond to problems that arise daily.

We are large enough to help you address the wide spectrum of ever-evolving employment regulations that govern your workplace. At the same time, we are flexible enough to adjust to your changing needs as a client and to offer you competitive rates in the bargain.

### **Account Manager to Maintain Clear Lines of Communication and Assure High Quality Service**

We assign each client an Account Manager. Your Account Manager is responsible for answering your questions, completing your work, arranging for other members of our firm to assist you when appropriate, and reviewing your bills for our services.

Your Account Manager will also ensure that your organization receives first-class work product and good advice. We enjoy a high rate of client retention and repeat business due to our commitment to this personal approach to service.

### **Priority Service on Short Notice**

We recognize that not all employee relations matters may be addressed properly during a normal business day. We will give you priority service as a retainer client and will provide you a consultant day or night. In fact, we can arrive on-site in less than four (4) hours in most emergency situations.

### **Free Telephone Consultation on Routine Matters**

On a regular basis, you encounter questions that we could answer expeditiously—questions that are troubling to you, but routine for us. We want you to feel free to call us with those questions without worrying about running up a big bill or imposing on someone for free advice.

We provide telephone consultation to retainer clients on matters that do not require extensive research or follow-up as a no-additional-cost service. Project work and consulting work beyond the scope of the routine advice covered by the retainer is billed at an hourly rate in addition to the retainer fee.

### **Preferred Hourly Rates**

Retainer clients receive favorable hourly rates, typically \$15 per hour less than non-retainer clients; for example, the rate for a Senior Consultant would be \$185 per hour, rather than \$170.

We offer retainer clients favorable rates because the ongoing relationship allows us to work more efficiently, and usually ensures us that our clients will contact us when they are in need of the services we provide. Consequently, the financial arrangement makes sense for both parties.

### **Rates are Guaranteed for Retainer Term**

A retainer client is not affected by an increase in consulting fees occurring during the life of the agreement, except as stated in the agreement. Traditionally, those rates are set for at least one year at a time.

### **No Portal-to-Portal Charge**

We do not charge retainer clients for time in transit to your place of business. We do charge a minimum of four hours for each necessary on-site visit. In return, we are available for four hours of actual consulting time, regardless of travel. We encourage you to take advantage of the full four hours.

### **Detailed Invoices**

We provide all our clients detailed invoices for hourly work and expenses. We do not simply bill "for services rendered" during a specified month.



## OUR RATES

### Retainer Client Rates

Clemans Nelson will provide services to retainer clients at the following hourly rates:

Consultant / Analyst .....	\$140.00 per hour
Senior Consultant .....	\$155.00 per hour
Manager .....	\$170.00 per hour
Director / Vice President / President .....	\$185.00 per hour

### Non-retainer Client Rates

\$15 per hour higher for all hourly rates.

### Expenses

We will, from time-to-time, bill you for actual reasonable and necessary costs for expenses. Most charges for copies, telephone bills, postage, etc., are not passed on to clients. Multiple copies of large documents may be charged at an agreed-upon rate.



CONSULTANTS TO MANAGEMENT

Please contact us or visit our website at [www.clemansnelson.com](http://www.clemansnelson.com) for additional information about our firm.