

Personnel Committee Minutes

Honorable Council
City of Newark, Ohio
December 20, 2021

There was a meeting of the Personnel Committee in Council Chambers on Monday December 20, 2021 following the Service Committee with these members in attendance:

Mark Labutis Vice-Chair
Sean Fennell
Dee Hall
Jonathan Lang
Doug Marmie – Sitting in for Cheri Hottinger

We wish to Report:

1. **Reconsider Ordinance No. 20-16-C** Tabled on 10-5-2020
Motion by Mr. Marmie to remove from the Table, Second by Mr. Fennell, Motion passed 3-2

20-16-C AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO CERTAIN POSITIONS WITHIN THE OFFICE OF THE CLERK OF THE LICKING COUNTY MUNICIPAL COURT OF THE CITY OF NEWARK, OHIO AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT

Marcia Phelps, Clerk of Licking County Municipal Court – Thank you for bringing this off the Table. I understand this is quite old, but is it something that needs to be resolved one way or another. We received additional information today from Auditor Bubb about the costs and then I followed up with revenue that we generated from our Municipal Court Clerks Office, so that you would have full disclosure of information. I know this isn't unusual because there have been several departments throughout the year this past year who has either increased their table organization by positions or in salary. So, I am here again just to say I don't feel we are out of place in the question that's being asked. I think the dollar amount that we have made comparisons to, not only in the city, but outside the city with other Municipal Courts Clerk offices in contiguous counties match up. So, it's a question for the committee.

Mr. Labutis – Obviously this evening we're voting on the budget, it came to us in early December, we'll vote on it this evening. As part of that process the department heads brought their budgets forward. Was there a reason why you didn't address this during the budget process?

Ms. Phelps – At that time I had been having conversations about what direction I should take and it wasn't clearly directed, but as it progressed, it was suggested that I proceed

with bringing this back for consideration. So, it would have been most appropriate obviously for me to have done that at the time, it was a rather quick opportunity to have our budgets reviewed, but it still is a question. I appreciate your concern for that, but it just didn't match with the time.

Mr. Labutis – I know with the information from Auditor Bubb, you're looking for about \$150,000, correct. So, with us passing the budget this evening, is there a place to find the money.

Ms. Phelps – That's a fair question. You guys are always making sure that your crossing your T's and dotting your I's. At this point I think it would be something that we would have to sit down and have a conversation. I was advised to talk to the Mayor, so I have reached out to the Mayor, but we've had a problem with connectivity, I've been out the last week. I haven't had a chance to see if he's open to the idea. Some of this just for your knowledge would come from the computerization fund, not the General Fund. There are two positions on this table that's being presented that would be paid out of the Court's Computer Fund. How much that is I don't have that information with me. So, there is some funding that would come from the Computer Fund, but the bulk of that would be the General Fund.

Mr. Marmie – So the other departments that have increased their staffing and/or pay, we've just asked them, okay what is this going to bring to the city additional as far as a benefit. What's the return on it. I mean they've been able to spell it out in not only dollars, but productivity and safety and things like that. So, what's going to be the difference in spending this additional \$150,000, what kind of boost are we going to get out of it?

Ms. Phelps – Well, I'd certainly like to tell you that it's going to generate additional revenue, but revenue only comes from the number of citations or cases that are recorded and with the projections that I just raised to you this afternoon you can see that 2022 and 2021 was reduced and I think that's all because of COVID. Law enforcement in 2020 wasn't as aggressive and we are starting to see that, so it might come back up, more cases, now, I think the most important thing that we need to consider and I would ask that we consider is parity. When you look at parity of the salary of those in the Clerks office compared to other departments in the City and the workload that is balanced by them, you will find that they are under paid. Then I just lost another person to the Law Director's office. It's okay, she's an experienced person, but it's because they pay more money per hour. It's not because their job is reaping more benefits, to the individual, to the department or to you, the City of Newark, but it's because she was already experienced and it's a quick fix to an open position. I don't mind training people. We love training people, but we lose them because other departments in this city make more money they are saying, fine, we're just going to go with that. I talked with her, the young lady and she said, Marcia, it's my family, it's \$1 more an hour and I need to move where I can make more money. I respect that opinion, I respect that position, young people trying to make ends meet need to look at the bottom line. But, as in my office, I don't think you're reaping a benefit, or a reward or an increase in revenue from the difference in salaries. So I would strongly ask you to consider the comparison that is not there for the people as Deputy Clerks compared to

other positions in the City and if you wanted to broaden it out, other Municipal Court Clerks throughout the State of Ohio. Not far reaching. Delaware County is quite similar in size to us, same caseload, same size employees, their salaries are greater than ours and it's a doable drive is somebody wanted to really seek out employment outside the County. I hope I don't lose anymore.

Mr. Marmie –So you're saying basically, the purpose of these increases is the parity of the parity of other positions inside the city of Newark as far as comparable positions and also comparison to Delaware County, correct?

Ms. Phelps – And other counties, Fairfield. I just listed one or two there. Yes, I think that's most important to take into consideration.

Mr. Marmie – Which did you compare for parity?

Ms. Phelps – Fairfield, Delaware, didn't look at Knox because their size is much smaller than ours. Franklin is way over, you can't look at Franklin I think they have 14 judges over there, that is not a doable thing, I don't think many people even want to go there. Places like Delaware, they might and even within the City here. I appreciate the fact that other departments are able to offer additional funds to their employees, I think it's wonderful, I would just like to be able to have the same opportunity for the Deputy Clerks in the Municipal Court.

Mr. Lang – I was looking back at the minutes from when we tables this last fall and I know there was an HR Personnel matter that we had to talk about in Executive Session. I don't know if that matter has been resolved. I don't know if we need to go to Executive Session follow up on that discussion before we put this to a vote, it would seem to me, I'd like to hear an update from Mr. Spurgeon on where we stand on that matter, but I think it would make sense to go to Executive Session and discuss that matter.

Motion by Mr. Lang for Ms. Phelps, all Administration and all of current Council, Auditor's Office to go to Executive Session, second by Ms. Hall, motion passed 5-0

Mr. Marmie – Point of order. You need to indicate who you want in the Executive Session and then it's voted upon.

Mr. Lang – Just looking back at the minutes I think we included Ms. Phelps, Council and Mr. Spurgeon from the Administration. I don't know if we should include anyone else.

Mr. Marmie – Probably the entire Administration and Law Director.

Motion by Mr. Lang to end Executive Session, Second by Mr. Marmie, motion passed 5-0

Mr. Labutis – Is there any more discussion on 20-16-C as proposed?

Tricia Moore, Law Director – I would just like to put out there was the standard is, how council is supposed to judge this. That the demands on the Clerk by statute are considered to be reasonable and the burden is on the City to show why they are unreasonable. That's the standard by statute.

Smith v Culver is out of the 5th District Court of Appeals which is our Court of Appeals that we are subject to.

Mr. Marmie – With these pay raises and positions and things, I know the Mayor is not here, but I do believe we need his opinion. I believe we need his input. So, even if this does move forward, I would hope that you would call a meeting for two weeks so we could hear the Mayor's opinion, since it will only be on first reading that evening. I think it would be beneficial to hear the Administrations' side of it and where they stand on the positions, the pay raises.

Mr. Lang – I get it the standard the law Director thinks it's incumbent on us to move this forward, so I'm in support of moving this on to full council.

Motion to move to full council passed 5-0

The Personnel Committee is adjourned

Mark Labutis - Chair