Powell
OHIO

RESOLUTION 2025-03

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FROST BROWN TODD, LLP, FOR LEGAL SERVICES.

WHEREAS, the City of Powell, Ohio has identified a need for legal services and has identified Frost, Brown and Todd, LLP (the "Service Provider") as being capable to provide said services within the budgeted costs; and

WHEREAS, pursuant to the City's contracting and fiscal policy, the City Manager seeks legislative authorization to execute an agreement with the Service Provider on behalf of the City.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO, AS FOLLOWS:

Section 1: The City hereby authorizes the City Manager or his designee to execute an agreement with the Service Provider on behalf of the City in a form substantially similar to the agreement attached hereto as Exhibit A and incorporated herein by reference.

Section 2: Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to take any other actions as may be appropriate to implement this Resolution without further legislation being required.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including the Charter of the City of Powell and Section 121.22 of the Ohio Revised Code.

Section 4: This Resolution shall be in full force and effect immediately upon adoption.

TSC 1/21/25
Tom Counts — Date
Mayor

Elaine McCloskey 1/21/25
Elaine McCloskey — Date
City Clerk

EFFECTIVE DATE: January 21, 2025

This legislation has been posted in accordance with the City Charter on this date 1/22/25
E McCloskey
City Clerk

Powell
OHIO

FINANCE DEPARTMENT
47 Hall Street | Powell, OH 43065 | 614.885.5380 | cityofpowell.us

1/9/2025

Frost Brown Todd, LLP
One Columbus Center
10 West Broad Street
Suite 2300
Columbus, OH 43215

Subject: Award of Request for Quotation (RFQ) for Legal Services

Dear Yazan S. Ashrawi,

This letter constitutes formal notification that the City of Powell has awarded the Request for Quotation (RFQ) for Legal Services for the City, as outlined in our RFQ dated November 25, 2024 to Frost Brown Todd, LLP.

We appreciate your timely submission of a comprehensive response.

We are impressed with your proposed approach. We believe your team is well-equipped to effectively balance the needs of the City while maintaining the highest standards of integrity, fostering an open and transparent governmental process.

The City's goal is to present a professional services agreement and pricing schedule to City Council by January 21, 2025.

Please contact Rosa Ocheltree, Finance Director at 614-885-5380 or rocheltree@cityofpowell.us to schedule a meeting.

We look forward to a successful and collaborative working relationship.

Sincerely,

Andrew D. White
City Manager

AGREEMENT BETWEEN THE CITY OF POWELL
AND FROST BROWN TODD LLC
FOR LEGAL SERVICES

This contract for the services between the City of Powell, an Ohio Municipal Corporation, ("Powell") and Frost Brown Todd LLP, ("FBT") effective this the 1st day of January, 2025.

WITNESSETH:

WHEREAS, Powell wishes to engage FBT to perform legal services for a three (3) year term beginning on January 1, 2025.

NOW, THEREFORE, intending to be bound by this Agreement, the parties agree as follows:

1. **Routine Services**. Except as otherwise provided herein, Powell agrees to pay $15,000 per month to FBT for, and FBT agrees to provide the following Routine Services under this monthly fee:

a. Attending all regular and special Council meetings.

b. Attend other board and commission meetings upon the request of the City Manager.

c. Draft, revise, and review ordinances and resolutions as to form upon request of the City Manager.

d. Drafting all other routine documents, legal memoranda, and legal opinions as requested by the City Manager, Staff and/or Council subject to prior approval of the City Manager.

e. Provide legal advice to City officials as necessary.

f. Respond to City Manager and staff inquiries.

g. Attend meetings and discussions with City, County, State and Federal officials and other governmental officials, as requested by the City Manager.

h. Review and approve all contracts, ordinances, resolutions, and any other written documents.

i. Attend weekly staff meetings and weekly office hours, on a mutually agreeable day and time.

Powell hereby designates Yazan S. Ashrawi, an attorney with FBT, as the Law Director, who shall be the primarily responsible attorney and contact person for Powell. The Law Director also has the authority to utilize other attorneys, paralegals, and staff at FBT.

Powell shall reimburse FBT for any and all reasonable costs and expenses incurred by FBT on behalf of Powell.

2. Non- Routine Services.

a. Labor and Employment: Legal services provided for labor and employment counseling, collective bargaining negotiations, fact finding, and conciliation, grievance arbitration, charges of discrimination, and lawsuits related to labor and employment issues.

b. Eminent Domain: All legal services associated with preparing for, filing, and prosecuting of an appropriation case, including but not limited to written discovery, dispositions, mediation, and trial shall be billed separately as "Non-Routine Services" at hourly rates, as approved in advance of the work by the City Manager.

c. Litigation: Litigation is not included within "Routine Services" and will be billed separately. Litigation is defined as litigation that involves, for example purposes only, written or oral discovery, motion practice, or attendance at hearings before a judge, jury, or other decision-making body. Litigation shall also include internal administrative appeals and Chapter 2506 administrative appeals that proceed to the common pleas level. All rates for litigation shall be pre-approved by the City Manager prior to the Law Department commencing work on any individual matter. Applicable rates will be negotiated at the time the litigation arises and will be based upon staffing needs and selection of legal expertise by the City Manager.

d. Special Projects: Subject to agreement of both parties, the Law Director shall undertake specific projects, such as, but not limited to, public finance, bond matters, or special planning, zoning, and economic development on a flat fee or hourly basis. Such flat fee or hourly rate special projects shall be as agreed upon by the Law Director and the City Manager. Generally speaking, if a single matter takes more than 10 hours of work, it may be deemed a special project.

e. Special Counsel: The Law Director may utilize the services of other attorneys both within his firm and outside his firm as Assistant Law Director, Prosecutor and/or Special Counsel, subject to the City Manager's prior approval as to individual cases, attorneys and fee arrangements.

3. Term. This Agreement shall take effect and be in force from January 1, 2025 through December 31, 2027. However, either Party may terminate this

Agreement upon providing thirty (30) days' prior notice of its intent to terminate to the other Party. Subject to the appropriation of funds by City Council, this Agreement shall be automatically renewed for a one (1) year period, unless thirty (30) days' prior notice is provided prior to the date of expiration. If the Agreement is automatically renewed, all rates set forth in this Agreement shall be increased by at least ten percent (10%).

4. Miscellaneous Provisions.

a. Applicable Laws. FBT shall comply with all applicable foreign, federal, state, and local laws, rules, regulations, orders, ordinances, and government requirements in the performance of this Agreement.

b. Notices. All notices and other communications hereunder must be in writing and will be deemed to have been duly given if delivered by hand, or on the next business day if delivered by a recognized overnight courier, or on the third business day if mailed (by certified mail, return receipt requested, first class postage prepaid), to the Parties with written confirmation of receipt at the following address:

If to Powell:
Andrew White
City Manager
City of Powell
47 Hall Street
Powell, Ohio 43065-8357

If to FBT:
Yazan S. Ashrawi, Esq.
Frost Brown Todd, LLP
10 W. Broad
Columbus, OH 43215

c. Waiver. No delay or failure on the part of any Party hereto in exercising any right, power, or privilege under this Agreement or under any other instruments given in connection with or pursuant to this Agreement shall impair any such right, power, or privilege or be construed as a waiver of any default or any acquiescence therein. No single or partial exercise of any such right, power, or privilege shall preclude the further exercise of such right, power, or privilege, or the exercise of any other right, power or privilege.

d. Severability. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable to any extent, such provision shall be enforced to the greatest extent permitted by law and the remainder of this Agreement and the application of such provision

to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

e. **Parties in Interest.** This Agreement is enforceable only by FBT and Powell. The terms of this Agreement are not a contract or assurance regarding compensation, continued employment, or benefit of any kind to any of FBT's personnel assigned to Powell's work, or any beneficiary of any such personnel, and no such personnel, or any beneficiary thereof, shall be a third-party beneficiary under or pursuant to the terms of this Agreement.

f. **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the State of Ohio without regard to its conflict of law principles.

g. **Entire Agreement.** This Agreement constitutes the entire understanding of the Parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings and agreements between the Parties. This Agreement may be amended or modified only by a writing executed by the duly authorized officers of the Parties hereto.

h. **Assignment.** This Agreement may not be assigned or transferred in whole or in part by either Party without the written consent of the other. Any purported assignment without the express written consent of the other is void.

i. **Independent Contractor Status.** The Parties agree that services hereunder are provided by an independent contractor, and that no contributions will be made to the public employees retirement system for the services, as addressed in Section 145.038, Ohio Revised Code. This Agreement is, and is intended to be, a formal bilateral written contract between the parties as required by Section 145-1-42 (B).

IN WITNESS WHEREOF, the Parties have executed this Agreement.

FROST BROWN TODD LLP	**CITY OF POWELL**
_____	_____
Yazan S. Ashrawi, Partner	Andrew White, City Manager

Approved as to form:

_____

Yazan S. Ashrawi, Law Director

CERTIFICATION OF FUNDS

I hereby certify that the above amount required to the above, has been lawfully appropriated, authorized, or directed for such purposes and is in Treasury or in the process of collection to credit of the above funds free from obligation or certification now outstanding.

BY: _____ Date: _____

Rosa Ocheltree, Director of Finance

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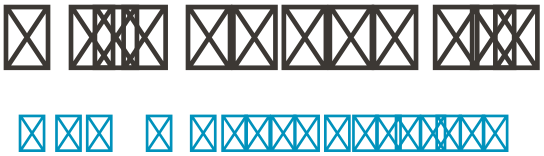

frostbrowntodd.com

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Yazan S. Ashrawi
Partner
614.559.7202 (t)
614.464.1737 (f)
yashrawi@fbtlaw.com

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A. General overview of the attorneys and/or Firm.

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B. Name of the partner/principal who will be designated Director of Law and the person likely to be the principal deputy (substituting when the Director of Law is not available).

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C. Names of attorneys to serve as assistant directors of law, corresponding to subject areas of: planning and zoning; labor and employment; economic development and development; finance and taxation; public records and open meetings; police legal advisory; eminent domain; real estate; environmental; and construction.

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D. With respect to individual attorneys identified in (B) and (C), biographical information including but not limited to:

- Name of individual(s), with resumes;
- Years of practice;
- Length of employment with firm;
- Municipal or other local public sector experience;

- Specialization;
- Legal training;
- Scholastic honors and professional affiliations;
- Date of admittance to the Ohio Bar;
- Years of experience as a director or law or similar position, with cities represented and references for each;
- Knowledge of, and experience with Ohio Revised Code; Ohio Constitution; federal laws applicable to municipalities (e.g., ADA; FHAA; 42 U.S.C. §1983);
- Litigation experience and track record;
- Whether the partner/principal or likely associates have ever been successfully sued.

E. Description of preferred working relationship between the director of law and the City Council, City Manager, department heads, and other members of the City staff.

F. References, preferably from past local government or local public sector clients/employers. Please include name, address, email address, and work telephone number for each reference.

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Frost Brown Todd
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Name of individual(s) with resumes	Stephen P. Withee
Length of employment with firm	[illegible]
Specialization	[illegible]
Legal training	[illegible]
Education	[illegible]
Scholastic honors and professional affiliations	[illegible] • [illegible] • [illegible] • [illegible] [illegible] • [illegible] • [illegible] • [illegible] • [illegible] • [illegible] • [illegible]
Date of admittance to the Ohio Bar	[illegible]
Years of practice	[illegible]
Municipal or other local public sector experience	• [illegible]

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Years of experience as a director or law or similar position, with cities represented and references for each	[illegible]
Knowledge of, and experience with Ohio Revised Code; Ohio Constitution; federal laws applicable to municipalities (e.g., ADA; FHAA; 42 U.S.C. §1983);	[illegible]
Litigation experience and track record	• [illegible] • [illegible] • [illegible]
Whether the partner/principal or likely associates have ever been successfully sued for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information on the nature of the incident, the dates on which the matter began and was concluded, and the results of the situation.	[illegible]

FISHEL DOWNEY
ALBRECHT & RIEPENHOFF LLC™
Attorneys at Law

Proposal of Fishel Downey Albrecht & Riepenhoff LLC for the City of Powell to Continue in its Representation of the City of Powell in Personnel Matters and for Law Director Services

FISHEL DOWNEY
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Attorneys at Law

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www.fisheldowney.com

CITY OF POWELL

PROPOSAL OF FISHEL DOWNEY ALBRECHT & RIEPENHOFF, LLC TO CONTINUE IN ITS REPRESENTATION OF THE CITY OF POWELL IN PERSONNEL MATTERS AND FOR LAW DIRECTOR SERVICES

Labor and Personnel Services

Regardless of whether FDAR is selected to serve as Law Director for the City, it desires to maintain its current relationship with the City of Powell.

Description and Summary of Firm

Fishel Downey Albrecht & Riepenhoff, LLC ("FDAR") is a New Albany, Ohio law firm consisting of eleven (11) current full-time attorneys. FDAR is excited about the opportunity to not only continue in its capacity of working with the City to resolve personnel issues, but also to submit the attached proposal for Law Director services.

FDAR has a proven track record with the City of Powell that spans a period of greater than two decades. Since Powell became a City, FDAR has assisted it with its labor and personnel matters. FDAR attorneys have assisted the City in a variety of matters including collective bargaining, policy manual development, general consultation regarding personnel matters and special counsel opportunities. FDAR hopes to continue its relationship with the City.

Although the City of Powell has a thorough and extensive understanding of the type, quality and level of services provided by FDAR attorneys due to its extensive dealings with the firm over the years, it is also important to understand that the firm represents over two hundred (200) other public sector employers at all levels of government throughout the State of Ohio. Our firm's clients include municipalities, villages, townships, boards, commissions, agencies, and/or officeholders in over seventy (70) of Ohio's eighty-eight (88) counties. The firm believes that its expertise, along with its open communication and responsive nature, permits it to establish and maintain long-term relationships with clients. Experiences throughout the State with other jurisdictions allow the firm to be proactive and inform its clients of all options and potential consequences prior to making decisions. It is the belief of the firm that the best way to advise and counsel a client is to provide a thorough understanding of the "big picture." The best decisions are well-informed decisions, not necessarily the quickest or easiest. In fact, FDAR attorneys have an established record of "standing with" clients when responding to difficult issues.

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The overwhelming focus of the FDAR's practice relates to the representation of public sector clients and it represents public sector clients throughout the four corners of Ohio. Clients recognize the effectiveness of the representation of FDAR in a wide array of matters. A sampling of legal services provided by FDAR to public sector clients include:

- Acting in the capacity of general counsel and/or legal advisor to multi-jurisdiction COGs, Boards and Commissions;
- Serving as special counsel to a multitude of municipal corporations providing legal opinions on personnel matters, public contracts, and ethics/conflicts of interest;
- Serving as Law Director in New Albany and Bexley;
- Providing general legal advice and/or risk management services to cities, counties villages and townships in over 70 of Ohio's 88 counties;
- Advising multi-jurisdiction entities on a variety of matters;
- Prosecuting matters on behalf of municipal clients;
- Representing public sector employers with labor relations services and personnel administration (for example, negotiations and daily collective bargaining agreement administration, grievance arbitrations, disciplinary hearings and investigations);
- Zealously advocating on behalf of clients in employment law matters (FMLA, FLSA, ADA matters, OCRC/EEOC Complaints, Workers' Compensation, unemployment compensation, and litigation defense, for example);
- Drafting municipal ordinances and resolutions;
- Preparing, reviewing and revising Charter provisions;
- Assisting in the enforcement of zoning provisions and representing zoning boards;
- Developing policies and procedures;
- Serving on and advising municipal operations committees and community authority boards;
- Defending elected officials and public employers in litigation, including obtaining several successful jury trials in state and federal courts;

- Serving as defense counsel for insurance carriers;
- Representing and advising clients in matters related to the release of public records;
- Providing training and education services/resources to clients and associations;
- Representing clients in matters related to Ohio's election laws; and
- Advising and responding to requests of clients on a daily basis.

Ultimately, regardless of the issue of law, area of counseling, type of representation or role served by FDAR with respect to its clients, FDAR's mission is to provide high-level, quality affordable legal services to its clients. FDAR has been successful in meeting its mission for well over 30 years as evidenced by its client base.

FDAR Capabilities, Qualifications, Training and Areas of Skills

FDAR's attorneys have extensive experience responding to issues related to municipal law, land use and zoning, labor and employment issues, civil service law, construction and real estate development issues, public works, First Amendment and civil rights matters, public records law, sunshine laws, drafting ordinances and resolutions, as well as other constitutional issues facing a municipality. In addition to the general areas of law set forth above, FDAR represents public sector clients in complex civil litigation and defends public sector officials in civil matters before administrative agencies, as well as in federal and state courts. FDAR attorneys regularly have successful results, including jury verdicts, in state and federal courts.

A sampling of the services provided by our attorneys to our clients include: advising and counseling clients with respect to all matters of interest, appearing before local boards in order to advocate on behalf of a client's interest, collective bargaining, representing clients before administrative agencies, such as the Ohio Civil Rights Commission ("OCRC") and/or the Equal Employment Opportunity Commission ("EEOC"), municipal civil service commissions, Civil Service Commission and the State Employment Relations Board ("SERB"), representing various jurisdictions and departments in arbitration hearings, responding to civil rights complaints, defending public officials in state and federal lawsuits, workers' compensation hearings/appeals, and promptly responding to our clients' daily employment/labor and/or other legal and/or litigation defense inquiries. Additionally, our attorneys currently serve as Law Director for the City of New Albany and the City of Bexley.

FDAR's attorneys are frequent speakers and lecturers in seminars and training for public officials and other attorneys on the local, state and national levels. FDAR has provided articles to, and/or lectured for, various employer groups and associations including the Ohio Municipal League, Ohio Police Chiefs' Association, Ohio Fire Chiefs' Association, National Public Employees Labor Relations Association, Ohio Public Employees Labor Relations Association,

Ohio Prosecuting Attorneys Association, Buckeye State Sheriffs' Association, County Commissioners Association of Ohio, Ohio Job and Family Services Directors Association, Ohio State Bar Association, County Homes Directors Association and others. In short, FDAR is a recognized leader in matters facing public employers. In fact, FDAR and several of its attorneys have been recognized as a Best Law Firm, Best Attorneys, and Super Lawyers.

PROPOSED ATTORNEY TEAM

As noted, every attorney at FDAR has a thorough understanding of the basic laws governing municipalities and issues impacting public sector clients. As such, all of our attorneys are qualified, capable and remain available, on an as-needed basis, to answer any question the City may have.

Nevertheless, FDAR proposes that the following attorneys provide services to the City: Partner Benjamin Albrecht and Partner David Moser. Mr. Albrecht has experience working with and achieving successful results for the City over the years and is a Powell resident. FDAR proposes that Mr. Albrecht would serve as the designated Law Director for the City. Mr. Moser would serve as the principal deputy to Mr. Albrecht. Mr. Albrecht would continue in his role advising the City as may be necessary on personnel matters.

Mr. Albrecht has developed relationships with City staff and would be available to respond to inquiries in any manner the City desires. For example, Mr. Albrecht and Mr. Moser have become accustomed to being contacted via text message, cell phone, email and/or in-person meetings and they would appreciate the opportunity to continue those relationships.

Although the resumes for Mr. Albrecht and Mr. Moser are included for review and consideration, please allow the following to serve as a general summary of their experiences and qualifications:

Benjamin Albrecht

Mr. Albrecht joined the firm in May 1999 as a law clerk and upon graduating from law school, served as an associate beginning in November 2000. After several years of effective representation of clients, Mr. Albrecht became a partner in 2008. Almost exclusively, Mr. Albrecht represents public sector clients throughout the State of Ohio. Mr. Albrecht provides training and education services to public sector clients in order to minimize risks of liability through insurance carriers, associations or direct retention.

Bar Admissions

- Supreme Court of Ohio, 2000
- United States District Court, Southern District of Ohio
- United States District Court, Northern District of Ohio
- United States Court of Appeals, Sixth Circuit

Education

- The Moritz College of Law, The Ohio State University, 2000
- St. Anne's College, Oxford University (OSU Summer Law Program), Summer 1998
- University of Chicago, A.B. History, 1997
  - 4-year Varsity Letter Winner, Baseball

Credentials and Distinctions

- Best Lawyers® 2014- 2025
- Super Lawyers® 2015- 2023
- Super Lawyers Rising Star® 2011- 2014

Sampling of Municipalities and Contacts Represented by Mr. Albrecht
(Non-cities available upon request)

City of Powell, 2002-Current
City Manager Andy White
City Manager Steve Lutz, retired

City of Obetz, 2021-Current
Gene Hollins, Law Director

City of Canal Winchester, 2011-Current
Nancy Stir, Human Resources Director

City of Circleville, 2010-Current
Law Director Kendra Kinney

City of Wadsworth, 2000-Current
Matt Hiscock, Safety Director

City of Portsmouth Ohio, 2010-Current
Sam Sutherland, City Manager

City of Springboro, 2015-Current
Chris Pozzuto, City Manager
Greg Shackleford, Assistant City Manager

City of New Albany, 2011-Current
Joseph Stefanov, City Manager

City of Brookville, 2011-Current
Jack Kuntz, City Manager

Village Mt. Gilead, 2020-Current
Derek Allen, Village Administrator

David Moser

Mr. Moser joined FDAR in August 2021. Mr. Moser grew up in Powell and attended Olentangy Liberty high school. His practice focuses exclusively on the representation of public-sector clients. Mr. Moser started his legal career serving as an assistant prosecuting attorney for Delaware County beginning in November 2013. Mr. Moser then served as the assistant city attorney and prosecutor for the City of Delaware until May 2017. Thereafter, Mr. Moser

transitioned to private practice with a Columbus law firm representing public entities in general representation matters, land use and zoning, misdemeanor prosecution, and civil litigation for over four years.

Bar Admissions

- Supreme Court of Ohio, 2013
- United States District Court, Southern District of Ohio
- United States District Court, Northern District of Ohio
- United States Court of Appeals, Sixth Circuit

Education

- Capital University Law School, 2013
  - Summa Cum Laude, Order of the Curia
- Baldwin Wallace University, B.A. Communications, 2010
  - Summa Cum Laude, Student Body President

Credentials and Distinctions

- Best Lawyers Ones to Watch® 2024
- Super Lawyers Rising Stars® 2023

Community Involvement

- Board Member and Vice President, Delaware County Board of Developmental Disabilities

Sampling of Municipal Boards and Political Subdivisions Represented by Mr. Moser

- Crawford-Marion ADAMH Board
- Delaware-Morrow Mental Health & Recovery Services Board
- Jefferson County Prevention and Recovery Board
- Medina County ADAMH Board
- Mental Health & Recovery Board of Clark, Greene & Madison Counties
- Mental Health & Recovery Board – Belmont, Harrison, Monroe Counties
- Mental Health & Recovery Board of Wayne & Holmes Counties
- Mental Health Recovery Board Serving Warren and Clinton Counties
- Muskingum Area Mental Health & Recovery Services Board
- Paint Valley ADAMH Board
- Stark Mental Health & Addiction Recovery

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Mr. Albrecht's and Mr. Moser's profiles are included for the City's review and consideration. FDAR believes the proposed attorney team offers a wealth of experience and knowledge, as well as a diversity of perspectives for both the City's Law Director position and its outside counsel for personnel matters. If the City desires additional information, please do not hesitate to contact us and such additional information will be promptly provided upon request.

Although Mr. Albrecht and Mr. Moser have significant experience representing clients within central Ohio, it is not expected that a conflict would arise.

PROFILE OF BENJAMIN S. ALBRECHT

Named a top attorney in his field, Ben joined the firm in 1999. He became a partner in 2008. Always willing to "go the extra mile," this cyclist and runner has been known to join clients on a bike ride or marathon. This philosophy has earned him the respect of clients, peers and even opposing counsel.

Strong Client Support
Ben advises cities, townships, counties, and public officials throughout Ohio on all labor and employment law issues, including the preparation of municipal civil service rules, employee handbooks and policies for various jurisdictions. He also represents employers in collective bargaining and in administrative matters before various state, local and administrative agencies including the Ohio Civil Rights Commission, Equal Employment Opportunity Commission, State Employment Relations Board, and State Personnel Board of Review.

Strategic Partner
For Ben, being an effective attorney means much more than responding to legal inquiries – it's about seeing the big picture and considering client goals. Ben strives to help clients resolve issues in order to maximize employee potential while also meeting changing business and economic conditions.

On the Personal Side
A four-year varsity letter winner in baseball, Ben and his wife are the proud parents of a daughter and a son.

Professional Memberships
- The Columbus Bar Association
- The Ohio State Bar Association

Presentations and Publications
Ben has conducted numerous seminars, presentations and leadership training on a variety of topics including ADA, FMLA, FLSA, social media, unlawful discrimination and harassment, discipline and collective bargaining.

Practice Areas
- Civil Litigation
- Employment & Labor

Credentials and Distinctions
- Best Lawyers® 2014- 2025
- Super Lawyers® 2015- 2023
- Super Lawyers Rising Star® 2011- 2014

Education
The Moritz College of Law – JD
University of Chicago – BA in History

Bar Admissions
- Supreme Court of Ohio
- United States District Court, Southern District of Ohio
- United States District Court, Northern District of Ohio
- United States Court of Appeals, Sixth Circuit

PROFILE OF DAVID C. MOSER

Public service and people define the foundation of David Moser's practice. David is passionate about helping public officials and government entities navigate the variety of legal issues that spring up daily, in addition to defending their interests in the courtroom. His practice emphasizes civil rights litigation, political subdivision liabilities and immunities, local zoning, and general counsel work for several public boards, including county boards of alcohol, drug addiction, and mental health services.

David joined FDAR in August 2021 after working in private practice to exclusively assist public clients with litigation and general counsel matters across Ohio for over 4 years. He was named Partner in January 2024. David is no stranger to the courtroom, having handled civil rights litigation in state and federal courts. As well, David previously served for several years as an assistant prosecutor for both Delaware County and then the City of Delaware, prosecuting hundreds of misdemeanor cases while also advising public officials and employees, local legislatures, and boards.

On the Personal Side

Outside of the firm, David enjoys spending time with his family (both local and in Northern Wisconsin), and, of course, his dog, Nolan. A fan of novels, traveling, and cooking, David also enjoys staying active and is currently preparing for a sprint-distance triathlon.

Practice Areas

- Civil Litigation
- Labor and Employment
- Public Sector Representation

Credentials and Distinctions

- Best Lawyers Ones to Watch® 2024
- Super Lawyers Rising Stars® 2023

Education

- Capital University Law School, J.D., Summa Cum Laude, Order of the Curia
- Baldwin Wallace University, B.A., Summa Cum Laude, Student Body President

Bar Admissions

- Supreme Court of Ohio
- United States Court of Appeals, Sixth Circuit
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio

Community Involvement

- Board Member and Secretary, Delaware County Board of Developmental Disabilities

Ohio-Based with Superior Expertise

ONE LAW FIRM, MANY STRENGTHS

In today's complicated business and labor environment, employers must stay abreast of constantly changing laws and regulations. Many look to Fishel Downey Albrecht & Riepenhoff LLC for services beyond that of traditional counselor-at-law because we're known for acting as strategic partners to help clients maximize goals and long-range plans.

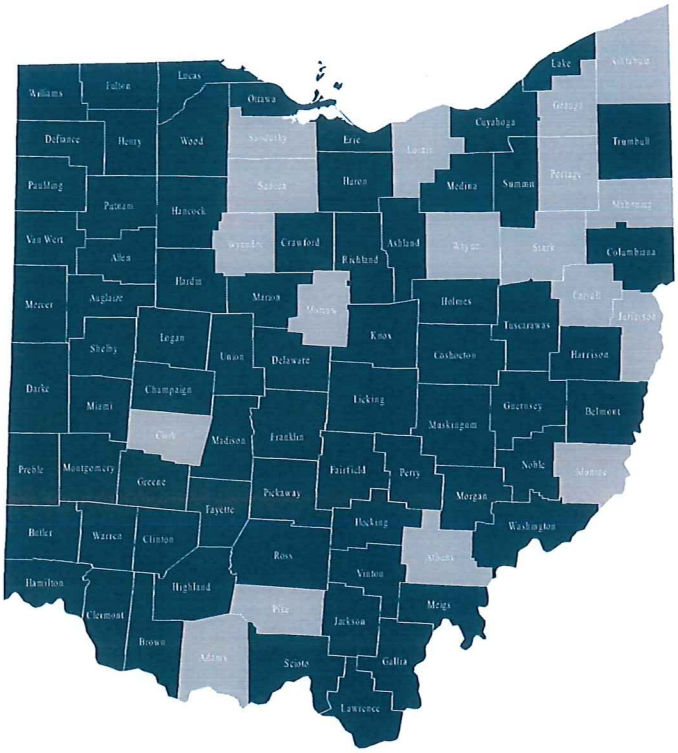
INSPIRING CONFIDENCE

Providing the personal attention of a sole practitioner, Fishel Downey Albrecht & Riepenhoff LLC brings a broad base of experience and support to meet client needs. We consider the legal and practical implications of a situation to help clients make the best possible decisions in what can be difficult matters. All is done with an eye to preventing, minimizing and solving conflicts that may arise.

READY TO ASSIST YOU 24/7

Located in Columbus, Ohio, Fishel Downey Albrecht & Riepenhoff LLC represents hundreds of clients across the state, as well as out-of-state and international clients with an Ohio presence. With strong client and community relationships in more than three-fourths of Ohio's 88 counties, we pride ourselves on being ready whenever, wherever you need us.

The firm's strength and depth stem from our extraordinary professionals who come from backgrounds as diverse as the clients we serve. Our experience, talents and personalities allow us to successfully analyze and address numerous legal concerns in a timely, cost-effective manner.



We're
Continually Adapting,
looking for new ways to better meet client needs.

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Follow Us

Leaders in Employment and Labor Law

STRATEGIC PARTNERS, TRUSTED ADVISORS

Fishel Downey Albrecht & Riepenhoff LLC has significant experience in responding to client needs. We work together proactively to prevent situations where legal counsel may be required. This includes educating staff on how to respond to problems. Our high quality, affordable services limit workplace disruptions allowing you to focus on what you do best.

PREVENTING EMPLOYEE DISPUTES

Representing employers exclusively, we have defended clients in breach of contract claims, litigated and drafted non-compete provisions, and reviewed and assisted in overtime and wage matters. Our attorneys prepare employee handbooks, policies, employment agreements and non-compete clauses in clear, compelling terms. We provide daily advice and counsel to clients. Contacting us early in a business relationship can often prevent disputes from occurring.

EXCELLING IN COLLECTIVE BARGAINING AND LABOR CONTRACT ADMINISTRATION

In addition to managing daily inquiries or zealously representing a client in an adversarial setting, we routinely assist with collective bargaining and labor contract administration. Our entire team becomes engaged in negotiation strategy whether we're bargaining at the table or advising in the background. We draft proposals, prepare comparable information and respond to media requests. In the event of a work stoppage, the firm supports clients to ensure they are still capable of providing the necessary level of services to the community.

Clients
Look to Us
for Legal Counsel
so they can concentrate on the success of their organizations.

EFFICIENT AND EFFECTIVE

We have successfully represented public and private sector clients in all areas of State and Federal labor and employment law:

- Title VII
- O.R.C. 4112
- FMLA
- ADA
- ADEA
- Whistleblower
- Wrongful Termination
- FLSA
- Military Leave
- Trade Secrets
- Non-Compete Agreements
- Union/Collective Bargaining
- Workers' Compensation
- Unemployment Compensation
- Civil Service
- Free Speech
- Due Process

For example, we served on Statewide Model Personnel Policy Manual Best Practices Panel for an Ohio Risk Pool, that received State and national awards.

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Follow Us

Trusted Advisors for Litigation Defense

PROVEN RECORD OF SUCCESS

At Fishel Downey Albrecht & Riepenhoff LLC, our knowledgeable attorneys are often called on by insurance companies, third-party administrators and risk pools to defend their clients who have been sued or when litigation is inevitable.

Both insurers and clients look to us for litigation defense because of our capabilities and understanding of the facts and circumstances giving rise to claims and effectively ligating them.

FROM INVESTIGATION TO COMPLEX COURT CASES

Our history and reputation have led to ongoing relationships with clients who consistently rely on us for preliminary case investigation and evaluation, as well as representation before the EEOC/OCRC, DOL and other entities, and in local, state and federal trial and appellate courts.

LITIGATION DEFENSE SERVICES

- TRO/Injunction
- Trade Secrets/Non-Compete
- Contract
- EPL (Discrimination/Harassment/ Retaliation)
- Wage and Hour
- Constitutional Rights/Civil Rights
- Personal Injury
- Government Liability
- Construction

When
Litigation
is Unavoidable,
We Protect Your Interests.

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Follow Us

Making Workers' Compensation Workable for Employers

SERVING STATE-FUND AND SELF-INSURED EMPLOYERS

At Fishel Downey Albrecht & Riepenhoff LLC, we pride ourselves on helping employers across Ohio prevent and resolve workers' compensation issues. Our goal is to minimize liability and to defend employers in contested claims. With skill that's widely recognized, our attorneys are asked to present and train on workers' compensation matters at safety congresses, chambers of commerce events, statewide associations and at advanced continuing legal education courses.

SERVICES

- Representing Employers Before the Industrial Commission of Ohio
- Litigating 4123.512 Appeals
- Litigating Mandamus Claims
- Negotiating Claim Settlements
- Drafting Policies and Procedures
- Training Supervisors
- Conducting and Advising Employers Through Investigations
- Advising Employers on Injured Worker Absence and Return to Work Issues

EFFECTIVE REPRESENTATION

We advocate for employers with claims involving a variety of issues including:

- Injuries
- Occupational Diseases
- Death
- Loss of Use
- Psychological Allowances
- Permanent Partial Disability
- Permanent Total Disability
- Temporary Total Disability
- Wage Loss
- Violation of Specific Safety Requirements (VSSR)

CONTACT:

David A. Riepenhoff, Partner
614-221-1216
driepenhoff@fisheldowney.com

We Understand the Challenges Employers Face

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Attorneys at Law

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Super Lawyers

Comprehensive Training Solutions

CLIENT EDUCATION IMPROVES WORKPLACE PRACTICES

One of Fishel Downey Albrecht & Riepenhoff LLC's guiding principles is to educate clients by keeping them current on legal matters. We do this through a variety of trainings: directly on-site, by webinars, through speaking engagements and through client briefings at our offices. Our quarterly newsletters, e-alerts and social media are also loaded with useful legal updates.

TRAINING WE OFFER

LEGAL TOPICS

- Age Discrimination in Employment Act (ADEA)
- Americans with Disabilities Act (ADA)
- Fair Labor Standards Act (FLSA)
- Family Medical Leave Act (FMLA)
- USERRA and Military Leave Laws
- Title VII of the Civil Rights Act
- Unemployment Compensation
- Workers' Compensation
- Section 1983 Claims

WHAT TO KNOW ABOUT LITIGATION

- Avoiding Employment Litigation
- Understanding the Litigation Process
- Effective Representation before the EEOC/OCRC

FOR PUBLIC SECTOR

- Civil Liability for Public Officials
- Ohio Civil Service
- Ohio Collective Bargaining
- Free Speech, Religion, and Political Rights of Employees
- Law Enforcement Liability
- Public Records

EMPLOYMENT AND WORKPLACE ISSUES

- Absenteeism
- Collective Bargaining
- Conducting Effective Investigations
- Disability Accommodations
- Discipline of Employees
- Drug and Alcohol Testing
- EEOC/OCRC Compliance
- Employment Handbooks and Policies Handling
- High Profile Cases and Media Relations
- Immigration, What Employers Should Know
- Interviewing and Hiring
- Labor Arbitrations
- Layoffs
- Managing Technology in the Workplace Managing
- Temporary Workers
- Performance Evaluation
- Personnel Policies
- Privacy in the Workplace
- Retaliation
- Sexual Harassment
- Social Media in the Workplace
- Strikes
- Supervisory Training
- Unfair Labor Practices
- Wage and Hour Compliance
- Workers' Compensation
- Workplace Safety
- Workplace Violence

Committed to **Helping You** Prevent, Minimize and Resolve Conflicts

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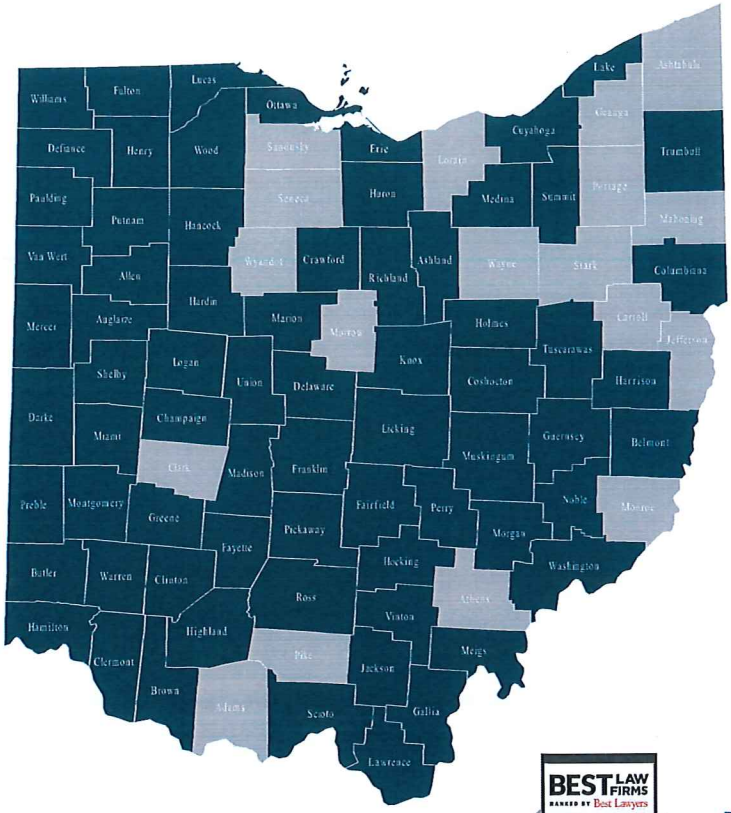
Follow Us

Fishel Downey Albrecht & Riepenhoff LLC...

- Statewide Representation
- Litigation, Employment & Labor, Local Government Law, Worker's Compensation, Contracts
- Representing Clients in more than **75% of Ohio's 88 Counties**
- Over 200 **Public Sector Clients** Throughout Ohio: Counties, Cities, Villages, Townships, Districts, Jails, State Agencies.
- 2024 *U.S. News & World Report* Best Law Firm



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CRITERIA	WEIGHT	DESCRIPTION	SCORING RANGE	SCORE		NOTES
				FBT	FDAR	
1. Demonstrated Experience and Expertise with Municipal Clients	40%	Experience with similar municipalities (size, complexity, legal issues), successful representation of municipal clients in relevant areas of law (e.g., zoning, land use, contracts, litigation), and demonstrated understanding of municipal law and regulations.	0-40 points	38.25	33.25	Jason- ;Elaine- ;Rosa- Based on complete packet and experience in the Central Ohio area. ;Andy- Both firms represented quality experience. FBT provided more specific detail and capacity across all services.
2. Qualifications and Experience of Key Personnel	30%	Qualifications and experience of attorneys and support staff who will be working on the municipality's matters. This includes education, licenses (bar admissions), relevant certifications, years of experience, and successful track record in relevant legal areas.	0-30 points	29	22.75	Jason- ;Elaine- FBT - Individual Litigation Experience and outcome ;Rosa- FBT offers extensive diverse legal resources. As a larger law firm, it can provide a well blended slate of legal professionals. ;Andy- FBT presented significantly more personnel over a broad range of subject matter.
3. Ability to Commence Services as Requested in the RFQ	15%	Ability to meet the municipality's timeline for service commencement, including availability of resources and personnel.	0-15 points	15	12	Jason- ;Elaine- ;Rosa- FDAR will need time to get up to speed with current legal matters being managed by FBT. ;Andy- Both submissions reflected the ability to meet the City's timeline.
4. Quality of References and Past Performance	10%	Number and quality of references (client testimonials, case studies, and peer reviews), evidence of successful past performance on similar projects, and any relevant awards or recognitions.	0-10 points	9.75	9.5	Jason- ;Elaine- ;Rosa- ;Andy-
5. Compliance with Submission Requirements	5%	Compliance with all instructions and formatting requirements outlined in the RFQ, including submission deadlines, required documentation, and completeness of the response.	0-5 points	4.75	4.5	Jason- ;Elaine- FBT - Litigation experience and record of being sued ;Rosa- ;Andy-
			TOTAL	**96.75**	**82**	**N/A**