

**VILLAGE OF NEW LEBABON
OF
MONTGOMERY COUNTY, OHIO**

RESOLUTION NO: 2024 - 11

BY

MAYOR DAVID NICKERSON

A RESOLUTION: TO TERMINATE VILLAGE MANAGER, GLENA MADDEN FOR CAUSE AND IN THE ALTERNATIVE AS AN AT WILL EMPLOYEE

WHEREAS, Sections 4.01 and 4.02 of the Village Charter set forth, “[t]he [Village] Manager shall be chosen by the Council on the basis of its judgment of such person’s executive and administrative qualifications and abilities as evidenced by such person’s training and experience in public administration or otherwise. * * * The Manager shall be the chief executive and administrative officer of the Municipality, shall be responsible to the Council for the proper administration of the affairs of the Municipality and, to that end and subject to the provisions of this Charter * * *.”; and

WHEREAS, Glena Madden serves as an at will employee pursuant to Codified Ordinance Section 35.102 which states, “[e]mployment with the village is “at will.” This means that either the employee or the village can terminate the employment relationship at any time, with or without notice, and with or without cause. No employee or representative of the village, other than the Municipal Manager with the consent of the Council, has any authority to alter this “at will” relationship, and any such alteration must lie in writing or will not be binding upon the village.”; and

WHEREAS, the Village Manager, Glena Madden, has served in this capacity since January 3, 2019; and

WHEREAS, the performance and conduct of the Village Manager are subject to continuous review by this Council; and

WHEREAS, the Council and Special Counsel have identified certain actions and/or inactions by Glena Madden during their investigation, which has yet to be complete, which are deemed unsatisfactory and contrary to the expectations and standards required for the position, including, but not limited to: (1) paying and encouraging education incentive bonuses to herself and employees to which they were not entitled; (2) Public Records Acts violations; (3) misconduct and abuse of power; (4) failure to properly post open employment opportunities with the Village (5) abuse of executive sessions and the Open Meetings Act; (6) fiscal irresponsibility; (7) unauthorized transfers of large sums of money to cover excessive expenditures; and (8) generally breaching her fiduciary duty and to act ethically in the performance of her duties; and

WHEREAS, it is the intent of this Council to terminate the employment of Village Manager, Glena Madden for cause and in the alternative as an employee at will; and

WHEREAS, Mayor David Nickerson has proposed the passage of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEW LEBANON, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I That for the reasons stated herein, for any additional misconduct further identified by the State Auditor's and Special Counsel's investigations, and after careful consideration, this Council hereby terminates the employment of Glena Madden as Village Manager, effective March 19, 2024, for cause and in the alternative as an employee at will.

SECTION II The Council authorizes the Interim Village Manager issuance of final pay, to seek damages and, if necessary, seek backpay for the improprieties and misconduct of Glena Madden, collect all Village property, and initiate a search for a new Village Manager.

SECTION III It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.


SECTION IV That this Resolution shall take effect immediately upon adoption.

PASSED this 19th day of March 2024.



David Nickerson, Mayor

Attest:



Robert Anderson, II Date: March 19, 2024
Acting Village Manager/Acting Clerk of Council

CERTIFICATION

I, Robert Anderson, II, Acting Clerk of Council for the Municipality of New Lebanon, Ohio do hereby certify that the foregoing is a true and correct copy of the Resolution 2024-11 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.17 of the Charter of the Municipality of New Lebanon.



Robert Anderson, II Date: March 19, 2024
Acting Village Manager/Acting Clerk of Council