

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

RESOLUTION NO: 2024 - 12

BY

MAYOR DAVID NICKERSON

A RESOLUTION: EXPRESSING THE COUNCIL'S CONCERNS OF VILLAGE EMPLOYEES, POLICE CHIEF CURTIS HENSLEY, SCOTT BROCK, AND PHIL HINSON.

WHEREAS, Section 4.08 of the Village Charter sets forth, “[a]t the head of each department shall be a Director, responsible to and appointed by the Manager with the approval of the Council and who shall be an exempt officer of the Municipality. The Director shall have supervision and control, subject to the direction of the Manager, of the department and shall faithfully discharge those duties of the office and observe and enforce the provisions of this Charter and the ordinances of this Municipality.”; and

WHEREAS, Ohio Revised Code Section 735.273 further iterates “[t]he village administrator shall appoint officers, employees, agents, clerks, and assistants, provided such positions are first authorized by the legislative authority of the village; but such appointments shall be subject to approval by the mayor. Such appointments and the mayor's approval thereof shall be in writing, and shall be filed with the village clerk.”; and

WHEREAS, Chief Curtis Hensley, Scott Brock, and Phil Hinson, serve as at will employees 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, Special Counsel has identified certain actions and/or inactions by Police Chief Curtis Hensley, Scott Brock, and Phil Hinson, during his respective investigation, which has yet to be completed, which are deemed unsatisfactory and contrary to the expectations and standards required for their respective positions; and

WHEREAS, this Council recognizes that it is within the sole discretion of the Village Manager to manage and otherwise discipline Village employees, namely, “[n]either Council, nor its committees, shall in any manner take part in the discipline of, nor give orders to, any subordinates and employees in the administrative service of the Municipality responsible to the Manager, but must deal directly with the Manager. Council may inquire into the conduct of any office or department or any affairs of the Municipality”; and

WHEREAS, this Council has inquired into the conduct of these employees and their offices and has serious concerns, but will nonetheless defer to the Village Manager as required in determining the proper course of action; and

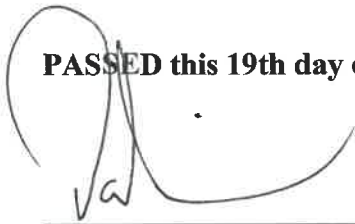
WHEREAS, Mayor David Nickerson has proposed the passage of this Resolution.

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

SECTION I 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 II 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 2024-12 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