

ORDINANCE NO. 2023- 05
OF THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA

**AN ORDINANCE ESTABLISHING THE POSITION OF
DIRECTOR, DEPARTMENT OF FINANCE AND RECORDS,
DEPUTY DIRECTOR, DEPARTMENT OF FINANCE AND RECORDS, AND
REESTABLISHING THE POSITION OF
MUNICIPAL RELATIONS COORDINATOR
OF THE TOWN OF ZIONSVILLE, INDIANA**

WHEREAS, the Town Council of the Town of Zionsville (“Town Council”) passed Resolution No. 2014-11, Reorganization 2.0 to reorganize the Town of Zionsville (“Town”) under the authority granted by state law in Ind. Code § 36-1.5, *et seq.* merging the governmental units of the Town of Zionsville and Perry Township (Boone County) into a single governmental unit (“Reorganization 2.0”) and

WHEREAS, Reorganization 2.0 renamed the elected office of Clerk Treasurer as Mayor as of January 1, 2015, *see*, ZR2A3; and

WHEREAS, Reorganization 2.0 states that the statutory duties of the Clerk Treasurer transferred to the Mayor shall be delegated by the Mayor to a new Department of Finance and Records (“Department”), *see*, ZR2A3; and

WHEREAS, Reorganization 2.0 mandates that neither the Mayor nor any person not a member of the Town Council shall cast tie breaking Town Council votes or any other Town Council votes, *see*, ZR2A3; and

WHEREAS, the Director of the Department of Finance and Records (“Director”) is a Department Head, *see*, ZR2A3; and

WHEREAS, at the request of Mayor Emily Styron, the Town Council passed Ordinance No. 2020-03, Creating New Positions and Amending the Salary Ordinance of the Town of Zionsville, Indiana for the Calendar Year 2020 Pursuant to Indiana Code § 36-5-3-2(b); and

WHEREAS, Ordinance No. 2020-03 restructured the Department, eliminated the position of Director, and created a new position of Chief Financial Officer to serve as the Department Head of the Department of Finance and Records; and

WHEREAS, Ordinance No. 2020-03 further transferred certain statutory duties of the Clerk Treasurer to a new position of Municipal Relations Coordinator. Notwithstanding Ordinance No. 2020-03, the Chief Financial Officer retained the authority vested to the Director of the Department by the Reorganization 2.0 as the Department Head; and

WHEREAS, it is now the decision of the Town Council in consultation with the administration to eliminate position of Chief Financial Officer and to restore the position of Director as the Department Head of the Department; and

WHEREAS, the Clerk's Duties that were previously vested in the new position of Municipal Relations Coordinator shall continue to be the responsibility of the individual with the position of Municipal Relations Coordinator and such position, including the reporting and supervision structure of the position of Municipal Relations Coordinator shall be unchanged by this Ordinance; and

WHEREAS, the new Director of the Department and any subsequent Director of the Department shall be required to ensure that all statutory duties of the former position of Clerk-Treasurer of the Town and any additional obligations imposed pursuant to the Director's formal job description or by Ordinance, Resolution or other mandate of the Town Council; and

WHEREAS, this Ordinance also creates the position Deputy Director of the Department to replace the position of Deputy Chief Financial Officer of the Town.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Zionsville, Indiana as follows:

Section 1. Repeal and Replace of Position References. The Zionsville Code of Ordinances, Title III: Administration, Chapter 34: Finance and Revenue shall be amended to remove all references to the position of "Chief Financial Officer" which shall be replaced with the position of "Director of the Department of Finance and Records." Such specific changes shall include the repeal of all references to "CFO" to be replaced with "Director."

Section 2. Director of Finance and Records. The position of Director of the Department of Finance and Records ("Director") shall be created and shall be subject to the following:

- i. The position of Director is a full-time exempt position and paid compensation and benefits according to the current annual Zionsville Salary Ordinance ("Salary Ordinance"); and
- ii. The Director is an at-will employee subject to the provisions contained

- in this Section 2 and the provisions of the Town of Zionsville Reorganization 2.0 as passed by the Town Council in Resolution No. 2014-11 (“Reorganization 2.0”); and
- iii. The position shall be subject to a job description created by the Director of Human Resources for the Town and approved by the Town Council; and
 - iv. The position shall be required to meet the duties and obligations of the Town as outlined in state statute, Town Ordinance, the Town Employee Handbook and other such policies for employment with the Town; and
 - v. The position is a Department Head and shall provide oversight and supervision of all employees of the Department; and
 - vi. The Director shall inform the Director of Human Resources of any and all concerns related to an employee that serves as a direct report of the Director. The Director of Human Resources shall consult with the Director prior to an employment action resulting to suspension or termination of an employee of the Department unless the action(s) of the Department employee are such that there is an immediate risk of death, injury or reckless endangerment of the Department employee, to other Town employees or the public at large. Notwithstanding, the ultimate decision to suspend or terminate an employee (other than the Director, as a Department Head) shall be a decision of the Mayor upon recommendation of the Director of Human Resources; and
 - vii. Pursuant to Reorganization 2.0 section ZR2A3, the Mayor shall appoint the Director; and
 - viii. The Director will be subject to Reorganization 2.0 section Z42A24 which states that the Mayor must have the approval of the majority of the Town Council before the executive may discharge a department head; and
 - ix. Pursuant to Reorganization section ZR2A3, the Director shall be responsible for all statutory duties of the Clerk Treasurer of a Town found in Ind. Code § 36-5-6 *et seq.* Such duties may be delegated to other employees of the Town to complete the day-to-day tasks to fulfill such statutory duties; and
 - x. The Director shall work under the policies, budgets, and directors established by the Mayor and the Town Council; and
 - xi. The Director is the senior paid staff executive responsible for all operations of the Department; and
 - xii. The Director shall coordinate and consult with the Mayor, Deputy Mayor, other Department Heads and the Town Council President as needed and necessary to carry out the duties of the Director and the Department; and
 - xiii. The Director shall be responsible for preparing any and all required

financial statements and records required by the Town Council to fulfill the Town Council's duty as the legislative body of the Town; and

- xiv. The Director shall timely provide to the Town Council, at the request of the Town Council President and any member of the Town Council, any and all financial statements and records of the Town to full the Town Council's duty as the legislative body of the Town; and
- xv. The Director shall annually prepare a recommended budget for the Department and the Town and provide such recommended budget to the Mayor and to the Town Council as part of the Town's Budget Adoption process which shall be completed on a schedule set by the President of the Town Council; and
- xvi. The Director shall be responsible for recommending new positions to the Director of Human Resources, as needed and necessary to carry out the duties of the Department. The Director shall submit a list of such positions as needed and no less than annually for consideration by the Mayor and the Town Council.
- xvii. Any and all new job descriptions, salary and benefits for any such position must be approved by the Town Council prior to advertising the position or interviewing candidates for a position (including both internal and external candidates). No employment offer shall be made for a new position of the Department unless the position has been approved and funded by the Town Council. This requirement does not apply to positions that have been previously approved in the Town's current Salary Ordinance and funded in the Department Budget that has been approved by the Town Council as part of the Town's Budget as amended from time-to-time.

Section 3. Deputy Director of Finance and Records. The position of Deputy Director of the Department of Finance and Records is created and shall be subject to the following:

- i. The position of Deputy Director of Finance and Records ("Deputy Director") is a full-time non-exempt position and paid compensation and benefits according to the annual Zionsville Salary Ordinance; and
- ii. The Deputy Director is an at-will employee; and
- iii. The position shall be subject to a job description created by the Director of Human Resources for the Town and approved by the Town Council; and
- iv. The position shall be required to meet the duties and obligations of the Town as outlined in state statute, Town Ordinance, the Town Employee Handbook and other such policies for employment with the Town; and

- v. The Deputy Director works under the direction and supervision of the Director; and
- vi. The position works with minimum supervision and shall perform administrative functions in support of the Department.

Section 4. Municipal Relations Coordinator. The position of Municipal Relations Coordinator is subject to the following:

- i. The position of Municipal Relations Coordinator is a full-time non-exempt position and paid compensation and benefits according to the annual Zionsville Salary Ordinance; and
- ii. The Municipal Relations Coordinator is an at-will employee subject to the provisions contained in this Section 4; and
- iii. The position shall be subject to a job description created by the Director of Human Resources for the Town and approved by the Town Council; and
- iv. The position shall be required to meet the duties and obligations of the Town as outlined in state statute, Town Ordinance, the Town Employee Handbook and other such policies for employment with the Town; and
- v. The Municipal Relations Coordinator works under the direction of the Mayor and the Town Council President; and
- vi. The position works with minimum supervision and shall perform administrative functions in support of the administration, as outlined in the position job description, and the Town Council; and
- vii. The Municipal Relations Coordinator shall serve as the Clerk of the Town Council as required in Ind. Code § 36-5-2-8 but shall not have the authority to cast the deciding vote to break a tie of the Town Council as prohibited by Reorganization Section ZR2A3; and
- viii. The Municipal Relations Coordinator shall be responsible for all relevant statutory duties of the Clerk-Treasurer as Clerk of the Town Council and any Ordinance, Resolutions or Policies of the Town Council applicable to such position of Clerk; and
- ix. No employment action resulting in change of duties, suspension or termination of the individual holding the position of Municipal Relations Coordinator shall occur without notification to and approval of the Town Council President prior to such employment action unless the action(s) of the Municipal Relations Coordinator are such that there is an immediate risk of death, injury or reckless endangerment to the individual serving in such position, to other Town employees or the public at large; and

- x. The Town Council president shall inform the Director of Human Resources of any and all concerns with the work performance of the individual who holds such position and shall be allowed to sit in on any and all formal discussions regarding the performance review of such individual holding the position; and
- xi. The Director of Human Resources and the Town Council President shall meet routinely, including no less than annually, to discuss the performance of the individual holding such position.

Section 5. Remaining Provisions. The remaining provisions of the Zionsville Code of Ordinances, Title III: Administration, Chapter 34: Finance and Revenue, as amended, shall remain in full force and effect and are not affected by this Ordinance.

Section 6. Repeal of Prior Ordinances. All prior Town ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance. This Section 5 shall not apply to the provisions of the Town's Reorganizations as passed by Resolution No. 2008-12, Resolution No. 2014-3 and Resolution No. 2014-11 of the Town Council and specifically the controlling provision(s) of the latest applicable Reorganization Resolution.

Section 7. Effect of Reorganization. If any such provision of this Ordinance is found in conflict with the Town's Reorganizations as passed by Resolution No. 2008-12, Resolution No. 2014-3 and Resolution No. 2014-11 of the Town Council and specifically the controlling provision(s) of the latest applicable Reorganization Resolution, the provisions of the last applicable Reorganization Resolution shall prevail.

Section 8. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit, or extend the scope or intent of the clause to which they appertain.

Section 9. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of the Ordinance.

Section 10. Duration and Effective Date. The provisions of this Ordinance shall take effect following the date of its passage and action by the Mayor and/or the Town Council in the manner prescribed by Reorganization section ZR2A18 and shall remain in full force and effect until amended or repealed by ordinance of the Town Council.

Ordinance 2023-05

Introduced and filed on the ____ day of _____, 2023. A motion to consider on First Reading was properly made and seconded and approved by a vote of ____ in favor and ____ opposed, pursuant to Indiana Code § 36-5-2-9.4 and § 36-5-2-9.6.

A motion to consider on Second reading was properly made and seconded and approved by a vote of ____ in favor and ____ opposed, pursuant to Indiana Code § 36-5-2-9.4, § 36-5-2-9.6 or § 36-5-2-9.8 (*as applicable*).

DULY PASSED AND ADOPTED this ____ day of _____, 2023, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

**YEA
Signature**

**NAY
Signature**

Jason Plunkett President		
Brad Burk, Vice-President		
Alex Choi, Member		
Joe Culp, Member		
Josh Garrett, Member		
Craig Melton, Member		
Bryan Traylor, Member		

Ordinance 2023-05

I hereby certify that the foregoing Ordinance was delivered to Town of Zionsville Mayor Emily Styron on the _____ day of _____ 2023 at _____ a.m. /p.m.

ATTEST: _____
Amelia Anne Lacy,
Municipal Relations Coordinator

MAYOR’S APPROVAL

Emily Styron, Mayor

DATE

MAYOR’S VETO

Emily Styron, Mayor

DATE

This Ordinance was prepared by Heather D. Harris, Partner, Barnes & Thornburg LLP serving as Legal Counsel to the Town Council, Town of Zionsville, Boone County, Indiana on January 29, 2023 at 09:04 p.m. EST. No subsequent revision to this Ordinance has been reviewed by Ms. Harris for legal sufficiency or otherwise.