



TOWN OF ZIONSVILLE | OFFICE OF THE MAYOR

MEMORANDUM

To: Zionsville Town Council members

From: Mayor Emily Styron

Date: February 22, 2023

Subject: Veto of Ordinance 2023-05: 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

Dear Councilors:

Please let this Memorandum serve as notice of my veto of Ordinance 2023-05 and an explanation of the reasons for my veto.

Let me begin by saying that I have no objection to the majority of this Ordinance. The Director of the Department of Finance and Records position and the Municipal Relations Coordinator position both play a very important role to the Town Council and to the Administration, and I recognize that and see a valuable opportunity for the Mayor and Town Council to collaborate regarding those two important positions. There are, however, a few areas in this Ordinance that deviate from and conflict with the provisions of our foundational Reorganization documents (Reorganization Resolutions 2014-11 and 2014-3) and could be modified in a manner that would accomplish the stated Town Council's goals and at the same time be consistent with the provisions of the Town's Reorganization Resolutions as they relate to employee management.

As background, prior to Ordinance 2023 – 05 being presented to the Town Council as part of your packet for the February 6, 2023 Town Council meeting, nobody from the Administration, including myself, Human Resources Director Jo Kiel, Director of Finance Cindy Poore, Municipal Relations Coordinator Amy Lacy, Deputy Mayor Johns-Cole or the Town's legal counsel saw a draft of the proposed Ordinance or was contacted to provide any input on this important Ordinance that directly impacts Town employees.

After the Administration had an opportunity to review Ordinance 2023-05, the Town's legal counsel sent an email to the Town Council's legal counsel and the Town Council outlining the Administration's collective thoughts and requested changes to the Ordinance.

In the Town Council meeting on February 13, 2023, the Town Council's legal counsel indicated that she had not had a chance to go back and review anything or thoroughly go through the Administration's comments, nor had she made any modifications to the Ordinance based on any comments the Administration provided.



We once again ask that the Town Council thoroughly read and consider our specific comments and suggested changes to Ordinance 2023-05, which I have summarized below. An excerpt from the email sent outlining these comments is attached for your reference.

The two particular areas of concern are the requirement that the Town Council approve job descriptions and that the approval of the Town Council President be required before any employment action occurs involving the Municipal Relations Coordinator.

Reorganization Resolution 2014-3 and Reorganization Resolution 2014-11 (the “Reorganization Resolutions”) provide that the executive power of the Town is vested in the Mayor, that all executive functions, rights and responsibilities of the office of the Town Council President under Indiana law are transferred to the Mayor, that the head of each department and its employees are under the jurisdiction of the Mayor, and that the Mayor must have the approval of a majority of the Town Council before the Mayor can discharge a department head.

By the way Ordinance 2023-05 is written, it attempts to transfer to the Town Council President the final decision-making authority over employment actions relating to an employee who is not a Department Head. This would be granting the Town Council President executive authority in contravention of the Reorganization Resolutions. Legal counsel for the Town Council stated in the Town Council meeting on February 13, 2023, that a goal of the Ordinance is to make sure that if there was ever any employment action to suspend or terminate the person holding the role of Municipal Relations Coordinator, that the Town Council President *would be made aware of it and it would be done in consultation with the Town Council President*. We agree, and as we have shared in our previous comments, we believe that collaboration and consultation is important in this area. But, that’s not what the Ordinance does. It reaches beyond what was described in the Town Council meeting and establishes a requirement that the Town Council President approve any employment action against the person holding the position of Municipal Relations Coordinator, an employee who is not a Department Head. (See Section 4 ix of Ordinance 2023-05: “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.”). Employment actions are executive functions to be handled by the Administration (HR Department and Mayor), except as they relate to discharging a Department Head as specifically carved out in the Reorganization Resolutions.

The second area of concern involves requiring Town Council approval of the job descriptions for the Director of the Department of Finance Records and the Municipal Relations Coordinator. The job description should be created by the Administration. There should not be a requirement that job descriptions be approved by the Town Council. The Council’s desire to be involved in this process is very reasonable and understandable, and we don’t see any reason for not including you all on the development of the job description, to gather your input, considering this position does provide you with vital information and support. We do understand your desire, as the Fiscal Body, to ensure that the person serving in the role of Director of the Department of Finance and Records meet the statutory obligations of the Fiscal Officer of the Town. But, Town Council approval for a job description is unnecessary, and in contravention of the provisions of the Reorganization Resolutions. This is an executive function. I think we could come up with some compromise language here that incorporates Town Council’s input into the job description, but doesn’t require their ultimate approval. Let’s work together on that language.



Further, and similarly, there's no objection to gathering the Town Council's input on the job description of the Municipal Relations Coordinator. The position of Municipal Relations Coordinator is serving as Clerk to the Town Council, and as such, is responsible for certain statutory Clerk duties to the Town Council (like maintaining custody of Town Council records, attending its meetings, posting notices, recording its proceedings, etc.). It is understandable and reasonable for the Town Council to participate in the creation or revision of the job description for the Municipal Relations Coordinator, so you can be assured that those statutory duties to the Town Council are reflected in there. But, as above, the Town Council's ultimate approval of job descriptions should not be necessary as this falls under the executive functions pursuant to the Reorganization Resolutions.

As mentioned in our email, if our requested changes were made, I believe the Ordinance could serve as a good opportunity to create collaborative opportunities between us, and between future Mayors and future Town Councils, with regard to these important positions, while remaining consistent with the provisions of the Reorganization Resolutions that delineate responsibilities in the area of employee management between the Mayor's role and the Town Council's role.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Styron", with a long horizontal flourish extending to the right.

Mayor Emily Styron