

CITY OF
CHARLESTOWN

EST. 1808

Dr. Treva Hodges, Ph. D.
MAYOR

June 16, 2021

City of Charlestown Common Council
304 Main Cross Street
Charlestown, IN 47111

Re: Capital Improvement Plan Amendment Ordinance 2021-OR-09 Executive Veto

Dear Council Members:

After careful review of the Ordinance Amending the 2019 Capital Improvement Plan, Ordinance 2021-OR-09, approved on first and second reading at the June 7th council meeting, I have decided to enact a mayoral veto of the ordinance. The reasons for this veto are listed below:

- **The ordinance is not in compliance with Indiana Code**
 - The first paragraph of the ordinance cites IC 6-15-7. This Article and Chapter are not present in the Indiana Code, nor are they listed as having been present in the past and repealed. It is unclear what provision of the Indiana Code the Ordinance uses to base its adoption.
 - The attached Exhibit A “2021 Amended Capital Improvement Plan” cites IC 6-3.5-7, which was repealed in 2015.
 - The ordinance does not cite accurate Indiana Code in any section.
- **The amended plan does not provide for accurate administration of the wastewater utility.**
 - In the General Description for Project #1 – Infrastructure Initiative, the amended plan places administration of all infrastructure projects, including wastewater improvements, with the Board of Public Works; however, since the adoption of the Sanitary Sewer Board, the Board of Public Works does not administer the wastewater department and the Sanitary Sewer Board should be listed as the appropriate administrative board.
- **The Common Council does not have authority to create, amend, or enforce the city’s Capital Improvement Plan and has operated outside the scope of their political offices by adopting this ordinance.**
 - The responsibility for adopting a Capital Improvement Plan lies with the Executive of the city in accordance with IC 6-3.6-6-9.5. Capital Improvement Plans are required for the city to receive its fractional amount of local income tax revenue allocated by the county for economic development, but the specific projects of the plan and list of available funding sources are to be determined by the mayor.

For these reasons I am issuing an executive veto of ordinance 2021-OR-09. Please let me know if you have any questions or would like additional information about the items presented in this letter.

Sincerely,



Dr. Treva E. Hodges, Mayor
City of Charlestown, Indiana