



City of MUNCIE

MUNCIE, INDIANA

Sharon McShurley, Mayor

November 9, 2009

Alison Quirk
President
Muncie Common Council
300 North High Street
Muncie, IN 47305

Dear Madam President:

Per Indiana Code 36-4-6-16(2), I hereby exercise my executive power to perform separate item veto as it pertains to Amended Ordinance 53-09 an Ordinance for Appropriations and Tax Rates for the Year 2010 approved by Common Council on November 2, 2009 and notify you of same.

My reasons are as follows:

101-01-439015	\$4,000	Mayor's Office	Promotion of Business	It is not in the best interests of the city.
101-01-439092	\$1,000	Mayor's Office	Subscription & Dues	Need to keep up on current governmental trends and events at the state and national level.
101-04-411012	\$34,269	Accounting Division	Purchasing Agent	Common Council just adopted new purchasing requirements. Staff person needed to comply with local ordinance.
101-04-411025	\$1,659	Accounting Division	Payroll Clerk	Employee has to be paid for 27 pays in 2010 due to hourly compensation at the negotiated salary in union contract. Violation of federal Fair Labor Standards Act and local bargaining unit's contract.
101-04-411026	\$30,737	Accounting Division	Accounts Payable Clerk	Places City in jeopardy of not fulfilling state and federal financial reporting requirements.
101-04-411160	\$500	Accounting Division	Overtime	At year end closing must have hourly employee available to assist and must pay overtime due to federal Fair Labor Standards Act.

101-04-413011	\$203	Accounting Division	Social Security
101-04-413015	\$47	Accounting Division	Medicare
101-04-413017	\$229	Accounting Division	PERF
101-04-413025	\$8,000	Accounting Division	Health Insurance
101-04-413026	\$211	Accounting Division	Life Insurance
		Related to 101-04-411012 and 101-04-411026.	
101-04-413085	\$1000	Accounting Division	Fees and Instructions
		State fees and instruction are required for Controller.	
101-05-411146	\$1,177	City Clerk	Council Secretary
		Employee has to be paid for 27 pays in 2010 due to hourly compensation at the negotiated salary in union contract.	
		Violation of federal Fair Labor Standards Act and local bargaining unit's contract.	
101-07-439071	\$50,000	Department of Law	Other Services and Charges
		Legal Counsel provides services pro bono from approximately July 1 to year end. Elimination of Deputy Mayor will require even more assistance from legal counsel for research and consultation.	
101-10-439071	(\$361,433)	Common Council	Other Services and Charges
		Violation of I.C. 36-4-7-7	
101-15-411043	\$32,551	Animal Shelter	Control Officer
		Animal Shelter cannot operate with only one full-time staff member.	
101-15-413025	\$8,000	Animal Shelter	Health Insurance
		Related to 101-15-411043	
101-16-439039	\$23,557	Merit Commission	Fire Promotion Written/Oral
	\$390	Merit Commission	Testing Site
	\$2,600	Merit Commission	Police Written Exam & Tutor
	\$4,357	Merit Commission	Oral Interviews
	\$390	Merit Commission	Testing Site
	\$800	Merit Commission	Advertisement
		Violation of I.C. 19-1-14-1 and Local Ordinance 924-82	

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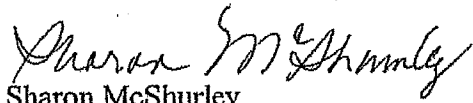
101-19-435011	\$315,000	Board of Works	Electricity (Street Lights)	Street lights provide safety and security to citizens. Hinders economic development.
101-19-436025	\$15,000	Board of Works	Repairs to Buildings	There have been no capital improvements to building since being built. Maintenance expenses continue to increase. Elevators must be kept operational as we have a three story building and some citizens are unable to take stairs. Potential for ADA violation.
101-19-439071	\$75,000	Board of Works	Other Services and Charges	Contractual obligations have to be met.
101-20-411137	\$1,139	Police Department	Office Manager	Employee has to be paid for 27 pays in 2010 due to hourly compensation at the negotiated salary in union contract. Violation of federal Fair Labor Standards Act and local bargaining unit's contract.
101-20-422021	\$100,000	Police Department	Gas and Oil	Police cars must be on the street to provide safety. With the anticipated return of 5 laid-off officers cannot cut gas and oil.
101-21-435031	\$625,000	Fire Department	Water	Must pay fire hydrant water bill in order to provide fire protection.

Additionally, the lack of funding allocated for unemployment benefits for the positions eliminated.

I have provided copies of IC 36-4-6-16, IC 19-1-14-1, Local Ordinance 924-82, and a Fair Labor Standards Act handout for your reference.

Lastly, please note the non-union salaried employees did take pay cut due to 27 pays in keeping with the Fair Labor Standards Act.

Respectfully,


Sharon McShurley
Mayor