



City of Grand Island

Tuesday, October 2, 2012

Study Session

Item X2

**Discussion Concerning Residency Requirements for City
Department Directors - At the Request of Councilmember Chuck
Haase.**

Staff Contact: Robert J. Sivick, City Attorney

Council Agenda Memo

From: Robert J. Sivick, City Attorney

Meeting: October 2, 2012

Subject: Discussion Concerning Residency Requirements for City Department Directors

Item #'s: 2

Presenter(s): Councilman Chuck Haase

Background

On December 4, 2001 the Grand Island City Council (Council) approved expanding the area where Department Directors could reside to within ten miles of the City of Grand Island (City) zoning jurisdiction. Since the City has zoning jurisdiction for two miles beyond its borders this in effect extended the acceptable area of residency for Directors to twelve miles beyond the City's borders. On December 18, 2001 the Council approved Resolution 2001-314 which among other things incorporated the new residency requirements for Directors into the employee handbook. That requirement is memorialized in the City Personnel Rules and Regulations §3.12.

Discussion

Residency requirements for municipal employees have been the subject of litigation across the country for the last few decades. Generally Courts are prone to strike down residency requirements that lack a legitimate public purpose related to the operation of municipal government. The most obvious example of such a legitimate public purpose would be public safety but would also include public utilities and infrastructure.

The Human Resources Department conducted a survey of residency requirements for Department Directors in other Nebraska cities and compiled the following data:

RESIDENCY REQUIREMENTS FOR DEPARTMENT DIRECTORS

Hastings	No written policy. Strongly recommended
La Vista	Only City Administrator & Police Chief
Bellevue	Only City Administrator & Assistant City Administrator
Kearney	All Directors are required to live within City limits

Lincoln	No residency requirement for Directors
Omaha	No residency requirement for Directors
Norfolk	No residency requirement for Directors - some positions have a response time if in public works or public safety
Fremont	Residency requirement for City Administrator, Police & Fire Chief within 20 minutes of city limits and Utility Mgr. has to live within service area.
Papillion	No residency requirements for Directors
Columbus	No residency requirements for Directors. Police & Fire Chiefs follow the 30 minute rule in place for their department members
North Platte	No residency requirement for Directors

The Human Resources Department compiled the present residency requirements for City employees as listed below:

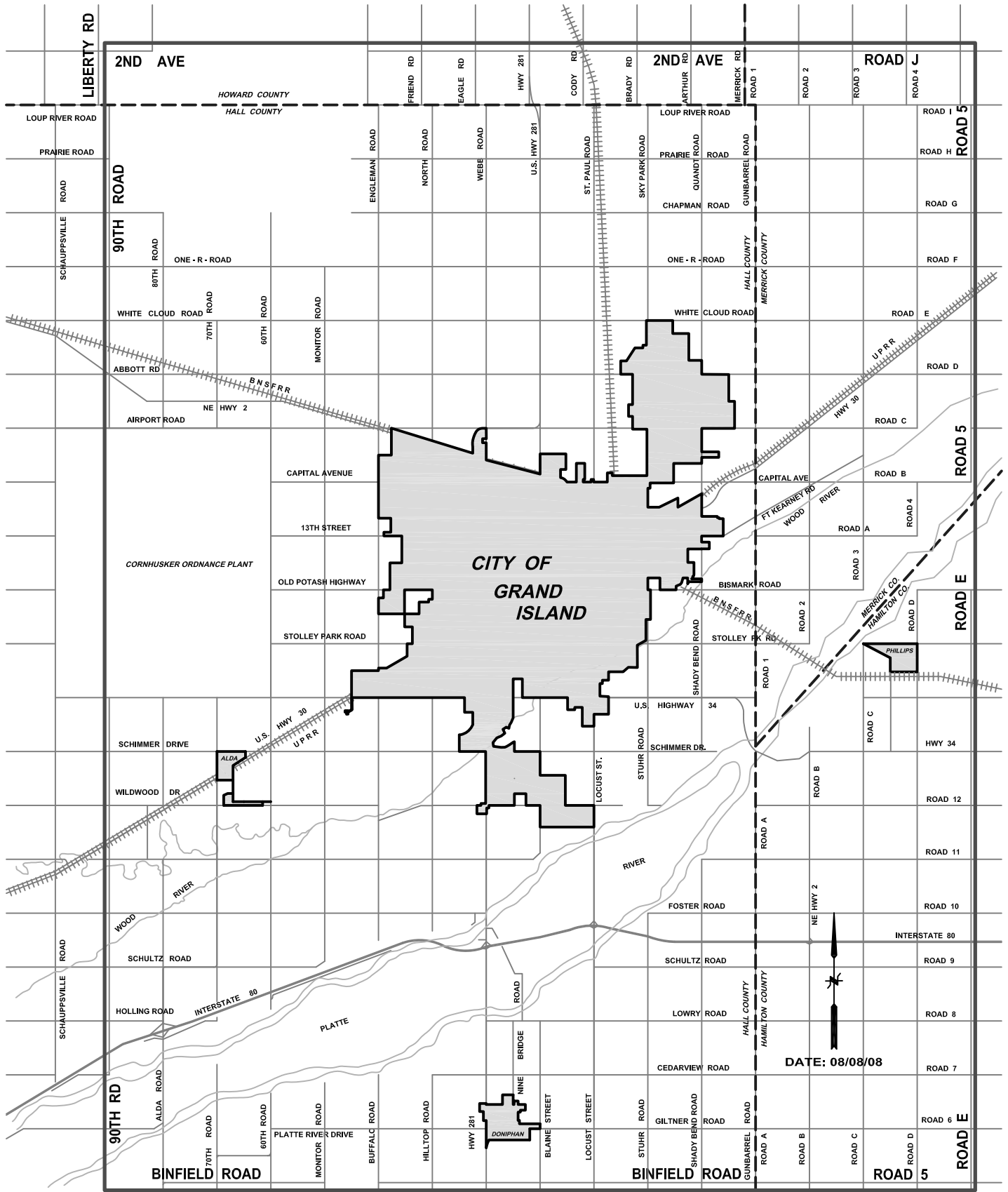
CURRENT RESIDENCY REQUIREMENTS FOR CITY EMPLOYEES

Department Directors:	Within 10 miles of the zoning jurisdiction
Emergency Management Employees:	Within a 25 mile radius of the City limits
Utilities Department Employees:	Residency boundaries of the department
Sworn Police Officers (FOP Contract):	Within 35 miles of city limits
Firefighters (IAFF Contract):	Within a 35 mile radius of the City limits
Parks & Streets (AFSCME Contract):	No residency requirement
IBEW Wastewater:	No residency requirement
IBEW Service/Clerical	No residency requirement
IBEW Utilities & Finance:	Residency Boundaries as established in the contracts
Non-union:	No residency requirement

The Human Resources Department compiled data on the residency of City employees broken down by Department as listed below:

	GI	OTHER	TOTAL	% GI
ADMINISTRATION	4	1	5	80%
BUILDING	9	2	11	82%
EMER MANAGEMENT	17	1	18	94%
FINANCE	28	4	32	88%
FIRE	38	28	66	58%
HUMAN RESOURCES	2	2	4	50%
LEGAL	3	0	3	100%
LIBRARY	26	2	28	93%
PARKS	24	5	29	83%
PLANNING	3	0	3	100%
POLICE	75	18	93	81%

PUBLIC WORKS	61	13	74	82%
UTILITIES	128	6	134	96%
TOTAL	418	82	500	84%



Sec. 3.12 RESIDENCY

All Department Directors are required to reside within ten miles of the zoning jurisdiction. All Emergency Management employees are required to reside within a twenty-five mile radius of the City of Grand Island. All Utilities Department employees are required to reside within the residency boundaries of the department. Residency for police and fire employees are established by contracts.

Employees that drive City vehicles home and senior management personnel need to check their department's Standard Operating Procedures in reference to residency requirements.

Employees will establish residency within six months after the calendar day of the start of employment and will maintain residency during the term of employment. For purposes of these Personnel Rules and Regulations, residency will mean the employee's domicile.