



Legislation Text

File #: 971321, Version: 3

971321
SUBSTITUTE 3

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A substitute charter ordinance relating to residency requirements for city employees.

5-02-2 am
5-02-3 rn
5-02-3 cr
5-02-4 rn
5-02-5 rn
5-02-6 rn
5-02-7 rn
5-02-8 rn
5-02-9 rn
- Analysis -

This charter ordinance amendment defines residence for purposes of the city's residency requirement for city employees as living quarters maintained within the city by the employee. Current residency provisions apply to both the city employee and his or her family.

The ordinance also addresses instances of dual or multiple residences by stating that it is not sufficient for an employee to claim city residency because of rental, ownership or maintenance of a residence in the city if the employee's actual living quarters are not in the city.

Part 1. Section 5-02-2 of the city charter is amended to read:

5-02. Residency Requirements.

2. DEFINITION. The term "residence" employed in this section shall be construed to mean the actual living quarters which must be maintained within the city by an employee [[and his family]]. Neither voting in the city nor the payment of taxes of any kind by itself by an employee shall be deemed adequate to satisfy the requirements of this section, nor shall the provisions of this section be satisfied by the maintaining of a rented room or rooms by an employee solely for the purpose of establishing residence in the city when it appears that his >>or her<< residence is outside of the city. Ownership of real property within the city, when not coupled with maintaining of actual living quarters in the city as herein required, shall be deemed insufficient to meet the requirements of this section. The city service commission is authorized to investigate complaints made to it with respect to the residence of employees of the city and may initiate any such investigation on its own motion. Whenever such investigation shall be made, the city service commission shall make a finding with respect to whether or not such an employee is or is not actually a resident of the city in accordance with the requirements set forth herein. No consideration shall be given by the city service commission to the fact that such employee intends to maintain a residence in the city if actually he >>or she<< does not maintain such a residence as herein provided for. [[Whenever the facts disclose the existence of dual residences, the decision of the city service commission shall be final in respect to whether or not such employee's residence satisfies the provisions and requirements of this section.]]

Part 2. Section 5-02-3 to 9 of the city charter is renumbered 5-02-4 to 10.

Part 3. Section 5-02-3 of the city charter is created to read:

3. DUAL RESIDENCE. In cases in which dual or multiple residences are rented, owned or maintained by an employee, it is not sufficient for the employee to claim city residency because of rental, ownership or maintenance of a residence in the city if the employee's actual living quarters are not in the city. The city service commission shall make final determination in dual or multiple residence cases as to which location constitutes an employee's actual living quarters, and it shall be the location which will be considered in establishing whether an employee complies with the intent of this section and city service rules relating to residency. The city service commission shall promulgate and publish a policy statement describing factors which it will consider when making residency determinations. This statement will in no way limit the commission's consideration to any specific set of factors. Decisions involving dual or multiple residency shall be based upon the totality of circumstances present in each case. The decision of the city service commission shall be final in respect to whether or not such employee's residence satisfies the provisions and requirements of this section.

Part 4. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed as provided in s. 66.01(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB97645.3

MCW

3/12/98