

000028

VETOED 8/24/76  
OVERRIDDEN 8/30/76  
by vote of Ayes 7, Nays 2  
VETO MESSAGE ATTACHED  
AMENDED 5/19/77  
SEE 77-44

ORDINANCE 76-45

To Require City Employees to be Monroe County Residents

WHEREAS the taxpayers of the City of Bloomington can be considered the shareholders in the non-profit corporation of municipal government, and

WHEREAS the purpose of this municipal government is to provide services as needed and demanded by those shareholders at a reasonable cost, and

WHEREAS as shareholders, city taxpayers have the right to expect the profits of that corporation to accrue to them, one of which is the jobs created by the demand for services by shareholders, and

WHEREAS city employees who are city residents are directly affected by higher property taxes and so are aware of the increased tax burdens to the city of higher wages for city employees, which make up approximately 55% of the city budget each year, and

WHEREAS city employees who are city residents can fully participate with the other shareholders of the city in the decisions regarding the quality and priority of the services provided by the City of Bloomington, and

WHEREAS many city employees now reside outside the city,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:

SECTION I. City Residency Required for Employment - Penalty. All employees of the City of Bloomington who are hired after this ordinance is enacted shall be residents of the City of Bloomington, except those employees living on city property, those who have worked for the city for twenty [20] years, or those who have been granted an exemption according to section five of this ordinance. Employees not complying with this section shall be terminated from employment.

SECTION II. Employees at Enactment Excepted in Present Residence. No individuals employed by the City of Bloomington at the enactment of this ordinance shall move to another address outside the Monroe County limits without being terminated from their employment unless granted an exemption according to section five of this ordinance.

SECTION III. Preference to City Residents in Hiring and Promotion. Among equally qualified applicants for the City of Bloomington jobs, preference shall be given to Bloomington residents.

SECTION IV. Moving Date - New or Promoted Employees - Penalty. All new employees must reside in Bloomington no later than ninety [90] days from beginning their employment or be terminated from employment.

SECTION V. Residency Board - Grounds for Exemption. A residency review board made up of the mayor, a member from each of the Common Council, the Utilities Service Board, the Board of Public Safety, and a representative of an employee's union may grant temporary or permanent exemptions from sections one, two and four of this ordinance in individual cases to avoid extreme hardship or to allow municipal employees who work at a location outside the city limits to reside near their place of work. Whether or not extreme hardship exists, and whether or not municipal employees who work at a location outside the city limits will be residing near their place of work is a question of fact to be determined by the board.

SECTION VI. Affidavits of Residency Required of Municipal Employees - Penalty. Upon enactment of this ordinance each city employee shall make an affidavit stating his address and that he will report any changes of address to the city, and swear or affirm under penalty of perjury as to the veracity of those statements. Thereafter, an affidavit to the same effect shall be made by new city employees upon employment. Failure to comply with this section shall result in termination of employment.

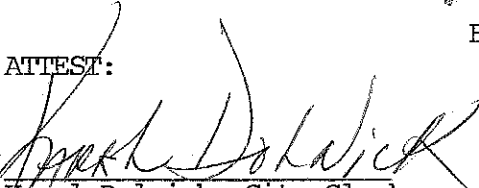
SECTION VII. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections of the ordinance.

SECTION VIII. This ordinance shall be in full force and effect from and after its passage and promulgation by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon the 19 day of August, 1976.

  
Clem J. Blume, President  
Bloomington Common Council

ATTEST:

  
Karel Dolnick, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana upon the 20 day of August, 1976, at the hour of 2:00 p.m.

  
Nora M. Connors, Deputy City Clerk

SIGNED and APPROVED by me upon the \_\_\_\_\_ day of August, 1976, at the hour of \_\_\_\_\_ o'clock, .m.

  
Francis X. McCloskey, Mayor  
City of Bloomington

## SYNOPSIS

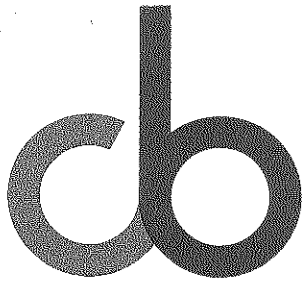
Ordinance 76-45

To Require City Employees to be City Residents

This ordinance requires that all city employees who begin working for the city after its enactment must be residents of the city. It does not require present city employees to be city residents, however, as long as they move into Monroe County if they decide to move in the future. The ordinance also gives preference to city residents in hiring and promotion in city jobs, and provides that newly hired employees move into the city within 90 days of taking their job. A residency board is set up to grant exemptions from the provisions of the ordinance in cases of extreme hardship. Finally, affidavits are required of city employees stating where they live in order to aid in enforcement of the ordinance.

PART of VETO MESSAGE

000031



city of bloomington

box 100, municipal building, bloomington, indiana 47401

office of the mayor  
(812) 339-2261 x220



August 24, 1976

Mr. Clem Blume, President  
Common Council  
City of Bloomington

Dear Clem:

With this letter, I hereby veto proposed Ordinance 76-45,  
"An Ordinance to Require City Employees to be City Residents."

My feelings are explained in detail in the attached statement  
which I gave to you last week.

As you know, I have three major concerns:

- 1) Enactment of the Ordinance would restrict the individual freedoms of city employees;
- 2) Enactment of the Ordinance would place the city in an uncompetitive position when hiring new employees; and
- 3) the desirable aspects of the Ordinance can be more efficiently accomplished by executive order to the effect that preference will be given in hiring to city residents.

I am available for discussion of these concerns with Councilmembers.

Sincerely,

*Francis X. McCloskey*  
Francis X. McCloskey  
Mayor, City of Bloomington

Enc.  
FXMcC:rs

## PROPOSED RESIDENCY ORDINANCE

I strongly oppose the proposed Residency Ordinance. The ordinance is discriminatory in its treatment of present employees, and it represents a philosophical view of an employer's control of its employees that I do not accept. This legislation infringes on individual rights, makes the City a less competitive employer, discourages employees from accepting promotions, undermines efficient and competent City management, and ignores the concept of City-County cooperation. For these, and the detailed reasons which follow, I oppose this ordinance.

The ordinance poses serious questions about interference by government into people's lives. By determining where City employees can live, it would restrict one of our basic privileges. (For example, a present employee who decides to marry a non-city resident, would not be able to move to the home of his or her spouse.) Moreover, it would create an artificial distinction between city employees and workers in Bloomington's private sector. It would even create a distinction within the city's own workforce by establishing two different sets of regulations: one for new employees, and one for current employees. In a year or two, this distinction would create tensions and ill-will within the workforce.

The ordinance would also put the City in a less competitive hiring position than other local employers because it limits the City's potential workforce. Such a result, when municipalities across the country are experiencing difficulties in maintaining competitive wages, would be a disservice to the public. The ordinance would also have the effect of limiting management promotions to City residents. In many instances in several departments, such a limitation would severely restrict the

department head's ability to administer his or her department. Many of the city's best and most experienced employees--in fact, those in line for promotion to middle-level management positions--have worked for the city for several years. Many would experience financial hardships by moving or are justifiably unwilling to move into the city limits since such a move would disrupt their lifestyles and force their children to attend different schools. In addition, state law specifically allows employees of some departments to live outside the city limits after a certain number of years on the city workforce.

Further, the ordinance presumes that the job grades are static, and would force an employee whose job was reallocated from grade 18 to grade 19 to move into the city. Creation of such hardship would be inefficient not only for the city employees, but also for the administrators who try to balance efficient management with minimal hardship to the employees involved in any reallocation.

One of my strongest objections relates to the fact that the proposed ordinance would create an additional administrative city bureaucracy without providing any additional services or benefits to the citizens of Bloomington. The ordinance is a clear example of the government unnecessarily increasing its internal complexity with rules and regulations rather than emphasizing efficient service to the public. If Bloomington were a major metropolitan area surrounded by unannexed suburbs, then this ordinance might be necessary. But Bloomington is a small city whose situation does not parallel larger metropolitan areas like New York and Chicago which have recently adopted such ordinances.

An additional problem with the ordinance is that it ignores the trend toward cooperation with the county; it would serve only to strain community relationships.

This ordinance also complicates annexations. Will some employees be forced to move into the city only to find that two months later the city has annexed their old property? That is just one of many troublesome and unanswered questions.

In summary, this ordinance is unsound from both management~~ment~~ and philosophical perspectives. In the few months that this ordinance has been discussed, it has become obvious that more--not fewer--problems have surfaced. For these reasons, I strongly oppose passage of this ordinance.

*Frank Mc Clokey*

The language of the ordinance seems to me to be unclear. I am not sure whether the intention of the ordinance is domiciliary or residential. I understand that domicile is a legal term and that there is a legal relationship between a person and their domicile and that a person may have only one domicile but may have many residences under the law.

My understanding is that a domicile is a place where one goes from and returns to and that their intention is not to leave permanently. Also a domicile is an address used for many purposes, addresses on applications, taxes, licensing, voting registration, and is the place where a major portion of a person's time is spent.

Since this ordinance refers to "residences" then what would prevent an employee from claiming more than one residence.

My second point is that it seems to me that the City does not need another unenforceable ordinance. The cost to the taxpayer in attempting to enforce this ordinance adequately would be ridiculous. I therefore urge the Council to reject this ordinance.

Nancy Salmon