

February 5, 2007

Re: Residency Requirement

Kevin, I understand that cities want their employees to live inside the city. The city can adopt an ordinance requiring all city employees to live in the city. The ordinance will not legally, however, according to Melissa Ashburn, MTAS Legal Consultant, require a current employee to move inside the city. Such an ordinance would require all new hires to comply with the residency requirement and would over time result in all city employees being residents.

In smaller cities and towns a residency requirement may be difficult where the city has a shortage of suitable housing for employees. I would guess that in most small cities 80% of police and fire employees live outside the city. A more practical strategy, in my judgment, and one that I used in Jefferson City, Tennessee, as that city's manager, is to require that police and fire fighters live within so many minutes of city hall or a particular fire station. If the City of Fayetteville passes a residency requirement all current employees are exempt. That generally means that a good majority of police officers and fire fighters are exempt.

It may take 20 or more years to get all employees living in the city, and subsequent city boards may delete the residency requirement entirely.

It is also my opinion that recruiting professional employees would be a very big problem, if all new hires are required to live in the city. I know that the city is recruiting for a professional finance position, and I do not know whether a person with such qualifications is available in the city. Also, when you hire a certified police or fire fighter, qualified applicants may not be available in the city. It is a lot to ask of a police officer or fire fighter who lives outside the city in Lincoln County, for example, to sell his house and move to Fayetteville for a job that does not pay a great deal. Certainly the city can hire individuals with no police or fire training and send them for the training, but the expense would be considerably greater. Individuals with water and wastewater certifications may not be available in the city, and these are generally not high paying positions that would warrant uprooting a family for a move.

Please advise me if I may provide additional information.

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