

Approved March 25, 1987
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Audrey Langworthy at
Chairperson

9:13 a.m./~~p.m.~~ on March 19, 19 87 in room 531-N of the Capitol.

All members were present except:

Committee staff present: Mike Heim, Arden Ensley, and Lila McClaflin

Conferees appearing before the committee:

Representative Ken Francisco, 90th District, Maize, Ks.
Jerry Marlott, Kansas State Firefighters Association
Don Moler, League of Kansas Municipalities
Representative Martha Jenkins, 42nd District, Leavenworth, Ks.
Dennis Schockley, City of Kansas City, Ks.

A letter addressed to Senator Allen, addressing his inquiry on statistics regarding denial of group homes was distributed. (ATTACHMENT I)

The Vice-Chairperson, Senator Langworthy, opened the hearing on H.B. 2172, relating to residency requirements for employees.

The sponsor of the bill Rep. Francisco stated the Kansas Firefighters Association, supported the bill.

Jerry Marlott urged the Committee to pass the bill.

Don Moler, The League, opposed the bill, in that it amounts to the State's encroachment upon the authority of local governments, they believe this is purely a local concern. (ATTACHMENT II)

Dennis Schockley opposed H.B. 2172 and gave a historical review of residency requirements for the City of Kansas City, Ks. Their city has had residency requirements since January 1950 for their firefighters and police officers, as to all other employees the residency requirements have officially existed since 1969. In July 1983 the City Council codified the existing ordinances and at this point they were enforced. (ATTACHMENT III) He responded to questions concerning why they felt the residency requirements were necessary.

H.B. 2056 - Concerning townships relating to township fire departments.

Rep. Jenkins stated the bill was needed to clarify the law since Leavenworth County has exceeded the 55,000 population.

There was no opposition to the bill.

Staff reviewed the statutes on tax levies and why they were setup under population brackets.


CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,
room 531-N, Statehouse, at 9:13 a.m./~~p.m.~~ on March 19, 1987.

Senator Mulich moved H.B. 2056 be passed. The motion was seconded by Senator Allen. The motion carried. Senator Steineger asked to be reported as passing.

Senator Allen moved to adopt the minutes of the March 17, 1987 meeting. The motion was seconded by Senator Mulich. The motion carried.

The next meeting will be March 20, 1987. The meeting adjourned at 9:30 a.m.



Vice-Chairperson, Senator Audrey Langworthy

Senator Jim,

You inquired as to statistics -
Attached is a list showing where the
need is

Example Wyandotte County has a
need for 28 residential placements

Johnson County has a need over a 2-4 year
basis for 142 placements or about
24 homes. - see attachment

* Association of Rehabilitation Facilities says
3000 ~~other~~ individuals will need some
provided living situations in the next 5-10 years
(Kansas)

- Specific evidence of refusal - see attachment -

Note - If the ordinance says family "no more
than 4 related by blood or marriage
how many fathers or mothers would
want to pay 100 to 600 non-refundable
application fee to establish a group home (N.R.)
for 6 not related by blood or marriage

Summary Waiting List

Potential clients should be indicated only once. The "not yet accepted" column refers to those individuals who have applied for enrollment but the admissions committee has not yet met to consider the application. The "accepted" column refers only to those clients or individuals who are accepted by the admissions committee but have not yet entered the program/s. The format is designed to prevent duplicate counts within the agency as each potential client would be indicated only once on the appropriate line for Day Programs, Residential, or Both Day & Residential.

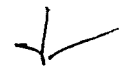
Potential Clients on Agency Waiting Lists (by program group) as of 1/1/87

Adults:	# not yet accepted	# accepted	# Total
Day Programs	<u>123</u>	<u>209</u>	<u>332</u>
Residential	<u>178</u>	<u>193</u>	<u>371</u>
Both Day & Residential	<u>243</u>	<u>190</u>	<u>433</u>
GRAND TOTAL	<u><u>544</u></u>	<u><u>592</u></u>	<u><u>1136</u></u>

Exhibit 1

Adult Waiting List - Community MR Centers

January 1, 1987



<u>Agency</u>	<u>County/ies Served</u>	<u>Day Programs</u>	<u>Residential</u>	<u>Both Day & Residential</u>
Achievement Srv NE KS	Atchison	-	6	-
Arrowhead West Inc	Clark Comanche Edwards Ford Gary Hodgeman Kiowa Meade Ness	4	-	5
Big Lakes Dev Ctr	Clay Geary Pottawatomie Riley	4	6	20
Brown Co Dev Srv	Brown	-	8	-
Chikaskia Area Trng Ctr	Barber Harper Kingman Pratt	-	-	1
Class Limited	Cherokee Crawford Labette Montgomery	16	4	18
COF Trng Srv	Coffey Franklin Osage	1	-	18
Cottonwood, Inc	Douglas Jefferson	10	6	44
CCDS	Cowley	-	-	16



<u>Agency</u>	<u>County/ies Served</u>	<u>Day Programs</u>	<u>Residential</u>	<u>Both Day & Residential</u>
DSNWK	Cheyenne Decatur Ellis Gove Graham Logan Norton Osborne Phillips Rawlins Rooks Russell Sheridan Sherman Smith Thomas Trego Wallace	11	1	23
Futures Unlimited Inc	Sumner	2	3	4
HELP, Inc	Leavenworth	2	-	-
Hetlinger Dev Ctr	Lyon	-	-	-
Johnson Co MR Ctr	Johnson	33	49	2
McPherson Co Div Srv	McPherson	1	4	7
MR Gov Bd Wyandotte Co	Wyandotte	41	20	8
Nemaha Co Trng Ctr	Nemaha	1	3	5
Northview Dev Srv	Harvey	1	1	4
OCCK Inc	Cloud Dickinson Ellsworth Jewell Mitchell Ottawa Republic Saline	44	11	4
Community Lvg Srv		7	56	6
Residential Alternative	Douglas	-	-	3

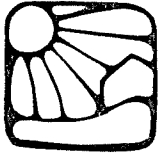
<u>Agency</u>	<u>County/ies Served</u>	<u>Day Programs</u>	<u>Residential</u>	<u>Both Day & Residential</u>
Sedgwick Co MR/PD	Sedgwick			
Center of Hope, Inc		6	-	-
Cerebral Palsy		8	13	-
KS Elks Trng Ctr		41	33	14
Pennington's Resid		-	-	14
Starkey Dev Ctr		33	32	27
SDSI	Finney	28	-	89
	Grant			
	Greeley			
	Hamilton			
	Haskell			
	Kearny			
	Lane			
	Morton			
	Scott			
	Seward			
	Stanton			
	Stevens			
	Wichita			
Sunflower Trng Ctr Inc	Barton	11	11	12
	Pawnee			
	Rice			
	Rush			
	Stafford			
Terramara, Inc	Butler	-	1	12
	Elk			
Topeka ARC	Shawnee	10	-	5
Sheltered Lvg Inc		-	95	-
TECH Inc	Reno	17	2	30
Tri-Ko Inc	Anderson	10	2	1
	Linn			
	Miami			
Lakemary Ctr		-	-	30
Tri-Valley Dev Ctr	Allen	-	1	3
	Bourbon			
	Neosho			
	Woodson			

<u>Agency</u>	<u>County/ies Served</u>	<u>Day Programs</u>	<u>Residential</u>	<u>Both Day & Residential</u>
Twin Valley Dev Ctr	Marshall Washington	-	3	8
TOTAL		<u>332</u>	<u>371</u>	<u>433*</u>

*This number does not duplicate those numbers shown as waiting in the Day Program or Residential columns. The total number waiting is 332 + 371 + 433 or 1136.

III. Johnson County Need For Group Homes

Current Group Home Spaces	40
Immediate Space Needs	30
2-4 Year Projected Needs	142
Planned and Funded Additional Housing	0
Projected 1986 Johnson County population	296,000
Projected Mentally Retarded @ 2.5%	7,500
Projected population age 18-64 @ 46%	113,466
Projected Mentally Retarded age 18-64 @1.5% of 113,466	1,702
Projected Mentally Retarded requiring assistance @ 37.76%	643
Projected Mentally Retarded requiring group home living 22% of 643	142



Kansas Association of Rehabilitation Facilities

TownCenter Building 120 West Sixth, Suite 110
Newton, KS 67114 316-284-2330

TO : House Local Government Committee

FROM: Kansas Association of Rehabilitation Facilities (KARF)

Re : H.B. 2063. AN ACT concerning zoning; relating to group homes

Date: January 28, 1987

1.0 Position Statement

- 1.1 KARF supports H.B. 2063 which establishes a statewide policy prohibiting exclusionary zoning practices with regard to group homes for six or fewer individuals with handicaps which may also include two resident staff members.
- 1.2 KARF recommends that the number of handicapped individuals who could be served in such a group home be increased from six to eight.

2.0 Justification

- 2.1 Current zoning ordinances and regulations vary significantly from municipality to municipality in Kansas and create obstacles to the development of group homes for individuals with handicaps.
- 2.2 Currently there are over 1,500 individuals who are disabled living in group homes or apartment settings in Kansas. It is projected that approximately 3,000 other individuals will need to be provided living situations in the next 5 to 10 years. It would help to have a statewide policy to assist with this process.
- 2.3 Approximately 18,000 Kansas family members will be affected by the outcome of this bill.
- 2.4 National funding, philosophy, and regulations support community integration of our handicapped citizens.

January 28, 1987

To: KANSAS REPRESENTATIVES
Re: Local Government HB 2063
From: ~~Sister Christella Buser~~

I am a native Kansas, and executive director of L'Arche (Ark, a place of refuge), an organization in the Kansas City area which worked for three years to establish a home for four moderately mentally disabled adults and three staff members who live and work together as a family.

I am a proponent of HB 2063 and hopefully after my testimony you will understand the struggles of many of us who seek to provide a family environment for mentally disabled adults. I urge you to move this Bill to its passage so that we can join 38 other States who already have passed a Bill with less restrictive zoning laws.

PERSONAL EXPERIENCE I have lived and worked with mentally disabled persons for the past ten years. The various homes in which I lived are located in residential areas of town and cities of various sizes, some in Canada and some in the U.S. In no instance has there been a serious problem between one of our group homes and the surrounding neighbors involved, due to our life style, our group activities or the actions of any individual person living in one of our homes.

To speak more directly to the issue, we have nine homes in the U.S. They are in Syracuse, NY; Erie, PA; Tacoma, WA; Cleveland, OH; Boston, MA; Washington, DC; Mobile, AL; Seattle, WA; and Clinton, IA. The quality of life and the interaction with local neighbors in these towns and cities give ample evidence that mentally disabled citizens can live in private homes and have lives of human dignity when such living is structured to meet the needs of all, those in the home and those in the neighborhood.

LOCAL ZONING LAWS For nearly three years I dealt with local municipalities in the Kansas City area in my quest for a small group home. At every turn I met with doubt, discouragement and resistance. Let me give you a few examples.

1. OLATHE, KS In the Fall of 1984 I found a suitable home in Olathe. The owner was willing to sell. I began the process of obtaining a special use permit as required by current zoning laws. After delays in meetings scheduled before the Olathe Planning Commission and the City Commission, in the Spring of 1985, my application was rejected. The Olathe Planning Commission had overwhelmingly voted in favor (6-1), but the City Commission rejected the application (3-2). Local city elections tied in with a neighborhood protest played a significant role in deciding the issue.

(Sister Christella Buser's testimony continued)

2. JOHNSON COUNTY During the Fall of 1985 and Spring of 1986, as suggested to me by a Johnson County legislator, I visited with a number of mayors and planning and city commission members of various municipalities in the county. In some cases I was told that it would be very difficult to get a special use permit for our desired home in "their" towns. In one place I would be required to pay a \$650 non-refundable application fee, and the opinion was expressed that I would almost surely be turned down by the City Commission of that particular municipality.

3. MISSION, KS I also applied for a special use permit from the city of Mission for a home in that area. I had to pay a \$100 non-refundable application fee. 21 neighbors around my intended home had to be notified. I had to put up a large sign in the front yard of the property. Again the Planning Commission on March 10 approved our request, but on March 26 the City Commission refused our request because of a neighborhood petition.

4. OVERLAND PARK, KS I signed, sealed a contract to purchase a house in Overland Park when the neighbors caused such an uprising that the owner retracted the contract saying she decided not to sell the house. However, the very next day another FOR SALE sign was placed in front of the house.

After other attempts to purchase a house we decided on a duplex. The City Planning Commission said that we would have to use the duplex as two residences and could not connect them to be used as a home. If we did this and kept our number of residents under four on each side we would not have to go through the zoning. This was an alternative but not an alternative that we really desired as it cuts our home in half since we cannot by law put a door between the two sides. However, we knew we could not wait any longer to pursue our dream and purchased the duplex.

SUMMARY Current zoning laws surely require a long torturous path to follow in the quest for a small group seeking to purchase a home in a residential (R-1) area in order to enjoy the good life in Kansas.

If left entirely in the hands of local municipal officials, the current zoning laws will continue to be discriminatory in excluding mentally disabled persons from residential neighborhoods.

I really feel that this is not a local issue but a state issue as it concerns the whole state of Kansas. Kansas officials estimate that 3,000 retarded adults now living with elderly parents need to be placed in a residential setting.



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

TO: Members of Senate Local Government Committee
 FROM: Don Moler, Research Attorney
 DATE: March 19, 1987
 RE: HB 2172; Residence Requirements for Municipal Employees

The League opposes HB 2172 as a matter of principle, in that it amounts to the State's encroachment upon the authority of local governments by legislating on a matter of purely local concern. HB 2172 is also directly at odds with the League's convention-adopted "Statement of Municipal Policy" which provides: "The governing bodies of cities should have full authority to establish comprehensive personnel programs, including authority to determine hours of work, compensation, overtime, leave policy, residency requirements, insurance, promotion, firing and all other terms, conditions and qualifications of city employment." Accordingly the League asks this Committee to oppose the bill.

While there are some practical problems with HB 2172 (and those specific issues will be addressed later in this memo) the League's primary concern with the bill is the fact that it is contrary to the above-stated principle of local decision making on matters of local concern. Before dealing in some detail with the subject of residency requirements for municipal employees, it should be noted that if there are in fact problems in communities in this state arising from municipal employee residency ordinances, the proper recourse for those citizens who oppose residency requirements is to act to change the local law. Such has been done, and can be done, through petitioning the local government, participating in local elections, and so on. From our standpoint, such local activity is a much more desirable course of action than running to the state legislature seeking a state-mandated prohibition against any municipality imposing any residency requirement upon any municipal employees.

Residency requirements fall generally into two categories, durational and continuous. A **durational residency requirement** states that before a person may be hired he or she must have been a resident of the area for a certain period of time. Durational residency requirements are frequently struck down by the courts as violating constitutional equal protection rights and the right to travel. These requirements are judged by the "strict scrutiny" equal protection constitutional standard, and such a requirement will be upheld only if there is a compelling governmental interest which justifies the requirement. Shapiro v. Thompson, 394 U.S. 618 (1969). The League is not aware of the existence of any durational residency requirements at the municipal level anywhere in Kansas. **Continuous residency requirements** require that an employee maintain his or her residence in the appropriate area while employed by the governmental entity. The U.S. Supreme Court has upheld a continuous residency requirement as recently as 1976. McCarthy v. Philadelphia Civil Service Commissioner, 425 U.S. 645. The U.S. Supreme Court found no constitutional right to be employed by a city while the employee is living elsewhere. Cases handed down since the McCarthy decision indicate that a continuous residency requirement is to be judged by the more relaxed "minimum scrutiny" equal protection constitutional standard-- that there be a rational relationship between the end sought to be accomplished and the

means used to achieve that end--that is, the restriction must have a rational basis and be reasonably related to the goals which it intends to accomplish. The Kansas Supreme Court, in the 1978 case of Lines v. City of Topeka, 223 Kan. 772, upheld a continuous residency requirement and thereby adopted the "minimum scrutiny" analysis.

Some of the goals or reasons for residency requirements which have been recognized by the courts as a legitimate basis for imposing a continuous residence requirement are as follows:

- (1) Enhancement of the quality of employee performance by greater personal knowledge of the city's conditions and by a feeling of greater personal stake in the city's progress.
- (2) Reducing absenteeism and tardiness among municipal employees.
- (3) Ready availability of trained personnel in emergency situations (this is particularly important in the instances of firefighters, law enforcement officers and emergency medical personnel).
- (4) General economic benefits flowing from local expenditure of employee salaries.
- (5) An incentive to halt or reverse the flight from central cities.

The 1978 Kansas Supreme Court case referred to above concerned a Topeka residency requirement that only applied to specified managerial employees (city attorney, city clerk, city treasurer, public works director, fire chief and police chief). The Kansas Supreme Court held that if the "emergency availability" and "salary expenditure" criteria (items 3 and 4 above) were all that the city of Topeka was relying upon as the basis for the residency ordinance, the city's failure to extend the requirement to all municipal employees might deny equal protection to those falling under the requirement since the goals would cover all employees, not just those affected. However, the court felt that the city "was justified in requiring major officeholders to have a commitment and involvement with the city, its taxpayers and its activities in order to hold such an office." 233 Kan. 779.

While the League believes that the policy issue of local control over matters of local concern is the prevailing, and winning, argument against HB 2172, there are some additional, more practical, problems with the bill. A few of those problems are set out below:

- (1) Municipalities would not be allowed to require employees hired before the adoption of a residency requirement to live in the municipality, but could require such of employees hired after adoption of the requirement. What this creates is a two-tiered system within each municipal government with employees who are working side-by-side being subjected to completely different rules and regulations concerning their residency. This would seem to invite employee unrest and could cause resentment between employees.
- (2) Does the term "persons employed" (lines 26 and 33) cover all categories of persons in an employment relationship with a municipality? If so this would include not only part-time and full-time employees, but may also apply to contractors and agents for the municipality.

- (3) The Legislature should recognize that the passage of HB 2172 could raise questions as to implicit amendments to statutes such as K.S.A. 15-209 which mandate that appointive officers be residents of the city at the time of their appointment and during their tenure of office. The question which arises is who is an employee and who is an officer.
- (4) A difficult question is raised by the term "residency" in HB 2172. In the absence of local ordinances which establish what constitutes "residency," the rules of statutory construction found at K.S.A. Supp. 77-201 will be applicable. K.S.A. Supp. 77-201 (23) states that the term "residence" shall be construed to mean "the place which is adopted by a person as the person's place of habitation and to which, whenever the person is absent, the person has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be deemed the person's residence." In the Lines case referred to above, the Kansas Supreme Court noted that "although the term domicile and residence may have different legal meanings, residence is defined in the statute as substantially the equivalent of domicile--the adoption of a place of habitation with the intent to return thereto." Neither residence nor domicile has one fixed definition, although residence is a looser term, and basically means having a fixed place of abode in a particular area and requiring mere physical presence. Domicile basically means a residence which is intended to be permanent rather than temporary--the place where a person is not intimately connected. It is a question of fact and the intent of the person may be shown from a number of factors.
- (5) The bill may cause a special problem for those cities which have employee unions. Labor law commentators indicate when a residence requirement is the subject of mandatory collective bargaining: ". . .when its enforcement will or could result in termination or other adverse treatment of any incumbent bargaining unit employee. This is so because the action prompted by the rule's enforcement would adversely effect the job security of a bargaining unit of an employee." (29 Labor Law Journal 353 (1978)). What this means, in effect, is that the subject of residence may be an already-negotiated point in the bargaining process between a city's management and its employee unions. The opportunity for such a negotiated settlement would be essentially wiped out by passage of this law.

In summary, the League raises policy arguments and questions of application to this Committee on the subject of HB 2172 and urges Committee members to defeat this bill.

A.III

HISTORICAL REVIEW OF RESIDENCY REQUIREMENT
IN KANSAS CITY, KANSAS

The July 21, 1983, enactment by the City Council of Kansas City, Kansas, of Ordinance No. 64504 (attached) requiring all employees of the City to be bona fide residents represents a continuation of previous ordinances affecting employees of said governmental unit. As a condition of employment, residency within the City has been required for certain classes of employees under civil service rules and regulations since 1950. As to all other employees the residency requirement has officially existed since enactment 1969 of Ordinance No. 47589 codified at Section 2-33.1 of the Code of Ordinances (attached). The refinement of these two ordinances to comport with existing law as determined by the United States Supreme Court in various decisions resulted in the 1983 enactment. This latest enactment only represents a continuation of prior express policy.

On January 4, 1950, the former City Commission of Kansas City, Kansas, enacted and created a Civil Service Commission with application basically to firefighters and police officers. Section 9 of the original act provided in 1950 that all applicants for covered positions within the fire or police departments were required to have been residents of Kansas City, Kansas, for three years prior the date of the competitive examination. Subsequent amendments to that ordinance reduced the number of years to two years preceding the date of the examination. At the time the present City Council enacted the 1983 version the ordinance itself did not alter the requirements imposed upon firefighters and police officers. In numerous subsequent amendments to the 1950 Rules and Regulations, the residency requirement has specifically remained unchanged. All covered employees were required to maintain a bona fide residence within Kansas City, Kansas, during all times while employed. Although both firefighters and police officers were staunch in their opposition to the 1983 ordinance, the fact remains undisputed that such requirement had always existed for them to maintain their employment positions.

As residency pertains to other city employees, Ordinance No. 47589, codified as Section 2-33.1, was enacted on January 9, 1969, and required that all employees be bonafide residents at the time of their appointment except for certain expert employees deemed necessary by the City Commission. Until the 1983 update, the language of this ordinance was neither changed nor challenged.

(ATTACHMENT III)

Local Go 3/19/87

The question may arise as to the historical analysis of enforcement. Each of these ordinances imposed specific requirements upon the employees affected. No accurate records exist as to the extent either of these ordinances were enforced against those classes of employees affected. An analysis of the enforcement would vary depending upon the department. While some departments were lax in maintaining rigid enforcement of this ordinance, others refused to employ persons who did not meet the requirement. Thus, prospective employees were required to move to Kansas City, Kansas, in order to obtain the employment. The records of the Kansas City, Kansas, Civil Service Commission do not reflect actions taken against firefighters or police officers who were not in compliance with the rule. At the time of their employment, the very nature of the civil services rules necessitated that the applicant be a resident of Kansas City, Kansas, to be eligible. However, these same employees then without consent or authorization removed their residence from the City after being employed. The supervisory personnel of the fire and police department took varying action depending upon the administration in office. Thus, fire and police personnel affected by the 1983 passage of the current residency ordinance had in fact changed their residence after acquiring employment despite their awareness at the outset that their employment required continuing residency.

In summary, an analysis of the current residency ordinance reveals that it merely clarifies the language of pre-existing ordinances into compliance with interpretations of similar laws by the Kansas Supreme Court and the United States Supreme Court. This ordinance imposed no additional requirement upon City employees that did not in fact exist prior to the date of its enactment. In fact, the only difference between the earlier versions and the present requirement of residency is that the policy of the governing body appears to that strict enforcement will be a priority.

ORDINANCE NO. 64504

AN ORDINANCE relating to the establishment of residency requirements for employees of the City of Kansas City, Kansas; requiring employees of the City of Kansas City, Kansas to establish permanent residence within boundaries established by the governing body of the City of Kansas City, Kansas; providing for employees presently residing outside the established boundaries; providing for newly hired employees; and providing for penalties for violation of the provisions of this ordinance; repealing original Section 2-33.1 of said Code; and repealing original Section 9(3) of the Civil Service Rules and Regulations, Appendix B to the Code of Ordinances, City of Kansas City, Kansas.

WHEREAS, the City Council desires to promote an interest in, and a loyalty to, the City of Kansas City, Kansas, among all of its employees; and

WHEREAS, the City Council deems it necessary to establish certain boundaries within which employees of the City of Kansas City, Kansas, must establish permanent residence in order to promote said interest and loyalty, improve relationship of city citizens and city employees, enhance the quality of employees' performance by greater personal knowledge of the city's condition and by a feeling of greater personal stake in the city's progress, diminish absenteeism and tardiness, promote ready availability of trained manpower in emergency situations, help general economic conditions by local spending of employees' salaries, help reverse the population decline of the City, and help abate decline of city tax base.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KANSAS CITY, KANSAS:

Section 1. All employees of the City of Kansas City, Kansas, shall establish and maintain their permanent residence within the corporate limits of Kansas City, Kansas, throughout the period of city employment.

Section 2. Those employees who have legally established a permanent residence in Wyandotte County outside the corporate limits of Kansas City, Kansas, under Section 9(3) of the Civil Service Rules and Regulations, Appendix B of the Code of Ordinances,

Kansas City, Kansas, and who are currently maintaining such permanent residence in the county outside the city, shall be exempt from the provisions of this ordinance. Provided, however, that if at any time any such employee changes his or her place of permanent residence, such employee's exemption shall cease and the employee shall be required to establish and maintain permanent residency in Kansas City, Kansas.

Section 3. Employees of the City of Kansas City, Kansas, excepting those who are exempt under Section 2 of this ordinance, who do not now have a permanent residence in the corporate limits of Kansas City, Kansas, have fifteen (15) months from the effective date of this ordinance in which to establish such a permanent residence.

Section 4. Employees who are not already permanent residents of the City of Kansas City, Kansas, at the inception of their employment shall have a period of four (4) months after such employment begins within which to establish said permanent residence, after the end of which four (4) month period their exemption from the requirement of this ordinance shall terminate.

Section 5. For purposes of this ordinance, "permanent residence" means "domicile," that is, a residence which is intended to be permanent rather than temporary, and which is the place where a city employee is most intimately connected. Tests for determining permanent residence include an employee's driver's license address, auto registration address, voter's registration address, addresses of bank accounts and credit cards, and the phone number and address at which an off-duty employee can be routinely reached at 3:00 a.m. in case of an emergency.

Section 6. For purposes of this ordinance, "employee" shall mean any person employed by the City of Kansas City, Kansas, under the jurisdiction of the City Administrator or the Mayor.

Section 7. Any employee violating any of the provisions of this ordinance shall be subject to discharge from employment with the City of Kansas City, Kansas.

Section 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of

the remaining portions hereof.

Section 9. That original Section 2-33.1 of the Code of Ordinances, City of Kansas City, Kansas, be and the same is hereby repealed . . .

Section 10. That original Section 9(3) of the Civil Service Rules and Regulations, Appendix B to the Code of Ordinances, City of Kansas City, Kansas, be and the same is hereby repealed . . .

Section 11. This ordinance shall be in full force and take effect from and after its passage, approval and publication in The Kansan.

Passed by the City Council of the City of Kansas City, Kansas, this 21st day of July, 1983.

APPROVED:

/s/ John E. Reardon - Mayor

Attest:

/s/ David T. Isabell
City Clerk.

Section 2-33.1 of the Code of Ordinances, City of Kansas
City, Kansas:

Sec. 2-33.1. Appointive officers to be
residents of city; exception.

No person, including urban renewal and public housing authority employees, shall be eligible to any appointive office unless he or she shall be a bona fide resident of the city prior to his or her appointment, except that the city may hire non-resident expert employees when deemed necessary by the board of commissioners.

Section 9(3) of the Civil Services Rules and Regulations,
Appendix B of the Code of Ordinances, City of Kansas City, Kansas:

Sec. 9. Applicants.

(3) Other requirements. Applicant, except applicants for the position of patrolman or firefighter, must be a citizen of the United States and a bona fide resident of the City of Kansas City, Kansas, for two years next preceding the examination; applicants for position of patrolman or firefighter must be citizens of the United States and a bona fide resident of Wyandotte County, Kansas; all applicants shall be able to read and write the English language; provided, that each applicant for a position in the civil service of the City of Kansas City, Kansas, shall furnish and attach to his application a certified copy of his birth certificate; provided further, that the commission may allow experts who are non-residents of Kansas City, Kansas, or Wyandotte County, Kansas, to apply when the Board of City Commissioners of the City of Kansas City, Kansas, deems it necessary; provided further, that each applicant who is appointed to a position in the civil service shall maintain a bona fide residence and actual domicile within the limits of Wyandotte County, Kansas, so long as he is an employee of said city.