

Draft dated 11/9/2021

Ordinance

An ordinance amending Missoula Municipal Code Chapter 2.28 entitled "Establishment of continuous residency requirements for City senior leadership team".

Chapter 2.82

ESTABLISHMENT OF CONTINUOUS RESIDENCY REQUIREMENTS  
FOR CITY SENIOR LEADERSHIP TEAM

Sections:

2.82.010 Purpose of city senior ~~department head and supervisory manager~~ leadership team residency requirements

2.82.020 City ~~department heads and supervisory managers~~ senior leadership team employees subject to this chapter

2.82.030 Continuous residency requirement

2.82.040 Exception for individuals currently employed by the City of Missoula.

2.82.050 Failure to comply with provisions of this chapter shall result in automatic termination as senior leadership team member ~~department head or supervisory manager.~~

2.82.060 Measurement of forty-five minute average and reasonable response time.

**2.82.010 Purpose of city ~~department heads~~ senior leadership team and supervisory manager residency requirements.** This chapter establishes a requirement that ~~city department heads and supervisory managers~~ City senior leadership team members hired after the effective date of this ordinance reside continuously within ~~the city limits~~ a forty-five-minute (45) drive of Missoula city limits. The purpose of this requirement is to ~~ensure a physical connection to the City and timely access to City Hall with short notice, should the need arise, while still allowing employees to achieve their personal and family goals for residency.~~ promote a greater personal responsibility on the part of department heads and supervisory managers for the general welfare, health and safety of the citizens of the city, while simultaneously having the department heads and supervisory managers as residents contribute to paying their own salary and benefits through city property taxes. The city council declares that this continuous residency requirement for department heads and supervisory managers is desirable and necessary in order to further ensure department head and supervisory manager understanding and sensitivity to city community issues as well as to be financial contributors to their salaries and benefits. (Ord. 3495, 2013)

**2.82.020 City ~~department senior leadership team members heads and supervisory managers~~ subject to this chapter.** This chapter shall be applicable to ~~the following staff on the senior leadership team, generally consisting of the following~~ city department head and supervisory manager positions:

- ~~A. City Attorney;~~
- ~~B. City Clerk;~~
- ~~C. Central Services Director;~~
- ~~D. City Police Chief;~~
- ~~E. City Fire Chief;~~
- ~~F. Development Services Director;~~
- ~~G. Missoula Redevelopment Agency (MRA) Director;~~
- ~~H. Parking Commission Director;~~
- ~~I. Parks Director;~~
- ~~J. Public Works Director;~~
- ~~K. City Engineer; and~~
- A. Chief Administrative Officer ~~Chief of Police;~~
- B. Fire Chief;
- C. Chief Operating Officer;
- D. Chief of Parks and Recreation;
- E. Chief of Public Works and Mobility;
- F. Chief of Community Planning, Development, and Innovation;

G. Chief Human Resources Officer

      

**2.82.030 Continuous residency requirement.** After the effective date of this ordinance, every individual hired by the city as a ~~department head or supervisory manager~~member of the senior leadership team identified in section 2.82.020 shall be required to maintain residence within ~~the city limits~~a forty-five (45) minute average and reasonable response time from city limits. This requirement applies from the date 180 days after initial employment through the duration of employment as ~~department head or supervisory manager~~a senior leadership team member. The term "residence" shall mean the ~~department head or supervisory manager's~~employee's permanent domicile and legal residence which shall be the permanent physical abode, house or other dwelling place in which the ~~department head or supervisory manager~~employee resides and to which the ~~department head or supervisory manager~~employee goes and remains when not called elsewhere for labor or other special or temporary purpose and to which the ~~department head or supervisory manager~~employee returns in times of repose.

**2.82.040 Exception for individuals currently employed by the City of Missoula and City officers.** Any individual continuously employed by the City of Missoula ~~since on the effective date of this ordinance~~July 3, 2013 is not subject to ~~Section 3~~2.82.030 of this ordinance and is eligible for promotion without city residency requirements. City officers, department heads, or employees not included in MMC 2.82.020 or MMC chapter 2.80 have permission to live outside city limits as well as outside the boundary established pursuant to this chapter. ~~Any individual employed by the City of Missoula that resides within the city limits on the effective date of this ordinance, including department heads and supervisory managers, may move outside the city limits.~~ Pursuant to Mont. Code Ann. § 3-6-202(2) a municipal court judge is authorized to be a county resident. As long as § 3-6-202(2) is law a municipal court judge is not subject to this ordinance.

**2.82.050 Failure to comply with provisions of this chapter shall result in automatic termination as department hsenior leadership team memberread or supervisory manager.** Failure of a ~~department head~~senior leadership team employee or supervisory manager to comply with the provisions of this chapter shall result in automatic termination of the individual as a department head. Any employee terminated under this chapter may be eligible for city employment exclusive of positions provided for in this chapter.

**2.82.060 Measurement of forty-five minute average and reasonable response time.** The mayor shall adopt administrative rule(s) in accordance with Missoula Municipal Code Chapter 2.03 to set standards for calculating the average and reasonable response time and to implement this ordinance.

**Effective date.** The provisions of this ordinance shall be effective in 30 days after adoption.

**Severability.** If any selection, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading and preliminary adoption on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by a vote of \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions and \_\_\_ absent.

Second and final reading and adoption on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by a vote of \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions and \_\_\_ absent.

ATTEST:

APPROVED:

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Martha L. Rehbein  
City Clerk

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John Engen  
Mayor

(SEAL)  
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