

RESOLUTION 2016-84

**A RESOLUTION AMENDING THE CHARTER RELATIVE TO ORDINANCE OR RESOLUTION
ADOPTION FOR ANNEXATION OR DEANNEXATION OF PROPERTY**

WHEREAS, the Charter of the City of Franklin, Tennessee, is incorporated by Chapter 126 of the Private Acts of Tennessee for 1967, as amended, of the General Assembly of the State of Tennessee; and

WHEREAS, the City of Franklin is permitted by state law to expand and contract its municipal boundaries in certain circumstances; and

WHEREAS, Article V, Section 4 of the City Charter provides that such annexation or deannexation must be accomplished by a three-reading ordinance; and

WHEREAS, Tennessee Code Annotated Title 6, Chapter 51 provides that annexation must be accomplished by resolution; and

WHEREAS, the Board of Mayor and Aldermen believes it is in the best interest of the citizens of the City of Franklin to clarify this discrepancy within the City Charter.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE THAT:

The Honorable Jack Johnson and the Honorable Charles M. Sargent, Jr. are hereby requested to introduce the following Act to the General Assembly of the State of Tennessee:

"AN ACT to amend the Charter of the City of Franklin, Tennessee, being Chapter 126 of the Private Acts of Tennessee for 1967, as amended:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1. Article V shall be amended by modifying Section 4 by deleting the text shown in ~~strike through~~ and adding the text shown in **bold** so that it shall read as follows:

"Section 4. - Ordinance Adoption.

All ordinances shall begin with the enacting clause, "BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN." Every proposed ordinance shall be introduced in writing, in the form required for final adoption and, as nearly as practicable, as amending, repealing or adding sections or chapters to the city code. Upon introduction, the city administrator shall distribute a copy to each member of the board. The body of ordinances may be omitted from the journal, but reference shall be made to the ordinance by number and subject matter. No appropriation of money, levy or taxes, ~~or zoning change or annexation or de-annexation of property~~ shall be made unless the ordinance authorizing the same be passed on three (3) different days, and shall have received on its final passage an affirmative vote of a majority of the entire board. **Annexation or de-annexation of property shall be accomplished by ordinance or resolution as provided by state law, and the same shall be passed on three (3)**

different days, and shall have received on its final passage an affirmative vote of a majority of the entire board. All other ordinances shall be passed on two (2) separate days. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Ordinances shall be authenticated by the recorder or in such manner as the board by resolution shall direct. A summary of the material provisions of every ordinance and a notice that it is on file in the recorder's office shall be published in a newspaper circulating in the city."

Section 2. This act shall become effective when it has been approved by the Board of Mayor and Aldermen of the City of Franklin by a vote of not less than two-thirds of the entire membership of the board after its signing by the governor of this state. The approval or non-approval of the act by the Board of Mayor and Aldermen shall be certified by the mayor of the City of Franklin to the Tennessee Secretary of State."

ADOPTED THIS 24th DAY OF January, 2017.

ATTEST:

By: Eric S. Stuckey
ERIC S. STUCKEY
City Administrator/Recorder

CITY OF FRANKLIN, TENNESSEE

By: [Signature]
DR. KEN MOORE
Mayor

Approved as to form by:

Shauna R. Billingsley
Shauna R. Billingsley, City Attorney