



## MEMORANDUM

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June 2, 2010

**TO:** Board of Mayor and Aldermen

**FROM:** Eric S. Stuckey, City Administrator  
Steve Sims, Assistant City Recorder  
Kristen L. Corn, Staff Attorney

**SUBJECT:** Interlocal Agreement with Williamson County for General Sessions Jurisdiction to Try and Dispose of Franklin Municipal Code Violations.

### **Purpose**

The purpose of this memorandum is to present information to the Board of Mayor and Aldermen (BOMA) to consider an interlocal agreement with Williamson County for General Sessions Jurisdiction to try and dispose of Franklin Municipal Code violations.

### **Background**

Occasionally, individuals are cited by the Franklin Police Department for violations of both the Franklin Municipal Code and/or the Tennessee Code Annotated. Some of the violations of the Tennessee Code are for offenses that cannot be heard in City Court. When this occurs, the individuals may be cited to General Sessions Court. Questions have arisen recently as to whether the General Sessions judges can try and/or dispose of our municipal code violations. Recently, the judges have sent the ordinance citations back to our municipal court. However, because these other violations are outside the city court's jurisdiction, there has been some question about how to handle these issues.

After researching, we have discovered that state law provides that cities may have interlocal agreements to provide for General Sessions Court jurisdiction over municipal code violations. This agreement should solve the problem arising when citations under both the Tennessee Code Annotated and Franklin Municipal Code are sent to General Sessions Court – the General Sessions judges could hear and dispose of the entire matter at once. This has been discussed with one of the General Sessions judges and the judge is in agreement that this documentation is needed.

### **Financial Impact**

There is no significant financial impact attributable to this ordinance.

### **Recommendation**

Approval of the proposed interlocal agreement is recommended.

**INTERLOCAL AGREEMENT**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2010, by and between the City of Franklin, Tennessee (“City”) and the County of Williamson, Tennessee (“County”).

**WITNESSETH**

**WHEREAS**, Tenn. Code Ann. Section 12-9-104(a) provides for agreement by the governing bodies of counties and municipalities for enforcement of municipal ordinance violations in accordance with Tenn. Code Ann. Sections 8-8-201(34) and 16-15-501; and

**WHEREAS**, the City and the County desire to memorialize the authority of the General Sessions Court to try and dispose of violations of municipal ordinances.

**NOW THEREFORE**, in consideration of the mutual covenants contained in this Agreement, the City and the County agree as follows:

1. The General Sessions Court of Williamson County shall have jurisdiction to try and dispose of violations of provisions of the Franklin Municipal Code.
2. The City shall provide the General Sessions Court, through its clerk, with a certified copy of all City ordinances to be enforced pursuant to this Agreement.
3. The City and the County shall cooperate as to any administrative procedures that may be required to accomplish the purposes of this Agreement. The County agrees to accept City cases as described in this Agreement.
4. All fines and penalties collected pursuant to judgments rendered in cases of City ordinance violations shall be paid to the City.
5. All court costs adjudged in connection with alleged violations of City ordinances handled by the General Sessions Court shall be paid to the Clerk of the General Sessions Court, to help administer the cost of enforcement.
6. This Agreement may be altered or amended only by written agreement of the City and the County.
7. This Agreement shall continue in effect until terminated upon not less than thirty (30) days prior written notice by either the City or the County.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the day and year first above written.

**COUNTY OF WILLIAMSON**

**CITY OF FRANKLIN**

By: \_\_\_\_\_  
Rogers Anderson, Mayor

By: \_\_\_\_\_  
John C. Schroer, Mayor

**Attest:**

**Attest:**

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Eric S. Stuckey, City Administrator

**APPROVED AS TO FORM:**

**APPROVED AS TO FORM:**

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Attorney for County

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Kristen L. Corn, Staff Attorney