

City of Franklin Common Council

ORDINANCE NO. 2022 - 05

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FRANKLIN,
INDIANA, FOR THE PURPOSE OF ESTABLISHING
COUNCILMANIC DISTRICTS**

WHEREAS, Ind. Code §36-4-6-4 requires the Common Council (the “Council”) of the City of Franklin, Indiana (the “City”) to redistrict the City’s legislative body districts in the second year after a year in which a federal decennial census is conducted; and

WHEREAS, pursuant to Resolution No. 2022-17 adopted on July 18, 2022, the Common Council adopted Guidelines for Common Council Legislative Redistricting (the “Guidelines”) setting forth the procedures and requirements for accomplishing the redistricting process; and

WHEREAS, pursuant to the Guidelines, the City caused to be published a “Notice Regarding Division of the Common Council of the City of Franklin, Indiana into Legislative Body Districts” (the “Notice”) in the *Daily Journal* on July 22, 2022 and made the Notice available in the office of the Clerk-Treasurer of the City; and

WHEREAS, the Council made provision for members of the public to object to the provisions of the Guidelines and to submit proposed maps in compliance with the Guidelines and gave public notice of the same in the Notice and no objections or maps were submitted by members of the public; and

WHEREAS, the Council has received and considered a proposed Redistricting Plan submitted by the Redistricting Coordinator appointed by the Council (the “Coordinator’s Plan”) which the Council finds has a total deviation of 4.05%, and otherwise fully complies with the Guidelines and the Act; and

WHEREAS, as the Coordinator’s Plan divides four (4) precincts (Franklin 03, Franklin 04, Franklin 18 and Franklin 19) to improve the population equality of the districts, the Clerk-Treasurer mailed written notice to the Johnson County Circuit Court Clerk pursuant to the requirements of Ind. Code §36-4-6-4(f) in the form submitted to this meeting; and

WHEREAS, pursuant to the Notice, the Council held a public hearing on September 6, 2022 on the plans received by the Council at which members of the public could present testimony and render objections to or support for the plans to be considered for adoption; and

WHEREAS, the Council now desires to adopt the Coordinator’s Plan and establish new City legislative body districts for the elections occurring in 2023 utilizing the 2020 decennial census data as required by Ind. Code §1-1-3.5-3.

**NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN,
INDIANA ORDAINS AND ENACTS THE FOLLOWING:**

Section 1. Recitals Incorporated. The foregoing Recitals are incorporated herein by this reference.

Section 2. Districts Established. Franklin Municipal Code Title 2, Chapter 2.04, Section 2.04.020 is hereby replaced and amended and shall hereafter read as follows:

2.04.020 - Division of city into five districts

The city shall be divided into five council districts for the purposes of electing councilmembers.

The five council districts are described as follows (descriptions include only those portions of the listed precincts which are within the City's corporate boundaries):

- (1) District 1 (Ward #1) includes the following precincts: Franklin 02; Franklin 03 except for that portion located south of the centerlines of Pratt Street and Barrett Street and east of the centerline of Johnson Avenue; that portion of Franklin 4 located west of the centerline of Fairground Street, south and west of the property line of the Johnson County Fairground and west of a line extending north from the west property line of the Johnson County Fairground along the eastern boundary line of the 79 acre Franklin United Methodist Home, Inc. Parcel No. 41-08-15-024-001.000-009 to Canary Ditch; Franklin 12; and that portion of Franklin 18 located north of the centerline of Hospital Road, west of the centerline of Morton Street (US 31) from the centerline of Hospital Road to the centerline of West Jefferson Street, and north of the centerline of West Jefferson Street east of the centerline of Morton Street (US 31).
- (2) District 2 (Ward #2) includes the following precincts: Needham 02; Needham 05; the portion of Franklin 03 which is south of the centerlines of Pratt Street and Barrett Street and east of the centerline of Johnson Avenue; and Franklin 14.
- (3) District 3 (Ward #3) includes the following precincts: that portion of Franklin 04 located north of West Madison street and east of the eastern boundary line of the 79 acre Franklin United Methodist Home, Inc. Parcel No. 41-08-15-024-001.000-009; Franklin 06; Franklin 16; Franklin 17; and that portion of Franklin 19 west of the centerline of Cumberland Drive.
- (4) District 4 (Ward #4) includes the following precincts: Needham 04; Franklin 07; Franklin 09; Franklin 13; and that portion of Franklin 18 which is south of the centerline of Hospital Road, east of the centerline of US 31 from Hospital Road to the centerline of West Madison Street and south of the centerline of West Madison Street east of US 31.
- (5) District 5 (Ward #5) includes the following precincts: Pleasant 34; Franklin 15; that portion of Franklin 19 east of the centerline of Cumberland Drive; and Franklin 20.

Section 3. District Ordinance Construction. Franklin City Code Title 2, Chapter 2.04, Section 2.04.030 is hereby established and shall read as follows:

2.04.030 - CONFLICTS, OMISSIONS, DUPLICATIONS AND CONSTRUCTION

- A. Attached to this Ordinance as Exhibit A are maps showing the boundaries of each council district collectively and separately (the “Maps”) which maps are incorporated herein by reference. Twp copies of the foregoing Maps are on file in the office of the clerk-treasurer for public inspection as required by I.C. §36-1-5-4.
- B. If a conflict exists between the Maps and the descriptions set forth in Section 020 of this Chapter (the “Descriptions”), in accordance with I.C. §3-5-10-9, the Descriptions shall determine the boundaries of the council district.
- C. If any territory in the City is not included in one of the council districts, in accordance with I.C. §3-5-10-10, the excluded territory shall be included in the council district that: (i) is contiguous to that territory; and (ii) contains the least population of all council districts contiguous to that territory.
- D. If any territory in the City is included in more than one (1) of the council districts, in accordance with I.C. §3-5-10-11, the territory shall be included in the council district that: (i) is one (1) of the districts in which the territory is described in this Ordinance; (ii) is contiguous to that territory; and (iii) contains the least population of all council districts contiguous to that territory.
- E. In accordance with I.C. §36-4-6-5(p) this Ordinance must be construed, if possible, to comply with the provisions of I.C §36-4-5-6. The provisions of this Ordinance are severable and if any provision is found to be invalid, the invalidity shall not affect the other provisions of this Ordinance that can be given effect without the invalid provision.

Section 4. Ordinances Repealed. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed to the extent of such inconsistency, as of the effective date of this Ordinance, such repeal to have prospective application only.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after the date of its passage and signing by the Mayor.

INTRODUCED AND FILED on the 6th day of September, 2022.

PUBLIC HEARING held on the 6th day of September 2022.

DULY ADOPTED on the ___ day of _____, 2022 by the Common Council of the City of Franklin, Indiana, having been passed by a vote of _____ in Favor and ___ Opposed.

[Signature Page Follows]

City of Franklin, Indiana, By its Common Council

Voting Affirmative:

Kenneth Austin, President

Melissa Jones

Robert D. Heuchan

Anne McGinness

Irene Nalley

Josh Prine

Shawn Taylor

Voting Opposed:

Kenneth Austin, President

Melissa Jones

Robert D. Heuchan

Anne McGinness

Irene Nalley

Josh Prine

Shawn Taylor

ATTEST:

Jayne Rhoades
City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin, Indiana for his approval or veto pursuant to Indiana Code §36-4-6-15 and 16 this ___ day of _____, 2022, at _____ o'clock a.m./p.m.

Jayne Rhoades
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me was [Approved by me and duly adopted, pursuant to Indiana Code §36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code §36-4-6-16(a)(2)], this ___ day of _____, 2022, at _____ o'clock .M.

Stephen Barnett, Mayor

Attest:

Jayne Rhoades
City Clerk-Treasurer