

October 8, 2015

Dear Mr. Graves:

As a follow-up on our truncated call of even date, there are three (3) general law charters that are available to a territory proceeding with an incorporation referendum:

- Mayor - Aldermanic charter (T.C.A. § 6-1-201)
- Manager - Commission charter (T.C.A. § 6-18-103)
- Modified City Manager - Council charter (T.C.A. § 6-30-103)

The MTAS document that you have in your possession, [How to Incorporate a New City in Tennessee](#), speaks in general to the process for the mayor - aldermanic charter. While it provides a good starting point, you are encouraged to review the aforementioned statutes, as well as the other relevant statutes, that can be found online at <http://www.lexisnexis.com/hottopics/tncode/>.

As you will find, the incorporation process is involved with a number of thresholds that must be satisfied to get the question on the ballot for an election vote. Included in the thresholds:

- Minimum number of residents in the territory
- Distance separation from another incorporated municipality
- Filing of a written petition requesting an election containing a minimum number of registered voters in the territory
- Location within a planned growth area
- County approval of the proposed city limits and urban growth boundary
- Legal boundary of the area to be incorporated
- Preparation of a plan of services setting forth the identification and projected timing of municipal services to be provided, including a proposed 5 year operational budget
- Determination of the local revenue that must be generated (through a property tax) that is equal to the state-shared taxes generated in the territory

You'll also want to look at T.C.A. § 6-58-112, New Municipalities, for further guidance.

Once an area is successfully incorporated, the governance of the area and the provision of municipal services – the very reason that a city exists – must commence in earnest. And this will require the election of the governing body, the hiring of staff, a budget, and the satisfaction of all other statutory requirements and administrative regulations affecting municipalities.

With the complexity of the incorporation process, you will be well-served to engage a private attorney to assist in this process once an affirmative decision is made to formally pursue incorporation.

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Upon a successful election vote, MTAS stands ready to assist the new city with the assistance and services that we provide to incorporated cities and towns in Tennessee.

Very truly yours,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Jeffrey J. Broughton  
Municipal Management Consultant

Cc: Elisha Hodge