



AGENDA
HENRY COUNTY COMMISSION
MONDAY, DECEMBER 18, 2023
5:00 P.M.
CHANCERY COURT ROOM

1. Call to order and opening of the Commission
2. Invocation
3. Pledge to the Flag of the United States of America
4. Roll call
5. Citizen's forum
6. Commissioner's forum
7. Update on Industrial Park by Rob Goad
8. Update on Courthouse Security grant by Albert Wade
9. **BUSINESS:**
 - a. Approval of Consent Agenda and action thereon by the Commission.
 - b. Consideration of a resolution to approve budget amendments and action thereon by the Commission. **RESOLUTION #1-12-23**
 - c. Consideration of a resolution to urge the General Assembly to amend a private act to permit the sale or lease of the Henry County Healthcare Center. **RESOLUTION #2-12-23**
10. Announcements and Statements.
The January meeting will be moved to Tuesday, January 16, 2024 due to the Martin Luther King holiday.
11. Adjournment.



CONSENT AGENDA DECEMBER 18, 2023

ITEMS TO BE APPROVED:

1. Minutes of the meeting of November 20, 2023
2. Notary Public designations.
3. Various quarterly reports.
4. Henry County Medical Center Statement of Cash Flow.
5. Trustee's month end report.
6. Report on Debt Obligation from Comptroller.

RESOLUTION #1-12-23

A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO AUTHORIZE CERTAIN CHANGES IN THE BUDGET FOR THE HENRY COUNTY GENERAL FUND FOR FISCAL 2023-2024

WHEREAS, the Board of County Commissioners of Henry County, Tennessee at its July Session, 2023, adopted the budget for the Henry County General Fund for fiscal 2023-2024; and,

WHEREAS, the said Board of County Commissioners of Henry County, Tennessee must authorize and approve any and all changes and amendments of the said budget of the Henry County General Fund; and,

WHEREAS, the expenditures authorized in the said budget of the Henry County General Fund will be insufficient in certain line items with funds being available for transfer; and,

WHEREAS, it is necessary and appropriate that the said budget of the Henry County General Fund be amended to provide additional funds for certain line items.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Henry County, Tennessee assembled in regular session on this the 18th day of December 2023, a majority or more of said membership concurring, that the budget for the Henry County General Fund be and hereby is amended as follows, to-wit:

JUVENILE COURT

DECREASE ACCOUNT 53500-106-001, entitled "Deputy Clerk," in the amount of \$11,590.86

DECREASE ACCOUNT 58600-201, entitled "Social Security," in the amount of \$718.64

DECREASE ACCOUNT 58600-212, entitled "Medicare," in the amount of \$168.07

DECREASE ACCOUNT 58600-204, entitled "State Retirement," in the amount of \$644.46

INCREASE ACCOUNT 53500-399, entitled "Other Contracted Services," in the amount of \$13,122.03

Amending Resolution 3-11-23 to remove supervisor salary.

BE IT FURTHER RESOLVED that a true copy of this Resolution be spread upon the Commission record of this date.

PASSED _____

JOHN PENN RIDGEWAY, CHAIRMAN
HENRY COUNTY COMMISSION

DONNA CRAIG
COUNTY CLERK

APPROVED _____

JOHN PENN RIDGEWAY
COUNTY MAYOR

RESOLUTION NO. 2-12-23

A RESOLUTION OF THE HENRY COUNTY BOARD OF COMMISSIONERS TO URGE THE GENERAL ASSEMBLY TO AMEND A PRIVATE ACT TO PERMIT THE SALE OR LEASE OF HENRY COUNTY HEALTHCARE CENTER

WHEREAS, Chapter 158 of the Tennessee General Assembly Private Acts (hereinafter “Private Acts”) of 1961 authorized Henry County to construct a County nursing home and to dispose of such nursing home upon such terms as may be determined by the Henry County Board of Commissioners; and

WHEREAS, Chapter 354 of the Private Acts of 1967 established a non-profit Henry County Nursing and Rest Home District to own, administer, manage, and operate the County nursing home upon certain land (more particularly described in said Private Act) now commonly known as 239 Hospital Circle and depicted on the maps of the Henry County Property Assessor as Map 106G, Group C, Parcel 001.00; and

WHEREAS, Chapter 354 of the Private Acts of 1967 empowered the Trustees of the Henry County Nursing and Rest Home District to sell, with approval and authorization of the County Commission, any portion of the real estate which the District owns; and

WHEREAS, Chapter 157 of the Private Acts of 1994 (which amended Section 6 of Chapter 176 of the Private Acts of 1953, as previously amended by Chapter 524 of the Private Act of 1953) eliminated the Henry County Nursing and Rest Home District and transferred ownership, administration, management and operation of the Henry County Nursing and Rest Home District’s assets—including without limitation said County nursing home and land—to the Henry County Hospital District (now d/b/a Henry County Medical Center and hereinafter “HCMC”); and

WHEREAS, HCMC has operated said County nursing home (currently under the d/b/a name Henry County Healthcare Center and hereinafter “HCHC”) on said land from approximately 1994 through the present; and

WHEREAS, the HCMC Board of Trustees has determined it to be in the best interest of HCMC to sell or lease substantially all of the assets used in the business of HCHC; and

WHEREAS, the Henry County Board of Commissioners (herein the “County Commission”) has determined it to be in the best interest of the citizens and residents of Henry County that substantially all of the assets used in the business of HCHC be sold or leased to generate funds to pay off certain indebtedness and to support the other businesses of HCMC;

NOW, THEREFORE, BE IT RESOLVED by at least a 2/3rd majority vote of the County Commission meeting in regular session on this 18th day of December, 2023, that the members of the General Assembly representing the people of Henry County are urged to introduce and work for the passage of a Private Act to authorize the sale of the land and other assets used in the business of HCHC in substantially the form attached hereto as *Exhibit A*;

BE IT FURTHER RESOLVED, that certified copies of this resolution be mailed by the County Clerk to the members of the General Assembly representing the people of Henry County.

BE IT FINALLY RESOLVED, that true copy of this Resolution be spread upon the minutes of the County Commission.

PASSED _____

**JOHN PENN RIDGEWAY, CHAIRMAN
HENRY COUNTY COMMISSION**

**DONNA CRAIG
COUNTY CLERK**

APPROVED _____

**JOHN PENN RIDGEWAY
HENRY COUNTY MAYOR**

EXHIBIT A

AN ACT to authorize the Henry County Hospital District to sell or lease assets outside of the ordinary course of business, including without limitation substantially all the assets of the Henry County nursing home.

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

SECTION 1. Chapter 158 of the Tennessee General Assembly Private Acts (hereinafter “Private Acts”) of 1961 is amended by deleting the following two paragraphs from Section 7:

The Hospital District shall own, manage, and operate the Henry County Nursing and Rest Home and provide nursing and rest home service of the highest quality consistent with the generally recognized standards of nursing and rest home service, and with the physical facilities provided, and with limitations imposed by the budget. The Henry County Nursing and Rest Home has been organized for the purpose of housing, feeding, clothing, and looking after the health, happiness, and general welfare of those persons who may qualify under the rules and bylaws as promulgated by the Board of Trustees for admittance as patients. Such services shall be rendered to any person who makes satisfactory financial arrangements for that person's service and who is certified for entrance under the rules of the Henry County Hospital District Board of Trustees; and to any person regardless of financial arrangements, if (1) in the opinion of said Board of Trustees, the physical well-being of the persons is seriously and imminently endangered by delay in provides the services; or (2) it is determined after due investigative procedure of said Board of Trustees or its delegated representatives that such person, if a resident of Henry County, is without any means whatsoever to pay for such services. No charity patients shall be admitted from outside Henry County, Tennessee, except as prior arrangements for pay for nursing and rest home services are made by another political subdivision.

The Hospital District will provide nursing home services in the same manner as previously provided by the Henry County Nursing Home Board of Directors pursuant to Chapter 354 of the Private Acts of 1968, as amended, except to the extent such provision for services would conflict with the rules and regulations for the operation of the Hospital District as are established by the Board of Trustees of the Hospital District and other provisions of this Act.

SECTION 2. Chapter 158 of the Private Acts of 1961 is amended by adding the following as the last paragraph of Section 7:

The Hospital District may provide nursing home services in the same manner as previously provided by the Henry County Nursing Home Board of Directors pursuant to Chapter 354 of the Private Acts of 1968, as amended, except to the extent such provision for services would conflict with the rules and regulations for the operation of the Hospital District as are established by the Board of Trustees of the Hospital District and other provisions of this Act.

SECTION 3. Chapter 158 of the Private Acts of 1961 is amended by deleting Section 5 in its entirety and replacing it with the following:

Section 5. That said Board shall hold regular meetings monthly on a date which it shall establish. The Board may on call of the Chairman hold special meetings at any time under rules which it shall establish.

- A. The Board shall have the responsibility and authority to:
 - i. control the property and facilities of the Hospital District;
 - ii. purchase real estate with the approval of the County Commission;
 - iii. sell or lease, with the approval and authorization of the County Commission, any portion of the real estate which the District owns and to execute leases and deeds therefor when authorized to do so by the County Commission;
 - iv. Sell or lease personal property which the District owns in the ordinary course of business;
 - v. receive all moneys for Hospital purposes, including tax receipts from the County Trustee's office, and to disburse all such moneys in cash or by check;
 - vi. make contracts for goods and services;
 - vii. establish rules and regulations governing the property of the District, its uses and management;
 - viii. erect buildings; to employ, define the duties of, fix compensation of, and to discharge employees of the District; and
 - ix. otherwise, to act for and in behalf of Henry County, Tennessee, in the discharge of its mission as set forth in Section 6, of this Act.

- B. Notwithstanding any other provision of this Act or other applicable law:
 - i. The County Commission is vested with sole authority (a) to sell or lease any portion of the real estate which the District owns (including that described in Section 2 of this Act) and (b) to sell or lease personal property which the District owns outside the ordinary course of business. This authority includes without limitation the power to sell or lease any and all of the District's assets to one or more other public or privately-owned entities.
 - ii. The proceeds from any sale or lease of the District's assets under this subsection shall first be applied to pay indebtedness which the County incurred or guaranteed on behalf of the District, unless the County Commission specifically directs that all or any portion of the proceeds be paid instead to the District for its general purposes.

iii. The County Mayor is authorized to execute any deeds of conveyance, leases, bills of sale and other assignments, agreements, certificates and documents necessary or convenient to complete the sale of assets directed by the County Commission under this subsection.

C. In the event that the sale or lease of assets outside the ordinary course of business renders the District financially unable to render hospital, ambulance, nursing home, or other services that the District is authorized or required to provide by this Act, the District shall be relieved of any requirement to provide such services unless and until the District is adequately funded to provide such services at or above the applicable standards of care.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. Chapter 158 of the Private Acts of 1961 is amended by adding the following as the second paragraph of Section 3:

The County Commission may recall any member of the board of trustees with or without cause and fill the unexpired term caused by such vacancy; however, no board member serving a term of office as of September 30, 2024, may be recalled during such term (this does not prohibit the recall of such board member during any subsequent term to which such board member may be elected).

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Henry County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified by him or her to the Secretary of State.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon approval by a two-thirds (2/3) vote of the county legislative body of Henry County.