

December 21, 2015

- Res. 1-12-15 – Appointments
- Res. 2-12-15 thru 4-12-15 – Budget Transfers
- Res. 5-12-15 – Affordable Care Act
- Discussion to change dates for Jan. and Feb. 2016 commission meetings

STATE OF TENNESSEE  
COUNTY OF HENRY ...

Be it remembered that the County Commission met in a regular session at the Courthouse in Henry County, Tennessee on December 21, 2015 at 5:00 p.m. Present and presiding the Honorable Brent Greer, Chairman, Donna Craig, County Clerk and the County Commissioners:

ITEM NO. 1 The meeting was called to order by Sheriff Monte Belew.

ITEM NO. 2 The invocation was led by Commissioner Travis.

ITEM NO. 3 The pledge to the flag was led by Commissioner McSwain.

ITEM NO. 4 Roll Call

The following Commissioners were present: Wesley Bradley, Dell Carter, Bobby Freeman, Randy Gean, Kenneth Humphreys, Don Jones, Kreg Kyle, Paul Mathenia, Connie McSwain, Paul Neal, Monte Starks, James Travis, Marty Visser, and David Webb. Absent: Greg Carter.

ITEM NO. 5 Citizen's Forum

- David Alsup, Executive Director of Court Watch! asked the Commission to consider allowing citizens to use the Chancery Courtroom for education and training by sitting in on court proceedings.

THE CHAIR CLOSED THE FORUM

ITEM NO. 6 Commissioner's Forum

NONE AND THE CHAIR CLOSED THE FORUM

00 380

ROLL CALL  
 COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK  
 PARIS, TENNESSEE

Commissioner Webb presented and made a motion to approve Resolution 1-12-15, to appoint certain citizens and commissioners to various boards, committees, and positions. The motion was seconded by Commissioner Bradley.

ITEM NO. 7

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BRADLEY, WESLEY				X				
CARTER, DELL								
CARTER, GREG								
FREEMAN, BOBBY								
GEAN, RANDY								
HUMPHREYS, KENNETH								
JONES, DON								
KYLE, KREG								
MATHENIA, PAUL								
MCSWAIN, CONNIE								
NEAL, PAUL								
STARKS, MONTE								
TRAVIS, JAMES								
VISSER, MARTY								
WEBB, DAVID			X					
TOTAL								

VOICE VOTE CARRIED

DATE : 12-21-15

**RESOLUTION NO. 1-12-15**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
HENRY COUNTY, TENNESSEE TO APPOINT CERTAIN CITIZENS  
AND COMMISSIONERS TO VARIOUS  
BOARDS, COMMITTEES, AND POSITIONS**

**WHEREAS**, certain vacancies now exist on various boards, committees, and commissions, and in various positions of Henry County, Tennessee; and

**WHEREAS**, it is the duty and responsibility of the Board of Commissioners of Henry County, Tennessee to appoint certain qualified citizens and Henry County Commissioners to fill the said vacancies; and

**WHEREAS**, the Board of Commissioners has examined and evaluated the qualifications of certain citizens and County Commissioners for appointment to the said boards, committees, commissions, and positions.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Henry County, Tennessee, assembled in regular session on this 21<sup>st</sup> day of December, 2015, a majority or more of said Commission concurring, that the following be and hereby are appointed to the Audit Committee:

- a. Melanie Dodd - Three (3) year term to expire December 31, 2018
- b. Steve Greer – Three (3) year term to expire December 31, 2018


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

PASSED 12.21.15

  
\_\_\_\_\_  
BRENT GREER, CHAIRMAN  
COUNTY COMMISSION

  
\_\_\_\_\_  
DONNA CRAIG  
COUNTY CLERK

APPROVED 12-21-15

  
\_\_\_\_\_  
BRENT GREER  
COUNTY MAYOR

ROLL CALL  
 COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK  
 PARIS, TENNESSEE

A motion was made by Commissioner Kyle and seconded by Commissioner Bradley to approve the Consent Agenda, which consists of the following: Minutes of the meeting of November 16, 2015, approval of various monthly/quarterly reports, Henry County Medical Center statement of cash flows, report of property tax collections to date, report of total revenue collections to date, and the following Notary Public designations: Gina L. Braham, Bettye B. Jackson, Brittany Moore, Katelyn Sherard, and Verla Smith.

ITEM NO. 8

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BRADLEY, WESLEY				X				
CARTER, DELL								
CARTER, GREG								
FREEMAN, BOBBY								
GEAN, RANDY								
HUMPHREYS, KENNETH								
JONES, DON								
KYLE, KREG			X					
MATHENIA, PAUL								
MCSWAIN, CONNIE								
NEAL, PAUL								
STARKS, MONTE								
TRAVIS, JAMES								
VISSER, MARTY								
WEBB, DAVID								
TOTAL								

DATE : 12-21-15

VOICE VOTE CARRIED

00 383

ROLL CALL  
 COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK  
 PARIS, TENNESSEE

A motion was made by Commissioner Humphreys and seconded by Commissioner Starks to approve Resolutions 2-12-15 through and inclusive of 4-12-15, to authorize certain changes in the budget for Fiscal 2015-2016.

ITEM NO. 9

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BRADLEY, WESLEY					X			
CARTER, DELL					X			
CARTER, GREG	X							
FREEMAN, BOBBY					X			
GEAN, RANDY					X			
HUMPHREYS, KENNETH			X		X			
JONES, DON					X			
KYLE, KREG					X			
MATHENIA, PAUL					X			
MCSWAIN, CONNIE					X			
NEAL, PAUL					X			
STARKS, MONTE				X	X			
TRAVIS, JAMES					X			
VISSER, MARTY					X			
WEBB, DAVID					X			
TOTAL	1				14			

MOTION CARRIED

DATE : 12-21-15

**RESOLUTION #2-12-15**

**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 2015-2016**

**WHEREAS**, the Board of County Commissioners of Henry County, Tennessee at its July Recessed Session, 2015, adopted the budget for the Henry County General Fund for fiscal 2015-2016; 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 21<sup>st</sup> day of December 2015, 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:

**COUNTY CLERK'S OFFICE**

INCREASE ACCOUNT 52500-599, entitled "Other Charges," in the amount of \$144.90

DECREASE ACCOUNT 52500-435, entitled "Office Supplies," in the amount of \$144.90

Please see the attached emergency accounts payable request from Donna Craig for this request.

**SHERIFF'S DEPARTMENT**

INCREASE ACCOUNT 54110-524, entitled "In Service/Staff Development," in the amount of \$750.00

DECREASE ACCOUNT 39000, entitled "Unappropriated Fund Balance," in the amount of \$750.00

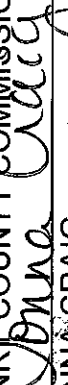
Please see memo from Monte Belew regarding this request.


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

PASSED 12-21-15

  
BRENT GREER, CHAIRMAN  
HENRY COUNTY COMMISSION

APPROVED 12-21-15

  
DONNA CRAIG  
COUNTY CLERK

  
BRENT GREER  
COUNTY MAYOR



**RESOLUTION #3-12-15**

**A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO AUTHORIZE CERTAIN CHANGES IN THE BUDGET FOR THE HENRY COUNTY DRUG FUND  
FOR FISCAL 2015-2016**

**WHEREAS**, the Board of County Commissioners of Henry County, Tennessee at its July Recessed Session, 2015, adopted the budget for the Henry County Drug Fund for fiscal 2015-2016; 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 Drug Fund; and,

**WHEREAS**, the expenditures authorized in the said budget of the Henry County Drug 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 Drug 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 21<sup>st</sup> day of December 2015, a majority or more of said membership concurring, that the budget for the Henry County Drug Fund be and hereby is amended as follows, to-wit:


INCREASE ACCOUNT 54150-309, entitled "Contracts with Government Agencies," in the amount of \$4,000.00

INCREASE ACCOUNT 54150-353, entitled "Tow Service," in the amount of \$500.00


DECREASE ACCOUNT 39000, entitled "Unappropriated Fund Balance," in the amount of \$4,500.00

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

PASSED 12-21-15

  
BRENT GREER, CHAIRMAN  
HENRY COUNTY COMMISSION

  
DONNA CRAIG  
COUNTY CLERK

APPROVED 12-21-15  
  
BRENT GREER  
COUNTY MAYOR

**RESOLUTION #4-12-15**

**A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO AUTHORIZE CERTAIN CHANGES IN THE BUDGET FOR THE HENRY COUNTY GENERAL PURPOSE SCHOOL FUND FOR FISCAL 2015-2016**

**WHEREAS**, the Board of County Commissioners of Henry County, Tennessee at its July Recessed Session, 2015, adopted the budget for the Henry County General Purpose School Fund for fiscal 2015-2016; 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 Purpose School Fund; and,

**WHEREAS**, the expenditures authorized in the said budget of the Henry County General Purpose School 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 Purpose School 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 21<sup>st</sup> day of December 2015, a majority or more of said membership concurring, that the budget for the Henry County General Purpose School Fund, be and hereby is amended as follows,

to-wit:

**141-12**


			DECREASE EXPENSE	INCREASE EXPENSE
71100	116	Reg Inst		6,348.00
		Teachers		
71150	116	Alterative Staff	10,000.00	
		Teachers		
71150	163	Alterative Staff		3,789.00
		Teacher Assist		
71300	116	Vocational Staff	23,500.00	
		Teachers		
71300	195	Vocational Staff	1,000.00	
		Certified Subs		
71300	198	Vocational Staff		3,000.00
		Non Cert subs		
71300	201	Vocational Staff	1,500.00	
		Social Security		
71300	204	Vocational Staff	3,000.00	
		Retirement		
71300	212	Vocational Staff	500.00	
		Medicare		
72110	105	Attendance		13,050.00
		Supervisor		
72110	189	Attendance	4,315.00	
		Other Student		
72130	105	Support	30,000.00	
		Guidance		
72130	189	50		1,590.00
		Support		
72130	201	50		109.00
		Other Student Support		
		Other Student		
72130	201	Support	4,500.00	
		Social Security		


72130	204	50	Other Student Support		110.00
72130	204		Other Student Support		
			Retirement	3,100.00	
72130	212	50	Other Student Support		35.00
72130	212		Other Student Support		
			Medicare	1,000.00	
72130	322		Other Student Support		36,756.00
			Testing		250.00
72215	201		Alternative Support		550.00
72215	204		Alternative Support		60.00
72215	212		Alternative Support		
72310	118		Board of ED	1,400.00	
72320	101		Director Office	10,450.00	
72320	162		Director Office	16,760.00	
72410	119		Office of Principal		300.00
72410	161		Office of Principal	2,190.00	
72410	162		Office of Principal		11,209.00
72410	201		Office of Principal	1,000.00	
72410	204		Office of Principal		205.00
72410	212		Office of Principal	205.00	
72510	119		Fiscal		7,045.00
72510	161		Fiscal		300.00
72510	189		Fiscal		300.00
72510	201		Fiscal		800.00
72510	204		Fiscal		900.00
72510	212		Fiscal		75.00
72520	189		HR Dept		21,750.00
72520	201		HR Dept		1,468.00
72520	204		HR Dept		1,500.00
72520	207		HR Dept		2,606.00
72520	212		HR Dept		315.00


114,420.00    114,420.00

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

PASSED 12-21-15

  
 BRENT GREER, CHAIRMAN  
 HENRY COUNTY COMMISSION

  
 DONNA CRAIG  
 COUNTY CLERK

  
 BRENT GREER  
 COUNTY MAYOR

APPROVED 12-21-15

ROLL CALL  
 COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK  
 PARIS, TENNESSEE

Commissioner Kyle made a motion to approve Resolution 5-12-15 regarding the Affordable Care Act – Look back measurement periods (“Safe Harbors”). The motion was seconded by Commissioner Travis.

## ITEM NO. 10

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BRADLEY, WESLEY					X			
CARTER, DELL					X			
CARTER, GREG	X							
FREEMAN, BOBBY					X			
GEAN, RANDY					X			
HUMPHREYS, KENNETH					X			
JONES, DON					X			
KYLE, KREG			X		X			
MATHENIA, PAUL					X			
MCSWAIN, CONNIE					X			
NEAL, PAUL					X			
STARKS, MONTE					X			
TRAVIS, JAMES				X	X			
VISSER, MARTY					X			
WEBB, DAVID					X			
TOTAL	1				14			

MOTION CARRIED

DATE : 12-21-15

**RESOLUTION NO. 5-12-15**

**A RESOLUTION OF THE HENRY COUNTY TENNESSEE BOARD OF COMMISSIONERS REGARDING THE AFFORDABLE CARE ACT – LOOK BACK MEASUREMENT PERIODS (“SAFE HARBORS”)**

**WHEREAS**, the Patient Protection and Affordable Care Act (“ACA”) was enacted on March 23, 2010; and

**WHEREAS**, ACA added Section 4980H Shared Responsibility for Employers Regarding Health Care Coverage to Title 26 of the United States Code, the Internal Revenue Code (section 980H); and

**WHEREAS**, Section 4980H imposes an assessable payment on an applicable “large” employer when (1) it fails to offer “substantially all” of its “full-time” employees (and their dependents) the opportunity to enroll in minimum essential coverage or offers coverage to “substantially all” of its “full-time” employees (and their dependents) that is “unaffordable” or does not provide “minimum value” and (2) any “full-time” employee is certified to the employer as having received a subsidy for coverage through the exchange (“Assessable Payment”); and

**WHEREAS**, the County of Henry, Tennessee (“County”) is considered an applicable large employer because it employed an average of at least 50 full-time equivalent employees on business days during the preceding calendar year; and

**WHEREAS**, the Department of Treasury issued proposed regulations regarding Section 4980H, that permit the County to adopt look-back measurement periods (“safe harbors”) in order to determine the status of an employee as full-time for purposes of determining and calculating the Assessable Payment (78 Federal Register 218, 243, January 2, 2013); and

**WHEREAS**, the County intends to adopt the provisions of look-back measurement periods in order to determine the full-time status of existing employees (“Standard Measurement Period”) as well as for newly hired employees (“Initial Measurement Period”) for purposes of the Assessable Payment.

**NOW THEREFORE, BE IT RESOLVED BY** the County of Henry, Tennessee as follows:

- 1) The County establishes the **Standard Measurement Period** with regard to all ongoing employees as follows:
  - a) The County establishes a Standard Measurement Period of twelve (12) months for ongoing employees.
  - b) This Standard Measurement Period will start each year on March 1<sup>st</sup> and end the following year on February 28<sup>th</sup>.
  - c) The Standard Measurement Period will be the period during which an ongoing “variable” employee’s hours are measured.

- d) The County will establish an administrative period of thirty-one (31) days, ending on March 31<sup>st</sup> of each calendar year.
  - e) The administrative period associated with the Standard Measurement Period will start each year on March 1<sup>st</sup> and end on March 31<sup>st</sup>.
  - f) The County will establish a twelve (12) month stability period for ongoing employees. The stability period is the time frame for which employees who qualify as “full-time” are to be considered “full-time” for the purpose of being offered health insurance.
  - g) The twelve (12) month stability period for ongoing employees will start each year on April 1<sup>st</sup> and end on March 31<sup>st</sup>.
  - h) If an ongoing employee’s employment status changes (moving from full time to part time, for example) before the end of the applicable stability period in which they have qualified, the change in status will not affect the classification of the employee for the remaining portion of the stability period for purpose of being offered health insurance.
- 2) On the start date of a new employee, the County will make a determination as to whether that new employee is reasonably expected to be a full-time employee. If the new employee is reasonably expected to be a full-time employee and is not a seasonal employee, the County will offer minimum essential coverage to that employee within thirty (30) days from the date of employment.
  - 3) If, based on the facts and circumstances at the start date of a new employee, the County is unable to determine that the employee is reasonably expected to be employed an average of at least thirty (30) hours per week, then the employee is considered a “variable” hour employee.
  - 4) The County establishes the **Initial Measurement Period** with regard to new variable hour employees as follows:
    - a) The County establishes an Initial Measurement Period of twelve (12) months for each new employee.
    - b) The Initial Measurement Period will start the first day of employment.
    - c) The administrative period shall start the day following the last day of the Initial Measurement Period and shall end on the last day of the following calendar month after the end of the initial measurement period.
    - d) The County establishes a twelve (12) month stability period associated with the Initial Measurement Period. The stability period is the time frame for which employees who qualify as “full-time” are to be considered “full-time” for purpose of being offered health insurance.
  - 5) A new employee will be measured during the first complete Standard Measurement Period for which he/she is employed. This means that a new employee may be tested under an Initial Measurement Period and at the same time be measured under the overlapping Standard Measurement Period.
    - a) If an employee measures as full-time during the Initial Measurement Period, he/she will retain full-time status for the purpose of being offered health insurance, for the entire associated stability period (even if the employee does not qualify as full-time during the Standard Measurement Period).
    - b) If an employee does not measure as full-time during the Initial Measurement Period, but qualifies as full-time during the stability period associated with the Standard Measurement Period, the employee must be treated as full-time during the stability period associated with the Standard Measurement Period (even if that means coverage must be offered before the end of the stability period associated with the Initial Measurement Period).


6) When an employee is rehired after termination within a stability period which they previously qualified for, upon return the employee will retain the status the employee had previously with respect to any measurement period, except that an employee will be treated as a new employee:

- a) If the employee resumes employment after a period of at least twenty-six (26) consecutive weeks with less than an hour of service; or
  - b) If the period (measured in weeks) during which no services are performed is at least four (4) consecutive weeks long and exceeds the number of weeks of that employee's period of employment immediately preceding the period during which the employee was not credited with any hours of service.
- 7) When an employee takes special unpaid leave (i.e. unpaid leave under the Family and Medical Leave Act of 1993, unpaid leave under the Uniformed Services Employment and Reemployment Rights Act of 1994, to determine hours of service the County will exclude any periods of special unpaid leave during the measurement period and apply that average for the entire measurement period.

PASSED 12-21-15

  
BRENT GREER, CHAIRMAN  
HENRY COUNTY COMMISSION

  
DONNA CRAIG  
COUNTY CLERK

  
BRENT GREER  
COUNTY MAYOR

APPROVED 12-21-15

ROLL CALL

COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK  
 PARIS, TENNESSEE

Chairman Greer discussed changing the dates for the upcoming January and February 2016 commission meetings. Commissioner McSwain made a motion to move the January meeting to the third Tuesday in January (January 19<sup>th</sup>) and to move the February meeting to the fourth Monday in February (February 22<sup>nd</sup>). Commissioner Travis seconded the motion.

ITEM NO. 11

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BRADLEY, WESLEY								
CARTER, DELL								
CARTER, GREG								
FREEMAN, BOBBY								
GEAN, RANDY								
HUMPHREYS, KENNETH								
JONES, DON								
KYLE, KREG								
MATHENIA, PAUL								
MCSWAIN, CONNIE			X					
NEAL, PAUL								
STARKS, MONTE								
TRAVIS, JAMES				X				
VISSER, MARTY								
WEBB, DAVID								
TOTAL								

VOICE VOTE CARRIED

DATE : 12-21-15



ROLL CALL  
 COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK  
 PARIS, TENNESSEE

Commissioner Jones made a motion to adjourn. Commissioner Dell Carter seconded the motion.

ITEM NO. 12

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BRADLEY, WESLEY								
CARTER, DELL				X				
CARTER, GREG								
FREEMAN, BOBBY								
GEAN, RANDY								
HUMPHREYS, KENNETH								
JONES, DON			X					
KYLE, KREG								
MATHENIA, PAUL								
MCSWAIN, CONNIE								
NEAL, PAUL								
STARKE, MONTE								
TRAVIS, JAMES								
VISSER, MARTY								
WEBB, DAVID								
TOTAL								

VOICE VOTE CARRIED

DATE : 12-21-15