

March 16, 2020 Commission Meeting

- Budget Transfers – Resolutions 1-3-20 and 2-3-20
- 2009 minimum basic firefighter training standards – Resolution 3-3-20

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 March 16, 2020 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 HCSO Chief Deputy Damon Lowe.

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

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

ITEM NO. 4 Roll Call

The following Commissioners were present: Jerry Berry, Wesley Bradley, Dell Carter, Greg Carter, James Copeland, Randy Gean, Kenneth Humphreys, Don Jones, Monte Starks, James Travis, and Drew Williams. Absent: Kreg Kyle, Paul Neal, Marty Visser, and David Webb.

ITEM NO. 5 Citizen's Forum

NONE AND THE CHAIR CLOSED THE FORUM

ITEM NO. 6 Commissioner's Forum

NONE AND THE CHAIR CLOSED THE FORUM

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

A motion was made by Commissioner Dell Carter and seconded by Commissioner Bradley to approve the Consent Agenda, which consists of the following: Minutes of the meeting of February 18, 2020, various quarterly reports, Henry County Medical Center statement of cash flow, Trustee's month end report, report of property tax collections to date, report of total revenue collections to date, letter for 2020-2021 ThreeStar Program requirements for State, and the following Notary Public designations: Janna Leigh Bibbs, Colista C. Booth, Donna Harris, Nikki Barnhill Klopfenstein, Cody Marshall, Fred Reed, Tanya Wysocki Shankle, Lisa Dicus, and George L. Glass.

ITEM NO. 7

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BERRY, JERRY								
BRADLEY, WESLEY				X				
CARTER, DELL			X					
CARTER, GREG								
COPELAND, JAMES								
GEAN, RANDY								
HUMPHREYS, KENNETH								
JONES, DON								
KYLE, KREG								
NEAL, PAUL								
STARKS, MONTE								
TRAVIS, JAMES								
VISSER, MARTY								
WEBB, DAVID								
WILLIAMS, DREW								
TOTAL								

VOICE VOTE CARRIED

DATE : 3-16-2020



OFFICE OF THE COUNTY MAYOR
BRENT GREER

County of Henry

P. O. Box 7

PARIS, TENNESSEE 38242

PHONE: (731) 642-5212

FAX: (731) 642-6531

EMAIL: BGREER@HENRYCOUNTYTN.ORG

March 16, 2020

Fiscal Strength and Efficient Government Fiscal Confirmation Letter 2020-2021 - ThreeStar Program requirements

This document confirms that Henry County has taken the following actions in accordance with the requirements of the ThreeStar Program:

- The County Mayor has reviewed with the County Commission at an official meeting the county's debt management policy that is currently on file with the Comptroller of the Treasury Office. The purpose of this requirement is to ensure that local elected officials are aware and knowledgeable of the county's debt management policy.
- The County Mayor and County Commission acknowledge that an annual cash flow forecast must be prepared and submitted to the Comptroller prior to issuance of debt. The purpose of this requirement is to ensure elected officials are aware that prior to the issuance of debt the county must go through the process of assessing the county's cash flow. This is done to evaluate the county's finances and confirm that sufficient revenues are available to cover additional debt service associated with the proposed issuance of debt.
- The County Mayor and County Commission acknowledge that all county offices are required to have documented system of internal controls (TCA Section 9-18-102).

Debt Management Policy

This is an acknowledgement that *the Debt Management Policy of Henry County is on file with the Office of the Comptroller of the Treasury* and was reviewed with the members of the Henry County Commission present at the meeting held on the 21st day of January, 2020.

- ☒ Minutes of this meeting have been included as documentation of this agenda item.

Annual Cash Flow Forecast

This is an acknowledgement that *prior to the issuance of debt an annual cash flow forecast was prepared for the appropriate fund and submitted to the Comptroller's office* and was reviewed with the members of the Henry County Commission present at the meeting held on the 21st day of January, 2020.

- ☒ Minutes of this meeting have been included as documentation of this agenda item.

Confirmation of Documented Internal Controls Requirement

This is an acknowledgement that Henry County Commission understands that all county offices are required to develop a documented system of internal control for all offices, funds, and departments under the authority and administration of the elected officials of Henry County in compliance with Section 9-18-102 (a), Tennessee Code Annotated.

Acknowledged this 16th day of March, 2020.

Brent Greer

County Mayor/Executive Name

Chris Greer
Signature

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

Commissioner Greg Carter made a motion to approve Resolutions 1-3-20 and 2-3-20, to authorize certain changes in the budget for Fiscal 2019-2020. The motion was seconded by Commissioner Copeland.

ITEM NO. 8

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BERRY, JERRY					X			
BRADLEY, WESLEY					X			
CARTER, DELL					X			
CARTER, GREG			X		X			
COPELAND, JAMES				X	X			
GEAN, RANDY					X			
HUMPHREYS, KENNETH					X			
JONES, DON					X			
KYLE, KREG	X							
NEAL, PAUL	X							
STARKS, MONTE					X			
TRAVIS, JAMES					X			
VISSER, MARTY	X							
WEBB, DAVID	X							
WILLIAMS, DREW					X			
TOTAL	4				11			

MOTION CARRIED

DATE : 3-16-2020

RESOLUTION #1-3-20

**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 2019-2020**

WHEREAS, the Board of County Commissioners of Henry County, Tennessee at its July Recessed Session, 2019, adopted the budget for the Henry County General Fund for fiscal 2019-2020; 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 16th day of March 2020, 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

INCREASE ACCOUNT 52500-711, entitled "Furniture & Fixtures," in the amount of \$1,926.69

DECREASE ACCOUNT 52500-317, entitled "Data Processing Services, in the amount of \$96.69

DECREASE ACCOUNT 52500-337, entitled "Maintenance & Repair - Equipment, in the amount of \$500.00

DECREASE ACCOUNT 52500-348, entitled "Postage, in the amount of \$830.00

DECREASE ACCOUNT 52500-524, entitled "In Service/Staff Development, in the amount of \$500.00

Please see memo from Donna Craig regarding this request.

CIRCUIT COURT

INCREASE ACCOUNT 53100-348, entitled "Postage," in the amount of \$1,500.00

DECREASE ACCOUNT 39000, entitled "Unappropriated Fund Balance," in the amount of \$1,500.00

Please see memo from Mike Wilson regarding this transfer.

COUNTY CORONER/MEDICAL EXAMINER

INCREASE ACCOUNT 54610-399, entitled "Other Contracted Services,"
in the amount of \$20,000.00

DECREASE ACCOUNT 39000, entitled "Unappropriated Fund Balance,"
in the amount of \$20,000.00

This transfer is due to 20 autopsies ordered to date versus 9 autopsies all last year.

HEALTH DEPARTMENT

INCREASE REVENUE ACCOUNT 46390, entitled "Other Health &
Welfare Grants," in the amount of \$2,000.00

INCREASE ACCOUNT 55110-399, entitled "Other Contracted Services,"
in the amount of \$2,000.00

This transfer is to put into the budget funds received from Truth Initiative.

RABIES & ANIMAL CONTROL

INCREASE REVENUE ACCOUNT 48130, entitled "Contributions," in the
amount of \$4,611.00

INCREASE ACCOUNT 55120-599, entitled "Other Charges," in the
amount of \$4,611.00

This transfer is to put into the budget funds received from the fundraiser "Dancing with the Dogs".

TOURISM/ECONOMIC DEVELOPMENT

INCREASE ACCOUNT 58111-316-TRRA, entitled "Contributions," in the
amount of \$65,088.00

DECREASE ACCOUNT 39000, entitled, "Unappropriated Fund Balance,"
in the amount of \$65,088.00

This transfer is to true up collections per audit for the past two fiscal years.

AIRPORT

INCREASE ACCOUNT 58220-599, entitled "Other Charges," in the
amount of \$1,000.00

INCREASE ACCOUNT 58220-336, entitled "Maintenance & Repair -
Equipment," in the amount of \$3,000.00

DECREASE ACCOUNT 58220-335, entitled "Maintenance & Repair -
Building," in the amount of \$1,000.00

DECREASE ACCOUNT 58220-399, entitled "Other Contracted Services,"
in the amount of \$2,000.00

DECREASE ACCOUNT 58220-412, entitled "Diesel Fuel," in the amount
of \$1,000.00

Please see email from Don Davenport regarding this transfer.

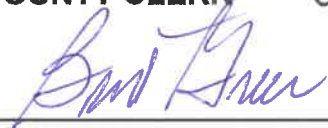
BE IT FURTHER RESOLVED that a true copy of this Resolution be spread upon the Commission record of this date.

PASSED 3-16-2020


**BRENT GREER, CHAIRMAN
HENRY COUNTY COMMISSION**


**DONNA CRAIG
COUNTY CLERK**

APPROVED 3-16-2020


**BRENT GREER
COUNTY MAYOR**

RESOLUTION #2-3-20

**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 2019-2020**

WHEREAS, the Board of County Commissioners of Henry County, Tennessee at its July Recessed Session, 2019, adopted the budget for the Henry County General Purpose School Fund for fiscal 2019-2020; 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 16th day of March 2020, 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:

Account Number Description General Purpose School Fund				Current Budget	Debit	Credit	New Budget
Increase Expenditure Account							
72120	131		Medical Personnel	\$50,119.00	\$55,125.00		\$105,244.00
72120	189	141	Other Salaries & Wages	\$26,780.00	\$103.00		\$26,883.00
72120	201		Social Security	\$10,366.40	\$421.00		\$10,787.40
72120	207	141	Medical Insurance	\$22,827.00	\$1,848.00		\$24,675.00
72120	204		State Retirement	\$8,739.00	\$339.00		\$9,078.00
72120	212		Medicare	\$2,310.00	\$111.00		\$2,421.00
72120	524	269	Inservice/Staff Dev.	\$0.00	\$1,643.00		\$1,643.00
Decrease Expenditure Account							
72120	131	141	Medical Personnel	\$105,244.00		\$54,534.00	\$50,710.00
72120	201	141	Social Security	\$5,232.00		\$421.00	\$4,811.00
72120	204	141	State Retirement	\$4,219.00		\$339.00	\$3,880.00
72120	212	141	Medicare	\$1,224.00		\$111.00	\$1,113.00
72120	355	141	Travel	\$900.00		\$400.00	\$500.00
			Other Contracted				
72120	399	141	Services	\$3,200.00		\$700.00	\$2,500.00
			Other Materials &				
72120	499	141	Supplies	\$14,013.00		\$1,585.00	\$12,428.00
72120	524	141	Inservice/Staff Dev	\$4,000.00		\$1,500.00	\$2,500.00

\$59,590.00 \$59,590.00

****Correct Cost centers to match ePlan

Account Number Description General Purpose School Fund				Current Budget	Debit	Credit	New Budget
Increase Expenditure Account							
71200	399		Other Contracted Services	\$23,500.00	\$14,745.00		\$38,245.00
72130	790	144	Equipment Other-Weekend	\$0.00	\$30,077.00		\$30,077.00
73300	599	511	Backpack	\$15,000.00	\$12,000.00		\$27,000.00
71100	599	121	Utrust Grant	\$0.00	\$20,000.00		\$20,000.00
Increase Revenue Account							
46980			High Cost reimbursement			\$14,745.00	\$14,745.00
44570		144	Sony Melton Fund			\$30,077.00	\$30,077.00
44570		511	FRC Weekend Backpack donation			\$12,000.00	\$12,000.00
44570		121	Utrust Grant			\$20,000.00	\$20,000.00

\$76,822.00 \$76,822.00

****Revision required due to donations and state reimbursement of High Cost Expenditures

Account Number Description General Purpose School Fund				Current Budget	Debit	Credit	New Budget
Increase Expenditure Account							
71100	429	801	Instructional Materials/Supplies	\$0.00	\$10,000.00		\$10,000.00
71100	429	802	Instructional-STEM	\$0.00	\$10,000.00		\$10,000.00
71200	207		Medical Insurance	\$146,500.00	\$15,200.00		\$161,700.00
71300	204		Retirement	\$83,242.00	\$5,400.00		\$88,642.00
71300	207		Medical Insurance	\$107,368.00	\$16,999.00		\$124,367.00
71300	212		Medicare	\$11,934.00	\$70.00		\$12,004.00
72120	131		Medical Personnel	\$155,954.00	\$100.00		\$156,054.00
72130	217		Hybrid	\$0.00	\$2,605.00		\$2,605.00
72215	105		Supervisor/Director	\$70,700.00	\$2,000.00		\$72,700.00
72215	204		State Retirement	\$7,725.00	\$110.00		\$7,835.00
72220	105		Supervisor/Director	\$69,122.00	\$819.00		\$69,941.00
72220	204		State Retirement	\$7,347.67	\$88.00		\$7,435.67
72220	207		Medical Insurance	\$14,443.00	\$60.00		\$14,503.00
72510	204		State Retirement	\$0.00	\$9,410.00		\$9,410.00
72510	207		Medical Insurance	\$32,474.00	\$3,150.00		\$35,624.00
72710	207		Medical Insurance	\$107,000.00	\$600.00		\$107,600.00
72710	217		Retirement Hybrid	\$0.00	\$50.00		\$50.00
72710	313		Contracts with Parents	\$2,500.00	\$10,000.00		\$12,500.00
72710	338		Maintenance & Repair of	\$20,000.00	\$6,500.00		\$26,500.00

			Vehicles			
			Instructional			
71100	429	120	Materials/Supplies	\$0.00	\$663.77	\$663.77
			Other Charges-Board			
72130	599	120	Scholarship	\$0.00	\$1,500.00	\$1,500.00

Decrease Expenditure Account				Current Budget	Debit	Credit	New Budget
71100	188	Bonus Payments		\$48,500.00		\$9,693.00	\$38,807.00
71150	163	Educational Assistants		\$16,550.00		\$2,500.00	\$14,050.00
71200	313	Contract with Parents		\$25,000.00		\$20,000.00	\$5,000.00
72120	204	State Retirement		\$12,958.00		\$500.00	\$12,458.00
72130	204	State Retirement		\$54,796.78		\$8,000.00	\$46,796.78
72210	207	Medical Insurance		\$82,634.00		\$1,500.00	\$81,134.00
72510	189	Other Salary & Wages		\$116,250.00		\$3,000.00	\$113,250.00


Decrease Expenditure Account				Current Budget	Debit	Credit	New Budget
72710	412	Diesel Fuel		\$370,000.00		\$27,968.00	\$342,032.00
72310	191	Board Member Stipend		\$9,360.00		\$2,010.00	\$7,350.00
72310	201	Social Security		\$865.00		\$124.62	\$740.38
72310	212	Medicare		\$202.00		\$29.15	\$172.85

Increase Revenue Account				Current Budget	Debit	Credit	New Budget
46590	801	Postsecondary Expansion Grant		\$0.00		\$10,000.00	\$10,000.00
46590	802	Middle School STEM Grant		\$0.00		\$10,000.00	\$10,000.00
					\$95,324.77	\$95,324.77	

***Adding two additional grants expenditures/revenue to the budget and adjustments to other lines for differences in requirement from the original budget. Moving Board Member stipend & benefits to set up a scholarship and to purchase books for summer reading program.

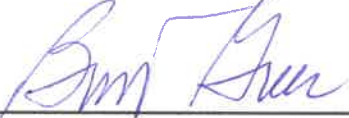
BE IT FURTHER RESOLVED that a true copy of this Resolution be spread upon the Commission record of this date.

PASSED 3-16-2020


BRENT GREER, CHAIRMAN
HENRY COUNTY COMMISSION


DONNA CRAIG
COUNTY CLERK

APPROVED 3-16-2020


BRENT GREER
COUNTY MAYOR

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

A motion was made by Commissioner Starks and seconded by Commissioner Williams to approve Resolution 3-3-20, to adopt the 2009 minimum basic firefighter training standards and request county exemption status be removed from the 2009 minimum basic firefighter training standards law.

ITEM NO. 9

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BERRY, JERRY					X			
BRADLEY, WESLEY					X			
CARTER, DELL					X			
CARTER, GREG					X			
COPELAND, JAMES					X			
GEAN, RANDY					X			
HUMPHREYS, KENNETH					X			
JONES, DON					X			
KYLE, KREG	X							
NEAL, PAUL	X							
STARKS, MONTE			X		X			
TRAVIS, JAMES					X			
VISSER, MARTY	X							
WEBB, DAVID	X							
WILLIAMS, DREW				X	X			
TOTAL	4				11			

MOTION CARRIED

DATE : 3-16-2020

RESOLUTION NO 3-3-20

A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO ADOPT THE 2009 MINIMUM BASIC FIREFIGHTER TRAINING STANDARDS AND REQUEST COUNTY EXEMPTION STATUS BE REMOVED FROM THE 2009 MINIMUM BASIC FIREFIGHTER TRAINING STANDARDS LAW

WHEREAS, The State of Tennessee passed a law requiring Tennessee firefighters to have minimum basic firefighter training in 2009,

WHEREAS, This law was passed by the 2009 General Assembly and signed by the governor on June 25, 2009. The law took effect on July 1, 2009. T.C.A. Title 4, Chapter 24, Part 1, was amended by adding a new section, Section T.C.A. § 4-24-112. The law did three things: (1) established a 16-hour class that must be taken by anyone who enters the fire service before they can respond to any emergency, and (2) requires that every firefighter complete a basic firefighter class, as defined by the Tennessee Fire and Codes Academy, within three years of joining a fire department, and (3) provides exceptions for firefighters who already had five years of experience as of July 1, 2009.

WHEREAS, The law sets forth minimum training standards for Tennessee firefighters which include, (1) The firefighter must previously have completed, or must complete after joining the fire department, a minimum of 16 hours of initial training developed by the Tennessee Fire Service and Codes Enforcement Academy in firefighting procedures and techniques, or complete equivalent training approved by the Tennessee Commission on Firefighting Personnel Standards and Education before being allowed to actively fight a fire, and (2) Within 36 months after hire or acceptance date as a firefighter, the firefighter must have completed, or must complete after joining the fire department, the "basic and live firefighting" course offered by the Tennessee Fire Service and Codes Enforcement Academy or an equivalent course. The law requires that the firefighter complete both the 16 hours of initial training and the 64-hour basic and 16-hour live firefighting course: the 64-hour course does not substitute for the 16 hours of initial training. A firefighter must take all three classes to comply with the law.

WHEREAS, All full-time, part-time and volunteer firefighters in Tennessee are covered under this law except for the following: (1) Any firefighter who is certified by a medical doctor as medically or physically unable to complete the

training requirements is exempt; however, the fire department may not allow such firefighters to engage in active firefighting operations and (2) any firefighter who is certified by the fire department's chief officer not to operate within an environment determined to be immediately dangerous to life and health (IDLH) is exempt from the "live firefighting" portion of the training referenced in subsection (a)(2).

WHEREAS, The law lists exempt counties of the state which do not have to comply with this law. Henry County is listed and included as an exempt county for following the standards of the law. Provisions of the law state a county may remove exemption status from the law with a two-thirds majority vote of the respective Board of Commissioners.

WHEREAS, The Henry County Fire Chiefs have voted and drafted a letter in support of the removal of Henry County from the exempt status of the 2009 Minimum Basic Firefighter Training Standards Law at their regular meeting on February 25, 2020. The Henry County Fire Chiefs fully support and adopt the 2009 training standards set forth as the minimum basic training standards for Henry County firefighters.


NOW, THEREFORE, BE IT RESOLVED, On this day, March 16, 2020, the Henry County Board of Commissioners, needing two-thirds majority, votes to adopt the 2009 Minimum Basic Firefighter Training Standards for Henry County Firefighters and ask the State Fire Marshal and General Assembly to remove Henry County exempt status from the 2009 law.

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

PASSED 3-16-2020




BRENT GREER, CHAIRMAN
HENRY COUNTY COMMISSION



DONNA CRAIG
COUNTY CLERK

APPROVED 3-16-2020



BRENT GREER
HENRY COUNTY MAYOR

Henry County Fire Chiefs Association
February 25, 2020

Henry County Tennessee
Mayor Brent Greer

Mayor:


The county fire departments are following the state fire service training guidelines within their departments. The departments follow the guidelines to have the best training that is available. Since the state implemented these guidelines for minimum training, our firefighters are receiving more training in a shorter period of time.

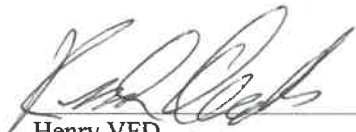
At the time of implementation any county was allowed to opt out with a waiver. Which our county, Henry County, did. Because the departments in the county are already following the state training.

We ask that the waiver to follow those guidelines be removed.


Sincerely
Henry County Fire Chiefs



Como - Ore Springs VFD


Cottage Grove VFD


Henry VFD


Mansfield VFD


Oakland VFD


City of Paris FD


Paris Landing VFD


City of Puryear VFD


Springville VFD

Subject: Fire Fighter Training From MTAS
From: Ronald Watkins <hcema@bellsouth.net>
Date: 2/26/2020, 11:41 AM
To: Brent Greer <bgreer@henrycountyttn.org>

What is the Firefighter Minimum Training Law?

This law was passed by the 2009 General Assembly and signed by the governor on June 25, 2009. The law took effect on July 1, 2009. T.C.A. Title 4, Chapter 24, Part 1, was amended by adding a new section, Section T.C.A. § 4-24-112. The law did three things: (1) established a 16-hour class that must be taken by anyone who enters the fire service before they can respond to any emergency, and (2) requires that every firefighter complete a basic firefighter class, as defined by the Tennessee Fire and Codes Academy, within three years of joining a fire department, and (3) provides exceptions for firefighters who already had five years of experience as of July 1, 2009.

Who does this law affect?

All full-time, part-time and volunteer firefighters in Tennessee.

Are there any exceptions?

Yes (1) Any firefighter who is certified by a medical doctor as medically or physically unable to complete the training requirements is exempt; however, the fire department may not allow such firefighters to engage in active firefighting operations and (2) any firefighter who is certified by the fire department's chief officer not to operate within an environment determined to be immediately dangerous to life and health (IDLH) is exempt from the "live firefighting" portion of the training referenced in subsection (a)(2).

What are the minimum training standards required by this law?

(1) The firefighter must previously have completed, or must complete after joining the fire department, a minimum of 16 hours of initial training developed by the Tennessee Fire Service and Codes Enforcement Academy in firefighting procedures and techniques, or complete equivalent training approved by the Tennessee Commission on Firefighting Personnel Standards and Education before being allowed to actively fight a fire, and (2) Within 36 months after hire or acceptance date as a firefighter, the firefighter must have completed, or must complete after joining the fire department, the "basic and live firefighting" course offered by the Tennessee Fire Service and Codes Enforcement Academy or an equivalent course. The law requires that the firefighter complete both the 16 hours of initial training and the 64-hour basic and 16-hour live firefighting course: the 64-hour course does not substitute for the 16 hours of initial training. A firefighter must take all three classes to comply with the law.

Possible Legal Implications for Fire Departments in Exempted Counties

Fire departments in counties that are exempt from the training requirements of this law should not rest on their exemption too easily. For an exemption from a general law to be valid, there must be a rational basis for the exemption (*Nolichucky Sand Co. v. Huddleston*, 896 S.W.2d 782 (Tenn. App. 1994)). In other words, there must be a reason or a common thread linking the exempted counties that justifies treating them differently from all the other counties of the state. No such reason, common thread, or rational basis is evident here. If an exemption is challenged, therefore, there is a good likelihood that it would be ruled invalid. There is a severability clause in the new law saying that if a part of the law is ruled invalid, that part will be removed and the rest of the law will remain in effect. If a county's exemption is ruled invalid and removed, the training requirements in the law would then apply in that county. Thus, there is a possibility that the law will be interpreted by the courts as applying statewide anyway, even with the attempted exemptions.

Another reason the training standards established in the new law could apply even in the exempt counties is that they might be interpreted in a tort liability suit as setting the standard against which conduct is measured even in those counties. Thus, even if the training requirement does not apply in those counties, the conduct of the firefighters in the county could be measured in a lawsuit using the presumed conduct, based upon expert testimony, of firefighters who had received the training. In many cases the conduct of the untrained firefighter would not measure up. Lack of training also could be used in a federal lawsuit based on deliberate indifference or failure to train when firefighter actions result in injuries to, or death of, a member of the public or other firefighters. Liability under federal law is not limited. Governing bodies and fire departments in the exempt counties should not ignore this law.

Additional Information

This training can be completed at the Tennessee Fire and Codes Enforcement Academy or through any equivalent course elsewhere. The Academy offers the curriculum for both the 16-hour class and the basic class on a DVD that is free from any staff member of the Academy.

The final version of the legislation also authorizes the local government to decide who will be responsible for the cost: the local government or the firefighter.

Several counties exempted themselves out of the legislation:

This section does not apply to the following counties unless the county legislative body

adopts a resolution to apply such requirements: **Bradley, Campbell, Cannon, Cocke, Clay, Fentress, Giles, Greene, Hamblen, Hickman, Houston, Humphreys, Jackson, Johnson, Lawrence*, Lewis*, Loudon, McMinn*, Meigs, Morgan, Overton, Perry*, Pickett, Polk, Roane, Scott, Trousdale, Union, Unicoi, Washington.**

This section does not apply to the following counties unless the county legislative body adopts by a two-thirds vote a resolution to apply such requirements: **McMinn*.**

This section does not apply to the following counties unless the county legislative body adopts by a two-thirds vote a resolution to opt into the statutory requirements: **Bledsoe, Cumberland, Lawrence*, Lewis*, Rhea.**

This act does not apply to the following counties: **Benton, Decatur, Hancock, Hawkins, Henderson, Henry, Jefferson, Lake, Obion, Perry*, Stewart, Weakley*.**

**Counties listed in more than one section of the bill.*

Fire departments in exempt counties can still provide the training even though they are not required to.

Ronald Watkins, Director
Henry County Emergency Management/Solid Waste
(731) 644-2678 / 641-0018 office
(731) 644-2608 fax
(731) 336-3330 cell
hcema@bellsouth.net

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. 10

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BERRY, JERRY								
BRADLEY, WESLEY								
CARTER, DELL				X				
CARTER, GREG								
COPELAND, JAMES								
GEAN, RANDY								
HUMPHREYS, KENNETH								
JONES, DON			X					
KYLE, KREG								
NEAL, PAUL								
STARKS, MONTE								
TRAVIS, JAMES								
VISSER, MARTY								
WEBB, DAVID								
WILLIAMS, DREW								
TOTAL								

DATE : 3-16-2020

VOICE VOTE CARRIED