

May 4, 2020

Bob Mendes
Chair, Budget & Finance Committee
Councilmember-at-Large
Metropolitan Courthouse
Nashville, TN 37201

Re: Preliminary Questions

Dear Councilman Mendes:

Pursuant to your request, please find below the response of the Department of Law to your “Preliminary Questions” concerning the FY21 budget.

Question 1: What is the amount of the proposed funding decrease from the previous fiscal year?

Response: \$49,100 decrease

Question 2: Please provide a statement regarding the impact the proposed reductions will have on your department’s operations. Specifically, please be sure to address the following questions:

- a. What services currently provided by your department do you anticipate will be reduced/eliminated?

Response: The Department of Law requested three additional attorney positions in its FY21 budget submission. This request was based upon the need for additional help to cover expanding areas of the law such as STRPs, Environmental Court, public records requests, Special Education, and other Board of Education issues. While Nashville has been experiencing unprecedented growth, the Department of Law has only added one attorney position in the past twelve years to address the increased legal needs. Even though the Mayor’s proposed budget does not include funding for any of the three requested positions, the Department will make every effort to continue providing the same level of services.

- b. What impact will such reduction or elimination have on the residents and businesses of Davidson County?

Response: Due to the nature of work performed, residents and businesses of Davidson County should not experience any impact on the services provided by the Department of Law.

- c. How many department employees do you anticipate will be impacted by the reduction in funding?

Response: Based upon the Mayor's proposed budget, it is expected that any impact on employees in this department will be minimal.

Question 3: Regarding the number of FTE employees in your department:

- a. How many budgeted employees do you have for the current fiscal year?

Response: 47.5 budgeted FTE positions

- b. How many unfilled FTE employees does your department currently have?

Response: 2 budgeted FTE positions

- c. How many FTE positions are included in the Mayor's proposed budget?

Response: 47.5 budgeted FTE positions

Question 4: Regarding your department's "departmental savings":

- a. What is the amount of your department's 'targeted savings' for FY2020?

Response: \$161,100

- b. What was your department's budget for FY2020 after the targeted savings?

Response: \$6,266,500

- c. How does that compare with the Mayor's proposed FY2021 budget?

Response: The Mayor's proposed budget reflects a reduction of \$49,100.

Question 5: Regarding any previous audits in which your department has participated:

- a. What operations or expenditures have been audited within the last three years?

Five years? Ten years?

Response:

i. Three years – Audit of the Occupational Safety Program (2017)

ii. Five Years – None

iii. Ten Years – Audit of the Department of Law's Claims Process (2014)

- b. Has any capital spending been audited during the last five years? Ten Years?

Response:

i. Five Years – No

ii. Ten Years - No

- c. Are there any prior audit recommendations still shown as pending/outstanding? If so, please identify these recommendations and provide a response regarding your department's plan to address the recommendation(s).

Response: The central recommendation of the Audit of the Occupational Safety Program was that there needed to be a government-wide safety program under the direction of a Safety Manager. All other recommendations were an extension of this main idea. As reflected in the Department of Law's response to the audit, such a program needed to be placed in the Department of Human Resources. Once that was accomplished, the audit recommendations could be addressed as to timing and completion. Legislation to place the safety function in the Department of Human Resources was drafted and submitted to the Department of Finance to pursue when budget funds permitted. This matter was not addressed in the budgets for FY19 and FY20. Attached to this letter is a part of the response provided by the Department of Law to the Metropolitan Auditor addressing the timing of the audit recommendations.

Sincerely,

Robert E. Cooper, Jr.
Director of Law

Attachment "A"

The Department of Law acknowledges the importance of an Occupational Safety Program for the Metropolitan Government. In order for such a program to begin to function and become successful, however, several things need to occur. These include:

1. Revise Metropolitan Nashville Code of Laws §2.40.210 et seq. by placing the responsibility for an Occupational Safety Program under the Department of Human Resources. Article 12 of the Metropolitan Charter places authority over personnel with the Civil Service Commission and the Department of Human Resources. Safety is an employee issue. The audit report recognizes this since many of the recommendations require assistance and approval by the both the Department of Human Resources and the Civil Service Commission. The Department of Law can assist in amending the Metropolitan Code by drafting the necessary legislation.
2. The Metropolitan Government needs to make a substantial financial commitment for funding the personnel needed for a comprehensive Occupational Safety Program. In order to put into place the recommendations made in the audit report an entire safety division structure needs to be created and funded.
3. Qualified safety personnel need to be identified and hired. This includes the hiring of a Safety Manager, Safety Inspectors, and administrative personnel. (Currently, the Human Resources Department has an employee devoting one half of his time as Safety Administrator.)

Once sufficient funding has been appropriated, qualified staff hired, and the program is placed under the Department of Human Resources, efforts could then be made to put into effect the recommendations set out in the audit report. Until those things occur, which could be a lengthy process, no definitive timetable for implementation of the audit recommendations can be made.