

2025-55F

City Attorney

Daniel Nee



**CITY OF GAINESVILLE
OFFICE OF THE CITY ATTORNEY**

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TO:	Mayor and City Commissioners
FROM:	Daniel M. Nee, City Attorney 
DATE:	November 25, 2024
SUBJECT	FY 2023-2024 Self -Evaluation and Annual Performance Report

Please find the attached copies of the FY 2023-2024 Self-Evaluation and Annual Performance Report of the Office of the City Attorney. I hope these documents prove helpful in our upcoming conferences. Of course, in my supervisory role, I have the responsibility, and generally the pleasure, of conducting periodic employee evaluations. I firmly believe that these formal evaluation sessions should never include surprises. I endeavor to provide ongoing comment, praise, and constructive criticism to the colleagues with who I am fortunate to serve. Likewise, I hope that I have maintained productive lines of communication with each of you throughout the year, so that your expectations are satisfied. I look forward to meeting with each of you.

cc: Charter Officers
Laura Graetz, Director of Human Resources



Charter Officer Annual Performance Evaluation Form

Introduction:

The City Commission is responsible for conducting Charter Officer annual evaluations ensuring the Charter contributes to the achievement of the City’s mission, vision and goals. Charter Officer performance evaluations shall be conducted after the conclusion of each fiscal year.

The purpose of the Charter Officer evaluation is to provide timely, clear and focused input to the Charter about how well he or she is performing in the key performance areas identified as most critical by the City Commission in achieving the City of Gainesville’s strategic objectives.

The Charter Officer should be evaluated using criteria established by the Commission, aligning with established core competencies, review rating scale criteria and salary adjustment schedules as determined by Human Resources. Human Resources will notify the Commission at least one month in advance of performance evaluation due dates. Annual salary increases will be based on the Charter Officer’s performance of established objectives in the prior fiscal year. Any annual awards are made based on market considerations and according to budgetary or fiscal constraints.

Commission Instructions:

Evaluate the Charter Officer’s performance for each area of accountability using the rating scale outlined below. Consider all criteria together when forming an impression about the Charter Officer’s performance. Add comments you believe provide context to your rating or that would be helpful to the Charter Officer.

Performance Descriptors and Rating Scale		
5	Superior	Work performance consistently exceeds all performance expectations and displays a consistent level of exceptional performance. This is consistent, exceptional performance.
4	Exemplary	Work performance consistently achieves all performance expectations and key elements of performance consistently are carried out in an exceptional manner or sustained periods. This is consistent, outstanding performance.
3	Meets Expectations	Work performance consistently achieves all performance expectations for this factor.
2	Needs Improvement	Work performance on one or more elements is less than expected and requires some improvements to fully meet performance standards.
1	Did Not Meet Expectations	Work performance within this factor is unacceptable. Performance did not meet expected performance standards.

Ratings 2 or below should include comments and if applicable provide specific suggestions for performance improvement.

Charter Officer Instructions and Next Steps:

- Using the above Rating Scale, the Charter Officer will self-evaluate and rate his or her performance. The Charter Officer should also attach his or her **Accomplishments List or Report** to the form.
- Charter Officer to submit completed self-evaluation and accomplishments report to Human Resources.
- Charter Officer to schedule individual evaluation discussion meetings with each Commission member to discuss self-evaluation and list of accomplishments. Charters should also be prepared to discuss objectives for next fiscal year.
- After reviewing the Charter Officer self-evaluation and accomplishments report with the Charter Officer, each Commission member will provide an evaluation rating, using the above Rating Scale.
- Following Commission and Charter performance evaluation discussion, completed performance evaluations are returned to Human Resources.
- Human Resources will compile and aggregate all Charter Officer evaluation ratings, coordinate and present for discussion during a publicly noticed Commission meeting. Note: Salary increases are budgeted in a personal services contingency account and recommended salary increases will be processed within established payroll processing timelines.



Charter Officer Annual Performance Evaluation Form

Fiscal Year: 2023-2024	Evaluator: Daniel M. Nee (Self-Evaluation)
Charter Officer: Daniel M. Nee	Title: City Attorney

***Overall Support of City Commission Goals and Objectives.** Demonstrates an understanding of and supports the City's philosophy (vision, mission, values); actively pursues an understanding of organizational goals and objectives and how these relate to the Charter Officers' job and department.

***Charter to attach Accomplishments Report for Evaluation Period**

Commission Member: Check performance rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:
Please see the Annual Performance Report of the Office of the City Attorney provided concurrently with this self-evaluation for a complete review of the activities and accomplishments of the City Attorney's Office over the past year.

The City Attorney's Office has had a highly effective year during a period of organizational and budgetary stress. I do not claim responsibility for that productivity, but rather celebrate the success of the office, and continue to dedicate my efforts to support the attorneys and staff who perform so admirably. My role supervising the office in many ways parallels the City Attorney's Office's role in our larger organization. This office has an integral, but supporting, role in many of the functions and business activities of our Clients. The value of our services are generally reflected in the usefulness to our Clients in achieving their goals. Similarly, I take great satisfaction in supporting the legal professionals who serve the City, ensuring that they have the resources needed to be effective, and fostering the ethical framework in which they can exercise their professional obligations in the best interests of the City.

- The Office of the City Attorney actively monitors and represents our Clients in over 390 open claims and cases. Primarily these involve: Personal injury and other torts; Labor and employment issues; Police liability; and construction and other contract disputes. Cases are currently being litigated at all levels of state trial courts, at the state District Court of Appeal, and in the federal Northern District of Florida, as well as before state DOAH hearing officers and the EEOC.
- The Office of the City Attorney provided legal counsel at regular and special meetings and workshops held by the City Commission, standing committees of the City Commission, the GRU Authority, the Development Review Board, the City Plan Board, Parking Board of Appeals, Human Rights Board, Fire Safety Board of Adjustment, and Boards of Trustees for Pension Plans. We strive to be present and prepared for any issue that is reasonably foreseeable, and prompt in follow-up to all unexpected inquiries.
- The Office of the City Attorney prepared and submitted 36 Ordinances on first reading, 34 Ordinances on second or adoption reading, and 18 Resolutions during this fiscal year.
- We also reviewed and/or drafted numerous agreements and responses to requests for legal services, and assisted our Clients with contract negotiations and disputes, including agreements with the County, Constitutional Officers (Supervisor of Elections, Sheriff, State Attorney, Public Defender), the University of Florida, utility customers (individually and large-scale developers), and a multitude of vendors.
- The office assisted staff and several City boards in updating Board Rules.
- The Office of the City Attorney provided legal opinions to staff and the City Commission on matters such as First Amendment and other Constitutional concerns, including signage and homeless issues; equal opportunity, including discrimination and hiring and purchasing practices; and public records, public meetings and ethics laws; along with necessary opinions related to utility revenue bond issuances.



Charter Officer Annual Performance Evaluation Form

- We also conducted training and provided legal guidance on topics of interest, including: public records and Sunshine Law training; provided GPD training; advised City staff of changes in the law and developing court cases.
- Three attorneys (including the City Attorney) have achieved Florida Bar Board Certification in City, County and Local Government Law. As such, we are recognized as “Specialists” or “Experts” in this area of law. One other attorney previously held that distinction for an extended period, but decided to forego re-certification in light of his upcoming retirement. Three legal assistants maintained professional legal assistant/paralegal certifications. Attorneys maintain membership in relevant Florida Bar practice sections, including: City, County, and Local Government Law; Labor and Employment Law; Administrative Law; and Civil Litigation. Continuing legal education and collegial networking is ensured through participation in conferences and email listservs sponsored by the Florida Bar, the Florida Municipal Attorneys Association, the International Municipal Lawyers Association, the Florida Association of Police Attorneys, and others. Members of this office maintain professional and productive working relationships with officials in the judiciary, attorneys with the State Attorney and Public Defender Offices, and other local Constitutional Officers, including the Clerk of Court, Supervisor of Elections, Property Appraiser, and Tax Collector.
- The Office of the City Attorney has been blessed with long tenures served by accomplished attorneys and staff. We lost an attorney to family relocation last year, but were fortunate to find a highly-qualified addition to our team. Presently the office has 4 attorneys with in excess of 23 years’ of practice experience each (2 with more than 35!). We have 4 attorneys who have served the City of Gainesville for over 10 years. 2 legal assistants have served our Clients for over 20 years. The institutional knowledge and dedication is invaluable to providing efficient, cost-effective counsel and service to our Clients. We are presently working with Human Resources to ensure effective ways to continue making career development and advancement a priority within the office.
- In addition to the experienced in-house staff, the office retained and oversaw outside counsel to respond to excess workload demand or handle specialized matters for our Clients for which we lack sufficient in-house expertise.

Competencies:

1. Business Acumen. Understands the business, financial status of the organization and core operational area of responsibility; realizes implications of key financial indicators, and uses economic and industry data to accurately diagnose business strengths and weaknesses.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

I bring almost 23 years of institutional knowledge of this office and organization, along with over 29 years of professional experience as an attorney practicing in our community. I am fortunate to have strong bonds with past significant contributors to this office, and City government as a whole. I am Florida Bar Board Certified in City, County, and Local Government Law, but possess the humility to rely on strong subject matter experts in the wide areas of law that are implicated daily with this organization. I remain active in our legal community statewide and locally to ensure that the office remains substantively and technically capable of providing effective legal counsel and representation to the City.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:



Charter Officer Annual Performance Evaluation Form

2. Communication and Building Relationships. Communicates and listens effectively, open to receiving and giving constructive feedback, promotes frank and open discussions on issues. Cultivates a network of relationships both internal and external, promotes collaboration and removes barriers across organizational lines, builds credibility for the City.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
Commission Member Comments:						
Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Charter Officer Comments: As an attorney focused on primarily litigation for the City over most of my career, effective oral and written communication has been an essential skillset. My role has been to listen to City community builders, opposing counsel and litigants, and other witnesses, and convey our story to judges and juries. In my current role, I am committed to listening to co-workers, Commissioners, and neighbors – all of our stakeholders. I value frank, open, direct communication. I understand that, generally, tone comes before content, and effective communication is a byproduct of trust. People are rarely willing to communicate openly if they do not trust that they have been heard. One of the joys of serving in this office for so long is the relationships that I have built with other community builders and officials in sister agencies including the Supervisor of Elections, the State Attorney’s Office, the Public Defender’s Office, the Judiciary, the Clerk of Courts, Alachua County, and others.						

3. Fiscal Management. Prepares a balanced budget to provide services at a level directed by the Commission, ensuring actions and decisions reflect an appropriate level of responsibility for financial planning and accountability.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
Commission Member Comments:						
Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
Charter Officer Comments: This office cooperates with management to formulate an adequate budget, and functions within that budget. All financial policies and procedures are followed assiduously. This aspect of leading the Charter Office department was especially challenging over this fiscal year. The organization as a whole faced financial challenges brought about by responses to legislative oversight and restructuring. We successfully limited non-personnel expenditures, and left a significant position unfilled out of concern for further budgetary shockwaves. An attorney position has remained unfilled, as we stretched to compensate for the lost work product in recognition of the organization-wide budget cuts. These actions are particularly challenging in a department such as the City Attorney’s Office which is heavily skewed toward professional personnel. I am striving to grow as a manager, in recognition that fiscal management is not just a function of maintaining low expenditures, but ensuring that the budget is right-sized for the tasks at hand.						



Charter Officer Annual Performance Evaluation Form

4. Leading and Supervision. Effectively establishes strategies to develop and maximize employee performance, foster high standards in meeting the vision, mission and goals of the department.

Commission Member: Check rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

This office is fortunate to have senior, experienced professionals among both attorneys and staff. My role has been to ensure that they have the tools and support necessary to performance at consistently high levels. We encourage collegiality among co-workers, and literally place a premium on continuing education through recognition for attaining subject area certifications. When positions become open in the office, we engage in a thorough process to attract a diverse pool of talented applicants. Frequent interaction and open feedback allow members of the office to develop professionally as individuals and as a team. Personally, I value each and every member of our team. I understand that individuals accept a position of employment for a number of reasons – compensation, benefits, location, etc. -- but they stay in that workplace for one reason. They stay when they feel valued and productive; when they are respected professionally and personally.

I recognize that this position also requires an acceptance of leadership responsibility on an organization-wide basis. I strive to be of service to fellow charter officers and department heads. I am proud of the strong personal and professional relationships that have been developed over a long career within the City, and try to be generous with that institutional knowledge.

Leadership also entails a responsibility to the larger community. Specifically, I accept a significant role in our local legal community. I stay abreast of activities within the legal community, and maintain strong relationships with lawyers and officials throughout our county and judicial circuit.

Charter Officer Signature: 

Date: 1.1/25/24

Commission Member Signature: _____

Date: _____

Return fully completed Charter Officer Performance Evaluation form to Human Resources Director, Box 20



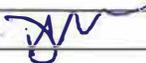
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Daniel A. Weisman

TO:	Mayor and City Commissioners
FROM:	Daniel M. Nee, City Attorney 
DATE:	November 25, 2024
SUBJECT	FY 2023-24 Performance Report of the Office of the City Attorney

Fiscal year 2023-2024 was another year of challenge and change throughout the City of Gainesville organization. Through the crucible of legislative changes and budgetary constraints, the City Attorney's Office has provided dependable, steadfast counsel and professional representation. Once again, it felt as if the year was dominated by changes mandated by the Florida Legislature, including the installation and subsequent re-installation of the Gainesville Regional Utility Authority. The City Attorney's Office has remained adaptable and available to serve, even under unusual circumstances.

Please accept this memorandum outlining the accomplishments of a high-functioning, municipal law office. It is intended that this memorandum will provide an overview of the office's recent activities, and highlight noteworthy events and activities. It is by no means comprehensive of all of the day-to-day work performed by the attorneys and staff in representation of the City of Gainesville. We remain available at all times for more specific inquiries.

**ROLE, RESPONSIBILITIES, AND PROFESSIONAL OBLIGATIONS OF
THE OFFICE OF THE CITY ATTORNEY**

It is important to understand the role and responsibilities of the Office of the City Attorney. This office serves as in-house corporate counsel to the City of Gainesville, including both General Government and Gainesville Regional Utilities sides of the organization, and all of their various departments and divisions. These are our "Clients." The Office of the City Attorney has long adhered to a "One Gainesville" concept, recognizing that all aspects of our organization are focused on serving our neighbors, businesses, community organizations, visitors, and other stakeholders.

As with many analyses performed by this office, it is best to begin the evaluation by looking to the Charter. City Charter 3.03 provides,

The city attorney must be admitted to the practice of law in the state, and shall be the legal advisor to and attorney for the city. The city attorney shall serve at the will of the commission. The city attorney shall prosecute and defend all suits, complaints, and controversies for and on behalf of the city, unless otherwise

directed by the commission, and shall review all contracts, bonds and other instruments in writing in which the city is to be a party, and shall endorse on each approval as to form and legality.

The description is succinct, but broad in responsibility.

This office has an integral, but supporting, role in many of the functions and business activities of our Clients. The characterization as a supporting role does not minimize the importance or necessity of our services, but emphasizes that it is not the function or role of this office to set or implement policy, to enforce the City Code, or to manage City contracts. For the most part, this office does not self-generate our workload. We are a service provider with two primary roles, advisor and advocate. The value of our services are generally reflected in the usefulness to our Clients in achieving their goals.

It is also important to understand the professional obligations that govern our conduct as attorneys licensed by the Florida Bar. In particular, we are each personally responsible for observing the Rules of Professional Conduct, and may be disciplined for failure to do so. The Rules of Professional Conduct require that, as advisor, we must exercise independent professional judgment and render candid advice to our Clients and, as advocate, we cannot bring or defend a proceeding, or assert or controvert an issue therein, on behalf of our Clients, unless in our opinion there is a basis in law and fact for doing so. These professional obligations require occasionally difficult, but necessary, conversations that, in the long run, best serve the organization as a whole.

OBJECTIVES AND PERFORMANCE CRITERIA

The longstanding primary objective for this office is to provide timely, competent and diligent legal counsel to our Clients in an efficient and cost-effective manner. Thereby, our aim is to assist and support our Clients in bringing projects and programs to fruition, in running the business units they manage, in achieving their objectives and strategic initiatives, and in defending and pursuing claims and litigation on behalf of the City. Traditionally, we review the performance of this office in terms of the following core objectives:

Core Objective	Notable Achievements
<p>The Office of the City Attorney must zealously advocate in all levels of court and administrative proceedings, including the preparation of documents and oral arguments before the judicial bodies. We work effectively with Risk Management and other involved departments to investigate and evaluate all claims as necessary to determine those that warrant settlement and those that should be litigated in the best interest of the City.</p>	<p>The Office of the City Attorney actively monitors and represents our Clients in over 390 open claims and filed cases combined. Primarily these involve:</p> <ul style="list-style-type: none"> • Personal injury and other torts; • Labor and employment issues; • Police liability; and • Construction and other contract disputes. <p>Cases are currently being litigated at all levels of state trial courts, at the state District Court of Appeal, and in the federal Northern District of Florida, as well as before state DOAH hearing officers and the EEOC.</p>

<p>The Office of the City Attorney must perform as advisor in public meetings held by our Clients. We provide meaningful responses to legal questions from our Clients, without disclosing attorney-client privileged information or legal strategy. Our goal is to adequately prepare, through experience and anticipatory research, to address the matters that are on the agenda or likely to arise at meetings.</p>	<p>The Office of the City Attorney provided legal counsel at regular and special meetings and workshops held by the City Commission, standing committees of the City Commission, the GRU Authority, the Development Review Board, the City Plan Board, Parking Board of Appeals, Human Rights Board, Fire Safety Board of Adjustment, and Boards of Trustees for Pension Plans. Additionally, attorneys provide regular training to the boards regarding Florida Government in the Sunshine laws, open government, public records, and quasi-judicial procedure.</p>
<p>The Office of the City Attorney must perform as advisor in transactional and regulatory matters, including our availability for meetings with our Clients, responding to requests for legal guidance, review/preparation of contracts and other legal documents and preparation of ordinances.</p>	<p>The Office of the City Attorney prepared and submitted 36 Ordinances on first reading, 34 Ordinances on second or adoption reading, and 18 Resolutions during this fiscal year.</p> <p>We also reviewed and/or drafted numerous agreements and responses to requests for legal services, and assisted our Clients with contract negotiations and disputes, including agreements with the County, Constitutional Officers (Supervisor of Elections, Sheriff, State Attorney, Public Defender), the University of Florida, utility customers (individually and large-scale developers), and a multitude of vendors.</p>
<p>The Office of the City Attorney must clearly communicate our independent legal opinions and concisely frame legal issues to assist our Clients in evaluating particular courses of action and understanding the consequences of such action. Our opinions should be based on current law and should advise how changes in the law affect our Clients' operations.</p>	<p>The Office of the City Attorney provided legal opinions to staff and the City Commission on matters such as First Amendment and other Constitutional concerns, including signage and homeless issues; equal opportunity, including discrimination and hiring and purchasing practices; and public records, public meetings and ethics laws; along with necessary opinions related to utility revenue bond issuances.</p> <p>We also conducted training and provided legal guidance on topics of interest, including: new Commissioner orientation; public records and Sunshine Law training; provided GPD training; advised City staff of changes in the law and developing court cases.</p>
<p>The Office of the City Attorney must at all times provide legal services in a professional and ethical manner by practicing law in accordance with our Code of Professional</p>	<p>Three attorneys (including the City Attorney) have achieved Florida Bar Board Certification in City, County and Local Government Law (and one other previously maintained such distinction but opted not to re-certify). As such, we are recognized as "Specialists" or "Experts" in this area of law. Three legal assistants maintained</p>

<p>Responsibility, the Code of Ethics for Public Officers and Employees, and the City's Personnel Policies and Procedures. We should actively participate in educational events and associations to stay informed of developments in the law and maintain a network of professional relationships.</p>	<p>professional legal assistant/paralegal certifications. Attorneys maintain membership in relevant Florida Bar practice sections, including: City, County, and Local Government Law; Labor and Employment Law; Administrative Law; and Civil Litigation. Continuing legal education and collegial networking is ensured through participation in conferences and email listservs sponsored by the Florida Bar, the Florida Municipal Attorneys Association, the International Municipal Lawyers Association, the Energy Bar Association, the Florida Association of Police Attorneys, and others. Members of this office maintain professional and productive working relationships with officials in the judiciary, attorneys with the State Attorney and Public Defender Offices, and other local Constitutional Officers, including the Clerk of Court, Supervisor of Elections, Property Appraiser, and Tax Collector.</p>
<p>The Office of the City Attorney must provide proper management of the Office by operating within budget and by maintaining a professional staff (and retention of outside counsel) to provide legal services that meet our Clients' needs.</p>	<p>The Office of the City Attorney has been blessed with long tenures served by accomplished attorneys and staff. Unfortunately, we lost a long-term Sr, Legal Assistant to retirement this year, and another valued Legal Assistant internally to another department and a higher salary. We were fortunate to find a highly-qualified addition to our team., and have lured the retired employee back on a part-time basis while we continue to search for a viable candidate. Professional recruitment has proven to be challenging. Presently the office has 4 attorneys with in excess of 23 years' of practice experience each (2 with more than 35!). We have 4 attorneys who have served the City of Gainesville for over 10 years. 2 legal assistants have served our Clients for over 20 years. The institutional knowledge and dedication is invaluable to providing efficient, cost-effective counsel and service to our Clients. We are presently working with Human Resources to ensure effective ways to continue making career development and advancement a priority within the office.</p> <p>In addition to the experienced in-house staff, the office retained and oversaw outside counsel to respond to excess workload demand or handle specialized matters for our Clients for which we lack sufficient in-house expertise.</p>

SIGNIFICANT ACCOMPLISHMENTS AND CHALLENGES PER PRACTICE AREA

Another way to view the responsibilities and accomplishments of the Office of the City Attorney is by general practice area. While the office is structured to cross-train and provide back-up assistance among the various attorneys, the scope of services offered is extremely broad for a staff of 7 to 8 attorneys. Consequently, while we are all generalists in the larger sense, each attorney also has a particular focus. It is difficult to capture the day-to-day counsel provided on numerous issues, but the following highlights should provide a representative sampling of the work performed in this fiscal year.

Litigation

The office's litigation team regularly and successfully handles numerous claims filed by plaintiffs' firms throughout Florida. Recently, litigation has seen a considerable uptick in activity with a surge of new lawsuits filed against the City in 2023 in response to legislative tort reform. These lawsuits arise in the areas of tort litigation (automotive and premises liability), Section 1983 civil rights claims, employment (Title VII litigation), and construction or contractual disputes. Presently, the Office of the City Attorney is handling approximately 394 tort claims against the City, but also employment, contractual, land use and other types of claims. There are 25 open and active lawsuits that are presently being litigated in the state and federal courts. A sampling of the cases that were resolved in FY 2024, the department involved, and the nature of the resolution, includes the following:

- *Dennis Dunbar v. City of Gainesville*, Case No. 2023-CA-682 [RTS] (settled)
- *Bryan Duncan v. City of Gainesville*, Case No. 2024-CA-473 [GPD] (Defense Motion to Dismiss granted)
- *Meshell Ferguson o.b.o. Karen Thorns v. City of Gainesville*, Case No. 2019-CA-3220 [RTS] (settled)
- *Naomi Hall and Naquel Hall v. City of Gainesville*, Case No. 2023-CA-000420 [Public Works] (settled)
- *Aundrae Hamilton v. City of Gainesville*, Case No. 2023-CA-625[GPD] (settled)
- *Cheryl Horen v. City of Gainesville*, Case No. 2023-CA-1107 [Public Works] (settled)
- *Jared Jacobi v. City of Gainesville*, Case No. 2023-CA-1794 [RTS] (settled)
- *Yadira Rojas Jerez v. City of Gainesville*, Case No. 2023-CA-3130 [Public Works] (settled)
- *Eulajeon Malphurs and William Malphurs v. City of Gainesville*, Case No. 2023-CA-4832 [GRU] (settled)
- *Kaleb Moreno-Griffin v. City of Gainesville*, Case No. 2023-CA-2233 [GPD] (settled)
- *Katherine Mueller v. City of Gainesville*, Case No. 2023-CA-3777 [Public Works] (settled)
- *Sandra Norris v. City of Gainesville*, Case No. 2023-CA-457 [Public Works] (settled)
- *Erica Phillips, individually, and Erica Phillips, as natural parent and legal guardian of L.M., a minor v. City of Gainesville*, Case No. 2023-CA-1241 [Parks & Recreation] (voluntarily dismissed)

- *Latoya Richardson, as Parent, Natural Guardian, and Next Friend of her minor child, GH v. City of Gainesville, a municipal entity, d/b/a Regional Transit System* Case No. 2022-CA-3390 [RTS] (settled)
- *Melvin Johnathan Sheppard v. City of Gainesville*, Case No. 2022-CA-2941 [RTS] (settled)
- *Charlotte Stone v. City of Gainesville*, Case No. 2023-CA-1459 [GPD] (settled)
- *Brenda Suggs v. City of Gainesville*, Case No. 2023-CA-1561 [Public Works] (settled)
- *Alekona Surento v. City of Gainesville*, Case No. 2023-CA-1028 [GPD] (settled)
- *Charles Telesco and Patricia Telesco v. City of Gainesville*, Case No. 2023-CA-3678 [GRU] (settled)
- *Gaura Thigpen v. City of Gainesville*, Case No. 2023-CA-1928 [RTS] (dismissed)
- *Tanisha Webb v. City of Gainesville*, Case No. 2023-CA-3130 [GPD] (settled)

Aside from tort and employment litigation, the office engaged in governmental-type litigation including claims based on purported legislative preemption, challenges to regulatory measures such as the exclusive solid waste carrier ordinance, junior lien (including code enforcement) foreclosure cases, collection of user and regulatory fees, and employee wage garnishment cases.

Public Safety

The City's police and fire departments often need prompt, reliable legal counsel, as well as seasoned transactional and litigation representation. A sampling of this office's efforts to support GPD and GFR during this fiscal year include:

- Reviewing and drafting contracts for the acquisition of equipment, medical supplies, training, and those related to grants and special projects;
- Providing review, interpretation, and amendments to the City's Nuisance Abatement Ordinance;
- Assisted in the review, interpretation, and creation of the City's proposed camping related Ordinance;
- Researching and drafting eight legislative and case law updates for GPD;
- Researching and answering frequent legal questions for GPD;
- Pursuing and litigating 4 Contraband Forfeiture cases related to drug trafficking offenses; money laundering; and human trafficking.
- Pursuing and litigating three Risk Protection Orders requiring the temporary surrender of firearms. RPOs were granted in all of the cases.
- Drafting Declarations of Emergency for hurricanes.
- Attending Public Safety Committee meetings.

Planning, Development, and Neighborhood Improvement

The Office of the City Attorney actively works with the Department of Sustainable Development and other City departments in the formulation and drafting of ordinances and resolutions. These ordinances and resolutions are the essential means through which the policies of the City Commission are carried out, and they often help define our neighbors' interactions with the City. During this fiscal year, the Office of the City Attorney has prepared and

presented approximately 36 ordinances on first reading, 34 ordinances on second or adoption reading, and 18 resolutions, along with assisting in drafting over a hundred contracts and amendments to contracts. Many of these ordinances have been land use and zoning actions affecting particular parcels of property. Other items will have more widespread and lasting effects.

Labor and Employment

The City of Gainesville has over 2300 employees (including General Government and Gainesville Regional Utilities); approximately 70% of those employees are represented by one of 5 unions under 7 separate labor agreements. The Office of the City Attorney provides counsel and representation in a wide range of interactions between the City and its community builders. This fiscal year provided many opportunities for this office to assist in forging, repairing, or improving these relationships in several ways.

- Assisting with the Hiring Practices and Background Checks – The office’s experienced labor and employment lawyer worked in support of researching the backgrounds of applicants for employment or promotions where the general background check disclosed potential issues when the decision for hiring or promotion was undecided. We made recommendations to the Human Resources Department regarding hiring or promotions relying upon objective criteria and past practice helping to ensure consistency throughout the organization. In addition, applicants that had a more serious background, we conducted follow up interviews with the applicant in compliance with EEOC guidelines in order to render our final recommendation.
- Immigration Work – This office worked in conjunction with outside counsel to petition the United States Citizenship and Immigration Services (“USCIS”) for an amended H-1B Visa for a specialty occupation that was hard to fill for an employee who changed jobs as well as an extension of the employee’s current H-1B Visa. In addition, we are in the process of petitioning the USCIS for a permanent green card for a current employee. For other employees that work for the City on Visas, we work with the employees to ensure they have the appropriate paperwork and provide HR with relevant deadlines as well as interpretations of paperwork submitted by the employee.
- General policy creation, review, and counseling – This office provided general day-to-day labor and employment counseling to Charter Officers and Department Heads on areas including, but not limited to, the Law Enforcement Officer’s Bill of Rights, grievances, Employee Notices, the use of medical Marijuana, service animals in the workplace, performance improvement plans, FMLA leave, reasonable accommodations under the ADA, the City’s EAP program, the City’s Drug-Free Work Place Policy, Internal Affairs investigations, Veteran’s Preference application in hiring decisions, GFR’s contract with new trainees, classifying City employees as exempt or non-exempt under Florida Public Records Laws, public records requests and the interpretation of the City’s policies, procedures, ordinances and each union’s Collective Bargaining

Agreements. Also, the office's labor and employment attorney assisted GPD in drafting and modifying their General Orders. On an ongoing basis, the office is working with the City Manager's office and MB Listings, TeensWork Alachua and the Children's Trust to continue a summer internship program for Alachua County Youth ages 14-18 funded by the Children's Trust. As well, the office serves on the City Wide Policy Team in drafting and modifying City policies, procedures, guidelines and practices. In that regard, the office has updated Medical Certification forms to be filled out by healthcare providers in order to obtain definitive supporting information regarding an employee's need for a reasonable accommodation. We also provided guidance on negotiations with the IAFF union (non-District Chiefs) regarding certain demands made by the union. Of course, counsel has also been provided in response to the various personnel actions and interim appointments, permanent appointments and separations from employment that have occurred including attending informal conferences and evidentiary hearings within the City.

- Human Rights Board – We provided representation to the City's Human Rights Board, including drafting training materials regarding the Board's administrative procedures, jurisdiction and powers; attended all HRB monthly meetings; and provided procedural and legal guidance with respect to current findings.
- Labor and Employment Litigation – The Office of the City Attorney provided in-house representation and supported outside counsel in litigating a variety of matters in several different forums. We are currently actively defending a case in the Eighth Judicial Circuit alleging workers' compensation retaliation and recently prevailed in a case in the Eighth Judicial Circuit on a case brought by a law enforcement officer alleging an entitlement to a compliance review hearing. We are currently defending an age discrimination case in the U.S. District Court for the Northern District of Florida. Position Statements have been filed seeking no reasonable cause rulings in seven separate proceedings before the EEOC or the FCHR with allegations including religious discrimination, hostile work environment based on race, race discrimination and retaliation, age discrimination, sex discrimination and violations of the Equal Pay Act. As well, the office works with management to draft position statements regarding allegations of harassment or discrimination filed with Office of Equity and Inclusion as well as conducts investigations into such allegations. Finally, the office addressed a whistle blower claim brought under the Florida Statutes successfully and have counseled management on two other potential whistleblower claims.
- Legislative Monitoring and Interpretation – The Office of the City Attorney has worked with the CWA in order to ensure they meet renewal of registration requirements under the newly modified Fla. Stat. §447.305. In addition, due to the legislative act amending the City's Charter placing GRU under the authority of the Gainesville Regional Utilities Authority ("GRUA"), we have assisted CWA in filing various petitions in seeking to create two new CWA bargaining units for

the GRU employees under the authority of the GRUA and amending the certifications of the CWA for the employees employed by the City.

Necessary Government Services

The City is the governmental body that is closest to the people. As such, the City provides services that impact our neighbors on a daily basis. The City's community builders are instrumental in providing these services and this office is dedicated to supporting the consideration and resolution of the many issues that arise in providing these services.

- Virtually all contracts for goods, equipment, and professional services are vetted for form and legality by the Office of the City Attorney, but many, especially the more complex contracts, involve attorney negotiation and drafting. The office is enhancing focus on an influx of IT contracts, which require special terms related to data breach.
- The office regularly provides training and counsel regarding public records and open government issues. Researched law regarding ADA compliance in fulfilling public records requests. Developed written guidelines to staff.
- Monitored developments in technology and cybersecurity in order to advise departments in drafting contracts, city policies, and application of public records law to sensitive information of the city.
- The Office of the City Attorney provided legal support regarding the fire assessment, including reviewing schedule and rate resolutions and answering staff questions regarding application of fire assessment to specific properties.
- Drafted new contract templates for city departments.
- Researched statutes regarding business taxes and advised staff regarding their ability to change the business tax structure.
- Assisted staff in collecting delinquent business taxes by sending letters to delinquent business owners.
- Assisted city staff in drafting agreements related to the exclusive franchise ITN, which was eventually abandoned.
- Assisted solid waste department with negotiations related to ITN for exclusive franchise, including providing legal advice regarding procurement issues and public records law surrounding the ITN.
- Updated interlocal agreements with Supervisor of Elections to conduct city elections. Updated polling place agreement.
- Drafted extensive revisions to False Fire Alarm ordinance.
- Provided counsel related to smoking lounge, bottle club, and nuisance abatement ordinances.
- Advised City Auditor regarding how to proceed with RFP for external auditor services in light of recent GRU split.
- Reviewed civil citations for solid waste department.
- Assisted staff with questions regarding implementation of rules for special events.
- Participated in ongoing conferences and negotiations with the University of Florida regarding transit services.

Utilities

Prior to the ongoing Legislature-initiated changes at the City's utility, the Office of the City Attorney dedicated an attorney with specialized experience to matters involving Gainesville Regional Utilities. That attorney chose to separate from the City in August 2024, but the bulk of the legal work has been re-distributed among several attorneys within the City Attorney's Office. For example, counsel related to contracts, debt-related issues, and real estate matters is still being sought by GRU management, and provided by attorneys from this office. This fiscal year was demanding and eventful from a legal perspective. The transition to the GRU Authority mandated by special act of the Florida Legislature presented unique and effort-consuming challenges. An overview of the legal services provided to the utility include:

- GRU Bond Activity. The Utility is reliant upon a complex system of financing, and receives services from several highly capable financial professionals sourced in-house and outside of the organization. This past year, this office assisted and liaised with outside counsel, financial managers, and internal financial professionals to close on multiple transactions, including:
 - Requests for Extensions of Stated Termination Dates for 2005C, 2008A, and 2012B
 - Refunding of 2014 Series A
 - Substitution of Liquidity Facilities Related to 2012 Series B
 - Mandatory Tender of the 2005C and 2006A Bonds
 - Third Allonge to 2018A Bond
 - Allonge to Amended and Restated 2020A Bond
- Reviewed, edited, and approved approximately 500 simple contracts and amendments;
- Reviewed and approved approximately 92 easements and real estate transactions for GRU;
- Conducted extensive legal research on 50 matters at the request of the GM or GRU staff to provide GRU with legal analysis in the form of memorandums, legal policies, or PowerPoint presentations;
- Provided legal review and advice regarding interconnection agreement with City of Alachua;
- Provided legal review and advice regarding potential transmission substation to other utility providers;
- Provided legal review and advice regarding natural gas rebates;
- Provided legal review and advice regarding utility boundaries and annexation;
- Provided legal review and advice regarding the effects of the updated sections of PURPA;
- Provided legal review of the Code of Business Conduct for the Gainesville Regional Utilities Authority;
- Reviewed and provided advice on GRU's Request for Proposal for banking services;
- Provided legal review of notices from Origis regarding the Origis Power Purchase Agreement;

- Reviewed Magellan Broadband Report and provided legal guidance to staff regarding report. Interviewed and retained outside counsel to assist with business plan;
- Provided construction contract review and advice for: Preliminary Planning phase of the Progressive Design Build Agreement for Main Street Wastewater plant;
- Reviewed draft Progressive Design Build contract for new Groundwater Recharge Wetland Project;
- Reviewed TEA Agreements and TEA Electric Guaranty;
- Filed Trademark renewals for GRU with the US Patent and Trademark Office;
- Worked with GRU regarding General Government's regulation/management of its ROWs (i.e., utility placement, regulation, fees, etc.);
- Advised GRU on various issues involving land regulation/development and its effect on the provision of utilities on private and public land;
- Finalized the Interlocal Agreement between Alachua County and the City of Gainesville for the Acquisition of the Trunked Radio System and related defeasement of debt; and
- Researched the potential applicability of the Rate Stabilization Fund, the Fuel Levelization Fund, and the ConnectFree Programs related to efforts to provide utility bill relief to customers.

cc: Charter Officers
Human Resources Director



Charter Officer Annual Performance Evaluation Form

Introduction:

The City Commission is responsible for conducting Charter Officer annual evaluations ensuring the Charter contributes to the achievement of the City’s mission, vision and goals. Charter Officer performance evaluations shall be conducted after the conclusion of each fiscal year.

The purpose of the Charter Officer evaluation is to provide timely, clear and focused input to the Charter about how well he or she is performing in the key performance areas identified as most critical by the City Commission in achieving the City of Gainesville’s strategic objectives.

The Charter Officer should be evaluated using criteria established by the Commission, aligning with established core competencies, review rating scale criteria and salary adjustment schedules as determined by Human Resources. Human Resources will notify the Commission at least one month in advance of performance evaluation due dates. Annual salary increases will be based on the Charter Officer’s performance of established objectives in the prior fiscal year. Any annual awards are made based on market considerations and according to budgetary or fiscal constraints.

Commission Instructions:

Evaluate the Charter Officer’s performance for each area of accountability using the rating scale outlined below. Consider all criteria together when forming an impression about the Charter Officer’s performance. Add comments you believe provide context to your rating or that would be helpful to the Charter Officer.

Performance Descriptors and Rating Scale		
5	Superior	Work performance consistently exceeds all performance expectations and displays a consistent level of exceptional performance. This is consistent, exceptional performance.
4	Exemplary	Work performance consistently achieves all performance expectations and key elements of performance consistently are carried out in an exceptional manner or sustained periods. This is consistent, outstanding performance.
3	Meets Expectations	Work performance consistently achieves all performance expectations for this factor.
2	Needs Improvement	Work performance on one or more elements is less than expected and requires some improvements to fully meet performance standards.
1	Did Not Meet Expectations	Work performance within this factor is unacceptable. Performance did not meet expected performance standards.

Ratings 2 or below should include comments and if applicable provide specific suggestions for performance improvement.

Charter Officer Instructions and Next Steps:

- Using the above Rating Scale, the Charter Officer will self-evaluate and rate his or her performance. The Charter Officer should also attach his or her **Accomplishments List or Report** to the form.
- Charter Officer to submit completed self-evaluation and accomplishments report to Human Resources.
- Charter Officer to schedule individual evaluation discussion meetings with each Commission member to discuss self-evaluation and list of accomplishments. Charters should also be prepared to discuss objectives for next fiscal year.
- After reviewing the Charter Officer self-evaluation and accomplishments report with the Charter Officer, each Commission member will provide an evaluation rating, using the above Rating Scale.
- Following Commission and Charter performance evaluation discussion, completed performance evaluations are returned to Human Resources.
- Human Resources will compile and aggregate all Charter Officer evaluation ratings, coordinate and present for discussion during a publicly noticed Commission meeting. Note: Salary increases are budgeted in a personal services contingency account and recommended salary increases will be processed within established payroll processing timelines.



Charter Officer Annual Performance Evaluation Form

Fiscal Year: 2023-2024	Evaluator: Daniel M. Nee (Self-Evaluation)
Charter Officer: Daniel M. Nee	Title: City Attorney

***Overall Support of City Commission Goals and Objectives.** Demonstrates an understanding of and supports the City's philosophy (vision, mission, values); actively pursues an understanding of organizational goals and objectives and how these relate to the Charter Officers' job and department.

***Charter to attach Accomplishments Report for Evaluation Period**

Commission Member: Check performance rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

Please see the Annual Performance Report of the Office of the City Attorney provided concurrently with this self-evaluation for a complete review of the activities and accomplishments of the City Attorney's Office over the past year.

The City Attorney's Office has had a highly effective year during a period of organizational and budgetary stress. I do not claim responsibility for that productivity, but rather celebrate the success of the office, and continue to dedicate my efforts to support the attorneys and staff who perform so admirably. My role supervising the office in many ways parallels the City Attorney's Office's role in our larger organization. This office has an integral, but supporting, role in many of the functions and business activities of our Clients. The value of our services are generally reflected in the usefulness to our Clients in achieving their goals. Similarly, I take great satisfaction in supporting the legal professionals who serve the City, ensuring that they have the resources needed to be effective, and fostering the ethical framework in which they can exercise their professional obligations in the best interests of the City.

- The Office of the City Attorney actively monitors and represents our Clients in over 390 open claims and cases. Primarily these involve: Personal injury and other torts; Labor and employment issues; Police liability; and construction and other contract disputes. Cases are currently being litigated at all levels of state trial courts, at the state District Court of Appeal, and in the federal Northern District of Florida, as well as before state DOAH hearing officers and the EEOC.
- The Office of the City Attorney provided legal counsel at regular and special meetings and workshops held by the City Commission, standing committees of the City Commission, the GRU Authority, the Development Review Board, the City Plan Board, Parking Board of Appeals, Human Rights Board, Fire Safety Board of Adjustment, and Boards of Trustees for Pension Plans. We strive to be present and prepared for any issue that is reasonably foreseeable, and prompt in follow-up to all unexpected inquiries.
- The Office of the City Attorney prepared and submitted 36 Ordinances on first reading, 34 Ordinances on second or adoption reading, and 18 Resolutions during this fiscal year.
- We also reviewed and/or drafted numerous agreements and responses to requests for legal services, and assisted our Clients with contract negotiations and disputes, including agreements with the County, Constitutional Officers (Supervisor of Elections, Sheriff, State Attorney, Public Defender), the University of Florida, utility customers (individually and large-scale developers), and a multitude of vendors.
- The office assisted staff and several City boards in updating Board Rules.
- The Office of the City Attorney provided legal opinions to staff and the City Commission on matters such as First Amendment and other Constitutional concerns, including signage and homeless issues; equal opportunity, including discrimination and hiring and purchasing practices; and public records, public meetings and ethics laws; along with necessary opinions related to utility revenue bond issuances.



Charter Officer Annual Performance Evaluation Form

- We also conducted training and provided legal guidance on topics of interest, including: public records and Sunshine Law training; provided GPD training; advised City staff of changes in the law and developing court cases.
- Three attorneys (including the City Attorney) have achieved Florida Bar Board Certification in City, County and Local Government Law. As such, we are recognized as "Specialists" or "Experts" in this area of law. One other attorney previously held that distinction for an extended period, but decided to forego re-certification in light of his upcoming retirement. Three legal assistants maintained professional legal assistant/paralegal certifications. Attorneys maintain membership in relevant Florida Bar practice sections, including: City, County, and Local Government Law; Labor and Employment Law; Administrative Law; and Civil Litigation. Continuing legal education and collegial networking is ensured through participation in conferences and email listservs sponsored by the Florida Bar, the Florida Municipal Attorneys Association, the International Municipal Lawyers Association, the Florida Association of Police Attorneys, and others. Members of this office maintain professional and productive working relationships with officials in the judiciary, attorneys with the State Attorney and Public Defender Offices, and other local Constitutional Officers, including the Clerk of Court, Supervisor of Elections, Property Appraiser, and Tax Collector.
- The Office of the City Attorney has been blessed with long tenures served by accomplished attorneys and staff. We lost an attorney to family relocation last year, but were fortunate to find a highly-qualified addition to our team. Presently the office has 4 attorneys with in excess of 23 years' of practice experience each (2 with more than 35!). We have 4 attorneys who have served the City of Gainesville for over 10 years. 2 legal assistants have served our Clients for over 20 years. The institutional knowledge and dedication is invaluable to providing efficient, cost-effective counsel and service to our Clients. We are presently working with Human Resources to ensure effective ways to continue making career development and advancement a priority within the office.
- In addition to the experienced in-house staff, the office retained and oversaw outside counsel to respond to excess workload demand or handle specialized matters for our Clients for which we lack sufficient in-house expertise.

Competencies:

1. Business Acumen. Understands the business, financial status of the organization and core operational area of responsibility; realizes implications of key financial indicators, and uses economic and industry data to accurately diagnose business strengths and weaknesses.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

I bring almost 23 years of institutional knowledge of this office and organization, along with over 29 years of professional experience as an attorney practicing in our community. I am fortunate to have strong bonds with past significant contributors to this office, and City government as a whole. I am Florida Bar Board Certified in City, County, and Local Government Law, but possess the humility to rely on strong subject matter experts in the wide areas of law that are implicated daily with this organization. I remain active in our legal community statewide and locally to ensure that the office remains substantively and technically capable of providing effective legal counsel and representation to the City.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:



Charter Officer Annual Performance Evaluation Form

2. Communication and Building Relationships. Communicates and listens effectively, open to receiving and giving constructive feedback, promotes frank and open discussions on issues. Cultivates a network of relationships both internal and external, promotes collaboration and removes barriers across organizational lines, builds credibility for the City.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:
 As an attorney focused on primarily litigation for the City over most of my career, effective oral and written communication has been an essential skillset. My role has been to listen to City community builders, opposing counsel and litigants, and other witnesses, and convey our story to judges and juries.
 In my current role, I am committed to listening to co-workers, Commissioners, and neighbors – all of our stakeholders. I value frank, open, direct communication. I understand that, generally, tone comes before content, and effective communication is a byproduct of trust. People are rarely willing to communicate openly if they do not trust that they have been heard. One of the joys of serving in this office for so long is the relationships that I have built with other community builders and officials in sister agencies including the Supervisor of Elections, the State Attorney’s Office, the Public Defender’s Office, the Judiciary, the Clerk of Courts, Alachua County, and others.

3. Fiscal Management. Prepares a balanced budget to provide services at a level directed by the Commission, ensuring actions and decisions reflect an appropriate level of responsibility for financial planning and accountability.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:
I would like to see a greater effort from the Attorney's Office in working as a team towards in meeting goals to achieve a balanced budget. All Charter Offices work with the Commission and Charter Offices to achieve budgetary goals with the exception of this office.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:
 This office cooperates with management to formulate an adequate budget, and functions within that budget. All financial policies and procedures are followed assiduously. This aspect of leading the Charter Office department was especially challenging over this fiscal year. The organization as a whole faced financial challenges brought about by responses to legislative oversight and restructuring. We successfully limited non-personnel expenditures, and left a significant position unfilled out of concern for further budgetary shockwaves. An attorney position has remained unfilled, as we stretched to compensate for the lost work product in recognition of the organization-wide budget cuts. These actions are particularly challenging in a department such as the City Attorney’s Office which is heavily skewed toward professional personnel. I am striving to grow as a manager, in recognition that fiscal management is not just a function of maintaining low expenditures, but ensuring that the budget is right-sized for the tasks at hand.



Charter Officer Annual Performance Evaluation Form

4. Leading and Supervision. Effectively establishes strategies to develop and maximize employee performance, foster high standards in meeting the vision, mission and goals of the department.

Commission Member: Check rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

This office is fortunate to have senior, experienced professionals among both attorneys and staff. My role has been to ensure that they have the tools and support necessary to performance at consistently high levels. We encourage collegiality among co-workers, and literally place a premium on continuing education through recognition for attaining subject area certifications. When positions become open in the office, we engage in a thorough process to attract a diverse pool of talented applicants. Frequent interaction and open feedback allow members of the office to develop professionally as individuals and as a team. Personally, I value each and every member of our team. I understand that individuals accept a position of employments for a number of reasons – compensation, benefits, location, etc. -- but they stay in that workplace for one reason. They stay when they feel valued and productive; when they are respected professionally and personally.

I recognize that this position also requires an acceptance of leadership responsibility on an organization-wide basis. I strive to be of service to fellow charter officers and department heads. I am proud of the strong personal and professional relationships that have been developed over a long career within the City, and try to be generous with that institutional knowledge.

Leadership also entails a responsibility to the larger community. Specifically, I accept a significant role in our local legal community. I stay abreast of activities within the legal community, and maintain strong relationships with lawyers and officials throughout our county and judicial circuit.

Charter Officer Signature: 

Date: 11/25/24

Commission Member Signature: 

Date: 12-2-24

Return fully completed Charter Officer Performance Evaluation form to Human Resources Director, Box 20



Charter Officer Annual Performance Evaluation Form

Introduction:

The City Commission is responsible for conducting Charter Officer annual evaluations ensuring the Charter contributes to the achievement of the City's mission, vision and goals. Charter Officer performance evaluations shall be conducted after the conclusion of each fiscal year.

The purpose of the Charter Officer evaluation is to provide timely, clear and focused input to the Charter about how well he or she is performing in the key performance areas identified as most critical by the City Commission in achieving the City of Gainesville's strategic objectives.

The Charter Officer should be evaluated using criteria established by the Commission, aligning with established core competencies, review rating scale criteria and salary adjustment schedules as determined by Human Resources. Human Resources will notify the Commission at least one month in advance of performance evaluation due dates. Annual salary increases will be based on the Charter Officer's performance of established objectives in the prior fiscal year. Any annual awards are made based on market considerations and according to budgetary or fiscal constraints.

Commission Instructions:

Evaluate the Charter Officer's performance for each area of accountability using the rating scale outlined below. Consider all criteria together when forming an impression about the Charter Officer's performance. Add comments you believe provide context to your rating or that would be helpful to the Charter Officer.

Performance Descriptors and Rating Scale		
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Ratings 2 or below should include comments and if applicable provide specific suggestions for performance improvement.

Charter Officer Instructions and Next Steps:

- Using the above Rating Scale, the Charter Officer will self-evaluate and rate his or her performance. The Charter Officer should also attach his or her **Accomplishments List or Report** to the form.
- Charter Officer to submit completed self-evaluation and accomplishments report to Human Resources.
- Charter Officer to schedule individual evaluation discussion meetings with each Commission member to discuss self-evaluation and list of accomplishments. Charters should also be prepared to discuss objectives for next fiscal year.
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- Following Commission and Charter performance evaluation discussion, completed performance evaluations are returned to Human Resources.
- Human Resources will compile and aggregate all Charter Officer evaluation ratings, coordinate and present for discussion during a publicly noticed Commission meeting. Note: Salary increases are budgeted in a personal services contingency account and recommended salary increases will be processed within established payroll processing timelines.



Charter Officer Annual Performance Evaluation Form

Fiscal Year: 2024	Evaluator: Ed Book
Charter Officer: Daniel Nee	Title: Attorney

***Overall Support of City Commission Goals and Objectives.** Demonstrates an understanding of and supports the City's philosophy (vision, mission, values); actively pursues an understanding of organizational goals and objectives and how these relate to the Charter Officers' job and department.

***Charter to attach Accomplishments Report for Evaluation Period**

Commission Member: Check performance rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Has had to navigate a very unusual year as a City Attorney advising the City Commission & attempting to advise the GRU Authority while the Authority retained independent counsel.

Understands the mission & core elements of the City as the most senior Charter officer amongst 5. Advises City leadership in ways that help evaluate risk & reward. In meeting, expressed that top goal is service to clients (City/City Commission) & responsiveness.

Drafts & moves ordinances to review on a regular basis. As mentioned before, follows through on City efforts that are directed in a way that best prepares the City for success.

Metrics in this category include court deadlines & ordinance drafting. This fiscal year, ordinance drafting is similar in numbers as last year though there are more unique ordinances such as in zoning & public safety as directed by the Commission.

Involves support for complex quasi-judicial matters & hearings, zoning & land use, & litigation & contracts.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

Competencies:

1. Business Acumen. Understands the business, financial status of the organization and core operational area of responsibility; realizes implications of key financial indicators, and uses economic and industry data to accurately diagnose business strengths and weaknesses.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Annual Performance Evaluation Form

Commission Member Comments:

City Attorney’s office is laid out by practice area with overlaps & redundancy which assists in attaining goals & objectives. As a whole, staff are generalists. Has experienced staff & incremental attrition.

One staff member received certification in court room skills & attained board certification. Currently is understaffed in the litigation area.

Professional development & awareness of legal trends, for example by learning through training & conferences, allows the City Attorney to function in accordance with best practices.

Retains outside counsel when recognizing that expertise will be beyond that of even an experienced staff such as in matters regarding utilities & police. Have had legal outcomes in the past year that were contradictory to what was thought to be prevailing likelihood (primarily related to GRU matters using outside counsel.) As voter referendums & legal challenges continue with GRU & the City, this leaves uncertainty on staffing & legal entanglements which are very much in flux as this evaluation is being written.

Budget – reduced budget by 2.7%. Eliminated an unfilled position in response to City fiscal constraints. These will likely continue with further fiscal conservatism in the office at least the next 2 fiscal years. (See further under the Fiscal Management section.)

Understands & operates office by understanding the nature of litigation & risk & makes decisions based on that objective environment.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:



Charter Officer Annual Performance Evaluation Form

2. Communication and Building Relationships. Communicates and listens effectively, open to receiving and giving constructive feedback, promotes frank and open discussions on issues. Cultivates a network of relationships both internal and external, promotes collaboration and removes barriers across organizational lines, builds credibility for the City.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

For this Commissioner, easy to work with, obtain opinions & counsel, & trust judgement.

Written communication could increase on referrals in order to ensure consistent communication across the Commission with timely updates. Provides communications to City leadership both in writing and verbally on matters of public & private concern. On critical matters, typically responds or informs in a matter of hours.

Works well with other areas of the City including all Charters. Has effective internal communication within the City Attorney's office.

Importantly - available & accessible after hours on short notice.

Stability of staff in the office an indication that communication & inter-personal relationships are solid. Natural attrition via retirement this upcoming year will result in staff changes and new relationships for hired staff to integrate.

Has both internal & external contacts & networks in the field & the broader office utilizes networks, list serves, & professional development.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

3. Fiscal Management. Prepares a balanced budget to provide services at a level directed by the Commission, ensuring actions and decisions reflect an appropriate level of responsibility for financial planning and accountability.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Annual Performance Evaluation Form

Commission Member Comments:

FY budget decreased by 2.7%, approximate \$59,000 primarily due to operational reductions such as outside legal services. Will need similar efforts in this area for FY 25 & even likely FY 26 if financial restraints continue as expected. This will be a key area moving forward while retaining operational excellence.

State scrutiny & reduction of available funding streams primarily via the GRU transfer will almost certainly necessitate reduction in economy of scale while legal expertise in the office remains intact.

(Note that GRU as previously constructed funded approx. \$200k of this office. At this writing, governance by a new GRU Authority is moving forward with a similar amount of money via cost allocation & continuing independent counsel hiring while attempting to reduce utilization of the City Attorney.)

Is reviewing budget & salaries of similar governmental agencies to ensure competitive salaries.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:



Charter Officer Annual Performance Evaluation Form

4. Leading and Supervision. Effectively establishes strategies to develop and maximize employee performance, foster high standards in meeting the vision, mission and goals of the department.

Commission Member: Check rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Stability in this office remains excellence with attrition low. Further, the City Attorney is the most experienced & tenured Charter officer as he has worked in City Attorney's office for 23 years. This allows him to manage an experienced staff. Trusts staff & delegates.

Attendance/presence at all City Commission meetings & relevant guidance at other times. Involved in regular meetings between City charters & leadership staff.

Oversight, assignment, & recommendation of when additional or outside expertise is needed is high.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

Charter Officer Signature: _____

Date: _____

Commission Member Signature: _____

Date: 12/21/24

Return fully completed Charter Officer Performance Evaluation form to Human Resources Director, Box 20



Charter Officer Annual Performance Evaluation Form

Introduction:

The City Commission is responsible for conducting Charter Officer annual evaluations ensuring the Charter contributes to the achievement of the City’s mission, vision and goals. Charter Officer performance evaluations shall be conducted after the conclusion of each fiscal year.

The purpose of the Charter Officer evaluation is to provide timely, clear and focused input to the Charter about how well he or she is performing in the key performance areas identified as most critical by the City Commission in achieving the City of Gainesville’s strategic objectives.

The Charter Officer should be evaluated using criteria established by the Commission, aligning with established core competencies, review rating scale criteria and salary adjustment schedules as determined by Human Resources. Human Resources will notify the Commission at least one month in advance of performance evaluation due dates. Annual salary increases will be based on the Charter Officer’s performance of established objectives in the prior fiscal year. Any annual awards are made based on market considerations and according to budgetary or fiscal constraints.

Commission Instructions:

Evaluate the Charter Officer’s performance for each area of accountability using the rating scale outlined below. Consider all criteria together when forming an impression about the Charter Officer’s performance. Add comments you believe provide context to your rating or that would be helpful to the Charter Officer.

Performance Descriptors and Rating Scale		
5	Superior	Work performance consistently exceeds all performance expectations and displays a consistent level of exceptional performance. This is consistent, exceptional performance.
4	Exemplary	Work performance consistently achieves all performance expectations and key elements of performance consistently are carried out in an exceptional manner or sustained periods. This is consistent, outstanding performance.
3	Meets Expectations	Work performance consistently achieves all performance expectations for this factor.
2	Needs Improvement	Work performance on one or more elements is less than expected and requires some improvements to fully meet performance standards.
1	Did Not Meet Expectations	Work performance within this factor is unacceptable. Performance did not meet expected performance standards.

Ratings 2 or below should include comments and if applicable provide specific suggestions for performance improvement.

Charter Officer Instructions and Next Steps:

- Using the above Rating Scale, the Charter Officer will self-evaluate and rate his or her performance. The Charter Officer should also attach his or her **Accomplishments List or Report** to the form.
- Charter Officer to submit completed self-evaluation and accomplishments report to Human Resources.
- Charter Officer to schedule individual evaluation discussion meetings with each Commission member to discuss self-evaluation and list of accomplishments. Charters should also be prepared to discuss objectives for next fiscal year.
- After reviewing the Charter Officer self-evaluation and accomplishments report with the Charter Officer, each Commission member will provide an evaluation rating, using the above Rating Scale.
- Following Commission and Charter performance evaluation discussion, completed performance evaluations are returned to Human Resources.
- Human Resources will compile and aggregate all Charter Officer evaluation ratings, coordinate and present for discussion during a publicly noticed Commission meeting. Note: Salary increases are budgeted in a personal services contingency account and recommended salary increases will be processed within established payroll processing timelines.



Charter Officer Annual Performance Evaluation Form

Fiscal Year: 2023-2024	Evaluator: Commissioner
Charter Officer: Daniel M. Nee	Title: City Attorney

***Overall Support of City Commission Goals and Objectives.** Demonstrates an understanding of and supports the City's philosophy (vision, mission, values); actively pursues an understanding of organizational goals and objectives and how these relate to the Charter Officers' job and department.

***Charter to attach Accomplishments Report for Evaluation Period**

Commission Member: Check performance rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

Competencies:

1. Business Acumen. Understands the business, financial status of the organization and core operational area of responsibility; realizes implications of key financial indicators, and uses economic and industry data to accurately diagnose business strengths and weaknesses.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:



Charter Officer Annual Performance Evaluation Form

2. Communication and Building Relationships. Communicates and listens effectively, open to receiving and giving constructive feedback, promotes frank and open discussions on issues. Cultivates a network of relationships both internal and external, promotes collaboration and removes barriers across organizational lines, builds credibility for the City.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

3. Fiscal Management. Prepares a balanced budget to provide services at a level directed by the Commission, ensuring actions and decisions reflect an appropriate level of responsibility for financial planning and accountability.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:



Charter Officer Annual Performance Evaluation Form

4. Leading and Supervision. Effectively establishes strategies to develop and maximize employee performance, foster high standards in meeting the vision, mission and goals of the department.

Commission Member: Check rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

Charter Officer Signature: _____ Date: _____

Commission Member Signature: Desmon Duncan-Walker Date: 1/3/2025

Return fully completed Charter Officer Performance Evaluation form to Human Resources Director, Box 20

*Received
DM*

City Attorney

Overall Support of City Commission Goals and Objectives

4

The City Attorney's Office has a difficult job of balancing the vagaries of law, the needs of City departments, and the goals of the City Commission. This year he has also had to worry about a separate department of the city with its own needs, one which is frequently adversarial with the City Commission. These are hard, competing priorities, and he has worked diligently to make that work. Not every decision is what I would have done, and we have disagreed on a few occasions, but every decision Dan has made is well-reasoned and considered.

Business Acumen

5

The City Attorney runs an efficient office that touches on a diverse set of issues in the City. By all accounts his office is efficient and effective.

Communication and Building Relationships

4

Communication is timely with the City Commissioners and community. Other Charter Officers and City departments have had minimal complaints about communications with the Attorney's Office.

Fiscal Management

5

The City Attorney's Office has been cautiously run and lean for many years. With recent budget cuts there have been more headwinds, which the City Attorney's Office has handled well.

Leading and Supervision

5

The City Attorney cares deeply about his staff, as is obvious from every conversation I've ever had with him. He talks frequently about their professional development and succession planning, a mark of a good manager.

Charter Officer Signature

Date

Received
DM



Charter Officer Annual Performance Evaluation Form

Introduction:

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Commission Instructions:

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Performance Descriptors and Rating Scale		
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Ratings 2 or below should include comments and if applicable provide specific suggestions for performance improvement.

Charter Officer Instructions and Next Steps:

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Charter Officer Annual Performance Evaluation Form

Fiscal Year: 2024	Evaluator: Ed Book
Charter Officer: Daniel Nee	Title: Attorney

***Overall Support of City Commission Goals and Objectives.** Demonstrates an understanding of and supports the City's philosophy (vision, mission, values); actively pursues an understanding of organizational goals and objectives and how these relate to the Charter Officers' job and department.

***Charter to attach Accomplishments Report for Evaluation Period**

Commission Member: Check performance rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Has had to navigate a very unusual year as a City Attorney advising the City Commission & attempting to advise the GRU Authority while the Authority retained independent counsel.

Understands the mission & core elements of the City as the most senior Charter officer amongst 5. Advises City leadership in ways that help evaluate risk & reward. In meeting, expressed that top goal is service to clients (City/City Commission) & responsiveness.

Drafts & moves ordinances to review on a regular basis. As mentioned before, follows through on City efforts that are directed in a way that best prepares the City for success.

Metrics in this category include court deadlines & ordinance drafting. This fiscal year, ordinance drafting is similar in numbers as last year though there are more unique ordinances such as in zoning & public safety as directed by the Commission.

Involves support for complex quasi-judicial matters & hearings, zoning & land use, & litigation & contracts.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

Competencies:

1. Business Acumen. Understands the business, financial status of the organization and core operational area of responsibility; realizes implications of key financial indicators, and uses economic and industry data to accurately diagnose business strengths and weaknesses.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Annual Performance Evaluation Form

Commission Member Comments:

City Attorney’s office is laid out by practice area with overlaps & redundancy which assists in attaining goals & objectives. As a whole, staff are generalists. Has experienced staff & incremental attrition.

One staff member received certification in court room skills & attained board certification. Currently is understaffed in the litigation area.

Professional development & awareness of legal trends, for example by learning through training & conferences, allows the City Attorney to function in accordance with best practices.

Retains outside counsel when recognizing that expertise will be beyond that of even an experienced staff such as in matters regarding utilities & police. Have had legal outcomes in the past year that were contradictory to what was thought to be prevailing likelihood (primarily related to GRU matters using outside counsel.) As voter referendums & legal challenges continue with GRU & the City, this leaves uncertainty on staffing & legal entanglements which are very much in flux as this evaluation is being written.

Budget – reduced budget by 2.7%. Eliminated an unfilled position in response to City fiscal constraints. These will likely continue with further fiscal conservatism in the office at least the next 2 fiscal years. (See further under the Fiscal Management section.)

Understands & operates office by understanding the nature of litigation & risk & makes decisions based on that objective environment.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:



Charter Officer Annual Performance Evaluation Form

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Commission Member Comments:

For this Commissioner, easy to work with, obtain opinions & counsel, & trust judgement.

Written communication could increase on referrals in order to ensure consistent communication across the Commission with timely updates. Provides communications to City leadership both in writing and verbally on matters of public & private concern. On critical matters, typically responds or informs in a matter of hours.

Works well with other areas of the City including all Charters. Has effective internal communication within the City Attorney's office.

Importantly - available & accessible after hours on short notice.

Stability of staff in the office an indication that communication & inter-personal relationships are solid. Natural attrition via retirement this upcoming year will result in staff changes and new relationships for hired staff to integrate.

Has both internal & external contacts & networks in the field & the broader office utilizes networks, list serves, & professional development.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

3. Fiscal Management. Prepares a balanced budget to provide services at a level directed by the Commission, ensuring actions and decisions reflect an appropriate level of responsibility for financial planning and accountability.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Annual Performance Evaluation Form

Commission Member Comments:

FY budget decreased by 2.7%, approximate \$59,000 primarily due to operational reductions such as outside legal services. Will need similar efforts in this area for FY 25 & even likely FY 26 if financial restraints continue as expected. This will be a key area moving forward while retaining operational excellence.

State scrutiny & reduction of available funding streams primarily via the GRU transfer will almost certainly necessitate reduction in economy of scale while legal expertise in the office remains intact.

(Note that GRU as previously constructed funded approx. \$200k of this office. At this writing, governance by a new GRU Authority is moving forward with a similar amount of money via cost allocation & continuing independent counsel hiring while attempting to reduce utilization of the City Attorney.)

Is reviewing budget & salaries of similar governmental agencies to ensure competitive salaries.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:



Charter Officer Annual Performance Evaluation Form

4. Leading and Supervision. Effectively establishes strategies to develop and maximize employee performance, foster high standards in meeting the vision, mission and goals of the department.

Commission Member: Check rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Stability in this office remains excellence with attrition low. Further, the City Attorney is the most experienced & tenured Charter officer as he has worked in City Attorney's office for 23 years. This allows him to manage an experienced staff. Trusts staff & delegates.

Attendance/presence at all City Commission meetings & relevant guidance at other times. Involved in regular meetings between City charters & leadership staff.

Oversight, assignment, & recommendation of when additional or outside expertise is needed is high.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

Charter Officer Signature: _____

Date: _____

Commission Member Signature: _____

Date: 12/21/24

Return fully completed Charter Officer Performance Evaluation form to Human Resources Director, Box 20

*Received
JM*



Charter Officer Annual Performance Evaluation Form

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Charter Officer Annual Performance Evaluation Form

Casey Williams

Fiscal Year: 2023-2024	Evaluator: Daniel M. Nee (Self-Evaluation)
Charter Officer: Daniel M. Nee	Title: City Attorney

***Overall Support of City Commission Goals and Objectives.** Demonstrates an understanding of and supports the City's philosophy (vision, mission, values); actively pursues an understanding of organizational goals and objectives and how these relate to the Charter Officers' job and department.

***Charter to attach Accomplishments Report for Evaluation Period**

Commission Member: Check performance rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Attorney Nee particularly navigated the GRUA transition and continued cooperation with professionalism and great care. He understands his role, his duty, and the objectives of the Commission and community.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

Please see the Annual Performance Report of the Office of the City Attorney provided concurrently with this self-evaluation for a complete review of the activities and accomplishments of the City Attorney's Office over the past year.

The City Attorney's Office has had a highly effective year during a period of organizational and budgetary stress. I do not claim responsibility for that productivity, but rather celebrate the success of the office, and continue to dedicate my efforts to support the attorneys and staff who perform so admirably. My role supervising the office in many ways parallels the City Attorney's Office's role in our larger organization. This office has an integral, but supporting, role in many of the functions and business activities of our Clients. The value of our services are generally reflected in the usefulness to our Clients in achieving their goals. Similarly, I take great satisfaction in supporting the legal professionals who serve the City, ensuring that they have the resources needed to be effective, and fostering the ethical framework in which they can exercise their professional obligations in the best interests of the City.

- The Office of the City Attorney actively monitors and represents our Clients in over 390 open claims and cases. Primarily these involve: Personal injury and other torts; Labor and employment issues; Police liability; and construction and other contract disputes. Cases are currently being litigated at all levels of state trial courts, at the state District Court of Appeal, and in the federal Northern District of Florida, as well as before state DOAH hearing officers and the EEOC.
- The Office of the City Attorney provided legal counsel at regular and special meetings and workshops held by the City Commission, standing committees of the City Commission, the GRU Authority, the Development Review Board, the City Plan Board, Parking Board of Appeals, Human Rights Board, Fire Safety Board of Adjustment, and Boards of Trustees for Pension Plans. We strive to be present and prepared for any issue that is reasonably foreseeable, and prompt in follow-up to all unexpected inquiries.
- The Office of the City Attorney prepared and submitted 36 Ordinances on first reading, 34 Ordinances on second or adoption reading, and 18 Resolutions during this fiscal year.
- We also reviewed and/or drafted numerous agreements and responses to requests for legal services, and assisted our Clients with contract negotiations and disputes, including agreements with the County, Constitutional Officers (Supervisor of Elections, Sheriff, State Attorney, Public Defender), the University of Florida, utility customers (individually and large-scale developers), and a multitude of vendors.
- The office assisted staff and several City boards in updating Board Rules.
- The Office of the City Attorney provided legal opinions to staff and the City Commission on matters such as First Amendment and other Constitutional concerns, including signage and homeless issues; equal opportunity, including discrimination and hiring and purchasing practices; and public records, public meetings and ethics laws; along with necessary opinions related to utility revenue bond issuances.



Charter Officer Annual Performance Evaluation Form

- We also conducted training and provided legal guidance on topics of interest, including: public records and Sunshine Law training; provided GPD training; advised City staff of changes in the law and developing court cases.
- Three attorneys (including the City Attorney) have achieved Florida Bar Board Certification in City, County and Local Government Law. As such, we are recognized as "Specialists" or "Experts" in this area of law. One other attorney previously held that distinction for an extended period, but decided to forego re-certification in light of his upcoming retirement. Three legal assistants maintained professional legal assistant/paralegal certifications. Attorneys maintain membership in relevant Florida Bar practice sections, including: City, County, and Local Government Law; Labor and Employment Law; Administrative Law; and Civil Litigation. Continuing legal education and collegial networking is ensured through participation in conferences and email listservs sponsored by the Florida Bar, the Florida Municipal Attorneys Association, the International Municipal Lawyers Association, the Florida Association of Police Attorneys, and others. Members of this office maintain professional and productive working relationships with officials in the judiciary, attorneys with the State Attorney and Public Defender Offices, and other local Constitutional Officers, including the Clerk of Court, Supervisor of Elections, Property Appraiser, and Tax Collector.
- The Office of the City Attorney has been blessed with long tenures served by accomplished attorneys and staff. We lost an attorney to family relocation last year, but were fortunate to find a highly-qualified addition to our team. Presently the office has 4 attorneys with in excess of 23 years' of practice experience each (2 with more than 35!). We have 4 attorneys who have served the City of Gainesville for over 10 years. 2 legal assistants have served our Clients for over 20 years. The institutional knowledge and dedication is invaluable to providing efficient, cost-effective counsel and service to our Clients. We are presently working with Human Resources to ensure effective ways to continue making career development and advancement a priority within the office.
- In addition to the experienced in-house staff, the office retained and oversaw outside counsel to respond to excess workload demand or handle specialized matters for our Clients for which we lack sufficient in-house expertise.

Competencies:

1. Business Acumen. Understands the business, financial status of the organization and core operational area of responsibility; realizes implications of key financial indicators, and uses economic and industry data to accurately diagnose business strengths and weaknesses.

Commission Member: Check competency rating 1 2 3 4 5 N/A

Nee

~~Commission Member~~ Comments:

I bring almost 23 years of institutional knowledge of this office and organization, along with over 29 years of professional experience as an attorney practicing in our community. I am fortunate to have strong bonds with past significant contributors to this office, and City government as a whole. I am Florida Bar Board Certified in City, County, and Local Government Law, but possess the humility to rely on strong subject matter experts in the wide areas of law that are implicated daily with this organization. I remain active in our legal community statewide and locally to ensure that the office remains substantively and technically capable of providing effective legal counsel and representation to the City.

Charter Officer: Check self-evaluation rating 1 2 3 4 5 N/A

Comm. Member

~~Charter Officer~~ Comments:

Attorney Nee show exemplary attention to business acumen, understanding Florida Constitution, Statute, precedent, and regulatory findings



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2. Communication and Building Relationships. Communicates and listens effectively, open to receiving and giving constructive feedback, promotes frank and open discussions on issues. Cultivates a network of relationships both internal and external, promotes collaboration and removes barriers across organizational lines, builds credibility for the City.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:
Attorney Mc listens to concerns I express. He works closely enough with community partners to understand opportunities and needs to his office. My only constructive feedback is being a bit more proactive in making sure Commission understands process or relevant regulations before meeting.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:
 As an attorney focused on primarily litigation for the City over most of my career, effective oral and written communication has been an essential skillset. My role has been to listen to City community builders, opposing counsel and litigants, and other witnesses, and convey our story to judges and juries. In my current role, I am committed to listening to co-workers, Commissioners, and neighbors – all of our stakeholders. I value frank, open, direct communication. I understand that, generally, tone comes before content, and effective communication is a byproduct of trust. People are rarely willing to communicate openly if they do not trust that they have been heard. One of the joys of serving in this office for so long is the relationships that I have built with other community builders and officials in sister agencies including the Supervisor of Elections, the State Attorney’s Office, the Public Defender’s Office, the Judiciary, the Clerk of Courts, Alachua County, and others.

3. Fiscal Management. Prepares a balanced budget to provide services at a level directed by the Commission, ensuring actions and decisions reflect an appropriate level of responsibility for financial planning and accountability.

Commission Member: Check competency rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:
Attorney Mc has stayed within budget and has been very clear on why his budget is hard to pare down because of most all expenses are for paying staff, mostly attorneys.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:
 This office cooperates with management to formulate an adequate budget, and functions within that budget. All financial policies and procedures are followed assiduously. This aspect of leading the Charter Office department was especially challenging over this fiscal year. The organization as a whole faced financial challenges brought about by responses to legislative oversight and restructuring. We successfully limited non-personnel expenditures, and left a significant position unfilled out of concern for further budgetary shockwaves. An attorney position has remained unfilled, as we stretched to compensate for the lost work product in recognition of the organization-wide budget cuts. These actions are particularly challenging in a department such as the City Attorney’s Office which is heavily skewed toward professional personnel. I am striving to grow as a manager, in recognition that fiscal management is not just a function of maintaining low expenditures, but ensuring that the budget is right-sized for the tasks at hand.



Charter Officer Annual Performance Evaluation Form

4. Leading and Supervision. Effectively establishes strategies to develop and maximize employee performance, foster high standards in meeting the vision, mission and goals of the department.

Commission Member: Check rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Attorney Lee's leadership has kept talent in his office longer than we otherwise would have expected. This is valuable to the City - the employees staff attorneys to work proactively and thoroughly.

Charter Officer: Check self-evaluation rating	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input checked="" type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments:

This office is fortunate to have senior, experienced professionals among both attorneys and staff. My role has been to ensure that they have the tools and support necessary to performance at consistently high levels. We encourage collegiality among co-workers, and literally place a premium on continuing education through recognition for attaining subject area certifications. When positions become open in the office, we engage in a thorough process to attract a diverse pool of talented applicants. Frequent interaction and open feedback allow members of the office to develop professionally as individuals and as a team. Personally, I value each and every member of our team. I understand that individuals accept a position of employments for a number of reasons – compensation, benefits, location, etc. -- but they stay in that workplace for one reason. They stay when they feel valued and productive; when they are respected professionally and personally.

I recognize that this position also requires an acceptance of leadership responsibility on an organization-wide basis. I strive to be of service to fellow charter officers and department heads. I am proud of the strong personal and professional relationships that have been developed over a long career within the City, and try to be generous with that institutional knowledge.

Leadership also entails a responsibility to the larger community. Specifically, I accept a significant role in our local legal community. I stay abreast of activities within the legal community, and maintain strong relationships with lawyers and officials throughout our county and judicial circuit.

Charter Officer Signature: _____

Date: 11/25/24

Commission Member Signature: _____

Date: 12/30/24

Return fully completed Charter Officer Performance Evaluation form to Human Resources Director, Box 20