



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.



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Fiscal Year: 2021-2022	Evaluator:
Charter Officer: Daniel M. Nee	Title: Interim City Attorney

Goal(s) If needed use additional goals sheet (page 5):

***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**

Describe Goal(s): The City’s vision, mission, and values are set forth in the Strategic Plan. Specifically, the stated goals are to build: an Equitable Community; a More Sustainable Community; a Great Place to Live & Experience; a Resilient Local Economy; and “Best in Class” Neighbor Services.

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 great change in City management and strong policy directives by the City Commission. 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.

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 type="checkbox"/>	N/A <input type="checkbox"/>
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Charter Officer Comments: I bring almost 21 years of institutional knowledge of this office and organization, along with 27 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.

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"/>
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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 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.



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4. Integrity. Demonstrates the highest level of integrity and ethical behavior, adhering to the City’s code of conduct upholding the values of the City, challenges questionable work standards and confronts or reports suspicious practices to appropriate leaders or authorities.

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"/>
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Charter Officer Comments: Throughout my career with the City, we have steadfastly upheld the highest standards of fiduciary duty and adherence to the City’s code of conduct. This ideal is baked into our professional obligations as attorneys. It is 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. I am proud to have served in the past as a member and chair of our Circuit’s Florida Bar Grievance Committee, and pleased to report that this dedication to ethical standards has always been and remains a hallmark of this office.

5. 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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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.

Charter Officer Signature: _____

Date: _____

Commission Member Signature: _____

Date: _____



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Additional Goals Sheet

***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**

Goal 2 - Describe Goal(s): 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.

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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Charter Officer Comments: The Office of the City Attorney actively monitors and represents our Clients in approximately 266 open claims and cases. Primarily these involve: Labor and employment issues; Personal injury and other torts; 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.

Goal 3 - Describe Goal(s): 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.

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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Charter Officer Comments: 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 Utility Advisory Board, the City Elections Canvassing Board, Development Review Board, 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.



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

Goal 4 - Describe Goal(s): 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.

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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The Office of the City Attorney prepared and submitted 72 Ordinances on first reading, 82 Ordinances on second or adoption reading, and 22 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, including the City Commission, in updating Board Rules.

Goal 5 - Describe Goal(s): 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.

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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The Office of the City Attorney provided legal opinions to staff and the City Commission on matters such as traffic regulations on county-maintained roads; decennial redistricting and elections law; 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 bond issuances.
 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.



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

Goal 6 - Describe Goal(s): 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 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.

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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Four attorneys (including the Interim City Attorney) maintained 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. 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 Energy Bar Association, the Florida Association of Police Attorneys, and others. Most recently, such events have been virtual, but we are returning to in-person attendance and involvement. 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.

Goal 7 - Describe Goal(s): 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.

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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The Office of the City Attorney has been blessed with long tenures served by accomplished attorneys and staff. Presently the office has 5 attorneys with in excess of 20 years' of practice experience each (some much more than 20!). We have 4 attorneys who have served the City of Gainesville for over 8 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. Additionally, this year we welcomed a newly-hired attorney to the office to replace a valued retiring attorney. Through dedication to professional transition and succession planning, the retiring Senior Assistant City Attorney developed and conducted an intensive program of training and introduction for the newly-hired attorney.

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.