



Charter Officer Annual Performance Evaluation Form

Fiscal Year: 2021-2022	Evaluator: <i>Cynthia M. Chester</i>
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 checked="" type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

Carries out duties and responsibilities as prescribed in job description. No computer data from one year to the next to demonstrate effectiveness and efficiency in carrying out duties.

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 checked="" type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Un clear of the status of the 266 cases and pending litigation. Corrective actions taken as a result of verdicts in cases to save the City money in the future.

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: I bring almost 21 years of institutional knowledge of this office and organization, along with



Charter Officer Annual Performance Evaluation Form

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 2 3 4 5 N/A

Commission Member Comments:

Does not generally offer an opinion or recommendation on issues. Reluctant to interfere with neighbors

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

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 2 3 4 5 N/A

Commission Member Comments:

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

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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***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 checked="" type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	N/A <input type="checkbox"/>
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Commission Member Comments:

no results provided for litigation

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: 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.

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Commission Member Comments:

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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.

Additional Goals Sheet

***Overall Support of City Commission Goals and Objectives.** Demonstrates an understanding of and supports the



Charter Officer Annual Performance Evaluation Form

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 2 3 4 5 N/A

Commission Member Comments:

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

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 2 3 4 5 N/A

Commission Member Comments:

Unclear whether or not all staff are provided with the same opportunities for development for upward mobility.

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

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: *Cynthia L. Chestnut*

Date: *November 14, 2022*

Commission Member Signature: _____

Date: _____

Additional Goals Sheet