

City Attorney Performance Evaluation

December 02, 2014

RATING SCALE DEFINITIONS (1-5)

- Unsatisfactory (1)** The employee’s work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.
- Improvement Needed (2)** The employee’s work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.
- Meets Job (3)** The employee’s work performance consistently meets the standards of the position.
- Exceeds Job (4)** The employee’s work performance is frequently or consistently above the Standard level of a satisfactory employee.
- Outstanding (5)** The employee’s work performance is consistently excellent when compared to the standards of the job.
- Not evaluated (NE)** The employee’s work performance was not observed during this evaluation period.

I. Performance Evaluation and Achievements

1. <u>City Commission/ Boards Relationships</u>	<u>NE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
A. Provides sound legal advice to the City Commission, Boards, Commissions and City staff.	___	___	___	___	<u>X</u>	___
B. Reporting to the City Commission, Boards, & City staff is timely, clear, concise and thorough.	___	___	___	___	<u>X</u>	___
C. Accepts direction/instructions in a positive manner.	___	___	___	<u>X</u>	___	___
D. Keeps the City Commission, Boards, and City staff informed of issues relevant to the requirements of the position.	___	___	___	___	___	<u>X</u>
E. Dedicates the time necessary to the responsibilities of the position and is readily available to Commissioners.	___	___	___	___	<u>X</u>	___

Comments: Shawn has made himself available to the Commission via email and telephone 24/7. The bulk of my interaction with Shawn has been for legal clarification regarding voting items on the agenda and his legal opinion on the ramifications to long term programs that I would like to explore such as affordable housing initiatives. I depend on Shawn for guidance on conflict of interest issues that the Commission encounters.

2. Legal Research and Review

NE 1 2 3 4 5

A. Effectively identifies legal issues and performs research and investigations. ___ ___ ___ ___ X ___

B. Effectively reviews and interprets legal instruments, reports and documents prepared by departments. ___ ___ ___ X ___ ___

Comments: In 2014 Shawn instituted the Cone of Silence to eliminate the lobbying of key City employees prior to major bids. Although the Cone of Silence has been instituted and communicated to all solicitors, Commissioners continue to be lobbied prior to important votes as evidenced during our recent EMS vote. This piece of legislation is a very important step toward transparency for the city and now needs to be adhered to. The City under Shawn's leadership continues to make much needed progress with bid submissions now *being deemed* non-compliant and contracts that are now going out for competitive bids like the solid waste contract and our waste treatment contract which is a credit to city staff including legal. All employment contracts must be reviewed and clearly signed off on by legal staff for consistency. Our city towing contracts have been successfully negotiated in 2014 thanks to Shawn's initiative which has resulted in a more effective, consistent city towing service..

3. Employee/Public Relations

NE 1 2 3 4 5

A. Works well with other employees. ___ ___ ___ X ___ ___

B. Meeting and handling the public while recognizing ethical obligation to the City. ___ ___ ___ ___ X ___

Comments: Shawn volunteers for numerous non-profits in our community and has taken an active role in the Key West Girls Softball Recreational League as well as the travelling team...

4. Communication

NE 1 2 3 4 5

A. Oral communication is clear, concise and articulate. ___ ___ ___ ___ X ___

B. Written communications :& legal documents are clear, concise & accurate ___ ___ ___ ___ X ___

Comments: Shawn's office reviews every agenda item prior to uploading on Legistar to assure that resolutions and ordinances do not contain unintended consequences that have not been brought to discussion and public comment. Shawn needs to continue to educate the Commission and the public on conflict of interest votes particularly what constitutes financial gain.

<u>Quantity/Quality</u>	<u>NE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
A. Amount of work performed.	___	___	___	___	X	___
B. Completion of work on time.	___	___	X	___	___	___
C. Accuracy.	___	___	___	___	X	___
D. Thoroughness.	___	___	___	X	___	___

Comments; Shawn needs to provide legal guidance to allow this city to complete our 30% affordable housing requirement ordinance for **redevelopment**. Re-write our current Vehicles for Hire code to license town cars. Currently our code requires limousines to be over 20' long to operate on our 2 x 4 mile island (Sec. 78-4). Both of these initiatives have been requested from our legal department for 5 years now. I understand that having (7) bosses with distinctly different requirements make prioritizing time very challenging however the City legal team has now expanded to the point where these types of requests should be addressed in a timely fashion..

<u>6. Personal Traits</u>	<u>NE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
A. Initiative.	___	___	___	X	___	___
B. Judgement.	___	___	___	X	___	___
C. Fairness and Impartiality.	___	___	___	X	___	___
D. Analytical Ability.	___	___	___	___	X	___

Comments: Has steered the City away from potential litigious directions. Good communication skills, articulate and passionate. Shawn has also retained a good sense of humor which I suspect gets him through a number of City issues.

<u>7. Litigation/Administrative Proceedings</u>	<u>NE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
A. Provides timely and effective representation of the City's interest in litigation.	___	___	___	___	X	___
B. Controls and monitors costs and performance of retained outside legal counsel.	___	___	___	X	___	___

Comments: Shawn now manages a City legal department consisting of Chief Assistant City Attorney Larry Erskine, Assistant City Attorney II Ron Ramsingh, Assistant City Attorney I Chris Bridger, Legal Assistant II Amanda Willett-Ramirez and Executive Assistant II Claire Hurd. We should see our outside legal expenses to continue to drop and efficiency and effectiveness within the legal department to continue to improve.

II. Summary Rating

Overall Performance Rating – Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided (circle one):

Unsatisfactory Improvement Needed Meets Job Standards Exceeds Job Standards
Outstanding

Specific goals and objectives to be achieved in the next evaluation period:

1. Craft a defensible, effective affordable housing requirement for all redevelopment projects that will have a documented impact on Key West. Ordinance needs to come before the Commission asap. This request has now lingered for 5+ years and needs to be addressed particularly with the upturn in our economy, projected redevelopment in Key West and the continued decline in acceptable workforce housing units in Key West. We now have BPAS units necessary to support an aggressive affordable housing program, Donald Craig has offered to continue to provide planning expertise to assist with the creation of our 30% affordable housing requirement for re-development
2. .Continue to properly prepare the entire Commission for the February, 2015 rewrite of our Sightseeing franchise agreements. This ordinance will have significant a long range impact on the Community and quality of life issues.
3. .Continue to provide legal guidance to attain a homeless shelter site to meet our legal obligations in support of our ordinances and enforcement of those ordinances.
4. Provide Commission with legal advice to initiate public access to (or acquisition of) Admirals Cut.



City Commissioner Teri Johnston (District 5)


Shawn D. Smith, City Attorney

Cheryl Smith, City Clerk

12-2-14
Dated