

City Attorney Performance Evaluation

January 20, 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 (2) Needed** 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

<u>1. 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.	___	___	___	___	<input checked="" type="checkbox"/>	___
B. Reporting to the City Commission, Boards, & City staff is timely, clear, concise and thorough.	___	___	___	___	<input checked="" type="checkbox"/>	___
C. Accepts direction/instructions in a positive manner.	___	___	___	___	<input checked="" type="checkbox"/>	___
D. Keeps the City Commission, Boards, and City staff informed of issues relevant to the requirements of the position.	___	___	___	<input checked="" type="checkbox"/>	___	___
E. Dedicates the time necessary to the responsibilities of the position and is readily available to Commissioners.	___	___	___	___	<input checked="" type="checkbox"/>	___

Comments: Shawn has made himself available to me (7) days a week and is very responsive to me. Most of my interaction with Shawn has been for legal clarification regarding voting items on the agenda and legal ramifications to long term programs that I would like to explore such as affordable housing initiatives. He has always been extremely helpful.

2. Legal Research and Review

NE 1 2 3 4 5

- A. Effectively identifies legal issues and performs research and investigations. ___ ___ ___ ___ ___
- B. Effectively reviews and interprets legal instruments, reports and documents prepared by departments. ___ ___ ___ ___ ___

Comments: Continues to keep the City's legal exposure at a minimum. Contracts are now cancelled due to non-compliance, bids are scrutinized for compliance, and contracts are now going out for competitive bids like the ambulance contract, solid waste contract and our waste treatment contract which is a credit to city staff including legal. Our city towing contracts will be successfully negotiated in 2014 thanks to Shawn's initiative.

3. Employee/Public Relations

NE 1 2 3 4 5

- A. Works well with other employees. ___ ___ ___ ___ ___
- B. Meeting and handling the public while recognizing ethical obligation to the City. ___ ___ ___ ___ ___

Comments: The City of Key West has (2) very critical managerial positions that must work closely together for City Government to function effectively for our taxpayers; Our City Manager and City Attorney are in the process of building this critical relationship that must be based on a mutual respect and consideration for the welfare of all citizens of Key West. Both of these positions are high, high stress many times culminating in high turnover rates. A united front and healthy business relationship is very important here for the City. Shawn has built an excellent public image outside of city hall. He volunteers for numerous non-profits in our community and has taken an active role in girl's athletics.

4. Communication

NE 1 2 3 4 5

- A. Oral communication is clear, concise and articulate. ___ ___ ___ ___ ___
- B. Written communications (e.g.) contracts, resolutions, and other legal documents are clear, concise and accurate. ___ ___ ___ ___ ___

Comments: Would like Shawn to continue to be more active during Commission meetings to identify language in ordinances/resolutions/contracts that he disagrees with, language that is setting precedence, language that could have unintended consequences that have not been brought to discussion and public comment.

5. <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.	___	___	___	___	<input checked="" type="checkbox"/>	___
B. Completion of work on time.	___	___	___	<input checked="" type="checkbox"/>	___	___
C. Accuracy.	___	___	___	___	<input checked="" type="checkbox"/>	___
D. Thoroughness.	___	___	___	___	<input checked="" type="checkbox"/>	___

Comments; I believe that Shawn and his department do a very credible job of responding to departmental requests as well as individual requests from (7) members of the Commission. Once again, having (7) bosses with distinctly different requirements make prioritizing his time very challenging while he handles routine city business.

6. <u>Personal Traits</u>	<u>NE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
A. Initiative.	___	___	___	<input checked="" type="checkbox"/>	___	___
B. Judgement.	___	___	___	___	<input checked="" type="checkbox"/>	___
C. Fairness and Impartiality.	___	___	___	___	<input checked="" type="checkbox"/>	___
D. Analytical Ability.	___	___	___	___	<input checked="" type="checkbox"/>	___

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.

7. <u>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.	___	___	___	___	<input checked="" type="checkbox"/>	___
B. Controls and monitors costs and performance of retained outside legal counsel.	___	___	___	___	___	<input checked="" type="checkbox"/>

Comments: Shawn obtained budget approval for an additional attorney which will continue to reduce outside legal counsel expenses. He has since interviewed and filled this new position which will allow for more in-house legal work to be completed.

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

Future Goals and Objectives

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 for a vote in 2014. This request has now lingered for 4+ 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. .
2. Craft a contract with the successful bidder of our 2014 Solid Waste RFP to move our environmentally sensitive community towards 0% solid waste while continuing to increase our residential and commercial recycling, compostable and reusable materials..
3. 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.
4. Provide legal guidance to attain a homeless shelter site and configuration to meet our legal obligations in support of our ordinances and enforcement of those ordinances.
5. Reevaluate our current nudity ordinances and enforcement practices with the goal to return Fantasy Fest to the creative event of years past.
6. Storm water fees, Admirals Cut and obscenities in public places are ongoing objectives.

City Commissioner Teri Johnston (District 5)

Cheryl Smith, City Clerk

Shawn D. Smith, City Attorney

Dated

6/20539ATTEST: