

**Combined City Attorney Performance Evaluation  
Commissioner Sam Kaufman**

**December 7, 2021**

**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) Standard      The employee’s work performance consistently meets the standards of the position.**
- Exceeds Job (4) Standard      The employee’s work performance is frequently or consistently above the 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**

<b>1. <u>City Commission/ Boards Relationships</u></b>	<b><u>NE</u></b>	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>3</u></b>	<b><u>4</u></b>	<b><u>5</u></b>
A. Provides sound legal advice to the City Commission, Boards, Commissions and City staff.	—	—	—	—	—	<u>X</u>
B. Reporting to the City Commission, Boards, and 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 Smith's performance during this evaluation period has been excellent. I thank him for his service to the City of Key West. He is responsive to individual commissioner's requests and to the commission as a whole. Mr. Smith oversees a department which carries a heavy load including advising the commission, management/staff and the committees/advisory boards. The amount of work produced by him and that which he oversees is very impressive. In addition, the representation in court matters with the legal department has saved the taxpayers a significant amount of money.

<b>2. <u>Legal Research and Review</u></b>	<b><u>NE</u></b>	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>3</u></b>	<b><u>4</u></b>	<b><u>5</u></b>
A. Effectively identifies legal issues and performs research and investigations.	___	___	___	___	___	<u>X</u>
B. Effectively reviews and interprets legal instruments, reports and documents prepared by departments.	___	___	___	___	___	<u>X</u>

Comments: Mr. Smith is a very experienced lawyer and specifically in the area of municipal law. He is a great asset to the City in this regard. I have found his legal analysis and communication in this regard to the commission very effective during this evaluation period.

<b>3. <u>Employee/Public Relations</u></b>	<b><u>NE</u></b>	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>3</u></b>	<b><u>4</u></b>	<b><u>5</u></b>
A. Works well with other employees.	___	___	___	___	___	<u>X</u>
B. Meeting and handling the public while recognizing ethical obligation to the City.	___	___	___	___	___	<u>X</u>

Comments: It has been my observation that Mr. Smith works to support all of the departments within the city and city management in particular. Mr. Smith takes his ethical obligations and commitment to the City and commission extremely seriously. He has done a great job in this area especially in light of some controversial public issues.

<b>4. <u>Communication</u></b>	<b><u>NE</u></b>	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>3</u></b>	<b><u>4</u></b>	<b><u>5</u></b>
A. Oral communication is clear, concise and articulate.	___	___	___	___	___	<u>X</u>
B. Written communications (e.g.) contracts, resolutions, and other legal documents are clear, concise and accurate.	___	___	___	___	___	<u>X</u>

Comments: Excellent work from him and his department in this area.

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

Comments: As stated above, the amount of work produced by Mr. Smith and his department is impressive. The multitude of time deadlines should not be underestimated. The legal department supports all of the city departments, management, the city committees and advisory boards. Plus, the department represents the city in contract negotiations, labor issues, and in litigation. The City has an extraordinarily capable legal department led by Mr. Smith.

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

Comments: It is my observation that Mr. Smith performs his duties without bias. He reports to the seven-member board of the City Commission. Each member can make specific requests which at times might be competing. Mr. Smith does a good job of balancing these requests and working towards the commission's goals. His legal analysis is very important for so many areas within the city as cited above. His judgment and counsel are good and valued by all members of the commission from what I have observed during public meetings.

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

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Comments: This is an excellent point to highlight the excellent work by Mr. Smith and his department. The legal department handles most of the litigation without outsourcing and thus saving the taxpayers a considerable amount of money.

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**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):

**Outstanding**

Comments: See above comments.

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**III. Future Goals and Objectives**

Specific goals and objectives to be achieved in the next evaluation period: I would like to see the legal department fully staffed to give the attorneys and staff the maximum personnel resource to meet with legal needs of the City. The current open position should be filled at the earliest reasonable opportunity.

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TERI JOHNSTON, MAYOR

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SHAWN D. SMITH, CITY ATTORNEY

ATTEST:

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CHERYL SMITH, CITY CLERK

Dated \_\_\_\_\_