

# City of Westlake Attorney Performance Review



## **Purpose of Review**

The purpose of the annual review process of Charter Officer (City Attorney) conducted by the City Council is to:

1. Strengthen the working relationship between the Council and the City Attorney.
2. Provide a mechanism for regular reviews.
3. Identify performance objectives for the City Attorney.
4. Provide feedback to the City Attorney and identify areas where improvements may be needed.

## **Frequency**

The City Council will review the City Attorney annually. The review process will take place during the budget process and will be completed before the adoption of the annual budget.

## **Review Procedure**

The Review procedure is at the will and the direction of the City Council and may be modified at any time. In general, the review process will include the following steps:

1. The City Council shall set the review schedule annually.
2. The Mayor and Council Members shall complete the one-on-one review form and submit to the City Clerk prior to the review meeting.
3. Each Council member shall meet face to face with the City Attorney prior to the special meeting review session.
4. The results of the individual reviews will be placed on the agenda of the special City Council meeting.
5. The performance review, and any subsequent actions, will be placed in the official City Records.
6. The performance review process is not intended to and shall not be constructed as a re-opening or modification of the City Attorney's existing contract.

# City of Westlake Attorney Performance Review



**Date:** 10-26-2020

**Review Period from:** April 2020 **To:** 10-26-2020

**Submitted by:** JohnPaul O'Connor Councilman Seat 3

The following pages define significant areas of responsibility for the City Attorney. In each section, examples of performance and responsibilities are articulated to better explain each subject heading. Please rate the Attorney's performance based on the following categories:

0	<b>Unsatisfactory:</b> Fails to meet all expectations	Performance is well below expectations in all areas of responsibility. Serious performance deficiencies that prohibit adequate performance in the position. Should be evaluated for termination of contract.
1	<b>Poor:</b> Fails to meet most expectations	Performance is well below expectations in most areas of responsibility. Serious performance deficiencies that inhibit adequate performance in the position. Should be evaluated for termination of contract.
2	<b>Fair:</b> Meets most expectations	Often fails to meet performance expectations of the position. Performance is generally adequate but is deficient in one or more key areas and will require improvement.
3	<b>Good:</b> Meets expectations	Meets all expectations of the position and is competent in the performance of responsibilities.
4	<b>Very Good:</b> Meets all expectations	Occasionally exceeds performance expectations of the position. Performs the most difficult parts of the job competently and thoroughly. Contributes significant results on their own initiative. Works with a high level of independence, initiative and concern for the quality of the service produced by the organization.
5	<b>Excellent:</b> Exceeds all expectations	Overall skills and abilities greatly exceed the expectations of the position. Demonstrates strong expertise within key areas of responsibilities. Occasionally receives outstanding results beyond scope of the performance plan in some key areas of responsibility over entire performance period.
6	<b>Outstanding:</b> Far Exceeds all expectations	Overall skills and abilities far exceed all expectations of the position. Demonstrates strong expertise within key areas of responsibilities. Delivers consistently outstanding results beyond scope of the performance plan over entire period. Anticipates needs and executes plans flawlessly.

1. **Communication:** Effectively communicates (orally and in writing) complex issues to government officials, the press and the public where diverse viewpoints and goals exist. Ensures that Council members receive important information in a timely and effective manner. Presents the Council and community with clear and accurate written reports and correspondence. Responds to correspondence, requests and complaints quickly and appropriately. Facilitates open two-way communication and encourages mutual honesty and respect with the community, Council, City Manager, and staff.

\_\_\_\_\_ 6-Outstanding \_\_\_\_\_ 5-Excellent  4-Very Good \_\_\_\_\_ 3-Good \_\_\_\_\_ 2-Fair  
\_\_\_\_\_ 1-Poor \_\_\_\_\_ 0-Unsatisfactory

**Comments:**

Ms. Booker communicates effectively with me. There is always room for improvement.

2. **Job Knowledge:** Possesses and applies a comprehensive understanding and knowledge of the City Charter, Code of Ordinances, Code of Ethics and Florida Statutes. Applies effective litigation skills before trial and appellate level courts and administrative agencies. Has an extensive understanding of legal issues faced by local governments. Has the ability to effectively formulate and advance legal strategies that further the goals of the City.

\_\_\_\_\_ 6-Outstanding \_\_\_\_\_ 5-Excellent \_\_\_\_\_ 4-Very Good  3-Good \_\_\_\_\_ 2-Fair  
\_\_\_\_\_ 1-Poor \_\_\_\_\_ 0-Unsatisfactory

**Comments:**

Ms. Booker is by all accounts is a knowledgeable and capable jurist and counselor. However I have observed some procedural inconsistencies where she has failed to properly advise council in regards to procedure at crucial times. Furthermore we have had to have some matters brought before the council after the fact in order to cure the appearance of any potential sunshine violations.

3. **Professionalism:** Deals effectively and appropriately with the public and other organizations. Devotes time and energy to the job. Demonstrates high ethical standards in the organization. Works to keep politics and personal perspectives out of the decision-making process. Stays active in professional organizations.

\_\_\_\_\_ 6-Outstanding \_\_\_\_\_ 5-Excellent   x   4-Very Good \_\_\_\_\_ 3-Good \_\_\_\_\_ 2-Fair  
\_\_\_\_\_ 1-Poor \_\_\_\_\_ 0-Unsatisfactory

**Comments:**

The above is broken into five key points. I would say the City Attorney excels at three out of the five key points. There is much room for improvement in the other two.

4. **Management:** Effective in the management, supervisory and interpersonal skills in the context of both a law office and organization, including the ability to establish and maintain effective working relationships with City Manager, City Council, Contract Departments, other government officials, boards and committees, and the general public. Creates a collaborative, team building, environment. Recognizes the accomplishments of contract staff and other agencies working on behalf of the City. Supports professional growth and opportunity within the organization. Accepts full accountability for staff and the outcome of City projects or decisions. Identifies organizational problems and takes remedial action.

\_\_\_\_\_ 6-Outstanding \_\_\_\_\_ 5-Excellent \_\_\_\_\_ 4-Very Good   x   3-Good \_\_\_\_\_ 2-Fair  
\_\_\_\_\_ 1-Poor \_\_\_\_\_ 0-Unsatisfactory

**Comments:**

I feel there is miles of room for improvement here. Ms Booker appears to be at the center of every contentious issue and controversy Involving The City Manager, permit applicants, special district, land owners etc...

4. **Relationship with Council:** Demonstrates a positive and trusting relationship with Council, both as a group and individually, by acting as an advisor to them on legal issues as they arise.

\_\_\_\_\_ 6-Outstanding \_\_\_\_\_ 5-Excellent   x   4-Very Good \_\_\_\_\_ 3-Good \_\_\_\_\_ 2-Fair  
\_\_\_\_\_ 1-Poor \_\_\_\_\_ 0-Unsatisfactory

**Comments:**

By all accounts Ms. Bookers relationship with me is very good and it appears she has a great relationship with the rest of council.

5. **Relationship with the Community:** Understands general community issues and concerns. Remains involved and active in the community, represents the City well and in a professional and positive manner. Works effectively with the media and press, community organizations and other agencies.

\_\_\_\_\_ 6-Outstanding \_\_\_\_\_ 5-Excellent \_\_\_\_\_ 4-Very Good   x   3-Good \_\_\_\_\_ 2-Fair  
\_\_\_\_\_ 1-Poor \_\_\_\_\_ 0-Unsatisfactory

**Comments:**

City Attorney actually lives in the City Of Westlake, and is highly involved in community outreach at the county level. In regards to working effectively with media and press I was disheartened to hear that when floated a couple questions from press, the City Attorney responded stating she "would look into it" but then ultimately failed to respond entirely.

6. **Relationship with City Manager and Department Heads:** Demonstrates a positive legal consultative relationship with the City Manager and Department Heads in their pursuit of meeting the goals and objectives of the City.

\_\_\_\_\_ 6-Outstanding \_\_\_\_\_ 5-Excellent \_\_\_\_\_ 4-Very Good \_\_\_\_\_ 3-Good   x   2-Fair  
\_\_\_\_\_ 1-Poor \_\_\_\_\_ 0-Unsatisfactory

**Comments:**

Relationships with department heads appears to be adequate with the exception of the City Manager. Ms. Bookers relationship with The City manager is presented to be contentious and even caprecious at times. If this question was broken down into two parts I would absolutely have to rate relationship with City Manager as 0-Unsatisfactory

7. **Completion of Work:** Completes work assignments within reasonable or set time frames. (In this context, "reasonable" means a time frame which is acceptable to Council in terms of their priorities, and in consideration of the attorney's ongoing workload.)

\_\_\_\_\_ 6-Outstanding \_\_\_\_\_ 5-Excellent   x   4-Very Good \_\_\_\_\_ 3-Good \_\_\_\_\_ 2-Fair  
\_\_\_\_\_ 1-Poor \_\_\_\_\_ 0-Unsatisfactory

**Comments:**

City Attorney has stated to me that she has never missed a deadline and usually has work uploaded well ahead of the deadline. I do have concerns with the size of the legal budget and the implementation of outside council. For instance Ms. Booker engaged outside counsel and we individually sat through an hour long presentation by outside counsel only to have to again sit through the exact same presentation as a group on the dais . I feel we could have benefited from sitting through the presentation as a group the first time. perhaps some of my questions were not thought of by my colleagues on the council and vice versa. We simply perform better as a group. Not to mention the money the city would have saved with a single presentation Vs Six. Ms. Booker reconciles the size of her budget with the fact that the city has "100% of her attention and resources" as our full time city attorney. and that her Budget amount includes normal benefits provided such as Health Insurance and

**Achievements:** Identify a few of the top achievements or strong points you observed in the City Attorney over the past year.

**Comments:**

Ive observed the passing of ordinances as achievements.  
However, I was actually really disappointed here. In my private interview with Ms. Booker she couldn't identify in the last 12 months a single item she would call a "Top Achievement". There were many items that were still ongoing or future objectives but not a single "great achievement to reference"

**Objectives:** List two-to-three performance objectives that you feel are important for the City Attorney to work on for the coming year.

**Comments:**

Top objective is, I would like to see a dynamic shift in Ms. Bookers relationship with the City Manager. The "in-fighting" between departments I feel is extremely counter productive to the City's health and prosperity.

Another objective is Id like to see the City Attorneys focus shift away from drafting or influencing policy and narrow to legal counsel alone. For example when I asked Ms. Booker what her "Top Objective" was for next year she said and I quote "In regards to the HAPPY program I would like that all the developers have home inventory available in the 250k-300K price range to assist home buyers with our down payment assistance program". As valiant as that effort may be I do not believe that it should be the City attorney's focus, let alone her top objective. The policy and direction the city takes in regards to the happy program should come solely at the direction of council.