

## **RESOLUTION NO. 24-15**

A RESOLUTION OF THE CITY OF CLEARWATER, FLORIDA, AMENDING COUNCIL RULES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2.01(c)(1) of the City Charter requires the City Council to present a report on the evaluation of the performance of the City Manager and the City Attorney each October; and

WHEREAS, neither the City Charter nor City Ordinances describe the format in which that report should be made, or the standards against which that report should be measured; and

WHEREAS, the City Council adopted Resolution 23-19 in December 2023, which adopts and describes a standardized process of annual goal setting; and

WHEREAS, the City Council desires to also standardize the annual review process, rating the previous fiscal year performance of the City Manager and City Attorney; and

WHEREAS, the City Council has approved a written, numerical template that will be used by each Councilmember for that purpose; and

WHEREAS, the approved templates are attached to this resolution, and are intended to be incorporated by reference; and

WHEREAS, the use of a shared, written template will benefit the City by establishing clear expectations, and by creating a common frame of reference among individual Councilmembers; and

WHEREAS, the City Council also seeks to preserve the independence of each Councilmember in arriving at individual ratings or scores; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. Council Rule 17 is hereby created to read as follows:

### **ANNUAL PERFORMANCE REVIEWS OF THE CITY MANAGER AND CITY ATTORNEY**

The City Clerk shall create a public work session agenda item to be discussed at the first normally scheduled work session each October. The

title of the work session agenda item shall be, "Annual evaluation of the performance and salaries of the City Manager and City Attorney."

If for any reason a public work session is not scheduled for October, or if the only public work session in October shall result in a formal Council meeting that does not occur until November, then the annual evaluation shall instead be scheduled for the first formal Council meeting in October.

Prior to the first public meeting at which the annual review will be discussed, each Councilmember shall complete a written evaluation of the City Manager and City Attorney. Each Councilmember shall utilize the standard template attached to this rule, but nothing in this rule shall preclude individual Councilmembers from also completing supplemental written evaluations or remarks.

Councilmembers are encouraged but not required to discuss their annual review with the City Manager and City Attorney prior to the meeting(s) at which the performance evaluation will be publicly discussed.

The evaluation period shall generally encompass the previous fiscal year. In some instances, however, a reviewing Councilmember may have served in their role for less than one full year. In such instances, a review shall still be completed. Any Councilmember(s) reviewing less than a full year of performance may, in their individual option, either limit their review(s) to the time period covering the Councilmember's time in office, or the Councilmember may consider information pre-dating the Councilmember's time in office but still occurring within the most recent fiscal year.

In some instances, the City Manager or City Attorney may have been appointed or promoted into their role less than a year before the annual review. In such cases, an annual review will still be performed in October, as required by the City Charter. The salary portion of said review shall be governed by the City Manager's or City Attorney's employment agreement. If the agreement is silent, any salary discussion in such cases shall be solely within the City Council's discretion.

If the annual evaluation is placed on a work session agenda, the City Council shall decide at the work session whether to discuss and present the annual evaluation during the public work session, or whether to defer the presentation until the formal Council meeting.

Regardless of whether the annual evaluation is performed at a work session or a formal Council meeting, each Councilmember shall present the City Manager and City Attorney with their written evaluations, using the templates attached to this rule. When presenting their written evaluations, Councilmembers may, but are not required to, verbally discuss any or all

aspects of the written review. Councilmembers may also, if they so choose, elaborate or expand upon the written review, or verbally share any separate or additional information the Councilmember deems relevant apart from the written review.

After presenting each annual evaluation, the City Council shall ordinarily discuss the salary of the City Manager and the City Attorney. However, if the annual evaluation was presented at a work session, the City Council may defer any discussion regarding salary until the first formal Council meeting following the work session.

As stated in Council Rule 1, no motions can be made or any formal votes taken, as to salary or any other matter, at a work session. Any motion to adjust salary, alter the employment status, or any other matter, can only be made at a formal Council meeting at which public comment is accepted.

Section 2. This resolution shall take effect September 4, 2024.

PASSED AND ADOPTED this 4th day of September, 2024.

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Bruce Rector  
Mayor

Approved as to form:

Attest:

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David Margolis  
City Attorney

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Rosemarie Call  
City Clerk

## City Manager Performance Evaluation

### Overall Score

- 1 = Minimally Effective** – Immediately work to improve performance in this competency area.
- 2 = Mostly Effective** – Mostly meets the expected level of performance in this competency area and exhibits room for improvement.
- 3 = Effective** – Consistently meets the expected level of performance in the competency area.
- 4 = Consistently exhibits the highest level of performance.** Sets a new Standard.

## City Manager Performance Evaluation

City Manager Evaluation Overall Score: \_\_\_\_\_

### Comments:

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What competencies did you consider when evaluating the City Manager:

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City Council Member Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Potential Competencies & Scoring Rubric – City Manager

Choose competencies which you consider important when evaluating the City Manager. Choose as many or as few of the areas as you desire. Score the competencies using the following scale:

**1 = Minimally Effective** – Immediately work to improve performance in this competency area.

**2 = Mostly Effective** – Mostly meets the expected level of performance in this competency area and exhibits room for improvement.

**3 = Effective** – Consistently meets the expected level of performance in the competency area.

**4 = Consistently exhibits the highest level of performance in the competency area.** Sets a new Standard.

### Individual Characteristics

\_\_\_\_\_ Diligent and thorough in the discharge of duties, “self-starter”

\_\_\_\_\_ Exercises good judgment

\_\_\_\_\_ Displays enthusiasm, cooperation, and will to adapt

\_\_\_\_\_ Mental and physical stamina appropriate for the position

\_\_\_\_\_ Exhibits composure, appearance, and attitude appropriate for executive position

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

### Professional Skills and Status

\_\_\_\_\_ Maintains knowledge of current developments affecting the practice of local government management

\_\_\_\_\_ Knowledge of Policies/Procedures/Regulations/Charter

\_\_\_\_\_ Demonstrates a capacity for innovation and creativity

\_\_\_\_\_ Anticipates and analyzes problems to develop effective approaches for solving them

\_\_\_\_\_ Willing to try new ideas proposed by governing body members and/or staff

\_\_\_\_\_ Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 6 = \_\_\_\_\_ score for this category

### Relations with Council Members

\_\_\_\_\_ Carries out directives of the Council as a whole as opposed to those of any one member or minority group

\_\_\_\_\_ Sets meeting agendas that reflect the guidance of the council and avoids unnecessary involvement in administrative actions

\_\_\_\_\_ Disseminates complete and accurate information equally to all members in a timely manner

\_\_\_\_\_ Assists by facilitating decision making without surprising authority

\_\_\_\_\_ Responds well to requests, advice, and constructive criticism

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

### Policy Execution

\_\_\_\_\_ Implements governing body actions in accordance with the intent of council

- \_\_\_\_\_ Supports the actions of the council after a decision has been reached, both inside and outside the organization
  - \_\_\_\_\_ Understands, supports, and enforces local government's laws, policies, and ordinances
  - \_\_\_\_\_ Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
  - \_\_\_\_\_ Offers workable alternatives to the council for changes in law or policy when an existing policy or ordinance is no longer practical
- Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

### **Reporting**

- \_\_\_\_\_ Provides regular information and reports to council concerning matters of importance to the local government, using the city charter as guide
  - \_\_\_\_\_ Responds in a timely manner to requests from the council for special reports
  - \_\_\_\_\_ Takes the initiative to provide information, advice, and recommendations to the council on matters that are non-routine and not administrative in nature
  - \_\_\_\_\_ Reports produced by the manager are accurate, comprehensive, concise, and written to their intended audience
  - \_\_\_\_\_ Produces and handles reports in a way to convey the message that affairs of the city are open to public scrutiny
- Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

### **Citizen Relations**

- \_\_\_\_\_ Responsive to requests from citizens
  - \_\_\_\_\_ Demonstrates a dedication to service to the community and its citizens
  - \_\_\_\_\_ Maintains a nonpartisan approach in dealing with the news media
  - \_\_\_\_\_ Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
  - \_\_\_\_\_ Gives an appropriate effort to maintain citizen satisfaction with city services
- Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

### **Staffing**

- \_\_\_\_\_ Recruits and retains competent personnel for staff positions
  - \_\_\_\_\_ Applies an appropriate level of supervision to improve any areas of substandard performance
  - \_\_\_\_\_ Stays accurately informed and appropriately concerned about employee relations
  - \_\_\_\_\_ Professionally manages the compensation and benefits plan
  - \_\_\_\_\_ Promotes training and development opportunities for employees at all levels of the organization
- Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

### **Supervision**

- \_\_\_\_\_ Encourages heads of departments to make decisions within their jurisdictions with minimal city manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- \_\_\_\_\_ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level

- \_\_\_\_\_ Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the city manager's office
  - \_\_\_\_\_ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
  - \_\_\_\_\_ Encourages teamwork, innovation, and effective problem-solving among the staff members
- Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

### **Fiscal Management**

- \_\_\_\_\_ Prepares a balanced budget to provide services at a level directed by council
  - \_\_\_\_\_ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
  - \_\_\_\_\_ Prepares a budget and budgetary recommendations in an intelligent and accessible format
  - \_\_\_\_\_ Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
  - \_\_\_\_\_ Appropriately monitors and manages fiscal activities of the organization
- Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

### **Community**

- \_\_\_\_\_ Shares responsibility for addressing the difficult issues facing the city
  - \_\_\_\_\_ Avoids unnecessary controversy
  - \_\_\_\_\_ Cooperates with neighboring communities and the county
  - \_\_\_\_\_ Helps the council address future needs and develop adequate plans to address long term trends
  - \_\_\_\_\_ Cooperates with other regional, state, and federal government agencies
- Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

## City Attorney Performance Evaluation

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## City Attorney Performance Evaluation

City Attorney Evaluation Overall Score: \_\_\_\_\_

### Comments:

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What competencies did you consider when evaluating the City Attorney:

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City Council Member Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## Potential Competencies & Scoring Rubric – City Attorney

Choose competencies which you consider important when evaluating the City Attorney. Choose as many or as few of the areas as you desire. Score the competencies using the following scale:

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Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

### **Communication**

- \_\_\_\_\_ Communicates effectively with Council, staff, and the community
- \_\_\_\_\_ Answers are provided in a timely and understandable manner
- \_\_\_\_\_ Timelines for follow-up to requests are clearly communicated
- \_\_\_\_\_ Maintains poise and composure while presenting in emotionally charged and crisis situations
- \_\_\_\_\_ Maintains confidentiality regarding all matters discussed with the Mayor, Council Members, City Manager, and staff

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

### **Legal Consultation**

- \_\_\_\_\_ Provides an efficient and effective knowledge of the City's Code and regulations
- \_\_\_\_\_ Provides an efficient and effective knowledge of other government regulations and case law regarding municipal government and issues facing the City
- \_\_\_\_\_ Provides advice that considers the overall goals and objectives of the City
- \_\_\_\_\_ Provides the scope of legal expertise necessary to meet the City's needs on issues that arise
- \_\_\_\_\_ Proactively identifies potential issues when he is aware of them to avoid problems from occurring
- \_\_\_\_\_ Provides alternative and innovative solutions to known problems

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 6 = \_\_\_\_\_ score for this category

### **Legal Representation**

- \_\_\_\_\_ Represents the interests of the City as directed by the City Council
- \_\_\_\_\_ Effectively achieves the best possible legal outcomes for the City's interests given the issues that arise
- \_\_\_\_\_ Represents the City in a professional and ethical manner
- \_\_\_\_\_ Is impartial and objective in his duties and responsibilities
- \_\_\_\_\_ Estimates of legal impacts are reasonably accurate on a consistent basis

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

### **Staff Work**

- \_\_\_\_\_ Prepares ordinances, resolutions, contracts, and other legal work accurately and consistent with the direction and objectives communicated by the City Council and City Manager
- \_\_\_\_\_ Maintains good working relationships and serves as an effective member of the management team
- \_\_\_\_\_ Accurately identifies and addresses all legal issues within documents and items he reviews
- \_\_\_\_\_ Displays a positive attitude in carrying out his responsibilities and responding to requests

\_\_\_\_\_ Is successful in accomplishing objectives previously established

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

#### **Cost/Fiscal Accountability and Control**

\_\_\_\_\_ Regular legal activities are achieved within budgetary goals and limits

\_\_\_\_\_ Effective in minimizing legal costs by limiting tasks to those regarding legal issues and utilizing City in-house staff, when possible, to perform administrative and other functions

\_\_\_\_\_ Develops and utilizes standard forms where possible to minimize preparation of legal documentation

\_\_\_\_\_ Legal tasks are performed with appropriate authorization according to established procedures and contract requirements

\_\_\_\_\_ Costs are effectively managed and controlled given the issues, assignments, and requests made to the City Attorney

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

#### **Responsiveness/Timeliness of Actions**

\_\_\_\_\_ Requested legal work and assignments are completed in a timely manner within established time frames

\_\_\_\_\_ City Attorney is accessible to Council when needed for legal information and assistance

\_\_\_\_\_ Legal review and requests for information are completed in time to avoid delays to City projects and programs

\_\_\_\_\_ Follows-up effectively to requests that are made by Council

\_\_\_\_\_ Accurately interprets and clarifies the City Council and City Manager direction

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category