

City Attorney Evaluation Form

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| Attorney Name: | Jennifer Merino | For Year: | 2020-2021 |
| Initial Appropriate Designation: | X | Self-Evaluation Submitted to Commission | |
| | | Subsequent Optional Evaluation by Commissioner: | Print Name |
| <p>Performance Factors: The City Attorney will provide a self-assessment below each factor for commission consideration. Commissioner may submit feedback by use of this form or in-person discussions, whichever is preferred.</p> | | | |
| <p>Each Category should be rated on a scale of 1 to 5, with 1 indicating “Ineffective” and 5 indicating “Surpasses Expectations”</p> | | | |
| <p>Job Knowledge- Measures effectiveness in keeping knowledgeable of relevant law, techniques and skills required in to advise the City; remaining current on new developments affecting the City and its work activities</p> | | | |
| 4 | <p>Employee Comments: The law in local government is constantly changing. However, despite an extraordinarily hectic work schedule, a City Attorney is expected to maintain abreast of developments in the law and annual changes in statute. Last year I rated myself a 5 for this period because I obtained my Board Certification from the Florida Bar for City, County and Local Government. However, this year the legislature took full advantage of COVID restrictions, and perhaps a lack of public attention, to enact a barrage of limitations and restrictions to local home rule. The sheer number of new preemptions and regulations is unprecedented. It has been a very big challenge to keep up and respond to all of the changes and I cannot say that I have met my own standards for a “5” in keeping up with all to the degree that I would like. Of course, I have worked hard to build an awareness of the dozens of changes, but I like to know them all at a very in-depth level and have not yet had the time to process them all to that degree. That is however, a temporary issue that will soon be resolved.</p> | | |
| | <p>Commissioner Comment (optional):</p> | | |
| <p>Decision Making/Problem Solving- Measures effectiveness in understanding problems and making timely, practical decisions.</p> | | | |
| 4 | <p>Employee Comments: Having now worked with 4 City managers in a span of four years I have demonstrated that I am very capable of understanding both legal and administrative issues effectively and able to provide practical options to resolve issues. Within the administration of the Legal Office, I have built a staff that is flexible and can quickly adjust to shifting dynamics. I have also adjusted practices to solve larger issues facing the city. Although it is not wise to discuss the specifics publicly, given my work, I have resolved numerous disputes and issues in the past twelve months that would have otherwise resulted in litigation. Further, as the initial “emergency” phase of the pandemic passed, I provided practical timely guidance to staff regarding operations to best protect the city’s interests while running effective operations. I pride myself on being the person who can bring all parties into a room (figuratively, these days) and can work out a practical solution whenever one is possible.</p> | | |
| | <p>Commissioner Comment (optional):</p> | | |

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| <p>Communication- Measures effectiveness in listening to others, expressing ideas, both orally and in writing and providing relevant and timely information to the commission, city management, co-workers, subordinates and residents.</p> | |
| 4 | <p>Employee Comments: Although it may not be a popular opinion amongst attorneys, I place the greatest value on the ability to communicate complex legal issues in the simplest form possible so that all members of the public can understand the issue at hand. Furthermore, I am able to break down relevant information in a manner that does not leave out important considerations. I also know I have diligently built a strong framework of communication with each of the appointed City managers with whom I have worked and with senior administrative staff. I have accomplished this by listening to others and being plainly honest with my opinions and positions. Finally, a very important aspect of maintaining communication in this position is discretion and confidentiality. From my first day at the City I have respected the right of each member of the Commission to have discreet conversations with me that do not get repeated to other commissioners. As you can each attest, I do not share with any member of the Commission any conversations that I have with other members of the Commission. I have always felt that this was the only way to build trust and I have counselled the same to the City Managers.</p> |
| | <p>Commissioner Comment (optional):</p> |
| <p>Employee’s Responsiveness- Measures responsiveness in completing job tasks in a timely manner.</p> | |
| 4 | <p>Employee Comments: While I hold myself to a high standard in this area, I do know that my responsiveness is the number one issue with which I have struggled in the past. Last year I gave myself a “3” in this category. However, we have made significant strides in this area. This factor continues to be complicated by the breadth of activity from 14 departments, 5 commissioners and constantly shifting circumstances at the City. In fact, the volume of work at the City has multiplied significantly in the new administration (for good reason). Nonetheless, my office and I have not only kept pace, but helped to train a number of newer employees in their respective responsibilities as it relates to contracts and project administration. Of course, some months have been better than others as we have faced personal setbacks. But, I believe I have addressed staffing and have built more robust systems within my office to improve responsiveness, regardless of the setbacks that can always be expected. We have implemented a new database system to streamline my office’s activities this summer so that we may improve responsiveness. It allows for staff to submit requests electronically and allows my staff internally to have a shared local to work through requests. The database is still a work in progress, but it is already helping us build more efficient workflows.</p> |
| | <p>Commissioner Comment (optional):</p> |
| <p>Dependability- Measures how well CA complies with instructions and performs under unusual circumstances.</p> | |
| 5 | <p>Employee Comments: I have dealt with a uniquely wide array of “unusual circumstances” in the four years that I have served as City Attorney. I have spoken to many city attorneys with</p> |

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| | <p>decades of experience that have not had to deal with even a fraction of the issues that have presented themselves during my tenure at HB. In four years I have dealt with the resignation of officials, budget deadlocks, the removal of officials, hurricanes, special elections and appointments, the reinstatement of officials, four very different commissions, a new city manager practically every year, collective bargaining deadlocks, outsourcing of departments, and, of course, global pandemic, just to name the headliners. While each situation presented unique considerations, I approached each with a sense of purpose, an unyielding work ethic, and honest communication. I take my responsibility to the public very seriously and am therefore always available to address the ongoing needs. Many nights I am working well past midnight or on weekends. Most recently I worked on flights while headed out-of-state for the loss of a loved one. Don't get me wrong, am incredibly blessed to work in a position that allows me the flexibility to raise a family and attend to personal matters while serving the public. I will always be grateful to the commission for the compassion they have shown during difficult personal circumstances. I believe the best way to demonstrate that gratitude is to continue to be a source of steady and dependable guidance for the city as it continues to find its footing.</p> |
| | <p>Commissioner Comment (optional):</p> |
| <p>Leadership and Independent Action- Measures effectiveness in initiative and independent action; proactiveness; effectiveness of accomplishing work assignments through subordinates, establishing challenging goals; coordinating effectively; promoting innovation and team effort.</p> | |
| <p>4</p> | <p>Employee Comments: I believe unusual circumstances give rise to opportunities to demonstrate one's leadership abilities. In this area I believe that the pandemic and the ever-shifting leadership of the City have both demonstrated my proactiveness and leadership ability. With respect to the shifts in City Manager, each time the position has shifted I have gone into overdrive to provide stability and leadership for staff beyond my own office and to build a relationship with the incoming CM. I believe good leadership is not just about guiding, but also about listening. This year, for the first time in my tenure, my best move as a leader has been to step back a bit and provide more quiet guidance to the new administration as they took on incredible internal challenges that were not legal in nature. I suppose a good leader needs to know when to get out of the way, and I believe I have demonstrated that this year, while we focused more on training and restructuring processes. Further, as it relates to the on-going pandemic, I have provided steady, calm and practical guidance in the face of great legal uncertainty. Finally, in my own office, my team is dedicated, collegial, and hard-working, although we do have some outstanding office lunches! I have led an environment where my staff knows the first priority is to respect each other as people. We show up for each other when the need arises. I am incredibly proud of the team we have established, even as it continues to evolve.</p> |
| | <p>Commissioner Comment (optional):</p> |
| <p>Expense Management- Measures effectiveness in establishing appropriate cost control mechanisms and processes to operate effectively as cost efficiently as possible.</p> | |
| <p>3</p> | <p>Employee Comments: This year I can only say I have met expectations with respect to cost management. Legal cost control as a performance measure is difficult to measure because</p> |

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| | <p>legal liabilities are not created by the City Attorney. I cannot change the actions of boards before I arrived; nor can I control every act taken by City employees. The liabilities are often already set in stone by the time they arrive at my department. Historically, when a number of legal issues and litigation arose that were destined to cost the city more money than allocated for legal issues, I adjusted our functions to handle matters in house that were traditionally handled by outside counsel. This has saved the City significant funds that could then be utilized to address litigation and specialized legal issues like pension transitions. I can further state with confidence that every dollar spent has been a necessary expenditure need to protect the City's interests. I am constantly evaluating costs and conferring with outside counsel about cost control measures and alternatives. However, due to the extraordinary need this past year and a half to be present for internal needs, combined with a huge rebound in litigation activity, there has been less availability for myself or my staff to take on new matters, which have had to be sent to outside counsel. This circumstance is expected, and we will of course weather the tide as it ebbs and flows.</p> |
| | Commissioner Comment (optional): |
| <p>Managing Change and Improvement- Measures effectiveness in initiating changes, adapting to necessary changes from old methods when they are no longer practical, identifying new methods and generating improvement in City legal operations.</p> | |
| 4 | <p>Employee Comments: Given the large scope of changes with which I have had to cope in four and half years and my responsiveness to those changes, I do believe I have earned a 4 in this category. In addition to the examples stated above, for the past year we have been working on improving a number of processes between the Legal Office and the other departments that will help increase efficiency and responsiveness. As mentioned above, I even created a database program to move the ISR (Internal service request) system from a paper system to a virtual system. I have also simplified and streamlined a number of legal functions that I believe previously hindered the efficiency of the office, and the City as whole. In fact, this year specifically has involved dozens of meetings with departments to reassess and improve internal processes, and I have personally been engaged in the effort to help build better contract management processes, procurement processes, public records processes, and agenda building processes.</p> |
| | Commissioner Comment (optional): |
| <p>Any additional Comments: As you are aware, a lot of the work I conduct is sensitive or confidential in nature. Therefore, I ask that you excuse the more abstract nature of these comments, as I should not comment on specific legal matters or cases in a fashion that may later bring the City's actions into question. I am always available to more specifically discuss any questions or concerns you may have.</p> | |
| | Employee Comments (optional): |
| | Commissioner Comment (optional): |