City of North Port
City Attorney's Office
4970 City Hall Boulevard
North Port, FL 34286
Office (941) 429-7212
Cell (941) 685-2761

Interoffice Memorandum

To: Jacqueline Moore, Mayor
Rhonda DiFranco, Vice Mayor
Cheryl Cook, Commissioner
Tom Jones, Commissioner
Linda Yates, Commissioner

From: Mark Moriarty, City Attorney

Date: February 2, 2016

RE: 2015 City Attorney Evaluations

Attached for your collective consumption are the annual review forms received from each of you.

The feedback was welcomed and appreciated. Thank you.

Please however, continue providing immediate constructive feedback anytime you see fit to give it. Routine "check-ins", provides better communication, provides a clearer understanding of your goals, desires, and outcomes for the city, assists with my performance improvement, and guides the department's growth and development.

Everybody wants the best possible outcome for the legal department. If I or my staff is not meeting that outcome, let's discuss it right away.

(FYI - due to my error, Commissioner Yates' form is different than the rest. She has offered to redo hers, but I said no. The Commission provided so much feedback throughout the budget hearings that redoing the form seemed redundant).

Jacqueline moore

City Attorney Evaluation

Please rate the city attorney using the following scale:

Rating	Description
5	Excellent – Almost always exceeds Commissions expectations
4	Above average - Generally exceeds Commissions expectations
3	Average - Generally meets Commission expectations
2	Below average – Usually does not meet Commission expectations
1	Poor - Rarely meets Commission expectations

The (10) categories below are the areas being rated, not each bulleted item. These items are just to help each Commissioner as they think about the category. The items in each category are not meant to be all inclusive. At the end you should have the ten (10) categories rated.

Please return your evaluation form to the city attorney.

1. Technical Competency	
• Knowledge of legal principles, applications, regulations, & ordinances. • Impartial interpretation of Florida statutes and City codes. • Research and response to requests for legal opinions.	
Overall Rating for Technical Competency	5
Comments:	

2. Interaction with City Manager	
• Spirit of cooperation without compromising objectivity. • Integration of strategic planning initiatives. • Responsive to requests, timely in making replies.	
Overall Rating for Interaction with City Manager	3
Comments:	

3. Negotiation Skills	
• Research and preparation prior to initiation of negotiations. • Impartial representation of opposing views. • Level of effort to accomplish mutually-satisfying conclusions.	
Overall Rating for Negotiation Skills	5
Comments:	

4. Problem Solving / Decision Making	
• Level of analysis and identification of alternatives. • Degree of timeliness and appropriateness of decisions. • Accepts responsibility for decisions proactively and professionally.	
Overall Rating for Problem Solving / Decision Making	4
Comments:	

5. Relationships with City Commission	
• Prompt and proper response to requests. • Timely informative updates on current issues. • Review Agenda items to ensure legal compliance • Attendance / participation in commission meetings.	
Overall Rating for Relationships with City Commission	4
Comments:	

6. Community Relations	
• Maintains image of the City, to the community, that represents service and professionalism. • Maintains a relationship with the legal community as it relates to City services/activities. • Encourages an attitude of helpfulness, courtesy, and sensitivity to public perception among employees.	
Overall Rating for Community Relations	3
Comments:	

7. Intergovernmental Relations	
• Works to maintain positive relations with other governmental units (County, State, and Federal agencies). • Assists City Commission in formulation of annual legislative program.	
Overall Rating for Intergovernmental Relations	3
Comments:	

8. Communications	
• Verbal and written, within City/Dept. and City Commission. • Facilitates flow of information about City issues to the public. • Timely, forthright, open and concise (avoids jargon)	
Overall Rating for Communications	5
Comments:	

9. Management of the Department	
• Plans & organizes work that carries out policies adopted by the City Commission. • Plans & organizes responses to public requires/complaints and concerns raised by the City Commission. • Effective at leading / directing / developing team of staff members.	
Overall Rating for Management of the Department	4
Comments:	

10. Management Style	
• Soundness of judgment (rational, creative, decisive, ethical). • Honesty/ fairness (open, straightforward, and impartial). • Professionalism (consistent with legal professional standards). • Flexibility and resiliency (timely, energetic response to change).	
Overall Rating for Management Style	4
Comments:	

Narrative Evaluation

This section of the evaluation is **optional** for any comments you believe appropriate and pertinent to the rating period.

What is the City Attorney doing well?

How can the City Attorney improve?

What other comments do you have for the attorney; e.g. priorities, expectations, goals or objectives for the new rating period?

Additional Comments:

Name of Rater: Jacqueline Mayle Date: Feb. 4, 2016

Narrative Evaluation

Addendum to 2015 Evaluation for Mark Moriarty, Esq., North Port, Florida, City Attorney

Prepared by Mayor Jacqueline Moore on February 4, 2016

1. What is the City Attorney doing well?

Mark is responsive and professional and is methodically establishing and strengthening the City's legal department.

2. How can the City Attorney improve?

Mark needs to proactively work with the City Manager's office to explore and identify needs related to implementation and enforcement of ordinances prior to drafts coming to Commission, or at least being highlighted during Workshop and / or First Readings.

3. What other comments do you have for the Attorney; e.g., expectations, priorities, goals or objectives for the new rating period?

Going forward, I would like to see Mark work with Commission to help formulate our annual legislative programs (State and Federal).

I would like for Mark to proactively communicate the integration of strategic planning initiatives from a legal perspective as things evolve, and to help us think through potential unintended consequences resulting from local legislation.

Additional Comments:

I value Mark's commitment to learning and integrating appropriate "North Port" nuances into all facets of his department. His commitment to being responsive and sensitive to multiple stakeholders is commendable.

Name of Rater: Jacqueline Moore, Mayor

Date: February 4, 2016

Rhonda DiFranco

City Attorney Evaluation

Please rate the city attorney using the following scale:

Rating	Description
5	Excellent – Almost always exceeds Commissions expectations
4	Above average - Generally exceeds Commissions expectations
3	Average - Generally meets Commission expectations
2	Below average – Usually does not meet Commission expectations
1	Poor - Rarely meets Commission expectations

The (10) categories below are the areas being rated, not each bulleted item. These items are just to help each Commissioner as they think about the category. The items in each category are not meant to be all inclusive. At the end you should have the ten (10) categories rated.

Please return your evaluation form to the city attorney.

1. Technical Competency	
• Knowledge of legal principles, applications, regulations, & ordinances. • Impartial interpretation of Florida statutes and City codes. • Research and response to requests for legal opinions.	
Overall Rating for Technical Competency	5
Comments:	

2. Interaction with City Manager	
• Spirit of cooperation without compromising objectivity. • Integration of strategic planning initiatives. • Responsive to requests, timely in making replies.	
Overall Rating for Interaction with City Manager	4
Comments:	

3. Negotiation Skills	
• Research and preparation prior to initiation of negotiations. • Impartial representation of opposing views. • Level of effort to accomplish mutually-satisfying conclusions.	
Overall Rating for Negotiation Skills	4
Comments:	

4. Problem Solving / Decision Making	
• Level of analysis and identification of alternatives. • Degree of timeliness and appropriateness of decisions. • Accepts responsibility for decisions proactively and professionally.	
Overall Rating for Problem Solving / Decision Making	5
Comments:	

5. Relationships with City Commission	
• Prompt and proper response to requests. • Timely informative updates on current issues. • Review Agenda items to ensure legal compliance • Attendance / participation in commission meetings.	
Overall Rating for Relationships with City Commission	5
Comments:	

6. Community Relations	
• Maintains image of the City, to the community, that represents service and professionalism. • Maintains a relationship with the legal community as it relates to City services/activities. • Encourages an attitude of helpfulness, courtesy, and sensitivity to public perception among employees.	
Overall Rating for Community Relations	5
Comments:	

7. Intergovernmental Relations	
• Works to maintain positive relations with other governmental units (County, State, and Federal agencies). • Assists City Commission in formulation of annual legislative program.	
Overall Rating for Intergovernmental Relations	5
Comments:	

8. Communications	
• Verbal and written, within City/Dept. and City Commission. • Facilitates flow of information about City issues to the public. • Timely, forthright, open and concise (avoids jargon)	
Overall Rating for Communications	4
Comments:	

9. Management of the Department	
• Plans & organizes work that carries out policies adopted by the City Commission. • Plans & organizes responses to public requires/complaints and concerns raised by the City Commission. • Effective at leading / directing / developing team of staff members.	
Overall Rating for Management of the Department	5
Comments:	

10. Management Style	
• Soundness of judgment (rational, creative, decisive, ethical). • Honesty/ fairness (open, straightforward, and impartial). • Professionalism (consistent with legal professional standards). • Flexibility and resiliency (timely, energetic response to change).	
Overall Rating for Management Style	5
Comments:	

Narrative Evaluation

This section of the evaluation is **optional** for any comments you believe appropriate and pertinent to the rating period.

What is the City Attorney doing well?

How can the City Attorney improve?

What other comments do you have for the attorney; e.g. priorities, expectations, goals or objectives for the new rating period?

Additional Comments:

Name of Rater: [signature] Date: 12/15/15

Tom Jones

City Attorney Evaluation

Please rate the city attorney using the following scale:

Rating	Description
5	Excellent – Almost always exceeds Commissions expectations
4	Above average - Generally exceeds Commissions expectations
3	Average - Generally meets Commission expectations
2	Below average – Usually does not meet Commission expectations
1	Poor - Rarely meets Commission expectations

The (10) categories below are the areas being rated, not each bulleted item. These items are just to help each Commissioner as they think about the category. The items in each category are not meant to be all inclusive. At the end you should have the ten (10) categories rated.

Please return your evaluation form to the city attorney.

1. Technical Competency	
• Knowledge of legal principles, applications, regulations, & ordinances. • Impartial interpretation of Florida statutes and City codes. • Research and response to requests for legal opinions.	
Overall Rating for Technical Competency	5
Comments:	

2. Interaction with City Manager	
• Spirit of cooperation without compromising objectivity. • Integration of strategic planning initiatives. • Responsive to requests, timely in making replies.	
Overall Rating for Interaction with City Manager	5
Comments:	

3. Negotiation Skills	
• Research and preparation prior to initiation of negotiations. • Impartial representation of opposing views. • Level of effort to accomplish mutually-satisfying conclusions.	
Overall Rating for Negotiation Skills	5
Comments:	

4. Problem Solving / Decision Making	
• Level of analysis and identification of alternatives. • Degree of timeliness and appropriateness of decisions. • Accepts responsibility for decisions proactively and professionally.	
Overall Rating for Problem Solving / Decision Making	5
Comments:	

5. Relationships with City Commission	
• Prompt and proper response to requests. • Timely informative updates on current issues. • Review Agenda items to ensure legal compliance • Attendance / participation in commission meetings.	
Overall Rating for Relationships with City Commission	5
Comments:	

6. Community Relations	
• Maintains image of the City, to the community, that represents service and professionalism. • Maintains a relationship with the legal community as it relates to City services/activities. • Encourages an attitude of helpfulness, courtesy, and sensitivity to public perception among employees.	
Overall Rating for Community Relations	5
Comments:	

7. Intergovernmental Relations	
• Works to maintain positive relations with other governmental units (County, State, and Federal agencies). • Assists City Commission in formulation of annual legislative program.	
Overall Rating for Intergovernmental Relations	5
Comments:	

8. Communications	
• Verbal and written, within City/Dept. and City Commission. • Facilitates flow of information about City issues to the public. • Timely, forthright, open and concise (avoids jargon)	
Overall Rating for Communications	4
Comments:	

9. Management of the Department	
• Plans & organizes work that carries out policies adopted by the City Commission. • Plans & organizes responses to public requires/complaints and concerns raised by the City Commission. • Effective at leading / directing / developing team of staff members.	
Overall Rating for Management of the Department	5
Comments:	

10. Management Style	
• Soundness of judgment (rational, creative, decisive, ethical). • Honesty/ fairness (open, straightforward, and impartial). • Professionalism (consistent with legal professional standards). • Flexibility and resiliency (timely, energetic response to change).	
Overall Rating for Management Style	5
Comments:	

Narrative Evaluation

This section of the evaluation is **optional** for any comments you believe appropriate and pertinent to the rating period.

What is the City Attorney doing well?

How can the City Attorney improve?

What other comments do you have for the attorney; e.g. priorities, expectations, goals or objectives for the new rating period?

Additional Comments:

Name of Rater: _____ Date: _____

City Attorney Evaluation

Please rate the city attorney using the following scale:

Cheryl Cook

Rating	Description
5	Excellent – Almost always exceeds Commissions expectations
4	Above average - Generally exceeds Commissions expectations
3	Average - Generally meets Commission expectations
2	Below average – Usually does not meet Commission expectations
1	Poor - Rarely meets Commission expectations

The (10) categories below are the areas being rated, not each bulleted item. These items are just to help each Commissioner as they think about the category. The items in each category are not meant to be all inclusive. At the end you should have the ten (10) categories rated.

Please return your evaluation form to the city attorney.

1. Technical Competency	
• Knowledge of legal principles, applications, regulations, & ordinances. • Impartial interpretation of Florida statutes and City codes. • Research and response to requests for legal opinions.	
Overall Rating for Technical Competency	5
Comments:	

2. Interaction with City Manager	
• Spirit of cooperation without compromising objectivity. • Integration of strategic planning initiatives. • Responsive to requests, timely in making replies.	
Overall Rating for Interaction with City Manager	5
Comments:	

3. Negotiation Skills	
• Research and preparation prior to initiation of negotiations. • Impartial representation of opposing views. • Level of effort to accomplish mutually-satisfying conclusions.	
Overall Rating for Negotiation Skills	5
Comments:	

4. Problem Solving / Decision Making	
• Level of analysis and identification of alternatives. • Degree of timeliness and appropriateness of decisions. • Accepts responsibility for decisions proactively and professionally.	
Overall Rating for Problem Solving / Decision Making	5
Comments:	

5. Relationships with City Commission	
• Prompt and proper response to requests. • Timely informative updates on current issues. • Review Agenda items to ensure legal compliance • Attendance / participation in commission meetings.	
Overall Rating for Relationships with City Commission	5
Comments:	

6. Community Relations	
• Maintains image of the City, to the community, that represents service and professionalism. • Maintains a relationship with the legal community as it relates to City services/activities. • Encourages an attitude of helpfulness, courtesy, and sensitivity to public perception among employees.	
Overall Rating for Community Relations	5
Comments: All attached	

7. Intergovernmental Relations	
• Works to maintain positive relations with other governmental units (County, State, and Federal agencies). • Assists City Commission in formulation of annual legislative program.	
Overall Rating for Intergovernmental Relations	5
Comments:	

8. Communications	
• Verbal and written, within City/Dept. and City Commission. • Facilitates flow of information about City issues to the public. • Timely, forthright, open and concise (avoids jargon)	
Overall Rating for Communications	4
Comments: All attached	

9. Management of the Department	
• Plans & organizes work that carries out policies adopted by the City Commission. • Plans & organizes responses to public requires/complaints and concerns raised by the City Commission. • Effective at leading / directing / developing team of staff members.	
Overall Rating for Management of the Department	5
Comments:	

10. Management Style	
• Soundness of judgment (rational, creative, decisive, ethical). • Honesty/ fairness (open, straightforward, and impartial). • Professionalism (consistent with legal professional standards). • Flexibility and resiliency (timely, energetic response to change).	
Overall Rating for Management Style	5
Comments:	

Narrative Evaluation

This section of the evaluation is **optional** for any comments you believe appropriate and pertinent to the rating period.

What is the City Attorney doing well?

City attorney retains a high level of professionalism, presents an abundance of back up documents to support his opinions and remains a positive force for the city. * Continued

How can the City Attorney improve?

City attorney improves on a continual basis!

What other comments do you have for the attorney; e.g. priorities, expectations, goals or objectives for the new rating period?

* City attorney displays an ability to placate difficult people, does not attempt a "go-it-alone" attitude. This prevents the city from exposure to lawsuits as both the city is protected on more. He has provided the commission with measures to protect us, which has never been addressed until Mr. Moriarty brought them to us. I look forward to his continued professionalism, creative presentations and ability to understand municipal government in its entirety

Additional Comments:

Name of Rater: _____ Date: _____

Linda Yates

CITY ATTORNEY PERFORMANCE REVIEW
RATING SHEET

Rate each item from 1 (low) to 5 (high) based on your opinion of the City Attorney's performance. Mark N/A if you do not have enough information to rate.

I. LEGAL CONSULTATION

4 A. Has legal advice provided by the City Attorney proven to be accurate and technically correct?

5 B. Does the City Attorney provide his best and honest recommendations given all existing legal issues and ramifications?

3 C. Does the City Attorney possess and provide an efficient and effective knowledge of the City's Municipal Code and regulations?

3 D. Does the City Attorney possess and provide an efficient and effective knowledge of other government regulations and case law regarding municipal government and issues facing the City?

4 E. Does advice provided by the City Attorney regularly take into account and balance the overall goals and objectives of the City?

4 F. Does the City Attorney regularly provide the scope of legal expertise necessary to meet the City's needs on issues that arise, either from himself, within his firm or other available resources?

4 G. Does the City Attorney proactively identify potential issues when he is aware of them to avoid problems from occurring?

4 H. Are alternatives and innovative solutions provided rather than just raising problems?

N/A I. Is the City Attorney able to maintain the City Council's and staff's confidence while informing them of the different legal risks that proposed actions might generate?

II. LEGAL REPRESENTATION

4 A. Does the City Attorney aggressively represent the interests of the City as directed by the City Council?

3 B. Is the City Attorney's approach effective in achieving the best possible legal outcomes for the City's interests given the issues that arise?

5 C. Does the City Attorney represent the City in a professional and ethical manner?

5 D. Is the City Attorney impartial and objective in his duties and responsibilities?

N/A E. Are the City Attorney's estimates of legal impacts reasonably accurate on a regular basis?

III. STAFF WORK

3 A. Does the City Attorney prepare ordinances, resolutions, contracts and other legal work accurately and consistent with the direction and objectives communicated by the City Council, City Manager and/or department directors?

5 B. Does the City Attorney maintain good working relationships and serve as an effective member of the management team?

3 C. Does the City Attorney accurately identify and address all legal issues within documents and items that he reviews?

N/A D. Are staff and the City Council advised of key changes in municipal law as it pertains to the City's activities?

5 E. Does the City Attorney display a positive attitude in carrying out his responsibilities and responding to requests?

4 F. Has the City Attorney been successful in accomplishing objectives previously established?

IV. COST/FISCAL ACCOUNTABILITY AND CONTROL

4 A. Are regular legal activities achieved within budgetary goals and limits?

4 B. Has the City Attorney been 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?

4 C. Are standard forms developed and used where possible to minimize preparation of legal documentation?

5 D. Are legal tasks performed with appropriate authorization according to established procedures and contract requirements?

N/A E. Do invoices accurately identify tasks and expenses in sufficient detail to provide accountability and cost control?

4 F. Does the City Attorney display the ability and knowledge to research issues in a minimum amount of time?

3 G. Have legal costs been effectively managed and controlled given the issues, assignments and requests made to the City Attorney?

V. RESPONSIVENESS/TIMELINESS OF ACTIONS

4 A. Are requested legal work and assignments completed in a timely manner within established time frames?

5 B. Is the City Attorney accessible when needed to respond to requests for legal information and assistance?

N/A C. Are legal review and requests for information completed in time to avoid delays to City projects, programs and other tasks?

4 D. Does the City Attorney follow-up effectively to requests that are made?

4 E. Does the City Attorney accurately interpret and clarify City Council and City Manager direction?

VI. COMMUNICATIONS

N/A A. Does the City Attorney communicate effectively with the City Council, staff and the community?

4 B. Are answers provided in a timely and in an understandable manner?

4 C. Are timelines for follow-up to requests clearly communicated?

N/A D. Does the City Attorney maintain confidentiality with regard to all matters discussed with the Mayor, City Council Members and/or City Manager and staff?

4 E. Does the City Attorney effectively report to the City Council and/or City Manager communications by project attorneys of a substantive nature regarding significant or sensitive matters?

General Comments and Rating Regarding City Attorney's Performance:

GENERALLY YOUR PERFORMANCE HAS NOT ONLY MET EXPECTATIONS DEMONSTRATING ADVANTAGES OF HAVING AN IN-HOUSE ATTORNEY BUT ALSO YOUR PROFESSIONALISM AND ETHICS ARE ADMIRABLE. A YEAR AGO YOU EXPRESSED A HIGH LEVEL OF CONFIDENCE IN YOUR ABILITY TO SET UP THE LEGAL DEPARTMENT TIMELY, WITH EASE AND IN A WAY THAT WOULD BE A SEAMLESS TRANSITION. YOU DELIVERED ON THAT. YOUR PERFORMANCE IN YOUR FIRST YEAR COMBINED WITH YOUR STRONG ATTRIBUTES OF POSITIVE ATTITUDE, RESPONSIVENESS, OBJECTIVITY AND APPROACHABILITY HAS EARNED YOU MY CONFIDENCE IN YOUR ABILITIES MOVING FORWARD.

Future Goals, Objectives and Areas for Improvement:

WHILE AN ANNUAL EVALUATION IS OF VALUE, ADDRESSING ITEMS AS THEY ARISE THROUGHOUT THE YEAR (WHICH IS WHAT WE DO) IS THE MOST EFFECTIVE WAY TO BUILD CONFIDENCE, COMMUNICATE EXPECTATIONS, SHARE CONCERNS AND EXPRESS COMPLIMENTS. WE HAVE PREVIOUSLY DISCUSSED SOME AREAS WHERE IMPROVEMENTS CAN BE MADE INCLUDING FOLLOW UP, DOCUMENT DRAFTING AND REVIEW, APPROACH IN ADDRESSING CODES AND POLICIES, COORDINATION WITH OTHER CHARTER OFFICERS, COST CONTROLS, REPORTING AND INVOICES FROM OUTSIDE FIRMS. ITEMS MARKED WITH A RATING OF N/A ARE PRIMARILY DUE TO YOUR SHORT TIME HERE, INFORMATION NOT PROVIDED OR THE SUBJECT ENCOMPASSES ITEMS ASSOCIATED WITH STAFF UNDER THE CITY MANAGER. WHILE THIS ICMA SAMPLE EVALUATION FORM IS GENERALLY APPLICABLE, FOR THE FUTURE IT MAY BE HELPFUL TO CUSTOMIZE TO BETTER FIT OUR CITY. CONSIDERING THE TIME AND WORK INVOLVED IN YOUR FIRST YEAR WITH BECOMING FAMILIAR WITH NORTH PORT'S COMPREHENSIVE PLAN, CODES AND POLICIES, GETTING THE LEGAL DEPARTMENT SET UP AND TAKING OVER PENDING MATTERS AS WELL AS HANDLING NEW CASES YOU HAVE DONE A FINE JOB.