

CITY ATTORNEY EVALUATION COMMITTEE MEETING
The Office of the Mayor in the Municipal Building

July 24, 2013
11:30 a.m.

Agenda

Councilmember Anne Garcia Garland, Chair

- I. CALL MEETING TO ORDER
- II. APPROVAL OF JUNE 18, 2013 MINUTES
- III. REVIEW OF FY2013 CITY ATTORNEY EVALUATION RESULTS
- IV. COMMITTEE RECOMMENDATION FOR CITY COUNCIL
- V. ADJOURNMENT

**MINUTES OF THE
CITY ATTORNEY EVALUATION COMMITTEE MEETING**

June 19, 2013

The regular meeting of the City Attorney Evaluation Committee convened at 11:45 a.m. on June 19, 2013 in the Office of the Mayor of the Municipal Building.

Present: City Attorney Evaluation Committee
Councilmember Anne Garcia Garland, Chair
Councilmember Trina Baughn

Councilmember David N. Mosby was absent.

Also Present: Diana R. Stanley, City Clerk
Kenneth R. Krushenski, City Attorney

APPROVAL OF MAY 22, 2013 MINUTES

Committee member Baughn moved to approve the May 22, 2013 minutes as presented in the agenda packet. The motion carried by unanimous voice vote with Committee members Baughn and Garcia Garland voting "Aye."

REVIEW OF EVALUATION MATERIALS SUBMITTED BY THE LEGAL DEPARTMENT

The Committee noted that the City Clerk had provided a recommendation to the Committee to not make any changes to the current evaluation rating system given the recent creation of the forms and the data provided by the Legal Department that indicated that several Tennessee cities do not have a formal evaluation of their City Attorney by the governing body. No formal action was taken by the Committee to alter the evaluation form.

FINALIZE EVALUATION PROCESS AND SCHEDULE

Following detailed discussion regarding a process to utilize goals of the City Attorney in relation to the evaluation, Committee member Baughn moved that the Committee determined to transmit the goals listed in last year's evaluation to the City Council for use during completing the FY2013 evaluation forms, and encourage the Council to reference the City Attorney's goals and objectives listed as part of his FY2012/FY2013 City Attorney's Progress Report. The motion carried by unanimous voice vote with Committee members Baughn and Garcia Garland voting "Aye."

The following schedule was presented by the Committee with assistance from the City Clerk:

Deliver Evaluation Forms to the City Council	Monday, June 24, 2013
Deadline for Completion of Evaluation Forms	No later than Friday, July 5, 2013
Evaluation Form Results Delivered to the Committee	No later than July 16, 2013
Next City Attorney Evaluation Committee Meeting	Wednesday, July 24, 2013 at 11:30 a.m.
Committee Recommendation	Monday, August 12, 2013

Committee member Baughn moved to accept the aforementioned schedule was presented. The motion carried by unanimous voice vote with Committee members Baughn and Garcia Garland voting "Aye."

UNAPPROVED

ADJOURNMENT

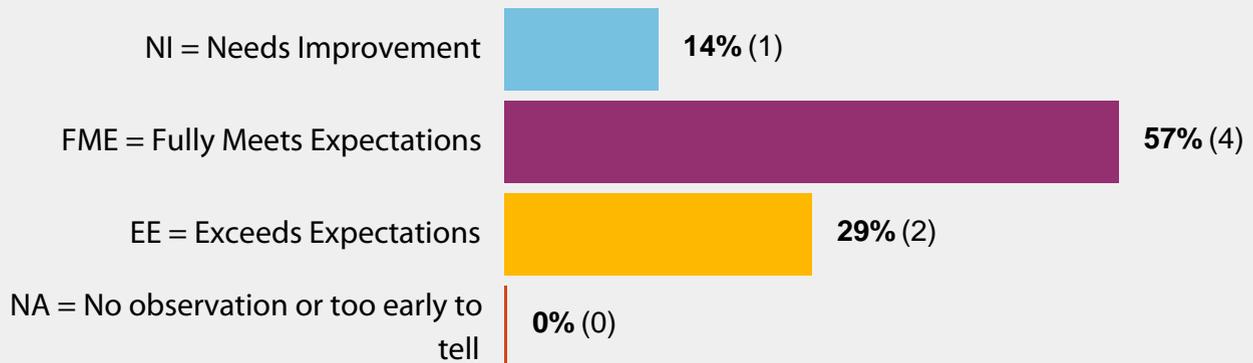
The meeting adjourned at 1:05 p.m.

Diana R. Stanley, City Clerk
Secretary for City Attorney Evaluation Committee

APPROVED BY THE CITY ATTORNEY EVALUATION COMMITTEE
July 24, 2013

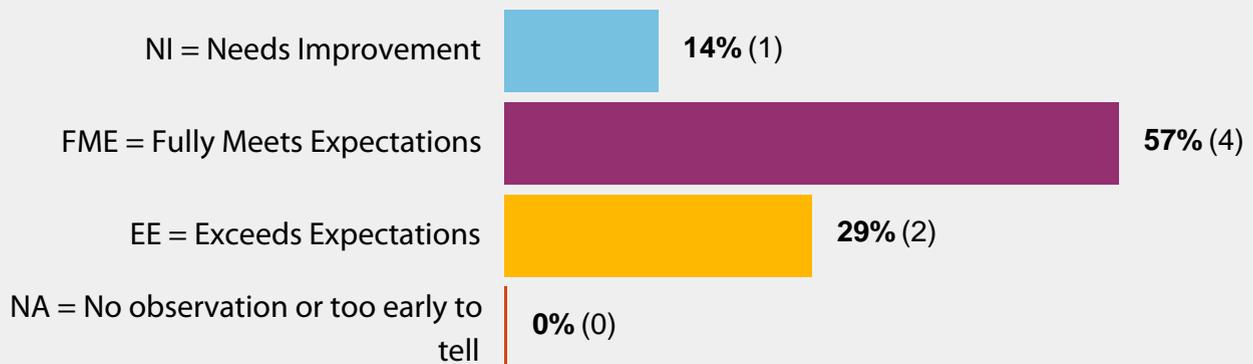
Anne Garcia Garland, Chair
City Attorney Evaluation Committee, 2013

Is accessible, responsive, considerate and courteous in his interactions with Council.



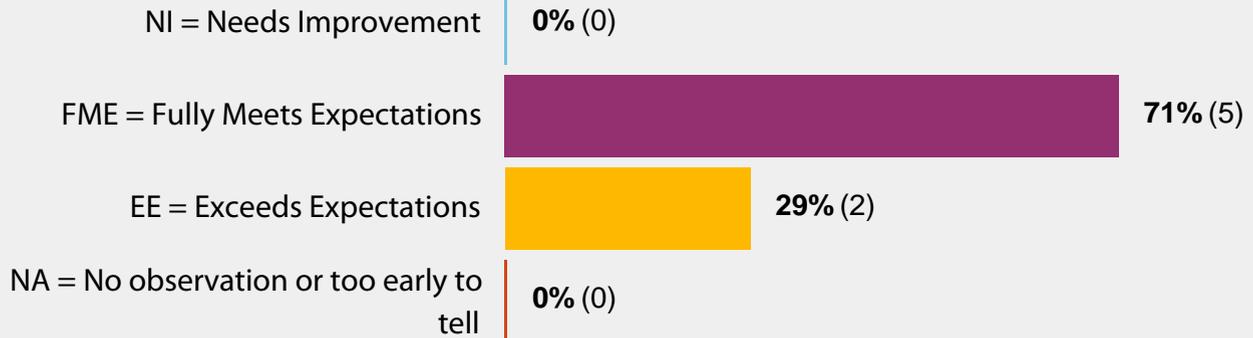
* 7 total responses, 100% of submissions

Provides legal opinions and/or advice in a timely manner.



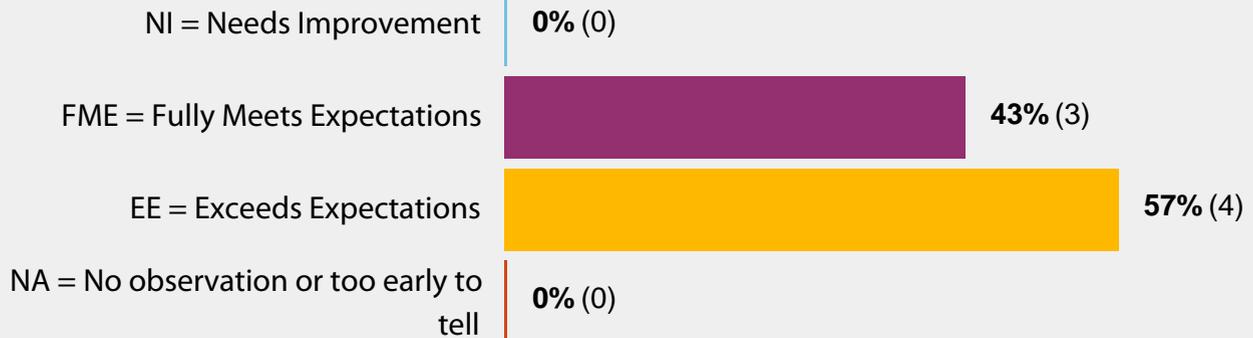
* 7 total responses, 100% of submissions

Creates a sense of trustworthiness.



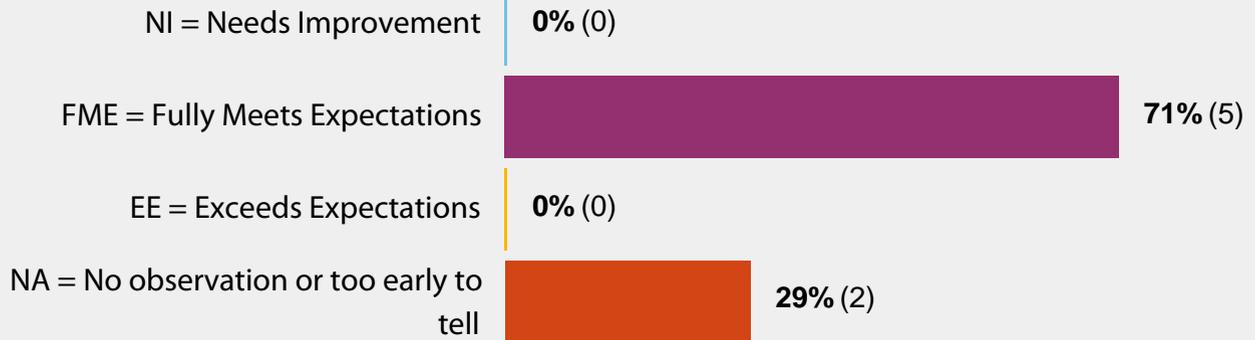
* 7 total responses, 100% of submissions

Keeps the Council informed about current issues, legal activities, decisions, and goals.



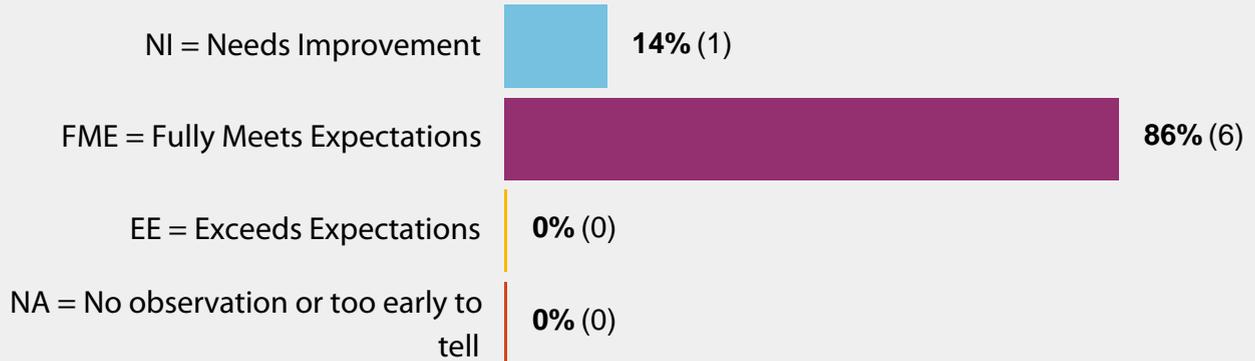
* 7 total responses, 100% of submissions

Communicates well with a wide range of persons, including Councilmembers, citizens, staff, and other attorneys.



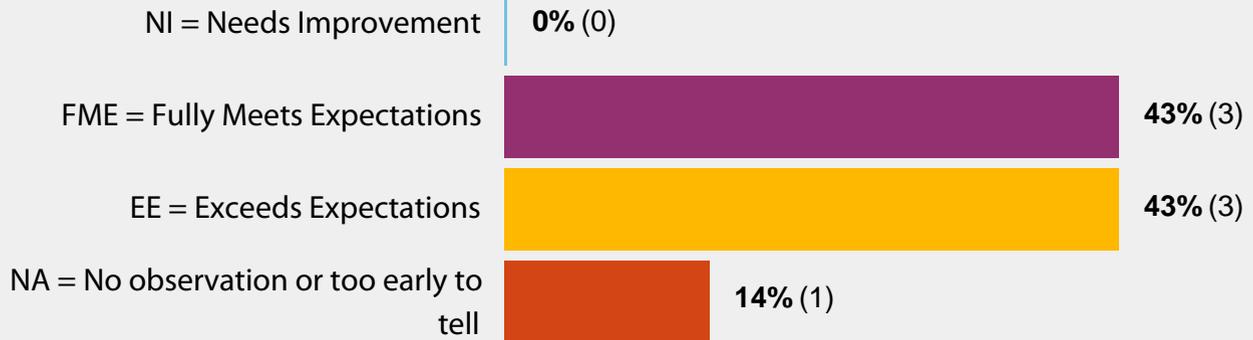
* 7 total responses, 100% of submissions

Demonstrates a thorough knowledge and understanding of municipal law.



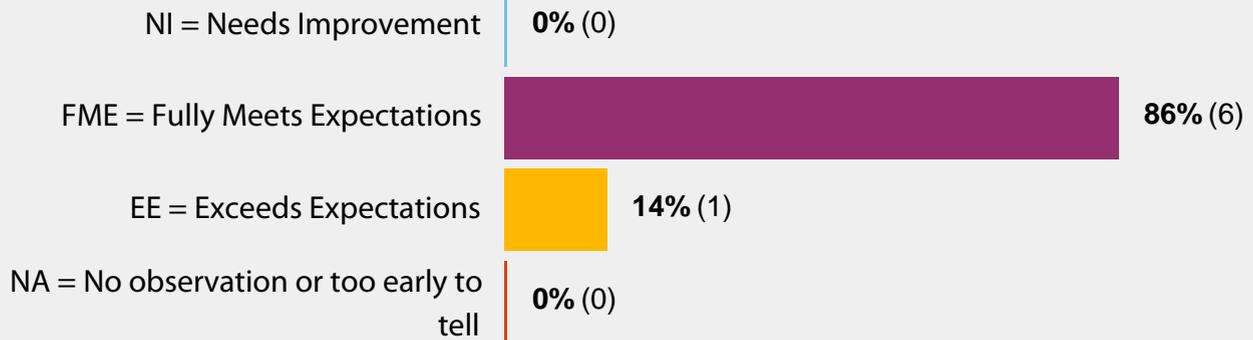
* 7 total responses, 100% of submissions

Is knowledgeable about City issues and about legal trends that may impact the City.



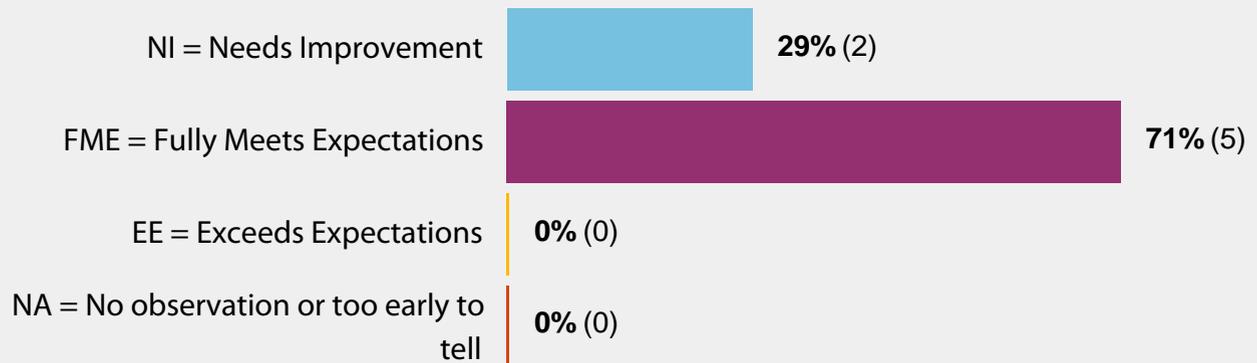
* 7 total responses, 100% of submissions

Provides advice on ordinance changes, drafting of new ordinances and amendments.



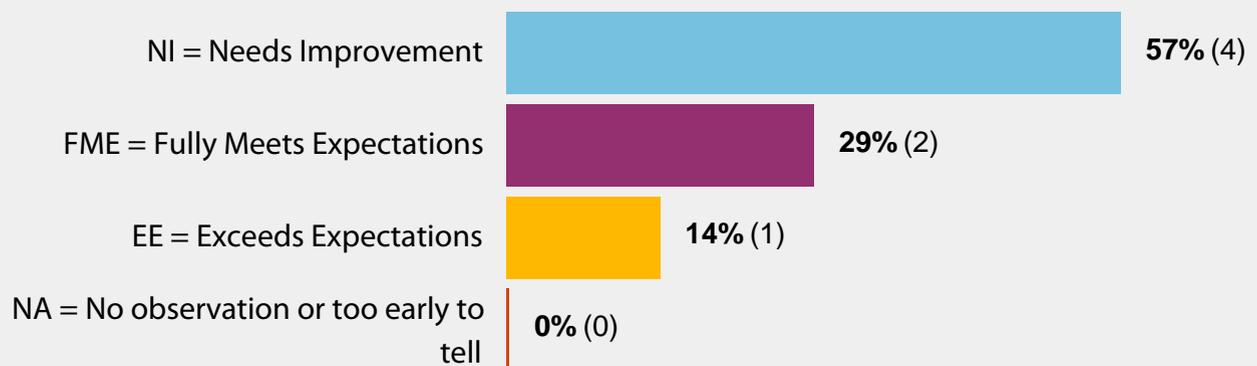
* 7 total responses, 100% of submissions

Provides concise, understandable, and helpful legal options and/or advice.



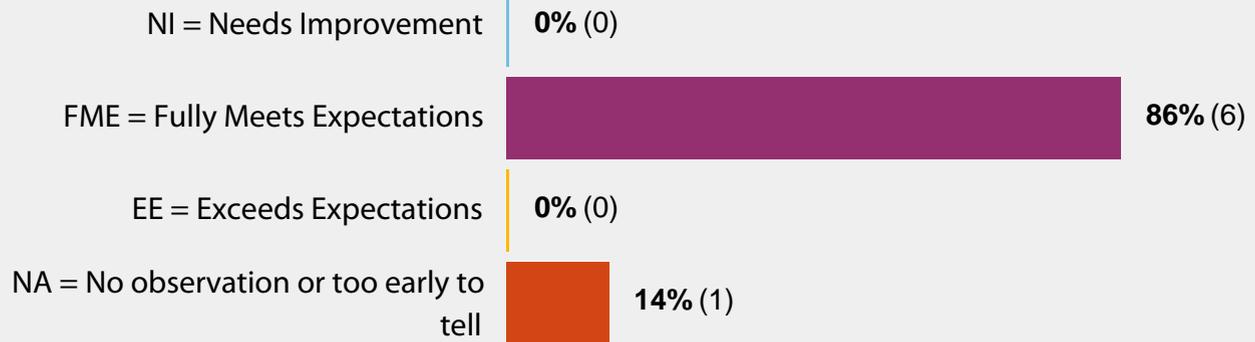
* 7 total responses, 100% of submissions

Demonstrates openness to alternative approaches.



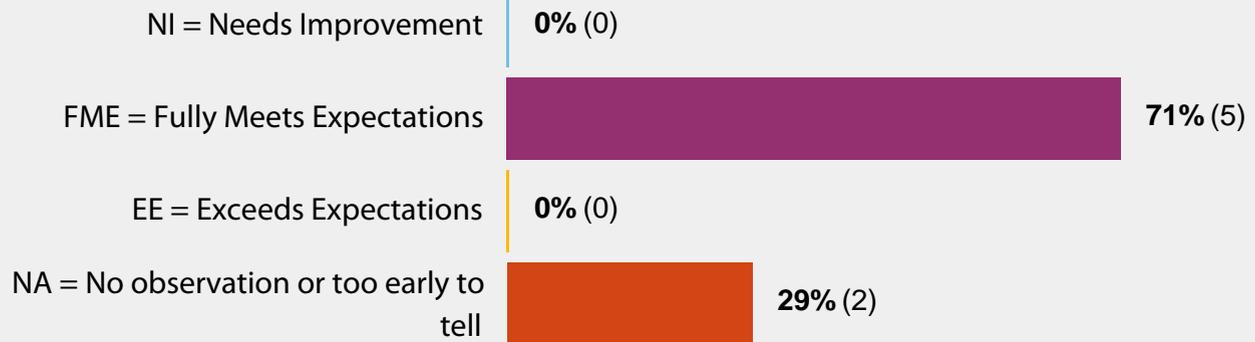
* 7 total responses, 100% of submissions

Adjusts rapidly to changes in plans or procedures.



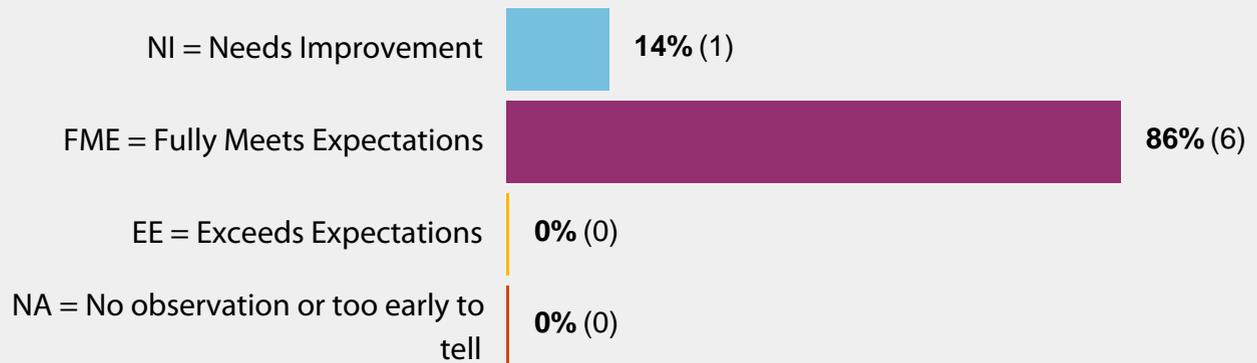
* 7 total responses, 100% of submissions

Functions effectively under pressure.



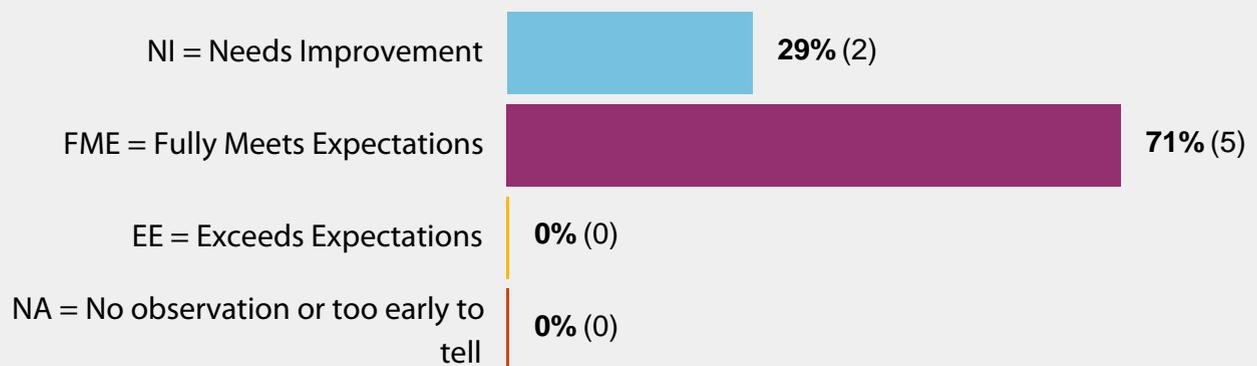
* 7 total responses, 100% of submissions

Demonstrates leadership that contributes to achieving the City's goals and objectives.



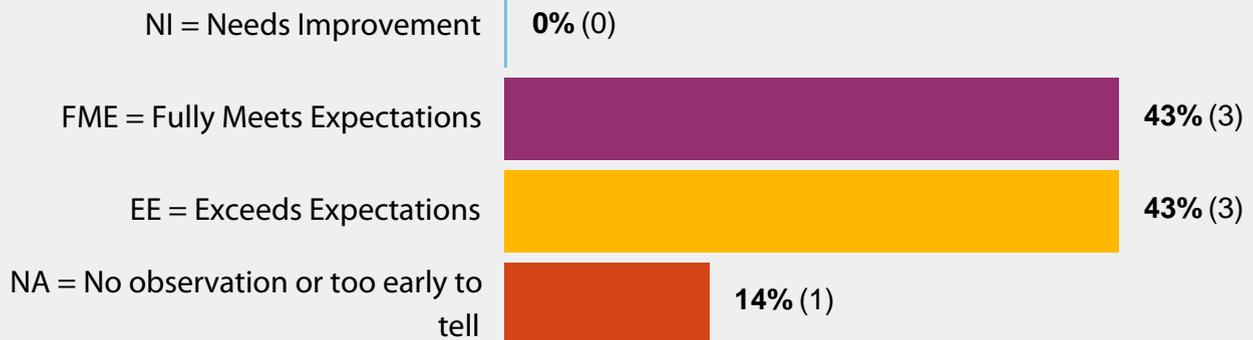
* 7 total responses, 100% of submissions

Effectively evaluates legal problems and alternatives.



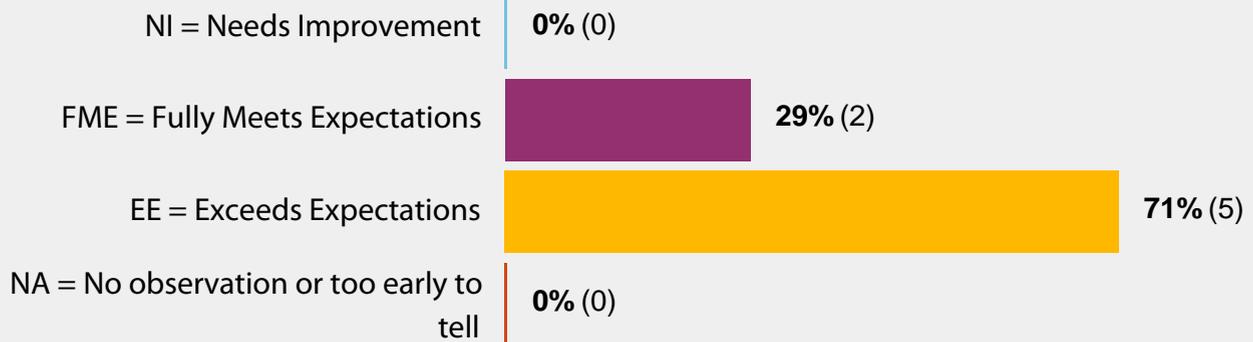
* 7 total responses, 100% of submissions

Demonstrates effectiveness in avoiding unnecessary legal controversy.



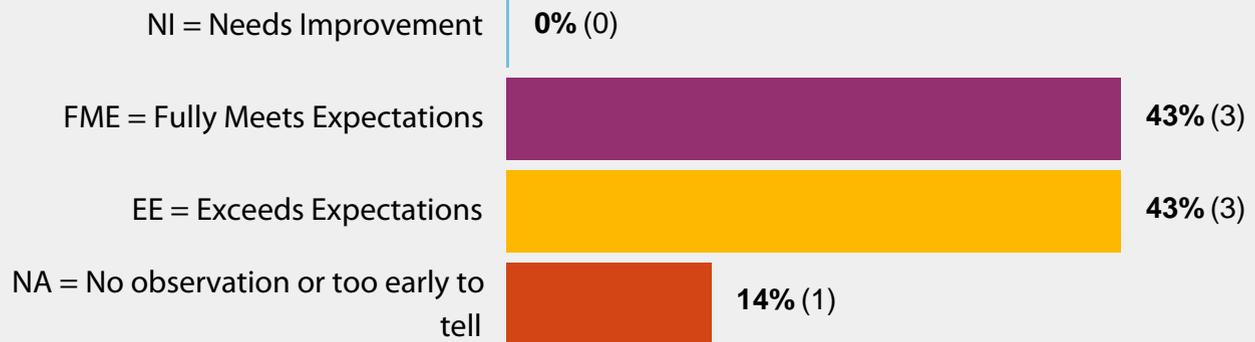
* 7 total responses, 100% of submissions

Maintains high standards of ethics, honesty, and integrity in all personal and professional relationships.



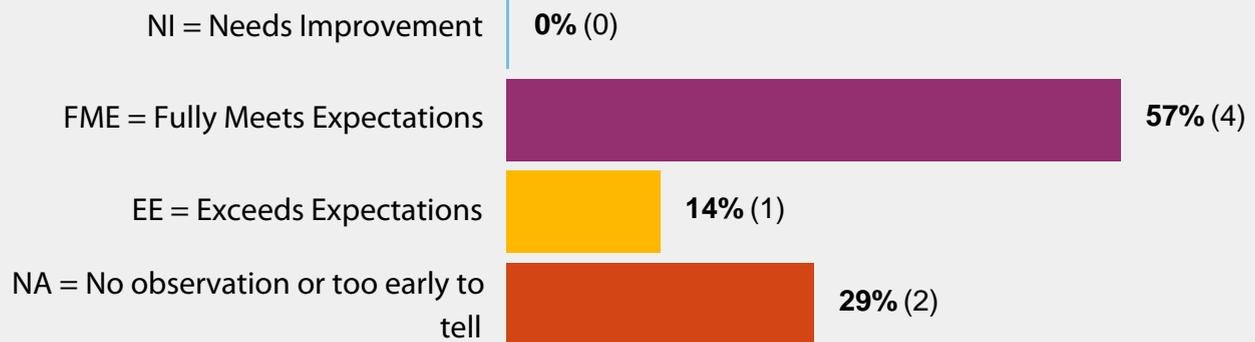
* 7 total responses, 100% of submissions

Retains your confidence when informing you of risks associated with proposed actions or decisions.



* 7 total responses, 100% of submissions

Works toward gaining and maintaining the respect and support of staff.



* 7 total responses, 100% of submissions

Is accessible, responsive, considerate and courteous in his interactions with Council.	Provides legal opinions and/or advice in a timely manner.
Ken does a good job of keeping the council informed about his schedule and usually responds to inquiries very quickly. He is always friendly and courteous.	Turnaround time is as close to instantaneous as it gets.
Could do a better job of hearing what the council asks during our meetings. Sometimes he does not fully hear what is being asked, and gives information before it is needed	Ken anticipates what could happen and knows vulnerability of city regarding possible legal actions.
From day one of my time on council, Ken has gone above and beyond to provide me with information, assistance and guidance.	
Ken is always available by phone even when I contact him at home. He returns calls and emails promptly and contacts me when I need to know something. Ken provides good legal advice and is on top of city issues.	

Keeps the Council informed about current issues, legal activities, decisions, and goals.	Communicates well with a wide range of persons, including Councilmembers, citizens, staff, and other attorneys.
When sending or providing updates of ongoing legal issues, a summary at the front would help greatly in knowing which issue is being addressed by the updates.	I would like for the attorney to be more willing to brainstorm concerning alternative outcomes.
Ken regularly sends out information about past and current legal issues.	I am impressed with the extensive network of colleagues, contacts, and associates that Ken has and uses to share information.
Ken is very proactive in keeping council informed about all of the above.	I've not observed many of Ken's communications outside of council and the city manager.
Ken takes the initiative to meet with us one on one to keep us apprised of possible legal issues.	Ken is a good communicator and works well with MTAS, previous attorneys with the City and BOE and others as needed to confirm information and also communicates well with the council.

Creates a sense of trustworthiness.
 I'm limited to only seven months of observations. So far, so good.
 I have complete trust in Ken.

List notes or comments that support the overall rating on courtesy and communication skills.
 Ken's communications are highly professional and courteous. Because he excels at providing a tremendous amount of information, I have encouraged him to provide council with one page briefs consisting of bullet points for the more complex matters.
 Ken researched the BOE claim regarding the sales tax and has come up with the same proof that we all knew (those of us on Council at the time) that we were correct in what the BOE owed the City. He researched with other attorneys involved and thus far we are clear.
 Ken is exceptionally courteous and has excellent communication skills.

Demonstrates a thorough knowledge and understanding of municipal law.	Is knowledgeable about City issues and about legal trends that may impact the City.
Often I feel the attorney is too cautious and would personally prefer a more aggressive approach.	Ken is very well-organized and has extensive legal records about city issues.
My limited knowledge of municipal law limits by ability to fully assess Ken's level of understanding at this time.	Ken stays current on internal and external municipal issues and does an excellent job of keeping council informed.
Krn's experience gives him a good understanding of municipal law	Ken stays on top of what is going on both formally and informally. He has his ears and eyes open at all times.

Provides concise, understandable, and helpful legal options and/or advice.	Demonstrates openness to alternative approaches.
Again, I would prefer a more aggressive approach.	Sometimes the path of least resistance is taken and leaves us vulnerable to end runs by the opposition.
Most of the time he provide concise information, but is very limited on what legal options are available or if we should look at other options, only after he is prompted to look into certian issues will he give us options.	Doesn't show a openness to alternative approaches
See previous comment on providing brief summaries.	Ken always seems open to suggestions. As I stated above, creative alternatives will be necessary if we are to break through on some of our more difficult challenges.
Can provide advice on the fly that any of us should be able to understand and act on.	Willing to provide pros and cons of alternatives.

Provides advice on ordinance changes, drafting of new ordinances and amendments.	List notes or comments that support the overall rating on knowledge and adaptability.
Ken does a fine job in this arena. I encourage him to integrate creativity into future efforts of a complex nature so as to break down some of the obstacles that have prevented the city from moving forward on various fronts.	
Always good to give Council advice on how to proceed.	

Adjusts rapidly to changes in plans or procedures.
Ken has demonstrated that he is knowledgeable about municipal law and adapts quickly to changing circumstance.
Legal procedures by a rule don't adjust or change rapidly
Have yet to observe such circumstances.
Very flexible as much as you can be - but the law is the law.

Functions effectively under pressure.	Demonstrates leadership that contributes to achieving the City's goals and objectives.
Works well with others and adequately brings in help when needed.	I'm not sure that Ken has had the opportunity or the platform to clearly demonstrate leadership as he remains subject to council directives. If anything, I would like for him to be more vocal about his opinions on major issues where he may disagree with the majority of council.
Ken rarely shows signs of being over stresses or under pressure.	Ken is consistent and always at meeting, available and willing to assist any of us one on one or in meetings with questions or explanations. He is a good team builder and leader in the City.
Ken does well under pressure - there are so many issues that hit his desk. He seems to handle all of them with appropriate stress.	

Effectively evaluates legal problems and alternatives.	Demonstrates effectiveness in avoiding unnecessary legal controversy.
In my opinion, the attorney concentrates on the most likely scenario and does not seek alternatives to the level I would prefer.	Ken tries to keep City out of any unnecessary legal controversy thru his skills and abilities.
Ken maintains a respectable archive of past city decisions and legal issues and he often can anticipate upcoming legal problems and alternatives . Usually when I have a question about an issue, he often refers me to a legal memo that he prepared weeks, months, or years before.	
Ken is very thorough in the data he brings to council indicating excellent research and analysis skills.	
Definitely - Ken does this.	

List notes or comments that support the overall rating on administrative skills and effectiveness.

Ken has proven to be an effective attorney for the city.

Rather than just rely on his own knowledge which is excellent, Ken does a "head check" with MTAS on many issue to make sure a certain issue is not ongoing in another community that he has not heard about. It is a double check and he does well at this.

Maintains high standards of ethics, honesty, and integrity in all personal and professional relationships.	Retains your confidence when informing you of risks associated with proposed actions or decisions.
Ken always displays a very professional and honest demeanor in his dealings. His advice has been ethical and fair.	Does a great job of keeping Council advised of risk within the selected scenario.
Ken is totally trustworthy and practices the highest integrity.	So far as I know!
	I completely trust Ken to maintain my confidence in all discussions.
Works toward gaining and maintaining the respect and support of staff.	List notes or comments that support the overall rating on personal and professional qualities.
Some issues could use the advice of the attorney, but the attorney does not get involved unless asked. I would prefer the attorney look at issues that are ongoing and assess if advice could move us forward faster.	Ken is an active member of the Oak Ridge community. He is a Rotarian and practices the 4-way test. He is a true professional and does not speak badly of others or betray confidences. He treats everyone fairly and in a professional way.
Given the limitations set forth in the charter, council does not have open access to the opinions of staff. I would request that internal evaluations of senior staff be given by subordinate or other staff anonymously and forwarded to council for consideration in future evaluations.	
Ken is highly respected by City Staff.	

What would you identify as the City Attorney's strength(s), expressed in terms of the principal results achieved during the rating period?	What performance area(s) would you identify as most critical for improvement?
Ken's integrity and dedication to avoiding unnecessary legal problems is admirable. He is trusted and his advice of always well thought through.	I would like to see a more aggressive approach to issues and possible resolutions.
Ken maintains an effective and comprehensive archive of legal opinions, decisions, and issues relative to the city. This archive has helped define emerging legal issues and led to a significant advantage in addressing them.	Ken does a great job as City Attorney.
His ability to keep the city on a even kneel within the legal system, and the many legal issues that face the city on any given day.	Listen to council fully, before starting to answering the questions.
Thoroughness and accessibility.	Ken needs to develop an awareness and understanding of the tangible impact his work has on the city. Often, tasks and simple outcomes are thought to be measures of success. Ken needs to differentiate the impact of his work from that of his contemporaries as a means to justify retaining his role. Time and money saved or lost are quantifiable measures that can be determined in just about any job.
Good working knowledge of muncipal law and issues. Guided us with good advise through the EPA adminstration order.	I don't have any ideas for improvement.
Integrity, professional, highly knowledgeable, highly resourceful.	

What constructive suggestions or assistance can you offer the City Attorney to enhance performance?	What other comments do you have for the City Attorney, e.g. priorities, expectations, goals, or objectives for the new rating period?
I think Ken should be more involved in planning and the development of new initiatives.	I have noticed some improvement since last year, but I think Ken needs to work on providing direct answers to inquiries from Council rather than answering what he thinks the question should be.
Strive to move from a reactive role into a primarily proactive role.	I don't like this rating system, it is too cubersome, would like to see something different next year
Be more direct in giving advise during council meetings	Thank you for going above and beyond to bring this new council member up to speed so quickly! Please establish quantitative benchmarks for future annual reviews.
None - at this stage in his career only he can offer that.	Continue to help us with any BOE legal issues, housing issues, etc.

Please provide recommendations and comments on a possible change in compensation (currently \$106,100.80) and a contract extension beyond the current expiration date of March 1, 2017.

I recommend a salary increase matching other staff, per budget for FY-2014.

Same as other employees.

I would recommend the same rate as other city staff gets this year, with no extension in contract at this time, a three year extension is suitable for this position

I recommend that the city attorney's compensation increase as much, but no more than the increase provided to all city employees. I believe that his contract expiration date should remain at 2017. Four years is a very generous commitment and to extend it beyond that would impose an unnecessary burden on the city at this time.

Recommend the same percentage raise as all city employees

City raise equal to what others are receiving.
