




# MEMORANDUM

## Human Resources

To: Mayor and City Commission

From: Ed Beecher, Human Resources Director 

Subject: Performance Evaluation for City Attorney

Date: September 27, 2018

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At the City Commission's direction, each Charter Officer, reporting directly to the City Commission, is to be evaluated annually on the established hire date anniversary.

Pursuant to further direction of the Mayor and City Commission at their regularly scheduled meeting of September 25, 2018, the Human Resources Department will submit, to the City Commission, an agenda item for discussion and consideration for the annual performance evaluation for Mark E. Berman, City Attorney.

In anticipation of the Commission's review, Human Resources has prepared the attached suggested performance evaluation for your consideration. An emailed version of this correspondence and suggested performance evaluation, has also been provided for your convenience. Please review and complete, at your leisure, and return to me upon completion. I will share your written assessments of performance with Mr. Berman.

Staff will submit an item for your discussion and consideration at your meeting of October 9, 2019; further discussion can take place at that time.

If you have any questions, please do not hesitate to call me.

Thank you.

CC: Gregory P. Harrison, City Manager  
Mark E. Berman, City Attorney

EB/City Attorney/ Performance Evaluation

## Eddie Beecher

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**From:** Eddie Beecher  
**Sent:** Thursday, September 27, 2018 5:52 PM  
**To:** Barry Moss; Barry Moss (barrymossflorida@aol.com); beverly perkins; Beverly Perkins; charlotte burrie; Charlotte Burrie; lamar fisher; Lamar Fisher; Michael Sobel; Rex Hardin; rex@rexhardin.com  
**Cc:** Greg Harrison; Mark Berman; Brian Donovan; Shelley Bartholomew  
**Subject:** Annual Performance Evaluation for City Attorney  
**Attachments:** Memorandum from Ed Beecher Re Performance Evaluation of City Attorney.pdf

Dear Mayor and City Commission,

Please see attached memorandum from me regarding the annual performance evaluation for Mark E. Berman, City Attorney. I have also provided a printed paper version of this correspondence in your office mailbox at City Hall, 4<sup>th</sup> Floor.

Thank you,

Ed

## **CITY ATTORNEY PERFORMANCE EVALUATION**

### **SUGGESTED INSTRUCTIONS**

Evaluate the City Attorney on the basis of standards you expect to be met for the job, considering the length of time in the job. Check the number which most accurately reflects the level of performance for the factor appraised using the rating scale described below. If you did not have an opportunity to observe a factor during this evaluation period, please indicate so in the "N/O" column next to the factor.

### **RATING SCALE DEFINITIONS (1-5)**

Unsatisfactory (1)      The employee's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level can not be allowed to continue.

Improvement  
Needed (2)              The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.

Meets Job  
Standard (3)            The employee's work performance consistently meets the standards of the position.

Exceeds Job  
Standard (4)            The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.

Outstanding (5)        The employee's work performance is consistently excellent when compared to the standards of the job.

### **I.      PERFORMANCE EVALUATION AND ACHIEVEMENTS**

<b>1.      City Commission Relationships</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
<b>A.      Effectively implements policies and programs approved by the City Commission.</b>	_____	_____	_____	_____	_____	_____
<b>B.      Reporting to the City Commission is timely, clear, concise and thorough.</b>	_____	_____	_____	_____	_____	_____

<b>1.</b>	<b>City Commission Relationships—cont.</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
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|----|---|-------|-------|-------|-------|-------|-------|
| C. | Accepts direction/instructions in a positive manner.  | _____ | _____ | _____ | _____ | _____ | _____ |
| D. | Keeps the City Commission informed of current legal matters and activities of City Attorney's Office, legislation, governmental practices and regulations, etc. | _____ | _____ | _____ | _____ | _____ | _____ |
| E. | Provides the City Commission with information on anticipated issues that could come before the City Commission.   | _____ | _____ | _____ | _____ | _____ | _____ |
| F. | Effectively prepares ordinances, resolutions contracts, bonds, leases and other legal instruments for the City.   | _____ | _____ | _____ | _____ | _____ | _____ |

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<b>2.</b>	<b>Public Relations</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
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|----|---|-------|-------|-------|-------|-------|-------|
| A. | Projects a positive public image.                         | _____ | _____ | _____ | _____ | _____ | _____ |
| B. | Is courteous to the public at all times.                  | _____ | _____ | _____ | _____ | _____ | _____ |
| C. | Maintains effective relations with media representatives. | _____ | _____ | _____ | _____ | _____ | _____ |

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<b>3.</b>	<b>Effective Leadership of Staff</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
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- |    |   |       |       |       |       |       |       |
|----|---|-------|-------|-------|-------|-------|-------|
| A. | Delegates appropriate responsibilities. | _____ | _____ | _____ | _____ | _____ | _____ |
|----|---|-------|-------|-------|-------|-------|-------|

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<b>4.</b>	<b>Communication</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
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A.	Oral communication is clear, concise and articulate.	_____	_____	_____	_____	_____	_____
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B.	Written communications are clear, concise and accurate.	_____	_____	_____	_____	_____	_____
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Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b>5.</b>	<b>Personal Traits</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
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A.	Initiative.	_____	_____	_____	_____	_____	_____
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B.	Judgment.	_____	_____	_____	_____	_____	_____
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C.	Fairness and Impartiality.	_____	_____	_____	_____	_____	_____
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D.	Creativity.	_____	_____	_____	_____	_____	_____
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Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b>6.</b>	<b>Intergovernmental Affairs</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
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A.	Maintains effective communication with local, regional, state, and federal government agencies.	_____	_____	_____	_____	_____	_____
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B.	Contributions to good government through regular participation in local, regional and state committees and organizations.	_____	_____	_____	_____	_____	_____
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Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## II. ACHIEVEMENTS RELATIVE TO OBJECTIVE FOR THIS EVALUATION PERIOD

Please see attached email from Mark Berman.

### III. SUMMARY RATING

Overall Performance Rating – Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

Unsatisfactory \_\_\_\_ Improvement \_\_\_\_ Meets Job \_\_\_\_ Exceeds Job \_\_\_\_ Outstanding \_\_\_\_  
Needed Standards Standards

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### IV. FUTURE GOALS AND OBJECTIVES

Share goals and objectives to be achieved in the next evaluation period. (Any item(s) you wish to have the City Attorney focus on) \_\_\_\_\_

## V. REQUEST FOR PERSONAL MEETING

[illegible]

MAYOR/COMMISSIONER  
DISTRICT

MARK E. BERMAN  
CITY ATTORNEY

## **Eddie Beecher**

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**From:** Eddie Beecher  
**Sent:** Thursday, September 27, 2018 5:28 PM  
**To:** Eddie Beecher  
**Subject:** FW:

- My office prepared 333 Ordinances and Resolutions during the past year;
- Successfully resolved multiple litigation including the Fire station 11/ JCON matter, County / Beatty Lease litigation, CRA/ City/County litigation;
- Reviewed and prepared numerous Agreements on behalf of the City;
- Prepared contracts for Pier and Beach renovations and leases for restaurants and businesses;
- Assisted staff and outside Counsel in successful implementation of the GO Bond process;
- Prepared and assisted in numerous ordinances governing such matters as Sober homes and Chronic Nuisances;
- Provided legal counsel for labor contracts and employee grievances;
- Provided counsel to the Commission and to staff on Ethics issues.

Mark E. Berman  
City Attorney  
City of Pompano Beach, Florida  
Board Certified- City, County & Local Government Law  
(954) 786-4614