

**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>
A. Effectively implements policies and programs approved by the City Commission.	___	___	___	___	___	___
B. Reporting to the City Commission is timely, clear, concise and thorough.	___	___	___	___	___	___

**1. City Commission Relationships—cont.      1      2      3      4      5      N/O**

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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**2. Public Relations      1      2      3      4      5      N/O**

A. Projects a positive public image.      \_\_\_\_\_

B. Is courteous to the public at all times.      \_\_\_\_\_

C. Maintains effective relations with media representatives.      \_\_\_\_\_

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

**3. Effective Leadership of Staff      1      2      3      4      5      N/O**

A. Delegates appropriate responsibilities.      \_\_\_\_\_

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

**4. Communication** **1** **2** **3** **4** **5** **N/O**

A. Oral communication is clear, concise and articulate. \_\_\_\_\_

B. Written communications are clear, concise and accurate. \_\_\_\_\_

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

**5. Personal Traits** **1** **2** **3** **4** **5** **N/O**

A. Initiative. \_\_\_\_\_

B. Judgment. \_\_\_\_\_

C. Fairness and Impartiality. \_\_\_\_\_

D. Creativity. \_\_\_\_\_

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

**6. Intergovernmental Affairs** **1** **2** **3** **4** **5** **N/O**

A. Maintains effective communication with local, regional, state, and federal government agencies. \_\_\_\_\_

B. Contributions to good government through regular participation in local, regional and state committees and organizations. \_\_\_\_\_

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

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

Please see attached supplemental list of Mr. Berman's major achievements.

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**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) \_\_\_\_\_

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**V. REQUEST FOR PERSONAL MEETING**

Do you wish to meet with the City Attorney, before implementing this performance evaluation, to discuss any performance related issues?   \_\_\_Yes, I wish to meet.  
  \_\_\_No, I do not wish to meet.

\_\_\_\_\_  
MAYOR/COMMISSIONER  
DISTRICT \_\_\_\_\_

\_\_\_\_\_  
Mark E. Berman  
CITY ATTORNEY

## Supplemental List of Mr. Berman's Major Achievements

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

During the last fiscal year, under my direction, my office has continuously strived to provide the utmost professional legal services to our elected officials and City Departments. As your City Attorney, I have sought to provide advice on all legal issues in a timely, efficient manner. I believe that while it is of the utmost importance to provide such effective services, it is equally important to do so while remaining fiscally responsible.

To that end, below are certain highlights which were handled by the office for the benefit of the City:

- Assisted and Coordinated efforts relating to the Covid-19 emergency which included drafting numerous Emergency Orders from the City; monitored mandates from the County and State officials and changes in the law to provide City officials with relevant updates; maintained 24/7 accessibility for inquiries from staff and officials related to Covid-19 enforcement and other matters.
- Coordinated efforts with outside counsel and participated in several mediation sessions to effectuate a settlement in the matter involving FDOT's contractors' break of the City's sewer main and the resulting massive sewer spill. As a result, the City recovered a majority of its costs expended due to the incident.
- Assisting outside counsel with the Opioid litigation
- Assisted outside counsel with pending firearms litigation
- Assisted with the modifications to Chapter 155 of the Zoning Code to ease certain development restrictions and various rezoning, and other relevant matters.
- Assisted in responding to several Appeals to the Circuit Court via Writs of Certiorari, relating to development orders and Zoning regulations.
- Also drafted Ordinances which address the public health, safety and welfare of our citizens including those regulating Parking regulations and Parking meters.
- Worked with outside Bond Counsel to prepare Tax-Exempt Stormwater Revenue Bonds and Tax-Exempt Water and Wastewater Revenue Bonds, and prepared Resolutions for approval for issuance of same.
- Worked with outside Bond Counsel to prepare the City's General Obligation Bonds-Series 2021, and prepared Resolutions for approval for issuance of same.
- Supervised all in-house tort liability litigation and prosecutions.

In addition to the above highlighted Ordinances, my office prepared 325 Ordinances and Resolutions throughout the last year addressing all types of municipal matters.

Finally, I have been cognizant of maintaining a professionally staffed office while keeping costs at an effective rate. Therefore, my office has continued to keep the majority of litigation matters in-house which has effectively kept outside counsel fees to a minimum. My office is also responsible for prosecuting all municipal ordinance and code violations before the Special Magistrate and Judges in the County Court which also reduces the need for outside counsel.