

To: Gregory P. Harrison, City Manager

From: Ed Beecher, Human Resources Director 

Subject: Discussion Item for Mayor and City Commission –  
Performance Evaluation for City Attorney

Date: September 27, 2018

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At the Commission's direction, each Charter Officer, reporting directly to the City Commission, will 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 respectfully requests that the annual performance evaluation for Mark E. Berman, City Attorney, be placed on the City Commission's Agenda, for purposes of discussion and consideration.

The annual performance evaluation of the City Attorney is due for review at this time, as his date hired was September 18, 1995. Accordingly, staff is requesting that this matter be placed on the City Commission's agenda for discussion and consideration at their meeting of October 9, 2018. I have attached annual performance evaluation data for Mr. Berman.

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

Thank you.

EB/City Attorney/ Performance Evaluation

**PERFORMANCE EVALUATION DATA  
FOR  
MARK E BERMAN**

## HUMAN RESOURCES

**EVALUATION DUE DURING: 9/1/2018 - 9/30/2018**

Last Name		First Name	M.I.	Review Date	Type of Review		Hire Date
BERMAN		MARK	E	9/18/2018	AR	ANNUAL REVIEW	9/18/1995
Department/Division			Job Title		Pay Grade	Pay Step	Employee Number
1040	CITY ATTORNEY		CITY ATTORNEY		95X	1	6034

\$7,746.51		\$7,823.98	\$7,901.44
Current bi-weekly salary	Recommended bi-weekly salary	1% increase	2% increase
		\$7,978.91	\$8,323.87
		3% increase	Maximum

**Sick Leave from 9/18/2017 to 9/18/2018**

Date			Hours Type/ Description	Quantity
Tuesday	12/19/2017	02	SICK LEAVE	8.00
Wednesday	12/20/2017	02	SICK LEAVE	2.00
Wednesday	02/07/2018	02	SICK LEAVE	8.00
Thursday	02/08/2018	02	SICK LEAVE	8.00
Monday	03/19/2018	02	SICK LEAVE	4.00
Thursday	03/29/2018	02	SICK LEAVE	8.00
Monday	04/16/2018	02	SICK LEAVE	4.00
Tuesday	04/17/2018	02	SICK LEAVE	8.00
Tuesday	05/08/2018	02	SICK LEAVE	3.00
Friday	06/15/2018	02	SICK LEAVE	2.00
Tuesday	06/19/2018	02	SICK LEAVE	5.50
Monday	07/23/2018	02	SICK LEAVE	8.00

**68.50**

Date			Hours Type/ Description	Quantity
Thursday	09/21/2017	03	VACATION	8.00
Thursday	12/28/2017	03	VACATION	8.00
Friday	12/29/2017	03	VACATION	8.00
Friday	01/12/2018	03	VACATION	8.00
Friday	02/16/2018	03	VACATION	8.00
Friday	05/04/2018	03	VACATION	8.00
Friday	07/27/2018	03	VACATION	4.00
Wednesday	08/01/2018	03	VACATION	2.00

**54.00**

Date			Hours Type/ Description	Quantity
Monday	11/27/2017	04	PERSONAL DAY	8.00
Friday	12/08/2017	04	PERSONAL DAY	8.00

**16.00**

Date			Hours Type/ Description	Quantity
Friday	11/10/2017	HP	HOLIDAY PAY	8.00
Thursday	11/23/2017	HP	HOLIDAY PAY	8.00
Friday	11/24/2017	HP	HOLIDAY PAY	8.00
Monday	12/25/2017	HP	HOLIDAY PAY	8.00
Tuesday	12/26/2017	HP	HOLIDAY PAY	8.00
Monday	01/01/2018	HP	HOLIDAY PAY	8.00
Tuesday	01/02/2018	HP	HOLIDAY PAY	8.00
Monday	01/15/2018	HP	HOLIDAY PAY	8.00
Monday	02/19/2018	HP	HOLIDAY PAY	8.00
Monday	05/28/2018	HP	HOLIDAY PAY	8.00
Wednesday	07/04/2018	HP	HOLIDAY PAY	8.00

**88.00****Grand Total:****226.50**

## **ARTICLE XI: MUNICIPAL COURT AND CITY ATTORNEY**

☐ **Secs. 55. - 61. (RESERVED).**

### ***Editor's note:***

*Former Sections 55-61, 64, 64.1, which pertained to the municipal court, have been deleted pursuant to Art. V, § 20(d) (4) of the Constitution of the State of Florida, which provides for the abolishment of all municipal courts effective January 3, 1977. Said deleted sections had been derived from Special Acts, Ch. 59-1763, §§ 5-7; Ch. 61-2712, § 15; Ch. 63-1826, §§ 9, 10; Ch. 65-2141, § 6; Ch. 67-1949, §§ 11, 12, and Ord. No. 75-46, § 1, and adopted April 8, 1975.*

☐ **Sec. 62. CITY ATTORNEY; APPOINTMENT AND QUALIFICATIONS.**

The City Commission shall appoint a City Attorney who and such assistant attorneys as may be necessary, shall act as the legal advisor to, and attorney and counselor for, the municipality and all of its officers in matters relating to their official duties. He shall be a lawyer of at least two (2) years experience and practice in the Court of the State of Florida. He shall prepare all contracts, bonds, leases and other instruments in writing in which the municipality is concerned, and shall endorse on each his approval of the form and correctness thereof, but failure to do so shall not affect its validity. When required to do so by the City Commission, he shall prosecute and defend for and in behalf of the city, all civil complaints, suits and controversies in which the city is a party. He shall furnish the City Commission, the City Manager, the head of any department, or any officer, board, commission or agency not included in any department, his opinion on any question of law relating to their respective powers and duties. In addition to the duties specifically imposed under the preceding section, he shall perform such other professional duties as may be required of him by ordinance or resolution of the City Commission, or as are prescribed for city attorneys under the general law of the state, which are not inconsistent with this Charter and with any ordinance or resolution which may be passed by the City Commission.

(Ord. No. 78-33, § 1, 2-28-78)

☐ **Sec. 63. SALARY OF CITY ATTORNEY.**

The (salary of the) City Attorney shall be fixed by the City Commission.

### ***Editor's note:***

*References to salaries of the municipal judge and city prosecutor, heretofore contained in section 63, have been removed at the discretion of the editor. See editor's note to reserved sections 55-61.*

☐ **Secs. 64. - 64.1. (RESERVED).**

### ***Editor's note:***

*See editor's note following reserved sections 55-61.*