

Item # 59

ADDITIONAL MATERIAL

SUBMITTED AT THE REQUEST OF

**FINANCE & ADMINISTRATIVE SERVICES
DEPARTMENT**

December 1, 2009

10:00 a.m.



DIVISION OF HUMAN RESOURCES

115 S. Andrews Avenue, Room 508 • Fort Lauderdale, Florida 33301

MEMORANDUM

TO: Broward County Board of County Commissioners

FROM:  James R. Acton, Jr., Director
Human Resources Division

DATE: November 30, 2009

RE: Agenda Item No. 59 - December 1, 2009

Attached, please find the Consolidated Performance Review and Summary Rating Grid for the County Attorney. Thank you.

JRA:pj

Attachment

Broward County Board of County Commissioners

Sue Gunzburger • Kristin D. Jacobs • Albert C. Jones • Ken Keechl • Ilene Lieberman • Stacy Ritter • John E. Rodstrom, Jr. • Diana Wasserman-Rubin • Lois Wexler
www.broward.org

Board of County Commissioners, Broward County, Florida
Finance and Administrative Services Department
Division of Human Resources

EXECUTIVE PERFORMANCE REVIEW

COUNTY ATTORNEY: Jeffrey J. Newton

Rating Period: October 1, 2008 – September 30, 2009

The County Attorney's report of accomplishments for this rating period is attached for review and consideration in evaluating the following performance measurements. Circle the applicable performance rating for each statement below.

PART I: PERFORMANCE MEASUREMENTS:

Performance rating as follows:

1 = Unsatisfactory 2 = Needs Improvement 3 = Meets Expectations 4 = Exceeds Expectations 5 = Outstanding DK = Don't Know

❖ **COMMUNICATIONS WITH COUNTY COMMISSIONERS:**

Average Rating

- To what degree is the County Attorney sensitive to the Board's concerns and priorities regarding legal matters affecting the County? 4.1
- To what degree is the County Attorney available to discuss legal issues and provide legal advice to the Board (individually and collectively)? 4.3
- How well does the County Attorney provide information to the Board in a timely, clear, concise, and thorough manner? 3.4
- How well does the County Attorney ensure the Board conducts its business consistent with applicable Law? 4.1
- How well does the County Attorney anticipate legal issues that could come before the Board? 3.8
- How well does the County Attorney keep the Board informed of current litigation and legal events affecting the County's goals? 3.7

Average Section Rating:

3.9

Comments on Communications with County Commissioners:

Commissioner Lieberman: *Subordinate staff not always thorough.*

❖ **ADMINISTRATIVE LEADERSHIP AND INTERGOVERNMENTAL RELATIONS:**

Average Rating

- How well does the County Attorney demonstrate knowledge of municipal, county, state, federal, common law, and constitutional law affecting the county government? 4.0
- How well does the County Attorney demonstrate knowledge and understanding of the basic functions of the County's various agencies and operations? 3.8
- How effectively does the County Attorney lead by example in maintaining integrity and positive professional relationships with attorneys and others who represent federal, state, other local governments, and individual or group interests? 4.8
- How well does the County Attorney reduce legal liabilities by addressing issues, resolving disputes constructively and taking prompt and effective action? 3.8
- How effective is the County Attorney in demonstrating an awareness of cultural diversity within the County's operations and services? 4.6

Average Section Rating:

4.2

Comments on Administrative Management and Intergovernmental Relations:

Commissioner Lieberman: *Department Directors need to communicate legal issues with County Attorney.*

❖ <u>FISCAL OPERATIONS:</u>	Average Rating
• How well does the County Attorney exhibit a clear understanding of the County's financial resources?	3.8
• How well does the County Attorney present information and recommendations to the Board to ensure the legally appropriate allocation of funds?	3.5
• How well does the County Attorney keep the Board informed of potential litigation that could result in financial or policy related judgments against the County?	3.9
• How well does the County Attorney prepare a realistic annual budget?	4.2
• How well does the County Attorney control expenditures in accordance with the approved budget?	4.2
Average Section Rating:	3.9

Comments on Fiscal Operations:

❖ <u>MEDIA AND PUBLIC RELATIONS:</u>	Average Rating
• How well does the County Attorney respond to media and public inquiries?	3.9
• How effective is the County Attorney in maintaining a positive and professional image and demeanor when communicating with the media and the public?	4.3
• How well does the County Attorney ensure the reliability and integrity of the information communicated in order to build positive relationships with the media?	4.2
Average Section Rating:	4.1

*Only a single numerical response received for this item, therefore not included in the average.

Comments on Media and Public Relations:

❖ <u>INITIATIVE AND STRATEGIC MANAGEMENT:</u>	Average Rating
• How well does the County Attorney demonstrate initiative and foresight in reviewing the Board's activities, programs, goals and objectives to ensure they are operating in compliance with applicable laws, policies and procedures?	3.8
• How effectively does the County Attorney review established and proposed Board policies and procedures to reduce legal liability?	3.6
• How well does the County Attorney demonstrate a strategic focus in identifying opportunities to reduce potential lawsuits and legal liability throughout the operations of the County?	4.2
• How clearly does the County Attorney exhibit an understanding of information technology, ensuring its legally appropriate incorporation in plans to improve organizational operations?	3.7
• How well does the County Attorney demonstrate the ability to collect, analyze, and evaluate information, recognizing the internal and external factors which may impact the County's desired results?	3.8
Average Section Rating:	3.8

Comments on Initiative and Strategic Management:

Commissioner Lieberman: *Some areas missed in proposed legislation.*

❖ <u>POLICY IMPLEMENTATION AND SERVICE DELIVERY:</u>	Average Rating
• How well does the County Attorney evaluate policies, programs, and services which are considered by the Board, and provide direction and recommendations to reduce legal liabilities?	3.5
• How adequately does the County Attorney evaluate current County operations and procedures by making recommendations to ensure compliance with any applicable laws, ordinances, and regulations?	3.8
• How well does the County Attorney maintain a consistently high level of quality work product and service delivery?	3.7
Average Section Rating:	<hr/> 3.7

Comments on Policy Implementation and Service Delivery:

PART II – ACCOMPLISHMENTS AND OBJECTIVES:

Please provide your comments regarding the County Attorney's report of accomplishments over the past rating period and the goals and objectives proposed by the County Attorney for the upcoming year.

COMMENTS ON ACCOMPLISHMENTS OVER THE PAST RATING PERIOD:

Commissioner Rodstrom: *High degree of integrity. Office has excellent legal skills. Great track record in court representing its client the County. Provided excellent legal interpretations to the Board. Very good with hiring and maintaining a competent and professional staff.*

COMMENTS ON GOALS AND OBJECTIVES FOR THE NEXT RATING PERIOD:

Commissioner Rodstrom: *Not familiar with how he manages his office and how he utilizes the resources available to him so we can be of help.*

PART III – OVERALL ANNUAL ASSESSMENT:

Please provide your comments regarding the County Attorney's **overall** performance during this rating period:

Evaluator's Comments

Mayor Keechl: *Jeff is an asset to Broward County.*

Commissioner Lieberman: *Mr. Newton is an asset for Broward County. He has a calm and even handed demeanor which helps resolve conflicts easier.*

There have been some issues this year with problems with the evaluation of drafted legislation and issues have arisen on the dais which indicate items were missed.

It is also my opinion his office was not as aggressive as it should have been in handling the Faulkner issues.

Commissioner Wexler: *The "buck" stops with the County Attorney; my overall comments and score reflect disappointment with a number of his staff in the handling of the Convention Center Hotel issues as well as paratransit.*

Commissioner Wasserman-Rubin: *Jeff continues to provide outstanding service. He is always accessible and receptive to my inquiries. He maintains a level of excellence with his staff in the County Attorney's Office.*

Jeff provides great leadership and recognizes the talented staff who work hard to accomplish their tasks and respond to the tremendous demands placed on them.

As an Administrator, he is very good at his job; however, I believe that performance commendations for his staff should be more visible and recognizable to the Commission.

I thank him for his service and professionalism. It is truly appreciated.

Following the County Commission's review of this evaluation with the County Attorney, the below indicates each Board Member's concurrence, or lack of concurrence with the overall evaluation:

Concurrence/circle one:

County Mayor

Yes/No

County Vice Mayor

Yes/No

Commissioner

Yes/No

Commissioner

Yes/No

Commissioner

Yes/No

Commissioner

Yes/No

Commissioner

Yes/No

Commissioner

Yes/No

Commissioner

Yes/No

COUNTY ATTORNEY: JEFFREY J. NEWTON

Consolidated Executive Performance Review
 Rating Period: October 1, 2008 - September 30, 2009

RATING GRID – Average Rating by Commissioner and by Factor

	Communications with County Commissioners:	Administrative Leadership and Intergovernmental Relations:	Fiscal Operations:	Media and Public Relations:	Initiative and Strategic Management:	Policy Implementation and Service Delivery:	Average Rating by Commissioner:
Irene Lieberman District 1	4.1	4.2	4.0	5.0	3.7	4.0	4.2
Kristin D. Jacobs District 2	NR	NR	NR	NR	NR	NR	NR
Stacy Ritter District 3	NR	NR	NR	NR	NR	NR	NR
Ken Keechl District 4	4.3	4.6	3.8	4.0	4.0	3.5	4.0
Lois Wexler District 5	3.7	4.1	3.9	3.7	3.3	3.1	3.6
Sue N. Gunzburger District 6	2.8	3.8	3.4	3.0	3.5	3.0	3.3
John E. Rodstrom, Jr. District 7	4.0	4.3	3.8	4.7	4.0	4.3	4.2
Diana Wasserman-Rubin District 8	4.3	4.2	4.8	4.3	4.4	4.1	4.4
Average Rating by Factor	3.9	4.2	3.9	4.1	3.8	3.7	3.9

* NR = No Response