

**City Attorney Evaluation Committee  
City Hall – Conference Room 302A  
10 N. Division Street  
Wednesday, July 26, 2016  
3:00 P.M.**

**Commissioners Present:** Mayor Walters, Comm. Baldwin and Comm. Sherzer

**Commissioners Absent:** Commissioner Owens

**Others Present:** Jill Steele, City Attorney: Victoria Houser, City Clerk

**Call to Order:** The meeting was called to order at 3:00 P.M.

**Public Comment:** There were none.

**Approval of Minutes:** A motion was made by Mayor Walters, supported by Comm. Sherzer, to approve the July 29, 2015 minutes. All yes, none opposed. Motion approved.

**Review of City Attorney Evaluation Process:**

Vice Mayor Baldwin discussed the evaluation process from the prior year and the improvements, stating they may follow the process used last year. Vice Mayor Baldwin noted Attorney Steele's contract expires on October 14, 2016, requesting the Staff Survey be to Senior Staff members with a due date of August 12, 2016. Vice Mayor Baldwin recommended a future meeting date of August 22, 2016 so that the Committee members could review the Staff survey results, also allowing sufficient time for Attorney Steele to prepare the Office Statistical Info/Outputs, Performance Measures, and the Organizational Chart, Work Output, & Resource Management documents. Once reviewed by the Committee, the Commission Survey, along with the documents prepared by the City Attorney and the Staff Survey results, would be sent by August 26, 2016 using the cover memo as was done the previous year. Vice Mayor Baldwin recommended the Commission complete the surveys by September 7, 2016, requesting staff send a reminder to Commissioners on September 1, 2016. Vice Mayor Baldwin also recommended a resolution be presented to the Commission on September 20, 2016, recommending it be similar to the City Manager's contract, with no expiration date.

Attorney Steele confirmed several municipalities do not include an expiration date on the contracts, noting it was an at-will position, stating the contract would still provide all of the provisions of employment, agreeing to review other municipalities' attorney contracts.

Committee members agreed to remove the expiration date from the contract.

Attorney Steele requested the severance package be changed to 6 months as was provided in the contract for the previous City Attorney.

Comm. Sherzer stated he believe the City Attorney's wage increases should not be tied to other non-represented employees, stating it should be based upon individual performance, noting some persons perform better than others, allowing the City to control expenses and pay according to the performance. Comm. Sherzer agreed the compensation should be fair, but the Committee needed to consider the City's finances and how increases may negatively affect the budget.

Attorney Steele noted she currently receives COLA increases as other staff members do, along with step increases, noting increases are only prohibited if the staff member's performance is rated "unacceptable." Attorney Steele noted employees still received COLA even when maxed in steps, also noting there are no caps on wage increases, stating it is based upon negotiated contracts. Attorney Steele discussed the different step and job grade levels, noting there was also the ability to upgrade positions, as she did when creating the second Deputy City Attorney position.

Vice Mayor Baldwin expressed her view the Commission should consider both a COLA and bonus/step increase, noting that even an outstanding employee cannot be awarded more than the step and COLA. Vice Mayor Baldwin also agreed with the addition to the 6 months' severance, due to the job position and the requirements to find a new attorney.

Committee members agreed to review the current contract, asking Attorney Steele to provide some other municipalities' contracts for review, stating they wanted to give the Commission 10 days to review the City Attorney contract and complete the survey.

**Review of Information needed from the City Attorney:**

Vice Mayor Baldwin discussed the Performance Measures and the Statistical Info/Outputs and Definitions documents provided by the City Attorney.

Attorney Steele stated she would provide a revision to the succession planning and review of staff regarding their skills.

**Review of City Attorney Evaluation Survey:**

Vice Mayor Baldwin discussed the survey questions from the prior year, asking if the Committee would like to change or add other questions.

Committee members agreed the Commission survey questions were comprehensive and fair. Committee members agreed to use the same questions from the 2015 survey as for the 2016 survey.

Committee members agreed to use the same Staff survey questions as were presented in 2015, requesting the survey be sent only to Senior Staff members, directing them to seek input from other staff members who were assigned to committees or worked closely with the City Attorney's office, noting the survey was specifically limited to Senior Staff members.

**Committee Discussion:** There were no additional Committee comments.

**Next Meeting:**

Committee members recommended a meeting be held Monday, August 22, 2016 to discuss the Senior Staff survey results and to review the documentation provided by the City Attorney.

Committee members also agreed to meet Thursday, September 8, 2016 in Room 302A at 3:00pm to discuss the results of the Commission survey and to discuss a recommendation to the Commission.

**Adjournment:** Comm. Baldwin adjourned the meeting at 4:13 p.m.

VLH