

CITY ATTORNEY EVALUATION COMMITTEE MEETING
The Office of the Mayor in the Municipal Building

August 11, 2014
11:00 a.m.

Agenda

Councilmember Trina Baughn, Chair

- I. CALL MEETING TO ORDER
- II. APPROVAL OF MAY 7, 2014 MINUTES
- III. REVIEW OF FY2014 CITY ATTORNEY EVALUATION RESULTS
- IV. COMMITTEE RECOMMENDATION FOR CITY COUNCIL
- V. ADJOURNMENT

**MINUTES OF THE
CITY ATTORNEY EVALUATION COMMITTEE MEETING**

May 7, 2014

The regular meeting of the City Attorney Evaluation Committee convened at 9:00 a.m. on May 7, 2014 in the Office of the Mayor of the Municipal Building.

Present: City Attorney Evaluation Committee
Trina Baughn, Chair
David N. Mosby
Thomas L. Beehan

Also Present: Diana R. Stanley, City Clerk
Kenneth R. Krushenski, City Attorney

REVIEW OF RELATED MATERIALS

- FY 2013 City Attorney Evaluation Forms
- Original Employment Agreement, 2001
- Most Recent Amendment to the City Attorney Agreement, 2013

The above information was presented in the agenda packet for informational purposes. No action was taken by the committee regarding these items.

DISCUSSION AND DETERMINATION OF FY 2014 EVALUATION PROCESS AND SCHEDULE

Before discussions began, the City Attorney noted that he was not seeking a contract extension as part of this fiscal year's evaluation process. Additionally, he was requesting a raise similar to what would be received by all city employees for FY2014.

During discussions of the City Attorney's annual report provided to City Council of work product and achievements, the Committee requested that the City Attorney provide a consolidation of said report with a focus on noticeable highlights of achievements for FY2014 as an alternative to what was typically distributed to Council.

The following schedule was discussed and finalized by members of the committee and city staff:

City Attorney Report to Council	No later than Monday, June 9, 2014
Distribution of FY2014 City Attorney Evaluation Forms	No later than Monday June 9, 2014
Completed Evaluation Form Deadline	Friday, June 20, 2014
City Attorney Evaluation Committee Meeting (Review Evaluation Results and Provide Recommendation)	Friday, June 27, 2014 at 9:00 a.m.
Committee Recommendation to City Council	Monday, July 12, 2014

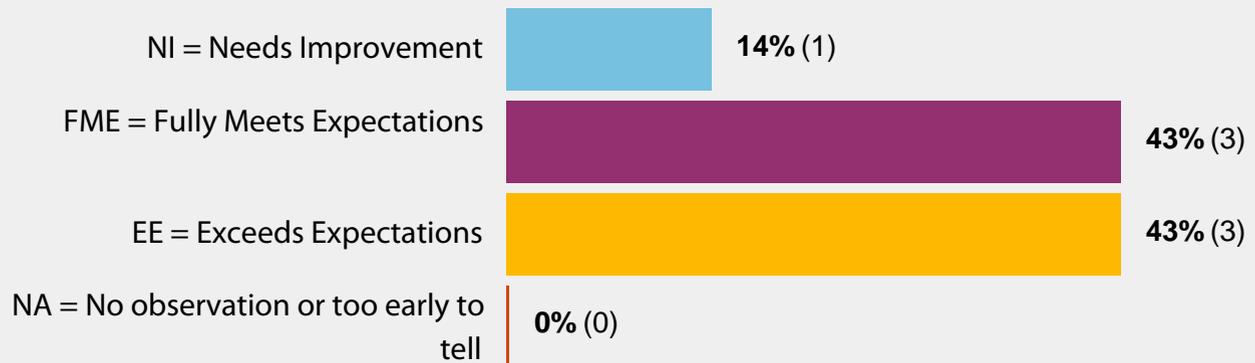
Committee Member Mosby moved, seconded by Committee Member to approve the process and schedule. The motion carried by unanimous voice vote with those present voting "Aye."

ADJOURNMENT

The meeting adjourned at 9:20 a.m.

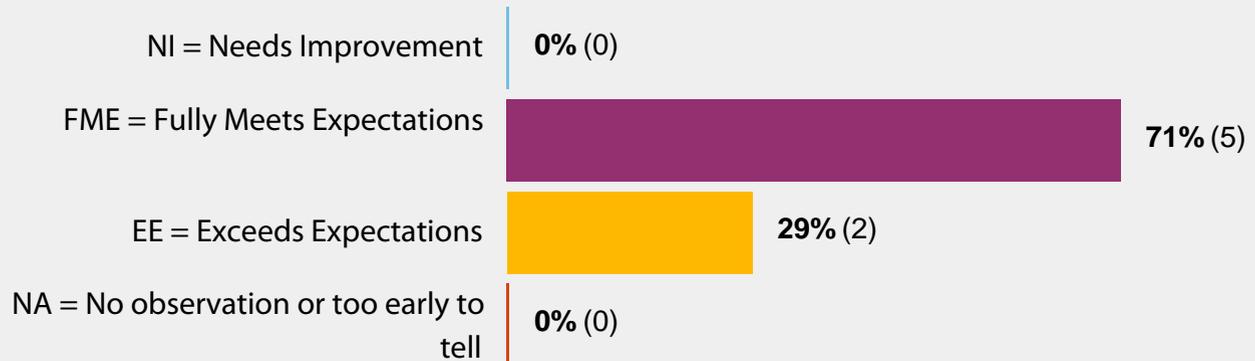
Diana R. Stanley, City Clerk
SECRETARY FOR THE CITY ATTORNEY EVALUATION COMMITTEE

Is accessible, responsive, considerate and courteous in his interactions with Council.



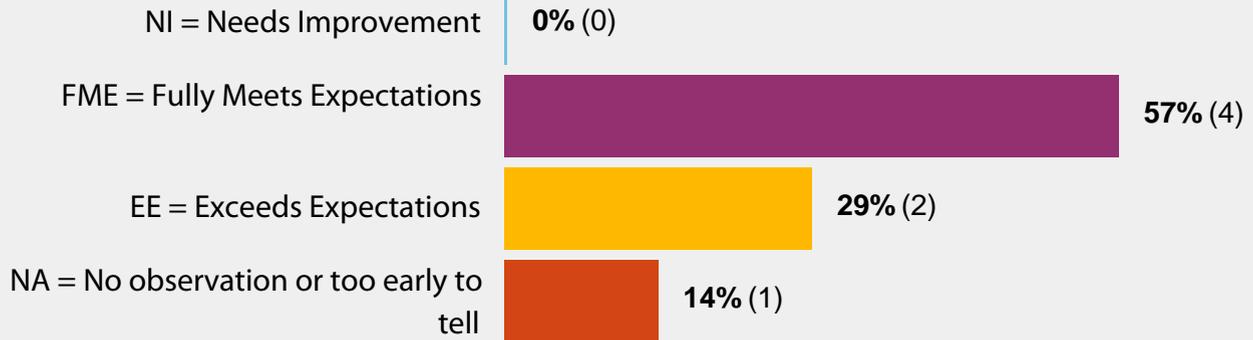
* 7 total responses, 100% of submissions

Provides legal opinions and/or advice in a timely manner.



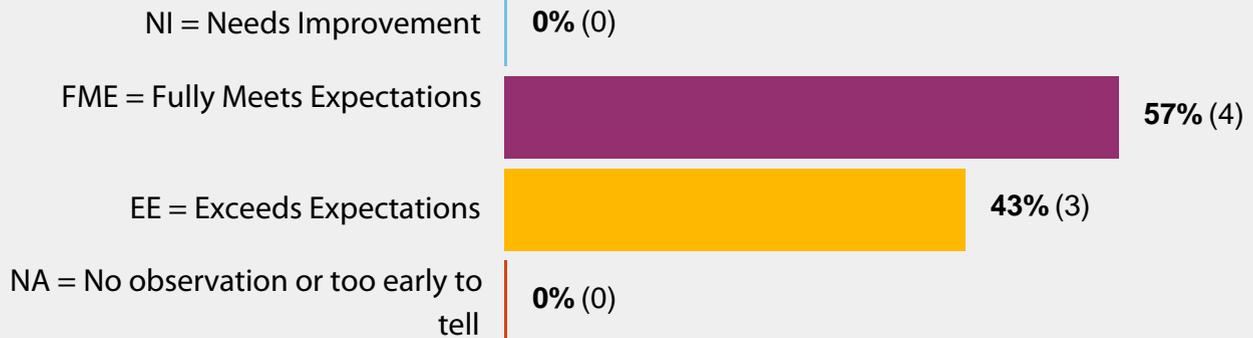
* 7 total responses, 100% of submissions

Creates a sense of trustworthiness.



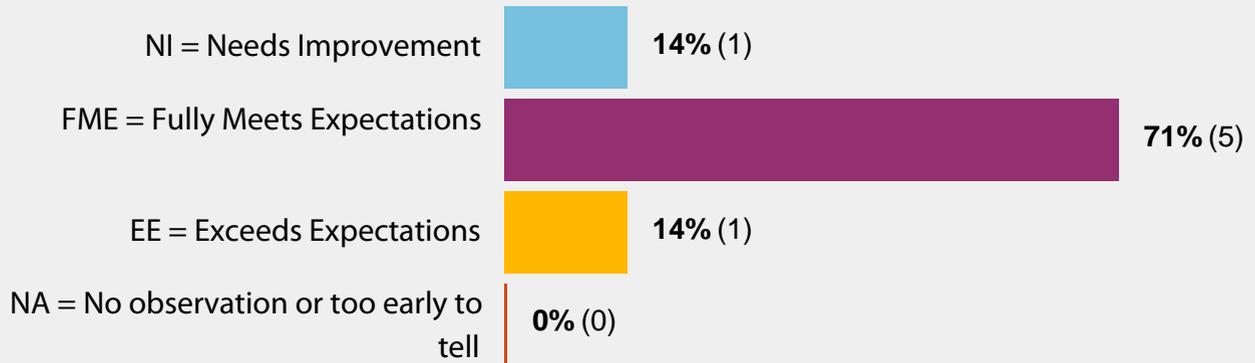
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Keeps the Council informed about current issues, legal activities, decisions, and goals.



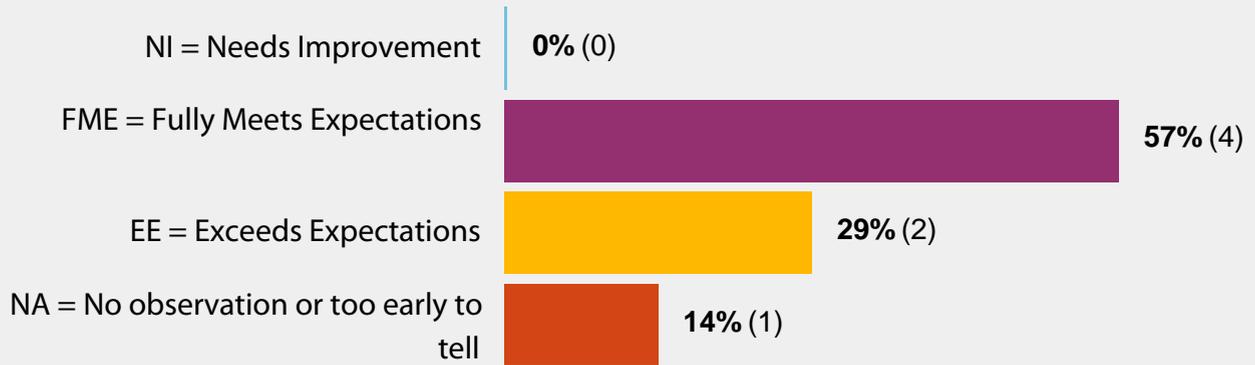
* 7 total responses, 100% of submissions

Communicates well with a wide range of persons, including Councilmembers, citizens, staff, and other attorneys.



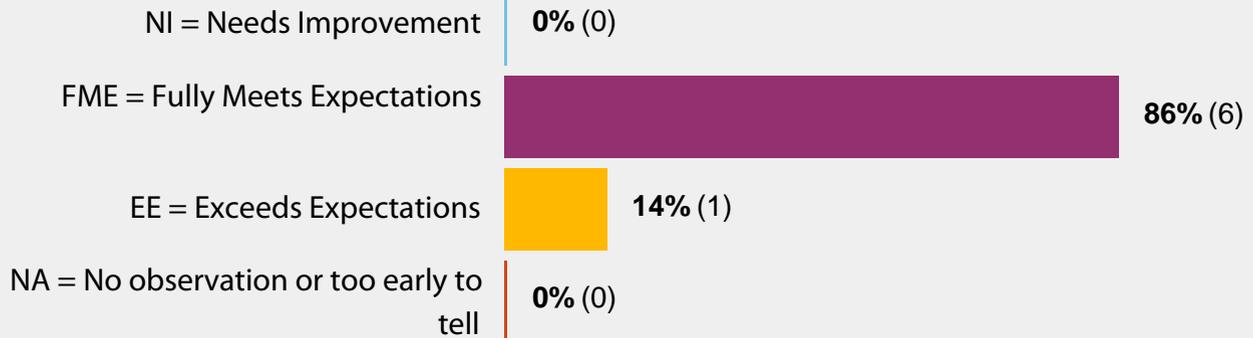
* 7 total responses, 100% of submissions

Demonstrates a thorough knowledge and understanding of municipal law.



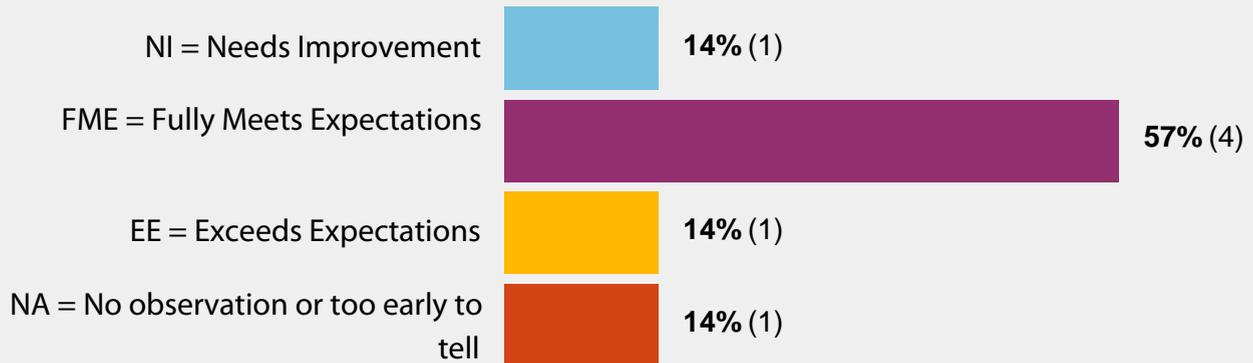
* 7 total responses, 100% of submissions

Is knowledgeable about City issues and about legal trends that may impact the City.



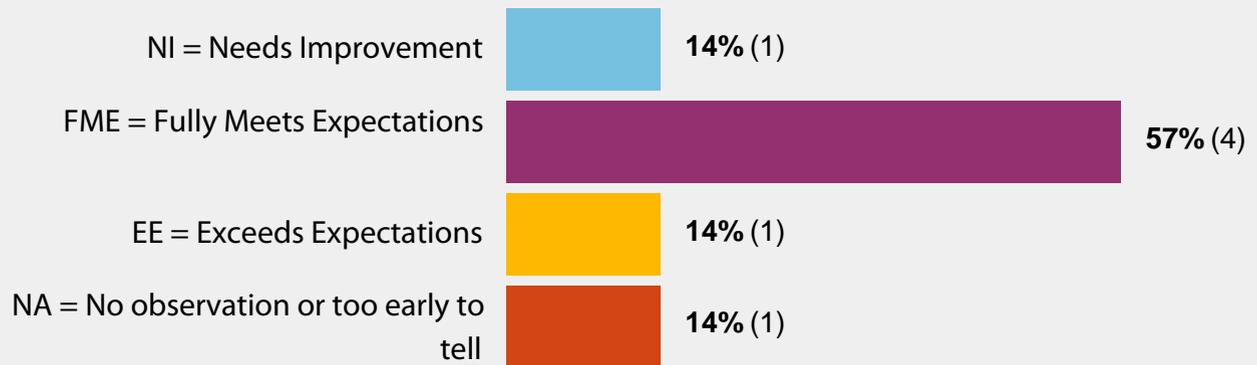
* 7 total responses, 100% of submissions

Provides advice on ordinance changes, drafting of new ordinances and amendments.



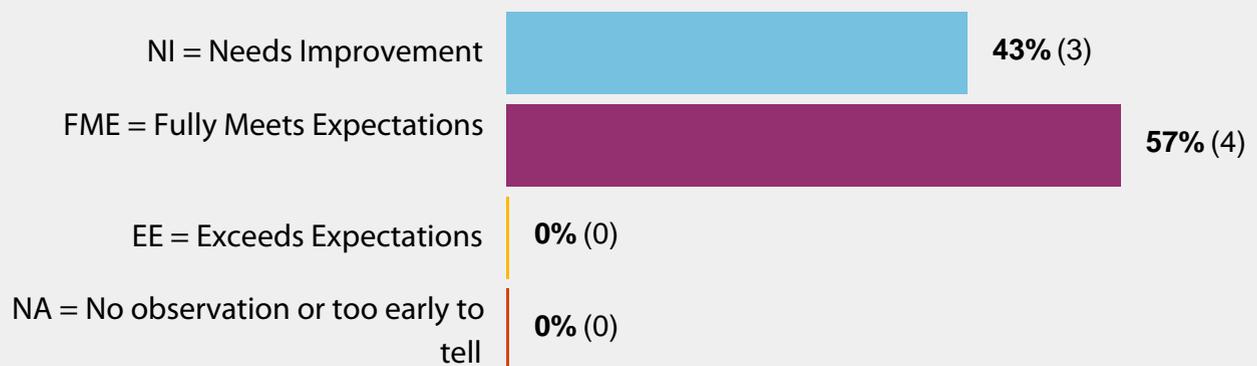
* 7 total responses, 100% of submissions

Provides concise, understandable, and helpful legal options and/or advice.



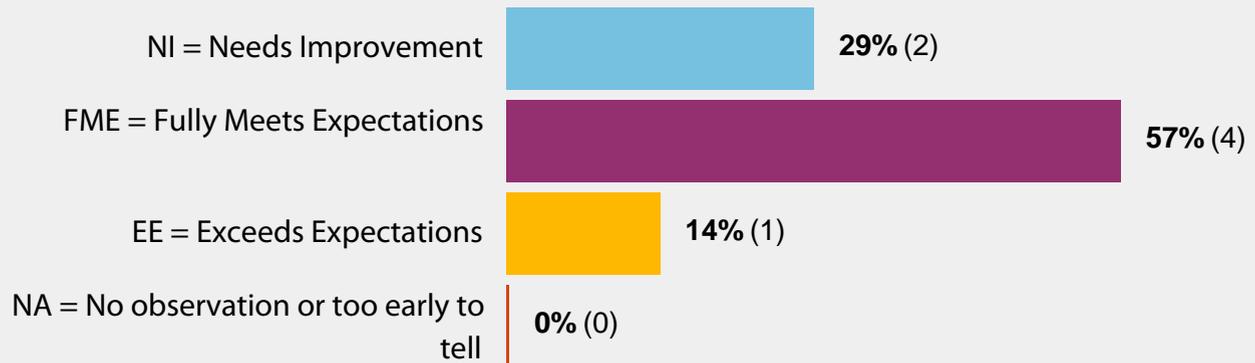
* 7 total responses, 100% of submissions

Demonstrates openness to alternative approaches.



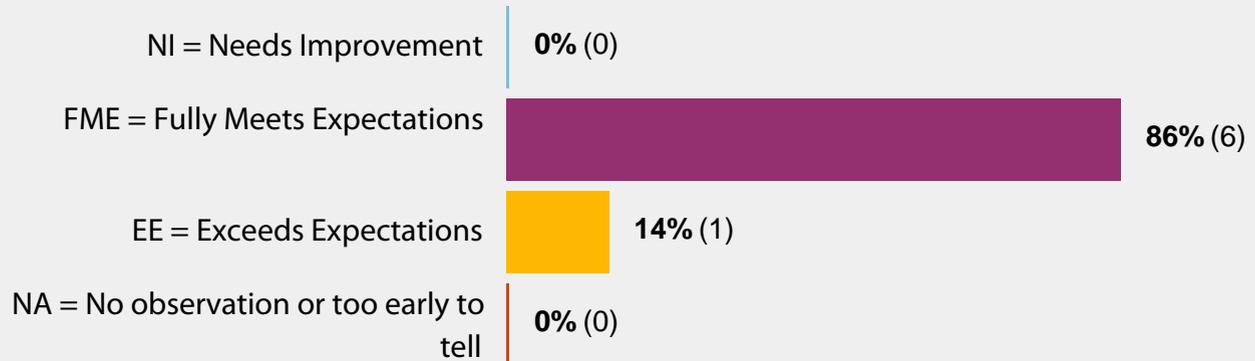
* 7 total responses, 100% of submissions

Adjusts rapidly to changes in plans or procedures.



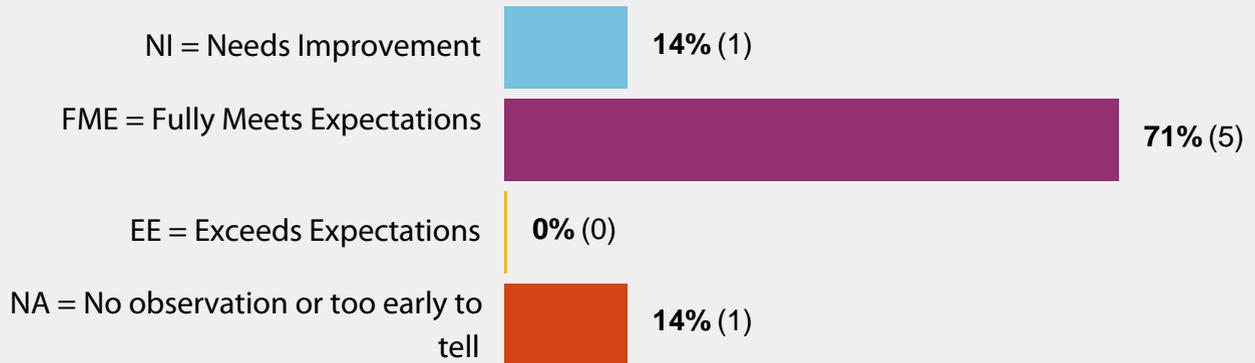
* 7 total responses, 100% of submissions

Functions effectively under pressure.



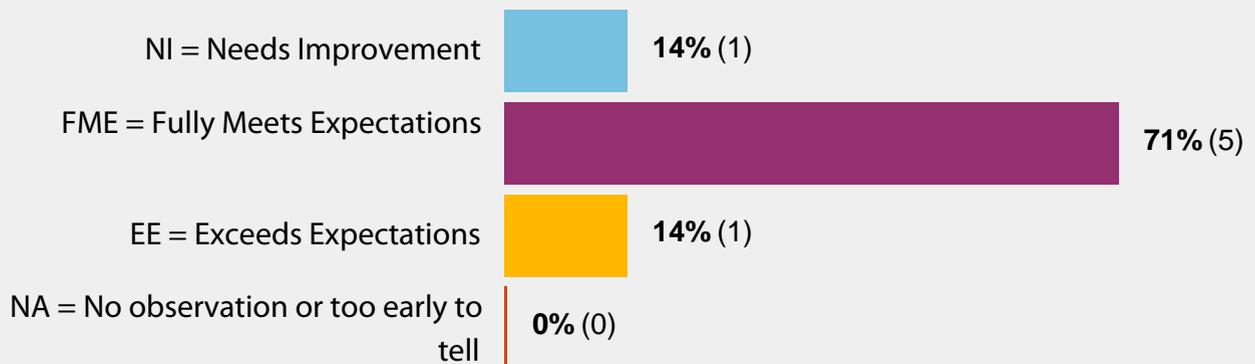
* 7 total responses, 100% of submissions

Demonstrates leadership that contributes to achieving the City's goals and objectives.



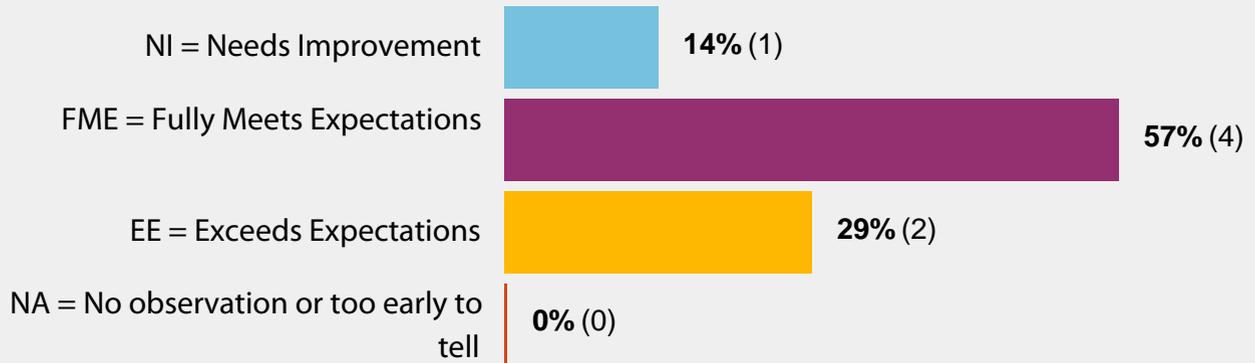
* 7 total responses, 100% of submissions

Effectively evaluates legal problems and alternatives.



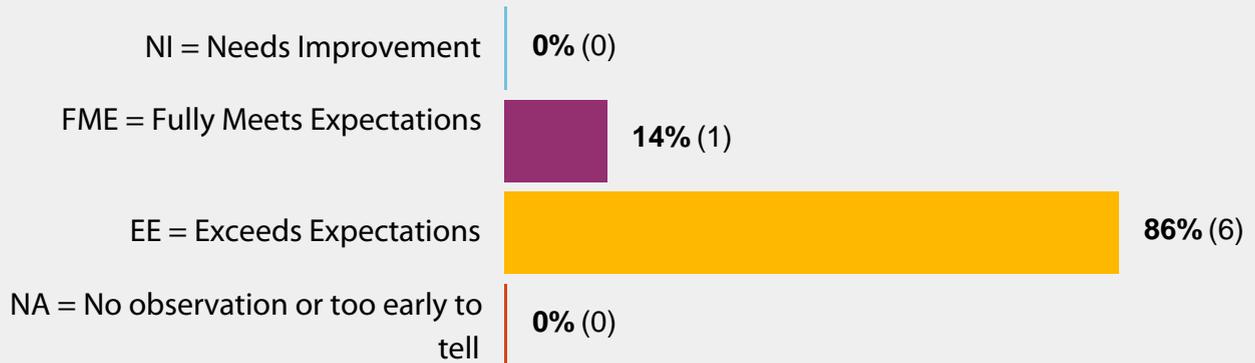
* 7 total responses, 100% of submissions

Demonstrates effectiveness in avoiding unnecessary legal controversy.



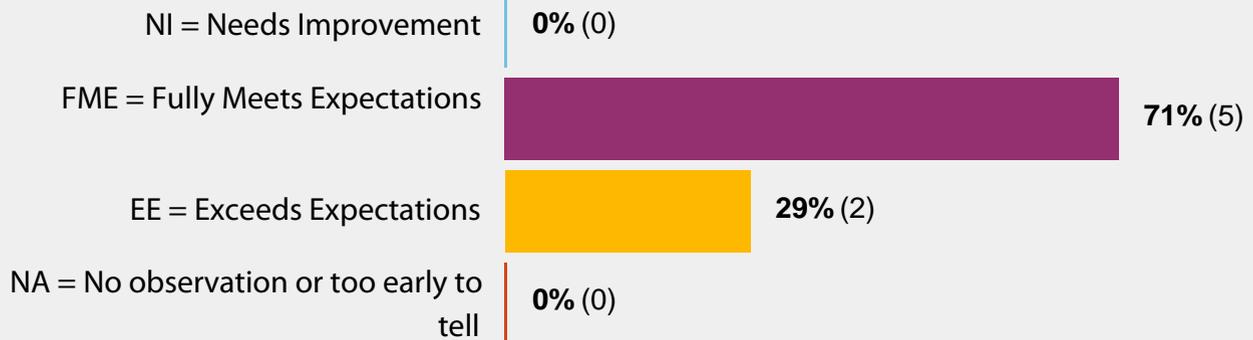
* 7 total responses, 100% of submissions

Maintains high standards of ethics, honesty, and integrity in all personal and professional relationships.



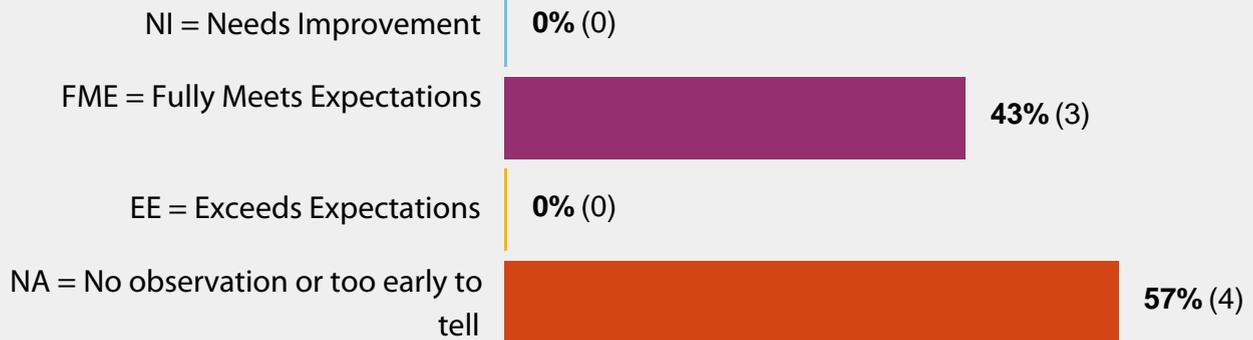
* 7 total responses, 100% of submissions

Retains your confidence when informing you of risks associated with proposed actions or decisions.



* 7 total responses, 100% of submissions

Works toward gaining and maintaining the respect and support of staff.



* 7 total responses, 100% of submissions

Is accessible, responsive, considerate and courteous in his interactions with Council.	Provides legal opinions and/or advice in a timely manner.
Ken is very responsive and courteous. In some instances though, I feel he should say "no" and bring the inappropriate requests from Council members to the full Council for discussion.	Ken is always ahead of the game in providing need information to the council.
Highly accessible, immediately responsive and never discourteous.	Ken provides legal opinions to Council. I would like to see a summary of each issue included with the ongoing opinions to refresh memories of the basic issues.
Ken is a professional and is accessible and responsive and very courteous even when he is not treated the same way.	Ken is always very swift in providing both information and documentation.
	Always on time.
	And provides more than necessary but that may be because he's a lawyer.

Keeps the Council informed about current issues, legal activities, decisions, and goals.	Communicates well with a wide range of persons, including Councilmembers, citizens, staff, and other attorneys.
Good reports on a regular basis.	Has a wide spectrum of folks he can communicate with.
Ken provides legal opinions to Council. I would like to see a summary of each issue included with the ongoing activities to refresh memories of the basic issues.	Ken demonstrates integrity and trustworthiness.
Ken regularly monitors local, state and national activities that may impact the city and proactively prepares council for those implications.	Does a good job communicating with all.
Always ahead of the curve.	

Creates a sense of trustworthiness.
He is very loyal and trustworthy.
Thus far, I know of no breaches of trust.
I trust Ken completely.
W need another category. Perhaps, "have no way of knowing."

List notes or comments that support the overall rating on courtesy and communication skills.

Demonstrates a thorough knowledge and understanding of municipal law.	Is knowledgeable about City issues and about legal trends that may impact the City.
Ken's years of experience with the City and MTAS has made him an expert even though new challenges arise all the time.	We seem to stay clear of issues that could be a problem for other cities.
I don't really have the expertise to answer this question. I believe Mr. Kruschenski is diligent about seeking confirmation from other attorneys.	I would like to see more emphasis placed on providing alternatives to ongoing activities and more "thinking out of the box".
	Ken stays informed of all the newest items and trends ongoing and upcoming.

Provides concise, understandable, and helpful legal options and/or advice.	Demonstrates openness to alternative approaches.
Has never lead us astray.	I would like to see more emphasis placed on providing alternatives to ongoing activities and more "thinking out of the box". I often feel that not rocking the boat is more important to our attorney than bringing issues to the forefront before directions for issues get established.
Ken provides alternatives when asked, but not proactively.	Still need to work on this. I am eager to hear your suggestions for possible Charter changes that could alleviate some of our more entrenched problems.
	Open but the law is the law.

Provides advice on ordinance changes, drafting of new ordinances and amendments.	List notes or comments that support the overall rating on knowledge and adaptability.
I believe this is an area delegated to the assistant city attorney.	

Adjusts rapidly to changes in plans or procedures.
There are times when he does not move as fast as I would like.
Very flexible within the legal constraints of his position.

Functions effectively under pressure.	Demonstrates leadership that contributes to achieving the City's goals and objectives.
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We never seem to get under any pressure, which in my opinion indicates we are not being aggressive enough in general.	This a difficult one to comment on since we have no generally understood goals and objectives.
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Effectively evaluates legal problems and alternatives.	Demonstrates effectiveness in avoiding unnecessary legal controversy.
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I would have liked to have been presented with alternatives to the high school mortgage debacle. I encourage Ken to assert himself more, especially in matters of such great consequence.	Ken has done a great job of keeping us out of problems.
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	Controversy is why we need an attorney. Sometimes we could head off issues with more willingness to establish a stance early in facing issues.
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	I've been informed by more than one individual that Ken has made comments that could be interpreted as invitations to sue the city. I leave room for misinterpretation on this matter.
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	Ken works hard to avoid controversy. He is a steady barometer in terms of the law.
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	Very protective of City and City Council.
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List notes or comments that support the overall rating on administrative skills and effectiveness.

Maintains high standards of ethics, honesty, and integrity in all personal and professional relationships.	Retains your confidence when informing you of risks associated with proposed actions or decisions.
Ken is above reproach in ethics, honesty integrity in both personal and professional relationships.	I have grown to understand that Ken's high level of experience leads to his ability to avoid risks. He just needs to more routinely communicate what he see's as the alternative we are avoiding by following his proposed actions or decisions.
	Excellent job.
Works toward gaining and maintaining the respect and support of staff.	List notes or comments that support the overall rating on personal and professional qualities.

What would you identify as the City Attorney's strength(s), expressed in terms of the principal results achieved during the rating period?	What performance area(s) would you identify as most critical for improvement?
His overall knowledge of the law and how it applies to how the city operates	Giving us the city council, options in how to deal and or better understand how the legal activities of the city will benefit, or affect our outcomes
Knowledge of Municipal law. Very protective of council	Would like stronger statements concerning his opinions during city council meetings.
Ken's efforts to keep us out of the courts concerning the EPA mandate has been impressive and certainly have shown me the wisdom of following his suggested approach.	I would definitely like to see more alternatives, that he has considered, discussed more often as issues are processed through his office and staff.
Ken is organized and thorough - he pays attention to detail. He works hard to keep Council informed and up to date on legal matters.	
Tenacity, integrity, knowledge, experience	

What constructive suggestions or assistance can you offer the City Attorney to enhance performance?	What other comments do you have for the City Attorney, e.g. priorities, expectations, goals, or objectives for the new rating period?
Be patient with city council when explaining our options in how to deal with our legal matters	I would like to see a regular report (possibly quarterly) listing the top 10 or 15 legal issues facing the City, including general descriptions of the issues, and a short status statement, along with the next step anticipated in the process. For example, the status of legal action to solve the Applewood Apt. problems is of interest to most citizens and the next step would indicate when progress may (or may not) take place.
Will have to keep council informed of Levitt case as we are getting frustrated and it is not Ken's fault.	Ken is an effective City Attorney and retains my confidence.
I don't have any suggestions. I think the city attorney does a good job of balancing his obligations. I also think he (as would be anyone else in the job) is in between a rock and a hard place needing to accommodate the city manager and the individual city council members.	Keep working housing issues and it is difficult!

Please provide recommendations and comments on a possible change in compensation (currently \$106,100.80) and a contract extension beyond the current expiration date of March 1, 2017.

He should get the same percent of raise as all city employees.

I recommend Ken receive the same increase in compensation that the overall City staff receives.

I recommend the same increase allocated to the rest of staff (2%). I recommend retaining the current expiration date.

I would recommend that Ken receives a 2% increase in compensation.

Same as other city employees and contract extension to 2019.

Suggest the 2% col raise being given to city staff.
