

Regular Workshop – November 14, 2016  
Agenda Item 10

Agenda Item: Annual Evaluation of Town Attorney

Presenter: Mayor Jack Duncan

Summary: The Town Attorney's Contract provides for an annual evaluation which is scheduled for the November 14, 2016 Regular Workshop Meeting. Attached are copies of the Town Attorney's evaluations that were completed by Town Commissioners and received in the Human Resources Manager's office by October 31, 2016.

Attachments: 11-8-16 Memo, HR Manager to Commission;  
Town Attorney Evaluation Forms.

Recommended

Action: Pending discussion, provide direction to Manager

**M E M O R A N D U M**

Date: November 8, 2016

**TO:** Town Commission  
**FROM:** Lisa Silvertooth, Human Resources Manager  
**SUBJECT:** Annual Evaluation of Town Attorney

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The Town Attorney's Contract provides for an annual evaluation which is scheduled for the November 14, 2016 Regular Workshop Meeting. Attached are copies of the Town Attorney's evaluations that were completed by Town Commissioners and received in my office by October 31, 2016.

I appreciate the time the Commissioners took to prepare these documents, knowing that it is a difficult job.

A copy has been provided to the Town Attorney for her review and comments.

Town of Longboat Key  
Town Attorney Performance Evaluation

Evaluation period: November 1, 2015 to October 31, 2016

Each member of the governing body should complete this evaluation form, sign it in the space below, and return it to Lisa Silvertooth. The deadline for submitting this performance evaluation is October 31, 2016. Evaluations will be summarized and included on the agenda for discussion at the Workshop to be held on Monday, November 14, 2016.

JACK DUGAN

Town Commission

10-28-2016

Date

MAGGIE MOONEY

Town Attorney

10-28-2016

Date Submitted

**TOWN ATTORNEY  
ANNUAL PERFORMANCE APPRAISAL**

Town Attorney's Name: **Maggie Mooney-Portale**

**JOB PERFORMANCE RATINGS**

**E=Excellent**

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**LEGAL COUNSEL RESPONSIBILITY:**

To advise on legal issues for the Town by rendering legal opinions and giving legal advice.

Rating E Comments: FLEXIBILITY - TOO BLACK + WHITE

WORK WITH COMMISSION TO FIND OUT WHAT THEY  
ARE SEEKING - THEN TRY TO HELP THEM GET THERE.

**JOB KNOWLEDGE:**

Possesses and applies a comprehensive understanding and knowledge of the Town Charter, Code of Ordinances, Florida Statutes, and Municipal Law.

Rating: E Comments: \_\_\_\_\_

**TOWN KNOWLEDGE:**

Demonstrates a comprehensive understanding of Town operations.

Rating: E Comments: WORK HARDER WITH P&Z  
TO GET THEM WHERE THE NEED TO GO!

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**INTERACTION WITH COMMISSION:**

Demonstrates a positive and trusting relationship with Commission, both as a group and individually, by acting as an advisor to them on legal issues as they arise.

Rating: FS Comments: HELPO THEM GET TO THE ANSWER.

DON'T LET THEM DISCOVER IT. THEY MAY END UP DEFENDING A POSITION THEY NEVER UNDERSTOOD.

**INTERACTION WITH INTERGOVERNMENTAL AND PROFESSIONAL AGENCIES:**

Works effectively with policy makers at the federal, state, and county levels, and amicably assists the Town in solving community or union problems, while forcefully representing the interests of the Town of Longboat Key.

Rating: E Comments: REALLY GOOD HERE

WELL CONNECTED - BRINGS IN COMPETENT OUTSIDE COUNCIL

**INTERACTION WITH CHARTER OFFICIALS:**

Demonstrates a positive legal consultative relationship with Charter Officials in their pursuit of meeting the goals and objectives of the Town.

No Rating:      Comments: DON'T KNOW

**INTERACTION WITH PUBLIC:**

Creates a positive and professional impression in dealing with the public including consultants, attorneys, and representatives of citizen groups as well as individual citizens.

Rating: E Comments: DIRECT, CONFIDENT, DIPLOMATIC

**COMPLETION OF WORK:**

Completes work assignments within reasonable or set time frames. (In this context, "reasonable" means a time frame which is acceptable to Commission in terms of their priorities, and in consideration of the attorney's ongoing workload.)

Rating: S Comments: "TAKE THE BUCKS STOP HERE" APPROACH - YOU WORK FOR THE COMMISSION - NOT PZ - NOT TMO. YOU NEED TO LEAD THEM TO DELIVER SO YOU ARE NOT TRAITED WITH THE INEFFICIENCY OF OTHERS.

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**ETHICS AND INTEGRITY:**

Conducts herself in accordance with the ethical standards of the legal profession and the Code of Ethics for public officers.

Rating: E Comments: \_\_\_\_\_

**COMMUNICATION SKILLS:**

Translates complicated legal concepts and terms into understandable language that enhances its meaning and understanding to Commission, Town staff and the public.

Rating: E Comments: REALLY IMPROVED HERE!

**PERSONAL CHARACTERISTICS:**

Maintains a high level of personal direction, manages stress effectively, maintains a healthy tolerance for the uncertainties which are inherent in the Town Attorney position.

Rating: E Comments: BE A LEADER

**MOST SIGNIFICANT ASSET(S):** (Attach additional page if needed)

What do you feel are some of the strongest points, finest accomplishments and strongest legal leadership traits demonstrated by this official this year?

YOU ARE THE "TOWN ATTORNEY  
FOR CONSBOT KEY" YOU HAVE  
REALLY GROWN AS A SENIOR MANAGER

**DEVELOPMENTAL AREA(S):**

What areas of the Town Attorney's performance do you feel need growth and development? Why? Do you have suggestions as to how the Town Attorney can improve in these areas?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURES:**

\_\_\_\_\_  
Town Attorney  
*Joseph J. Rancan*  
\_\_\_\_\_  
Commission Member

\_\_\_\_\_  
Date  
*10-28-2016*  
\_\_\_\_\_  
Date

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**FOR ADMINISTRATIVE SERVICES DEPARTMENT USE:**

\_\_\_\_\_  
Human Resources Manager

\_\_\_\_\_  
Date



Town of Longboat Key  
Town Attorney **Performance Evaluation**

Evaluation period: November 1, 2015 to October 31, 2016

Each member of the governing body should complete this evaluation form, sign it in the space below, and return it to Lisa Silvertooth. The deadline for submitting this performance evaluation is October 31, 2016. Evaluations will be summarized and included on the agenda for discussion at the Workshop to be held on Monday, November 14, 2016.

  
\_\_\_\_\_  
Town Commission  
10-15-2016  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Attorney  
\_\_\_\_\_  
Date Submitted

**TOWN ATTORNEY  
ANNUAL PERFORMANCE APPRAISAL**

Town Attorney's Name: **Maggie Mooney-Portale**

**JOB PERFORMANCE RATINGS**

E=Excellent      FS=Fully Satisfactory      S=Satisfactory      U=Unsatisfactory

**LEGAL COUNSEL RESPONSIBILITY:**

To advise on legal issues for the Town by rendering legal opinions and giving legal advice.

Rating E Comments: \_\_\_\_\_

Attorney is an valued "counselor", to whom I have turned  
on many occasions and always received excellent advice

**JOB KNOWLEDGE:**

Possesses and applies a comprehensive understanding and knowledge of the Town Charter, Code of Ordinances, Florida Statutes, and Municipal Law.

Rating: E Comments: \_\_\_\_\_

The Attorney's growth over the past two years in these  
responsibilities has been outstanding.

**TOWN KNOWLEDGE:**

Demonstrates a comprehensive understanding of Town operations.

Rating: E Comments: \_\_\_\_\_

ditto

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**INTERACTION WITH COMMISSION:**

Demonstrates a positive and trusting relationship with Commission, both as a group and individually, by acting as an advisor to them on legal issues as they arise.

Rating: E Comments: \_\_\_\_\_

I can only reflect my experience. Sincerely, you know

**INTERACTION WITH INTERGOVERNMENTAL AND PROFESSIONAL AGENCIES:**

Works effectively with policy makers at the federal, state, and county levels, and amicably assists the Town in solving community or union problems, while forcefully representing the interests of the Town of Longboat Key.

Rating: FS Comments: \_\_\_\_\_

**INTERACTION WITH CHARTER OFFICIALS:**

Demonstrates a positive legal consultative relationship with Charter Officials in their pursuit of meeting the goals and objectives of the Town.

Rating: FS Comments: \_\_\_\_\_

**INTERACTION WITH PUBLIC:**

Creates a positive and professional impression in dealing with the public including consultants, attorneys, and representatives of citizen groups as well as individual citizens.

Rating: E Comments: \_\_\_\_\_

Not aware of much citizen involvement

**COMPLETION OF WORK:**

Completes work assignments within reasonable or set time frames. (In this context, "reasonable" means a time frame which is acceptable to Commission in terms of their priorities, and in consideration of the attorney's ongoing workload.)

Rating: E Comments: \_\_\_\_\_

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**ETHICS AND INTEGRITY:**

Conducts herself in accordance with the ethical standards of the legal profession and the Code of Ethics for public officers.

Rating: E Comments: \_\_\_\_\_

To my limited knowledge

**COMMUNICATION SKILLS:**

Translates complicated legal concepts and terms into understandable language that enhances its meaning and understanding to Commission, Town staff and the public.

Rating: FS Comments: \_\_\_\_\_

I would like to see A.A. more concise, primarily in verbal presentation

**PERSONAL CHARACTERISTICS:**

Maintains a high level of personal direction, manages stress effectively, maintains a healthy tolerance for the uncertainties which are inherent in the Town Attorney position.

Rating: F Comments: \_\_\_\_\_

**MOST SIGNIFICANT ASSET(S):** (Attach additional page if needed)

What do you feel are some of the strongest points, finest accomplishments and strongest legal leadership traits demonstrated by this official this year?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DEVELOPMENTAL AREA(S):**

What areas of the Town Attorney's performance do you feel need growth and development? Why? Do you have suggestions as to how the Town Attorney can improve in these areas?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PERFORMANCE LEVELS:**

**Excellent (E)**

A Charter Officer who receives this rating consistently demonstrates effective performance above and beyond the normal expected level of achievement. Performance is seen as strong. This rating is difficult to achieve and will need justification that will signify exceptional performance.

**Fully Satisfactory (FS)**

A Charter Officer who receives this rating demonstrates a satisfactory and expected level of performance. Performance meets the job requirements and standards.

**Satisfactory (S)**

A Charter Officer who receives this rating demonstrates a satisfactory level of performance. Performance meets the job requirements and standards but does not meet all the standards all the time and may need developmental guidance in one to two areas.

**Unsatisfactory (U)**

A Charter Officer who receives this rating does not consistently meet job requirements. Therefore, improvement is necessary to reach the expected level, and the elected official should consider suggestions to enhance the officer's performance. Immediate improvement in this area is required. In order to be constructive, indicate specific incidents/examples for justification rather than making general, vague statements based strictly on personal feelings.

**CIRCLE RATING LETTERS FOR EACH ITEM BELOW:**

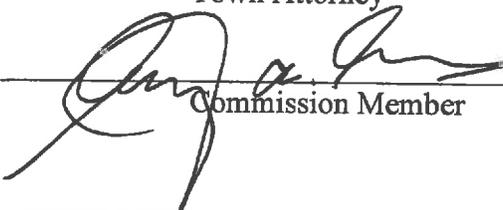
|  |          |           |          |          |
|--|----------|-----------|----------|----------|
| Legal Counsel Responsibility                             | <u>E</u> | FS        | S        | U        |
| Job Knowledge  | <u>E</u> | FS        | S        | U        |
| Town Knowledge   | <u>E</u> | FS        | S        | U        |
| Interaction with Commission                              | E        | <u>FS</u> | S        | U        |
| Interaction with Intergovernmental/Professional Agencies | E        | <u>FS</u> | S        | U        |
| Interaction with Charter Officials                       | E        | <u>FS</u> | S        | U        |
| Interaction with Public                                  | <u>E</u> | FS        | S        | U        |
| Completion of Work                                       | <u>E</u> | FS        | S        | U        |
| Ethics and Integrity                                     | <u>E</u> | FS        | S        | U        |
| Communication Skills                                     | E        | <u>FS</u> | S        | U        |
| Personal Characteristics                                 | <u>E</u> | <u>FS</u> | <u>S</u> | <u>U</u> |

TOTALS:

3.63

E-

**SIGNATURES:**

\_\_\_\_\_  
Town Attorney  
  
\_\_\_\_\_  
Commission Member

\_\_\_\_\_  
Date  
10-15-2016  
Date

**FOR ADMINISTRATIVE SERVICES DEPARTMENT USE:**

\_\_\_\_\_  
Human Resources Manager

\_\_\_\_\_  
Date



**TOWN ATTORNEY  
ANNUAL PERFORMANCE APPRAISAL**

Town Attorney's Name: **Maggie Mooney-Portale**

**JOB PERFORMANCE RATINGS**

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**LEGAL COUNSEL RESPONSIBILITY:**

To advise on legal issues for the Town by rendering legal opinions and giving legal advice.

Rating E Comments: Timely, clear opinions.

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**JOB KNOWLEDGE:**

Possesses and applies a comprehensive understanding and knowledge of the Town Charter, Code of Ordinances, Florida Statutes, and Municipal Law.

Rating: E Comments: Timely & clear opinions & expressal knowledge

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**TOWN KNOWLEDGE:**

Demonstrates a comprehensive understanding of Town operations.

Rating: FS Comments: Apparently well-versed

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E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**INTERACTION WITH COMMISSION:**

Demonstrates a positive and trusting relationship with Commission, both as a group and individually, by acting as an advisor to them on legal issues as they arise.

Rating: E Comments: High level of confidence with respect to Commission as a group & individually - very trusting relationship.

**INTERACTION WITH INTERGOVERNMENTAL AND PROFESSIONAL AGENCIES:**

Works effectively with policy makers at the federal, state, and county levels, and amicably assists the Town in solving community or union problems, while forcefully representing the interests of the Town of Longboat Key.

Rating: S Comments: Not enough experience in my 1 1/2 yrs in Commission

**INTERACTION WITH CHARTER OFFICIALS:**

Demonstrates a positive legal consultative relationship with Charter Officials in their pursuit of meeting the goals and objectives of the Town.

Rating:      Comments: N/A.

**INTERACTION WITH PUBLIC:**

Creates a positive and professional impression in dealing with the public including consultants, attorneys, and representatives of citizen groups as well as individual citizens.

Rating: FS Comments: -

**COMPLETION OF WORK:**

Completes work assignments within reasonable or set time frames. (In this context, "reasonable" means a time frame which is acceptable to Commission in terms of their priorities, and in consideration of the attorney's ongoing workload.)

Rating: FS Comments: Good timing on assigned assignments



**PERFORMANCE LEVELS:**

**Excellent (E)**

A Charter Officer who receives this rating consistently demonstrates effective performance above and beyond the normal expected level of achievement. Performance is seen as strong. This rating is difficult to achieve and will need justification that will signify exceptional performance.

**Fully Satisfactory (FS)**

A Charter Officer who receives this rating demonstrates a satisfactory and expected level of performance. Performance meets the job requirements and standards.

**Satisfactory (S)**

A Charter Officer who receives this rating demonstrates a satisfactory level of performance. Performance meets the job requirements and standards but does not meet all the standards all the time and may need developmental guidance in one to two areas.

**Unsatisfactory (U)**

A Charter Officer who receives this rating does not consistently meet job requirements. Therefore, improvement is necessary to reach the expected level, and the elected official should consider suggestions to enhance the officer's performance. Immediate improvement in this area is required. In order to be constructive, indicate specific incidents/examples for justification rather than making general, vague statements based strictly on personal feelings.

**CIRCLE RATING LETTERS FOR EACH ITEM BELOW:**

|  |     |      |     |   |
|--|-----|------|-----|---|
| Legal Counsel Responsibility                             | (E) | FS   | S   | U |
| Job Knowledge  | (E) | FS   | S   | U |
| Town Knowledge   | E   | (FS) | S   | U |
| Interaction with Commission                              | (E) | FS   | S   | U |
| Interaction with Intergovernmental/Professional Agencies | E   | FS   | (S) | U |
| Interaction with Charter Officials                       | E   | FS   | S   | U |
| Interaction with Public                                  | E   | (FS) | S   | U |
| Completion of Work                                       | E   | (FS) | S   | U |
| Ethics and Integrity                                     | (E) | FS   | S   | U |
| Communication Skills                                     | (E) | FS   | S   | U |
| Personal Characteristics                                 | E   | FS   | S   | U |

**TOTALS:**

**SIGNATURES:**

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
*John D. Daly (Jaw)*  
Commission Member

\_\_\_\_\_  
*10/12/16*  
Date

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**FOR ADMINISTRATIVE SERVICES DEPARTMENT USE:**

\_\_\_\_\_  
Human Resources Manager

\_\_\_\_\_  
Date



Town of Longboat Key  
Town Attorney Performance Evaluation

Evaluation period: November 1, 2015 to October 31, 2016

Each member of the governing body should complete this evaluation form, sign it in the space below, and return it to Lisa Silvertooth. The deadline for submitting this performance evaluation is October 31, 2016. Evaluations will be summarized and included on the agenda for discussion at the Workshop to be held on Monday, November 14, 2016.



Town Commission

10/26/2016

Date

Town Attorney

Date Submitted

**TOWN ATTORNEY  
ANNUAL PERFORMANCE APPRAISAL**

Town Attorney's Name: **Maggie Mooney-Portale**

**JOB PERFORMANCE RATINGS**

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**LEGAL COUNSEL RESPONSIBILITY:**

To advise on legal issues for the Town by rendering legal opinions and giving legal advice.

Rating E Comments: I am able to fully understand the TA's  
comment and advise on legal issues, confirm to my experience  
dealing with other lawyers.

**JOB KNOWLEDGE:**

Possesses and applies a comprehensive understanding and knowledge of the Town Charter, Code of Ordinances, Florida Statutes, and Municipal Law.

Rating: E Comments: After a relatively short period on the job, TA  
has mastered the Town's governing document and is well  
versed in FL statutes.

**TOWN KNOWLEDGE:**

Demonstrates a comprehensive understanding of Town operations.

Rating: E Comments: Yes, TA has shown growth on the job; she is  
fully conversant with all issues involving the Town and its  
operations.

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**INTERACTION WITH COMMISSION:**

Demonstrates a positive and trusting relationship with Commission, both as a group and individually, by acting as an advisor to them on legal issues as they arise.

Rating: E Comments: TA is approachable and giving of her time. Her frequent assistance on the part of not observing Sanction Laws are most welcome.

**INTERACTION WITH INTERGOVERNMENTAL AND PROFESSIONAL AGENCIES:**

Works effectively with policy makers at the federal, state, and county levels, and amicably assists the Town in solving community or union problems, while forcefully representing the interests of the Town of Longboat Key.

Rating:      Comments: Not enough knowledge + comment.

**INTERACTION WITH CHARTER OFFICIALS:**

Demonstrates a positive legal consultative relationship with Charter Officials in their pursuit of meeting the goals and objectives of the Town.

Rating: E Comments: Yes.

**INTERACTION WITH PUBLIC:**

Creates a positive and professional impression in dealing with the public including consultants, attorneys, and representatives of citizen groups as well as individual citizens.

Rating: E Comments: Ms Mooney - Portale is an asset to the town in the way she conducts herself when dealing with others.

**COMPLETION OF WORK:**

Completes work assignments within reasonable or set time frames. (In this context, "reasonable" means a time frame which is acceptable to Commission in terms of their priorities, and in consideration of the attorney's ongoing workload.)

Rating: E Comments: Yes

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**ETHICS AND INTEGRITY:**

Conducts herself in accordance with the ethical standards of the legal profession and the Code of Ethics for public officers.

Rating: E Comments: TA unflinchingly displays the highest ethical standards.

**COMMUNICATION SKILLS:**

Translates complicated legal concepts and terms into understandable language that enhances its meaning and understanding to Commission, Town staff and the public.

Rating: E Comments: B I noted above, she speaks legal issues in clear English.

**PERSONAL CHARACTERISTICS:**

Maintains a high level of personal direction, manages stress effectively, maintains a healthy tolerance for the uncertainties which are inherent in the Town Attorney position.

Rating: E Comments: TA excels at handling complicated issues with grace and aplomb even when the matter brought up does not make legal sense

**MOST SIGNIFICANT ASSET(S):** (Attach additional page if needed)

What do you feel are some of the strongest points, finest accomplishments and strongest legal leadership traits demonstrated by this official this year?

One of the principal attributes of any professional is to give the impression that the person knows what he/she is talking about. Ms. Mooney - Portals not only gives the impression that she is on top of the matter at hand, but that she is two steps ahead of the next question. She has an orderly mind and must be good at playing chess.

**DEVELOPMENTAL AREA(S):**

What areas of the Town Attorney's performance do you feel need growth and development? Why? Do you have suggestions as to how the Town Attorney can improve in these areas?

The Town of Cayuga Key as well as the entire region is undergoing a growth spurt that is likely to last for a few years. It would be useful for the TA to draw up a list (one-page) of the top legal issues to

the town and commission will need to be aware of, especially as interested parties will be lobbying for and applying political pressure to introduce element ideas...

**PERFORMANCE LEVELS:**

**Excellent (E)**

A Charter Officer who receives this rating consistently demonstrates effective performance above and beyond the normal expected level of achievement. Performance is seen as strong. This rating is difficult to achieve and will need justification that will signify exceptional performance.

**Fully Satisfactory (FS)**

A Charter Officer who receives this rating demonstrates a satisfactory and expected level of performance. Performance meets the job requirements and standards.

**Satisfactory (S)**

A Charter Officer who receives this rating demonstrates a satisfactory level of performance. Performance meets the job requirements and standards but does not meet all the standards all the time and may need developmental guidance in one to two areas.

**Unsatisfactory (U)**

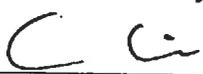
A Charter Officer who receives this rating does not consistently meet job requirements. Therefore, improvement is necessary to reach the expected level, and the elected official should consider suggestions to enhance the officer's performance. Immediate improvement in this area is required. In order to be constructive, indicate specific incidents/examples for justification rather than making general, vague statements based strictly on personal feelings.

**CIRCLE RATING LETTERS FOR EACH ITEM BELOW:**

|  |     |    |   |   |
|--|-----|----|---|---|
| Legal Counsel Responsibility                             | (E) | FS | S | U |
| Job Knowledge  | (E) | FS | S | U |
| Town Knowledge   | (E) | FS | S | U |
| Interaction with Commission                              | (E) | FS | S | U |
| Interaction with Intergovernmental/Professional Agencies | (E) | FS | S | U |
| Interaction with Charter Officials                       | (E) | FS | S | U |
| Interaction with Public                                  | (E) | FS | S | U |
| Completion of Work                                       | (E) | FS | S | U |
| Ethics and Integrity                                     | (E) | FS | S | U |
| Communication Skills                                     | (E) | FS | S | U |
| Personal Characteristics                                 | (E) | FS | S | U |

**TOTALS:**

**SIGNATURES:**

\_\_\_\_\_  
Town Attorney  
  
\_\_\_\_\_  
Commission Member

\_\_\_\_\_  
Date  
12/26/10  
\_\_\_\_\_  
Date

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**FOR ADMINISTRATIVE SERVICES DEPARTMENT USE:**

\_\_\_\_\_  
Human Resources Manager

\_\_\_\_\_  
Date



Town of Longboat Key  
Town Attorney **Performance Evaluation**

Evaluation period: November 1, 2015 to October 31, 2016

Each member of the governing body should complete this evaluation form, sign it in the space below, and return it to Lisa Silvertooth. The deadline for submitting this performance evaluation is October 31, 2016. Evaluations will be summarized and included on the agenda for discussion at the Workshop to be held on Monday, November 14, 2016.

IRWIN PASTOR

Town Commission

10/25/16

Date

MAGGIE MOONEY - PORTALE

Town Attorney

10/27/16

Date Submitted

**TOWN ATTORNEY  
ANNUAL PERFORMANCE APPRAISAL**

Town Attorney's Name: **Maggie Mooney-Portale**

**JOB PERFORMANCE RATINGS**

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**LEGAL COUNSEL RESPONSIBILITY:**

To advise on legal issues for the Town by rendering legal opinions and giving legal advice.

Rating E Comments: Our Town Attorney on all occasions has proven to be accurate and technically correct on existing legal issues

**JOB KNOWLEDGE:**

Possesses and applies a comprehensive understanding and knowledge of the Town Charter, Code of Ordinances, Florida Statutes, and Municipal Law.

Rating: E Comments: She possess and provides a comprehensive understanding and knowledge of the Town Charter, Code of Ordmanies, Florida Statutes, County Statutes, and municipal law.

**TOWN KNOWLEDGE:**

Demonstrates a comprehensive understanding of Town operations.

Rating: E Comments: Yes, Maggie Mooney-Portale demonstrates a comprehensive understanding of UBC's operations. Her legal expertise works parallel with staff/departments on all issues and projects.

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**INTERACTION WITH COMMISSION:**

Demonstrates a positive and trusting relationship with Commission, both as a group and individually, by acting as an advisor to them on legal issues as they arise.

Rating: E Comments: A most difficult job with seven Commissioners. However, she has earned respect from the Commission and as Commission we understand her job is to make sure legally the Town of Longboat Key as well as the Commission never violate any laws.

**INTERACTION WITH INTERGOVERNMENTAL AND PROFESSIONAL AGENCIES:**

Works effectively with policy makers at the federal, state, and county levels, and amicably assists the Town in solving community or union problems, while forcefully representing the interests of the Town of Longboat Key.

Rating: E Comments: One of many strong points is the amicable relationships she has developed with intergovernmental and professional agencies in effectively communicating and solving issues.

**INTERACTION WITH CHARTER OFFICIALS:**

Demonstrates a positive legal consultative relationship with Charter Officials in their pursuit of meeting the goals and objectives of the Town.

Rating: E Comments: Highest of all marks on this Challenge. Our successes with approved Referendums, Ordinances and legal Contracts over the last three years speaks directly to meeting the goals and objectives

**INTERACTION WITH PUBLIC:**

Creates a positive and professional impression in dealing with the public including consultants, attorneys, and representatives of citizen groups as well as individual citizens.

Rating: E Comments: Shows enormous poise and very articulate in expressing her legal opinions. Is pro-active in addressing issues and giving alternative and innovative solutions to achieving goals

**COMPLETION OF WORK:**

Completes work assignments within reasonable or set time frames. (In this context, "reasonable" means a time frame which is acceptable to Commission in terms of their priorities, and in consideration of the attorney's ongoing workload.)

Rating: E Comments: Assignments are most acceptable and done on a timely basis along with attorney's regular workload

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**ETHICS AND INTEGRITY:**

Conducts herself in accordance with the ethical standards of the legal profession and the Code of Ethics for public officers.

Rating: E Comments: She is the best example of the highest degree of ethical standards of a legal professional and a Code of Ethics for a public officer. As our Town attorney she is a constant example and reminder to all of us the importance of upholding the Code of Ethics.

**COMMUNICATION SKILLS:**

Translates complicated legal concepts and terms into understandable language that enhances its meaning and understanding to Commission, Town staff and the public.

Rating: E Comments: Excellent communication skills which are supplied on a timely basis and understandable manner.

**PERSONAL CHARACTERISTICS:**

Maintains a high level of personal direction, manages stress effectively, maintains a healthy tolerance for the uncertainties which are inherent in the Town Attorney position.

Rating: E Comments: Is accessible at all times and works consistently well under all conditions

**MOST SIGNIFICANT ASSET(S):** (Attach additional page if needed)

What do you feel are some of the strongest points, finest accomplishments and strongest legal leadership traits demonstrated by this official this year?

Already cited the most significant assets.

**DEVELOPMENTAL AREA(S):**

What areas of the Town Attorney's performance do you feel need growth and development? Why? Do you have suggestions as to how the Town Attorney can improve in these areas?

none

**PERFORMANCE LEVELS:**

**Excellent (E)**

A Charter Officer who receives this rating consistently demonstrates effective performance above and beyond the normal expected level of achievement. Performance is seen as strong. This rating is difficult to achieve and will need justification that will signify exceptional performance.

**Fully Satisfactory (FS)**

A Charter Officer who receives this rating demonstrates a satisfactory and expected level of performance. Performance meets the job requirements and standards.

**Satisfactory (S)**

A Charter Officer who receives this rating demonstrates a satisfactory level of performance. Performance meets the job requirements and standards but does not meet all the standards all the time and may need developmental guidance in one to two areas.

**Unsatisfactory (U)**

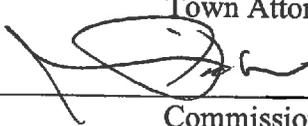
A Charter Officer who receives this rating does not consistently meet job requirements. Therefore, improvement is necessary to reach the expected level, and the elected official should consider suggestions to enhance the officer's performance. Immediate improvement in this area is required. In order to be constructive, indicate specific incidents/examples for justification rather than making general, vague statements based strictly on personal feelings.

**CIRCLE RATING LETTERS FOR EACH ITEM BELOW:**

|  |          |           |          |          |
|--|----------|-----------|----------|----------|
| Legal Counsel Responsibility                             | E        | FS        | S        | U        |
| Job Knowledge  | E        | FS        | S        | U        |
| Town Knowledge   | E        | FS        | S        | U        |
| Interaction with Commission                              | E        | FS        | S        | U        |
| Interaction with Intergovernmental/Professional Agencies | E        | FS        | S        | U        |
| Interaction with Charter Officials                       | E        | FS        | S        | U        |
| Interaction with Public                                  | E        | FS        | S        | U        |
| Completion of Work                                       | E        | FS        | S        | U        |
| Ethics and Integrity                                     | E        | FS        | S        | U        |
| Communication Skills                                     | E        | FS        | S        | U        |
| Personal Characteristics                                 | <u>E</u> | <u>FS</u> | <u>S</u> | <u>U</u> |

**TOTALS:**

**SIGNATURES:**

\_\_\_\_\_  
Town Attorney  
  
\_\_\_\_\_  
Commission Member

\_\_\_\_\_  
Date  
10/27/16  
\_\_\_\_\_  
Date

-----  
**FOR ADMINISTRATIVE SERVICES DEPARTMENT USE:**

\_\_\_\_\_  
Human Resources Manager

\_\_\_\_\_  
Date



Town of Longboat Key  
Town Attorney **Performance Evaluation**

Evaluation period: November 1, 2015 to October 31, 2016

Each member of the governing body should complete this evaluation form, sign it in the space below, and return it to Lisa Silvertooth. The deadline for submitting this performance evaluation is October 31, 2016. Evaluations will be summarized and included on the agenda for discussion at the Workshop to be held on Monday, November 14, 2016.

|                        |
|------------------------|
| <b>Town Commission</b> |
| <b>Date</b>            |
| <b>Town Attorney</b>   |
| <b>Date Submitted</b>  |

**TOWN ATTORNEY**  
**ANNUAL PERFORMANCE APPRAISAL**

Town Attorney's Name: **Maggie Mooney-Portale**

**JOB PERFORMANCE RATINGS**

E=Excellent                      FS=Fully Satisfactory                      S=Satisfactory                      U=Unsatisfactory

**LEGAL COUNSEL RESPONSIBILITY:**

To advise on legal issues for the Town by rendering legal opinions and giving legal advice.

Rating U/S Comments: Mostly adequate, but appears to engage in "weathervaning" opinions depending upon the circumstances by either supporting or remaining silent in keeping with objectives deemed desirable by Town management, staff or The Commission.

**JOB KNOWLEDGE:**

Possesses and applies a comprehensive understanding and knowledge of the Town Charter, Code of Ordinances, Florida Statutes, and Municipal Law.

Rating: S/U Comments: Again, mostly adequate, but "weathervaning" tendencies as above described gives rise to questions regarding overall knowledge or at least the willingness to "speak-up" appropriately.

**TOWN KNOWLEDGE:**

Demonstrates a comprehensive understanding of Town operations.

Rating: S Comments: No Comment

**INTERACTION WITH COMMISSION:**

Demonstrates a positive and trusting relationship with Commission, both as a group and individually, by acting as an advisor to them on legal issues as they arise.

Rating: S Comments: No Comment

**INTERACTION WITH INTERGOVERNMENTAL AND PROFESSIONAL AGENCIES:**

Works effectively with policy makers at the federal, state, and county levels, and amicably assists the Town in solving community or union problems, while forcefully representing the interests of the Town of Longboat Key.

Rating: S Comments: No Comment

**INTERACTION WITH CHARTER OFFICIALS:**

Demonstrates a positive legal consultative relationship with Charter Officials in their pursuit of meeting the goals and objectives of the Town.

Rating: N/A Comments: No knowledge. Cannot rate.

**INTERACTION WITH PUBLIC:**

Creates a positive and professional impression in dealing with the public including consultants, attorneys, and representatives of citizen groups as well as individual citizens.

Rating: S Comments: No Comment

**COMPLETION OF WORK:**

Completes work assignments within reasonable or set time frames. (In this context, "reasonable" means a time frame which is acceptable to Commission in terms of their priorities, and in consideration of the attorney's ongoing workload.)

Rating: S Comments: No Comment

**ETHICS AND INTEGRITY:**

Conducts herself in accordance with the ethical standards of the legal profession and the Code of Ethics for public officers.

Rating: S Comments: No Comment

**COMMUNICATION SKILLS:**

Translates complicated legal concepts and terms into understandable language that enhances its meaning and understanding to Commission, Town staff and the public.

Rating: S Comments: No Comment

**PERSONAL CHARACTERISTICS:**

Maintains a high level of personal direction, manages stress effectively, maintains a healthy tolerance for the uncertainties which are inherent in the Town Attorney position.

Rating: U/S Comments: See prior comments regarding "weathervaning"

**MOST SIGNIFICANT ASSET(S):** (Attach additional page if needed)

What do you feel are some of the strongest points, finest accomplishments and strongest legal leadership traits demonstrated by this official this year?

Nothing noteworthy

**DEVELOPMENTAL AREAS:**

What areas of the Town Attorney's performance do you feel need growth and development? Why? Do you have suggestions as to how the Town Attorney can improve in these areas?

Several years ago, Maggie's performance appeared to be such that there was noticeable discomfort by various Commissioners, to the point that she tendered, then later withdrew her resignation. Thereafter, she stepped up her game noticeably and was performing admirably. Recently, however, her performance appears to occasionally have become metamorphic relative to what has been described as "weathervaning", perhaps in an effort to better entrench herself with Town management or Commission policies. This is not what she is paid to do.

**PERFORMANCE LEVELS:**

**Excellent (E)**

A Charter Officer who receives this rating consistently demonstrates effective performance above and beyond the normal expected level of achievement. Performance is seen as strong. This rating is difficult to achieve and will need justification that will signify exceptional performance.

**Fully Satisfactory (FS)**

A Charter Officer who receives this rating demonstrates a satisfactory and expected level of performance. Performance meets the job requirements and standards.

**Satisfactory (S)**

A Charter Officer who receives this rating demonstrates a satisfactory level of performance. Performance meets the job requirements and standards but does not meet all the standards all the time and may need developmental guidance in one to two areas.

**Unsatisfactory (U)**

A Charter Officer who receives this rating does not consistently meet job requirements. Therefore, improvement is necessary to reach the expected level, and the elected official should consider suggestions to enhance the officer's performance. Immediate improvement in this area is required. In order to be constructive, indicate specific incidents/examples for justification rather than making general, vague statements based strictly on personal feelings.

**CIRCLE RATING LETTERS FOR EACH ITEM BELOW:**

|  |   |    |              |              |
|--|---|----|--------------|--------------|
| Legal Counsel Responsibility                             | F | FS | 1/2 S        | 1/2 U        |
| Job Knowledge  | F | FS | 1/2 S        | 1/2 U        |
| Town Knowledge   | F | FS | S            |              |
| Interaction with Commission                              | F | FS | S            |              |
| Interaction with Intergovernmental/Professional Agencies | F | FS | S            |              |
| Interaction with Charter Officials                       |   |    |              |              |
| Interaction with Public                                  | F | FS | S            |              |
| Completion of Work                                       | F | FS | S            |              |
| Ethics and Integrity                                     | F | FS | S            |              |
| Communication Skills                                     | F | FS | S            |              |
| Personal Characteristics                                 | F | FS | 1/2 S        | 1/2 U        |
| <b>TOTALS</b>  |   |    | <b>8 1/2</b> | <b>1 1/2</b> |

**SIGNATURES:**

\_\_\_\_\_  
 Town Attorney  
  
 Commission Member

\_\_\_\_\_  
 Date  
 10/31/16  
 \_\_\_\_\_  
 Date

**FOR ADMINISTRATIVE SERVICES DEPARTMENT USE:**

\_\_\_\_\_  
 Human Resources Manager

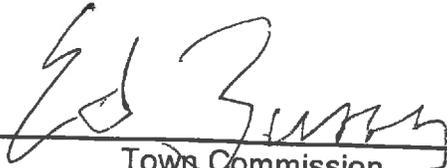
\_\_\_\_\_  
 Date



Town of Longboat Key  
Town Attorney **Performance Evaluation**

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\_\_\_\_\_  
Town Commission

10/15/16  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Date Submitted

**TOWN ATTORNEY  
ANNUAL PERFORMANCE APPRAISAL**

Town Attorney's Name: **Maggie Mooney-Portale**

**JOB PERFORMANCE RATINGS**

E=Excellent      FS=Fully Satisfactory      S=Satisfactory      U=Unsatisfactory

**LEGAL COUNSEL RESPONSIBILITY:**

To advise on legal issues for the Town by rendering legal opinions and giving legal advice.

Rating \_\_\_ Comments: See Attached

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**JOB KNOWLEDGE:**

Possesses and applies a comprehensive understanding and knowledge of the Town Charter, Code of Ordinances, Florida Statutes, and Municipal Law.

Rating: S Comments: \_\_\_\_\_

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**TOWN KNOWLEDGE:**

Demonstrates a comprehensive understanding of Town operations.

Rating: FS Comments: \_\_\_\_\_

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E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**INTERACTION WITH COMMISSION:**

Demonstrates a positive and trusting relationship with Commission, both as a group and individually, by acting as an advisor to them on legal issues as they arise.

Rating: \_\_\_\_\_ Comments: See Attached

**INTERACTION WITH INTERGOVERNMENTAL AND PROFESSIONAL AGENCIES:**

Works effectively with policy makers at the federal, state, and county levels, and amicably assists the Town in solving community or union problems, while forcefully representing the interests of the Town of Longboat Key.

Rating: FS Comments: \_\_\_\_\_

**INTERACTION WITH CHARTER OFFICIALS:**

Demonstrates a positive legal consultative relationship with Charter Officials in their pursuit of meeting the goals and objectives of the Town.

Rating: \_\_\_\_\_ Comments: ?

**INTERACTION WITH PUBLIC:**

Creates a positive and professional impression in dealing with the public including consultants, attorneys, and representatives of citizen groups as well as individual citizens.

Rating: S Comments: \_\_\_\_\_

**COMPLETION OF WORK:**

Completes work assignments within reasonable or set time frames. (In this context, "reasonable" means a time frame which is acceptable to Commission in terms of their priorities, and in consideration of the attorney's ongoing workload.)

Rating: FS Comments: \_\_\_\_\_

E=Excellent

FS=Fully Satisfactory

S=Satisfactory

U=Unsatisfactory

**ETHICS AND INTEGRITY:**

Conducts herself in accordance with the ethical standards of the legal profession and the Code of Ethics for public officers.

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

**COMMUNICATION SKILLS:**

Translates complicated legal concepts and terms into understandable language that enhances its meaning and understanding to Commission, Town staff and the public.

Rating: S Comments: \_\_\_\_\_

**PERSONAL CHARACTERISTICS:**

Maintains a high level of personal direction, manages stress effectively, maintains a healthy tolerance for the uncertainties which are inherent in the Town Attorney position.

Rating: FS Comments: \_\_\_\_\_

**MOST SIGNIFICANT ASSET(S):** (Attach additional page if needed)

What do you feel are some of the strongest points, finest accomplishments and strongest legal leadership traits demonstrated by this official this year?

HARD WORK AND ENTHUSIASM

**DEVELOPMENTAL AREA(S):**

What areas of the Town Attorney's performance do you feel need growth and development? Why? Do you have suggestions as to how the Town Attorney can improve in these areas?

HAS SHOWN STEADY GROWTH  
IN HER SELF CONFIDENCE AND  
SPECIALIZED LEGAL KNOWLEDGE  
REQUIRED FOR THIS POSITION.

**PERFORMANCE LEVELS:**

**Excellent (E)**

A Charter Officer who receives this rating consistently demonstrates effective performance above and beyond the normal expected level of achievement. Performance is seen as strong. This rating is difficult to achieve and will need justification that will signify exceptional performance.

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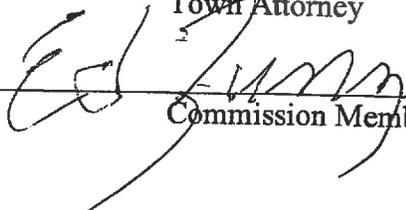
**CIRCLE RATING LETTERS FOR EACH ITEM BELOW:**

|  |   |    |   |   |
|--|---|----|---|---|
| Legal Counsel Responsibility                             | E | FS | S | U |
| Job Knowledge  | E | FS | S | U |
| Town Knowledge   | E | FS | S | U |
| Interaction with Commission                              | E | FS | S | U |
| Interaction with Intergovernmental/Professional Agencies | E | FS | S | U |
| Interaction with Charter Officials                       | E | FS | S | U |
| Interaction with Public                                  | E | FS | S | U |
| Completion of Work                                       | E | FS | S | U |
| Ethics and Integrity                                     | E | FS | S | U |
| Communication Skills                                     | E | FS | S | U |
| Personal Characteristics                                 | E | FS | S | U |

*See Attached*

**TOTALS:**

**SIGNATURES:**

\_\_\_\_\_  
Town Attorney  
  
\_\_\_\_\_  
Commission Member

\_\_\_\_\_  
Date  
10/15/16  
\_\_\_\_\_  
Date

**FOR ADMINISTRATIVE SERVICES DEPARTMENT USE:**

\_\_\_\_\_  
Human Resources Manager

\_\_\_\_\_  
Date

## Attachment to Town Attorney Evaluation

Since before I became a Commissioner, I have had continuous opportunity to observe Ms. Portale perform as our Town Attorney. Understandably, her first few months presented serious challenges in learning and adapting to subject matters, legal issues and procedural technicalities uniquely applicable to her new position. At the same time she was becoming acquainted with Longboat Key and working with a Commission accustomed to dealing with a Town Attorney who had been serving LBK for many years longer than themselves. Thus, they were impatient when she could not answer all of their questions on the spot and sometimes had to wait until she could check and get back to them. Her unease was evident but her departure was fortunately avoided.

Through intense work and dedication she has made excellent progress in growing into the job, building her own self confidence and gaining the confidence of both the staff and the Commission. She will no doubt continue on this positive course.

The only significant problem I have observed occurred recently and involved the methodology for funding the undergrounding of the neighborhoods. Two legal principles that had been advocated to the court to justify validation of the funding methodology that had been formally and finally adopted by the Commission for the GMD project were absent from the contrasting funding methodology that was later advocated by our consultants for the neighborhoods. Also, a new principle, the 55 foot rule, now surfaced as a major factor in the neighborhood funding methodology; it provoked major public dissatisfaction. As a result the neighborhood funding methodology, not yet finalized, remained open for further modification, which in fact occurred at subsequent public meetings.

In preparation for those public meetings, I wanted to gain an understanding of the selective application of the above three legal principles under Florida law and I asked our attorney to prepare a brief memorandum of explanation. She was aware that my approval of the funding of the GMD project was consistent with the rest of the Board, but that I differed with respect to the contrasting method for funding

the neighborhoods. Therefore, she refused to advise me of Florida law on these three issues. By way of explanation, she sent a memorandum to the Commission stating that: "I am concerned that his objective in making a request for a legal memorandum on the three (3) delineated topics is potentially adverse to the Town Commission's interests and objectives of moving forward under the existing consultants' methodology."

It is not the Town Attorney's function to shield our consultant's recommendations from potential legal infirmities or to shape the law toward her perception of an eventual outcome favored by a majority of the Commissioners. I have no doubt that she thought she was acting properly. That is the very problem here. Regardless of her good faith, her conduct reflects a fundamental mistake as to one important aspect of the advisory role of a Town Attorney.

It is respectfully submitted that it is the Town Attorney's affirmative duty to provide each and every commissioner with accurate and objective legal advice with regard to every public matter that appears before them. Commissioners should not be made to think that such a fundamental duty can be extinguished on a case by case basis by a 4-3 vote of the Commission. The undergrounding project and its proper funding methodology are likely the most major matters with which we will deal for a long, long time. Each of us takes seriously our oath to conduct the Town's business strictly in accordance with Florida law. We all rely on our Town Attorney to guide us accordingly. As I write this document I still do not know the answer to the first two legal questions. As to the 55 foot rule, it came out at the public meeting that this is not a legal mandate at all, but a subjective standard often utilized in some form by consultants in this field.





**End of Agenda Item**