

Exhibit “A”

Contract Addendum to the City of Brighton City Attorney Employment Agreement (“Performance Evaluation Addendum”)

City Attorney’s Annual Performance Evaluation

- 7) This Performance Evaluation Addendum is intended to and does replace Paragraph 7, Performance Assessment, of the City of Brighton City Attorney Employment Agreement as executed on July 17, 2018. The City Attorney’s Annual Performance Evaluation is now modified to include the following procedural requirements that are to be completed in the following order:
- a) Overview of Procedure:
 - I) Distribution, collection, and processing of the City Attorney performance evaluation forms (“Evaluation Forms”) by the Administrative Services Director;
 - II) Meetings between individual City Council members and the City Attorney (“Individual Meetings with Council Members”);
 - III) City Council meeting to evaluate the City Attorney’s performance (“City Attorney’s Performance Evaluation Meeting”);
 - IV) This process must be completed prior to July 15 of each calendar year, notwithstanding the below language relating solely to the City Attorney’s Annual Performance Evaluation for the time period between July 2018 to July 2019
 - V) In the event the City Attorney’s Annual Performance Evaluation is not completed by the July 15th deadline, or as soon thereafter as practicable and with mutual agreement, the City Attorney’s job performance shall be deemed to be satisfactory and the City of Brighton City Attorney Employment Agreement shall remain in effect; and
 - VI) Nothing in this Paragraph 7 shall be construed to alter or modify in any way the City Attorney’s status as an at-will employee, serving at the pleasure of the City Council, or to establish any prerequisite to the termination of the City Attorney’s employment with the City of Brighton.
 - b) The City Attorney’s Annual Performance Evaluation shall be based on the job description for the City Attorney, the annual goals and objectives that result from the processes described below, and the City Attorney’s job performance.
 - c) No earlier than forty-two (42) days prior to the City Attorney’s Performance Evaluation Meeting, or as soon as practical thereafter, the Administrative Services Director shall distribute the appropriate performance Evaluation Forms to the following persons:

I) City Department Directors:

- A) City Manager;
- B) Public Information and Community Resources Director;
- C) Director of Information Technology;
- D) Finance Director;
- E) Administrative Services Director;
- F) Director of Infrastructure;
- G) Director of Parks and Recreation;
- H) Director of Community Development;
- I) City Clerk;
- J) Chief of Police;
- K) Director of Economic Development;
- L) Director of Urban and Public Policy; and
- M) This list of City Department Directors may be amended by the Administrative Services Director as necessary to accurately identify and include the Department Directors in place at the time of the City Attorney's Annual Performance Evaluation.

II) City Attorney's Office Staff:

- A) Assistant City Attorney;
- B) Prosecuting Attorney;
- C) Paralegal/ Executive Administrator; and
- D) This list of City Attorney's Office Staff may be amended by the Administrative Services Director as necessary to accurately identify and include the attorneys, paralegals and other staff in place at the time of the City Attorney's Annual Performance Evaluation.

III) The Administrative Services Director:

- A) Shall be responsible for distributing and collecting all Evaluation Forms completed by Department Directors and City Attorney's Office staff;
- B) Shall maintain the custody, confidentiality, and anonymity of the Evaluation Forms completed by Department Directors and City Attorney's Office staff;
- C) Shall compile summaries of the information obtained from the Evaluation Forms completed by Department Directors and City Attorney's Office staff and share same with City Council no later than fourteen (14) days prior City Attorney Performance Evaluation Meeting;
- D) Shall maintain the summaries of the Evaluation Forms provided to City Council and shall destroy all Evaluation Forms completed by Department Directors and City Attorney's staff ninety-one (91) days

after the deadline to complete the City Attorney's Annual Performance Evaluation;

- E) Shall use his or her best judgement in meeting the goal of soliciting the opinions of City Department Directors and City Attorney staff regarding the City Attorney's annual job performance while maintaining the confidentiality and anonymity of the information conveyed by the Evaluation Forms;
- F) The Evaluation Forms to be completed by Department Directors and City Attorney's Office staff are attached to this Addendum. The Evaluation Forms completed by Department Directors measure different performance standards than the Evaluation Forms completed by the City Attorney's Office staff.

d) The Individual Meetings with Council Members:

- I) No later than twenty-one (21) days prior to the City Attorney's Performance Evaluation Meeting, each City Council member shall meet individually with the City Attorney;
- II) During the Individual Meetings with Council Members, the Council member may discuss any topic related to the City Attorney's job performance during the evaluation period at issue and must discuss the City Attorney's and the City Attorney Office's goals and objectives for the next evaluation period;
- III) The Administrative Services Director or a similarly skilled human resources professional shall attend all Individual Meetings with Council Members and shall keep a written summary of the content of each meeting;
- IV) The Administrative Services Director or a similarly skilled human resources professional shall endeavor in good faith to assure that each Council member has been afforded a reasonable opportunity to participate in the Individual Meetings with Council Members but the failure of any Council member to meet individual with the City Attorney shall not be permitted to delay the City Attorney's Annual Performance Evaluation;
- V) The Administrative Services Director or a similarly skilled human resources professional shall maintain written summaries of all Individual Meetings with Council Members and shall destroy same ninety-one (91) days after the deadline to complete the City Attorney's Annual Performance Evaluation.

e) The City Attorney's Performance Evaluation Meeting:

- I) No later than fourteen (14) days prior to the City Attorney's Performance Evaluation Meeting, the Administrative Services Director shall distribute to each Council member the Evaluation Form to be completed by Council members;
- II) Each Council member must bring a completed Evaluation Form to the City Attorney's Performance Evaluation Meeting;

- III)
- IV) No later than fourteen (14) days prior to the City Attorney's Performance Evaluation Meeting, the Administrative Services Director shall distribute to each Council member summaries of the information obtained from the Evaluation Forms completed by Department Directors and City Attorney's Office staff;
- V) At the City Attorney's Performance Evaluation Meeting, the Council shall:
 - A) Determine an overall rating for each category listed on the City Council Evaluation Form and prepare to share same with the City Attorney;
 - B) Identify comments from the Department Director and City Attorney's Office staff Evaluation Forms to be shared by Council with the City Attorney and prepare to share same with the City Attorney; and
 - C) Determine the City Council's goal and objectives for the City Attorney and the City Attorney's Office for the next evaluation period and prepare to share same with the City Attorney.
- VI) The City Attorney's Performance Evaluation Meeting shall appear on the agenda of a regularly scheduled Council meeting and, in accordance with Council's preference, occur in open session or executive session; however, if the City Attorney's Performance Evaluation Meeting occurs in executive session, as the City Attorney is the employee in this instance, with the City Attorney's consent pursuant to C.R.S. § 24-6-402(4)(f), Council will discuss the performance evaluation in executive session;
- VII) The final overall ratings will be conveyed to the City Attorney by the Mayor and Mayor Pro Tem; and
- VIII) The Evaluation Form to be completed by Council members is attached to this Addendum.
- f) July 2018 to July 2019 Evaluation Period:
 - I) Through this addendum, the City and City Attorney agree to extend the deadline to complete the July 2018 to July 2019 City Attorney Performance Evaluation to December 12, 2019;
 - II) The City Council will determine the goals and objectives for the City Attorney and the City Attorney's Office for the July 2019 to July 2020 City Attorney Performance Evaluation and prepare to share same with the City Attorney; however, the City Council will not evaluate the City Attorney on these future goals and objectives; and
 - III) In all City Attorney's Performance Evaluations subsequent to the July 2018 to July 2019 performance evaluation, the City Council may consider and evaluate the City Attorney's performance in relation to the City Attorney's

and the City Attorney's Office goals and objectives established in the immediately preceding annual evaluation.

g) Effect of this Addendum:

- I) Except as herein provided, the existing provisions of the City of Brighton City Attorney Employment Agreement shall remain in full force and effect; and
- II) From the execution of this Addendum going forward, this Addendum sets forth the procedures applicable to the City Attorney's Annual Performance Evaluation.

IN WITNESS WHEREOF, this Addendum to the City of Brighton City Attorney Employment Agreement was executed by parties on the _____ day of _____, 2019.

CITY:

ATTEST:

City of Brighton, Colorado

Kenneth J. Kreutzer, Mayor

Natalie Hoel, City Clerk

EMPLOYEE:

Jack D. Bajorek, City Attorney