

Exhibit 1

City Attorney Performance Evaluation Plan

Purpose:

The purpose of the performance evaluation plan is to establish an evaluation process that accurately evaluates the City of Brighton City Attorney's performance on an annual cycle, identifies any changes to the goals and expectations, and provides feedback to improve performance.

Goals:

- To review the breadth and number of projects overseen by the City Attorney and identify which departments received legal support.
- To document and annually review the number of ordinances and resolutions prepared by the City Attorney's Office and overseen by the City Attorney.
- To provide annually the number of municipal court cases prosecuted by the City Attorney's Office demonstrating the supervision and support provided by the City Attorney.
- To provide legal advice and counseling for the City Manager and City Council as demonstrated and reflected in the project report that reflects legal memos, email responses, and ordinances or resolutions drafted in response to questions asked or projects needing coordination.
- To provide oversight over litigation through direct representation, responding to subpoenas, and overseeing outside counsel, to be reviewed by City Council at least once a year or more often as needed in a litigation report at an executive session.

Process

- Annually, the City Attorney will prepare a self-evaluation memo for City Council that includes the achievements from the previous year and the data identified in the goals.
 - The self-evaluation will be submitted to City Council by July 15th or two weeks prior the beginning of the evaluation review process if the process will begin sooner than July 30th.
- Evaluations will be conducted on a three-year cycle.
 - **Year one (beginning in 2027):** The Human Resources Director will invite City Council members to complete the City Attorney's evaluation survey attached as Appendix 1. The Human Resources Director will summarize the feedback and comments received and the evaluation scores into a performance report.
 - The Human Resources Director will provide the report to the City Attorney at least three days before a scheduled executive session.
 - The Human Resources Director will provide the report to the City Council in executive session.
 - The Human Resources Director will provide a separate report on compensation for the City Attorney as compared to other similar jurisdictions at the executive session.
 - The City Council will discuss the evaluation report with the City Attorney and will determine whether to modify any of the goals and provide feedback on performance. The Human Resources Director will be present to receive any administrative direction given by City Council.

- In the public meeting after the executive session, the City Council will provide the Human Resources Director with direction regarding bringing back any changes to the City Attorney contract, goals, or compensation.
 - **Year two:** The City Council will use an external third-party human resources or evaluation professional/expert consultant selected mutually by City Council and the City Attorney. This individual will conduct interviews with each City Council member. The consultant will summarize the interview results and meet with the City Attorney to review the report and the feedback first.
 - The consultant will meet with the City Council in an executive session to review the report summary and prepare to provide feedback to the City Attorney.
 - The City Council will hold an executive session to discuss the evaluation summary with the City Attorney and determine whether to modify any of the above goals and to provide feedback on performance. The consultant will facilitate this meeting.
 - The Human Resources Director will be invited to join the executive session to present the annual compensation analysis report, and the City Council may provide direction regarding additional compensation or any changes to the City Attorney contract.
 - In the public meeting after the executive session, the City Council will provide the Human Resources Director with direction regarding bringing back any changes to the City Attorney contract, goals, or compensation.
 - **Year three:** The City Council will use an external third-party human resources or evaluation professional/expert consultant selected mutually by City Council and the City Attorney. The consultant will conduct the evaluation by interviewing each member of City Council, the City Attorney's staff, the City Manager, and 5 selected Department Directors identified by the City Attorney. The Department Directors selected will be those who work most closely with the City Attorney.
 - The consultant will create a summary report and meet with the City Attorney to review the report and provide feedback from the interviews.
 - The City Council will hold an executive session to discuss the evaluation summary with the consultant. After City Council has had an opportunity to discuss the evaluation, the consultant will bring in the City Attorney for City Council to provide their feedback. The consultant will facilitate this meeting.
 - The Human Resources Director will be invited to join the executive session to present the annual compensation analysis report, and the City Council may provide direction regarding additional compensation or any changes to the City Attorney contract.
 - In the public meeting after the executive session, the City Council will provide the Human Resources Director with direction regarding bringing back any changes to the City Attorney contract, goals, or compensation.
- Each year City Council will review market data for the City Attorney salary to make decisions regarding any increase beyond the annual increase offered to all employees. If additional compensation is desired, the Mayor and Council Members will direct the Human Resources Director to bring a resolution to enact such compensation changes in the public meeting.

Evaluation

- Individuals participating in the annual evaluation process will be encouraged to review the City Attorney's performance over the entire previous year from August to July.
- Individuals participating in the annual evaluation process will be reminded to refrain from being judgmental on recent events or isolated incidents.
- Comments provided should focus on being constructive with an emphasis on improving the City Attorney's performance.

APPENDIX 1

Year One Survey

For each question, rate the following on a scale of 1-3.

3 = Exceeding Expectations, 2 = Meeting expectations, 1 = Not Meeting Expectations

- ☐ Provides sound advice to the City Council, Boards/Commissions and City staff
- ☐ Reports to City Council are timely, concise, clear, thorough, and understandable
- ☐ Accepts direction and strives to follow the direction with a positive attitude
- ☐ Respectfully listens to the opinions and concerns of City Council and the City Manager
- ☐ Uses sound judgement in providing legal advice, interpreting rules of procedure, and answering questions from City Council and the City Manager
- ☐ Performs solid research and effectively identifies legal issues
- ☐ Verbal communication is responsive, courteous, and protective of the City's position
- ☐ Written communication is clear, succinct, and appropriate for the intended audience
- ☐ Provides timely and effective updates on litigation affecting the City
- ☐ Is accessible when needed to respond to requests for information or assistance

Comments:
