



# COUNTY ATTORNEY EVALUATION

**INSTRUCTIONS:** The evaluation form should be completed based upon the personal knowledge of the person completing the evaluation taking into consideration performance over the entire rating period. **It is not necessary to respond to all evaluation criteria.** The criteria can be left blank. Note that there is room to provide comments. The evaluation criteria are not ranked in any particular order of importance and are not weighted.

Choose the rating that best reflects your perception of the County Attorney's performance over the last year.

<b>Legal Consultation</b>	<b>Does Not Meet Expectations</b>	<b>Meets Expectations</b>	<b>Exceeds Expectations</b>	<b>Outstanding Performance</b>
Legal advice proven to be reliable, accurate and technically correct	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provides best and honest recommendations on legal issues given the existing circumstance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Possesses efficient and effective knowledge of government Regulations and case law for issues facing the County	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proactively identifies potential issues to avoid problems or to enhance the County's position	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the confidence of the Board when informing on different legal risks and proposed actions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Functions effectively and contributes as a general counsel to a complex and varied service organization	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments on Legal Consultation:**

Provided feedback "does not meet expectations" on item number four, for the following reason: Letter of support item from 04/17/2023 meeting that was placed on consent agenda, that the board questioned, was later determined by Legal to possibly cost the county funds and resources if approved. (S. Moylan memo)

Would encourage Legal to fully review all consent agenda items for potential financial and legal consequences if approved by board to avoid potential issues in the future.

# Legal Advocacy

Does Not  
Meet  
Expectations

Meets  
Expectations

Exceeds  
Expectations

Outstanding  
Performance

Effective and ethical advocate in court room and before administrative bodies

Timely and effective advocate on legislative issues when directed by Board or Administration

Counsels Board and Administration effectively during pendency of contested cases and other legal controversies

Exhibits ability to negotiate and mediate successful resolutions

**Comments on Legal Advocacy:**

## Communication

Does Not  
Meet  
Expectations

Meets  
Expectations

Exceeds  
Expectations

Outstanding  
Performance

Communicates clearly, ethically and persuasively in writing and verbally





Attorney maintains confidentiality with regard to all matters discussed with members of the Board and Administration except as subject to the Sunshine and public records laws





Legal reviews and requests for information are completed in a timely manner to avoid delays to County projects, programs and other tasks





Attorney is accessible when needed to respond to request for legal information and assistance





Projects a professional and competent image to other officials and agencies





Coordinates effectively with other local government attorneys when appropriate and when needed





Communicates effectively with County's insurers relative to covered claims and loss payables





**Comments on Communication:**

Confidentiality was breached earlier this past year in relation to an inquiry conducted regarding a budget matter. It was explained that the breach was done in error by another member of the Legal team; however, it caused some distress and led to me not being able to complete task.

Hammock easement request, initially, was not completed in a timely manner. At workshop for matter it was clear that board wanted an agreement by next meeting that would be an acceptable alternative to the issue; however, when we went to meeting, we were still at a standstill. Furthermore, board came to consensus to direct Legal to review options to preserve the Brick Road; however, several months have passed with no update or known work product on matter.

## Staff Work

Does Not  
Meet  
Expectations

Meets  
Expectations

Exceeds  
Expectations

Outstanding  
Performance

Attorney prepares ordinances, resolutions, contracts and other legal work accurately and consistently





Attorney maintains a good working relationship and serves as an effective member of the management team





Attorney accurately identifies and addresses all legal issues within documents and items reviewed





Attorney has been successful in accomplishing objectives previously established





**Comments on Staff Work:**

Third item appears repetitive to previous question which has been addressed on form.  
 Its been noted that previous contract drafted for particular county lease had potential deficits that could in turn, have had legal consequences for the board. Would like to see more uniform language applied in future contracts that protects the County's position.

## Finances

	Does Not Meet Expectations	Meets Expectations	Exceeds Expectations	Outstanding Performance
Manages the attorney's budget and expenditures of County funds for effective representation of the organization	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal costs have been effectively managed and controlled given the case load and work demands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Understands the financial impacts to the organization of decisions made by the Board, Administration and by the legal office	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Implements principle of minimizing organization's liability and maximizing its financial advantage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments on Finances:**

While I was not on the board when previous decisions were made that caused some of the current lawsuits the county faces, I have viewed previous meetings and feel certain suits could have been avoided, had Legal strongly implied the potential ramifications of board actions to the board.

## Overall Comments

Any overall comments based upon review and evaluation of all evaluation factors.

I have appreciated Mr. Hadeed's willingness to assist with any questions or concerns I've had since I've joined the board. The institutional knowledge Mr. Hadeed possesses is a valuable resource and appreciated. In the future, I am hoping Legal is proactively vocal from the side while board is in session. Particularly, when board is struggling to form a decision on complicated matters. Board could benefit from being reminded of potential legal ramifications on certain decisions made.

## County Attorney's Comments

**Comments by County Attorney.** My performance has been discussed with me as described in this appraisal.

Please see attached response.

Evaluation Completed By:



Date: 6/20/13

There are misunderstandings in the Commissioner's evaluation. While I appreciate the positive comments she provided, I believe clarification of the County Attorney's role is important. My role is not to make policy choices for the Board, as in the choice of what grants the Commission chooses to pursue. It is not to act as the "sixth commissioner" interjecting my views during commission debates on issues.

I have made clear, and my conduct is consistent with this, the Commission or an individual Commissioner may pose any question or issue at any time. That includes before or at a Commission meeting for any item on the agenda. Commissioners likewise can query me anytime for non-agenda items, and they do.

When appropriate I have spoken during the course of Commission deliberations to alert them of issues, for example, most recently on the issue of a new ordinance creating the office of Special Magistrate. I also recently counseled the Commission heavily on the Hammock Dunes proposed beach management easement.

Regarding the letter of support for a grant endorsement, the County Attorney's Office only examines such endorsement letters for whether the text of the letter will bind the County to funding or some other governmental act. In this case, I do not believe the letter would have had that effect after having researched the program. Beyond that, we do not provide a policy opinion on whether the Commission should pursue a grant. If the Commission or a Commissioner has a question, however, we will analyze the program to address any expressed concern. I emphasized to Comm'r Pennington that when she senses an issue, she should contact me as soon as possible, even calling on a Sunday night before a Commission morning meeting. We will do the best we can to get to the bottom of it.

As to some of the other specifics of the Commissioner's evaluation, here are brief responses. (I addressed her evaluation comments in depth, one on one.)

Regarding the dunes easement, I was unable to attend the workshop meeting, but I did view and listen to it intently and acted accordingly. The workshop did not result in a full-throated endorsement by all of the Commissioners, with even Comm'r Pennington expressing that it needed to be legally acceptable both at the workshop and afterward to me personally in two lengthy conversations. Also, Comm'r Sullivan expressed his caution in writing after the meeting, and Comm'r Dance urged caution to the legal department on the final form of the easement at the workshop and afterward. The workshop version was not approved as a final document, nor could it have been. It was still open to analysis.

I followed up on the legal issues that I perceived were critical to the County. Ultimately, both the Commission and the HOA agreed to the final adjustments that I made. All interests were appropriately served.

Concerning the references to the lawsuits, watching past meetings or hearing anecdotal information is not a basis to pass on the merits of the County's position, much less to pass judgment on the process of how the Commission comes to a position. None of these were easy circumstances as reflected in the choice to litigate. They all had extensive histories leading up to litigation. I informed the Commissioner that I would provide her more extensive briefings on any case, as she wishes.

Without stating the obvious, many times we have avoided litigation because of the leadership of this office and the support of the County Commission, one being that we did not have to file any eminent domain cases for the Army Corps project despite some dozen or more property owners having secured counsel. (Other jurisdictions which sought eminent domain years ago still have their cases pending

because of the quirks in Florida law.) Otherwise, I have a long history of litigating matters for the Commission either to a favorable resolution or to an advantageous settlement, for example the \$22.7 Million Bert Harris case involving the short term vacation rental preemption, not to mention being the Commission's leading spokesperson to the Legislature in securing the 2014 legislation that returned a significant amount of home rule power.

On the Brick Road issue, I reminded Comm'r Pennington that I had provided her with two and now three verbal updates on that project. The project has many dimensions, is quite complicated, and we are evaluating all of the options. It has not stagnated whatsoever.

I am hopeful that through more direct communication, not just at the time of evaluation, we can better understand Comm'r Pennington's needs, expectations, and act in a timely manner. I am confident that this office will earn her trust and confidence as we work through the very challenging issues facing the County.

Thank you, Al Hadeed