



## Kriss Worthington

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INFORMATION CALENDAR  
September 17, 2013

To: Honorable Mayor and Members of the City Council  
From: Kriss Worthington, District 7, Berkeley City Council  
Subject: Establish City Manager Evaluation Process Evoking the Brown Act and Contracting with a Firm to Administer the Evaluation

BACKGROUND

Attached is a report on a proposed process for City Manager evaluations. This has been presented to the City Council sub-committee for consideration.

FISCAL IMPACTS

Minimal.

CONTACT PERSON

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# Proposed City Manager Evaluation Process

## Introduction

This document proposes a process for the sub-committee to conduct a full and fair evaluation for the City Manager.

The assessment should be a learning exercise and also to welcome praise. It is not meant to be just a report card, to assign blame, or to be used strictly as a basis for setting compensation. This evaluation and the selected assessment instrument provide tools to lead the City Council and the City Manager through a thoughtful discussion about the City Manager's past performance and future aspirations. It is through discussion of this type that organizations' leaders can more effectively chart courses of action and make progress in fulfilling their organizations' missions.

## The City and its Constituents

It is essential to maintain a constant assessment of the human resources by the City Council, but we should not receive feedback only from the Council itself. Instead, we should also acknowledge the valuable opinions of the rest of the community in order to have an evaluation that includes perspectives and information from the different constituents of Berkeley. We propose that the communities' responses be drawn from but not limited to the following:

1. City department heads and staff
2. City Council members, Rent Board Commissioners and School Board Directors
3. Union and association leaders: SEIU, IBEW, Local 1, the Berkeley Police Association the Berkeley Fire Fighters Association
4. Regional electives, state and federal electives
5. Senior citizens, neighborhood leaders, student leaders, ethnic minority organizations heads, education leaders from different institutions, business leaders
6. Last but not least, the general public

## Process

If needed, the sub-committee may decide to use the services of an outside facilitator to assist in some or all phases of the process. Using an outside facilitator has advantages. For example, the facilitator has not been involved in the Council-Manager relationship or the individual personalities which would likely influence the process. It is also easier for an outside person to keep the process moving along during periods when the sub-committee can otherwise get bogged down.

The City could contract with a workforce assessment firm such as:

Amerit

<http://www.ameritconsulting.com>

Location: Walnut Creek

<http://www.matrixcg.net/>

Location: Mountain View

Matrix Consulting Group (emailed)

Municipal Resource Group (emailed)

<http://www.municipalresourcegroup.com>

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Location: Danville

Mason Tillman and Associates, LTD

<http://masontillman.com/>

Minority, female-owned

Location: Oakland

If an outside facilitator is not chosen, the Vice-Mayor can be selected to have the responsibility of facilitating the evaluation process.

### **Fairness**

This proposal has seriously considered a fair process to prevent “stacking” by an anonymous entity. Clear ground rules should also be laid out to assure a respectful and civil conversation at committee meetings. All questions from the survey are weighed equally and fairly, giving people the opportunity to praise and critique the City Manager.

### **Format**

Two versions of the evaluation should be provided in order to cater to different audiences. One version should be geared toward personnel who interact with the City Manager on a regular basis such as the Department Heads and Council Members; while the second version should be geared toward members who do not interact with the City Manager on a regular basis such as the general public.

Evaluations should also be made available for the general public, as all sorts of comments and criticisms are welcome. We propose to have both an electronic and paper format of the evaluation, making it easily available to the entire community. The electronic version could be conducted using a third-party program such as Google Forms (Free) and Survey Monkey (\$17 per month), and could include both ratings and comment sections to allow people to fully express their opinions. Both systems prevent one person from submitting multiple surveys. Full confidentiality is applied to this evaluation to ensure candor.

Within the survey, a very condensed version of the City Manager’s job description can be provided.

### **Meeting Timeline**

It is crucial to allow the general public to express their opinion concerning the performance of the City Manager. Informing the public, including the media, of the time and location of each general meeting would allow the public to acquire information on the evaluation. This will preserve our objective of open government and transparency. Therefore, all subcommittee meetings ought to be subject to the Brown Act, specifically compliance with posting regulations of a publicly held meeting. The public should have the opportunity to address the City Manager evaluation sub-committee during a public comment period. In such meetings, ground rules should be laid out by the Vice-Mayor prior to ensure that there will be a fair and effective interaction between the public and the committee.

However, the substance of the evaluation and confidential personnel matters ought to be held in a closed session, similar to City Council Closed Session meetings

First Meeting (Week 1):

- Determine if the City Manager should conduct a self-evaluation\*
- Determine the extent of the survey

- Approve the timeline / determine the final deadline
- Determine the designated recipients of the survey
- Determine the format of the survey; edit and approve existing questions
- Determine the survey distribution
- Determine the recipients, process and timeline of returning surveys
- Determine the regulator of the data, the personnel to review, rank and extract the info

\* If the sub-committee decided to allow the City Manager to do a self-evaluation, we propose to give the same rating form or set of questions to the Manager and ask her to fill it out according to her own perception of how she has performed in the position.

Second Meeting (Week 2):

- Final edit of the survey
- Determine the timeframe for post-survey information review
- Finalize the survey and distribute to the public

Post-Survey (Week 6 / 7)

- Submit the returned surveys to the City Council

Optional meetings could be set up if needed.

### **Post-survey Process**

After the returned surveys are collected, we propose to have a third-party mediator/evaluator program to evaluate the results. Such third-party mediators should not be affiliated with the City Council in any aspect to ensure absolute fairness. There are a few suggested neutral mediator programs, such as Services that Encourage Effective Dialogue and solutions (SEEDS), the League of Women Voters, or the Berkeley Student Advocate's Office.

Guidelines as to how to conduct the assessments of the results should also be discussed within the aforementioned meetings.

Before the committee makes a final decision about any action as a result of the evaluation, or make any final statement about the Manager's performance, it is important to discuss the results of the draft evaluation with the Manager first.

Discuss the areas where there are differences between the Manager and the sub-committee about strengths and weaknesses. There may be misunderstanding among sub-committee members about the Manager's actual performance. Likewise, the Manager may not have understood or may have misinterpreted the Council directives.

Try to reach agreement on the areas that need improvement and what types of changes the sub-committee would find acceptable.

The sub-committee should understand that the entire City Council's performance may affect the Manager's performance. The sub-committee should ask the Manager about how the Council's performance has enhanced or hindered the Manager's performance in order to generate advancement.

The Council as a body employs the City Manager and is needed to provide guidance to the City Manager. After discussions and revisions to the draft evaluation are made, a final recommendation should be sent to the City Council for approval.