

Ann Arbor City Council

**Annual Performance Evaluation
Stephen Postema, City Attorney
5 March 2018**

Ann Arbor City Attorney Annual Evaluation

1. Background: Under the City Charter, the City Attorney directly reports to the City Council and is “responsible solely to the Council.” The City Attorney's Office performs all legal services for the City of Ann Arbor, including legal advice to the City Council, City Officials, preparation and review of contracts and other legal documents, prosecution of persons accused of violating City ordinances, and representation of the City and City officials in lawsuits. The City Attorney's Office does not provide legal advice to members of the public. As part of the City's contract with the City Attorney, City Council is to conduct an annual review of the City Attorney's performance.

2. Evaluation Procedure: This evaluation covers the time period for the past 18 months. The evaluation consisted of written input from the City Attorney; survey of Service Area Administrators with comments; a 360 survey with written comments from direct reports; and an evaluation survey with written comments by City Council. This year there was 91% performance evaluation response rate from Council, The Service Area Administrators, and the City Attorney's Office personnel.

3. Evaluation Overview

a. Self-Evaluation Feedback: Mr. Postema provided a written self-evaluation where he offered his perspective on his performance in municipal, litigation, and administrative roles. This included other relevant information requested by the Administrative Committee concerning overall management of his department. Overall, Mr. Postema outlined his leadership in many areas, and identified areas of diligence and professionalism in the performance of his duties and his office. In particular, Mr. Postema identified his efforts for successful succession planning in key positions in his office.

b. Service Area Administrators

i. Evaluation Survey Feedback: The feedback again this year was positive. The SAAs rated Mr. Postema highest in his understanding of the City's legal needs, the provision of useful advice, his active role in resolution of legal issues, delegation to knowledgeable assistant city attorneys, and his overall professional behavior. It is anticipated that the legal needs and services to the SAAs will continue to increase in 2018. Overall, SAA rated him at a 4.74 on a 5.0 scale when converted to a numerical scale. This affirms his leadership and management style in effectively and efficiently managing legal services for the Service Areas.

ii. General Service Area Administrators Suggested Areas for Improvement: As stated above, the feedback was all positive and there were no significant suggestions made for improvements except to continue to obtain further SAA feedback to assist in succession planning. The SAA feedback was consistent with the high overall high rating Mr. Postema received from the Service Area Administrators.

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c. Direct Reports

i. 360 Evaluation Survey Feedback: Mr. Postema's staff again this year have given him excellent scores on all aspects of his review. They view him as an effective administrator, manager, and leader who is able to create a supportive and engaged environment. They rated him highly his on positive attitude, tact, inspiring leadership, understanding of legal issues and of the City's organizational issues. The staff uniformly recognizes that Mr. Postema is dedicated to the City and committed to building an exceptional team to provide the best possible legal advice. Overall, Mr. Postema's direct reports provided positive comments and rated him above average in all areas of the evaluation with an overall average of 4.57 on a 5.0 scale when converted to a numerical scale. This is approximately the same score as in the previous review in 2016.

ii. Summary of General Direct Reports Suggested Areas for Improvement

- To continue to focus on succession planning and transferring work/knowledge from Senior Attorneys.
- To continue managing the timing and expectations of legal work from the City Attorney's Office given the staffing constrains and if faster response times are required, to seek additional resource.

d. City Council

i. City Council Survey Overview: Council Members had positive comments and ratings in regards to Mr. Postema's performance and recognize that he has built an office that is well respected across the state. Mr. Postema continues to be accessible to members, and is able to present the complex issues and activities of the City's legal activities and actions in a clear, objective, and professional manner. He is proactive in providing information and updates to Council on pending and current issues of importance. Overall, Council gave him above average to excellent ratings in all 22 evaluation questions. In addition, there was a marked increase in the timeliness of work product. He received an average of 4.69 out of 5 when converted to a numerical scale which reflects a .36 point increase in his overall performance rating from Council in 2016. These high marks from a diverse Council demonstrates significant confidence in him and his office.

ii. Summary of General City Council Suggested Areas for Improvement

- When requested, advise on possible policy (legal) alternatives and associated legal risks in meeting City goals and objects.
- Take a more proactive role in the review of ordinances and city code beyond just zoning, to ensure that all regulations are consistent and easy to understand and follow.

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- Provide greater insight into office workload, staffing, and the challenges presented to the City Attorney's Office in the delivery of legal services and in meeting established objectives.

4. Performance Summary

a. Mr. Postema has built a stable and experienced City Attorney's Office which has translated into an organization that is highly skilled and productive in representing the City's multiple interests. As in other areas of the City, his office faces the actual and planned retirement of a number of highly skilled and experienced attorneys in the near future. Council recognizes the difficult task Mr. Postema faced in staffing with and in retaining outstanding talent given the realities of the fiscal restraints faced by his office. During this review period, he worked tirelessly in developing and executing a succession plan that further ensures the stability of the office and the continuation of outstanding legal advice and services for the City and its residents. This attention to succession planning (recognized by the Council, the SAAs, and his office) is a model for the City.

b. Mr. Postema has continually shown his strong leadership and administrative skills in meeting the challenges of the office's workload and its many diverse internal and external clients. His office has continued to be proactive in researching and the monitoring of relevant municipal cases and court opinions keeping his office current on important legal decisions that provide meaningful guidance to Council. In the past year his office has provide written legal advice on a variety of topical issues including: 1) Police Advisory Board, 2) Numerous Sanctuary Cities Issues 3) Nuisance process, 4) Gelman plume issues, and 5) Other litigation Issues. Some, issues arise on very short notice and were addressed quickly and numerous times.

c. Council is appreciative of Mr. Postema's work and that of his staff. His positive leadership style has been a catalyst in providing outstanding legal services and stability during a time of change. He continues to be a buffer between the attorneys and the significant demands of the job, including, at times, the conflicting demands of staff and Council members. Council recognizes that Mr. Postema's strengths continue to be in litigation and his skill in protecting the city's interest has under his leadership been exceptional. He serves the City, City Council, and the residents of Ann Arbor with professionalism, skill, diligence, and upmost ethical standards.

5. Recommended Goals

a. Continue with succession planning for the City Attorney's Office in identifying and developing staff to fill key positions ensuring the continued smooth transition and the continuity of operations with pending staff changes.

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b. Provide the appropriate legal assistance and professional advice for the establishment and continued operations of a policing commission based on the guidance provided by Council.

c. To help strengthen the relationship between the Council and the City Attorney's office, continue working to improve communication with Council. Continue to develop processes that help set expectations and improve Council's understanding of the workload and management challenges faced by the City Attorney's Office given current resource constraints.

d. The City Attorney should continue to bring staffing concerns back to the Council during the budget cycle or during the year as staffing changes and needs arise in order to provide for continued quality legal advice and the increasing demands for legal services from Council, Service Areas, and other internal clients.

e. Work with Council Members and the City Administrator in developing and implementing an ongoing process for ordinance review and revision.