

Council Member Jenny Brekhus

City Manager Annual Performance Evaluation for FY 23

Note to Reader: Due to glitches with the fillable PDF form, this evaluation document was recreated in a different program. Reviewer apologizes for any inconsistent formats or other factors that make it difficult to read.

Rating Criteria

E-Exceeds your expectations

M-Meets your expectations

AG-Areas for Growth

NOB-Not Observed/No Basis for Judgement

VISION AND STRATEGY:

AG- Supports the development of the Council's vision.

AG-Communicates and fosters the Council's vision throughout the organization and within the community.

AG-Supports Council's development of a City-wide strategy, including strategic plan development.

AG-Strikes the right balance of dealing with day-to-day demands versus attending to long-term strategic interests of the City.

AG-Encourages the City to tackle difficult, but necessary, long-range challenges.

AG- Prevents crisis when possible but responds to crisis appropriately when necessary.

Comments for Vision and Strategy:

City Manager Thornley has performed poorly in this arena. This is problematic in two respects. First, without a strategic vision for the city organization, operations and focus are reactive. Second, without an agreed upon strategic direction, a vacuum exists, and that void is filled by priorities that are not reflective of community needs or preferences that have been transparently identified.

This is of the CM's failing, because he has not organized a City Council strategic planning workshop during his tenure. The last Council workshop was in fall 2019. At that time there was a different city manager and three of the current Council Members were not in office. Still, CM uses those workshop priorities as justification for his activities. This is disingenuous because at the conclusion of the 2019 strategic planning effort, Council agreed to revisit that plan annually and distilled it into yearly work program tasks.

An example of a reactive priority is this past winter's revocation of alcohol licenses. This ad hoc effort impacted two businesses specifically but was not based on any Council adopted policy nor was the revocation routine administrative operations. In fact, the staff reports did not mention any policy goals being advanced by the revocations. Nor has there been any follow up on this initiative in terms of what outcomes were met or if there are other problematic actors. One is left wondering if this was an isolated incident or if a problem has been solved.

A more preferable approach would have been for the Council to identify, in general terms, a policy of business license revocation as a tool to advance specific goals prior to undertaking the procedural mechanics of revocation. As it evolved, the revocations appeared targeted and discriminatory.

This review of Mr. Thornley presents specific examples to expand upon the conclusions I have made about his performance. These highlighted examples are illustrative but not exhaustive. I point to a few occurrences during the year because I think reference to concrete incidents is helpful. For each evaluation category, I could (and would if the CM was willing to meet in person to go over this review) expand upon other examples.

COMMUNICATION SKILLS:

Verbal Communication Skills:

AG- Good command of oral expression.

AG- Expresses ideas clearly and concisely through verbal communication.

M- Easily comprehends ideas expressed by others through verbal communication.

M- Ability to explain and understand difficult and complex subjects through verbal communication.

Written Communication Skills:

AG- Good command of written expression.

AG- Expresses ideas clearly and concisely through written communication.

M- Easily comprehends ideas expressed by others through written communication.

AG- Ability to explain and understand difficult and complex subjects through written communication.

Presentation Skills:

NOB- Ability to present effectively.

NOB- Quality presentations in public settings appealing to a variety of audiences.

Ability to Utilize Appropriate Communication Types:

NOB-TV

NOB-Radio

NOB-Newspaper

NOB-Group Interaction

NOB- Individual Meetings

Comments for Communications Skills:

The CM's communication skills fall short in several regards. At Council meetings he is too mute. A skilled city manager knows when to weigh in on an agenda item to "help out" a staff member that is struggling during a presentation. It is understandable that staff sometimes has challenges in answering questions or delivering clarifications. This happens often because items are increasingly brought to the Council that are not fully baked or presented under unclear premises. This is due to the lack of a strategic vision (see comments above).

These are times when CM should demonstrate leadership and explain to the Council and the public how an agenda item fits with Council goals and advance the public interest. Unfortunately, CM seems more preoccupied with his phone during Council meetings than aiding staff with their presentations or Council in our decision-making.

CM's personal communications are also problematic. It has been nearly two years since he has cut off communication with me. This year he extended that embargo to staff. An example of this is this past week which was the final one of this annual review period. The City Auditor has an annual program consistent with best audit practices. This program involves asking for input on audit topics. I have met with her annually to respond to her request and to support the audit function. Less than 24 hours before this long-scheduled meeting, I was informed by my liaison that the meeting was cancelled. An explanation was not provided.

CM's embargo of staff communications has not only impacted my ability to perform my job but also it has tampered with internal operations like the independent audit process. I likewise had meetings cancelled with the Finance and Fire department heads. The meeting with the Fire Chief was to discuss a devastating fire loss in my ward that left dozens displaced for over a half of a year.

INTERPERSONAL SKILLS/RELATIONSHIPS:

AG-Ability to relate well to others and to make people feel at ease, even in difficult situations.

AG- Ability to gain the trust and confidence of the public.

AG-Fosters contact and cooperation among citizens, community organizations and other government agencies.

AG-Fosters cooperative communication and positive working relationships with the Council.

AG-Skilled in negotiation techniques in a variety of scenarios including with employees, Council, public, interagency.

AG- Demonstrates sensitivity to individuals and groups, as appropriate.

AG-Is forthright and honest in all relationships.

Comments for Interpersonal Skills/Relationships:

As mentioned in my evaluation of Mr. Thornley last year, I observe that he likes being a leader and to lead a team. This is a good trait. Leaders succeed however, when they are selfless and put the organization and its mission first.

Unfortunately, over the past year it has become apparent that personal relationships dictate hiring considerations. This is counter to putting organizational needs first. This is an interpersonal weakness because CM prefers people with whom he has previous connections over letting new people into his orbit. The practice is also undermining the organization's values of meritocracy and equal opportunity in hiring practices. It leads to cynicism within the community and a perspective that there is a preference for insiders to the exclusion of others who may seek employment or want to be a public servant to our community.

For example, this year CM hired a third Assistant City Manager. This position was not advertised nor was it budgeted by Council. CM introduced the hired candidate as a known quantity to city hall because the individual represented a business interest that has a lot of dealings with the city.

The person has no past city government experience and insufficient consideration was given as to his fit for the position. Within weeks after the hiring, a memo was sent to the Council instructing the Council to not speak to the new Assistant City Manager about certain topics (presumably due to conflicts of interest). These are the topics that were previously stated as a strength the new Assistant City Manager brought to the organization. The organization and this individual would have been better served if an open recruitment for the position was conducted so that candidates could compete for the job rather than hiring someone based upon a personal relationship.

Likewise, a family member of someone who performs personal services for the mayor was hired for a non-advertised and non-budgeted position. Cronyism is the hiring of known people without regard to qualifications. Hiring individuals into positions in a non-competitive manner can lead people to reasonably conclude that CM is participating in cronyism. This undermines trust and confidence in city government.

LEADERSHIP (Culture):

NOB-Supports and manages in accordance with identified City Values and Council Priorities.

AG-Provides City staff with direction and management according to the transparent and high performance government model.

AG-Uses sound judgment in decision making.

AG-Seeks out all relevant and necessary data.

M- Makes decisions in a timely manner.

AG-Directs utilization of City resources effectively.

AG-Consistently supports re- engineering efforts City-wide.

AG- Crises and/or emergencies are handled in an effective, efficient, and professional manner.

NOB-Stays current on management practices and techniques and seeks to increase his/her value to the City.

Comments for Leadership (Culture):

Compliance with state ethics laws is typically a personal matter to those to whom the law applies. Often violations are contained to isolated personal digressions and not impactful to the organization. The spate of ethics infractions this year are different however and indicting of CM's leadership. While it is an important distinction to make that CM was **not** the subject of any ethics violations, questions are raised about his involvement in the violations, his appreciation of the gravity of these, and how he values an ethical governance environment.

The Fire Chief's state ethics violation is the only one pertaining to someone under CM's direction. As a Council Member, one would not necessarily expect to be informed of any personnel discipline measures, including this one. However, as a Council Member, one would expect to be informed if the violation also involved violations of city policy, acknowledgement that a state ethics violation by a department head is problematic, assurance that it was an isolated incident and whether corrective policies and procedures were put into place. We received no such communication. This lack of communication raises a question if the Chief violated the state ethics law with the endorsement of the CM.

The other two state ethics violation complaints that were deemed to have merit, pertain to City Council Members. In both instances, there are optics that CM has demonstrated partiality toward those individuals at the expense of the organization. Without going into expanded detail, two examples are provided. In one instance a Council Member has a cooling off period and that was relevant to the violation. This period is tolling an important city function that should have been completed by now according to city policy.

The most troublesome complaint involved a sitting Council Member who also had a personal business interest in the outcome of city labor contracts. In hindsight, it is problematic that CM knew of the Council Member's business ties and did not isolate that individual from being able to influence the city's bargaining approaches.

Because the complaint was settled with a stipulated agreement before a determination that the ethics laws were violated, CM now has a leadership role to ensure this conflict of interest does not impact operations. The seriousness of the matter warrants communication to the Council if there was a cause for internal investigation related to city policy violation and if not, reasons for not conducting that. This communication has not been provided. At minimum, because the stipulation agreement is in place for some time, Council should be informed of guidelines that are in place to prevent this conflict from influencing outcomes.

As for the optics referenced above, last year's CM evaluation was at the same meeting and following the labor contracts adoption. During that evaluation, the Council Member who was the subject of the ethics complaint, made the case for a sizeable compensation increase for CM. The sequence of these two events, could lead one with hindsight knowledge to speculate that a quid pro quo arrangement was made between CM and the Council Member. With that optic a possibility for a circumspect observer, CM should make effort to ensure that additional appearances of partiality do not exist.

INNOVATION:

AG-Participates with Council and Staff in strategic planning.

AG-Links strategic goals to the Strategic Plan and Council Priorities.

AG-Sets objectives for performance and manages toward those objectives.

AG-Promotes creative thinking and policy development that is suitable for the times.

AG-Receptive to new ideas, suggestions and approaches to make our community a better place.

AG- Exhibits a short-term and long- term forward- thinking approach to the State of the City.

M- Receptive to a changing environment.

Comments for Innovation:

Innovation is lacking for two reasons. First, as discussed above CM has not engaged the Council in strategic planning. Innovation is put to service when there is a problem defined and a desired outcome. This has not happened because the strategic priorities are not identified.

In city functions there are often practices to employ that have been proven by cities facing similar challenges. These should be first line tools and adapted to Reno's unique set of circumstances. For example, many communities have dealt with street conflict issues in their downtown environments. Using some of the approaches other communities have used as in the downtown street test project and then modifying those to Reno's downtown streets is an example of innovation/customization of known tools.

Because innovation is often incremental and builds upon proven practices, what is often mistaken for innovation is faddism. I think the second reason that innovation is failing is because under CM's leadership, Reno is chasing fads.

An example of this is last June's blockchain of the historic registry. It seemed to be a headline chasing effort that offered unspecified advantages and was poorly implemented. Likewise, the distribution of the Space Whale NFT was a novelty exercise now mired in litigation.

Rather than chasing innovation conflated with fads, there is strong value in competently accomplishing basic local government responsibilities. An example of this is Reno's fleet management. There appears to be a well inventoried need that is integrated with budgeting realities facing the city.

An example of innovation that could be pursued is participatory budgeting. Unlike the novelty of the Space Whale NFT, many cities employ participatory budgeting. This practice serves the interests of residents well in a critical city function. As it is, Reno budgeting is opaque and could be improved with educating the public about public finances and fiscal realities.

MANAGEMENT (OPERATIONS):

Roles of Charter

AG-Knowledgeable, effective and efficient use of authority granted by the City Charter to the City Manager, the City Council, and other elected or appointed positions.

AG-Respectful of the delegation of powers described in the Charter.

Setting the Agenda for City Council Meetings

NOB- Presents issues for consideration by the Council in a timely manner.

AG- Creates logical sequence for items to be considered.

Preparation of Materials for City Council Meetings:

AG-Materials are explanatory to the Council, with the pertinent facts and analysis for the Council to make informed decisions.

AG- Materials available for the general public and media to review and understand.

Conduct of City Council Meetings:

AG-Initiates responses to issues and concerns that the Council and/or public poses.

AG-Contributes positively to Council deliberations.

M-Ability to delegate authority, granting proper authority at the proper times.

AG- Sound judgment in the evaluation of when delegation is appropriate.

AG-Utilizes a positive approach to direct work efforts of staff.

NOB- Encourages and rewards initiative and promotes effective Human Resources programs and values.

AG-Utilizes effective project management techniques.

AG- Completes projects agreed upon with Council within a given time frame.

NOB- Promotes cohesive teamwork with the Senior Management Team.

Comments for Management (Operations):

Fiscal management is the most problematic operations consideration to highlight. For example, the public safety center that was originally budgeted as a \$29M project is now estimated to cost \$72M. There has been little discussion about how these cost overruns are being managed or will be addressed.

The Council recently pivoted from some of its budgeting principles related to long term obligations to employee benefits. Sales tax projections have not been met the past two months. With these considerations, one would expect a pointed management response to prepare for economic uncertainty. In complete turnabout, CM continues to promote new projects, position additions and budget enhancements. This is troubling because the memory of the Great Recession budget impacts should still resonate at city hall.

GENERAL COMMENTS:

What areas for growth would you like to see? Please provide specific suggestions on how the City Manager may improve the areas for growth?

I do not support the continuation of CM's employment for reasons described herein. As I mentioned last year, he appears to not follow the International City/County Management Association (ICMA) code of ethics that is incorporated into his employment contract. It is also unclear from his self-evaluation what efforts, if any he has taken in the past year to grow in his professional capacity.

If the Council wishes to continue his engagement, I encourage the Mayor and Council to require CM obtain mentoring through ICMA so that he will become grounded in the tenets of professional conduct.

Please provide any additional feedback not previously captured.

Because we have new Council members and because there has been a strong continuation and escalation of concerns I raised at last year's review, I am attaching that hereto (without attachments). I also am providing a link to the meeting video at which the evaluation occurred:

<https://www.youtube.com/watch?v=nAr11vpK0fQ&t=8165s>

At last year's evaluation I informed the Council that the CM had provided to me a lesser level of service as retaliation because I reported an incident in which I observed him drinking alcohol at city hall. Since then, CM has continued and increased his retaliatory measures against me. Outside of this performance review, I have requested through legal representation that I have retained, that this activity be investigated according to procedures outlined in the municipal code. I am awaiting follow through on that request.