



Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

STAFF REPORT

Date: December 7, 2022
To: TRPA Governing Board
From: TRPA Staff
Subject: General Counsel Performance Review and Proposed Compensation

Summary and Staff Recommendation:

The performance review process for the Agency's General Counsel John Marshall is from July 2021 through June 2022 and consists of the following: a summary of Agency accomplishments, a brief self-assessment of performance, and an evaluation from Governing Board members and selected members of Staff.

Staff requests consideration of a proposed base pay adjustment for the General Counsel based on performance through this time period, as well as an adjustment to paid leave accrual in line with overall length of service.

Required Motions:

In order to approve this motion, the Board must make the following motion, based on the staff report:

- 1) A motion to increase John Marshall's base pay to \$197,960.30 per year, retroactively to August 7, 2022.
- 2) A motion to adjust John Marshall's paid leave accrual to reflect the total years of service (18 years) to TRPA.

In order for motion to pass, an affirmative vote of any eight Board members is required.

Discussion:

Mr. Marshall requests the salary increase to be retroactive to the beginning of the fiscal year (August 7, 2022) due to his deferral of this review until completion of the Executive Director search in consultation with the Chair and in line with the same timing for all other staff increases this year.

Accomplishments for fiscal year 2021 to 2022 are set forth in the self-evaluation of Attachment A and include the handling of an extensive litigation load (both overseeing outside counsel and litigating inhouse cases), providing advice to Board and staff on Project Review matters (e.g. the Tahoe Keys Controls Methods Test, the Tahoe South Events Center, and seven appeals of permit decisions), providing advice to Board and staff on Long Range Planning items (e.g., adoption of the Transportation and Sustainable Communities threshold standard, adoption of affordable housing Code provisions, and adoption of the Washoe County Area Plan), maintaining legal compliance (e.g. Open Meeting laws, public record requests), and guiding the Compliance team on violation resolutions.

Recommendation for a 6% salary increase is in line with TRPA's compensation policy and most recent distribution of increases to the senior level staff. The request for an adjustment to paid time off is also in keeping with TRPA's policy and past practice of providing service credit to returning staff members.

The Governing Board may also consider in its discretion a performance incentive bonus.

Contact Information:

For questions regarding this agenda item, please contact Angela Atchley, Human Resources Director, at (775) 589-5238 or aatchley@trpa.gov.

Attachments:

- A. Summary of Performance Review Results

Attachment A

Summary of Performance Review Results

SUMMARY OF PERFORMANCE REVIEW RESULTS

**John L. Marshall, General Counsel
Tahoe Regional Planning Agency
Presented December 14, 2022 in Legal Committee**

Process:

Feedback on John Marshall's performance this year is based on the fiscal year of July 2021 to June 2022. John wrote a self-assessment of his 2021-2022 results which was e-mailed to respondents consisting of two groups: all Governing Board members, Agency Senior Leadership and 25 TRPA Staff members. These respondents were then sent a confidential, anonymous survey link which asked for feedback on his level of overall goal attainment and his performance on TRPA Core Competencies and Effective Legal Representation. Respondents rated his performance using a scale of *Exceptional, Fully Effective/Achieved, Effective/Achieved, Partially Effective/Achieved, Conditional Achievement/Needs Improvement*. In addition, there were three open ended questions (one asked for feedback on the ranked competencies, one was reflective of the past review period, and one focused on the future).

TRPA and General Counsel Competencies:

- **Self-Development:** Committed to personal growth and self-reflection. Self-regulates emotions and understands motivations of self and others. Constant learner; curious. Seeks, receives, and incorporates feedback. Demonstrates strong social skills. Is able to empathize with others. Has a strong public service orientation and is committed to success.
- **Critical Thinking and Continuous Improvement:** Understands and aligns actions with the Agency's vision and mission. Can think and execute both strategically and tactically. Maintains focus on the "big picture". Takes intelligent risks. Connects the dots: recognizes important information and interprets and organizes ambiguous data into successful recognizes important information and interprets and organizes ambiguous data into successful approaches.
- **Collaborative Relationships and Teamwork:** Maintains positive relationships even under difficult circumstances. Builds and strengthens constructive internal and external coalitions; demonstrates collaborative leadership. Treats others with respect. Engages in constructive conflict resolution and problem solving.
- **Initiative and Results Focus:** Produces quality products, processes and outcomes that are complete, on time, and thorough. Effectively and proactively manages the resources of the Agency to optimize results.
- **Communication:** Has excellent written and oral communication skills. Delivers high quality written work and presentations. Demonstrates active listening and a positive outlook. Strives first to hear, then to be heard. Takes initiative to communicate.
- **People Leadership:** Recognizes strong talent; assembles strong teams with necessary complementary knowledge and skills; builds bench strength. Manages people well; mentors, shares knowledge and resources, promotes a sense of belonging, removes obstacles to success, finds creative ways to make work challenging and rewarding, and delegates appropriately.
- **Agency Leadership:** Focuses on priorities, identifies critical goals, shapes successful strategy and drives execution. Translates goals into practical strategy and action plans. Anticipates risks and obstacles and adjusts appropriately.
- **Effective Legal Representation:** Demonstrates accuracy and thoroughness of legal advice, knowledge of Agency plans and regulations, and understanding of relevant case law. Ensures the best legal outcomes for the Agency, represents the Agency in a professional and ethical manner, effectively manages legal resources, is timely in meeting legal deadlines, and proactively identifies potential legal issues.

Response Groups and participation rates:

Governing Board: 9 (41%)

TRPA Staff: 13 (59%)

Overall Results: Both Respondent Groups

Both groups – representing 22 respondents – marked John “*Exceptional*” for 64% of all responses, *Fully Effective/Achieved* for 27% of all responses, and *Effective/Achieved* for 9% of all responses based on John’s written summary and overall level of goal attainment.

Specific Results: Both Respondent Groups

Question 1: Referring to both your own experience and John's written summary, please rate his level of goal attainment for July 1, 2021 to June 30, 2022:

59% ranked John Exceptional, and 41% ranked him Fully Effective/Achieved.

Rankings based on TRPA’s Core Competencies:

Self-Development: 50% ranked John as Exceptional, 36% Fully Effective/Achieved, and 14% Effective/Achieved.

Critical Thinking/Continuous Improvement: 82% ranked John as Exceptional, 9% Fully Effective/Achieved, 9% Effective/Achieved

Collaborative Relationships & Teamwork: 68% ranked John as Exceptional, 27% Fully Effective/Achieved, and 14% as Effective/Achieved

Initiative and Results Focus: 55% ranked John as Exceptional, 32% as Fully Effective/Achieved, 14% as Effective/Achieved

Communication: 68% ranked John as Exceptional, and 32% ranked John at Fully Effective/Achieved.

People Leadership: 45% ranked John as Exceptional, 32% Fully Effective/Achieved, and 23% Effective/Achieved.

Agency Leadership: 68% ranked John as Exceptional, 23% Fully Effective/Achieved, and 9% Effective/Achieved

Final Question

Effective Legal Representation: 82% ranked John as Exceptional, and 18% ranked him as Fully Effective/Achieved.

Open Ended Questions:

Themes from the optional “Comments” based on the rankings of the core competencies can be summarized as follows: “John has provided exceptional counsel! He is always professional, calm, and an expert on the issues; John is a creative problem solver and strategic thinker; John is available to staff &

Board to provide answers to questions and help educate on the complex issues of TRPA; John seems incredibly knowledgeable on all areas of the agency's work and provides incredibly valuable information and guidance to the board; John is a great leader for the TRPA Board. He is a great guide, he's open minded, he's willing to teach and learn, and he's got a great demeanor.”

When asked to comment on which results stand out from the year, themes were very positive crediting him with being available to staff and board members alike for review and guidance, successes in the Tahoe Keys Methods Test and navigating the Executive Director search, his impressive knowledge of the Regional Plan, codes and programs, as well as relevant case law and pending matters.

When asked to make suggestions for the next one to two years, responses ranged from several saying “keep up the good work”, add additional legal staff to support John and recommendations for TRPA to consider being first in implementing new ideas and policies that have not been tested in court.