Flagler County Board of County Commissioners
General Business / Agenda Item 8.d.

Meeting Date:	November 16, 2026
Department Contact:	Charlie Picano, Human Resources Director, Adam Mengel, Acting County Administrator
Subject:	**Consideration of County Attorney Annual Review and Salary Increase.**

Overview/Summary:
As provided in the County Attorney's Contract with the Board at Section V.2., the Board will complete the Attorney's annual review in October for the preceding year. Each of the Commissioners have completed their one-on-one interviews and their written evaluations, and the final step in the evaluation process is consideration of any salary increase. The Board may consider an increase to the County Attorney's annual base salary as part of this evaluation process, and the evaluation is to be considered at a duly noticed public meeting.

Strategic Plan:
Focus Area: Effective Government

Funding Information:
Funding is provided through the approved FY 2026-27 budget.

Recommendations:
Staff recommends that the Board complete the County Attorney's annual review and approve any salary increase as provided in the County Attorney's contract.

Attachments:
1. Evaluation Summary
2. County Attorney Contract

Direct Manager:
BONNIE PENNINGTON

MICHAEL RODRIGUEZ

County Attorney Performance Evaluation (due 11 / 06 / 2026)
Due Date: Fri, Nov 6, 2026

General Information

Position	Division	Evaluation Type
COUNTY ATTORNEY		Periodic
Department	**Class Spec**	
County Attorney		

Ratings Summary :

Total Score	Overall Rating
3.78 out of 5	Exceeds Expectations

Rater	Type	Total Score	Overall Rating	Weight
MICHAEL RODRIGUEZ	Self Rater	4 out of 5	Exceeds Expectations	0 %
BONNIE PENNINGTON	Rater	3.1 out of 5	Meets Expectations	20 %
KIM CARNEY	Rater	3.6 out of 5	Meets Expectations	20 %
ANDREW DANCE	Rater	3.3 out of 5	Meets Expectations	20 %
GREGORY HANSEN	Rater	5 out of 5	Significantly Exceeds Expectations	20 %
PAMELA RICHARDSON	Rater	3.9 out of 5	Exceeds Expectations	20 %

Content

Competency Section | 5 Point Rating Scale — Section Weight 100 %

County Attorney Performance Measures

Complete this section by rating the County Attorney's performance in each competency using the 5-point rating scale.

Item Weight 20 %

Legal Counsel & Competency

-Understands, interprets, and applies laws, regulations, and policies.
-Provides sound legal guidance to protect the county's interests.
-Continually pursues education and training to keep up to date with legal updates and state statutes.

Rater & Rating	Comment
MICHAEL RODRIGUEZ **4** Exceeds Expectations	In the year since I joined the county, I have tried my best to provide the Board sound legal guidance with the ultimate goal of protecting the county's interests as the

	primary focus. An example of a success in that field would be the resolution of the Flagler Beach annexation issues where the County Attorney's Office was able to formulate a strategy to extract from the City and Developer concessions that were beneficial to the taxpayers of the County, namely a funding mechanism for future expansion of John Anderson Highway in order to maintain its use as an evacuation highway under the Comprehensive Plan. This action not only resolve that issue, but could provide the initiative and precedence for County actions to protect its interests (namely in county thoroughfares) against the other cities in the county. Additionally, my attendance at both Florida Bar and Florida Association of County seminars for attorneys allows me to bring back to the Board the latest changes to the law and how best they can be applied on behalf of the County and its residents.
BONNIE PENNINGTON **3** Meets Expectations	• Provides legal advice and guidance to the Board when requested. • Proactively offers legal counsel during Board meetings, particularly regarding motions, voting procedures, and matters requiring legal clarification. • Presents the Board with legal options, potential implications, and recommendations to support informed decision-making on matters requiring legal expertise.
KIM CARNEY **4** Exceeds Expectations	Michael is appreciably knowledgeable in many aspects of Florida Statutes pertaining to County Government. His experience is demonstrated in the answers/guidance he provides. Staying relevant and informed are good qualities for attorneys. Michael appears to be knowledgeable in his area of expertise. Michael's involvement with his law colleagues is evident. He is encouraged to participate with associations that help him deal with county related issues and Florida Statute updates. Michael's experience and competency in appellant law allowed the County to require no outside attorney expenses during his tenor with the County.
ANDREW DANCE **4** Exceeds Expectations	Mr. Rodriguez demonstrates the legal knowledge and competency expected of the County Attorney. I particularly appreciate his handling of the Flagler Beach Comprehensive Plan and annexation dispute, including the intergovernmental conflict resolution process under Chapter 164, Florida Statutes. His work on this complex matter warrants additional recognition in this category.
GREGORY HANSEN **5** Significantly Exceeds Expectations	Mr. Rodriguez continues to impress me with his comprehensive and meticulously documented knowledge of the complex issues we face on the Commission. His detailed understanding encompasses not only the fundamental aspects of each matter but also extends to the intricate nuances and potential implications. Every report he presents is thoroughly researched, featuring well-organized data, clear explanations, and relevant examples that enhance our understanding of the challenges at hand. His ability to distill complicated information into coherent, actionable insights is truly commendable and invaluable to our ongoing efforts.
PAMELA RICHARDSON **4** Exceeds Expectations	Mr. Rodriguez consistently monitors and understands county law issues and regulatory updates ensuring accurate interpretation and implementation of legal requirements while proactively addressing potential impacts on operations and services.

Item Weight 20 %

Judgement & Decision-Making Skills

-Makes sound, timely, and well-informed decisions that reflect strategic thinking and legal compliance.
-Exercises sound judgement in determining issues that should be submitted to the board for consideration and/or approval.
-Assumes responsibility for legal review of matters to be placed on a meeting agenda.

Rater & Rating	Comment
MICHAEL RODRIGUEZ **4** Exceeds Expectations	I have made it my mission to provide the Board with sound and well-informed decisions that reflect strategic thinking and legal compliance. I have avoided, for the most part, answering the Board's questions at Public Hearings with "I will get back to you." That kind of response is a disservice to the public as they do not get a timely answer, plus it makes it seem as if we are hiding something. That is a general critique of local government attorneys from other governing bodies around the state.

	I have ensured that the any decisions or actions by the County Attorney's Office are not undertaken without prior approval or consensus of the Board. From annexation issues between the County and the Cities of Flagler Beach and Bunnell, to development disputes, this Office will not act or initiate any action without prior notice, consensus, or approval by the Board. It is our office's "default setting" that all matters presented on agendas of both the Board and its advisory boards is thoroughly reviewed by our office prior to the p
BONNIE PENNINGTON **3** Meets Expectations	
KIM CARNEY **4** Exceeds Expectations	I am not familiar with how Michael is briefed on agenda items that the deputy attorney or the assistant attorney cover with staff in their day to day work. Having said that, he appears to be updated and informed on agenda issues. He updates the board on outstanding law suites as he gets them. Michael has represented the County on several local issues. I appreciate the completeness and the timeliness of the legislative update. I appreciate Michael not getting involved in the actual process of setting policy and I look forward to proactive advice/ordinances/resolutions involving cell towers and data centers. Issues should be dealt with proactively after research has been done.
ANDREW DANCE **3** Meets Expectations	Mr. Rodriguez demonstrates the judgment and decision-making skills expected of the County Attorney. I particularly appreciate his consistent, timely, and effective review of agenda items, which helps keep the agenda preparation process moving efficiently.
GREGORY HANSEN **5** Significantly Exceeds Expectations	Despite being with us for a relatively short period, Mr. Rodriguez has impressed me with his thoughtful and thorough reports submitted to the Commission.
PAMELA RICHARDSON **4** Exceeds Expectations	Mr. Rodriguez demonstrates exceptional responsiveness and preparedness when addressing legal questions. He consistently provides, well-reasoned legal guidance and evaluates matters fairly and objectivity to support informed decision-making viable.

Item Weight 20 %

Communication & Reporting

-Expresses information, both written and verbal; in a clear, concise and professional manner.
-Proactively provides project updates, keeps board informed of current litigation and legal events, and provides updates to local, state, and federal laws.
-Communicates concerns proactively.
-Responds to inquiries based on established timelines/expectations.

Rater & Rating	Comment
MICHAEL RODRIGUEZ **4** Exceeds Expectations	I have made it an effort to communicate with each Board member in a clear, concise, and professional manner. I will take responsibility of some of my responses may stray to far into the realm of technical legalese, but I try my best to keep my response in a fashion that is clear for the Board to understand and act upon. This year I provided what will be my annual Legislative Update to the Board, with also serves as an update to the public as I provide the update in writing as an item on the Agenda for the public to have access to review. I have also tried my best to stick to my policy of being available to all Board members either via cellphone, text message, or in person to answer their questions. I have also tried my best to respond to any messages from Board members within twenty-four (24) hours of being contacted, as I promised to all the Board members during the interview process last year.
BONNIE PENNINGTON **3** Meets Expectations	Provides concise updates on the most pressing legal matters. However, several items for which the Board has previously provided consensus remain outstanding, including the Linear Park initiative and conservation options for Old Brick Road; a comprehensive review of County boards and committees to determine whether any should be sunsetted; updates to their respective missions, objectives, and governing rules; and clarification of the legal authority and responsibilities of boards such as the Contractor Review Board. More consistent follow-up and timely

	progress reports on these Board-directed priorities would be beneficial.
KIM CARNEY **4** Exceeds Expectations	I do not know of a time when I reached out to Michael and he was not available. He takes time to let me express my concern/situation and he gives me appropriate guidance that helps me get to resolution. I was disappointed the leadership meeting for the county did not take place. I am looking forward to a strategic planning session in 2027. When I learned Human Resources did not pass dismissals past our counsel I pursued discussion that helped administration and legal to come to consensus to bring HR issues to our legal team. His legislative update was greatly appreciated. His advise in this area is well formatted and can be used to help us with decision making.
ANDREW DANCE **3** Meets Expectations	Mr. Rodriguez provides clear, concise, and professional written communications and keeps the Board informed through regular meeting updates. He seeks Board guidance when appropriate, responds promptly to requests, and maintains an open-door policy.
GREGORY HANSEN **5** Significantly Exceeds Expectations	Mr. Rodriguez consistently delivers exceptional reports to the Commission, demonstrating a high level of professionalism and expertise. He has always been prompt in providing me with quick and thorough answers to my questions. Additionally, Mr. Rodriguez offers clear and comprehensive explanations of the law, ensuring that complex legal concepts are easily understandable. His dedication to clarity and responsiveness enhances both his own work and the overall understanding of legal matters within the organization.
PAMELA RICHARDSON **3** Meets Expectations	Mr. Rodriguez is responsive and provides valuable legal information, however explanations are often delivered in a rapid pace. As a result, some important details may be overlooked or not fully absorbed which can change the effectiveness of the response. Clarity is a challenge at times.

Item Weight 10 %

Interpersonal Relations

-Builds and maintains respectful, collaborative, and effective working relationships with the board, staff, the public, local businesses, and other intergovernmental agencies.
-Consistently acts in a manner that is courteous, respectful and professional.
-Works effectively and timely with others to achieve goals and meet priorities and expectations.
-Able to work effectively, even when conflict or differences of opinions arise.

Rater & Rating	Comment
MICHAEL RODRIGUEZ **4** Exceeds Expectations	The restructuring of the County Attorney's Office has resulted in an efficient process going forward. I have been informed that the two Assistant County Attorneys now feel like they have a purpose and ownership of the files they are handling. I have fostered an environment for all of our attorneys to treat their responsible departments as their "clients," so as to develop tight relationships which results in excellent legal respresentation. I have had some pitfalls in dealing with the staff in the County Attorney's Office, but I am always open to any constructive criticism in regards to my leadership or managerial style. I will take the advice and counsel of my staff and change my course of action if it works best for the deparment. In that line, I have given our legal assistant more of a managerial role in our department to give her ownership of the assignment and tasks, thereby involving her in the operation of our office. Since we have met on this matter, our office environment has improved tremendously.
BONNIE PENNINGTON **3** Meets Expectations	Consistently demonstrates professionalism and respect in interactions with the Board, staff, and the public. However, I would appreciate greater recognition of the Board's priorities and a more proactive and determined approach to pursuing all available legal avenues on matters of significant community importance. For example, issues such as the proposed landfill warrant a thorough exploration of every viable legal remedy, strong advocacy, and a clear commitment to protecting the interests of our residents. One particular concern was the City of Bunnell meeting that the Board specifically requested our attorney attend. Despite that

	direction, he did not attend, provided notice of his absence only at the last minute, and did not provide the Commissioners with a legal argument or guidance until we were already at the meeting and specifically requested assistance via text message. Situations such as this highlight the need for greater preparation, communication, and responsiveness to Board direction. I would like to see greater initiative, urgency, and conviction in addressing these critical matters, with legal counsel demonstrating a clear understanding of their significance to our community and a willingness to vigorously advocate for the Board's position within the bounds of the law. While professionalism is important, I believe equally important is having legal counsel who recognizes when an issue warrants an elevated level of attention, preparation, and advocacy.
KIM CARNEY **3** Meets Expectations	I have not observed Michael interacting with staff. I have heard that he is not as engaged as other county attorneys, he made it clear when he joined our organization that he is not "political" when it comes to policy making. I respect his decision to not be "political" but that does not make him not human. People want to feel needed and appreciated. He can build comradery within his department with acts of appreciation and acknowledging staff achievements. Doing a staff birthday lunch or an appreciation luncheon once a year along with a goal setting session for the department may be in order.
ANDREW DANCE **3** Meets Expectations	Mr. Rodriguez has demonstrated improvement in his interpersonal relationships throughout his first year. As he acknowledged in his self-evaluation, there were some initial challenges in establishing effective communication and working relationships within the County Attorney's Office. I appreciate his recognition of these challenges and the progress made in addressing them. His willingness to participate in community functions and engage with stakeholders is also appreciated. Continued attention to internal communication, staff relationships, and coordination with County departments will further strengthen his effectiveness.
GREGORY HANSEN **5** Significantly Exceeds Expectations	I don't have visibility into his working with outside agencies or with County Staff, but his ability to provide clear and accurate reports to the Commission in a very even tempered manner is commendable.
PAMELA RICHARDSON **4** Exceeds Expectations	Mr. Rodriguez maintains a high standard of professionalism and delivers timely and effective legal counsel. He serves as a valuable resource to the staff, public, and the commission by providing practical guidance addressing concerns thoughtfully and promoting informed decision making comments.

Item Weight 10 %

Leadership & Department/Staff Management

-Fosters a culture of performance, accountability, innovation, and continuous improvement.
-Leads by example by adhering to County's policies and procedures; and holds subordinates to the same standards.
-Manages department and staff according to County standards and expectations.

Rater & Rating	Comment
MICHAEL RODRIGUEZ **4** Exceeds Expectations	I have had some pitfalls in dealing with the staff in the County Attorney's Office, but I am always open to any constructive criticism in regards to my leadership or managerial style. I will take the advice and counsel of my staff and change my course of action if it works best for the deparment. In that line, I have given our legal assistant more of a managerial role in our department to give her ownership of the assignment and tasks, thereby involving her in the operation of our office. Since we have met on this matter, our office environment has improved tremendously. I try my best to lead by example, even if I'm still getting my "feet wet" in this role. I maintain an "open door" policy with the attorneys of the department, our staff, and the other departments within the County. I hope to project to the leadership,

	management, and staff that no question is a dumb question and I will try my best to provide exemplary legal advice, and maybe someone will leave my office with a new nugget of knowledge and information. As for the attorneys of our department, they can always come in to my office and ask questions or discuss legal strategies. I feel as if our office is a team more than a hierachical or monarchical structure. That means that they can come in to my office and ask for guidance, just as I will walk into their offices and ask for their opinions on certain strategies and tactics. We're all in this together.
BONNIE PENNINGTON **4** Exceeds Expectations	I believe the assignment of specific departments to individual legal counsel has proven beneficial to both counsel and County staff. This approach has helped establish clearer responsibilities, improved coordination and efficiency, and promoted a healthier work-life balance. It has also reduced the likelihood of counsel being pulled in multiple directions by competing departmental demands, allowing for greater focus, consistency, and more effective legal support.
KIM CARNEY **3** Meets Expectations	His team appears to be tackling the issues in a timely manner. I appreciate the reorganization he has done in the department. I would like to know when Michael is out of the office, This important position within our organization does not have a formal "reporting" structure. When Michael is working physically outside of the office he is available and "working". When he is using personal time or paid time off he appoints the deputy attorney as the interim county attorney and process his paperwork appropriately making sure the department is covered. I request that an email explaining the time out of the office and department coverage as appropriate.
ANDREW DANCE **3** Meets Expectations	Mr. Rodriguez demonstrates a commitment to performance, accountability, and continuous improvement. I appreciate his willingness to acknowledge early challenges in managing and coordinating departmental staff and his efforts to address them. While progress has been made, continued attention to effective delegation, supervision, and staff communication will further strengthen the performance and efficiency of the County Attorney's Office.
GREGORY HANSEN **5** Significantly Exceeds Expectations	I cannot speak directly to his leadership style but his team is always very well prepared.
PAMELA RICHARDSON **5** Significantly Exceeds Expectations	Mister Rodriguez always demonstrates a strong leadership and professionalism with his staff. He had effectively guided the department through the transition by directing his staff to address their best direction for success. They all are maintaining professional standards. Looking forward to Continued success!!

Item Weight 10 %

Professionalism

-Upholds the County’s values through integrity, ethical behavior and respectful behavior.
-Maintains professionalism and composure under pressure.
-Demonstrates professionalism by being punctual, prepared and organized for meetings and events.

Rater & Rating	Comment
MICHAEL RODRIGUEZ **4** Exceeds Expectations	I have learned from past mistakes this year with the County. Namely, that keeping a low profile and attending to the matters at hand are the best ways to be professional, ethical, and respectful. I am proud of the fact that I have avoided having a spotlight shined on me and my attorneys in this last year. I learned that I do not have to speak on every matter or be a constant "corrective presence" at every Board meeting. This has allowed me to measure myself in contrast to my past experiences as the lead counsel for a local government. I consider it a badge of honor that I have not been highlighted in social media posts or local blogs, aside from the usual legal opinion raised at the dais. As noted earlier, I try to have a response ready at each Public Meeting because answering with "I'll get back to you" is unacceptable to the Board and to the Public.
BONNIE PENNINGTON	

3 Meets Expectations	
KIM CARNEY **3** Meets Expectations	
ANDREW DANCE **4** Exceeds Expectations	Mr. Rodriguez consistently demonstrates professionalism in his interactions with the Board and in the conduct of Commission meetings. He respects the Board's deliberative process, generally allowing discussions to proceed without unnecessary intervention while providing legal and procedural guidance when appropriate. His measured approach and professional demeanor are appreciated.
GREGORY HANSEN **5** Significantly Exceeds Expectations	Mr. Rodriguez is punctual and well-prepared, meeting the standards of a County Attorney. His commitment to timeliness and meticulous preparation sets a benchmark for professional excellence. He exemplifies dedication and diligence, arriving early, reviewing documents, and presenting confidently. His attention to detail and deep understanding of the law ensure top-level representation for his clients.
PAMELA RICHARDSON **4** Exceeds Expectations	Mr. Rodgriguez demonstrates strong legal acumen through timely, thorough responses and a consistently calm, professional demeanor in meeting and client integrations.

Item Weight 10 %

Execution of Goals & Priorities

-Executes established goals and priorities.
-Aligns individual and department goals to support the board’s strategic plan and initiatives.

Rater & Rating	Comment
MICHAEL RODRIGUEZ **4** Exceeds Expectations	This is a difficult measurement for a department that, by its very nature, is reactive more than proactive. The restructuring of the office upon my arrival established goals and priorities for all the attorneys in that they now know their defined role in the office and are free to operate within those parameters. I have not received any criticism concerning that aspect of their roles. I have also told all the attorneys here not to shy away from any opportunity that will further their professional development. I was never stiffled by any local government attorney in the various jurisdictions where I worked. That has allowed me to reach where I am today.
BONNIE PENNINGTON **3** Meets Expectations	
KIM CARNEY **3** Meets Expectations	Michael implemented a few changes in the legal department based on his experience in other counties and cities. I appreciate his attention to efficiency. Although it is difficult to set strong measurable goals for the legal department I think if goals were written down and reviewed every 6 months Michael's contribution to our County can be understood by all parties. The goal should be to minimize risk, achieve maximum efficiency, and establish a professional, well-equipped team. I suggest a couple of goals should include; 1. Format and update LDRs 2. Implement 2 efficiency practices from other municipalities that would help the legal office 3. Give updates on all ordinances "in process" at General Meetings 4. Design and publish a New Commissioner Orientation guide from a legal aspect I recommend a salary adjustment to $205,000 annually.
ANDREW DANCE **3** Meets Expectations	Mr. Rodriguez effectively prioritizes and carries out the responsibilities of the County Attorney's Office. He responds to emerging legal matters and adjusts priorities as needed to support the

	Board and County operations. His ability to manage competing assignments and meet the County's legal needs is appreciated.
GREGORY HANSEN **5** Significantly Exceeds Expectations	Mr Rodriguez clearly supports the Commission's goals and vision. I have been impressed with how quickly he immersed himself in our issues and how clearly he has assisted us in our decision making process.
PAMELA RICHARDSON **4** Exceeds Expectations	Mr. Rodrigez presents himself as a calm leader with focus to the needs of the Board of County Commissioners working with a one-on-one response to issues and concerns that arise from continuants and local issues.

Narrative Section | Text Only

Overall Comments

Provide overall performance comments.

Overall Comments

Rater	Comment
MICHAEL RODRIGUEZ	I don't feel like the scoring in this system allows me some more wiggle room for the Board to consider in evaluating my work. To the untrained eye, 4 out of 5 appears to be an "adequate" grade that may not seem satisfactory as a 4.5 or 4.7 out of 5. Along those lines, I would never give myself a 5 out of 5 because I don't apply that grading to others (as my wife repeatedly complains when I refuse to give perfect scores on corporate surveys -- and she works in customer service for a major American company!). I hope that I have exceeded your expectations in this first year, even if what you may deem as "exceeding" is merely what I expect of myself on a daily basis. I look forward to another year of service on behalf of the Board and the County, and improving on this first year at the helm.
BONNIE PENNINGTON	I look forward to seeing continued progress on several outstanding Board priorities, including a comprehensive review and modernization of our County advisory boards, advancement of conservation efforts related to Old Brick Road, and more proactive recommendations for updating ordinances that are outdated or in need of improvement. Overall, I believe it has been a solid first year for Legal Counsel, particularly considering he came into the position without prior ties to our community and was tasked with quickly familiarizing himself with numerous complex and longstanding legal matters. I recognize the challenges associated with that transition and appreciate the effort he has made to understand our County's unique needs. Moving forward, I would like to see greater emphasis on anticipating legal needs, advancing Board directed initiatives, and proactively identifying opportunities to strengthen our County's legal framework rather than simply responding to issues as they arise.
KIM CARNEY	I am overall pleased with Michael's performance and his contributions to Flagler County. I acknowledge that he is an experienced professional and deserving of an overall meets expectations. I suggest a couple of goals should include; 1. Format and update LDRs 2. Implement 2 efficiency practices from other municipalities that would help the legal office 3. Give updates on all ordinances "in process" at General Meetings 4. Design and publish a New Commissioner Orientation guide from a legal aspect I recommend a salary adjustment to $205,000 annually.

ANDREW DANCE	Looking ahead, I encourage Mr. Rodriguez to take a more active role in helping commissioners understand their roles and responsibilities. This includes clarifying the authority of individual commissioners versus the full Board, the role of the County Administrator, appropriate interactions with County staff. and working with the County Administrator to include these topics in new commissioner orientation and periodic Board discussions to help strengthen our governance practices.
GREGORY HANSEN	I remain impressed with Mr Rodriguez's very quick immersion into the workings of Flagler County government. He continues to be a great source of information and advice to me and the Commission. He has become a great asset to me and the Commission.
PAMELA RICHARDSON	I do appreciate Mr. Rodriquez. He has been very helpful and willing to help me interpret the best practices for positive solutions with legal and government issues. He has been timely to meetings and presents issues that are concerning at times offering best direction which I truly appreciate. He is a wonderful asset to our County. I appreciate his professionalism.

Evaluation Overall Section | 5 Point Rating Scale

Overall Rating

Rater & Rating	Comment
MICHAEL RODRIGUEZ **4** Exceeds Expectations	As noted in my comments, based on my self-evaluation. I would grade myself at 4.59 out of 5.
BONNIE PENNINGTON **3** Meets Expectations	
KIM CARNEY **3** Meets Expectations	
ANDREW DANCE **3** Meets Expectations	See Overall Comments
GREGORY HANSEN **5** Significantly Exceeds Expectations	I have been impressed with how quickly Mr Rodriguez has immersed himself in the workings of Flagler County government. He has become a very valued asset to me and the Commission.
PAMELA RICHARDSON **4** Exceeds Expectations	

Process

Rater Certification Message: By clicking certify and submit, you confirm that your rating is complete and accurate. Once your rating is submitted, you will no longer be able to make changes.

1	Rater **MICHAEL RODRIGUEZ**	Completed On Thu, Oct 1, 2026
2	Rater **BONNIE PENNINGTON**	Completed On Tue, Nov 3, 2026
2	Rater **KIM CARNEY**	Completed On Thu, Oct 29, 2026
2	Rater **ANDREW DANCE**	Completed On Fri, Nov 13, 2026
2	Rater **GREGORY HANSEN**	Completed On Mon, Oct 19, 2026
2	Rater **PAMELA RICHARDSON**	Completed On Mon, Oct 26, 2026

3	Signature **MICHAEL RODRIGUEZ**	Completed On Fri, Nov 13, 2026	By clicking acknowledge and sign, you confirm that you have reviewed this evaluation and had the opportunity to review and discuss with your supervisor. x 

PROFESSIONAL SERVICES AGREEMENT

BETWEEN
FLAGLER COUNTY, FLORIDA
AND
MICHAEL A. RODRÍGUEZ

THIS PROFESSIONAL SERVICES AGREEMENT (hereinafter "Agreement"), made and entered into this 11th day of August 2025, by and between Flagler County, Florida, a political subdivision of the State of Florida, by and through the Flagler County Board of County Commissioners (hereinafter "County" or "Board"), and Michael A. Rodríguez (hereinafter "County Attorney"), collectively referred to as "the Parties".

WITNESSETH:

WHEREAS, on July 17, 2025, the Board approved hiring Michael A. Rodríguez as County Attorney, subject to the negotiation of this employment agreement; and

WHEREAS, the Board desires to engage the professional services of the County Attorney in accordance with applicable provisions of the Florida Statutes (F.S)and the Flagler County Code of Ordinances; and

WHEREAS, the County Attorney desires to provide such services subject to the terms and conditions contained herein; and

WHEREAS, the Board further desires to provide certain compensation and establish conditions of employment to:

(1) encourage the County Attorney to remain in such employment,

(2) promote full work productivity by assuring high morale and future security,

(3) provide a just means for terminating services when the County Attorney is unable or unwilling to fully discharge duties or when the Board desires to terminate employment,

(4) deter malfeasance or dishonesty for personal gain, and

(5) ensure clarity in the terms and conditions of the employment relationship.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

Article I. Effect of Recitals

The above recitals are incorporated into the body of this Agreement and adopted as findings of fact.

Article II. County Attorney Duties and Obligations

1. The County Attorney agrees to remain in the exclusive employment of the County for the duration of this Agreement, subject to termination provisions, and perform the duties set forth in the Flagler County Code of Ordinances and as assigned by the Board, including but not limited to:

    - Providing legal counsel and advice to the Board of County Commissioners, County Administrator, Deputy County Administrator, Department Heads, and appointed boards.
    - Representing the County in litigation or acting as a liaison with insurance counsel.
    - Drafting and reviewing resolutions, ordinances, agreements, contracts, and grants.
    - Attending Board meetings unless excused by the Board or Chair.
    - Retaining outside counsel as necessary, subject to Board approval.

Article III. Term

1. This Agreement shall continue and remain in effect until County Attorney resigns or is terminated as set forth herein.
2. The Board may terminate this Agreement and the services of County Attorney at any time, subject only to the provisions of this Agreement. Regardless of any other provision in this Agreement, the County Attorney understands and acknowledges that he serves at the pleasure of the Board and that his employment is at-will and exempt from accruing or receiving property rights.

ArticleIV. Termination, Resignation,andSuspension

1. **Termination by the Board.** The Board retains the right to terminate this Agreement at any time, subject to applicable provisions of Chapter 125, Florida Statutes, and the Flagler County Code of Ordinances. Upon termination, the County Attorney's services shall cease immediately. The County Attorney may request a hearing within three (3) business days of receiving notice of proposed termination.
2. **Resignation by the County Attorney.** The County Attorney may resign at any time by providing a minimum of four (4) weeks prior written notice to the Board. The Agreement shall terminate on the effective date of resignation without further Board action.
3. **Suspension by the Board.** The Board may suspend the County Attorney with full pay and benefits at any time, either by mutual agreement or after a public hearing where a majority of the Board votes to suspend.
4. **Automatic Termination.** This Agreement shall terminate automatically upon the death of the County Attorney or the physical or mental incapacity of the County Attorney which renders him unable to perform his duties hereunder and which lasts for ninety

(90) consecutive calendar days. Upon any such automatic termination, neither party shall have any further obligation or liability under this Agreement.

Article V. Salary and Benefits

1. **Salary.** The County Attorney's annual base salary shall be One Hundred Ninety-Five Thousand ($195,000) Dollars, subject to applicable federal, state, and local withholdings, paid on the same schedule as other County employees. The County Attorney shall also receive a County cell phone and a vehicle allowance of Five Hundred ($500) Dollars per month.

2. **Performance Review and Adjustments. Review and Evaluation.**

    a) For the effective term of this Agreement, at least once each fiscal year between October 1st and October 31st, the Board will review and evaluate the County Attorney's performance.

    b) The County Attorney will provide the Board a self-evaluation and a summary of accomplishments for the County Attorney's office for the preceding twelve (12) month period.

    c) Scope of the Review and Evaluation. Beginning in October 2026, and annually thereafter, the Board will conduct a performance review via one-on-one interviews and written evaluations. The review and evaluation will assess the County Attorney's performance of all duties and responsibilities, and his exercise of the powers granted under this Agreement during the immediately preceding twelve (12) month period. Once the performance evaluation is completed, the Board may increase the County Attorney's annual base salary by such amounts and to such extent as the Board in its sole discretion, deems desirable. This evaluation will be considered at a duly noticed public meeting.

    d) Effective October 1 each year, the County Attorney's salary shall be adjusted annually by the Cost-of-Living Adjustment (COLA) based on the Consumer Price Index (CPI-U), consistent with adjustments for non-union County employees.

3. **Benefits.** The County Attorney shall participate in fringe benefit programs offered to senior management employees, including group insurance, vacation leave (twenty (20) days per year), and the Florida Retirement System. The County shall contribute at the rate applicable to the Senior Management Service Class to either the Florida Retirement System Pension Plan or the Florida Retirement System Investment Plan, as lawfully selected by the County Attorney. Accrued, unused vacation leave may be paid upon separation, not to exceed the maximum established per County policy.

Article VI. Expenses

1. The County shall reimburse the County Attorney for reasonable expenses incurred in performing official duties, including travel, lodging, and subsistence, pursuant to

Chapter 112, Florida Statutes, and County policies, upon submission of properly executed receipts.

Article VII. Bar Dues, Professional Development, and Civic Engagement

1. The County shall budget and pay for the County Attorney's annual Florida Bar dues, Board Certification renewal in County and Local Government Law, and membership in the County and Local Government Law Section of the Florida Bar.
2. The County shall cover reasonable costs for participation in up to two (2) professional associations devoted to local government law, including conference attendance (up to ten (10) business days per fiscal year) and membership dues.
3. The County shall support participation in up to two (2) local civic organizations within Flagler County, covering reasonable membership dues and fees.

Article VIII. Office Space, Supplies, and Equipment

1. The County shall provide sufficient office space, equipment (including a laptop, and cell phone), legal reference materials (e.g., Florida Statutes, Westlaw), and staff (assistants, administrative personnel, and experts) necessary to perform County Attorney duties. The County Attorney may retain outside counsel, subject to Board approved budgets.

Article IX. Severance Pay

1. If terminated for misconduct as defined in Section 443.036(29), Florida Statutes, or for Cause as defined below, the County Attorney shall not be entitled to severance pay.

    A. Misconduct by the County Attorney as defined in Section 443.036, Florida Statutes;

    B. County Attorney's willful, deliberate and intentional breach of duties, obligations or policies of the County;

    C. County Attorney's willful, deliberate and intentional violation of Part III, Chapter 112, Florida Statutes, Code of Ethics for Public Officers and Employees;

    D. County Attorney's neglect of duties or obligations required of the County Attorney after written notice of same;

    E. County Attorney's violation of the County's written rules and policies (including any codes of conduct, employee handbooks, etc.) after written notices of same;

    F. County Attorney's commission of any criminal act amounting to a felony or any act of moral turpitude while employed as the County Attorney;

G. County Attorney's conviction of an illegal act in her public or private capacity involving theft, fraud, misappropriation or embezzlement of funds;

H. County Attorney's engagement in acts, which would constitute grounds for immediate dismissal of any employee by the County under County policies, now existing or as may be subsequently enacted.

2. If terminated by the Board for reasons other than Misconduct or Cause, the County Attorney shall receive:

A. Severance pay equal to twenty (20) weeks of compensation at the current rate in accordance with Section 215.425, Florida Statutes,

B. Continuation of group insurance coverage for twenty (20) weeks at the level provided on the termination date, and

C. Payment for accrued leave per County policy. The County Attorney must execute a general release of liability to receive severance.

D. The County shall have no further obligations under this Agreement other than providing such benefits to the County Attorney as other employees of the County would be entitled to upon resignation.

Article X. Indemnification

1. To the extent permitted by law and subject to Section 768.28, Florida Statutes, without waiving sovereign immunity, the County shall defend, hold harmless, and indemnify the County Attorney against tort, professional liability claims, or other legal actions arising from acts or omissions within the scope of employment, provided the County Attorney reports such claims promptly and cooperates fully in the defense. This provision does not apply to acts committed in bad faith, with malicious purpose, or with wanton and willful disregard of human rights, safety, or property.

Article XI. General Provisions

1. It is understood and agreed by both parties that it is the sole and exclusive prerogative of the Board to grant salary and benefit increases, or other perquisites of office. These are proper subjects of negotiations during budget deliberations and performance evaluations, and both parties pledge their good-faith efforts in discussing these matters, keeping in mind the best interests of the County and the continued high morale of the County Attorney.

2. The text herein shall constitute the entire Agreement between the parties, and shall be binding upon, and inure to, the benefit of the County Attorney, his heirs, and his executors.

3. If any provision or portion of this Agreement is held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, it shall be severable, and the remainder of this Agreement shall continue in full force and effect.

4. Governing Law and Venue. This Agreement shall be construed according to the laws of State of Florida. Venue for any administrative or legal action arising under this Agreement shall be in Flagler County, Florida.

Article XII. Effective Date

This Agreement shall take effect on August 11, 2025.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day, month, and year first written above.

COUNTY ATTORNEY:

04 AUG 2025

Michael A. Rodríguez
Date:

BOARD OF COUNTY COMMISSIONERS
FLAGLER COUNTY, FLORIDA

Andrew S. Dance, Chair
Date: AUG 4th, 2025