



Oregon

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June 3, 2010

TO: Land Conservation and Development Commission (LCDC)

FROM: Director's Performance Evaluation Subcommittee
John VanLandingham, LCDC Chair
Greg Macpherson, Commissioner

SUBJECT: **Agenda Item 11, June 2-4, 2010, LCDC Meeting**

LAND CONSERVATION AND DEVELOPMENT COMMISSION PERFORMANCE EVALUATION OF DLCD DIRECTOR RICHARD WHITMAN

The Land Conservation and Development Commission has conducted a performance evaluation of Richard Whitman, Director of the Department of Land Conservation and Development. The process and criteria for the evaluation were approved by the commission on March 18, 2010 following an opportunity for public comment. Pursuant to that action, 64 individuals were invited to complete the online evaluation survey. Of these, 36 individuals responded, providing numerical scores and 104 individual comments. The Director's Evaluation Subcommittee, consisting of Chair VanLandingham and Commissioner Macpherson, compiled the results of the evaluation survey and conducted separate in-person interviews with one DLCD staff member and one local government planning director. Under the approved process, this performance evaluation was provided to Director Whitman and discussed with him by the Director's Evaluation Subcommittee on May 25, 2010.

1. Public Relations and Communication: - Encourages public participation in land use policy-making. - Works to foster public participation and engagement in the statewide land use system.

Scores/rating (doesn't add up to 100 percent due to rounding):

Outstanding: 31 percent
Exceeds expectations: 36 percent
Fully meets expectations: 25 percent
Improvement needed: 6 percent
Unsatisfactory: zero
Unknown: 3 percent

Summary of comments (8): Director Whitman is very energetic in his personal outreach to political stakeholders, routinely making himself available for meetings on a wide range of

complex issues across the entire state. He is very adept and diplomatic in these interactions. Director Whitman also supports communication to the broader public, encouraging efforts by DLCD staff. These efforts, though within an acceptable range, are not as successful as with stakeholders. This is probably due to limitations on DLCD resources and less of a commitment to public relations on the part of staff.

2. Legislative Relations: - Maintains good working relations with a wide range of Oregon legislators. - Viewed as a problem-solver and resource. - Adequately explains agency budget needs to the legislature.

Scores/rating (doesn't add up to 100 percent due to rounding):

- Outstanding: 40 percent
- Exceeds expectations: 22 percent
- Fully meets expectations: 8 percent
- Improvement needed: 3 percent
- Unsatisfactory: zero
- Unknown: 28 percent

Summary of comments (11): This is a particularly strong area of Director Whitman's performance. He is even-handed, calm, timely and comprehensive in his presentations to individual legislators and at committee hearings. This reaction spans the political spectrum, though may not be as successful with legislators who believe the statewide program is too activist. Even those less sympathetic to DLCD respect Director Whitman as a resource and for his problem-solving skills. One comment urged that he have a little more informal and spontaneous contact with legislators.

3. Local Government Relations: - Maintains open and constructive communications with Oregon cities and counties. - Provides appropriate guidance to department staff regarding staff relations with local governments and interested parties. - Makes department and commission policies and decisions clear to local decision makers. - Helps clarify and resolve problems that local decision makers have with the land use program to the degree within his control.

Scores/rating:

- Outstanding: 22 percent
- Exceeds expectations: 19 percent
- Fully meets expectations: 25 percent
- Improvement needed: 14 percent
- Unsatisfactory: 3 percent
- Unknown: 17 percent

Summary of comments (15): Director Whitman is very effective in communicating with local governments when he does so personally, bringing great instincts, knowledge of the program, and an effective demeanor. Comments on the overall relationship between DLCD and local governments were more mixed. DLCD staff members sometimes send mixed messages and appear hesitant to make decisions and provide clear guidance, perhaps due to a lack of direction.

One comment stated that failure to say “no” early on to a local government proposal can cause matters to drag on that should be resolved more promptly.

4. Agency Leadership: - Appropriately identifies agency priorities and directs resources to accomplish those priorities. - Assists agency staff and the commission in the development of a strategic plan and policy agenda. - Fosters cooperation among staff and staff involvement in policy initiatives consistent with direction from the commission, the legislature, and the governor. - Fosters open, effective, and constructive communication within the department, and between the department and external entities. - Delegates responsibility appropriately within the agency.

Scores/rating:

- Outstanding: 25 percent
- Exceeds expectations: 28 percent
- Fully meets expectations: 19 percent
- Improvement needed: 11 percent
- Unsatisfactory: 6 percent
- Unknown: 11 percent

Summary of comments (18): Director Whitman is very effective with the matters he handles personally. The quality of decisions is improved by the individual attention he gives them because of his very strong technical and communication skills. However, he is spread too thin and some issues suffer while waiting for his attention. He should delegate more within DLCD, including delegation to the new Deputy Director. This carries with it the risk that the quality of the work may suffer. But it would help DLCD managers develop their skills more fully. Several comments reported that communication and direction between DLCD managers and professional staff should be improved.

5. Budget Development and Execution: -- Involves an appropriate range of interests in development of the agency’s budget. – Provides leadership in implementation of the legislatively approved budget. – Works with the agency management team to align resources with department and commission priorities. – Responds effectively to budget information and priorities communicated by stakeholders and staff.

Scores/rating:

- Outstanding: 17 percent
- Exceeds expectations: 22 percent
- Fully meets expectations: 25 percent
- Improvement needed: zero
- Unsatisfactory: zero
- Unknown: 36 percent

Summary of comments (7): Director Whitman is involved and transparent in working on the department budget. He is honest, driven by outcomes, and appropriately consults staff and

external sources in developing the budget. He asks the necessary difficult questions. He makes good decisions.

6. Intergovernmental Coordination: -- Encourages and, where appropriate, provides leadership in coordinating actions affecting land use with other state agencies.

Scores/rating (doesn't add up to 100 percent due to rounding):

- Outstanding: 33 percent
- Exceeds expectations: 36 percent
- Fully meets expectations: 3 percent
- Improvement needed: 8 percent
- Unsatisfactory: zero
- Unknown: 19 percent

Summary of comments (13): Director Whitman's experience at DOJ and his knowledge of DOJ and other state agencies make him particularly effective in working with other state agencies. He is a great ambassador for the land use program with other state agencies. He is perceived as collaborative and is widely respected, which is especially important given that the department lacks the tools to make other agencies cooperate. He is hampered somewhat, one commenter said, by a lack of direction from the Governor's office. Another commenter expressed concern that he has deferred important policy questions to Metro and other state agencies.

7. Action Plan Implementation: -- In consultation with LCDC, develops a high-level Action Plan on an annual basis. – Implements Action Plan within budget, legislative, and commission priority constraints.

Scores/rating (doesn't add up to 100 percent due to rounding):

- Outstanding: 19 percent
- Exceeds expectations: 19 percent
- Fully meets expectations: 17 percent
- Improvement needed: 8 percent
- Unsatisfactory: zero
- Unknown: 36 percent

Summary of comments (9): Director Whitman's work in developing and implementing the Action Plan is excellent. And he hit home run after home run on issues such as the Big Look, Measure 49, the Metolius, and legislation. He meets Best Practices key performance measures. He is indefatigable. Several commenters raised concerns: That he doesn't keep staff in the loop on the priorities of the land use program; that the program has become more reactive than proactive; and that the program lacks a consistent, coordinated direction.

8. Please provide any additional comments you have regarding the director's performance.

Summary/themes: Positive

- Incredibly hard working and energetic.

- Smart; understands law use law very well; creative solutions.
- Good communicator at all levels; listens well, which is much appreciated at the local level; doesn't talk down to people; able to explain complex issues/points.
- Sincere willingness to work with local governments; balances state interests with local needs.
- Collaborative and accessible; seeks input from staff, others; seeks middle ground.
- Insightful and effective in directing the department and working with local governments, stakeholders, and other agencies.
- Strong leader among other state agencies; respected advisor to the Governor.
- Courteous and professional.
- Relates well with staff on a personal level.
- Impressive budget skills.
- Takes on the most difficult jobs himself.
- The quality of planning work has gone up since he became director.
- He is a model of public service: capable, honest, and unflappable.
- The state is lucky to have him; best department director ever.

Negative

- He needs to delegate more, both because he can't do everything himself ("the department needs 2 or 3 Richard Whitmans") and because his failure to delegate is harmful to staff confidence and development. It also causes interest groups/local governments to go around staff to get to him. As a result, he is at risk of burnout.
 - It would help if his deputy director did the day to day management.
 - His high standards for the department make it difficult to delegate. There may be a lack of capable and not already overcommitted staffers to delegate to.
 - Others, including some staffers, are more comfortable and trusting of him and so want his direct involvement.
- He sometimes takes too long to make decisions and to communicate them.
- He has not addressed some inherited personnel problems.
- Due to his DOJ experience, he thinks he knows land use law better than he really does.
- He doesn't communicate enough with staff; some staff want more daily contact with him; he could do better at including (the right) staff in decision-making.

Attachment A – Survey Recipients

Director's Performance Evaluation - Survey Recipients

Note: Survey results were not identified by the respondent; not all recipients submitted a response.

DLCD

- All division managers (Community Services Division, Ocean & Coastal Services Division, Planning Services Division, M49 Development Services Division, Operations Services Division, Director's Office)
- 1-2 staff members from each division

LCDC

- All 7 members

CIAC

- All 8 members

Governor's Office

- Michael Carrier
- Ray Naff

Other State Agencies

- Marvin Brown, ODF
- Katy Coba, ODA
- Matt Garrett, ODOT

Cities

- Bill Bain - Newport
- Roberta Donovan - Nyssa
- Michael Dyal – Medford
- Eric King - Bend

Counties

- Tom Brian – Washington
- Nick Lelack – Deschutes
- Tamra Mabbott - Umatilla
- Kelly Madding - Jackson
- Doug McClain – Clackamas (former planning director)
- Al Switzer – Klamath

Metro

- Kathryn Harrington
- Robin McArthur

Legislature

- Representative Hanna
- Representative Nolan
- Senator Dingfelder
- Senator Telfer

Tribal Representatives

- Bobby Brunoe – Confederated Tribes of Warm Springs
- Karen Quigley – Legislative Commission on Indian Services

AOC and LOC

- Art Schlack
- Linda Ludwig

Interest Groups

- Jon Chandler – Oregon Home Builders Association
- Shawn Cleave – Oregon Farm Bureau
- Dave Hunnicutt - Oregonians in Action
- Onno Husing – Oregon Coastal Zone Management Association
- Shaun Jillions – Oregon Association of Realtors
- Erik Kancler – Central Oregon Landwatch
- Mary Kyle McCurdy – 1000 Friends of Oregon