# *Examination Bulletin and Job Announcement*

# Chief Counsel I, C.E.A.

# OB20-5872

# Open Examination

The San Francisco Bay Conservation and Development Commission (BCDC) is a State of California government agency located in the City of San Francisco with regulatory and planning responsibilities over San Francisco Bay, the Suisun Marsh, and along the Bay Area’s nine-county shoreline. BCDC is guided in its actions by state and federal laws, including: the McAteer-Petris Act, Suisun Marsh Preservation Act, Coastal Zone Management Act; and its policies, including the *San Francisco Bay Plan*, *Suisun Marsh Protection Plan* and various special area plans. Through its laws and policies, BCDC protects hundreds of miles of shoreline, collaborates with local, regional, state and federal agencies, and facilitates the implementation of the San Francisco Bay Trail and the San Francisco Bay Area Water Trail. Finally, BCDC is a leader in preparing the region for rising sea level through its adoption of Bay Plan Climate Change policies in 2011; the Adapting to Rising Tides Program; and Bay Adapt, a collaborative effort to identify actions that will advance the region’s resilience.

## DEFINITION OF CLASSIFICATION

The Chief Counsel I, C.E.A. is typically the top legal position in a Department with a relatively small legal program having responsibility for planning, organizing, directing, coordinating and reviewing the work of a legal staff. Duties include responsibility for planning, organizing, directing, coordinating, and reviewing the work of a professional legal staff; acting as legal advisor to top management; preparing legislation and representing the Department before the Legislature; formulating legal policy; and participating as a member of top management in the development and implementation of department policy.

## WHO WE ARE LOOKING FOR

A candidate with extensive experience rendering legal opinions regarding resource management issues and environmental impacts of land use and development; Experience drafting administrative regulations; Experience drafting legislation and writing analyses of legislative proposals; Expert knowledge in Land Use, Environmental and Natural Resources law; Experience in Legal policy development and strategy and; Experience in advising senior decision makers.

## DESCRIPTION OF DUTIES

Under the general direction of the Executive Director, the San Francisco Bay Conservation and Development Commission (BCDC) The Chief Counsel I serves as the head of the Legal division and as a member of the BCDC senior management team. The Chief Counsel I, C.E.A. will evaluate legislative proposals that affect BCDC’s regulatory and planning jurisdiction and aid in crafting legislative language; interpret the provisions of the McAteerPetris Act, Suisun Marsh Preservation Act, and other state statutes and regulations that affect BCDC’s program including the California Environmental Quality Act and the Open Meetings Act. The Chief Counsel I will provide legal advice to the Executive Director, staff, and Commission on all matters related to the functions and operations of Commission and staff; reviews and assists in the evaluation of major projects prior to consideration by the Commission; negotiates with applicants and federal, state, and local government agencies, applicants regarding permitting, enforcement, and planning matters; supervises and manages two staff counsel and a legal secretary; provides liaison with the Office of the Attorney General and the Chief Counsel of the Resources Agency; proposes, drafts, and advises regarding proposed amendments to Commission regulations; reviews and comments on proposed legislation; advises about legal policy and participates in the development and implementation of agency policy.

**Duties will include but will not be limited to:**

* Analyze and render legal advice, both oral and written, to the Executive Director and Commission staff on issues that arise related to: (1) permitting, enforcement, and planning matters under the McAteer-Petris Act, Suisun Marsh Preservation Act, BCDC regulations, and the San Francisco Bay Plan; (2) consistency review of federal activities under the Coastal Zone Management Act in its implementing regulations; and (3) procedural issues associated with noticing and conducting public meetings.
* Review and assist in the development of enforceable permit conditions and proposed amendments to plan documents. Review and evaluate legal instruments, permit assignments, or other documents submitted by permittees to comply with permit requirements.
* Coordinate, collaborate, and negotiate with state, federal, and local agencies to ensure that proposed projects, plan amendments, and other activities are consistent with the statutes administered by the Commission and with the Commission’s laws, policies, and regulations.
* Participate in negotiations regarding alleged violations and enforcement proceedings, review and comment on proposed violation reports, complaints for administrative penalties, enforcement orders, and settlement agreements.
* Act as liaison with the Office of the Attorney General, the legislature, and others.
* Assign, manage, and supervise all aspects of the work of the Legal Division including two BCDC Staff Counsel III attorneys and a legal secretary;
* Prepare memoranda and staff reports to the Commission on legal issues; make presentations to the Commission; assist in the preparation of reports documenting analyses and recommendations concerning staff reviews of permit applications, projects, Bay Plan policies, and enforcement matters.
* Advise the Commission in closed session regarding pending litigation.

##  WORKING CONDITIONS

This is a full-time, permanent position, in an office in downtown San Francisco.

*Telework may be available for this position in accordance with BCDC Telework Policy and Procedures.*

##  SALARY AND BENEFITS

13,279.00 - $15,536.00 per month

**Effective July 1, 2020, State employees are subject to a 9.23% salary reduction in exchange for 16 hours of the Personal Leave Program 2020 (PLP 2020) per month.**

Benefits include Paid Vacation/Sick Leave or Annual Leave; Public Transit Subsidy; 11 Paid Holidays each calendar year; Health, Dental, and Vision Benefits; 401(k) & 457 plans; Public Service Loan Forgiveness; Medical Reimbursement Accounts; and Deferred Compensation and Retirement Benefit Programs.

For a list of benefits, go to <https://www.calhr.ca.gov/employees/Pages/salary-and-benefits.aspx>

##  MINIMUM REQUIREMENTS

Membership in the State Bar of California. (Applicants must have active membership in The State Bar before they will be eligible for appointment.) and

Either I

Two years of experience in the California state service performing legal duties\* at a level of responsibility equivalent to Staff Counsel, Range D. (Applicants who have completed 18 months of the required experience will be admitted to the examination, but must complete two years of such experience before they will be eligible for appointment.)

\*Experience in the "practice of law" or "performing legal duties" is defined as only that legal experience acquired after admission to The Bar.

Or II

Broad and extensive experience (more than five years) in the practice of law\*. (Experience in California state service applied toward this requirement must include the same number of years of qualifying experience as required in Pattern I above performing the duties of a class at a level of responsibility equivalent to that described in Pattern I.)

All applicants must meet the education and/or experience requirements for this examination by Friday, March 5, 2021, the final filing date. Qualifying experience may be combined on a proportionate basis if the requirements stated below include more than one pattern and are distinguished as “Either” I “or” II”. For example, candidates possessing qualifying experience amounting to 50% of the required time of Pattern I, and additional experience amounting to 50% of the required time of Pattern II, may be admitted to an examination as meeting 100% of the overall experience requirements.

## THE EXAMINATION

The Chief Counsel I, C.E.A. examination will consist of an Education & Experience Evaluation of the CA State Application (std678) and Supplemental Application. Depending upon the number of applications received by the final filing date, the examination may also consist of a qualifications appraisal interview in San Francisco, jointly administered by the California Coastal Commission and the San Francisco Bay Conservation & Development Commission. In order to obtain a position on the Chief Counsel I, C.E.A. eligible list, a minimum rating of 70% must be obtained.

**THE SUPPLEMENTAL APPLICATION IS INCLUDED WITH THIS BULLETIN AND MUST BE POSTMARKED OR RECEIVED BY 5 P.M. ON FRIDAY, MARCH 5, 2021. THE FINAL FILING DATE, OR THE COMPETITOR WILL BE ELIMINATED FROM FURTHER PARTICIPATION IN THE EXAMINATION/JOB PROCESS.**

Neither Veterans’ Preference nor Career Credits will be granted in this examination since it does not qualify as an open entrance examination under the law.

## GENERAL COMPETITIVE FACTORS

Emphasis in evaluating the candidates will be placed on the competitor’s education and experience which has prepared the competitor for planning, managing, directing, a legal program and staff and practice in land use, environmental and administrative law. In addition to evaluating the competitor’s relative abilities as demonstrated by the quality and breadth of experience, emphasis in the examination will be on measuring competitively, relative to job demands, each competitor’s:

Knowledge of: Legal principles and their applications; legal research methods, court procedures, rules of evidence and procedure; administrative law and the conduct of proceedings before administrative bodies; provisions of laws and Government Code sections administered or enforced; principles of public administration, personnel management and supervision.

Ability to: Analyze legal principles and precedents and apply them to complex legal and administrative problems; present statements of fact, law and argument clearly and logically in written and oral form; draft opinions, pleadings, rulings, regulations and legislation; hold hearings and independently present difficult and complex cases in court; plan, organize and direct the work of a staff of attorneys.

## FILING INFORMATION

The CA State Application (std678) and Supplemental Application must be postmarked or received by 5:00pm on Friday, March 5, 2021, the final filing date. Application materials received after the deadline will not be accepted for any reason. The CA State Application and Supplemental Application may be filed by fax at (415) 904-5482, by email at HumanResources@coastal.ca.gov, or in-person or by mail at the following address:

Human Resources Office
California Coastal Commission
455 Market Street, Suite 200, Room 228
San Francisco, CA 94105-2219

Identify the position in the Examination/Job Title section of the CA State Application (std678) and Supplemental Application: Chief Counsel I, C.E.A.

Submit your application materials for the Chief Counsel I, C.E.A. examination/job announcement only to the address above. Do not mail, fax or email applications to the California Department of Human Resources (CalHR), the California State Personnel Board (SPB), or any State agency other than the California Coastal Commission or the San Francisco Bay Conservation & Development Commission.

If you have a disability and/or need specific arrangements for interviews, please mark the box in Item 2 of the Job Application. We will contact you to make specific arrangements. Assistance for the hearing impaired on job-related matters is available by phone (711).

## ELIGIBLE LIST INFORMATION

A Chief Counsel I, C.E.A. eligibility list will be established for the San Francisco Bay Conservation and Development Commission. The list will be abolished 12 months after it is established unless the needs of the service and/or conditions of the list warrant a change in this period.

##  GENERAL INFORMATION

The CA State Application (std678) is available at the California Department of Human Resources (CalHR), local offices of the Employment Development Department (EDD), and online at [www.jobs.ca.gov](http://www.jobs.ca.gov).

If you meet the requirements stated on this examination bulletin, you may take this competitive examination. Possession of the entrance requirements does not assure a place on the eligible list. Your performance in the examination described in this bulletin will be rated against a predetermined job-related rating, and all applicants who pass will be ranked according to their scores.

The San Francisco Bay Conservation and Development Commission reserves the right to revise the examination plan to better meet the needs of the service, if the circumstances under which this examination was planned change. Such revision will be in accordance with civil service laws and rules, and all applicants will be notified.

Applicants must possess essential personal qualifications including integrity, initiative, dependability, good judgment, the ability to work cooperatively with others, and a state of health consistent with the ability to perform the assigned duties of the class.

Eligible lists established by competitive examination, regardless of date, must be used in the following order: 1) sub-divisional promotional, 2) departmental promotional, 3) multi-departmental promotional, 4) service-wide promotional, 5) departmental open, and 6) open. When there are two lists of the same kind, the older must be used first. Eligible lists will expire in one to four years unless otherwise stated on the exam bulletin.

## CONTACT INFORMATION

It is the candidate's responsibility to contact the California Coastal Commission’s Human Resources Office at (415) 904-5430 or toll-free at (866) 831-2540 or via email at HumanResources@coastal.ca.gov one week after the final filing date if she/he has not received notification (either a phone call or written notice) of the qualifications appraisal interview.

If a candidate's notice of examination interview fails to reach him/her prior to the day of the interview due to a verified postal error or invalid email address, she/he will be rescheduled upon written request.

California Relay Service: 7-1-1 (TTY and voice)

TTY is a Telecommunications Device for the Deaf, and is reachable only from phones equipped with a TTY Device.

##  EQUAL EMPLOYMENT OPPORTUNITY

The State of California is an equal opportunity employer to all, regardless of age, ancestry, color, disability (mental and physical), exercising the right of family care and medical leave, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, political affiliation, race, religious creed, sex (includes pregnancy, childbirth, breastfeeding, and related medical conditions), and sexual orientation.

##  DRUG-FREE WORKPLACE

It is an objective of the State of California to achieve a drug-free State work place. Any applicant for State employment will be expected to behave in accordance with this objective, because the use of illegal drugs is inconsistent with the law of the State, the rules governing civil service, and the special trust placed in public servants.

## QUESTIONS

If you have any questions concerning this bulletin, please contact the California Coastal Commission’s Human Resources Office at HumanResources@coastal.ca.gov or (415) 904-5430 or toll free (866) 831-2540.

## CHIEF COUNSEL I, C.E.A.

## SUPPLEMENTAL APPLICATION

The supplemental application is designed to elicit information regarding management experience, legal experience and education specifically related to the work of the Commission. The information and the presentation of the material will be reviewed and will augment the standard application as reference material during the examination oral interview process.

When responding to the supplemental appraisal questionnaire items, please follow these guidelines:

1. ***Your responses must not exceed four pages***, preferably typewritten (singled spaced, one sided) on 8-1/2” x 11” paper using a minimum of 10-point font.
2. Identify each page with your full name.
3. Make sure your responses are complete, specific, clear, and concise.
4. Answer each numbered item separately and indicate the corresponding item number for each response.
5. Include place of employment, pertinent dates, duties performed, etc., when responding to items.
6. In the event that one particular job contained responsibilities applicable to several items, separate the different functions of the job in order to answer all items completely.

**NOTE:** **Resumes, letters, and other materials will NOT be evaluated or considered as responses to the items in the supplemental appraisal questionnaire. If you submit a resume, your answer to the questions may not incorporate by reference information on the resume.**

***Failure to return this page with your signature AND the responses to questions 1 through 5 will result in the competitor being eliminated from further participation in the examination.***

1. Please describe any work experience (including legal work, non-legal work, paid positions, and volunteer experience) that has prepared you for managing and supervising a legal program and staff. Describe specifically your job classification(s) or position(s), responsibilities, dates of employment, and relationships with co-workers or staff.
2. Please describe any work experience (including legal work, non-legal work, paid positions, and volunteer experience) that demonstrates your ability in public policy formulation and development. Describe specifically your job classification(s) or position(s), responsibilities, dates of employment, and relationships with co-workers or staff.
3. Please describe any work experience (including legal work, non-legal work, paid positions, and volunteer experience) that demonstrates your ability to work successfully with the Commission’s Executive Staff, Division Chiefs, Attorney General’s Office, and officials from other State agencies and Federal, city or county agencies. Include your experience in dealing with sensitive issues that are high profile and receive media attention. Describe specifically your job classification(s) or position(s), responsibilities, dates of employment, and relationships with co-workers or staff.
4. Please describe any work experience (including legal work, non-legal work, paid positions, and volunteer experience) that has prepared you to practice in the areas of land use, environmental, natural resources, and administrative law. Describe specifically your job classification(s) or positions, responsibilities, and dates of employment.
5. Attorneys at BCDC do not represent the Commission in litigation, but instead provide legal advice to the Commission and staff. Please describe the experience you have gained in analyzing complex legal issues in a non-litigation context and that involved interpreting statues and regulations. Include a description of you experience communicating both orally in public hearings and in writing. Describe specifically your job classification(s) or position(s), responsibilities, and dates of employment.