



Midpeninsula Regional Open Space District

GENERAL COUNSEL

DEFINITION

Under policy direction, provides a wide range of professional legal services, assistance, and advice to the Board of Directors, General Manager, District departments, and various boards, committees, and commissions; plans, organizes, manages, and provides administrative direction and oversight for all functions and activities of the General Counsel's Office; coordinates assigned activities with other District departments, officials, outside agencies, and the public; fosters cooperative working relationships among District departments, with intergovernmental and regulatory agencies and various public and private groups; performs related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives policy direction from the Board of Directors within a framework of legal guidelines, broad policies, and established organizational values and processes. Exercises general supervision and direction over professional and administrative support staff.

CLASS CHARACTERISTICS

This classification oversees, directs, and participates in all activities of the General Counsel's Office, including short- and long-term planning and development and administration of departmental policies, procedures, and services. This class provides advice and assistance to the Board of Directors, the General Manager, Controller, and all departments in a variety of administrative, representative, coordinative, analytical, and liaison capacities. Successful performance of the work requires knowledge of the law, public policy, and District functions and activities, including the role of Board of Directors, and the ability to develop, oversee, and implement projects and programs in a variety of areas. Responsibilities include coordinating the activities of the department with those of other departments and outside agencies and managing and overseeing the complex and varied functions of the department, and the selection, oversight and management of all outside legal services. The incumbent is accountable for accomplishing departmental planning and operational goals and objectives and for furthering District's mission, goals, and objectives within general policy guidelines. The General Counsel serves as legal advisor and counsel for the District, is appointed by the Board of Directors, and is responsible for the conduct of all legal functions and activities.

EXAMPLES OF ESSENTIAL FUNCTIONS *(Illustrative Only)*

Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Assumes full management responsibility for all programs, services, and activities of the General Counsel's Office, including civil litigation and administrative proceedings.
- Develops, directs, and coordinates the implementation of goals, objectives, policies, procedures, and work standards for the department; establishes, within District policy, appropriate budget, service, and staffing levels.
- Represents the District in litigation and administrative proceedings to protect District resources, real property, and finances.
- Selects, oversees and manages all outside legal services contract providers, including litigation counsel, special counsel for subject matter expert needs, and other legal services.

- Performs legal research and renders opinions in writing and orally for Board of Director, General Manager, committees, commissions, and department staff regarding routine and complex matters; attends Board of Director, committee, and commission meetings as requested.
- Prepares, reviews, and assists in the negotiation of proposed agreements; prepares and reviews resolutions, insurance policies, deeds, leases, contracts, and other legal documents relating to District affairs.
- Oversees, advises and coordinates risk management functions across Departments, including general liability risk management matters such as contractual risk transfer in development of District contracts, determination of coverage issues, determination of adequacy of insurance, assessment of first party and third-party liability claims, interfacing with the District's self-insurance program, and other risk management duties.
- Assists in labor and employee relations issues; provides legal advice regarding risk management issues; assists in evaluating and resolving claims and insurance matters.
- Provides highly complex and professional staff assistance to the Board of Directors, General Manager, and other District departments.
- Manages and participates in the development and administration of the department's annual budget; directs the forecast of additional funds needed for staffing, consultants, contractors, equipment, materials, and supplies; directs the monitoring of and approves expenditures; directs and implements adjustments as necessary.
- Selects, trains, motivates, and directs department personnel; evaluates and reviews work for acceptability and conformance with department standards, including program and project priorities and performance evaluations; works with employees on performance issues; implements discipline and termination procedures; initiates and manages internal investigations; responds to staff questions and concerns.
- Represents the department to other District departments, elected officials, and outside agencies; explains and interprets departmental programs, policies, and activities; negotiates and resolves significant and controversial issues.
- Prepares, reviews, and presents resolutions, staff reports, various information updates, and reports on special projects to the Board of Directors, District staff, and a variety of boards, committees, and commissions.
- Contributes to the overall quality of the department's service by developing, reviewing, and implementing policies and procedures to meet legal requirements and District needs; continuously monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures; assesses and monitors the distribution of work, support systems, and internal reporting relationships; identifies opportunities for improvement; directs the implementation of change.
- Attends and participates in professional group meetings; stays abreast of new trends and innovations in the field of law and other services as they relate to the area of assignment.
- Monitors changes in laws, regulations, and technology that may affect District or departmental operations; implements policy and procedural changes as required.
- Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

- Administrative principles and practices, including goal setting, program development, implementation, and evaluation, and supervision of staff, either directly or through subordinate levels of supervision.
- Public agency budget development, contract administration, District-wide administrative practices, and general principles of risk management related to the District functional areas.
- Organizational and management practices as applied to the analysis and evaluation of projects, programs, policies, procedures, and operational needs.

- Federal, State, and local laws statutes and ordinances with emphasis on municipal law and public finance.
- Federal, State, and local laws, statutes and ordinances as they pertain to the District's functions, including but not limited to Natural Resources Law, Environmental Law, Water Law, Real Property Law, Eminent Domain, Contracting, Risk Management, etc.
- Federal, State, and local trial and appeal procedures and methods of case preparation and presentation for both civil and administrative matters.
- Modern principles and practices of labor relations and union contract negotiations.
- Methods and techniques for the development of presentations, business correspondence, and information distribution; research and reporting methods, techniques, and procedures.
- Record keeping principles and procedures.
- Modern office practices, methods, and computer equipment and applications related to the work.
- English usage, grammar, spelling, vocabulary, and punctuation.
- Techniques for effectively representing the District in contacts with governmental agencies, community groups, and various business, professional, educational, regulatory, and legislative organizations.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and District staff.

Ability to:

- Develop and implement goals, objectives, policies, procedures, work standards, and internal controls for the department and assigned program areas.
- Understand and work in a productive manner within the context of the roles of the Board and the General Manager and staff regarding legal advising and representation, as distinct from policy decisions and executive responsibilities and authority.
- Provide administrative and professional leadership and direction for the department and the District.
- Prepare and administer large and complex budgets; allocate limited resources in a cost effective manner.
- Interpret, apply, explain, and ensure compliance with Federal, State, and local policies, procedures, laws, and regulations.
- Plan, organize, direct, and coordinate the work of management, supervisory, professional, and technical personnel; delegate authority and responsibility.
- Select, train, motivate, and evaluate the work of staff and train staff in work procedures.
- Research, analyze, and evaluate new service delivery methods, procedures, and techniques.
- Provide sound legal advice to the Board of Directors, committees, commissions, and staff.
- Prepare and present cases in court.
- Conduct effective negotiations and effectively represent the District and the department in meetings with governmental agencies, contractors, vendors, and various businesses, professional, regulatory, and legislative organizations.
- Prepare clear and concise reports, correspondence, policies, procedures, and other written materials.
- Conduct complex research projects, evaluate alternatives, make sound recommendations, and prepare effective technical staff reports.
- Organize and prioritize a variety of projects and multiple tasks in an effective and timely manner; organize own work, set priorities, and meet critical time deadlines.
- Operate modern office equipment including computer equipment and specialized software applications programs.
- Establish and maintain a variety of filing, record keeping, and tracking systems.
- Use English effectively to communicate in person, over the telephone, and in writing.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.

- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to possession of a Juris Doctorate degree from an accredited school of law.

Five (5) years of practicing law in a public agency is required with at least ten (10) years of total experience practicing law preferred.

Licenses and Certifications:

- Possession of a valid California Driver's License.
- Possession of active membership in the State Bar of California.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, to operate a motor vehicle, and to visit various District and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. This is primarily a sedentary office classification although standing in work areas and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects weighing up to 25 pounds.

ENVIRONMENTAL ELEMENTS

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

EFFECTIVE: December 2010
REVISED: March 2018
FLSA: Exempt