

CHIEF COUNSEL

California Citizens Redistricting Commission

\$11,505 - \$16,614 per Month

Final Filing Date: August 17, 2020

Once formed, the 14-member 2020 California Citizens Redistricting Commission (Commission) must hire a Chief Counsel with demonstrated experience and expertise in implementation and enforcement of federal Voting Rights Act of 1965 combined with the background and knowledge to support the Commission's redistricting mission. The applicant should be a creative problem-solver with strong communication, negotiation, and relationship building skills. A strong candidate for this position will have a background in serving State bodies subject to the Bagley-Keene Open Meeting Act and experience advising public commissions, boards, agencies or departments.

The Commission is a 14-member body created by the passage of the Voters FIRST Act, in 2008. It is charged with redrawing the California State Senate and Assembly, State Board of Equalization, and Congressional districts based on information gathered during the 2020 census. The Commission must draw the districts in conformity with strict, nonpartisan rules designed to create districts of reasonably equal population that will provide fair representation for all Californians. It is a further mandate that this process be conducted in an open and transparent manner, allowing for participation by the public. The commission is required by law to approve final maps by August 15, 2021¹.

POSITION DESCRIPTION

Under the general direction of the Commission, and with guidance from the Executive Director, the Chief Counsel serves as the primary counsel for the implementation and legal coordination of the Voters FIRST Act of 2008 and the Voters FIRST Act for Congress of 2010. The Chief Counsel:

- Serves as the principal legal advisor for the Commission, the Executive Director, and Commission staff.
- Ensures that all constitutional, statutory, and regulatory requirements governing the Commission's activities are properly interpreted.
- Provides and/or manages legal representation administratively and in court.

¹ It is likely that, due to delays to the federal census resulting from COVID-19, this date will be extended to December 15, 2021.



- Renders written and oral legal advice.
- Ensures that administrative policies adopted by the Commission are consistent with state law and are implemented fairly and impartially.
- Develops policies within the Commission's legal areas of responsibility.
- Issues legal opinions, memoranda, and advice on administrative issues.
- Studies, interprets and applies laws, court decisions and other legal authorities.
- Works with all other legal counsel assigned to the 2020 Commission, outside counsel, and stakeholder groups.

KNOWLEDGE AND ABILITIES

Applicants must demonstrate the ability to perform high-level analysis of the legal issues associated with administration of the Commission as well as the redistricting process. Such overall ability requires possession of the following:

- Active membership in the state bar of California is required for this position.
- Minimum of 10 years of experience in the practice of the law.
- Ability to communicate effectively in writing and in oral presentations with a variety of contacts, including the Commissioners, outside attorneys, public officials, the public, press and staff.
- Ability to accurately appraise legal problems, perform legal research, and correctly apply legal principles, evidentiary rules and precedents to proposed solutions.
- Ability to write and edit correspondence, pleadings, briefings, talking points, legal opinions, regulations, and legislation.
- Ability to represent the Commission at meetings, public hearings, and other legal proceedings.
- Ability to synthesize, clarify, and disseminate complex information.
- Knowledge of the Bagley-Keene Open Meeting Act requirements.
- Knowledge of parliamentary procedure established by Robert's Rules of Order for the conduct of meetings.
- Knowledge of the Voters FIRST Act, Voters FIRST Act for Congress, and Voting Rights Act.
- Demonstrated experience and expertise in implementation and enforcement of federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following).



DESIRABLE QUALIFICATIONS

It is anticipated the Chief Counsel will be a highly competent, organized and experienced professional with a demonstrated track record. Such overall ability requires possession of most of the following specific qualifications:

- Work experience demonstrating a high-level understanding of the organization, practice, and functions of California State Government including the Legislature and the Executive Branch.
- Understanding of the scope and purpose of the Commission.
- Experience advising public commissions, boards, agencies or departments.
- Work experience in a politically and socially sensitive environment.
- Experience working in a fast-paced environment with rapidly evolving priorities.
- Work experience demonstrating a seasoned ability to manage conflict and to develop cooperative working relationships with internal and external stakeholders.
- Experience effectively representing a governmental or public body internally, before the Legislature, and with the public.
- Excellent organizational skills and demonstrated ability to plan and act independently.
- Willingness to travel and to work irregular hours with limited notice.
- General knowledge of state government, open meetings act, California Public Records Act, Political Reform Act of 1974, and state contracting rules.
- Experience with litigation or experience managing litigation counsel.

ADDITIONAL INFORMATION

This exempt position is non-tenured, limited term (2 year), and full time. Once the Commission is fully formed, on or before August 15, 2020, it will begin selection and interviews. The California State Auditor's office (State Auditor's office), which is required by law to support the 2020 Commission until it is fully functional, has posted this job announcement to assist the new Commission in hiring key positions.

The State Auditor's office will collect applications for presentation to the fully formed 2020 Commission, but the State Auditor's office will not review or score applications and is not the hiring authority. The fully formed 2020 Commission may elect to review responsive applications or cancel the recruitment and issue its own job announcements. Employees of the Commission occupy non civil service positions serving at the pleasure of the Commission.

The Voters FIRST Act states, "The commission shall apply the conflicts of interest listed in paragraph (2) of subdivision (a) of Government Code Section 8252 to the hiring of staff to the extent applicable." Individuals seeking employment with the Commission should read the *Guidance on Conflicts of Interest*, attached.



BENEFITS

The Commission offers a comprehensive benefits package through the State of California. To learn more about offered benefits, visit the [CalHR website](#).

WORK LOCATION

The position will be located in Sacramento, California. Frequent travel may be required.

FILING INSTRUCTIONS

Interested applicants must submit an application packet consisting of:

1. A completed State Examination/Employment Application ([STD. 678](#) or via your [CalCareer account](#)).
2. A Statement of Qualifications (SOQ).
The SOQ is a narrative discussion of how the applicant's education, training, experience, and skills meet the desirable qualifications and qualify them for the position. The SOQ also serves as documentation of each applicant's ability to present information clearly and concisely in writing and should be typed and be no more than four pages in length with a font size no smaller than 12 point.

Resumes do not take the place of the SOQ. Failure to submit all required application documents may result in elimination from the hiring process.

You can submit your complete application package via your [CalCareer account](#) or by mail:

California State Auditor
Human Resources Office
621 Capitol Mall, Suite 1200
Sacramento, California 95814

CONTACT INFORMATION:

All inquiries should be sent to: shapecaliforniasfuture@auditor.ca.gov

Please put: "Attn: Chief Counsel Recruitment" in the subject line.

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 to 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(s), and sexual orientation.



Guidance on Conflicts of Interest (Government Codes § 8252 and 8253)

The clear intent of the Voters FIRST Act (Act) is to establish a Citizens Redistricting Commission (Commission) whose work is open to public scrutiny and whose members are as free from partisan political influence as possible. To achieve that goal, the Act makes certain individuals ineligible to serve on the Commission and it further requires that the Commission also apply these conflicts of interest to the hiring of staff to the extent applicable. (Gov. Code, § 8253, subd. (a)(3).)

Individuals should read this information to determine whether they meet the eligibility requirements for this position prior to submitting their application.

Limitations based on activities prior to applying: the Act makes an applicant ineligible to serve on the commission if, during the 10 years immediately prior to the date of applying to serve on the commission, the applicant or a member of his or her immediate family as defined for this purpose, have engaged in any of the following political activities:

- Been appointed by the Governor, a member of the Legislature, or a member of the State Board of Equalization to any California state office;
- Held an appointed California state office at the pleasure of the Governor, a member of the Legislature, or a member of the State Board of Equalization;
- Been elected to, or a candidate for any California state office;
- Been appointed by the Governor, elected to, or a candidate for a seat in the United States Senate or House of Representatives that is elected from California;
- Served as an officer, employee, or paid consultant of a political party operating in California;
- Served as an officer, employee, or paid consultant of the campaign committee of a candidate for elective state office in California or for a seat in the United States Senate or House of Representatives that is elected from California;
- Served as an elected or appointed member of a central committee of a political party operating in California;
- Been a lobbyist registered with the United States Senate, the United States House of Representatives, the California Secretary of State, or any local jurisdiction within California;
- Been employed by and received compensation from the Congress of the United States to provide services to a member elected from California;
- Been employed by and received compensation from the Legislature or the State Board of Equalization;
- Contributed \$2,500 or more during any calendar year to any candidate for a seat in the United States Senate or House of Representatives that is elected from California;
- Contributed \$2,500 or more during any calendar year to any candidate for California elective state office or any regional, county, municipal, district, or judicial office in California that is filled by an election.



To understand how these limitations operate, it is extremely important to understand what the phrase **member of his or her immediate family means**. This phrase has been given a somewhat unique meaning for purposes of the Act. A member of an applicant's immediate family is an applicant's spouse, registered domestic partner, parent, child, sibling, or in-law (which includes the applicant's father in-law, mother in-law, son in-law, daughter in-law, brother in-law, and sister in-law through marriage or domestic partnership) with whom the applicant has a special, or bona fide, relationship. A person has a bona fide relationship with a member of his or her family member if any of the following are true:

- a) within the preceding 12 months: the applicant and family member have cohabited for a period or periods totaling 30 days or more;
- b) within the preceding 12 months, the applicant and family member have shared ownership of any property having a value of \$1,000 or more;
- c) within the preceding 12 months, the applicant has given to or received from the family member a financial benefit or benefits totaling \$1,000 or more.

This means that an individual is ineligible to apply for this position if a member of his or her immediate family, with whom the individual has a special relationship, based on one or more of the three factors listed above, has engaged in the political activities listed above. Let's look at two examples of how this would work.

Example 1: Applicant A wishes to apply for this position. Applicant A's mother was appointed by the governor to serve on the Public Utilities Commission, in 2014. An appointment to the Public Utilities Commission is considered an appointment to state office.

To determine whether Applicant A is ineligible because of his mother's appointment to a state office, we need to determine whether Applicant A has a special relationship with his mother, as defined by the three factors listed above.

Assuming that Applicant A and his mother have not cohabited for 30 days or more, that Applicant A and his mother do not have shared ownership of property having a value of \$1,000 or more, or that Applicant A has neither given to, nor received from, his mother, a financial benefit totaling \$1,000 or more in the preceding 12 months, Applicant A is not disqualified on the basis of his mother's political appointment.

It is very important to recognize that although you may have a family member who has been involved in one or more of the political activities listed earlier, you will only be ineligible to apply for this position because of your family member's political activities if you have a special relationship, based on one or more of those three factors listed above.



Example 2: Now let's add a slightly different twist. Applicant B is also very interested in applying for this position. Applicant B has a brother who was appointed by the governor to serve on the state Agricultural Labor Relations Board. Applicant B and his brother also happen to jointly own a restaurant business that is worth well over \$1,000. In this case, Applicant B is ineligible to serve on the commission because he and his brother, who has been appointed by the governor to serve on a state board, have the kind of special, or bona fide relationship, that makes Applicant B ineligible to serve.

Limitations based on current relationships: certain individuals, because of their employment, contractual, or familial relationship to certain public officials, are not eligible to apply for this position, as follows:

Any person who serves as staff or as a consultant to, or is under contract with the governor, a Member of the Legislature, a Member of the State Board of Equalization, or a Member of the United States Senate or House of Representatives elected from California, is not eligible to apply for this position;

Any person who has an immediate family relationship with the Governor, a Member of the Legislature, a Member of the State Board of Equalization, or a Member of the United States Senate or House of Representatives elected from California, is not eligible to apply for this position.

