



Midpeninsula Regional
Open Space District

R-11-107
Meeting 11-28
October 19, 2011

AGENDA ITEM 4

AGENDA ITEM

Approve the Proposed General Counsel Recruitment Process, Timeline, Candidate Profile and Transition Plan; Authorize the Board Appointee Evaluation Committee to Work with Recruiter on Next Steps in the Recruitment Process; Approve Transition Plan for Temporary Services until Appointment of General Counsel

BOARD APPOINTEE EVALUATION AD HOC COMMITTEE RECOMMENDATION

1. Discuss and approve the Proposed General Counsel Recruitment Process, Timeline, and Candidate Profile.
2. Assign the Board Appointee Evaluation Ad Hoc Committee to work with the recruitment firm of Peckham and McKenney to: initiate advertisement for the General Counsel position, to solicit applications, to review and screen applications and recommend the first group of top qualified applicants, and return to the Board for review and approval.
3. Approve the transition plan for temporary services in the General Counsel position until appointment of new General Counsel.

SUMMARY

The Board of Directors tasked the Board Appointee Evaluation Ad Hoc Committee with the initial steps of a recruitment process for a successor to the District's General Counsel as a result of her retirement announcement. The Ad Hoc Committee completed these tasks, and at your meeting of September 28, 2011, you authorized retention of the recruitment firm of Peckham and McKenney to conduct the search. You also authorized the Committee to work with the recruitment firm and return to the Board with a proposed recruitment process, timeline, and candidate profile. The Committee recommends that the Board discuss and approve the recruitment process, timeline and candidate profile attached to this report. The Committee also recommends approval of the transition process as set out in this report until appointment of a new General Counsel and requests that it be authorized to work with the recruiter on the next steps in the recruitment process.

DISCUSSION

At the Board's meeting of August 24, 2011, the Board assigned the task of developing and recommending a General Counsel recruitment plan to the Board Appointee Evaluation Ad Hoc Committee including recommending an executive search firm (see Report R-11-90). At the Board's meeting of September 28, 2011, you approved the selection of the recruitment firm Peckham and McKenney (Peckham) to assist the District with this search. You also directed the Board Appointee Evaluation Ad Hoc Committee (Committee) to work with Peckham on a proposed recruitment process, timeline, and candidate profile (see Report R-11-99).

On October 5, 2011, the Committee met with Bobbi Peckham, the firm's Principal who will be the lead recruiter for this search, to review her draft search process, timeline and candidate profile. The Committee discussed and refined these materials with Ms. Peckham to reflect what the Committee believes will result in the best search outcome. The General Counsel and General Manager also provided input.

The proposed process, timeline, and candidate profile are attached to this report for the Board's discussion and approval. Ms. Peckham will attend the Board meeting to receive the Board's input and direction regarding these documents.

After receiving the Board's input and direction, the Committee also requests that it be directed to work with Ms. Peckham on the necessary next steps in the search process. Ms. Peckham will review these steps in further detail at the Board meeting.

Recruitment Process

The recommended recruitment process and timeline is summarized in Attachment 1 to this report. Ms. Peckham will review this process with the Board on October 19th to receive Board comment, answer any questions, and receive Board direction.

Timeline

As the timeline set out in Attachment 1 indicates, a robust search will require interviews in January. Once the Board has conducted interviews and identified its top candidate, time will be required to negotiate a contract, conduct a thorough reference and background check, and allow the selected finalist time to provide notice to his or her current employer and prepare to begin District employment.

This requires a transition plan to insure that there is not a gap between the vacancy in the General Counsel position which will begin on Dec. 31st, 2011 and the appointment of the new counsel. The Committee discussed the optimum transition plan and recommends that the current General Counsel continue to serve until the appointment of her successor. The incumbent would serve as a post-retirement employee for the short transition period. This plan would result in net cost savings of \$4,749.00 per month to the District since the Board would not be employing a regular District employee with associated benefit costs.

FISCAL IMPACT

The Board approved the following recruitment costs at its meeting of September 28, 2011: A recruitment cost of \$16,500 plus a not-to-exceed figure of \$7,000 for expenses, such as brochure preparation. These funds were not included in the FY2011-12 budget. The Board will be requested to authorize additional funds for this purpose at the time of midyear budget adjustment. The fiscal impact of the transition plan, if approved, will result in a cost savings of \$4,749 per month of service.

PUBLIC NOTICE

Public notice of this Agenda item was provided pursuant to the Brown Act. No additional notice is required.

CEQA COMPLIANCE

This proposed action is not a project under the California Environmental Quality Act (CEQA) and no environmental review is required.

NEXT STEPS

If the Board approves the Committee's recommendations, the Committee will work with the firm throughout the process and return to the Board with leading candidates for full Board interviews, senior management input, further interviews of finalists if desired, and final selection.

Attachments:

1. Recruitment Process and Timeline
2. Candidate Profile
3. Detailed Description of Recruitment Process

Prepared by:
Board Appointee Evaluation Ad Hoc Committee:
Directors Cyr, Hassett, and Riffle

Contact person:
Curt Riffle, Chair

Timeline	Recruitment Plan
October 5, 2011	Ms. Peckham meets with BAE Ad Hoc Committee (BAE) to discuss recruitment plan, timeline, and draft candidate profile.
October 6, 2011	Ms. Peckham drafts recruitment plan, timeline, draft candidate profile, and ad text for BAE review by October 10.
October 19, 2011	BAE provides proposed recruitment plan, timeline, brochure, and draft profile for full Board review and comment.
October 20 – 28, 2011	<ul style="list-style-type: none"> ▪ Draft profile is finalized ▪ Marketing brochure is designed, printed, and distributed throughout industry ▪ Ads are placed ▪ Position is listed on web sites of P&M and District
October 31 – December 2, 2011	<ul style="list-style-type: none"> ▪ Ms. Peckham conducts aggressive outreach campaign to identify outstanding candidates for position. ▪ Regular status updates are provided to BAE Committee.
December 2, 2011	Final Filing Deadline – date upon which all resumes must be submitted to P&M.
December 2-5, 2011	<ul style="list-style-type: none"> ▪ Ms. Peckham reviews all resumes received and identifies top 12 (+/-) candidates. ▪ Ms. Peckham electronically sends December 5 full list of all applicants (names/titles/agencies) as well as cover letters & resumes of top 12 (+/-) candidates to BAE.
December 7, 2011 - 2:30 p.m.	<ul style="list-style-type: none"> ▪ Ms. Peckham/BAE Conference Call to review all information received. ▪ Leading candidates are identified for further consideration. ▪ Full list of applicants with leading candidates denoted is provided to full Board electronically for consideration and comment.

December 12, 2011	Board provides comment (if any) to Ms. Peckham by 3:00 p.m.
December 13-16, 2011	<ul style="list-style-type: none"> ▪ Ms. Peckham send final list of leading candidates to BAE ▪ Ms. Peckham sends supplemental questionnaires to leading candidates; due to P&M by December 16 ▪ P&M advises all candidates of their status in the recruitment process.
December 19-30, 2011	<ul style="list-style-type: none"> ▪ Ms. Peckham send results of questionnaires to BAE ▪ Ms. Peckham conducts preliminary interviews with leading candidates.
January 2, 2012 – 11:00 a.m.	<ul style="list-style-type: none"> ▪ Ms. Peckham meets with BAE to review results of supplemental questionnaires & preliminary interviews. ▪ Subcommittee selects leading 5-7 candidates for full Board interviews.
January 9-13, 2012 (date and time to be determined)	<ul style="list-style-type: none"> ▪ Board interviews leading 5-7 candidates. General Manager observes. ▪ Leading 2-3 candidates are determined. ▪ Board discusses next steps (2nd interviews, Sr. Management Team interviews, etc.)
January 16-27, 2012	<ul style="list-style-type: none"> ▪ 2nd interview process with full Board; decision made ▪ Background/reference checks conducted. ▪ Offer/negotiation with finalist candidate. ▪ Announcement of selection.
February 27, 2012	Anticipated start date for new General Counsel

General Counsel
Midpeninsula Regional Open Space District
Los Altos, CA

The District

Open space lands offer a respite from everyday life, a source of clean air and water and local agriculture, and an opportunity to experience and learn about the diverse natural environment that contributes to our quality of life. The late 1960's was a time of rapid growth in the Bay Area. As tract housing and commercial development began to dominate the "Valley of Heart's Delight," concern for the preservation of irreplaceable foothill and bayland natural resources mounted among open space advocates.

Through the determined and heartfelt efforts of local conservationists, the Midpeninsula Regional Open Space District was created by successfully placing an initial voter initiative on the ballot in 1972. Thirty-nine years later, the District has permanently preserved nearly 60,000 acres of mountainous, foothill, and bayland open space, creating 26 open space preserves. The District covers an area of 550 square miles and includes 17 cities and adjoining unincorporated areas in San Mateo, Santa Clara, and Santa Cruz counties. The District is working to form a continuous greenbelt of permanently protected open space by linking its lands with other public parklands. In addition, the District participates in cooperative efforts such as the Bay Trail, Ridge Trail, and Coastal Trail which are regional trail systems that include and/or connect to District lands.

The Midpeninsula Regional Open Space District's Mission is: "to acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment; and provide opportunities for ecologically sensitive public enjoyment and education". The Midpeninsula Regional Open Space District invites you to visit its web site at www.openspace.org.

The Organization

Headquartered in Los Altos, California, the District is divided into seven geographic wards, each containing approximately 100,000 constituents and represented by an elected Board member for a four-year term. Appointed by the Board of Directors, the General Manager oversees a staff of 97 permanent and a dozen seasonal employees as well as a FY 2011/12 budget of \$43.4M. The approximately 25 permanent staff at each of two field offices provides patrol, maintenance, and visitor services. Rangers are primarily responsible for the day-to-day patrol and visitor contact on the District's preserves. All Rangers are sworn law enforcement officers and unarmed but trained in defensive tactics, and trained in fire suppression, emergency medical response, and resource management techniques. The field staff includes permanent and seasonal Open Space Technicians and Equipment Mechanic-Operators, all of whom are

responsible for maintaining the District's land and facilities, building and maintaining the trail system, and performing resource management activities within the preserves.

Located at the District's headquarters, administrative staff includes professionals in open space planning, resource management, real property, public affairs (including volunteer and docent programs), and environmental analysis, in addition to legal, human resources, administration, and accounting staff. The District's Legal Department currently includes the General Counsel, Assistant General Counsel, and part-time administrative assistant.

The District's primary revenue source is a share of the annual total property tax collected within the District. Other revenue sources may include federal and state grants, interest and rental income, donations, land gifts, and bond and note issues. The overall financial health of the District is strong and stable, although adequate funding to allow a balanced approach to land acquisition, resource management, and public access is expected to become a challenge.

The District continues to focus on its future. The staff and Board of Directors recently completed a Strategic Plan with the vision of accomplishing all elements of its mission in a balanced, fiscally prudent, and sustainable manner. The District's goal is to strategically acquire and preserve open space, meet its natural resource management challenges, and provide compatible public access in the context of changing demographics and increasing costs of land, land management, and maintenance and resource management.

Key programs currently under way at the District include the following:

Open Space Planning – Opportunities for public recreation are balanced with natural resource protection through a comprehensive planning approach in partnership with the community. New trails and staging areas are built with state-of-the-art environmentally sound construction techniques. Natural resource restoration is a key component of project development.

Resource Management – The District has a long and proud history of responsible stewardship of open space lands and a high level of responsiveness to community needs. The District works to address critical resource management issues by working with its neighbors, partnering agencies, and resource professionals to restore the diversity and integrity of the area's natural resources.

Land Acquisition Program – The District's land acquisition goals focus on preserving a regional greenbelt providing opportunities to protect natural resources, provide for compatible public access, and address environmental challenges. The District seeks to work with public and non-profit partners to accomplish these goals. Due to the threat of development and sprawl in coastal San Mateo County, the District has partnered with

coastal areas to share the important responsibility of protecting coastal land. The goal of the District's Coastside Protection Program is to protect important open space and agricultural land.

The Position

This opportunity is available due to the upcoming retirement of Sue Schectman, who has served as the District's highly effective and respected General Counsel since 1994. Appointed by and reporting to the District's Board of Directors, the new General Counsel will enjoy the benefits of a politically stable environment; a collegial, well-functioning Board; and an outstanding organization of extremely competent, educated, and dedicated staff in a highly collaborative work environment.

Under policy direction from the District's Board of Directors, the General Counsel provides a wide range of legal services to the Board, Board Committees, the General Manager, and District Departments. To fulfill this key role, the candidate must have demonstrated expertise in public agency law including contracting, environmental law and specifically CEQA, elections law, public record and open meeting laws, conflict of interest law, risk management, employment and labor law, real property law, and litigation. The General Counsel will be respectful of their and others' roles within the organization and will be sensitive in overseeing legal issues rather than setting policy.

The selected candidate will be a person of unquestionable ethics and integrity. He or she will be open, fair, impartial, transparent, collaborative and committed to working as an integral part of the District's senior management team. The candidate will be accessible to the Board, the General Manager and staff, responsive to deadlines, and demonstrate professional and respectful behavior in all circumstances. As a member of the team, the candidate must be able to work closely and well with the District's General Manager to advance the District's mission and goals. At the same time, the General Counsel must remain an independent Board appointee, willing to express differing opinions from a legal perspective as necessary, always keeping the best interests of the District and its mission paramount.

The candidate selected will have a strong work ethic and be responsive and decisive. He or she will be results-oriented and a creative problem-solver. Outstanding communications skills and the ability to explain complex legal issues in a clear and understandable manner, both in written materials and verbally, are required. The individual selected will have the ability to professionally represent the District and develop effective working relationships with constituents, outside agencies, District partners, and the public.

The General Counsel will be proactive in protecting the District's interests, alert to emerging legal issues, and able to identify such issues so that they can be addressed and potential liability avoided. When necessary, the General Counsel must be able to provide strong management, oversight and coordination with outside counsel while

being fiscally conscious and sensitive to associated costs. In addition, it is expected that the General Counsel will bring their own network of industry contacts in order to share information and confer on issues.

At least five years of increasingly responsible experience, including two years' supervisory experience, in the practice of public agency law directly advising an elected legislative body is required. The equivalent of a Juris Doctorate degree from an accredited law school as well as membership in the State Bar of California is required. Most importantly, the candidate selected will be dedicated to public service and to the mission of the District.

The Compensation

The District is offering an attractive annual salary depending upon the qualifications of the selected candidate. In addition, the District provides an exceptional benefits package that includes California PERS retirement (2.5% at 55 plan).

Search Schedule

Resume filing deadline	December 2, 2011
Preliminary Interviews	December 19-30, 2011
Recommendation of Candidates	January 2, 2012
Final Interview Process	January 10, 2012
Proposed Start Date	February 2012

These dates have been confirmed, and it is recommended that you plan your calendar accordingly.

The Recruitment Process

To apply for this outstanding career opportunity, please send your resume and cover letter electronically to:

Peckham & McKenney
apply@peckhamandmckenney.com

Please do not hesitate to call Bobbi Peckham toll-free at (866) 912-1919 if you have any questions regarding this position or recruitment process.

Recruitment Process

Project Organization – This phase provides for the development of a detailed Candidate Profile. First, I would meet collectively with the BAE Ad Hoc Committee to discuss the proposed recruitment process and timeline in order to identify any specific ideas, requests, or concerns the District might have relating to the recruitment. We will then discuss the issues and challenges currently facing the District, as well as opportunities for the future. The desired background and experience, leadership style and personality traits, skills and abilities will be discussed. Information obtained from this meeting will be prepared in a draft position profile for review and comment by the full Board. Once approved, the position profile will be designed as an attractive recruitment brochure to market the opportunity and serve as the profile by which candidates are evaluated and screened.

Recruitment – Advertisements will be placed in the appropriate industry publications and websites, and full information on the position will be posted on our firm's web site as well as the site of the District. The marketing brochure will be mailed to industry professionals primarily in the Bay area but throughout California, and it will also be available on our firm's web site. Copies of the brochure will also be made available to the District.

The main focus of our outreach, however, will be direct phone contact with quality potential candidates. With nearly 30 years of executive search experience, we have developed an extensive candidate database that is continuously utilized and updated. Our recruiting efforts will focus on direct and aggressive recruiting of individuals within the search parameters established during the Project Organization phase. We believe direct recruiting produces the most qualified candidates. We know how to identify the "hidden" candidates, including those passive candidates who may be resistant to considering an employment change. Throughout this active search process, we will regularly notify the BAE Ad Hoc Committee of the status and share questions, concerns, and comments received from potential candidates as they consider the opportunity. By doing so, we will "team" with the BAE to ensure that all issues and concerns of candidates are discussed and understood thereby eliminating "surprises" once the resume filing deadline has occurred.

Preliminary Interviews/Recommendation – As resumes are received, they will be promptly acknowledged, and we will personally respond to all inquiries. Once the resume filing deadline has passed, all resumes received will be reviewed and the leading 12 (+/-) candidates will be identified. A full list of applicants (names/titles/agencies) as well as cover letters & resumes of top 12 (+/-) candidates will be sent electronically to BAE for review. We will then hold a conference call with the BAE to review the information and identify the leading candidates for further consideration. The Board will then receive the full list of applicants with the leading candidates denoted in order to provide comment to Peckham & McKenney.

Once the leading candidates are confirmed by the BAE and full Board, all candidates will be notified of their status in the recruitment. The leading candidates will be asked to complete a supplemental questionnaire. Once received, these supplemental questionnaires will be provided to the BAE, and preliminary interviews will be scheduled with Bobbi Peckham.

We will then meet with the BAE to review results of the supplemental questionnaires and preliminary interviews. The BAE will select the leading 5-7 candidates to be scheduled to interview with the full Board.

Final Interviews/Selection – During this phase, the leading 5-7 finalists will be interviewed by the full Board. We will provide on-site advice and facilitation assistance during the final interview process. Interview materials, including suggested interview questions, evaluation and ranking sheets will be provided for the District's convenience. An orientation session will be held with the Board prior to the finalist interviews, and we will work with the Panel through a ranking process and discussion of the finalists at the end of the day. We would recommend that the General Manager observe the interview process. We will assist the Board in coming to consensus on the leading two to three finalists for further consideration. Second interviews with the Board as well as an opportunity to meet with the Management Team will be scheduled with the leading (2-3) finalists. We will facilitate providing feedback from the Management Team to the full Board following interviews.

Qualification – Once the final candidate has been selected, our firm will verify, at your discretion, professional work experience, educational histories, criminal, civil, credit, motor vehicle records, and second "tier" references. This comprehensive process ensures that only the most thoroughly screened candidate is hired. In addition, negotiation assistance will be provided as requested by the District.