

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

9/4/2023

2. Department

CA Children and Families Commission (First 5 California)

3. Organizational Placement (Division/Branch/Office Name)

Executive Office

4. CEA Position Title

Chief Counsel

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

First 5 California (F5CA) proposes to revise the above CEA's duties and responsibilities. The Chief Counsel, Executive Office, is responsible for performing in the capacity of legal counsel and advisor; will carry out high level legal services, serve on the executive team, and assist the Commission and the Executive Director on legal issues as they affect the overall policies of F5CA. As Chief Information Security Officer for F5CA, the incumbent provides oversight on federal and state compliance for information technology security and protocols for potential breaches of information.

6. Reports to: (Class Title/Level)

Executive Director, Exempt

7. Relationship with Department Director (*Select one*)

- ☒ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☐ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(*Explain*):

8. Organizational Level (*Select one*)

- ☐ 1st ☒ 2nd ☐ 3rd ☐ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

F5CA proposes to move the Fiscal Services Office, Contracts and Procurement Office, and the Information and Technology Office to reporting to the Chief Counsel.

In order to provide legal guidance and opinions utilizing California statutory and regulatory authority pertaining to State program and policy directives the Chief Counsel:

Consults with and serves as legal advisor to the Members of the Commission and the Executive Director on the interpretation and analysis of law, court decisions, and rules and regulations affecting the functions and overall programs of the Commission; establishes policies and procedures for handling legal issues related to the interpretation and analysis of law; and develops policy directives related to functions inherent in the Proposition 10 statute and other statutes or regulations affecting First 5 California.

Renders oral and written advice to the Executive Director and Members of the Commission; recommends action on federal legislation and rules and regulations; drafts legal and regulatory policies for discussion and presentation to the Commissioners; revises policies and procedures based on Commissioner directives; prepares letters, opinions, and orders on the most complex legal issues; reviews legal pleadings served on the Commission; and prepares briefs and other legal documents for sensitive litigation.

Appears before the Commission to orally present staff position on petitions, contract disputes, and legal interpretations; consults with the Attorney General on legal and policy aspects of complex legal issues related to the Commission and the state; and ensures compliance with all applicable state laws, including, but not limited to, the Bagley-Keene Act, the Public Records Act, including procedural and policy mandates, and the Conflict of Interest provisions.

Supervises the Contracts and Procurement Office. Reviews all contracts, contract proposals, and funding applications prepared by Commission staff for compliance with state contracting rules and regulations.

Supervises the Fiscal Services Office. Reviews all fiscal services functions, including development and analysis of options for alternative sources of funding for First 5 California. Prepares or assists in the preparation or revision of various First 5 California manuals and guidelines.

Supervises the Information Technology Office. As Chief Information Security Officer for First 5 California, provides oversight on federal and state compliance for information technology security and protocols for potential breaches of information.

Supervises the Administrative Services Office. In support of Commission governance, meetings and other administrative services under the purview of the commission, will ensure that all processes and procedures are performed in accordance to California statutory and regulatory authority.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☒ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The Chief Counsel for F5CA performs in the capacity of legal counsel, legal adviser, and legislative review. The position will provide legal interpretations, analysis, and advice to the Commission and Director on legal issues as they affect the overall policies of the Commission. The position prepares formal and informal legal opinions regarding issues related to county implementation and program participation; compliance with federal laws and regulation, where applicable; county governance; and compliance with state and federal laws and regulations regarding appropriateness of funding or expenditures. The position is responsible for reviewing legislation and guidelines for legal and program impact; assists in the drafting of legislation; and testifies before the Legislature on legal issues effecting the Commission. The position works with Commission staff in negotiating a variety of standard and interagency agreements with other public agencies.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The Fiscal Services Office would be redirected from the Administration Division to under the Chief Counsel who currently works closely with the Director on key fiscal issues, including all Local Area Agreements with First 5 county commissions, Board of Equalization issues, potential/additional sources of revenue for F5CA, and presentations to the State F5CA Commission on each of these topics.

The Contracts and Procurement Office would also be redirected from the Administration Division to under the Chief Counsel. Currently, the Chief Counsel must be consulted for specific direction on all contracts and must review and approve them before they are enacted, this new reporting structure will help to streamline the approval and implementation process.

The Administrative Services will be contracted to become an Administrative Services Office under the Chief Counsel. These services support the governance of the overall commission.

Additionally, since IT services are designed to support the entire agency, it does not make sense to house the IT Office within the Executive Director. Moving reporting responsibilities to the office of the Chief Counsel, who serves as the agency's Chief Information Security Officer, is a more logical place for the IT staff to reside to provide agency-wide services and information security.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The Chief Counsel oversees the following policy areas:

- Policy Area: Chief Information Officer

As Chief Information Officer, assure F5CA is in full compliance of all state-mandated information technology rules and regulations. Examples include reviewing all e-mails from the California Information Security Office regarding announcements and reminders, reviewing F5CA activities in order to complete a Risk Management and Privacy Program Compliance Certificate, and performing a Nationwide Cyber Security Review self-assessment.

- Policy Area: Conflicts of Interest

Reviews and identifies Commissioner and F5CA's staff issues related to actual and potential conflicts of interest. Examples include periodic reviewing and updating of F5CA's conflict of interest policy, review of filers' "Form 700" Conflict of Interest statements, and advising F5CA on specific conflict matters.

- Policy Area: Contracts

Oversees all contracts executed by F5CA for legal and policy compliance and consistency. Examples are meeting with staff to discuss draft contract language, working with control agencies, including the Department of General Services, to assure compliance with contracting rules and regulations, and working with contracting parties to finalize contract terms and conditions.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

This position participates, as a member of the executive management team, in the development and implementation of program policies and provides input related to legal implications to the members of the Commission, the Executive Director, and the Chief Deputy Director on major policy issues. As the Commission's legal advisor and principal expert on legal matters, the Chief Counsel has the authority to accept, reject, or modify legal documents on behalf of the Commission.

The position reviews all F5CA Requests for Proposals and other funding applications for compliance with state and federal laws and regulations.

This position provides guidance and legal counsel to the members of the Commission, the Executive Director, the Chief Deputy Director, and the executive staff on the legality of alternative program approaches. Additionally, the position provides determinations on enforcement actions and renders legal opinions regarding the intent of the law to assure F5CA's operations

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA oversees all contracts executed by F5CA for legal and policy compliance and consistency. These functions are essential to assure that F5CA contract are legally sound, consistent with state policies, and written to protect the State of California from contract challenges.

While continuing with interpreting and implementing existing policy, the CEA will develop and implement new policy by working with F5CA staff, the 58 county commissions, and all outside stakeholder groups to address current critical issues in early childhood education and health, to meet the needs of California children ages 0 to 5 and their families.