**CALIFORNIA COASTAL COMMISSION**

**HEADQUARTERS ENFORCEMENT UNIT ATTORNEY**

**DUTY STATEMENT**

**EMPLOYEE NAME:**

**WORKING TITLE: Attorney, Headquarters Enforcement Unit**

**WORK UNIT/DIVISION: Statewide Enforcement Program/Legal Division**

**LOCATION: San Francisco, CA**

**DATE OF APPOINTMENT:**

**CBID: R02**

**TENURE/TIMEBASE: Temporary with the Possibility of Becoming Permanent, Full-time**

**POSITION SUMMARY**

The Headquarters Enforcement Staff Attorney is one of the enforcement staff assigned to work in the Headquarters Unit as a member of the Statewide Enforcement Program, which is within the Coastal Commission’s Legal Division. The primary responsibilities of a Headquarters Enforcement Staff Attorney are to work on bringing to administrative hearing before the Coastal Commission the most complex cases in order to obtain compliance with the Coastal Act, and to support the Office of the Attorney General in litigation of enforcement cases. A Headquarters Enforcement Staff Attorney may also be responsible for processing enforcement cases from the outset and attempting to obtain compliance without use of formal administrative orders or litigation. Headquarters Enforcement Staff Attorneys work under the direction of the Chief of Enforcement Supervising Counsel and the Deputy Chief of Enforcement and perform case and legal research and analysis at the direction of the Chief of Enforcement Supervising Counsel. The Headquarters Enforcement Staff Attorney works closely with other Commission staff attorneys and with the Commission’s planning and technical staff.

This position requires specific knowledge of the policies, requirements, and enforcement provisions of the Coastal Act of 1976 and its implementing regulations and relevant case law; the Commission’s permit processing procedures; the legal procedures for adoption of cease and desist orders, restoration orders, and administrative penalty actions; litigation processes; and legal concepts. The position also requires knowledge of the functions and relationships of federal, state, county and city governments, as well as regional councils of government and special districts. The position requires a Juris Doctor degree and current admission in good standing to the California State Bar, and the applicant to be on the State of California Attorney Classification list.

The incumbent must have the ability to work both independently and as part of a team, to interact with alleged violators and/or their representatives in a manner that promotes cooperation and dispute resolution, and to organize and effectively manage a high workload. The incumbent must also effectively follow office procedures and internal management policies.

The Headquarters Enforcement Staff Attorney is responsible for obtaining compliance with the Coastal Act via investigating and bringing cases to hearing before the Commission, doing legal research and drafting legal correspondence and administrative pleadings, drafting and negotiating legal provisions and settlement documents or other administrative pleadings as needed, monitoring compliance with Orders issued by the Commission, assisting in litigation support, and other policy, legal and enforcement tasks. The Headquarters Enforcement Staff Attorney also assists in preparing monthly enforcement reports to the Commission and drafting and presenting proposed orders to the Commission at public hearings regarding Coastal Act violations.

The Headquarters Enforcement Staff Attorney is also responsible for identifying and analyzing potential environmental justice impacts in projects, and drafting environmental justice, diversity and inclusion provisions in Staff Reports, settlements, or other documents, consistent with the Commission's Environmental Justice Policy, as well as conducting tribal coordination and consultation for relevant projects, including communicating with and gathering information from tribes, assessing impacts to cultural and tribal resources and drafting findings in Staff Reports, settlements, or other documents, consistent with the Commission’s Tribal Consultation Policy.

**ESSENTIAL FUNCTIONS:**

**1. Preparation of Formal Administrative Orders**

Prepare cease and desist orders, restoration orders, and administrative penalty actions, in complex enforcement cases, and perform tasks including but not limited to:

* Coordinate with District enforcement officers and with District planning staff;
* Conduct research, including legal research at the direction of the Chief of Enforcement or Deputy Chief of Enforcement;
* Prepare formal legal letters, including “notices of intent” letters, to alleged violators;
* Develop evidence, analyze legal and factual issues, and draft and negotiate agreements;
* Draft orders and staff reports in support of orders;
* Review and respond to statements of defense;
* Prepare and make presentations to the Commission; and
* Monitor and document compliance with orders once issued, and work with Respondent(s) to achieve compliance or make recommendations for further action;
* Analyze proposals for resolution of violations, including proposed restoration and mitigation plans. Negotiate with alleged violators. Evaluate and make recommendations on proposed strategies for case resolution;
* Draft Consent Orders (settlement agreements) and proposed Administrative Penalty actions, and, when needed, Unilateral Orders, and monitor implementation of such orders;
* Prepare cases for hearing, and related activities; and
* Undertake other actions as needed to achieve compliance with the Coastal Act.

**2. Litigation Support**

At the direction of the Chief of Enforcement, and other counsel, provide litigation support for complex enforcement cases including, but not limited to:

* Research and analyze legal and factual arguments and defenses raised by alleged violators;
* Review draft complaints, briefs and other documents prepared by litigating attorneys, locate and review documents in response to discovery requests;
* Testify in court and in depositions;
* Evaluate proposed settlements;
* Coordinate with District planning staff to keep them informed of developments in cases and to obtain their input as necessary;
* Undertake any other actions necessary to support the Office of the Attorney General (AG) in litigation of enforcement cases; and
* Assist with implementation of litigation settlements, including monitoring compliance with settlements, contacting parties to settlements and coordinating with the AG’s office.

**3. Enforcement Case Processing**

Investigate and document violations of the Coastal Act, local coastal programs, and coastal development permits, including but not limited to:

* Conduct site inspections if needed;
* Research property ownership and permit history;
* Review topographic maps;
* Research and prepare photographic evidence;
* Coordinate with local governments and relevant state and federal agencies;
* Develop and implement strategies for resolving violations without formal administrative orders; and
* Work closely with District planning and technical staff to ensure staff are adequately informed of enforcement issues and concerns, and work closely with the Enforcement Supervisor for the District in which the violation arises.

**OTHER FUNCTIONS:**

**Other Enforcement Tasks**

Prepare monthly report presentations for the Commission, assist in interviewing, hiring and supervising interns as required and appropriate. As requested, review staff reports addressing “after-the-fact” applications for approval of development that has occurred without a coastal development permit or other permit actions with enforcement issues or components and brief the Chief of Enforcement on such reports.

**JEDI Tasks**

Participate in tasks, trainings, outreach and other activities that support implementation of the agency’s Justice, Equity, Diversity and Inclusion (JEDI) plan, which aims to create an inclusive workplace that allows staff from diverse backgrounds to thrive and improves agency outreach and public engagement. For example, this may include attending quarterly JEDI calls, sitting on interview panels, contributing to or attending staff trainings on JEDI issues such as on implicit bias, presenting at outreach events at locations with greater diversity, and providing input on hiring practices.

Also, work to incorporate JEDI goals and mitigations in enforcement cases, and coordinate with the EJ team in addressing these issues.

**SUPERVISION EXERCISED OVER OTHERS**

Does not supervise. May act as lead or be a mentor to new employees or give direction to Environmental Services Interns, Legal Interns and volunteers.

**KNOWLEDGE, SKILLS AND ABILITIES**

Knowledge of: principles, practices, terms and concepts of and laws behind coastal resources and environmental management, urban and regional planning, economic analysis, and legal mandates; public policy development; current trends and applications in Federal, State and local planning; administrative, land use and environmental law and relevant case law; permit review and zoning procedures.

Ability to: analyze complex situations accurately and take effective action; effectively and convincingly communicate in written and verbal form complex and controversial matters to individuals and groups; analyze and evaluate written, graphic and verbal data and prepare complete and comprehensive reports; inspire confidence and trust; establish and maintain effective and cooperative relations with those contacted in the course of work; use of good judgment when making decisions on the content of staff reports and in communications with those inside and outside the agency; creative problem solving and good negotiation skills; flexibility and initiative; ability to multi-task; complete assignments in a timely and organized manner; ability to respond calmly and effectively in stressful situations; strong writing and verbal communication skills; willingness to follow and implement directions, a desire to be an effective part of a work team; regular attendance and a commitment to public service.

Required personal attributes include: thorough understanding of the Coastal Act and Commission regulations and procedures, understanding of the goals of the agency and the agency’s management, use of good judgment when making decisions on content of staff reports and in communications with those inside and outside the agency, flexibility and initiative, ability to work effectively with representatives of interest groups and other public agencies, completion of all work in a timely and well organized form, and possess the ability to successfully negotiate the Commission position with outside parties including alleged violators and/or their legal counsel.

**CONSEQUENCE OF ERROR/RESPONSIBILITY FOR DECISIONS**

Under the direction of the Chief of Enforcement Supervising Counsel and under the supervision of the Deputy Chief of Enforcement, the Headquarters Enforcement Counsel is expected to handle complex enforcement matters with minimal supervision. Poor quality work and errors in judgment reflect badly upon the enforcement program, create more work for other team members, and may hinder the Commission’s ability to address and resolve Coastal Act violations. Error in judgment may result in unnecessary delays for employees and the public, poor external and internal relationships and a loss in efficiency and production.

**PUBLIC AND INTERNAL CONTACTS**

A crucial function of this position is to maintain and improve a positive public image of the Commission and its employees through any contact with the public and with the staff of other agencies. Coordination with property owners, local governments, community groups, the business community, and state and federal agencies may be required in the performance of assigned duties and supporting the work of the unit. Internal coordination with analysts and staff from other offices, and the Energy and Ocean Resources, Technical Services, Enforcement, Land Use, Executive and Legal divisions on various issues may also be required.

**PHYSICAL, MENTAL AND EMOTIONAL REQUIREMENTS**

The incumbent may be required to sit for long periods of time using a keyboard and video display terminal. The incumbent must have the ability to move about, stand, reach, stoop or bend; lift up to 15 pounds. The incumbent must be able to interact with many people; deal effectively with pressure; multi-task; adapt to changing priorities; maintain focus on work assignments; open to change and new information, changing conditions, or unexpected obstacles; complete tasks/projects within a short time frame; behave in a fair and ethical manner towards others; and demonstrate a sense of responsibility and commitment to public service. The incumbent must value diversity and other individual differences in the workforce.

**WORK ENVIRONMENT**

Employee will be required to sit for long periods of time remotely or under artificial lighting, in an open-space, climate-controlled, typical “Monday through Friday” office environment in San Francisco, CA, or as provided in the provisions of the Commission’s Telework Policy; work in a cubicle space or in a private/shared office, as scheduling allows and as such offices become available; drive or be a passenger in a State vehicle; and travel to attend meetings or do site visits.

I certify that this duty statement represents an accurate description of the essential functions of this position.

**LISA HAAGE DATE**

**CHIEF OF ENFORCEMENT**

**STATEWIDE ENFORCEMENT PROGRAM**

I have read this duty statement and agree that it represents the duties I am assigned.

**HEADQUARTERS ENFORCEMENT STAFF COUNSEL DATE**

**STATEWIDE ENFORCEMENT PROGRAM**