



Alameda County
Employees' Retirement
Association (ACERA)



CHIEF COUNSEL



THE REGION

Alameda County, California's seventh-largest county, is located on the east side of the world-renowned San Francisco Bay. The County is home to approximately 1.5 million people who live in 14 incorporated cities that include Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, as well as unincorporated communities and rural areas that comprise the 813 square miles of the County. Oakland, the County seat, is California's ninth-largest city.

Alameda County is a blend of culturally and ethnically diverse communities and its population is highly diverse economically as well.

RETIREMENT SYSTEM

In 1947, the Alameda County Board of Supervisors adopted an ordinance that created the Alameda County Employees' Retirement Association (ACERA), which provides benefits in accordance with provisions of the County Employee Retirement Law of 1937 (1937 Act). On January 1, 1948, ACERA became operative to provide retirement, disability, and death benefits to the General and Safety members employed by Alameda County. Over the years, ACERA has expanded its member services to include employees of the Alameda County-based Superior Court of California and the five special districts of the County, as well as to administer retiree health care, dental care, vision care, and supplemental cost-of-living benefits.

ACERA's plan is a defined benefit pension plan providing lifetime benefits to members of the retirement system who meet the minimum age and length-of-service requirements and is a significant and fundamental part of the comprehensive benefits package ACERA provides to eligible employees. ACERA serves over 21,000 active and retired members with a current fund balance as of 3/30/14 of \$6.7 billion.

The ACERA Board of Retirement is responsible for establishing policies governing the administration of

the retirement plan and managing the investments of the system's assets. The Board has nine members and two alternate members. The Alameda County Board of Supervisors appoints four members and six are elected by ACERA's membership. The County Treasurer is an ex-officio member. The Board of Retirement oversees the Chief Executive Officer and staff in performance of their duties in accordance with the County Employees Retirement Law of 1937, ACERA's by-laws, and Board policies.

Mission

To provide ACERA members and employers with flexible, cost-effective, participant-oriented benefits through prudent investment management and superior member services.

Visit the ACERA website at: www.acera.org

THE POSITION

The Chief Counsel serves as legal advisor to the ACERA Board of Retirement and ACERA staff, represents ACERA in civil cases and advises on matters of civil law, and does related work as required. This requires deep knowledge of legal principles and proficiency in civil law, especially as it applies to public pension plans. Appointed by, and reporting to the Chief Executive Officer, the Chief Counsel serves as a critical member of the Senior Management Team. The Chief Counsel provides legal advice and representation on complex legal matters in support of ACERA's pension and non-vested benefit programs for select medical and supplemental benefits, disability, investment portfolio and actuarial functions. The Chief Counsel oversees a Legal Department of six employees including three Associate Counsels, an Administrative Specialist, and two Administrative Support Specialists. The 2014 Department budget is approximately \$1.7 million.





The Chief Counsel's responsibilities include, but are not limited to, the following:

- Provides legal advice during public and closed sessions of the Board of Retirement, including performing effectively in an open, transparent public setting.
- Provides legal advice and assistance to the Board of Retirement on issues involving Board governance, Fair Political Practices Commission Conflict of Interest reporting requirements, and the Ralph M. Brown Act Open Public Meeting Laws.
- Conducts legal research of complex pension issues and formulates policies and bylaws for ACERA.
- Drafts contracts, resolutions, opinions and other documents.
- Coordinates and oversees the work of outside counsel; verifies and controls fees paid.
- Provides advice and assistance on legal problems within other divisions of ACERA; confers with the Chief Executive Officer, ACERA and management staff on special legal problems.
- Assists with the criteria for, and selection of, qualified Hearing Officers for disability matters; monitors performance; ensures that ACERA's disability retirement application procedures are in compliance with applicable laws and regulations.
- Oversees the analysis of state and federal legislation or regulatory changes which may impact ACERA; drafts legislation sponsored by ACERA.
- Ensures that legal requirements are met during elections conducted to elect representatives to the Board of Retirement.
- Promotes teamwork and cross-functional collaboration and communications.
- As directed by the Chief Executive Officer, may attend or serve on outside committees and associations as may benefit ACERA.

CHALLENGES AND PRIORITIES

ACERA's Chief Executive Officer has identified the following opportunities, challenges and priorities that will require the expertise, energy and commitment of the new Chief Counsel:

- **Executive Team Development** – Since being hired three years ago, the Chief Executive Officer has prioritized the development of leadership, teamwork and a collaborative culture in the executive team of ACERA. The new Chief Counsel will bring his/her leadership skills and embrace the opportunity to be an active and contributing member of ACERA's executive team.
- **Legal Department Assessment** – The new Chief Counsel will be tasked with conducting a review of the makeup and skills of legal department staff for the purposes of identifying particular strengths, and areas for improvement. The new Chief Counsel will possess the leadership and collaborative skills to develop a true sense of "team" among all staff members in the Department, and provide the best structure to ensure the optimum delivery of legal services for ACERA.
- **Outstanding Litigation** – ACERA is awaiting a final decision on the lawsuit brought by the Deputy Sheriff's Association (DSA) and other employee groups who are opposing ACERA and other county pension funds' implementation of AB 197, a part of the Public Employees' Pension Reform Act (PEPRA) which was passed in late 2012. Additionally, ACERA is engaged in two personnel matters involving lawsuits brought against the Association by former employees.

THE IDEAL CANDIDATE

The ideal Chief Counsel is a strong generalist legal professional who is well-versed in public law with deep experience in transactional/ advisory work in a public agency. He/she is energetic, self-motivated, dependable, and highly ethical with a proven track record for providing sound and practical legal advice on a range of public law topics. The ideal candidate is a relationship-builder who embraces an environment focused on problem-solving, collaboration and teamwork. Candidates who have a history of being flexible and creative in providing legal advice/ options will be favorably considered. Strong candidates possess exceptional leadership and management skills in developing and leveraging the expertise of the Legal Department staff in an environment of teamwork, collaboration, and mutual trust. The ideal candidate





has the proven ability to manage outside legal counsel providing contracted services to ACERA. Successful candidates are experienced working with a governing board, and possess outstanding communication skills to provide legal counsel in clear and understandable terms. Strong fiscal/budget management skills are essential. Specific requirements are as follows:

Education and Experience

The equivalent of five years' full-time experience in the class of Associate Counsel – ACERA, or Deputy County Counsel in the Alameda County classified service [non-classified includes District Attorney's Office, Hospital Authority, and the Consolidated Courts].

OR

The equivalent of six years' full-time increasingly responsible experience as an attorney in the practice of civil law.

AND

Current membership in the California State Bar.

COMPENSATION

The salary range for the Chief Counsel is **\$156,894 to \$206,710**. Placement within the range will be dependent on the experience and qualifications of the successful candidate. ACERA also offers an extensive benefit package, including:

- Generous Vacation and Sick Leave Allowances, including 7 days Management Leave
- 11 Paid Holidays
- 1937 Act County Retirement Program (Defined Benefit Pension Plan)
- Deferred Compensation Plan
- Medical, Dental, and Vision Insurance Benefits
- Basic Life Insurance and Supplemental Life Insurance
- Health and Dependent Care Flexible Spending Accounts
- Short- and Long-Term Disability Insurance
- Vacation Purchase Program

Other benefits including group auto/home insurance, employee wellness programs, employee discount programs, child care resources, commuter benefits program, and 1st United Services Credit Union.

APPLICATION AND SELECTION PROCEDURE

To be considered for this challenging and rewarding career opportunity, please submit your résumé, list of four work-related references (who will not be contacted early in the process) and current salary by **Monday, July 7, 2014**. Résumé should reflect years and months of positions held, as well as size of staff and budgets you have managed. Forward your materials to:



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E-mail: resumes@cps hr.us
Website: www.cps hr.us/search
County of Alameda Website:
www.acgov.org

Following the final filing date, resumes will be screened in relation to the criteria outlined in this brochure. Candidates deemed to have the most relevant backgrounds will be invited to participate in a preliminary screening interview with the consultant in mid-July. ACERA will then select semi-finalists to participate in interviews the week of August 18th. An appointment is expected in early September after follow-up interviews with finalists and extensive reference/background checks to be coordinated with the candidates. For additional information about this opportunity, please contact Stuart Satow.

