

**CITY OF SANTA CLARA, CALIFORNIA
CLASS SPECIFICATION**

TITLE: SENIOR COUNSEL FOR SILICON VALLEY POWER (JOB CODE 179)

DEPARTMENT	ACCOUNTABLE TO	FLSA STATUS
City Attorney’s Office	City Attorney	Exempt

CLASS SUMMARY

Under general direction, this classification performs the most complex work of considerable difficulty for Silicon Valley Power (SVP). Primary responsibilities include providing general counsel services on a variety matters, negotiating and drafting contracts for City Council approval, managing regulatory compliance issues, and managing litigation. Performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is a professional legal advisory and managerial position in the Unclassified Service. An incumbent in this classification must: exercise independent judgment and discretion to provide legal and policy advice; manage, control, and direct outside legal counsel and employees; and formulate administrative policies for the effective management of City utility and other operations and use of assigned personnel. The position requires a demonstrated ability to work well with management, professional and administrative support employees in the Office; with clients, professionals, managers, City’s executive management team and all City Departments and elected and appointed officials from the City and various boards, commissions, and committees.

As a member of the City’s unclassified service, this is an “at-will” position and the incumbent serves at the discretion of the City Manager and City Attorney. An incumbent in this position demonstrates strong ethical, professional, and service-oriented leadership and interpersonal skills, sets a good example, and correctly applies the tenets of the City’s Code of Ethics and Values.

MINIMUM QUALIFICATIONS

EDUCATION AND EXPERIENCE

J.D. or L.L.B. from an accredited law school AND ten (10) years recent experience in the practice of law. Six (6) years of the qualifying experience must include advising dealing with electric utilities in the State of California. Two (2) years of the qualifying experience must include advising dealing with municipal, county or state governmental agencies in the State of California.

ACCEPTABLE SUBSTITUTION

None.

LICENSES/CERTIFICATIONS

- Possession of an appropriate California driver's license is required.
- Active member in good standing of the State Bar of California is required.

DESIRABLE QUALIFICATIONS

- Admission to the Federal District Court and Federal Appeals Court Bar is desirable.
- One year of supervisory experience is desirable.

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OTHER REQUIREMENTS

- Must be able to perform all of the essential functions of the job.
- May be required to work odd and unusual hours.

TYPICAL DUTIES

This description may not include all the duties listed below, nor do the examples cover all duties that may be performed.

Under general direction, the incumbent will:

- Act as General Counsel to Silicon Valley Power;
- Give legal counsel to elected and appointed officials, boards, commissions, committees and City departments (primarily to Silicon Valley Power) on a broad variety of legal topics, including but not limited to, interpretation of Federal, State, regional and local constitutions, charters, statutes, ordinances, resolutions, rules, regulations, court decisions, administrative law decisions, and other applicable legal authority;
- Assist in developing specifications for permitting and implementing electric public works projects including procurement of necessary electric equipment (transformers, switchgear, etc.), awarding and managing public works contracts, and resolving issues/disputes with contractors, bonding agencies, regulatory agencies, etc.;
- Negotiate and draft contracts for financing, acquisition and disposition of real estate interests, including fee simple, easements and rights of way, leasing, power purchases, power service and supply agreements and any and all other contracts and agreements related to the operation of a municipal electric and telecommunications utility;
- Appear before, obtain approvals from and otherwise works closely with regulatory agencies including FERC, NERC, CPUC, CEC, and CAISO on power acquisition, transmission, distribution, and related operational issues;
- Make appearances and conduct litigation on legal matters before State and Federal courts, boards, administrative agencies, and commissions;
- Participate in the selection of and manage outside legal counsel engaged by the City for specialized legal matters;
- Prepare drafts and/or review the legality of legislation, ordinances, resolutions, administrative policies, and other legal documents and instruments;
- Confer with the City Attorney to ascertain legal policy and then make decisions with respect to prosecution, compromise and/or dismissal of civil litigation;
- Oversee or prosecute eminent domain proceedings;
- Monitor and assist in the collection of debts and damages due to the City;
- Monitor and assist in the investigation of claims and complaints by and against the City;
- Be available to attend meetings of the City Council, JPAs, boards and commissions as assigned by the City Attorney to render legal advice and counsel;
- Manage the training and supervision of subordinate attorneys and support staff;
- Perform any and all other tasks required to provide legal support for SVP or City operations as assigned; and
- Perform other related duties as required.

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KNOWLEDGE, SKILLS, & ABILITIES

Knowledge of:

- Principles and practices of civil, criminal, constitutional, and administrative law specific to an electric utility and a municipality;
- Principles and practices of government organizations, powers and limitations of governmental functions, organizational management and supervision;
- Office safety practices, procedures and standards;
- Organization and operating procedures of a municipal attorney's office;
- Computer technology, i.e. Microsoft 360 Office Suite programs (including but not limited to Word, Excel, PowerPoint, Teams, Sharepoint, etc.);
- Legal research techniques;
- General statutory and case law, with specific knowledge of law related to municipal government functions and law specific to an electric utility. Specific areas of knowledge may include, but are not limited to, the following:
 - General expertise in the legal aspects of California municipal electric utility operations including market knowledge, industry standards, stakeholders, regulatory schemes, and risk management related issues;
 - Expertise with renewable energy procurement including experience with wind, geothermal, solar, and hydroelectric;
 - Expertise with California Public Utilities Commission Rules and Regulations, including, but not limited to General Orders 95, 128, and 165 and experience with managing and responding to CPUC audits and Federal Energy Regulatory Commission Rules and Regulations;
 - Knowledge of transmission, substation, and electric system development;
 - Expertise with rates and fee development, including, Proposition 26, Proposition 218, and applicable case law;
 - Resource Adequacy procurement and sale (local, system, flexible, and contingent resource adequacy products) through purchase agreements;
 - Bay Area Quality Management District Air Resources Board Rules and Regulations as they pertain to generation resources and their emission regulations within the City;
 - Knowledge of telecommunications law (small cell and fiber optic) and negotiate and prepare related lease agreements;
- US Constitution, California Constitution, Brown Act, Public Records Act, Political Reform Act, CEQA.

Ability to:

- Communicate both orally and in writing in a highly effective manner;
- Prepare analysis of law, fact, and argument, clearly and logically;
- Analyze, appraise and apply legal principles and precedents to difficult legal problems and use independent judgment;
- Present statements of law, fact, and argument clearly and logically;
- Make presentations to executive leadership, City Council, City Manager;
- Prepare complex legal opinions and a wide variety of sophisticated legal documents;

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- Have a common-sense approach to decision making and balancing the needs of the requesting City client;
- Work both collaboratively and independently as a member of SVP and City senior leadership team using sound judgment, initiative, creativity and discretion in responding to sensitive community and organizational issues, concerns, and needs;
- Effectively manage, organize, train and supervise assigned staff;
- Build credibility, trust and strong working relationships with internal and external clients by working cooperatively and collaboratively, by working in a team environment, by seeking input from others, by listening and communicating, by using tact and discretion and by communicating, when appropriate, technical information in non-technical terms;
- Handle stressful or sensitive situations with tact and diplomacy;
- Establish and maintain effective working relationships with those contacted in the course of work;
- Work effectively in time-sensitive situations and meet deadlines and coordinate multiple projects and complex tasks simultaneously;
- Select and manage outside legal counsel on complex matters;
- Handle a range of assignments from routine to complex; and
- Bend, stoop, reach, carry, crawl, climb, and lift as necessary to perform assigned duties.

SUPERVISION RECEIVED

Works under the general direction of the City Attorney or designee.

SUPERVISION EXERCISED

May supervise subordinate or administrative staff, as assigned.

CONFLICT OF INTEREST

Incumbents in this position are required to file a Conflict of Interest statement upon assuming office, annually, and upon leaving office, in accordance with City Manager's Directive 100.

CLASSIFICATION HISTORY

Created 05/2024