

## STAFF SUMMARY FOR MARCH 15, 2016

**6. EXECUTIVE DIRECTOR AND DEPUTY EXECUTIVE DIRECTOR POSITIONS****Today's Item****Information** **Action** 

- A. Receive and discuss potential revised duties for executive director and deputy executive director
- B. Receive update on executive director recruitment efforts

**Summary of Previous/Future Actions**

- Accepted previous executive director's resignation Dec 9-10, 2015; San Diego
- Granted Mike Yaun alternate signatory and supervisory authority Dec 9-10, 2015; San Diego
- Appointed Mike Yaun and Susan Ashcraft acting executive and deputy executive directors Feb 10-11, 2016; Sacramento
- **Today's update on duties and recruitment Mar 15, 2016; Teleconference**

**Background**

As of Jan 1, 2016, FGC has a vacancy in its executive director (ED) position. In addition, the deputy executive director (DED) has been on leave since Mar 2014, and the position became vacant on Feb 11, 2016.

At its Feb 10-11, 2016 meeting, FGC appointed an acting ED and acting DED from among existing staff. FGC also provided direction to staff concerning its vision for the respective roles and responsibilities of the ED and DED, to explore possible revisions to the duty statements to reflect this vision (today's Item 6A), and to explore additional recruitment strategies for the positions, including potential use of an executive recruitment professional (today's Item 6B).

- A. Duty statements: A revision to the proposed DED duty statement (Exhibit 1) based on previous FGC input may result in a significant overlap with the ED duties reflected in the posted job bulletin, unless the ED duty statement is also revised according to the differing job functions envisioned by FGC. State hiring protocols require that the duty statement for an advertised position can only be modified if the posting is canceled and a revised duty statement is approved (a process that can take weeks). The DED duty statement may be revised without these actions since it has not yet been posted; however, the ED and DED job functions are most effectively structured in tandem rather than in isolation. Revisions to the DED duty statement could also lead to a need for changes to at least one and possibly two duty statements for other existing positions. Alternatively, the division of duties for the ED and DED could be further clarified once the ED position is filled, which would also allow the new ED to work in tandem with FGC on the structure and function of the FGC office.
- B. Update on ED recruitment efforts: Three applications for the ED position have been received since the Feb 2016 FGC meeting and will be provided for review during executive session at the Apr 13-14, 2016 FGC meeting. A job announcement (Exhibit 2) has been posted to the FGC website (fgc.ca.gov), the California State Jobs website (jobs.ca.gov), the Association of Fish and Wildlife Agencies' website, the Western Association of Fish and Wildlife Agencies' website, OpenChannels (OpenChannels.org), and LinkedIn. The

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announcement was prepared using the ED duty statement presented during executive session at the Dec 2015 FGC meeting (Exhibit 3). Staff identified individuals with large networks of fish and wildlife professionals to promote the job opportunity and request their assistance with recruitment.

Staff has researched the issues associated with hiring an executive recruiting firm and has identified a method for doing so in the Executive Recruiter Background (Exhibit 4).

**Significant Public Comments (N/A)****Recommendation**

Staff proposes the following strategy to address both items 6A. and 6B.:

1. Retain current duty statements and let a new, permanent ED work with FGC to revise both duty statements, recognizing that revisions to the DED duty statement may have an impact on duty statements for other current positions;
2. Include on the agenda and budget time for vetting of applicants during executive session at the Apr 13-14, 2016 FGC meeting;
3. Beginning in Apr 2016, establish a standing agenda item following executive session for staff to provide a general update on recruiting efforts until a new ED is hired;
4. Direct staff to seek bids from recruiting firms and present the results of the request at the Apr 13-14, 2016 FGC meeting as part of the update on recruiting efforts.

**Exhibits**

1. [Proposed DED duty statement](#)
2. [ED job opportunity bulletin](#)
3. [ED duty statement](#)
4. [Executive Recruiter Background](#)

**Motion/Direction**

Provide direction to staff regarding ED recruitment, ED and DED duty statements, and future agenda items related to recruitment.



The California Fish and Game Commission  
INVITES APPLICATIONS FOR  
**EXECUTIVE DIRECTOR**  
FISH AND GAME COMMISSION  
EXEMPT APPOINTMENT  
SACRAMENTO, CALIFORNIA

MONTHLY SALARY: \$9,634.00 - \$10,734.00

FINAL FILING DATE: Until Filled

The California Fish and Game Commission (Commission) is looking for a talented and exceptional Executive Director to take the helm of a high performing team to support and carry out the mission of the Commission. The position involves extensive travel throughout one of the most beautiful states in the union while working with a diverse, growing and exciting population of citizens.

**FISH AND GAME COMMISSION:** Established in 1870, the Commission is composed of five members, appointed by the Governor and confirmed by the Senate. The Commission has a small staff, including the Executive Director, Deputy Executive Director, a Program Manager, and administrative and analytical support personnel. The Commission conducts public meetings throughout the State to promulgate regulations for sport fishing and hunting, many commercial fisheries, threatened and endangered species, wildlife areas and ecological reserves; set policy for the Department of Fish and Wildlife; and accept mitigation lands on behalf of the State.

**POSITION DESCRIPTION:** The Executive Director is the executive officer for the Commission. Appointment to and service in the position is at the pleasure of the Commission.

The Executive Director oversees the administration of a critical statewide regulatory program; under the direction of the Commission sets meeting agendas; schedules and assists in conducting quasi-judicial license and permit hearings; maintains close contact with and briefs legislators; makes operational decisions on budget, personnel, and program management; represents the Commission in negotiations on issues within its jurisdiction; and is accountable for the overall operations of the Commission.

**DESIRABLE QUALIFICATIONS:** College degree in a natural resources field; executive management experience, especially past success in working with a board or commission; familiarity with California government operations and processes, including legislation, promulgation of regulations, budgeting, administration and personnel; ability to establish and maintain cooperative working relationships with representatives of all levels of government, the public, and special interest groups; and public speaking experience.

**SPECIAL PERSONAL CHARACTERISTICS:** A thorough commitment to the Commission's mission and vision, strong leadership skills to motivate others to define and solve problems, excellent oral and written communication skills, the highest level of integrity as well as tact and discretion, ability to work well on a small team, a judicial temperament, ability to thrive in a timeline-driven environment, dependable, and self-motivated.

**APPLICATION INFORMATION:** Interested persons should submit the following: A standard State Application Form (STD 678) (<https://jobs.ca.gov/Profile/StateApplication>) with original signature; a one-page Statement of Qualifications describing how his or her experience and education satisfy the desired qualifications; a current resume; and two letters of professional recommendation. If you have any questions, please contact Sherrie Fonbuena in the Commission office at (916) 653-4899. Please send your application and related information to the following address:

CALIFORNIA FISH AND GAME COMMISSION  
ATTN: SHERRIE FONBUENA  
1416 NINTH STREET, ROOM 1320  
SACRAMENTO, CA 95814

*"The State of California is an equal opportunity employer to all, regardless of age, ancestry, color, disability (mental and physical), exercising the right to family care and medical leave, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, political affiliation, race, religious creed, sex (includes pregnancy, childbirth, breastfeeding and related medical conditions), and sexual orientation."*

## DUTY STATEMENT

### EXECUTIVE DIRECTOR FISH AND GAME COMMISSION 565-001-0771-401

Under general direction of the Fish and Game Commission, the Executive Director oversees the administration of a critical statewide regulatory program, maintains close contact with legislators, makes operational decisions on budget, personnel, and program management, represents the Commission and performs the following duties.

<u>Percent</u>	<u>Activity</u>
25	Oversees and directs the items that appear on the Commission meeting agenda and coordinates the development of background information on agenda items. Advises the Commission regarding these issues. Briefs the audience on agenda items at the Commission's meetings, facilitates the meetings and assures compliance with the provisions of the Administrative Procedure Act. Conducts public hearings as directed by the Commission. Disseminates information concerning actions of the Commission. Certifies Commission orders and rulemaking files with the Office of Administrative Law for inclusion in the California Code of Regulations.
20	Manages and resolves a wide variety of complex issues, many of which are of a sensitive and controversial nature and which may have legal implications. Represents the Commission in negotiations on issues within its jurisdiction.
15	Maintains liaison with members of the Legislature and legislative committees, the Resources Agency, other boards and commissions, the public, conservation groups, Department administrators, county boards of supervisors and allied agencies, both state and federal. Speaks to a variety of groups on Commission affairs.
10	Responsible for researching and developing for Commission ratification, general policies for the conduct of the Department. Provides interpretation of those policies and ensures compliance.
10	Responsible for legislative proposals and amendments, and being aware of new or proposed legislation that impact the powers, duties and responsibilities of the Commission, and state fish and wildlife conservation activities. Maintains a comprehensive working knowledge of Department programs and operations.

- 7 Schedules and assists in conducting quasi-judicial license and permit revocation and appeal proceedings and provides legal notification to individuals involved. Provides certified copies of such actions to appropriate entities as requested.
- 5 Investigates and reports to the Commission members on complaints received relating to Commission rules, regulations or policies and recommends appropriate corrective action. Keeps apprised of statewide resource issues and promotes discussions with the Commission members.
- 5 Advises the Commission, the Department and the Attorney General's Office regarding the provisions of the Fish and Game Code and related statutes. Schedules matters which require specific action by the Commission. Takes independent action, as required, to implement Fish and Game Code provisions.
- 3 Prepares and administers the Commission's annual budget.

**DUTY STATEMENT**

DFW 242A (REV. 03/19/14)

<b>INSTRUCTIONS:</b> A duty statement and organizational chart must be submitted with each Request for Personnel Action, Form 242		EFFECTIVE DATE: December 1, 2015
CDFW DIVISION/BRANCH/REGION/OFFICE Fish and Game Commission	POSITION NUMBER (Agency-Unit-Class-Serial) 565-001-7500-001	
UNIT NAME AND LOCATION Fish and Game Commission - Sacramento	CLASS TITLE Career Executive Assignment (CEA) A	
INCUMBENT	CURRENT POSITION NUMBER (Agency-Unit-Class-Serial)	
BRIEFLY DESCRIBE THE POSITION'S ORGANIZATION SETTING AND MAJOR FUNCTIONS  The CEA serves as a member of the Fish and Game Commission Executive Leadership Team, working with and on behalf of the Executive Director, and acting in his/her absence. The CEA identifies and directs formulation and development of statewide policies; oversees and directs consistent application and implementation of those policies; and ensures policies are consistent with and support the Commission's mission and goals through collaboration with the Department of Fish and Wildlife (DFW) and Natural Resources Agency. Advises the Executive Director and members of the Commission on matters relating to issue resolution; delivers reports and makes presentations to DFW's Executive Leadership Team, and members of the Commission. Manages the statewide regulatory program, conducts strategic planning, manages media relations and public outreach, and supervises Commission staff.		

PERCENTAGE OF TIME PERFORMING DUTIES	INDICATE THE DUTIES AND RESPONSIBILITIES ASSIGNED TO THE POSITION AND THE PERCENTAGE OF TIME SPENT ON EACH. GROUP RELATED TASKS UNDER THE SAME PERCENTAGE WITH THE HIGHEST PERCENTAGE FIRST.
20%	<b><u>ESSENTIAL FUNCTIONS</u></b> <b><i>Policy Development and Advice.</i></b> Independently and in collaboration with the Executive Director, makes policy decisions on legislative matters and political strategies. Identifies and develops policies on complex resource management issues within the Commission's statutory authority, makes recommendations on policy decisions before the Commission, and reviews and makes recommendations for changes to existing policies. Advises the Executive Director, Commission, DFW's Executive Leadership Team, Natural Resources Agency, and Governor's Office on policy issues concerning fish and wildlife resources.
20%	<b><i>Intergovernmental Affairs.</i></b> Represents and independently makes recommendations on behalf of the Executive Director and Commission in a variety of local, state and national settings, including before legislative committees, the DFW Leadership Team and the Ocean Protection Council, and in high-level task forces. Conducts meetings and work sessions with the highest level executive officers within DFW, Natural Resources Agency, other government agencies, and the California State Legislature. Assists the Executive Director in establishing and maintaining cooperative relations with tribes and tribal communities concerned with the conservation of fish and wildlife resources. Works closely with other government agencies to identify opportunities for collaboration on resource conservation and recreational opportunities. Gathers information from DFW, other government agencies, tribes, and stakeholders, and integrates all information to provide Commissioners with recommendations and advice on natural resource policy and regulatory decisions.
20%	<b><i>Public Affairs.</i></b> Establishes and maintains cooperative working relationships with constituents concerned with fish and wildlife resources. Works with constituents in collaboration with senior DFW, legislative and Natural Resources Agency staff to help resolve complex policy issues with substantial economic or political ramifications and that significantly affect fish and wildlife resources. Acts as the Commission's ombudsman to

**DUTY STATEMENT**

	constituent organizations, hearing and helping settle their concerns and reporting outcomes to the Executive Director and Commission. Represents the Commission in a variety of public settings and in meetings and events with constituent organizations. Manages public communication, education and outreach efforts, and interacts with the media.
15%	<b>Regulatory Program.</b> Oversees the Commission's statewide regulatory program, providing policy direction in creating, modifying and implementing regulations, as well as ensuring California Environmental Quality Act compliance. Effectively coordinates with DFW leadership, government agencies, tribes and stakeholders in identifying potential regulation changes to resolve complex fish and wildlife policy issues. Advises the Executive Director and Commission on policy issues related to the statewide regulatory program.
15%	<b>Strategic Planning.</b> Conducts planning, coordination and implementation of annual Commission programmatic work plan; integrates the programmatic work plan into annual strategic plan tracking and measurement; reviews and makes recommendations for changes to Commission policies in support of the Commission's strategic plan; and reviews and makes recommendations for changes to the strategic plan.
10%	<b>Administration and Personnel.</b> Supervises and directs the work of multidisciplinary professional and administrative staff; analyzes administrative policies, organization and practices to attain common goals; oversees operational processes to promote staff development and retention; and ensures administrative consistency with state policies and regulations, including equal employment opportunity and preventing discrimination and harassment.
	INDICATE THE KNOWLEDGE AND ABILITIES NECESSARY FOR THIS POSITION
	See the minimum qualifications, including knowledge and abilities, for this class at <a href="http://www.calhr.ca.gov/state-hr-professionals/pages/7500.aspx">www.calhr.ca.gov/state-hr-professionals/pages/7500.aspx</a> .
	INDICATE THE DESIRABLE QUALIFICATIONS FOR THE POSITION
	<ul style="list-style-type: none"> <li>• Experience in managing programs and interdisciplinary professional staff</li> <li>• Experience in formulating policies and strategies for complex programs and succinctly explaining the ramifications of recommended actions</li> <li>• Experience in public administration, personnel management, leadership and supervision</li> <li>• Experience in researching, analyzing and presenting information about complex and contentious issues in a clear, concise and logical fashion, both orally and in writing</li> <li>• Experience in developing and maintaining cooperative working relationships with local, state, federal and tribal government agencies, the legislature, the Governor's Office, industry, non-governmental organizations and the public</li> <li>• Experience in proactively and independently taking action, with open-mindedness, flexibility and tact involving sensitive matters and relations</li> <li>• Experience in strategic thinking and planning, setting and attaining goals, and promoting the vision and mission of an organization</li> <li>• Familiarity with California Fish and Game Code, Title 14 of the California Code of Regulations, the Administrative Procedure Act, and the Bagley-Keene Open Meeting Act</li> <li>• Basic understanding of natural resource management issues and trends</li> </ul>

**DUTY STATEMENT**

	<p><b><i>Special Personal Characteristics</i></b></p> <ul style="list-style-type: none"> <li>• Possess a high level of personal integrity and mature judgment</li> <li>• Be self-motivated and willing to work independently</li> <li>• Understand and value inclusive and transparent decision-making</li> <li>• Be flexible, resourceful and adapt to changing priorities</li> <li>• Desire to take on increasing responsibility and learn new things</li> </ul> <p><b><i>Interpersonal Skills</i></b></p> <ul style="list-style-type: none"> <li>• Possess excellent oral and written communication skills to interact professionally and courteously with Commissioners, elected officials, the media, staff and the public</li> <li>• Develop and maintain cooperative and respectful working relationships with a diversity of individuals, organizations and other government agencies</li> <li>• Possess willingness to work in a team environment, courteously assist other staff, and ask for help</li> </ul>	
<p>INDICATE THE WORKING CONDITIONS FOR THIS POSITION</p>		
	<ul style="list-style-type: none"> <li>• Private office in a smoke-free environment, equipped with a desk, telephone, and computer, as well as nearby printer, copier, scanner and fax</li> <li>• Professional office environment where appropriate business attire is required</li> <li>• Flexible, irregular work hours, including evenings and weekends as needed</li> <li>• Frequent travel throughout California, up to 20% of time</li> <li>• Use of a smart phone, computer, related software applications, and the Internet</li> </ul>	
<p><b>SUPERVISOR'S STATEMENT: I HAVE DISCUSSED THE DUTIES OF THE POSITION WITH THE EMPLOYEE.</b></p>		
<p><b>PRINT SUPERVISOR'S NAME</b></p>	<p><b>SUPERVISOR'S SIGNATURE</b></p>	<p><b>DATE</b></p>
<p><b>EMPLOYEE'S STATEMENT: I HAVE DISCUSSED WITH MY SUPERVISOR THE DUTIES OF THE POSITION AND HAVE RECEIVED A COPY OF THE DUTY STATEMENT.</b></p> <p><b>I HAVE READ AND UNDERSTAND THE DUTIES AND ESSENTIAL FUNCTIONS OF THE POSITION AND CAN PERFORM THESE DUTIES WITH OR WITHOUT REASONABLE ACCOMMODATION.</b></p>		
<p><b>PRINT EMPLOYEE'S NAME</b></p>	<p><b>EMPLOYEE'S SIGNATURE</b></p>	<p><b>DATE</b></p>

## **Executive Recruiter Background**

### **Prepared for March 15, 2016 FGC Teleconference Meeting**

This document identifies and explains the issues associated with FGC obtaining the assistance of an executive search firm for recruiting applicants to permanently fill the Executive Director position.

#### State Contracting

A very basic overview of the relevant requirements of State contracting:

- The State process requires competitive selection except in rare instances;
- The Department of General Services (DGS) is authorized to select contractors to work for the State;
- DGS has delegated certain contracting responsibility to DFW;
- DFW regularly assists FGC in purchasing goods and services;
- Many of the formal requirements of State contracting do not apply as long as the service is under \$50,000;
- Without the formal requirements, FGC could follow an informal process of seeking quotes from several vendors and selecting the vendor with the lowest quote that met the required specifications.

#### Executive Recruiter Industry

##### *Percentage Pricing*

The traditional search firm prices are not based on effort, time spent searching, or the difficulty of a particular engagement. Rather, it is based on a percentage of annual compensation. Recruiters that charge based on percentage of compensation typically follow one of two traditional search firm models: retained search firms and contingency firms.

1. Retained: Retained executive search firms are paid a retainer to do the work of executive search. The fee is not contingent upon making an actual placement. Retained firms tend to concentrate on recruiting senior executives who are passive candidates — those who are not actively looking for the next job.  
*Retained Search Fee:* 30-33% of total first year cash compensation of the candidate placed, plus expenses.
2. Contingency: Contingency search firms are only paid when they make a placement. They tend to concentrate on recruiting candidates that are actively looking for their next jobs. While there is some cross over — mainly at the Vice President and Director levels — retained firms focus on executive searches, and contingency firms focus on non-executive search.  
*Contingency Search Fee:* 20-25% of first year base salary of the candidate placed.

Based on the advertised Executive Director salary range and the percentage ranges above, the estimated fee for an executive recruiter with percentage pricing model would be anywhere from **\$23,100 to \$42,500**.

#### *Flat Fee Pricing*

A small percentage of search firms charge a flat fee. Most fixed fees are similar in total amount to the percentage based fees. However those fees can be very high for certain firms. Industry estimates average Full-Service Executive Search prices from \$50,000 to \$300,000.

#### *Industry Focus*

Many recruiters focus on specific industries. Two frequently identified industries of focus are governmental service and environmental fields. Staff research has identified a few examples of potential recruiters with relevant industry focus:

- *Explore Company* (<http://www.explorecompany.com>): Executive search and management consulting firm specializing in recruitment for nonprofit and philanthropic organizations with a heavy focus on fish and wildlife.
- *Sequence Staffing* (<http://www.sequencestaffing.com/welcome-employer.html>): Executive search and staffing firm providing employment focused on the environmental, climate change, engineering, construction, and light industrial industries around the world.
- *CPS HR* ([http://www.cpshr.us/search\\_recruitment.html](http://www.cpshr.us/search_recruitment.html)): A multi-service human resources consultant that includes recruiting services and focuses on government clients with experience in positions related to natural resources.
- *Stanton Chase* (<http://www.stantonchase.com>): A large international executive search firm that serves a broad range of industries, but identifies two relevant categories of specialization: governmental/education/non-profit and natural resources.

#### Potential FGC Budget for Executive Recruiter

FGC could fund a contract with an executive recruiter out of Program Cost Account (PCA) 75004.

Under that PCA, this fiscal year's FGC budget has \$204,031 for Operating Expenses and Equipment (OE&E) of which FGC has already spent \$47,378. FGC has already encumbered an additional \$66,991 for expenses. Finally, staff anticipates that, based on past expenditures related to travel reimbursement and miscellaneous supplies, FGC would spend an additional \$28,000 on travel (which could be much less if new commissioners are not appointed), and \$6,000 on miscellaneous supplies and equipment.

This leaves an anticipated surplus of \$55,662 of the original \$204,031 for OE&E.

This same PCA is also the funding source for Executive Director and Deputy Executive Director salaries. For each month the Executive Director position is vacant, we will experience a savings of approximately \$15,000. In addition, for each month the Deputy Executive Director position is vacant, we will experience a savings of approximately \$11,000.

Although the budget identifies salary and OE&E as two separate expenses, if FGC overspends from the identified PCA on OE&E, but underspends for salary, those two line items can be reconciled as long as the overall authorization for the PCA is not exceeded.

### Conclusion

- With the help of DFW, FGC could informally request quotes from several vendors;
- Assuming the quotes don't exceed the informal contracting amount of \$50,000, FGC could select the vendor with the lowest quote that meets the required specifications;
- FGC has available funds to pay for the expected amount and would still leave some funds for out of the ordinary expenses, but would greatly reduce funds available this year.