

Date: February 25, 2008

Committee Meeting Date: N/A

Board Meeting Date: March 6, 2008

BOARD MEMORANDUM

ACTION ITEM

TO: Santa Clara Valley Transportation Authority
Board of Directors

FROM: Don Gage, Chairperson
Evaluation Committee

SUBJECT: Negotiated Compensation Recommendation for General Counsel

Policy-Related Action: No
No

Government Code Section 84308 Applies:

RECOMMENDATION:

Approve the recommendation of the Board Negotiating Committee to grant an approximate 10% increase, from \$180,079 to \$198,000, effective July 1, 2007.

BACKGROUND:

With the appointment of General Manager Michael Burns in June 2005, the Board of Directors determined to move the timetable for the General Manager and General Counsel's annual evaluations from April through March of each year, with salary adjustments, if any, to coincide with the fiscal year rather than the calendar year. Due to press of business, the evaluation schedule was delayed. The General Manager's salary was reviewed in September, and changes to his compensation package were made effective July 1, 2007. The General Counsel's evaluation has been further delayed. Her last evaluation was for calendar year 2005.

The evaluation committee again retained Ms. Marleen Sloper, an independent human resources consultant, to gather input from the Board of Directors and the Executive Staff, and prepare a summary of comments for the Evaluation Committee, rating the General Counsel in the categories previously established by the Board. The evaluation covers the period January 2006 through March 2007. The General Counsel rated acceptable in all areas.

The Evaluation Committee also serves as the salary negotiating committee. The committee reviewed salary survey data for the following public agencies that have in house counsel: AC Transit and BART, County of Santa Clara, the cities of Cupertino, Fremont, Mountain View,

Palo Alto, San Jose, Sunnyvale, and the Santa Clara Valley Water District. The General Counsel's current salary is approximately 17% below the average actual salaries of the public agency attorneys surveyed. The Committee therefore recommends that the General Counsel be given a market increase of approximately 10%, to increase the annual compensation to \$198,000, effective the beginning of the 2007-2008 fiscal year. After this adjustment, the salary will be approximately 8% below the average of the agencies surveyed.