

Date: \_\_\_\_\_ March 19, 2008

Committee Meeting Date: \_\_\_\_\_ N/A

Board Meeting Date: \_\_\_\_\_ April 3, 2008

**BOARD MEMORANDUM**

**ACTION ITEM**

**TO:** Santa Clara Valley Transportation Authority  
Board of Directors

**FROM:** Michael T. Burns  
General Manager

**SUBJECT:** Appointment of Acting General Counsel

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**Policy-Related Action: No**

**Government Code Section 84308 Applies: No**

**RECOMMENDATION:**

Appoint Assistant General Counsel Kevin D. Allmand as Acting General Counsel for the Santa Clara Valley Transportation Authority (VTA) and establish a salary differential consistent with VTA policy. Also, authorize the General Manager to take all necessary actions to recruit candidates for the position of General Counsel, for consideration by the Board.

**BACKGROUND:**

With the retirement of Suzanne Gifford, VTA's General Counsel, the position is effectively vacant. During previous absences of the General Counsel, Mr. Allmand assumed those duties on a temporary basis and performed them to the Board of Directors' satisfaction.

In order to fill the position on a permanent basis, it is appropriate to authorize the General Manager, on behalf of the Board, to take all necessary recruitment steps, including but not limited to, placing advertisements, retaining recruiting firm(s), and accepting and reviewing applications.

**DISCUSSION:**

Since the office of General Counsel is effectively vacant, the Board must fill the office by appointment. VTA's Enabling Act, in Public Utilities Code Section 100090, provides that: "The general manager and general counsel shall be appointed and may be removed by the affirmative votes of a majority of the Board."

Mr. Allmand has served the VTA in the General Counsel's office since 1993. Since 2002, he has held the position of Assistant General Counsel. Prior to his employment with VTA, Mr. Allmand was employed in the Office of the Santa Clara County Counsel as a Deputy County Counsel.

In the past, the Board has utilized the Human Resources Department at VTA to manage the recruitment process for Officers of the Corporation. Staff has the necessary expertise and knowledge to provide the Board with a selection of candidates for this position. Because of the significance of this position, staff will engage the services of an executive recruiting firm to assist with this process.

**ALTERNATIVES**

The Board may direct staff to fill this position in another manner or with a different individual.

**FISCAL IMPACT**

The cost for this recruitment will be funded within the existing VTA Transit Operating budget and the General Manager's level of authority.