

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 3/27/2024

Staff Report No. 24-225

TO: AC Transit Board of Directors
FROM: Linda A. Nemeroff, Board Administrative Officer/District Secretary
SUBJECT: Creation of a Special Executive Recruitment Committee

ACTION ITEM

AGENDA PLANNING REQUEST:

RECOMMENDED ACTION(S):

Consider approving the creation of a limited-purpose General Counsel Executive Recruitment Committee.

Staff Contact:
Linda A. Nemeroff, Board Administrative Officer/District Secretary
Shayna van Hoften, Interim General Counsel/Chief Legal Officer

STRATEGIC IMPORTANCE:

There is no strategic importance associated with this report.

BUDGETARY/FISCAL IMPACT:

There is no budgetary/fiscal impact associated with this report.

BACKGROUND/RATIONALE:

On January 24, 2024, the Board of Directors authorized the issuance of a Request for Proposals (RFP) for executive search services associated with the recruitment of a permanent General Counsel/Chief Legal Officer. Now that a firm to lead the recruitment effort has been identified, the Executive Search Committee has recommended the creation of a new limited-purpose committee to oversee elements of the recruitment process that require frequent contact between the Board and the selected firm. The Board is asked to consider the creation of the General Counsel Executive Recruitment Committee. The committee would:

1. be a regular point of contact for the recruiter and would monitor their progress,
2. provide input on the profile for the position/recruitment brochure, and
3. work with the recruiter to develop a short list of candidates for full in-person Board interviews.

Board Policy 101, Section 8.4(b) provides that:

"The Board may establish Limited-Purpose Committees and the Board President shall appoint the Chair and members of Limited-Purpose Committees so established by the Board. Limited-Purpose

Committees shall be composed of no more than three members of the Board of Directors and may include the Vice President and President. A Limited-Purpose Committee is a temporary advisory committee that serves a limited or single purpose, is not perpetual, and will be dissolved once its specific task is complete. This type of committee is not subject to the provisions of the Brown Act. Any request to the Board to authorize the creation of a Limited-Purpose Committee shall specify 1) the limited or single purpose of the committee and 2) the committee's sunset date. Limited-Purpose Committees shall report on their activities to the Board or the appropriate Standing Committee as appropriate."

Notwithstanding the limited role of the committee, the full Board would still:

1. meet individually and collectively with the recruiter at the start of the process,
2. recommend candidates/referral sources to the recruiter, where applicable,
3. adopt an updated job description,
4. conduct in-person interviews of finalists, and
5. appoint a General Counsel/Chief Legal Officer

As a committee created for a limited duration and purpose, the General Counsel Executive Recruitment Committee would be exempt from the provisions of the Brown Act and would sunset once its purpose is fulfilled. If the Board approves the creation of this committee, the Board President will then proceed with making appointments to it.

ADVANTAGES/DISADVANTAGES:

The creation of a limited-purpose committee will allow a subset of the Board to oversee elements of the recruitment process that require frequent contact with the recruiter, which would eliminate unnecessary bottlenecks that could delay the hiring process. Staff does not foresee any disadvantages to the course of action recommended in the report.

ALTERNATIVES ANALYSIS:

Staff considered whether to have more Board involvement during the initial phases of the recruitment process and early interview process. However, given the Executive Search Committee's recommendation, existing demands on the Board's time, and input garnered from recruiters during the recruiter selection process, staff believes the use of a limited purpose committee structure would not only provide for greater responsiveness and efficiency throughout the recruitment process, but also make efficient use of the Board's time.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Board Policy 101 -- Board of Directors Rules for Procedure

ATTACHMENTS:

None

Prepared by:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Approved/Reviewed by:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Shayna M. van Hoften, Interim General Counsel/Chief Legal Officer