10/30/20

DRAFT

Minutes
Meeting of the
Personnel Committee of the
Alabama Environmental Management Commission
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
October 9, 2020

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Meeting of the
Personnel Committee of the
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October 9, 2020

Convened: 10:00 a.m.
Adjourned: 10:11 a.m.

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Part A

1 MEETING OF THE PERSONNEL COMMITTEE
2 OF THE
3 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
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7
8 Alabama Room (Main Conference Room)
9 1400 Coliseum Boulevard
10 Montgomery, Alabama 36110-2400
11 October 9, 2020
12 10:00 a.m.
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22 COURT REPORTER: PATRICK R. MILLER, ACCR-631
23 * * * * * * * *

1 * * * * * * * *
2 APPEARANCES
3 COMMITTEE MEMBERS PRESENT:
4 Thomas P. Walters, P.E., Chair
5 Ruby L. Perry, D.V.M.
6
7 COMMITTEE MEMBERS NOT PRESENT:
8 Kevin McKinstry
9
10 ALSO PRESENT:
11 Robert D. Tambling, EMC Legal Counsel
12 S. Shawn Sibley, ADEM General Counsel
13 Lance LeFleur, ADEM Director
14 Debi Thomas, EMC Executive Assistant
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1 * * * * * * * *
2 MR. WALTERS: Well, I have 10:00.
3 It is time for the Personnel Committee
4 meeting. As you can see, we don't
5 have the full Committee in attendance
6 today. Mr. McKinstry is unable to
7 attend, because he had a fall. And
8 he's having to stay home, and he's
9 doing rehab, but he's doing fine. But
10 he did send me some comments, so I'll
11 share that, but we'll go ahead and
12 call the meeting to order.
13 And the first item on the agenda is
14 the consideration of minutes of the
15 meeting held on October the 18th of
16 2019 for the Personnel Committee. So
17 I will entertain a motion from the
18 Committee regarding the minutes from
19 that meeting.
20 DR. PERRY: I move to adopt the
21 minutes of the October 18th, 2019
22 Committee meeting as distributed.
23 MR. WALTERS: And I will second it.

1 Any -- we have a motion and a second.
2 Any further discussion?
3 (No response was heard.)
4 MR. WALTERS: I will call for the
5 question. All those in favor, say,
6 Aye.
7 DR. PERRY: Aye.
8 MR. WALTERS: Aye. Motion carries.
9 Agenda Item 2 is the discussion and
10 consideration of the Personnel
11 Committee Chair's draft compilation of
12 written comments for the ADEM
13 Director's job performance evaluation.
14 As we have done in the last -- at
15 least since I've been here -- the last
16 two or three years, we -- the
17 Commission Chair directs the Personnel
18 Committee to start a job performance
19 evaluation, and covering the period
20 from the day after the last meeting
21 all the way to the -- to today in
22 theory, and we received -- solicited
23 feedback from the Commissioners, from

1 the general public regarding the
2 Director's job performance, and we
3 compiled those comments. The deadline
4 was the end of July, I believe, and so
5 we have received those. The -- at
6 this time then, we're going to ask
7 for -- I guess, have discussion about
8 those comments, which I will start,
9 actually. And just to let everyone
10 know, we received about 13, maybe --
11 well, 14 considering Mr. McKinstry's
12 commentary, I would say. Anyway, in
13 general, the -- I kind of did a
14 plus-and-a-minus tally. The majority
15 of them were in a positive light. As
16 has been the past, the -- most of the
17 commentary that we get from the
18 riverkeepers or, you know, those of
19 that group tend to be on the negative
20 side, and they tend to be historical
21 in nature in a broad sense. And I
22 think, as has been shared before, they
23 just about always conclude by wanting

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1 to replace the Director with somebody
2 else. So on the flip side, most of
3 the Commissioners and the other
4 commentary were positive, very
5 complimentary of Mr. LeFleur, of
6 Lance's job this year, and I agree
7 with those comments. I believe he's
8 done a great, good job meeting -- he
9 has met my expectations as the
10 Director for this past year.
11 So I'll open it up then, Ruby, for
12 any comments that you have.
13 DR. PERRY: I do have one, having
14 to work with the Director for the --
15 as I looked, the last year, almost two
16 years on this Board, and he has done a
17 very good job with keeping us apprised
18 of changes and forecasting, and as a
19 leader and a manager, he has done well
20 with that, achieving the goals and
21 objectives, staying focused on the
22 mission of this group, and also
23 concerned with the welfare of the

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1 citizens and keeping them in the
2 forefront. So I commend him on that.
3 As a leader, you're also going to get
4 the negatives, and -- you didn't do it
5 the way that I wanted to do -- and
6 often many of us in leadership roles
7 get that. And so we look at that --
8 well, actually, you want to get those
9 kinds of comments so you can make sure
10 that you're on target with making sure
11 you don't miss something.
12 So, again, I commend him for his
13 job performance this last year.
14 MR. WALTERS: Thank you. Yeah, I
15 agree with it and, as a Commission
16 member, I appreciate the people taking
17 the time to submit those comments,
18 because like Ruby said, it's important
19 to get that feedback from whatever the
20 perspective is. Everybody's got a
21 different perspective on how something
22 needs to be taken -- you know, taken
23 on. So in any event...

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1 So any further discussion?
2 (No response was heard.)
3 MR. WALTERS: All right. At this
4 time, I'll entertain a motion that --
5 regarding the draft compilation of
6 written comments for the ADEM
7 Director's job performance evaluation.
8 DR. PERRY: I move to adopt the
9 draft compilation of written comments
10 for ADEM Director's job performance
11 evaluation.
12 MR. WALTERS: I will second that.
13 We have a motion and a second. Any
14 further discussion?
15 (No response was heard.)
16 MR. WALTERS: We'll call for the
17 question then. All those in favor,
18 signify by saying, Aye.
19 DR. PERRY: Aye.
20 MR. WALTERS: Aye. Motion carries.
21 Agenda Item Number 3 is the
22 discussion and consideration of the
23 recommendation on the ADEM Director's

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1 job performance evaluation the
2 Personnel Committee will present to
3 the Commission for consideration. So
4 we'll discuss that. At this time,
5 the -- I'll just note that we'll
6 discuss the recommendation we want to
7 present to the Commission for
8 consideration on the job performance,
9 and the current Director's salary is
10 at Pay Grade 90, Step 18, which is the
11 last step, so for the ensuing year the
12 salary will remain unchanged. And
13 also note that in previous Director
14 evaluations, we've recommended to the
15 Commission that they authorize -- that
16 the Commission authorize the Personnel
17 Committee Chair to meet with the
18 Director regarding the compilation of
19 written comments, and execute a
20 verification of understanding of the
21 evaluation between the Commission and
22 Director.
23 So at this time, I'm going to call

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1 for discussion by the Committee
2 regarding the Committee's
3 recommendation to the Commission and
4 consideration for the Director's
5 evaluation.
6 DR. PERRY: I have no further
7 comments.
8 MR. WALTERS: Okay. I think we
9 just -- I think the Committee is going
10 to recommend retention of Director
11 LeFleur for the next -- for the
12 ensuing year. And as we've done in
13 the past, encourage that the Committee
14 Chair, myself, meet with the Director
15 and discuss those comments.
16 So at this time, I will entertain a
17 motion from the Committee regarding
18 the Committee's recommendation to the
19 Commission for consideration for the
20 Director's evaluation.
21 DR. PERRY: As per the discussion,
22 I move to recommend that the
23 Commission authorize the Personnel

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1 Committee Chair to meet with Director
2 LeFleur regarding the compilation of
3 written comments for ADEM Director job
4 performance evaluation, and to execute
5 the verification of understanding
6 between the Commission and the
7 Director regarding this evaluation.
8 MR. WALTERS: I second. Any
9 further discussion?
10 (No response was heard.)
11 MR. WALTERS: I have a motion -- I
12 would like to -- I failed to
13 mention -- sorry, I forgot to mention
14 I did have Kevin McKinstry's
15 commentary since he could not be here,
16 and his comments were also very
17 positive, and he -- in his opinion,
18 the Director exceeded expectations,
19 and so -- especially with this
20 challenging year. So I just want to
21 get that on the record.
22 All right. So we have a motion and
23 a -- we're going to call for the

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1 question. All those in favor of the
2 motion signify by saying, Aye.
3 DR. PERRY: Aye.
4 MR. WALTERS: Aye. Motion carries.
5 Item Number 4. This is other
6 business, and I do want to bring up --
7 MS. THOMAS: Can I get you to sign
8 that?
9 MR. WALTERS: Sure.
10 MS. THOMAS: Thank you.
11 MR. WALTERS: One item of -- you
12 know, Mr. LeFleur is not going to be
13 with us forever. I don't think so.
14 Not going to be on this earth forever.
15 We're all going to -- not that I'm
16 wishing that or anything. But I think
17 as a Commission, we need to be
18 prepared for when we do seek a new
19 Director, and I think that this
20 Committee should maybe look into, you
21 know, the various things that are
22 involved when we are seeking a new
23 director and, you know, look at what's

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1 been done in the past. Look at the
2 job description. Look at the
3 compensation structure and those kinds
4 of things, and see if there's any
5 changes that need to be made if
6 perhaps we want to attract someone
7 from the outside that's not in the
8 Department. So I would like to maybe
9 bring -- suggest to the Commission
10 that we organize, perhaps, this
11 Committee to study that and then make
12 a recommendation to the Commission at
13 a future date. Does that seem
14 reasonable?
15 DR. PERRY: So, Mr. Chair, I do
16 support that, and any recruitment
17 efforts for the type of people that
18 you need in terms of -- especially if
19 you're going to be creative in moving
20 an organization forward. So we have
21 to make sure that we are in alignment
22 with the market, and so -- and I will
23 say this for the record, that when I

was recruited 20 years ago, 35 years ago, maybe longer than that, you're not going to get the same kind of person with what I do with people coming right out of school. And so we want to have some type of language in our by-laws or in our procedures such that we can address that and then make recommendations to the Commission. So I support that recommendation.

MR. WALTERS: Okay. And so I think I'm going to make that recommendation to the Commission maybe later today and see where it goes from there.

DR. PERRY: So we would look at that, and then make a study, and then make a recommendation?

MR. WALTERS: Yeah, yeah, definitely.

DR. PERRY: Okay.

MR. WALTERS: Recommend to the Commission that we organize a group to study it, and then come back to the Commission at a later date to report on

what further actions...

DR. PERRY: We can do that.

MR. WALTERS: Okay. Very well. We'll go into Item Number 5, which is future Personnel Committee meeting. I don't see a need unless you do, Ruby, that we need to have another meeting, set a meeting date, so...

DR. PERRY: I do not, Mr. Chair.

MR. WALTERS: Okay. Very good. I will then entertain a motion to adjourn.

DR. PERRY: So moved.

MR. WALTERS: I second. All those in favor of adjournment, signify by saying, Aye.

DR. PERRY: Aye.

MR. WALTERS: Aye. Meeting is adjourned.

(Whereupon, the meeting concluded at 10:11 a.m.)

* * * * * * * *

REPORTER'S CERTIFICATE

STATE OF ALABAMA

MONTGOMERY COUNTY

I, Patrick Miller, Alabama Certified Court Reporter No. 631, and Commissioner for the State of Alabama at Large, hereby certify that on Friday, October 9th, 2020, I reported the PROCEEDINGS in the matter of the foregoing cause, and that the pages herein contain a true and accurate transcription of said proceedings.

I further certify that I am neither kin nor of counsel to the parties to said cause, nor in any manner interested in the results thereof.

This 24th day of October, 2020.

Patrick Miller

PATRICK MILLER, ACCR-631
Commissioner for the
State of Alabama at Large
MY LICENSE EXPIRES: 9/30/21
MY COMMISSION EXPIRES: 2/08/23

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Part B

Attachment Index

Attachment 1	**Agenda**
Attachment 2	**Order to: (1) Adopt the Draft Compilation of Written Comments for ADEM Director Performance Evaluation and (2) Recommend that the Commission authorize the Personnel Committee Chair to meet with Director LeFleur regarding the Compilation of Written Comments for ADEM Director Job Performance Evaluation and to execute the verification of understanding between the Commission and the Director regarding the evaluation.** **(Agenda Items 2 and 3)**

Attachment 1

9/9/20

AGENDA*
MEETING OF THE
PERSONNEL COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: October 9, 2020
TIME: 10:00 a.m.
LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

ITEMS

1. Consideration of minutes of meeting of the Personnel Committee held on October 18, 2019**

2. Discussion and consideration of Personnel Committee Chair's Draft Compilation of Written Comments for the ADEM Director Job Performance Evaluation

3. Discussion and consideration of recommendation on the ADEM Director Job Performance Evaluation the Personnel Committee will present to the Commission for consideration

4. Other business

5. Future Personnel Committee meeting

* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under Environmental Management Commission.

** The minutes of this meeting will be available on the ADEM website under Environmental Management Commission.

Attachment 2

BEFORE THE
PERSONNEL COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

MOTIONS

1. Adopt the Draft Compilation of Written Comments for ADEM Director Performance Evaluation.
2. Recommend that the Commission authorize the Personnel Committee Chair to meet with Director LeFleur regarding the Compilation of Written Comments for ADEM Director Job Performance Evaluation and to execute the verification of understanding between the Commission and the Director regarding the evaluation.

ORDER

This cause having come before the Personnel Committee pursuant to the above motions, and having considered the same, the Committee hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motions are hereby adopted; and

2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

Issued this 9th day of October 2020

APPROVED:

Committee Member

Committee Member

Committee Member

This is to certify that this Order is a true and accurate account of the actions taken by the Personnel Committee on this 9th day of October 2020.

Thomas P. Walters, Chair
Personnel Committee
Certified this 9th day of October 2020