12/04/18

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 19, 2018

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 19, 2018

Convened: 9:57 a.m.
Adjourned: 10:11 a.m.

Part A

Transcript
Word Index

Part B

Attachment Index
Attachment 1
Attachment 2

Part A

MEETING OF THE ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
PERSONNEL COMMITTEE
October 19, 2018
9:57 A.M.

LOCATION: Alabama Department of Environmental Management Building
Alabama Room
1400 Coliseum Boulevard
Montgomery, Alabama 36110

A P P E A R A N C E S

COMMISSION MEMBERS PRESENT:
Samuel L. Miller, M.D.
Thomas P. Walters, P.E.

ALSO PRESENT:
Robert Tambling, EMC Legal Counsel
Kayla Currie, Assistant Attorney General
Lance R. LeFleur, ADEM Director
Debi Thomas, EMC Executive Assistant

DR. MILLER: Let's start the meeting please. Welcome everyone to the Committee on the evaluation of the director from 2017 until current date. We do have a quorum. We had one other Commissioner who has participated in going over the comments we received, but like in the last meeting, he was not reappointed. So he's not here today to -- for the discussion.

I would like to welcome Tom Walters as a new member of the Commission and he has been actively involved with the Committee business since his appointment.

I'll entertain a motion from the Committee to adopt the minutes of the October 2017 meeting.

MR. WALTERS: So moved.

DR. MILLER: Second. All in favor say aye.

MR. WALTERS: Aye.

DR. MILLER: All opposed no. All right. So we have adopted the committee meeting minutes from October 29, 2017.

We -- at the June 15th, 2018 meeting, Commissioner Brown who is our chairman directed the, Personnel Committee, which is us, to start a job performance evaluation of Director LeFleur covering the period from October 21st, 2017, the day after the last evaluation was completed, to the date of today's meeting. We -- Chairman Brown indicated that he thought we should obtain feedback from the public as well as the Commission and we -- I made a memo to request this from the Committee both to the Commissioners and to the public that written comments be submitted to the Personnel Committee by 5:00 p.m., July 31st, 2018. This was posted on the ADEM website and circulated to the people on the mailing list.

We need to discuss the findings of these evaluation letters and I'd like to begin by saying that we've received extreme variation in our comments all the way from asking the Director to be relieved to comments directing high praise to the Director.

Page 5

At this point I'm not sure that these comments have been released to the public or to interested parties, but in discussing with Robert Tambling I think these comments can be released because they are part of the public record and I think we will move to do so in the near future.

The comments ranged from a very detailed complaint about the Director from eleven different environmental organizations that came together and posted both in the newspaper and sort of the same thing to the Committee multiple comments mainly regarding the 35th Avenue ongoing situation.

Director LeFleur has responded to those allegations and we have taken both the complaint and the response into consideration as part of our due diligence. We also had multiple positive comments from some members of the Commission, some off the Commission, and we had a few that were not part of the eleven member environmental organization that were also somewhat negative.

Page 6

Tom, would you like to jump in and discuss anything that you --

MR. WALTERS: No, just on a personal note, in just my short relationship with Lance LeFleur, he's been very professional in his duties and I certainly appreciate that and I'm really impressed with Lance with his openness and his collaborative demeanor, and not just with me but with anyone he interacts with. So that's a very admirable quality. So --

DR. MILLER: Well, I mean, if you put yourself in the Director's shoes, he's got people on both sides of the question who are very adamant and very dedicated to their point of view. You know, his job is not really to make a decision on who's right and who's wrong but to listen to both sides and try to mediate between the two. And I think that he must be a man of great patience because there would be -- it would be very difficult for me to respond in a nonpartisan way, not saying which side I would respond to, but it would be

Page 7

difficult for me to -- after listening to the argument to maintain a neutral position.

I don't think there's anything earth-shattering in these comments and, you know, I would note that Lance, I guess, has joined a club because almost all -- maybe all the previous Directors have been called upon to resign over various squabbles that have occurred. So I just think that, you know, he should be commended for weathering the storm.

And I don't really have anything else to add at this point. Do you have anything else you would like to add, Tom?

MR. WALTERS: I do not. I do not.

DR. MILLER: Well, I would like to get Tom to make a motion regarding accepting these comments on the Director's job performance evaluation.

MR. WALTERS: I move we adopt the summary of written comments on the Director's job performance evaluation.

DR. MILLER: I second that motion. Any further discussion?

Page 8

MR. WALTERS: No.

DR. MILLER: All right. Let's call for the question. All in favor say aye.

MR. WALTERS: Aye.

DR. MILLER: All opposed no. We also have traditionally nominated the Chair of this Committee, which is me, to after the meeting is over and after approval by the Commission of the report and the comments to go and discuss these comments with the Director, and I would think that that would be the thing that we would want to do this time as well.

We generally at this meeting discuss Director LeFleur our or ADEM director the salary that he should receive for the coming year. At this point his salary is $164,419.20, which is pay grade 90 step 18 which is the last step remaining in pay grade 90. So unless there is a general move by the State to increase compensation, his salary will pretty much have to stay the same.

And we -- again, we have always

had the Chairman of the Committee go and talk to the Director about the comments and the Committee report and I would like to entertain a motion that we could continue that practice at this point.

MR. WALTERS: So move.

DR. MILLER: Second. All in favor say aye.

MR. WALTERS: Aye.

DR. MILLER: All opposed no.

Okay. Well, I think at this point we need to -- do you have the order?

MS. THOMAS: I just brought that order up. If y'all will circulate that.

DR. MILLER: You're left-handed?

MR. WALTERS: I am. I tried to pick up the left-handed seat.

DR. MILLER: I would like to ask Commissioner Walters if he has any other business he thinks we should discuss at this meeting.

MR. WALTERS: I have no other business at this Committee meeting, sir.

DR. MILLER: We at this point will not set another meeting until it's proposed that we do so by the Chairman of the overall Commission. So at this time I think that I will entertain a motion that we adjourn.

MR. WALTERS: I move to adjourn.

DR. MILLER: Second. All in favor?

MR. WALTERS: Aye.

DR. MILLER: All opposed? All right. That's it.

(The meeting concluded on October 19, 2018, at 10:11 a.m.)

REPORTER'S CERTIFICATE

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, Elaine Scott, Certified Court Reporter and Commissioner for the State of Alabama at Large, hereby certify that on October 19, 2018, I reported the meeting of the Alabama Environmental Management Commission Personnel Committee, and that pages 1 through 11 contain a true and accurate transcription of the meeting set out herein.

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

/s/Elaine Scott, CCR
ELAINE SCOTT, Court Reporter
and Commissioner for the State
of Alabama at Large
CCR NO. 354, Expires 9/30/19

MY COMMISSION EXPIRES NOVEMBER 16, 2019

REPORTER'S CERTIFICATE

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, Elaine Scott, Certified Court Reporter and Commissioner for the State of Alabama at Large, hereby certify that on October 19, 2018, I reported the meeting of the Alabama Environmental Management Commission Personnel Committee, and that pages 1 through 11 contain a true and accurate transcription of the meeting set out herein.

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

Elaine Scott

/s/Elaine Scott, CCR
ELAINE SCOTT, Court Reporter
and Commissioner for the State
of Alabama at Large
CCR NO. 354, Expires 9/30/19

MY COMMISSION EXPIRES NOVEMBER 16, 2019

$

$164,419.20 (1)
8:18

A

accepting (1)
7:16
actively (1)
3:12
adamant (1)
6:15
add (2)
7:12,13
ADEM (2)
4:16;8:15
adjourn (2)
10:5,6
admirable (1)
6:10
adopt (2)
3:15;7:19
adopted (1)
3:22
again (1)
8:23
ALABAMA (4)
1:4,14,16,18
allegations (1)
5:16
almost (1)
7:6
always (1)
8:23
appointment (1)
3:13
appreciate (1)
6:7
approval (1)
8:8
argument (1)
7:2
Avenue (1)
5:14
aye (7)
3:19,20;8:3,4;9:8,9;
10:9

B

begin (1)
4:20
both (5)
4:12;5:11,16;6:14,18
Boulevard (1)
1:17
brought (1)
9:13
Brown (2)
4:2,8
Building (1)
1:15
business (3)
3:13;9:20,23

C

call (1)
8:2
called (1)
7:7
came (1)
5:11
can (1)
5:5
certainly (1)
6:6
Chair (1)
8:6
chairman (4)
4:3,8;9:1;10:3
circulate (1)
9:14
circulated (1)
4:16
club (1)
7:6
Coliseum (1)
1:17
collaborative (1)
6:8
coming (1)
8:17
commended (1)
7:10
comments (15)
3:6;4:14,21,22;5:2,5,
8,13,19;7:4,17,20;8:9,
10;9:2
COMMISSION (7)
1:5;3:11;4:11;5:20,
20;8:9;10:4
Commissioner (3)
3:5;4:2;9:19
Commissioners (1)
4:13
COMMITTEE (13)
1:6;3:3,13,15,22;4:3,
12,15;5:13;8:7;9:1,3,
23
compensation (1)
8:21
complaint (2)
5:9,17
completed (1)
4:7
concluded (1)
10:13
consideration (1)
5:17
continue (1)
9:4
covering (1)
4:5
current (1)
3:4

D

date (2)
3:4;4:7
day (1)
4:6
decision (1)
6:17
dedicated (1)
6:15
demeanor (1)
6:9
Department (1)
1:14
detailed (1)
5:9
different (1)
5:10
difficult (2)
6:21;7:1
diligence (1)
5:18
directed (1)
4:3
directing (1)
4:23
director (10)
3:3;4:5,22,23;5:9,15;
8:11,15,15;9:2
Directors (1)
7:7
Director's (3)
6:13;7:17,20
discuss (5)
4:18;6:2;8:10,15;
9:20
discussing (1)
5:4
discussion (2)
3:9;7:23
DR (15)
3:1,18,21;6:12;7:15,
22;8:2,5;9:7,10,15,18;
10:1,7,10
due (1)
5:18
duties (1)
6:6

E

earth-shattering (1)
7:4
eleven (2)
5:10,22
else (2)
7:12,13
entertain (3)
3:14;9:3;10:5
ENVIRONMENTAL (4)
1:4,14;5:10,22
evaluation (6)
3:3;4:5,7,19;7:18,21
everyone (1)
3:2
extreme (1)
4:20

F

favor (4)
3:18;8:3;9:7;10:8
feedback (1)
4:10
few (1)
5:21
findings (1)
4:18
further (1)
7:23
future (1)
5:7

G

general (1)
8:20
generally (1)
8:14
grade (2)
8:18,19
great (1)
6:20
guess (1)
7:5

H

high (1)
4:23

I

impressed (1)
6:7
increase (1)
8:21
indicated (1)
4:9
interacts (1)
6:10
interested (1)
5:3
into (1)
5:17
involved (1)
3:12

J

job (4)
4:4;6:16;7:17,21
joined (1)
7:6
July (1)
4:15
jump (1)
6:1
June (1)
4:1

L

Lance (3)
6:5,8;7:5
last (3)
3:7;4:7;8:19
LeFleur (4)
4:5;5:15;6:5;8:15
left-handed (2)
9:15,17
letters (1)
4:19
list (1)
4:17
listen (1)
6:18
listening (1)
7:1
LOCATION (1)
1:14

M

mailing (1)
4:17
mainly (1)
5:13
maintain (1)
7:2
man (1)
6:20
MANAGEMENT (2)
1:5,15
maybe (1)
7:6
mean (1)
6:12
mediate (1)
6:18
MEETING (13)
1:4;3:2,7,16,23;4:2,
8;8:8,14;9:21,23;10:2,
13
member (2)
3:11;5:22
members (1)
5:19
memo (1)
4:11
MILLER (15)
3:1,18,21;6:12;7:15,
22;8:2,5;9:7,10,15,18;
10:1,7,10
minutes (2)
3:15,23

Montgomery (1)
1:18
motion (5)
3:14;7:16,22;9:4;
10:5
move (5)
5:6;7:19;8:20;9:6;
10:6
moved (1)
3:17
much (1)
8:22
multiple (2)
5:13,19
must (1)
6:19

N

near (1)
5:7
need (2)
4:18;9:11
negative (1)
5:23
neutral (1)
7:2
new (1)
3:11
newspaper (1)
5:12
nominated (1)
8:6
nonpartisan (1)
6:22
note (2)
6:4;7:5

O

obtain (1)
4:9
occurred (1)
7:9
October (5)
1:7;3:15,23;4:6;
10:13
off (1)
5:20
one (1)
3:5
ongoing (1)
5:14
openness (1)
6:8
opposed (4)
3:21;8:5;9:10;10:10
order (2)
9:12,14
organization (1)
5:22
organizations (1)
5:10
over (3)
3:6;7:8;8:8
overall (1)
10:3

P

part (3)
5:5,18,21
participated (1)
3:6
parties (1)
5:3
patience (1)
6:20
pay (2)
8:18,19
people (2)
4:17;6:14
performance (3)
4:4;7:18,21
period (1)
4:6
personal (1)
6:4
PERSONNEL (3)
1:6;4:3,14
pick (1)
9:17
please (1)
3:2
pm (1)
4:15
point (7)
5:1;6:15;7:12;8:17;
9:5,11;10:1
position (1)
7:2
positive (1)
5:19
posted (2)
4:16;5:11
practice (1)
9:4
praise (1)
4:23
pretty (1)
8:22
previous (1)
7:7
professional (1)
6:6
proposed (1)
10:2
public (4)
4:10,13;5:3,6
put (1)
6:13

Q

quality (1)
6:11
quorum (1)
3:5

R

ranged (1)
5:8
really (3)
6:7,16;7:11
reappointed (1)
3:8
receive (1)
8:16
received (2)
3:7;4:20
record (1)
5:6
regarding (2)
5:13;7:16
relationship (1)
6:4
released (2)
5:2,5
relieved (1)
4:22
remaining (1)
8:19
report (2)
8:9;9:3
request (1)
4:11
resign (1)
7:8
respond (2)
6:22,23
responded (1)
5:15
response (1)
5:17
right (4)
3:22;6:17;8:2;10:11
Robert (1)
5:4
Room (1)
1:16

S

salary (3)
8:16,17,21
same (2)
5:12;8:22
saying (2)
4:20;6:22
seat (1)
9:17
Second (4)
3:18;7:22;9:7;10:7
set (1)
10:2
shoes (1)
6:13
short (1)
6:4
side (1)
6:23
sides (2)
6:14,18
situation (1)
5:14
somewhat (1)
5:23
sort (1)
5:12
squabbles (1)
7:8
start (2)
3:1;4:4
State (1)
8:21
stay (1)
8:22
step (2)
8:18,19
storm (1)
7:10
submitted (1)
4:14
summary (1)
7:20
sure (1)
5:1

T

talk (1)
9:1
Tambling (1)
5:4
THOMAS (1)
9:13
thought (1)
4:9
today (1)
3:8
today's (1)
4:8
together (1)
5:11
Tom (4)
3:10;6:1;7:13,16
traditionally (1)
8:6
tried (1)
9:16
try (1)
6:18
two (1)
6:19

U

unless (1)
8:20
up (2)
9:14,17
upon (1)
7:7

V

variation (1)
4:21
various (1)
7:8
view (1)
6:16

W

Walters (15)
3:11,17,20;6:3;7:14,
19;8:1,4;9:6,9,16,19,
22;10:6,9
way (2)
4:21;6:22
weathering (1)
7:10
website (1)
4:16
Welcome (2)
3:2,10
who's (2)
6:17,17
written (2)
4:13;7:20
wrong (1)
6:17

Y

y'all (1)
9:14
year (1)
8:17

1

10:11 (1)
10:14
1400 (1)
1:17
15th (1)
4:1
18 (1)
8:18
19 (2)
1:7;10:14

2

2017 (4)
3:4,16,23;4:6
2018 (4)
1:7;4:1,15;10:14
21st (1)
4:6
29 (1)
3:23

3

31st (1)
4:15
35th (1)
5:14
36110 (1)
1:18

5

5:00 (1)
4:15

9

9:57 (1)
1:8
90 (2)
8:18,20

Part B

Attachment Index

Attachment 1	**Agenda**
Attachment 2	**Order to: (1) Adopt the Draft Summary of Written Comments on ADEM Director Performance Evaluation and (2) Recommend that the Commission authorize the Personnel Committee Chair to meet with Director LeFleur regarding the Summary of Written Comments on 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

9/19/18

AGENDA*
MEETING OF THE
PERSONNEL COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: October 19, 2018
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 20, 2017**

2. Discussion and consideration of Personnel Committee Chair's Draft Summary of Written Comments on 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 Summary of Written Comments on ADEM Director Performance Evaluation.
2. Recommend that the Commission authorize the Personnel Committee Chair to meet with Director LeFleur regarding the Summary of Written Comments on 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 19th day of October 2018

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 19th day of October 2018.

Samuel L. Miller, Chair
Personnel Committee
Certified this 19th day of October 2018