


10/22/19

**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**

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Personnel Committee of the Alabama Environmental Management Commission on October 19, 2018.



Thomas P. Walters

Chair

Personnel Committee

Alabama Environmental Management Commission

Certified this 18th day of October 2019.

**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
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Part A

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4 MEETING OF THE ALABAMA ENVIRONMENTAL
5 MANAGEMENT COMMISSION
6 PERSONNEL COMMITTEE
7 October 19, 2018
8 9:57 A.M.
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14 LOCATION: Alabama Department of Environmental
15 Management Building
16 Alabama Room
17 1400 Coliseum Boulevard
18 Montgomery, Alabama 36110
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1 DR. MILLER: Let's start the
2 meeting please. Welcome everyone to the
3 Committee on the evaluation of the director
4 from 2017 until current date. We do have a
5 quorum. We had one other Commissioner who has
6 participated in going over the comments we
7 received, but like in the last meeting, he was
8 not reappointed. So he's not here today to --
9 for the discussion.
10 I would like to welcome Tom
11 Walters as a new member of the Commission and
12 he has been actively involved with the
13 Committee business since his appointment.
14 I'll entertain a motion from the
15 Committee to adopt the minutes of the October
16 2017 meeting.
17 MR. WALTERS: So moved.
18 DR. MILLER: Second. All in favor
19 say aye.
20 MR. WALTERS: Aye.
21 DR. MILLER: All opposed no. All
22 right. So we have adopted the committee
23 meeting minutes from October 29, 2017.

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1 A P P E A R A N C E S
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3 COMMISSION MEMBERS PRESENT:
4 Samuel L. Miller, M.D.
5 Thomas P. Walters, P.E.
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7
8 ALSO PRESENT:
9 Robert Tambling, EMC Legal Counsel
10 Kayla Currie, Assistant Attorney General
11 Lance R. LeFleur, ADEM Director
12 Debi Thomas, EMC Executive Assistant
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1 We -- at the June 15th, 2018
2 meeting, Commissioner Brown who is our
3 chairman directed the, Personnel Committee,
4 which is us, to start a job performance
5 evaluation of Director LeFleur covering the
6 period from October 21st, 2017, the day after
7 the last evaluation was completed, to the date
8 of today's meeting. We -- Chairman Brown
9 indicated that he thought we should obtain
10 feedback from the public as well as the
11 Commission and we -- I made a memo to request
12 this from the Committee both to the
13 Commissioners and to the public that written
14 comments be submitted to the Personnel
15 Committee by 5:00 p.m., July 31st, 2018. This
16 was posted on the ADEM website and circulated
17 to the people on the mailing list.
18 We need to discuss the findings
19 of these evaluation letters and I'd like to
20 begin by saying that we've received extreme
21 variation in our comments all the way from
22 asking the Director to be relieved to comments
23 directing high praise to the Director.

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1 At this point I'm not sure that
2 these comments have been released to the
3 public or to interested parties, but in
4 discussing with Robert Tambling I think these
5 comments can be released because they are part
6 of the public record and I think we will move
7 to do so in the near future.
8 The comments ranged from a very
9 detailed complaint about the Director from
10 eleven different environmental organizations
11 that came together and posted both in the
12 newspaper and sort of the same thing to the
13 Committee multiple comments mainly regarding
14 the 35th Avenue ongoing situation.
15 Director LeFleur has responded to
16 those allegations and we have taken both the
17 complaint and the response into consideration
18 as part of our due diligence. We also had
19 multiple positive comments from some members
20 of the Commission, some off the Commission,
21 and we had a few that were not part of the
22 eleven member environmental organization that
23 were also somewhat negative.

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1 Tom, would you like to jump in
2 and discuss anything that you --
3 MR. WALTERS: No, just on a
4 personal note, in just my short relationship
5 with Lance LeFleur, he's been very
6 professional in his duties and I certainly
7 appreciate that and I'm really impressed with
8 Lance with his openness and his collaborative
9 demeanor, and not just with me but with anyone
10 he interacts with. So that's a very admirable
11 quality. So --
12 DR. MILLER: Well, I mean, if you
13 put yourself in the Director's shoes, he's got
14 people on both sides of the question who are
15 very adamant and very dedicated to their point
16 of view. You know, his job is not really to
17 make a decision on who's right and who's wrong
18 but to listen to both sides and try to mediate
19 between the two. And I think that he must be
20 a man of great patience because there would be
21 -- it would be very difficult for me to
22 respond in a nonpartisan way, not saying which
23 side I would respond to, but it would be

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1 difficult for me to -- after listening to the
2 argument to maintain a neutral position.
3 I don't think there's anything
4 earth-shattering in these comments and, you
5 know, I would note that Lance, I guess, has
6 joined a club because almost all -- maybe all
7 the previous Directors have been called upon
8 to resign over various squabbles that have
9 occurred. So I just think that, you know, he
10 should be commended for weathering the storm.
11 And I don't really have anything
12 else to add at this point. Do you have
13 anything else you would like to add, Tom?
14 MR. WALTERS: I do not. I do not.
15 DR. MILLER: Well, I would like to
16 get Tom to make a motion regarding accepting
17 these comments on the Director's job
18 performance evaluation.
19 MR. WALTERS: I move we adopt the
20 summary of written comments on the Director's
21 job performance evaluation.
22 DR. MILLER: I second that motion.
23 Any further discussion?

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1 MR. WALTERS: No.
2 DR. MILLER: All right. Let's call
3 for the question. All in favor say aye.
4 MR. WALTERS: Aye.
5 DR. MILLER: All opposed no. We
6 also have traditionally nominated the Chair of
7 this Committee, which is me, to after the
8 meeting is over and after approval by the
9 Commission of the report and the comments to
10 go and discuss these comments with the
11 Director, and I would think that that would be
12 the thing that we would want to do this time
13 as well.
14 We generally at this meeting
15 discuss Director LeFleur our or ADEM director
16 the salary that he should receive for the
17 coming year. At this point his salary is
18 \$164,419.20, which is pay grade 90 step 18
19 which is the last step remaining in pay grade
20 90. So unless there is a general move by the
21 State to increase compensation, his salary
22 will pretty much have to stay the same.
23 And we -- again, we have always

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1 had the Chairman of the Committee go and talk
 2 to the Director about the comments and the
 3 Committee report and I would like to entertain
 4 a motion that we could continue that practice
 5 at this point.
 6 MR. WALTERS: So move.
 7 DR. MILLER: Second. All in favor
 8 say aye.
 9 MR. WALTERS: Aye.
 10 DR. MILLER: All opposed no.
 11 Okay. Well, I think at this point we need to
 12 -- do you have the order?
 13 MS. THOMAS: I just brought that
 14 order up. If y'all will circulate that.
 15 DR. MILLER: You're left-handed?
 16 MR. WALTERS: I am. I tried to
 17 pick up the left-handed seat.
 18 DR. MILLER: I would like to ask
 19 Commissioner Walters if he has any other
 20 business he thinks we should discuss at this
 21 meeting.
 22 MR. WALTERS: I have no other
 23 business at this Committee meeting, sir.

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1 DR. MILLER: We at this point will
 2 not set another meeting until it's proposed
 3 that we do so by the Chairman of the overall
 4 Commission. So at this time I think that I
 5 will entertain a motion that we adjourn.
 6 MR. WALTERS: I move to adjourn.
 7 DR. MILLER: Second. All in
 8 favor?
 9 MR. WALTERS: Aye.
 10 DR. MILLER: All opposed? All
 11 right. That's it.
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 13 (The meeting concluded on October
 14 19, 2018, at 10:11 a.m.)
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1 REPORTER'S CERTIFICATE
 2 STATE OF ALABAMA)
 3 JEFFERSON COUNTY)
 4 I, Elaine Scott, Certified Court
 5 Reporter and Commissioner for the State of
 6 Alabama at Large, hereby certify that on
 7 October 19, 2018, I reported the meeting of
 8 the Alabama Environmental Management Commission
 9 Personnel Committee, and that pages 1 through 11
 10 contain a true and accurate transcription of the
 11 meeting set out herein.
 12 I further certify that I am neither
 13 of kin nor of counsel to any of the parties to
 14 said cause nor in any manner interested in the
 15 results thereof.
 16
 17
 18
 19 /s/Elaine Scott, CCR
 20 ELAINE SCOTT, Court Reporter
 21 and Commissioner for the State
 22 of Alabama at Large
 23 CCR NO. 354, Expires 9/30/19
 MY COMMISSION EXPIRES NOVEMBER 16, 2019

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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

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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

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:

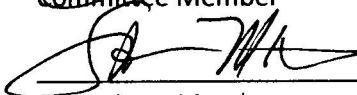
1. That the above motions are hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

Issued this 19th day of October 2018

APPROVED:



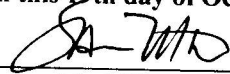
Committee Member



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