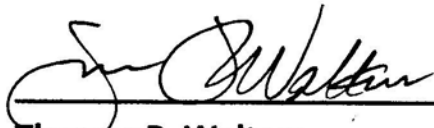


10/19/21

**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**

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 9, 2020.



Thomas P. Walters

Chair

Personnel Committee

Alabama Environmental Management Commission

Certified this 8th day of October 2021.

**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**

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

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**Transcript
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Part B

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Part A

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
Meeting of the Personnel Committee on 10/09/2020

1 MEETING OF THE PERSONNEL COMMITTEE
2 OF THE
3 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

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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 * * * * *

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
Meeting of the Personnel Committee on 10/09/2020

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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.

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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

Page 5

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

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
Meeting of the Personnel Committee on 10/09/2020

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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

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
Meeting of the Personnel Committee on 10/09/2020

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<p>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</p>	<p>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</p>
Page 11	Page 13
<p>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</p>	<p>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</p>

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
Meeting of the Personnel Committee on 10/09/2020

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1 was recruited 20 years ago, 35 years
2 ago, maybe longer than that, you're not
3 going to get the same kind of person
4 with what I do with people coming right
5 out of school. And so we want to have
6 some type of language in our by-laws or
7 in our procedures such that we can
8 address that and then make
9 recommendations to the Commission. So I
10 support that recommendation.
11 MR. WALTERS: Okay. And so I think
12 I'm going to make that recommendation to
13 the Commission maybe later today and see
14 where it goes from there.
15 DR. PERRY: So we would look at that,
16 and then make a study, and then make a
17 recommendation?
18 MR. WALTERS: Yeah, yeah, definitely.
19 DR. PERRY: Okay.
20 MR. WALTERS: Recommend to the
21 Commission that we organize a group to
22 study it, and then come back to the
23 Commission at a later date to report on

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1 what further actions...
2 DR. PERRY: We can do that.
3 MR. WALTERS: Okay. Very well.
4 We'll go into Item Number 5, which is
5 future Personnel Committee meeting. I
6 don't see a need unless you do, Ruby,
7 that we need to have another meeting,
8 set a meeting date, so...
9 DR. PERRY: I do not, Mr. Chair.
10 MR. WALTERS: Okay. Very good. I
11 will then entertain a motion to adjourn.
12 DR. PERRY: So moved.
13 MR. WALTERS: I second. All those in
14 favor of adjournment, signify by saying,
15 Aye.
16 DR. PERRY: Aye.
17 MR. WALTERS: Aye. Meeting is
18 adjourned.
19 (Whereupon, the meeting
20 concluded at 10:11 a.m.)
21
22
23 * * * * *

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1 REPORTER'S CERTIFICATE
2 STATE OF ALABAMA
3 MONTGOMERY COUNTY
4 I, Patrick Miller, Alabama Certified
5 Court Reporter No. 631, and Commissioner for the
6 State of Alabama at Large, hereby certify that on
7 Friday, October 9th, 2020, I reported the
8 PROCEEDINGS in the matter of the foregoing cause,
9 and that the pages herein contain a true and
10 accurate transcription of said proceedings.
11 I further certify that I am neither kin
12 nor of counsel to the parties to said cause, nor in
13 any manner interested in the results thereof.
14 This 24th day of October, 2020.
15
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PATRICK MILLER, ACCR-631
Commissioner for the
State of Alabama at Large
MY LICENSE EXPIRES: 9/30/21
MY COMMISSION EXPIRES: 2/08/23

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
Meeting of the Personnel Committee on 10/09/2019 Index: 10:00..Committee's

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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

Meeting of the Personnel Committee on 10/09/2020 Index: held..PERRY

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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

Meeting of the Personnel Committee on 10/09/2020

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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:



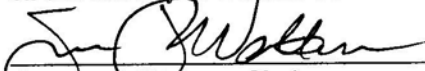
Committee Member



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