

2/22/10

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
December 23, 2009**

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on December 23, 2009.

A handwritten signature in cursive script, appearing to read "Anita L. Archie", is written over a horizontal line.

Anita L. Archie, Chair
Environmental Management Commission

Certified this 9th day of February 2010.

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
December 11, 2009**

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

Part A

Transcript

Part B

Attachment Index

Attachments 1 – 3

Part A

AEMC COMMISSION MEETING - 12/23/2009

Page 1

ALABAMA ENVIRONMENTAL MANAGEMENT
COMMISSION MEETING

Alabama Department of Environmental
Management Building
Main Hearing Room
1400 Coliseum Boulevard
Montgomery, Alabama

December 23, 2009 11:00 a.m.

COMMISSION MEMBERS PRESENT:

ANITA L. ARCHIE, CHAIR

DR. JOHN H. LESTER, VICE CHAIR

H. LANIER BROWN, II

DR. J. CONRAD PIERCE

W. SCOTT PHILLIPS

SAM H. WAINWRIGHT, P.E.

ALSO PRESENT:

JOHN P. HAGOOD,

ADEM DIRECTOR

ROBERT TAMBLING, EMC LEGAL COUNSEL

DEBI THOMAS, EMC EXECUTIVE ASSISTANT

334-262-7556

Reagan Reporters, LLC
www.reaganreporters.com

334-262-4437

AEMC COMMISSION MEETING - 12/23/2009

Page 2	Page 4
<p>1 INDEX</p> <p>2</p> <p>3 Page</p> <p>4</p> <p>5 Clarification and ratification 3</p> <p>6 of personnel action taken on</p> <p>7 December 11, 2009</p> <p>8</p> <p>9</p> <p>10 Consideration of adoption of an 5</p> <p>11 ADEM Director Search Process to</p> <p>12 be recommended by the</p> <p>13 Commission's Personnel Committee</p> <p>14</p> <p>15</p> <p>16 Meeting adjourned 10</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 Environmental Management. The reason</p> <p>2 why we appointed John Hagood in that</p> <p>3 position is because Mr. Hagood</p> <p>4 expressed to us that he was not</p> <p>5 interested in the position. He is</p> <p>6 very happy to be in the position that</p> <p>7 he currently holds. We wanted someone</p> <p>8 to guide us through this search</p> <p>9 process, and we wanted somebody to get</p> <p>10 us through until we can actually</p> <p>11 appoint a permanent Director. Anybody</p> <p>12 here at the Department -- once we get</p> <p>13 to Agenda Item 1, everybody in this</p> <p>14 Department can make application. We</p> <p>15 are going to consider everybody that</p> <p>16 submits an application in this</p> <p>17 process. So this is an open process</p> <p>18 that we have going on here. The</p> <p>19 reason for Mr. Hagood is because</p> <p>20 Mr. Hagood is going to help us through</p> <p>21 this process and has no interest in</p> <p>22 the permanent position.</p> <p>23 So at this time, I would</p>
Page 3	Page 5
<p>1 COMMISSIONER ARCHIE: I would</p> <p>2 like to call this meeting to order. I</p> <p>3 would like to acknowledge that we do</p> <p>4 have a quorum.</p> <p>5 For the Commission's</p> <p>6 consideration, I would like to take</p> <p>7 Agenda Item 2 out of order. This is</p> <p>8 regarding clarification and</p> <p>9 ratification of personnel action taken</p> <p>10 on December 11th, 2009. I just --</p> <p>11 there appears to be some confusion</p> <p>12 among staff regarding the action that</p> <p>13 we took in the last meeting that was</p> <p>14 appropriate that we had done -- what</p> <p>15 we had done. I would like to possibly</p> <p>16 end this in the interest of everyone</p> <p>17 to try to go back and clarify exactly</p> <p>18 what we did and for us to do a motion</p> <p>19 again to end any type of confusion</p> <p>20 regarding the action we took two weeks</p> <p>21 ago. During that meeting, we</p> <p>22 appointed John Hagood as the Interim</p> <p>23 Director of the Alabama Department of</p>	<p>1 like to entertain a motion from the</p> <p>2 Commission to appoint John Hagood as</p> <p>3 the Director of the Alabama Department</p> <p>4 of Environmental Management.</p> <p>5 COMMISSIONER PHILLIPS: So move.</p> <p>6 COMMISSIONER LESTER: Second.</p> <p>7 COMMISSIONER ARCHIE: Any</p> <p>8 discussion?</p> <p>9 (No response.)</p> <p>10 COMMISSIONER ARCHIE: I call for</p> <p>11 the question. All in favor say aye.</p> <p>12 (Commission members in favor</p> <p>13 of the motion so indicated.)</p> <p>14 COMMISSIONER ARCHIE: Those</p> <p>15 opposed?</p> <p>16 (No response.)</p> <p>17 COMMISSIONER ARCHIE: The motion</p> <p>18 carries.</p> <p>19 Now we are on to Agenda</p> <p>20 Item Number 1, consideration of</p> <p>21 adoption of an ADEM Director Search</p> <p>22 Process to be recommended by the</p> <p>23 Commission's Personnel Committee.</p>

2 (Pages 2 to 5)

334-262-7556

Reagan Reporters, LLC
www.reaganreporters.com

334-262-4437

AEMC COMMISSION MEETING - 12/23/2009

Page 6	<p>1 They met this morning. I would like 2 to ask for -- ask for Committee Chair 3 Lester to give us that recommendation. 4 COMMISSIONER LESTER: Thank you, 5 Ms. Chairman. Debi had all of this up 6 on these high tech screens here. We 7 met this morning; Pierce, Brown and 8 Lester, all three members were 9 present. And for the Commission, for 10 your consideration, the Personnel 11 Committee for the ADEM Director Search 12 Process would like to recommend these 13 five items: We will receive 14 applications for the Director's 15 position until January the 29th of 16 2010. We added two weeks to it from 17 what we spoke of at our last meeting 18 because of the holiday situation and 19 everything. 20 Number 2, request public 21 input on three important issues as 22 they relate to responsibilities of the 23 Director. This request will be posted</p>	Page 8	<p>1 COMMISSIONER PIERCE: So move. 2 COMMISSIONER ARCHIE: Do I have 3 a second? 4 COMMISSIONER PHILLIPS: Second. 5 COMMISSIONER ARCHIE: Do I have 6 any discussion? 7 (No response.) 8 COMMISSIONER ARCHIE: Once 9 again, I would like to say -- I would 10 like to thank each member of the 11 Commission, the Personnel Committee, 12 for coming up with a search process 13 that we want to be very open, 14 transparent and open for public input. 15 Any further discussion? 16 (No response.) 17 COMMISSIONER ARCHIE: Call for 18 the question. 19 COMMISSIONER PHILLIPS: I have 20 one thing. I had talked to Debi about 21 this. But considering that we've got 22 a January 29th deadline for people 23 submitting their resumes, if it would</p>
Page 7	<p>1 on the ADEM website, and public input 2 would be received from today until 3 1/29/2010. 4 Number 3, the Commission 5 meets to narrow the ADEM position 6 candidates to be interviewed. This 7 Commission meeting will be held on 8 February the 5th, 2010. 9 Number 4, the Commission 10 meets to interview the candidates 11 selected for interview. The 12 Commission meeting for this will be 13 held on 2/12/2010. 14 Then at our regular 15 meeting on 2/19/2010, the Commission 16 will meet to vote on hiring of the 17 ADEM Director and setting of the 18 Director's salary. These are our 19 recommendations to the Commission. 20 COMMISSIONER ARCHIE: Do I have 21 a motion to adopt the Personnel 22 Committee's recommended ADEM Director 23 Search Process?</p>	Page 9	<p>1 be possible for her as she gets them 2 to share them with us so that we will 3 have time to look at them. 4 DEBI THOMAS: Yes. 5 COMMISSIONER PHILLIPS: That's 6 all. Thank you. 7 COMMISSIONER ARCHIE: Any 8 further comments? 9 (No response.) 10 COMMISSIONER ARCHIE: I call for 11 the question. All in favor say aye. 12 (Commission members in favor 13 of the motion so indicated.) 14 COMMISSIONER ARCHIE: Those 15 opposed? 16 (No response.) 17 COMMISSIONER ARCHIE: The motion 18 carries. 19 Again, I would like to 20 thank the full Commission for their 21 willingness to go down this process. 22 It's going to be a very long process. 23 We are excited about the potential</p>

3 (Pages 6 to 9)

AEMC COMMISSION MEETING - 12/23/2009

Page 10	Page 12
<p>1 candidates that will possibly apply 2 for this job, and we appreciate the 3 public and their input into this 4 process. 5 At this time, I'll 6 entertain a motion to adjourn. 7 COMMISSIONER PHILLIPS: So move. 8 COMMISSIONER LESTER: Second. 9 COMMISSIONER ARCHIE: We stand 10 adjourned. 11 (Meeting adjourned.) 12 13 14 (The foregoing AEMC meeting was 15 adjourned at approximately 16 11:10 a.m., on December 23rd, 2009.) 17 18 19 20 21 22 23</p>	<p>1 manner interested in the results 2 thereof. 3 4 Done this the 28th day of 5 December, 2009. 6 7 8 9 Karen Reagan Drinkard, ACCR #005 Reporter and Notary Public State of Alabama at Large 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>
Page 11	
<p>1 ***** 2 REPORTER'S CERTIFICATE 3 ***** 4 5 I, Karen Reagan Drinkard, 6 Certified Court Reporter and Notary 7 Public in and for the State of Alabama 8 at Large, do hereby certify that I 9 reported stenographically and then 10 reduced to typewritten form by means 11 of computer-aided transcription my 12 stenographic notes of the foregoing 13 Alabama Environmental Management 14 Commission Meeting. 15 16 I further certify that the 17 foregoing transcript is a true and 18 correct transcript of the proceedings 19 contained herein. 20 21 I further certify that I am 22 neither of kin nor of counsel to the 23 parties to said meeting, nor in any</p>	

4 (Pages 10 to 12)

334-262-7556

Reagan Reporters, LLC
 www.reaganreporters.com

334-262-4437

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

manner interested in the results
thereof.

Done this the 28th day of
December, 2009.

Karen Reagan Drinkard /ca
Karen Reagan Drinkard, ACCR #005
Reporter and Notary Public
State of Alabama at Large

<p style="text-align: center;">A</p> <p>ACCR 12:9 acknowledge 3:3 action 2:6 3:9,12 3:20 added 6:16 ADEM 1:21 2:11 5:21 6:11 7:1,5,17 7:22 adjourn 10:6 adjourned 2:16 10:10,11,15 adopt 7:21 adoption 2:10 5:21 AEMC 10:14 Agenda 3:7 4:13 5:19 ago 3:21 Alabama 1:1,5,7 3:23 5:3 11:7,13 12:10 ANITA 1:13 Anybody 4:11 appears 3:11 application 4:14,16 applications 6:14 apply 10:1 appoint 4:11 5:2 appointed 3:22 4:2 appreciate 10:2 appropriate 3:14 approximately 10:15 ARCHIE 1:13 3:1 5:7,10,14,17 7:20 8:2,5,8,17 9:7,10 9:14,17 10:9 ASSISTANT 1:23 aye 5:11 9:11 a.m 1:10 10:16</p> <hr/> <p style="text-align: center;">B</p> <p>back 3:17 Boulevard 1:6 Brown 1:15 6:7</p>	<p>Building 1:5</p> <hr/> <p style="text-align: center;">C</p> <p>call 3:2 5:10 8:17 9:10 candidates 7:6,10 10:1 carries 5:18 9:18 CERTIFICATE 11:2 Certified 11:6 certify 11:8,16,21 Chair 1:13,14 6:2 Chairman 6:5 clarification 2:5 3:8 clarify 3:17 Coliseum 1:6 coming 8:12 comments 9:8 Commission 1:2,12 5:2,12 6:9 7:4,7,9 7:12,15,19 8:11 9:12,20 11:14 COMMISSION... 3:1 5:5,6,7,10,14 5:17 6:4 7:20 8:1 8:2,4,5,8,17,19 9:5,7,10,14,17 10:7,8,9 Commission's 2:13 3:5 5:23 Committee 2:13 5:23 6:2,11 8:11 Committee's 7:22 computer-aided 11:11 confusion 3:11,19 CONRAD 1:16 consider 4:15 consideration 2:10 3:6 5:20 6:10 considering 8:21 contained 11:19 correct 11:18</p>	<p>counsel 1:22 11:22 Court 11:6 currently 4:7</p> <hr/> <p style="text-align: center;">D</p> <p>D 2:1 day 12:4 deadline 8:22 Debi 1:23 6:5 8:20 9:4 December 1:10 2:7 3:10 10:16 12:5 Department 1:5 3:23 4:12,14 5:3 Director 1:21 2:11 3:23 4:11 5:3,21 6:11,23 7:17,22 Director's 6:14 7:18 discussion 5:8 8:6 8:15 DR 1:14,16 Drinkard 11:5 12:9</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1 EMC 1:22,23 entertain 5:1 10:6 Environmental 1:1 1:5 4:1 5:4 11:13 everybody 4:13,15 exactly 3:17 excited 9:23 EXECUTIVE 1:23 expressed 4:4</p> <hr/> <p style="text-align: center;">F</p> <p>favor 5:11,12 9:11 9:12 February 7:8 five 6:13 foregoing 10:14 11:12,17 form 11:10 full 9:20</p>	<p>further 8:15 9:8 11:16,21</p> <hr/> <p style="text-align: center;">G</p> <p>give 6:3 go 3:17 9:21 going 4:15,18,20 9:22 guide 4:8</p> <hr/> <p style="text-align: center;">H</p> <p>H 1:14,15,18 Hagood 1:20 3:22 4:2,3,19,20 5:2 happy 4:6 Hearing 1:6 held 7:7,13 help 4:20 high 6:6 hiring 7:16 holds 4:7 holiday 6:18</p> <hr/> <p style="text-align: center;">I</p> <p>I 1:15 important 6:21 indicated 5:13 9:13 input 6:21 7:1 8:14 10:3 interest 3:16 4:21 interested 4:5 12:1 Interim 3:22 interview 7:10,11 interviewed 7:6 issues 6:21 Item 3:7 4:13 5:20 items 6:13</p> <hr/> <p style="text-align: center;">J</p> <p>J 1:16 January 6:15 8:22 job 10:2 John 1:14,20 3:22 4:2 5:2</p> <hr/> <p style="text-align: center;">K</p>	<p>Karen 11:5 12:9 kin 11:22</p> <hr/> <p style="text-align: center;">L</p> <p>L 1:13 LANIER 1:15 Large 11:8 12:10 LEGAL 1:22 Lester 1:14 5:6 6:3 6:4,8 10:8 long 9:22 look 9:3</p> <hr/> <p style="text-align: center;">M</p> <p>Main 1:6 Management 1:1,5 4:1 5:4 11:13 manner 12:1 means 11:10 meet 7:16 meeting 1:2 2:16 3:2,13,21 6:17 7:7 7:12,15 10:11,14 11:14,23 meets 7:5,10 member 8:10 members 1:12 5:12 6:8 9:12 met 6:1,7 Montgomery 1:7 morning 6:1,7 motion 3:18 5:1,13 5:17 7:21 9:13,17 10:6 move 5:5 8:1 10:7</p> <hr/> <p style="text-align: center;">N</p> <p>N 2:1 narrow 7:5 neither 11:22 Notary 11:6 12:9 notes 11:12 Number 5:20 6:20 7:4,9</p>
--	--	---	---	---

<p>O</p> <p>once 4:12 8:8 open 4:17 8:13,14 opposed 5:15 9:15 order 3:2,7</p> <hr/> <p>P</p> <p>P 1:20 Page 2:3 parties 11:23 people 8:22 permanent 4:11,22 personnel 2:6,13 3:9 5:23 6:10 7:21 8:11 PHILLIPS 1:17 5:5 8:4,19 9:5 10:7 Pierce 1:16 6:7 8:1 position 4:3,5,6,22 6:15 7:5 possible 9:1 possibly 3:15 10:1 posted 6:23 potential 9:23 present 1:12,19 6:9 proceedings 11:18 process 2:11 4:9,17 4:17,21 5:22 6:12 7:23 8:12 9:21,22 10:4 public 6:20 7:1 8:14 10:3 11:7 12:9 P.E 1:18</p> <hr/> <p>Q</p> <p>question 5:11 8:18 9:11 quorum 3:4</p> <hr/> <p>R</p> <p>ratification 2:5 3:9 Reagan 11:5 12:9 reason 4:1,19</p>	<p>receive 6:13 received 7:2 recommend 6:12 recommendation 6:3 recommendations 7:19 recommended 2:12 5:22 7:22 reduced 11:10 regarding 3:8,12 3:20 regular 7:14 relate 6:22 reported 11:9 Reporter 11:6 12:9 REPORTER'S 11:2 request 6:20,23 response 5:9,16 8:7 8:16 9:9,16 responsibilities 6:22 results 12:1 resumes 8:23 ROBERT 1:22 Room 1:6</p> <hr/> <p>S</p> <p>salary 7:18 SAM 1:18 SCOTT 1:17 screens 6:6 search 2:11 4:8 5:21 6:11 7:23 8:12 second 5:6 8:3,4 10:8 selected 7:11 setting 7:17 share 9:2 situation 6:18 somebody 4:9 spoke 6:17 staff 3:12</p>	<p>stand 10:9 State 11:7 12:10 stenographic 11:12 stenographically 11:9 submits 4:16 submitting 8:23</p> <hr/> <p>T</p> <p>take 3:6 taken 2:6 3:9 talked 8:20 TAMBLING 1:22 tech 6:6 thank 6:4 8:10 9:6 9:20 thereof 12:2 thing 8:20 THOMAS 1:23 9:4 three 6:8,21 time 4:23 9:3 10:5 today 7:2 transcript 11:17,18 transcription 11:11 transparent 8:14 true 11:17 try 3:17 two 3:20 6:16 type 3:19 typewritten 11:10</p> <hr/> <p>V</p> <p>VICE 1:14 vote 7:16</p> <hr/> <p>W</p> <p>W 1:17 WAINWRIGHT 1:18 want 8:13 wanted 4:7,9 website 7:1 weeks 3:20 6:16 we've 8:21 willingness 9:21</p>	<p>X</p> <p>X 2:1</p> <hr/> <p>#</p> <p>#005 12:9</p> <hr/> <p>1</p> <p>1 4:13 5:20 1/29/2010 7:3 10 2:16 11 2:7 11th 3:10 11:00 1:10 11:10 10:16 1400 1:6</p> <hr/> <p>2</p> <p>2 3:7 6:20 2/12/2010 7:13 2/19/2010 7:15 2009 1:10 2:7 3:10 10:16 12:5 2010 6:16 7:8 23 1:10 23rd 10:16 28th 12:4 29th 6:15 8:22</p> <hr/> <p>3</p> <p>3 2:5 7:4</p> <hr/> <p>4</p> <p>4 7:9</p> <hr/> <p>5</p> <p>5 2:10 5th 7:8</p>
---	---	--	---

Part B

Attachment Index

- Attachment 1 Agenda**
- Attachment 2 Order adopting motion appointing John Hagood as
Director of the Alabama Department of Environmental
Management**
- (Agenda Item 2 – Clarification and ratification of personnel
action taken on December 11, 2009)**
- Attachment 3 Order adopting motion adopting the Personnel Committee’s
Recommendation on the ADEM Director Search Process**
- (Agenda Item 1 – Consideration of adoption of an ADEM
Director Search Process to be recommended by the
Commission’s Personnel Committee)**

Attachment 1

Amended 12/16/09

AGENDA*

**MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION**

DATE: December 23, 2009

TIME: 11:00 a.m.

**LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Hearing Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059**

ITEM

1. Consideration of adoption of an ADEM Director Search Process to be recommended by the Commission's Personnel Committee
2. Clarification and ratification of personnel action taken on December 11, 2009

* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under EMC Information and Calendar of Events.

Attachment 2

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Appoint John Hagood as Director of the
Alabama Department of Environmental Management

ORDER

This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

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

Environmental Management Commission Order
Page 2

ISSUED this 23rd day of December 2009.

APPROVED:



Commissioner




Commissioner




Commissioner



Commissioner



Commissioner



Commissioner

Commissioner

DISAPPROVED:

Commissioner

Commissioner

Commissioner

ABSTAINED:

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 23rd day of December 2009.



Chair

Environmental Management Commission
Certified this 23rd day of December 2009

Attachment 3

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Adopt the Personnel Committee's Recommendation
on the ADEM Director Search Process

ORDER

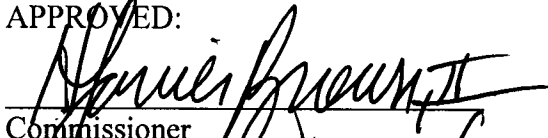
This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

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

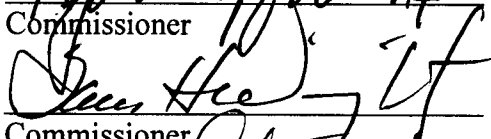
Environmental Management Commission Order
Page 2

ISSUED this 23rd day of December 2009.

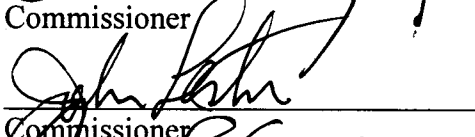
APPROVED:



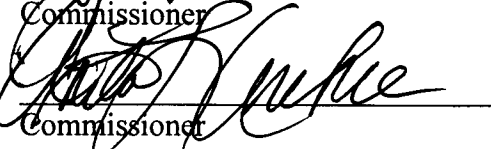
Commissioner



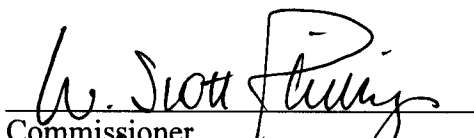
Commissioner



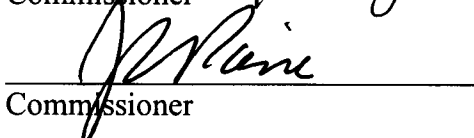
Commissioner



Commissioner



Commissioner



Commissioner

Commissioner

DISAPPROVED:

Commissioner

Commissioner

Commissioner

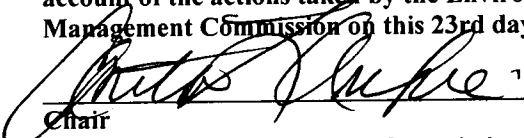
ABSTAINED:

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 23rd day of December 2009.



Chair
Environmental Management Commission
Certified this 23rd day of December 2009

Plan to Support the AEMC Process

Role or Responsibility	Status
Process Press Release.	Not Yet Issued
Draft Job Description.	Complete
Post Description (by 12/14).	Complete
Collect and assemble resumes through 1/29.	Ongoing
Post a request to receive public input on three important issues as they relate to responsibilities of the Director (Due 12/23).	Not Yet Started
Receive public input in the form of three important issues as they relate to responsibilities of the Director from 12/23 – 1/29.	Not Yet Started
Have resumes available to public through Debi by 2/5.	Not Yet Started
Set Up AEMC initial meeting for 2/5.	No Information
Set Up AEMC meetings for both 2/12 and 2/19 (regular meeting).	No Information
Set up AEMC hiring meeting for 2/19.	No Information
2/5 meeting – candidates narrowed.	Not Applicable
2/12 – AEMC meets to interview narrowed list of candidates.	Not Applicable
2/19 – AEMC meets to vote on hiring and setting salary.	Not Applicable