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**Date:** Aug. 31, 2016  
**To:** Environmental Quality Commission  
**From:** Pete Shepherd, Interim Director  
**Subject:** Agenda item B, Action item: Confirmation of deputy director appointment Sept. 6, 2016, EQC special meeting

**Why this is important** Under Oregon state law, the commission must confirm the DEQ deputy director in order to allow full delegation of executive functions from the director to the deputy. Interim Director Shepherd has provisionally appointed Leah Feldon as Deputy Director and seeks commission confirmation of this appointment.

**DEQ recommendation and EQC motion** DEQ recommends that the Oregon Environmental Quality Commission:

- Approve, by majority vote, the appointment of Leah Feldon to serve as Deputy Director of DEQ.
- Authorize Chair O’Keeffe to execute by signature and date the Order making that appointment and stating the commission’s approval.

**Interim Director’s statement** DEQ is changing. It must if we are to successfully make the case for reinvestment of public resources in our essential functions and if we are to organize ourselves to successfully meet the new environmental challenges of our future. Leah Feldon’s appointment to the position of Deputy Director is, I believe, a key ingredient of the work that needs to be done to prepare the agency for those changes.

Lasting, effective change leavens innovation with the best of the past. The Environmental Quality Commission, together with the Deputy Director, the new Interim Director, and eventually the permanent Director, will have a lot of excellent material with which to work. We have skilled, well-trained, and very experienced people in key positions. DEQ’s outcome-based management system is sophisticated and readily adaptable to measure whether changes are yielding intended results. Beyond the agency itself, I believe there is widespread public support for investing the resources that will be required to enable DEQ to realize our fellow Oregonian’s lofty expectations.

Leah’s experience at DEQ gives her the breadth of knowledge necessary to help ensure that change is well-informed. She entered public service in the Office of Compliance and Enforcement in 2005, becoming manager in

2009. The work she performed and later supervised there exposed her to the operation of key elements of our land, air, and water programs. Since 2009, Leah has been tapped for short-term positions as Acting Eastern Region Administrator, Acting Eastern Region Solid and Hazardous Waste Manager, and Interim Air Operations Manager. She served as part of the former Executive Management Team and, since soon after my arrival, as part of that Team's successor, the Executive Staff. In short, Leah has experienced DEQ at every level from the nitty-gritty flow of paper to the most difficult budget, policy, and agency governance decision-making.

Leah's performance as Special Advisor to the Director for Cleaner Air Oregon since May, 2016, has exemplified a mode of working that I am certain will be increasingly characteristic of DEQ's work. The DEQ of the future will need to double-down on our collaboration with other agencies; Leah has helped us build a new partnership with Oregon Health Authority on subjects as to which we were previously strangers. We must become more decisive, even as our culture simultaneously shifts to one in which the open expression of diverse, well-informed opinion up to the point of a decision is expected, encouraged, and rewarded even when the expressed opinion does not prevail; Leah has repeatedly exhibited that knack in the context of Cleaner Air Oregon. We must hone the skill of listening carefully to our harshest critics, adapting our behavior to the parts of the criticism that are well-informed, and honestly and openly accepting that we've erred, when we've erred; Leah has exhibited those talents within her work on Cleaner Air Oregon. Finally, the DEQ of the future will increasingly recognize that fluidly sharing information up, down, and across the chain of command not only results in the best outcomes for the agency and the public, but is also an essential requirement for an employee's advancement within DEQ. On this score, too, Leah has excelled.

Pursuant to ORS 468.045(3), I have delegated to Leah the exercise or discharge in my name of any power, duty or function of whatever character, vested in or imposed by law upon me that she could exercise once her appointment as Deputy is approved. Under that statute, her official act is considered to be mine. To put it plainly: Her work as Deputy has functionally begun.

In one very important respect, however, Leah's delegated authority is incomplete. If I were to become incapacitated or otherwise unable to discharge my duties between now and my departure from service on Oct. 14, 2016, no one would immediately have authority to act as the chief executive officer for the Department of Environmental Quality. I strongly recommend that the Commission prevent that situation from arising by approving of my appointment.

Leah's responsibilities and office will continue beyond my own. Pursuant to law, she will serve at the pleasure of each of my successors in turn. Leah and I have agreed that, unless one of my successors decides to make a change sooner, Leah and whomever has by then succeeded me to the responsibilities of Interim Director or Director will, on or before July 31, 2017, discuss whether the Interim Director or Director wishes to appoint a different person to serve as Deputy.

**Attachments**      A. Appointment and confirmation proposed order



of **Oregon**

Kate Brown, Governor

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**Order Appointing Deputy Director of the Department of Environmental Quality  
Approval by the Environmental Quality Commission**

ORS 468.050 (1) provides:

With the approval of the commission, the director may appoint a deputy director in the unclassified service who shall serve at the pleasure of the director. The deputy director shall have full authority to act for the director, subject to directions of the director. The appointment of the deputy director shall be by written order, filed with the Secretary of State.

The position of deputy director became vacant on August 26, 2016. Pursuant to ORS 468.050(1), and subject to the Commission's approval, I am appointing Leah Feldon as Deputy Director. Her tenure in the office is effective on the date of approval by the Environmental Quality Commission. As provided by law, she will serve at my pleasure, and at the pleasure of my successor or successors, in the unclassified service. She will have full authority to act for me, and for my successor or successors, subject to my direction and to the direction of my successor or successors.

This Order will be filed with the Secretary of State.

Pete D. Shepherd, Interim Director, Dept. of Environmental Quality

8/29/2016

Date

The appointment of Leah Feldon as Deputy Director is approved.

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Environmental Quality Commission, by its Chair, Jane O'Keefe

\_\_\_\_\_  
Date

CC: Leah Feldon  
Personnel file  
Secretary of State