

Agenda

Special meeting of the Oregon Environmental Quality Commission

April 6, 2016

2 p.m.

DEQ headquarters: 811 SW 6th Avenue, Portland
10th floor, room EQC-A

The commission will convene for a special meeting on April 6,
2016, at 2 p.m.

Note: Materials for both items follow this agenda

Item 1: Action item: Appointment of interim DEQ director

Item A: Action item: Discussion and action on proposed draft
hiring standards, criteria and procedures for the recruitment of a
permanent director for DEQ.

*The next regular commission meeting is April 20-21, 2016, in
Portland.*



Kate Brown
Governor

Memorandum

To: Environmental Quality Commission

From: Richard Whitman, Governor's Natural Resources Policy
Director

Date: April 6, 2016 EQC Meeting

RE: Consideration of Pete Shepherd as the Interim Director
of the Department of Environmental Quality

Governor Brown is recommending that the Commission consider appointing Pete Shepherd as the Interim Director of the Environmental Quality Commission during the period the Commission conducts a full recruitment for a permanent director. A copy of Mr. Shepherd's resume is attached.

I have known Mr. Shepherd for many years. He is an experienced manager, having run the day-to-day operations of the Oregon Department of Justice. He is a lawyer with the very highest level of integrity and professional judgment. And he has worked in a wide variety of settings including significant experience with local, state and federal legislative and administrative bodies. I believe Mr. Shepherd will be a steady hand for the department as the agency transitions to a new permanent director.

If any commissioners have questions about Mr. Shepherd, or about process going forward, do not hesitate to contact me. Thank you all for your service.

RESUME

Contact Information

1725 Skyway Street, South
Salem, Oregon 97302
s-p@comcast.net
503-378-6002 (Work, until January 4, 2009)
503-871-3787 (Cell)

Employment

Current – 2001

Deputy Attorney General, Oregon Department of Justice (DOJ). Second in command under Attorney General Hardy Myers. Advised the Attorney General on nearly all of DOJ's most significant policy, legal, and administrative matters. Supervised 283 attorneys and attorney-managers practicing administrative, civil, and criminal law in state and federal court. Personally provided professional legal services to all statewide elected officials, heads of major state agencies, and District Attorneys. In good times and bad, responsible for directly helping the Attorney General craft and guide to legislative approval DOJ's budget.

2001 - 1999

Special Counsel to Attorney General Hardy Myers. Advised the Attorney General about all significant consumer protection and law enforcement policy issues. Member, Executive Staff (cabinet) of DOJ.

1999 – 1994

Attorney in Charge, Financial Fraud/Consumer Protection Section of the Civil Enforcement Division, DOJ. Appointed by Attorney General Kulongoski. Supervised attorneys, investigators, professional staff charged with enforcement of consumer protection laws.

1994 – 1987

Assistant Attorney General, Organized Crime Section of the Criminal Justice Division, DOJ. Appointed by Attorney General Frohnmayer. Directed complex organized crime, public corruption investigations. Prosecuted organized crime and public corruption cases throughout Oregon. Represented United States as a Special Assistant United States Attorney for civil, *in rem* forfeiture cases adopted by the United States from the Oregon State Police.

1201 1202

Deputy District Attorney, Marion County Oregon. I served under District Attorneys Chris VanDyke, Michael Brown, and Dale Penn. Advised interagency drug team. Oversaw complex drug and homicide investigations. Prosecuted all levels of offenses including manufacture of methamphetamine and multiple aggravated murders.

1983

Legislative Assistant to the late State Senator William (Bill) Frye. Analyzed every bill coming before each of the committees to which the Senator was assigned. Managed constituent inquiries.

1983 – 1980

Self-employed sole practitioner, Eugene, Oregon. Varied practice, including domestic relations, criminal defense, and unlawful trade practices.

Education

1979 – 1976

Earned J.D., University of Oregon School of Law.

1976 – 1972

Earned B.A. (History), University of Oregon.

1972 – 1969

Graduate, South Eugene High School.

Other

Past member of two Oregon State Bar Executive Committees (Indigent Defense and Consumer Law) and of the Willamette Valley Inns of Court (2002–2006). In 2004, elected to the House of Delegates of the Oregon State Bar's House of Delegates. Reelected in 2007.

Volunteer “judge” in the Salem Teen Court program (since 1999). Volunteer reading instructor for the Start Making a Reader Today (SMART) program in the Salem Public Schools (since 2006). Volunteer worker in Oregon Department of Fish and Wildlife radio-telemetry fish-tracking study of trout and whitefish in the Crooked River (since 2007).

Recipient of at least one Oregon Department of Justice Meritorious Service Award from each of the four Attorneys General whom I've served.

State of Oregon
Department of Environmental Quality

Memorandum

Date: April 5, 2016
To: Environmental Quality Commission
From: Joni Hammond, Acting Director
Subject: Agenda item A, Action item: Draft criteria and process for hiring DEQ's permanent director
April 6, 2016, EQC special meeting

Purpose of item Commissioners will discuss and take action on draft hiring standards, criteria and procedures for the recruitment of a permanent director for DEQ.

Background The commission is the body responsible for the hiring of DEQ's director. As requested by EQC at a recent special meeting, DEQ has prepared draft hiring standards, criteria and procedures for the recruitment of a permanent director for DEQ, and will present them for commission discussion and review.

Legal counsel, DEQ staff and other state agency representatives may also present information about the commission's options for action, including information about other recent director-level recruitments, and proposed next steps for recruitment.

There is no public comment opportunity scheduled as part of the April 6, 2016, special meeting.

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

1. Approve the draft hiring standards, criteria and procedures for the recruitment of a permanent director for DEQ
2. Direct DEQ to solicit public comment via web-based tools on the DEQ and EQC web pages through 5 p.m. April 20, 2016
3. Solicit additional verbal public comment at an evening meeting from 6 to 7:30 p.m. on April 20, 2016, and as part of the regular public comment opportunity April 21, 2016, during the regular commission meeting
4. Be prepared to take action on final hiring standards, criteria and procedures for the recruitment of a permanent director for DEQ at the April 21, 2016, regular commission meeting, following public comment on the matter

Action item: Draft criteria and process for hiring DEQ's permanent director
April 6, 2016, EQC special meeting
Page 2 of 2

Attachments A. Draft narrative for recruitment postings
 B. Draft position description

Report prepared by Stephanie Caldera
Commission assistant

STATE OF OREGON
invites applications for the position of:
Director, Department of
Environmental Quality

JOB CODE: ESS-DEQ2016

**OPENING
DATE/TIME:** 04/22/16 12:00 AM

**CLOSING
DATE/TIME:** 05/22/16 11:59 PM

SALARY: \$8,394.00 - \$12,381.00 Monthly
\$100,728.00 - \$148,572.00 Annually

JOB TYPE: Permanent

LOCATION: Portland, Oregon

AGENCY: Environmental Quality-Office of the Director

DESCRIPTION:
Director, Oregon Department of Environmental Quality

The Department of Environmental Quality has an exceptional opportunity for an experienced leader to serve as our next Director. The Director reports to, and is selected by the Environmental Quality Commission (EQC), a volunteer five-member policy and administrative commission appointed by the Governor. Informally, the Director also reports to the Governor, through the Governor's Natural Resources Policy Advisor. This is a permanent, full-time, executive service position located in Portland, Oregon. If you are hired, you will become part of the State's Executive Service team.

Oregon- Department of Environmental Quality

The mission of the Department of Environmental Quality is to be an active leader in restoring, enhancing and maintaining the quality of, Oregon's air, water and land. The Department has approximately 800 positions and a budget of \$300 million dollars. DEQ is responsible for protecting and enhancing Oregon's water and air quality, for cleaning up spills and releases of hazardous materials, and for managing the proper disposal of hazardous and solid wastes. DEQ staff use a combination of public outreach, technical assistance, permitting, inspections, and enforcement as tools to help public and private facilities and citizens understand and comply with state and federal environmental regulations. The DEQ staff includes scientists, engineers, technicians, administrators, and environmental specialists, among others. The agency's headquarters office is located in Portland with regional administrative offices in Eugene, Pendleton and Portland; and field offices in Bend, Coos Bay, Grants Pass, Gresham, Hermiston,

Medford, Pendleton, Roseburg, Salem, The Dalles and Warrenton. DEQ operates a new, pollution-control laboratory in Hillsboro. In addition to local programs, the Environmental Protection Agency (EPA) delegates authority to DEQ to operate federal environmental programs such as the Federal Clean Air, Clean Water, and Resource Conservation and Recovery Acts.

The Director of DEQ:

The purpose of this job is to administer and enforce laws regulating air, water, and land pollution; administer authorities delegated by the U.S. Environmental Protection Agency (EPA) including the Clean Air, Clean Water and Resource Conservation and Recovery Acts; administer state statutes including solid waste management, recycling, and environmental cleanup; serve as a member of the Governor's cabinet; and assist Assistant to the Governor for Natural Resources in efforts to coordinate Natural Resource Agencies.

Program Administration/Direction- Program responsibilities include directing the development and implementation of the Department strategic plan and performance measures; overseeing development of agency rules to assure compliance with state/federal laws and regulations, for approval by the EQC; monitoring state and federal legislation; negotiating contracts with EPA to carry out federal environmental programs and ; enforcing environmental laws of the state, and of the federal government where delegation has occurred, including levying civil penalties and seeking voluntary cooperation; and administering the directives of the Commission.

Agency Management/Administration- Develops the agency biennial budget request that implements the agency's strategic planning goals and presents it to the Legislature Implements and manages, the agency legislatively-approved budget. Maintains knowledge of environmental issues locally and nationally, and in sufficient technical depth, to allow for reasoned policy and administrative rules recommendations to the EQC. Provides guidance and leadership to DEQ management and staff Provides direction and directs the implementation of agency affirmative action plans, employee safety activities, and other plans to attract, retain, and manage a diverse, well-trained work force.

External/Outreach- Anticipates issues and maintains rapport with the Oregon Legislature, Oregon's Congressional Delegation, editorial boards of newspapers in Oregon, directors of state and federal agencies, and special interest groups to assure DEQ success in receiving support and resources for environmental programs. Promotes awareness of environmental issues and agency programs to the public and the regulated community through public informational meetings, public hearings, and the media. Reports regularly to the Chairman of the EQC, and meets regularly with other natural resource agency directors, and Governor's Natural Resources Policy Advisor and reports, on appropriate topics, to the Director of the Dept. of Administrative Services.

Supervision- Plans, assigns and approves work, including developing, implementing and updating position descriptions and work plans. Prepares annual performance appraisals; recommends appropriate personnel actions. Disciplines and rewards staff according to policy and collective bargaining agreement. Directs the investigation, responds and facilitates resolution of grievances and complaints. Directs the management of recruitment in interviewing, reference checking, and makes hiring decisions in accordance with agency policy, goals and programs such as affirmative action, injured worker, and employment laws. Evaluates and implements unit training needs to ensure staff are prepared to perform assigned duties including evaluation and creation of opportunities for staff development. Handles personnel issues expeditiously according to procedures and collective bargaining agreement.

QUALIFICATIONS, REQUIRED & REQUESTED SKILLS:

TO QUALIFY

Your resume and cover letter will be reviewed to verify that you meet the minimum qualifications and desired attributes stated in this section. To receive credit your resume and cover letter must clearly show that you have the following experience and skills:

- At least eight years of management experience related to environmental sciences, or related field;

**Minimum Education requirements: B.S / or at least a Master's degree
what areas of concentration ? science focus? management, do you want an MBA ?**

**Minimum management requirements:
Director, Deputy Director , Senior Administrator , EPA, or other Natural Resources
entity at the state or federal level ,recommend at least 8 years in a senior
management position**

**Candidate profile ;
Ideally an individual whose background has demonstrated a career with increasingly
greater roles of responsibility with a focus in Natural Resources, Environmental
Quality and Sciences with a focus on the areas of Air Quality, Water, and Soil/Land
sciences.**

DESIRED ATTRIBUTES - more specific ?

- Experience building consensus, managing conflict and decision making
 - Knowledge of regulatory law, environmental programs/issues
 - Experience in regulatory oversight, including enforcement of rules, laws and statutes
 - Knowledge of modern management practices and principles
 - **Experience providing leadership and vision to a organization of at least 500 employees with a budget greater than 150M annually.**
 - **EPA or other state or federal agencies agency experience**
 - **Experience supporting a Governor or other elected official , understanding of reporting to a Commission.**
 - Strong written and oral communication skills with diverse influential audiences
 - Experience forming collaborative and productive partnerships with a diverse set of stakeholders and staff
 - Experience in the development, implementation and evaluation of strategic organizational goals, plans and policies
 - Experience in an executive level position that included legislative and rulemaking processes
- Only the candidates whose experience most closely match the qualifications and desired attributes of this position will be invited to an interview.

ADDITIONAL INFORMATION:

To Apply:

Please complete/ submit the following:

1. Complete the online application , to include answering all supplemental questions.
2. Attach your resume in MS Word format (no longer than four(4) pages.
3. Attach your cover letter in MS Word format (no longer than two(2) pages.
4. Provide four (5) professional references, providing their name, title, cell # and email address. (references should be your former supervisors)

(diversity narrative)
(vets narrative)
(attach PD)
(attach DEQ link)

If you have any questions about how to apply please contact:
enrique.sama@oregon.gov

VISIT OUR AGENCY WEBSITE AT:

<http://www.oregon.gov/DEQ>

OUR OFFICE IS LOCATED AT:

811 SW 6th Ave.
Portland, OR 97202
503-229-5630

Job #ESS-DEQ2016
DIRECTOR, DEPARTMENT OF ENVIRONMENTAL
QUALITY
ES



STATE OF OREGON POSITION DESCRIPTION

Position Revised Date: _____

Agency: Oregon Department of Environmental Quality

Facility: Headquarters

☐ New

☒ Revised

This position is:

☐ Classified

☒ Unclassified

☒ Executive Service

☐ Mgmt Svc – Supervisory

☐ Mgmt Svc – Managerial

☐ Mgmt Svc - Confidential

SECTION 1. POSITION INFORMATION

<p>a. Classification Title: <u>PEM-H</u></p> <p>c. Effective Date: <u>01/01/1971</u></p> <p>e. Working Title: <u>Agency Director</u></p> <p>g. Section Title: <u>Office of the Director</u></p> <p>i. Employee Name: <u>vacant</u></p> <p>k. Work Location (City – County): <u>Portland - Multnomah</u></p> <p>l. Supervisor Name: _____</p>	<p>b. Classification No: <u>Z7014</u></p> <p>d. Position No: <u>0001</u></p> <p>f. Agency No: <u>34000</u></p> <p>h. Budget Auth No: <u>000173350</u></p> <p>j. Repr. Code: <u>MEAH</u></p>
<p>m. Position: <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Seasonal <input type="checkbox"/> Limited Duration <input type="checkbox"/> Academic Year <input checked="" type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Intermittent <input type="checkbox"/> Job Share</p>	
<p>n. FLSA: <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Non-Exempt</p>	<p>If Exempt: <input checked="" type="checkbox"/> Executive <input type="checkbox"/> Professional <input type="checkbox"/> Administrative</p>
<p>o. Eligible for Overtime: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

SECTION 2. PROGRAM AND POSITION INFORMATION

a. Describe the program in which this position exists. Include program purpose, who's affected, size, and scope. Include relationship to agency mission.

The purpose of the Oregon Department of Environmental Quality is to be an active leader in restoring, maintaining, and enhancing the quality of Oregon's air, water, and land. The Department has approximately 725 full time positions and a \$344 million biennial budget.

b. Describe the primary purpose of this position, and how it functions within this program. Complete this statement. The primary purpose of this position is to:

The purpose of this job is to administer and enforce laws regulating air, water, and land pollution; administer authorities delegated by the U.S. Environmental Protection Agency (EPA) including the Clean Air, Clean Water and Resource Conservation and Recovery Acts; administer state statutes including solid waste management, recycling, and environmental cleanup; serve as a member of the Governor's cabinet; and assist Assistant to the Governor for Natural Resources in efforts to coordinate Natural Resource Agencies.

SECTION 3. DESCRIPTION OF DUTIES

List the major duties of the position. State the percentage of time for each duty. Mark "N" for new duties, "R" for revised duties or "NC" for no change in duties. Indicate whether the duty is an "Essential" (E) or "Non-Essential" (NE) function.

% of Time	N/R/NC	E/NE	DUTIES
Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".			
30%		E	<p>PROGRAM ADMINISTRATION/DIRECTION</p> <ul style="list-style-type: none"> a. Directs the development and implementation of Department strategic environmental plans and directions to protect maintain and enhance Oregon's water, air, and land. b. Develops, implements, evaluates the agency's programs assuring compliance with state/federal laws and regulations, in collaboration with senior staff and the Environmental Quality Commission. c. Monitors, through subordinate staff, state and federal legislation, forecasting impact on agency programs and operations. d. Negotiates, in collaboration with Division Administrators, with U. S. Environmental Protection Agency (EPA) for Oregon to carry out federal laws on air and water pollution & hazardous waste management and to receive federal monies. e. Levies civil and criminal penalties under authority delegated by the Commission which hears appeals from such penalties. f. Enforces environmental laws of the state and of the federal government where delegation has occurred, including seeking voluntary cooperation; and administer the directives of the Commission in regulating the discharge of pollutants and disposal of wastes.
45%		E	<p>AGENCY MANAGEMENT/ADMINISTRATION</p> <ul style="list-style-type: none"> a. Develops, through subordinate managers, the agency biennial budget request, implementing the agency's strategic planning goals through this mechanism. Presents the Governor's Recommended Budget to the Legislative Ways and Means Committee, explaining how it achieves goals and describing results for particular portions of the budget when implemented or if not implemented. Implements and manages, through subordinate managers, the agency legislatively approved budget to achieve goals.

			<ul style="list-style-type: none"> b. Maintains sufficient knowledge of environmental issues locally and nationally and in sufficient technical depth to allow for reasoned policy/administrative rules recommendations to Environmental Quality Commission (EQC). c. Provides guidance and leadership on a regular basis to DEQ management and staff through “brown baggers” and through electronic communication, at Natural Resource Agency meetings, and at State Agency overall policy meetings. d. Provides directions/implementation, through subordinate managers, of agency affirmative action plans, employee safety activities and plans to attract, retain and manage a diverse and well-trained work force. e. Encourages/implements, in collaboration with senior staff and management, improvements to the agency such as span of control, responsiveness to citizens, efficiencies and improvements to agency performance.
15%		E	<p>EXTERNAL OUTREACH</p> <ul style="list-style-type: none"> a. Anticipates issues and maintains rapport with the Oregon Legislature, Oregon’s congressional delegation, editorial boards of newspapers in Oregon, directors of state and federal agencies and special interest groups to assure DEQ the best opportunity for success in receiving resources and support for environmental programs. b. Promotes awareness of environmental issues and agency programs to the public and the regulated community through public informational meetings, public hearings and the media. c. Reports regularly to the Chair of the EQC, as well as providing a Director’s report to the EQC at their meetings. Reports, along with other natural resource agency directors, to Governor’s Natural Resource assistant. Reports on appropriate topics to the Director of the Dept. of Administrative Services.
10%		E	<p>SUPERVISION</p> <ul style="list-style-type: none"> a. Plans, assigns, and approves work, including developing, implementing and updating position descriptions and work plans. b. Prepares annual performance appraisals and discusses with employee; recommends appropriate personnel actions. Disciplines/rewards staff according to policy and collective

bargaining agreement.

- c. Directs the investigation, responds and facilitates resolution of grievances and complaints.
- d. Directs the management of recruitment in interviewing, reference checking and makes hiring decisions in accordance with agency policy, goals and programs such as affirmative action, injured work and employment laws.
- e. Evaluates and implements unit training needs to ensure staff are prepared to perform assigned duties including evaluation and creation of opportunities for staff development.
- f. Handles personnel issues expeditiously according to procedures and collective bargaining agreement.

SECTION 4. WORKING CONDITIONS

Describe any on-going working conditions. Include any physical, sensory, and environmental demands. State the frequency of exposure to these conditions.

Involves substantial travel in-state and nationally to attend meetings and conferences. Extended work hours.

SECTION 5. GUIDELINES

- a. List any established guidelines used in this position, such as state or federal laws or regulations, policies, manuals, or desk procedures.**

Oregon Revised Statutes and Oregon Administrative Rules
 Collective Bargaining Agreement
 EPA guidelines, rules, policies, procedures
 Employment laws, policies, and procedures
 Agency administrative policies and procedures

- b. How are these guidelines used?**

These guidelines are used to provide direction in heading the Department, faithful to the Commission's directives and the best environmental actions.

SECTION 6. WORK CONTACTS

With whom outside of co-workers in this work unit, must the employee in this position regularly come in contact?

Who Contacted	How	Purpose	How Often?
Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".			
Environmental Quality Commission	In-person, phone, email	Administer EQC's directions; provide information	As needed
Governor's office	In-person, phone, email	Discuss relevant issues	As needed
Environmental Protection Agency	In-person, phone, email	Discuss relevant issues	As needed
DEQ Management and staff	In-person, phone, email	Convey information and decisions. Provide leadership.	As needed
Stakeholders, citizens	In-person, phone, email	Receive input and ideas	As needed
Oregon State Legislature	In person, phone, email	Present Agency budget and programs	As needed
State Environmental Directors	In person, phone, email	Discuss shared issues	As needed

SECTION 7. POSITION RELATED DECISION MAKING

Describe the typical decisions of this position. Explain the direct effect of these decisions.

Makes all leadership decisions relating to the operation of the Department. Makes decisions which have long-term effects on Oregon's livability, healthy environment & valued resources. Selects all senior management staff in Department.

SECTION 8. REVIEW OF WORK

Who reviews the work of the position?

The Director reports to, and is appointed by, a five-member policy and administrative commission. The Commission is appointed by the Governor. Informally, the Director also reports to the Governor, through the Governor's Assistant for Natural Resources and the Director of the Department of Administrative Services.

SECTION 9. OVERSIGHT FUNCTIONS

THIS SECTION IS FOR SUPERVISORY POSITIONS ONLY

- a. How many employees are directly supervised by this position? 6
- How many employees are supervised through a subordinate supervisor? 600+
- b. Which of the following activities does this position do?
- | | |
|---|---|
| <input checked="" type="checkbox"/> Plan work | <input checked="" type="checkbox"/> Coordinates schedules |
| <input checked="" type="checkbox"/> Assigns work | <input checked="" type="checkbox"/> Hires and discharges |
| <input checked="" type="checkbox"/> Approves work | <input checked="" type="checkbox"/> Recommends hiring |

SECTION 10. ADDITIONAL POSITION-RELATED INFORMATION

ADDITIONAL REQUIREMENTS: List any knowledge and skills needed at time of hire that are not already required in the classification specification:

BUDGET AUTHORITY: If this position has authority to commit agency operating money, indicate the following:

Operating Area	Biennial Amount (\$00000.00)	Fund Type
Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".		
Agency	\$38K	General Fund
	\$4K	Other Funds
	\$152K	Federal Funds
	\$30K	Non-operating funds

SECTION 11. ORGANIZATIONAL CHART

Attach a current organizational chart. Be sure the following information is shown on the chart for each position: classification title, classification number, salary range, employee name and position number.

SECTION 12. SIGNATURES

Employee Signature

Date

Supervisor Signature

Date

Appointing Authority Signature

Date