
Date: Aug. 31, 2016
To: Environmental Quality Commission
From: Pete Shepherd, Interim Director
Subject: Agenda item A, Action item: DEQ director recruitment process
Sept. 6, 2016, EQC special meeting

Why this is important

Recruiting and hiring a highly qualified Director is important because he or she will be charged by law with the duty of carrying out the Environmental Quality Commission's policies. DEQ faces many internal and external challenges. Recruiting and hiring a highly qualified Director is important because he or she will become, upon hire, the individual immediately accountable to the public and the Commission for addressing those challenges.

On Aug. 24, 2016, the Oregon Environmental Quality Commission authorized the Dept. of Administrative Services to engage on behalf of DEQ an executive search firm that would assist the Commission in its recruitment of a Director. EFL Associates has been retained for the purpose.

The Commission has the statutory authority to determine the minimum and desirable qualifications of candidates. It also has the statutory authority to define a process for making its determination of the minimum and desirable qualifications. Finally, it has the statutory authority to define the process by which those qualifications are applied to individuals in the final interview/selection phase of the recruitment. Legal counsel has previously advised the Commission that all of these choices must be made in open session.

With the advice and counsel of the Department of Administrative Services Executive recruiters and EFL Associates, the Commission may at the September 6, 2016, Special Meeting choose to propose modifications to the candidates' minimum and desirable qualifications. The Commission allowed for a period of public input on its originally proposed draft minimum and desirable qualifications. It also took public testimony on the originally proposed draft minimum and desirable qualifications.

Whether or not the Commission amends the minimum and desirable qualifications for candidates, I recommend that the Commission follow its former practice by allowing for public notice and comment on the

qualifications and on the proposed final interview and selection process.

**DEQ
recommendation
and EQC
motion**

DEQ recommends that the Oregon Environmental Quality Commission, at the September 6, 2016, Special Meeting:

- **Consult:** With EFL Associates and with the Department of Administrative Services Executive recruiters about the recruitment process and, specifically, about the minimum and desirable qualifications the Commission ought to establish for candidates for the position.
- **Act:** By promulgating for public notice and comment for a specified period of time the recruitment materials, including the minimum and desirable qualifications, that the Commission tentatively proposes as a result of its deliberations on September 6, 2016.

Possible motion: “I move that the Commission direct DEQ to broadly solicit public comment on the recruitment materials, including the revised minimum and desirable qualifications, that are appended to this motion. The period for comment shall not be less than 14 days.” The appended materials would consist of the recruitment materials, including revised minimum and desirable qualifications that EFL Associates and the Department of Administrative Services had discussed with the Commission during the meeting.

- **Act:** By promulgating for public notice and comment for a specified period of time the attached final interview and selection process.

Possible motion: “I move that the Commission direct DEQ to broadly solicit public comment on the proposed final interview and selection process appended to this motion. The period for comment shall not be less than 14 days.” The appended materials would consist of Exhibit A to this agenda item, as modified, if at all, by the Commission during the September 6, 2016, meeting.

- **Act:** By scheduling a Special Meeting to occur no sooner than the day upon which the window closes for receipt of public notice and comment on the recruitment materials and on the final interview and selection process. At that Special Meeting, the Commission

would take public comment on the recruitment materials and on the final interview and selection process.

Possible motion: “I move that the Commission schedule a Special Meeting on _____ for the purposes of: (a) receiving public testimony about the recruitment materials and about the final interview and selection process; (b) determining whether to further revise the recruitment materials in response to public comment; (c) approving the recruitment materials as amended or revised by the Commission, (d) re-opening the recruitment under the terms of the recruitment materials for a period of ____ days, and (e) directing EFL Associates to commence its recruitment efforts on the Commission’s behalf.

Attachments

A. Discussion draft of final interview and selection process.

Discussion Draft of Final Interview and Selection Process

All meetings of the Commission as a decision-making body will occur in open session except for segments that may be conducted in executive session. Segments eligible for executive sessions are designated by *italics*.

Step 1 (In the weeks after recruitment closes and before the Commission meets on Day 0):

- The members of the Commission's subcommittee, by telephonic interview and other processes as its members feel are required, interview or further consider the candidates and then, acting independently, individually convey to the Commission the names of candidates whom the individual subcommittee member believes should be treated by the Commission as finalists.
- DEQ will, on behalf of the Commission, consult with stakeholders (broadly defined) to solicit a series of questions to be posed to each candidate during the final selection process.
- DEQ will recruit a state agency leadership/peer group interview panel.

Step 2 (Day 0): Preliminary designation of finalists, subject to background checks: *The Commission, in executive session at a regular or special meeting, determines which candidates will be considered finalists, subject only to the contingency that the candidate pass a background check.*

Step 3 (Day 1 - 14): Background checks conducted. DEQ and DAS complete background and reference checks on the finalists.

Step 4 (Day 15): First public release of finalists' names. The Commission makes a public announcement of names of finalists. The Commission encourages Oregonians to participate through public engagement process described below.

Step 5 (Day 15): Stakeholder questions disclosed. DEQ broadly disseminates to the public the final questions DEQ has derived from stakeholder consultations.

Step 6 (Day 15): Written questions posed to finalists. DEQ transmits the questions to each finalist with instructions to: (a) Create written answers for hand-delivery to the commission as part of the final interview process, and (b) Be prepared to discuss the questions orally with the public during the community engagement process interviews.

Step 7 (Day 28): Interview Day In Salem. Events include public engagement interviews, meetings with the state agency leadership/peer group body and meetings with DEQ's Executive Staff and others identified by the commission. None of these activities would be convened as a Commission meeting, but at least one commissioner would attend each event as a nonparticipating observer. Finalists will travel to Salem for four events:

A. Public engagement interviews (8:30 - 12:30): Interviews, each overseen by a moderator/facilitator and each attended by a different individual member of the EQC, will be conducted simultaneously in as many separate rooms as there are finalists. If there are three candidates, each will start in one of the rooms designated as A, B, or C. Interviews will last for 60 minutes. The agenda for each interview: The facilitator will present the previously distributed stakeholder questions for oral response by the candidate. Members of the public choosing to attend may submit additional written questions to the facilitator. The facilitator will, in any time remaining after the finalist has answered the pre-selected questions, put additional questions to the finalist from among the questions posed by the attending public. At the end of 60 minutes, the finalist who started in Room A will go down the hall to Room B, B to C, and C to A. The process is completed in the same way for each rotation. At the end of the final 60 minute rotation, members of the public who participated would be asked to complete and submit to DEQ a paper or electronic report of the participant's perspective.

B. Working lunch (12:30 - 2:00): All finalists have joint lunch and informal discussion with state agency leadership/peer group interview panel and one member of the EQC. The EQC member is designated as the reporter to the full EQC of the leadership/peer group's insights.

C. DEQ Executive Staff interviews (2:30 – 3:30): DEQ Executive Staff and one member of the EQC meet the finalists individually for brief interviews. The EQC member is designated as the reporter to the full EQC of the DEQ Executive Staff's insights.

D. Governor's Office (3:45 - 5:00): The Governor's staff would organize this time in whatever way they desire.

Step 8 (Day 29): First day of two-day Commission Special Meeting: The commission convenes for the first day of a two-day meeting in Portland.

8:30 – 10:00: The Commission receives reports from individual EQC members who attended the state agency leadership/peer group interview panel, the DEQ Executive Staff meeting, and each of the public engagement "round robin" meetings. The Commission also receives a report from DEQ staff based on the written feedback solicited from participants in the "round robin" meetings.

8:30 – 9:30: Representatives of the union representing DEQ's employees meets with the finalists, organizing the time however the group wishes.

10:00 - 11:30: Commission takes public testimony, including from the union.

11:30 - 1:00: Lunch.

1:00 - 5:00: In executive session, the commission meets individually with each finalist. After these interviews are complete, candidates would be able to return home, having spent two very full days in the interview process.

Step 9 (Day 30): Second day of Commission Special Meeting: *In executive session, the commission concludes its evaluation of finalists.*

Following the executive session, the commission convenes in open session for final discussion and for the final selection by majority vote of the Commission.