



**THE ALABAMA DRYCLEANING
ENVIRONMENTAL RESPONSE TRUST FUND BOARD**

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**MINUTES
Board Meeting
November 19, 2020**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, November 19, 2020, at the Board's office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business of the Board. Due to the COVID 19 State of Emergency, the meeting was conducted virtually. Board members in attendance on the call were Mr. Jason Windham (Board Chair), Mr. Steve McKinnon (Board Vice Chair), Mr. Jim Massey, III (member) and Mr. Cary Spiegel (member). Board members absent were Mr. Thomas Bass (member), Mr. Quincey Banks (member) and Mr. Steve Taylor (member). Also participating in the call onsite at the Board's office was Mr. Randy Barrows (Board Administrator) and Ms. Renee' Reames (recording secretary). Others on the call were Mr. Robert Tambling (Board Legal Counsel), Mrs. Ashley Cousins (Consulting Engineer), Ms. Ashley Powell and Mr. Richard Hamner with ADEM and Ms. Nichelle Norris with the Revenue Department. Chairman Windham called the meeting to order at 10:00 a.m. and Ms. Reames called Board roll, reporting that a quorum of the members was present to conduct business of the Board.

Public notice of this scheduled meeting was published on the Secretary of State's web site, www.sos.alabama.gov, in accordance with the Alabama Open Meetings Act, and advertised on the Board's web site at www.drycleaningtrustfund.alabama.gov.

The Board reviewed the minutes from the November 19, 2020 regular meeting. A copy of the minutes was provided to the members prior to the meeting for their review. Mr. McKinnon made a motion to approve the May meeting minutes as presented. The motion was seconded by Mr. Spiegel and unanimously approved by the Board.

Ms. Ashley Powell, with ADEM, presented information on the number of DERTF active participants in the Fund. She reported that the delinquent accounts had not changed since the last Board meeting held in November. Also presented was the current prioritization of active accounts.

Ms. Nichelle Norris, with the Department of Revenue, reported on the participating accounts and the status of payments into the Fund. She also reviewed the list of delinquent accounts and reported a cash balance of \$16,468.51 as of November 3, 2020.

Mrs. Cousins reviewed quarterly contributions into the Fund as of the first quarter of FY 2016 through October 31, 2020. She also presented an annual contribution summary from FY 2008 through this same period in FY 2021. She reported that the revenue was significantly lower in the second quarter of 2020 compared to the previous year.

Mrs. Cousins presented a historical record of funding, by individual accounts, approved by the Board that reflected a total amount in payment requests and approved cost proposals per site. The Payment Requests totaled \$3,744,108.53 approved by the Board.

Mrs. Cousins reviewed the status of the projected operating account, indicating a projected Fund balance deficit of \$162,777, which assumed a 100% funding of all outstanding Cost Proposal obligations. A third quarter comparison (as of July 31, 2020) was also provided. She reported an Investment Account balance of \$1,804,488 as of the end of September 2020. The Board discussed the difference in the projected deficit between the reported quarters and concerns about the balance remaining in the investment fund. Mr. Spiegel made the motion to authorize the Executive Director to transfer \$125,000 from the Investment Fund to the Operating Fund. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins presented the Cost Proposals report for the Board's review and approval. She presented a Cost Proposal recommendation for five (5) sites with an adjustment total cost of \$41,425.09. Mr. Spiegel made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and approved by the majority of the Board, with Mr. Massey abstaining from vote.

Mrs. Cousins also presented the Payment Requests Report. She recommended an adjustment Payment Request amount of \$24,265.85 for six (6) sites. Mr. McKinnon made a motion to approve the Payment Requests as recommended by Mrs. Cousins. The motion was seconded by Mr. Spiegel and approved by the majority of the Board, with Mr. Massey abstaining from vote.

Mrs. Cousins report that one request had been deferred until enough funds were available to resample the groundwater. She also reported on two requests that had been voided. Mr. McKinnon made the motion to void the two cost proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins presented to the Board the 2021 average quarterly income proposal and several funding scenarios were considered. The Board discussed the importance of getting the proposed legislation passed regarding Fund participation. Mr. Massey made the motion to authorize expenditures not greater than 75% of the average quarterly income from the prior year. The motion was seconded by Mr. Spiegel. The Board agreed that due to the trend in declining funds, that this amount would be adjusted on a case-by-case basis during FY 2021. The motion was unanimously approved by the Board.

Mrs. Cousins reviewed proposed changes to the Board's Policies and Procedures based on the FY 2021 ceiling. It was the consensus of the Board to approve the recommended changes to the Board's Policies and Procedures and agreed to review the matter again in May 2021.

Mr. Warren indicated that a Board member candidate has been recommended for the small dry cleaning business owner category. Mr. Massey agreed to confirm the candidate's interest to serve on the Board.

Mr. Warren presented a list of proposed Board meeting dates for 2021. Mr. McKinnon made a motion to approve the meeting dates as recommended: February 18, May 20, August 19 and November 18, 2021. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mr. Warren reported that the emergency contract for Administrative Services that was approved at the May Board meeting was scheduled to expire November 30, 2020. He reported that bids were on-hold until a determination was reached by the State Purchasing Department about continuing the contract as a Professional Services-related contract. Mr. Spiegel made the motion to extend the emergency Administrative Services Contract with Warren & Company for one year at a rate of \$3,000 per month plus costs, to prevent delays in the Board's ability to function and safeguard the public. The motion was seconded by Mr. Massey and unanimously approved by the Board.

The Board discussed the upcoming 2021 Legislative Session and Chairman Windham deferred further discussion on this matter to allow Messrs. McKinnon and Massey, along with Mr. Weeks and Mrs. Cousins, to develop plans to present to the Board at the February Board meeting.

Mr. Warren reported that the annual election of Board officers was due. Mr. Massey made the motion that the current officers continue to serve with Mr. Windham as Board Chair and Mr. McKinnon as Board Vice Chair. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

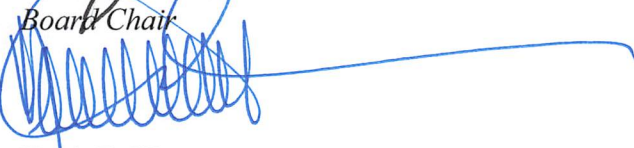
Chairman Windham reminded the members that the next meeting of the Board was scheduled February 18, 2021 at 10:00 a.m.

There being no further business of the Board, Mr. McKinnon made a motion to adjourn the meeting. The motion was seconded by Mr. Spiegel and unanimously approved by the Board. Chairman Windham adjourned the meeting at 10:42 a.m.

Respectfully Submitted,



Jason Windham
Board Chair



Keith E. Warren
Executive Director

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