



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

2777 Zelda Road
Montgomery, Alabama 36106
334-240-7239
334-263-6115 Fax

**MINUTES
Board Meeting
May 28, 2020**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, May 28, 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 in attendance onsite were Mr. Keith Warren (Executive Director) 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 Hammer with ADEM and Ms. Nichelle Norris with the Revenue Department. Chairman Windham called the meeting to order at 10:01 a.m. and Mr. Keith Warren 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 meeting was scheduled at 10:00 a.m.

The Board reviewed the minutes from the February 27, 2020 regular meeting. A copy of the minutes was provided to the members prior to the meeting for their review. Mr. Massey made a motion to approve the February 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, along with delinquent accounts. The Board discussed the status of delinquent accounts and supportive actions by the Board during the COVID 19 pandemic. 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 filed Returns and payment into the Fund. She also reviewed the list of delinquent accounts and reported a cash balance of \$75,862.60 as of May 27, 2020.

Mrs. Cousins presented a graph indicating quarterly contributions into the Fund as of the first quarter of FY 2016 through the second quarter of FY 2020. An annual contribution summary from FY 2008 through FY 2020 was also provided. The Board discussed upcoming difficulties in funding due to the effects of the pandemic on businesses.

Mrs. Cousins presented a historical record of funding approved by the Board, by listing the accounts individually, which stated the total amount in payment requests and approved cost proposals per site. The Payment Requests totaled \$3,693,987.78 approved by the Board.

Mrs. Cousins reviewed the status of the projected operating account, indicating a projected Fund balance deficit of \$43,697 as of April 30, 2020, which assumed a 100% funding of all outstanding Cost Proposal obligations. A first quarter comparison (as of January 31, 2020) was also provided. She reported an Investment Account balance of \$1,795,626 as of the end of April.

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 \$20,973.13. Mr. Spiegel made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Mrs. Cousins also presented the Payment Requests Report. She recommended an adjustment Payment Request amount of \$22,520.03 for five (5) sites. Mr. McKinnon made a motion to approve the Payment Requests as recommended by Mrs. Cousins. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins reported that the Cost Proposal submitted for KCM Inc. had been denied since the ARBCA had not been authorized by ADEM at the time.

Mr. Tambling, Board Legal Counsel, reported that the Administrative Services Contract was due for rebidding, noting that the current contract expired May 31, 2020. He reported that he was informed by the State Purchasing Department that bids were on hold until a determination was reached about continuing as a Professional Services-related contract. He reported that the Board could continue their relationship with Warren & Company through a temporary contract until the decision was made by the Purchasing Department. Mr. Massey made the motion to continue, on an emergency basis for six months, the Administrative Services Contract with Warren & Company, 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. McKinnon and unanimously approved by the Board.

The Board discussed the current terms of members and future appointments to the Board. Mr. Warren reminded the members about submitting to him a letter of interest to serve, along with a copy of their resume.

The Board discussed obtaining members' signatures indicating approval of Cost Proposals and Payment Requests. Mr. Spiegel made the motion that due to the COVID 19 State of Emergency, the Board authorize the Executive Director to sign, on behalf of the Board, the Cost Proposals and Payment Requests approved at Board meetings. The motion was seconded Mr. McKinnon and unanimously approved by the Board.

The Board also discussed current procedures requiring notary public acknowledging applicant's signatures. Mr. Spiegel made the motion to waive, during the COVID 19 State of Emergency, the requirement for a notary public signature affirmation. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins recommended that during the COVID State of emergency that cost proposals be submitted electronically and to waive the requirement that documents be received by mail. Mr. Spiegel made the motion to approve, on a temporary basis during the COVID 19 State of Emergency, the electronic submission of Cost Proposals. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Chairman Windham reminded the members that the next meeting of the Board was scheduled August 27, 2020 at 10:00 a.m.


Mr. Warren explained that Boards were allowed, under certain guidelines, to meet virtually and travel reimbursement would not be necessary. He also reported that should onsite meetings be required, he would secure another facility for the Board to conduct their meetings, which would allow for social-distancing onsite.

There being no further business of the Board, Mr. Massey made a motion to adjourn the meeting. The motion was seconded by Mr. Spiegel and unanimously approved by the Board. Mr. Windham adjourned the meeting at 11:00 a.m.

Respectfully Submitted,



Jason Windham
Board Chair



Keith E. Warren
Executive Director

/rr