



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

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**MINUTES
Board Meeting
August 27, 2020**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, August 27, 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 10:05 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 May 28, 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.

Chairman Windham deferred the reports by Ms. Ashley Powell with ADEM and Ms. Nichelle Norris with the Revenue Department until later in the meeting.

Mrs. Cousins reviewed quarterly contributions into the Fund as of the first quarter of FY 2016 through July 2020. She also presented an annual contribution summary from FY 2008 through this same period in FY 2020. She reported that the revenue was down \$50,000 from the previous year and reminded the members that one quarter remained in the current fiscal year, when considering approval of the ceiling amount for authorized expenditures in FY 2021.

Mrs. Cousins presented a historical record of funding approved by the Board, by individual accounts, that reflected a total amount in payment requests and approved cost proposals per site. The Payment Requests totaled \$3,716,507.81 approved by the Board.

Mrs. Cousins reviewed the status of the projected operating account, indicating a projected Fund balance deficit of \$59,514 as of July 31, 2020, which assumed a 100% funding of all outstanding Cost Proposal obligations. A second quarter comparison (as of April 30, 2020) was also provided. She reported an Investment Account balance of \$1,799,884 as of the end of July.

Mrs. Cousins presented the Cost Proposals report for the Board's review and approval. She presented a Cost Proposal recommendation for eight (8) sites with an adjustment total cost of \$40,880.54. 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 \$27,600.72 for six (6) sites. She reported on the six sites and explained the recommendation for the adjusted payments. The members discussed their concerns about work adjustments in use of authorized funds at one site without ADEM being notified in advance of the use of funds. Mrs. Cousins reported that she had notified the parties at this site about the neglect in notifying ADEM. Mr. Massey made a motion to approve the Payment Requests as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Mrs. Cousins recommended approval of two extension requests, Master Cleaners-Sage and Master Cleaners-Airport. Mr. Spiegel made the motion to approve the extension as recommended by Mrs. Cousins. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Ms. Ashley Powell with ADEM presented information on the reduced number of DERTF active participants in the Fund and the increase in delinquent accounts. Also presented was the current prioritization of active accounts.

The Board continued discussions regarding delinquent accounts and it was the consensus by the Board that delinquent accounts were not eligible and would be denied funding until delinquent payments into the Fund were caught-up and current. The members discussed the accumulation of funds in arrears and proposal considerations to pay outstanding payments into the Fund.

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 \$58,918.92 as of August 4, 2020.

Mrs. Cousins reviewed proposed changes to the Board's Policies and Procedures to include requiring that cost proposal addendums be submitted for the Board's approval and require modifications in the scope of work be submitted to ADEM. Mr. McKinnon made the motion to approve the changes in the Board's Policies and Procedures as recommended. The motion was seconded by Mr. Spiegel and unanimously approved by the Board.

Ms. Powell reviewed with the Board a memorandum from ADEM to the owners/operators participating in the Fund, who are delinquent and currently doing work, to make them aware of Division 16 concerning Criteria for Coverage by the Act (the Fund). Mr. McKinnon made the motion that the delinquent accounts, who are currently doing work, receive a letter from ADEM

notifying them about criteria for coverage under the Fund. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mr. Warren reminded the members about submitting to him a letter of interest to serve on the Board and reviewed the proposed Board appointments as discussed by the Board.

Chairman Windham reminded the members that the next meeting of the Board was scheduled November 19, 2020 at 10:00 a.m. The Board discussed upcoming business of the Board to approve a ceiling amount for FY 2021 payment requests. The Board considered deferring approval until the first meeting in calendar year 2021 or later after the tax deadline.

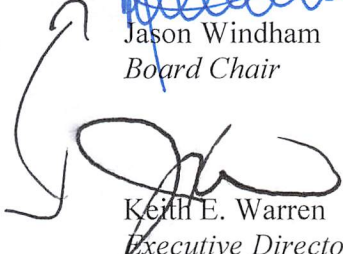
Mr. Warren reminded the Board about the requirement to have a physical quorum onsite when meetings resume at the Board's office or to be held similar facility that allowed for social-distancing onsite.

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. Mr. Windham adjourned the meeting at 11:08 a.m.

Respectfully Submitted,



Jason Windham
Board Chair



Keith E. Warren
Executive Director

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