



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

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**MINUTES
Board Meeting
February 18, 2021**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, February 18, 2021, 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. She 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 \$60,209.20 as of January 25, 2021. She and Ms. Powell reported on a new account, 8410 Whitesburg, LLC.

Mrs. Cousins reviewed quarterly contributions into the Fund as of the first quarter of FY 2016 through January 31, 2021. She also presented an annual contribution summary from FY 2008 through this same period in FY 2021. She reported that the first quarter of 2021 funds were approximately \$40,000 lower than the comparative quarter of FY 2020. Chairman Windham asked Ms. Cousins and Mr. Tambling to work on a letter to distribute to delinquent account-

holders inquiring about their intention to remain in the fund and encouraging participation. The Board agreed that encouragement by the Board was important when contacting these individuals.

Mrs. Cousins presented a historical record of funding approved by the Board that reflected a total amount in payment requests and approved cost proposals per site. The Payment Requests approved by the Board for all sites totaled \$3,768,374.38.

Mrs. Cousins reviewed the status of the projected operating account as of January 25, 2021, indicating a projected Fund balance deficit of \$45,957. She explained that this deficit assumed a 100% funding of all outstanding Cost Proposal obligations. Mrs. Cousins reported an Investment Account balance of \$1,677,453 as of the end of September 2020.

The Board discussed any financial benefits to dispersing the payments to ADEM and Revenue over several months, which currently fall in October of each year. Mr. Tambling reported that this flexibility in payments would require a change in the Board's statute.

Mrs. Cousins presented the Cost Proposals report for the Board's review and approval. She presented a Cost Proposal recommendation for six (6) sites with an adjustment total cost of \$30,359.84. Mr. Massey made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. Spiegel and was unanimously approved by the Board.

Mrs. Cousins also presented the Payment Requests Report. She recommended an adjustment Payment Request amount for one (1) site in the amount of \$2,468.43. Mr. McKinnon made a motion to approve the Payment Request as recommended by Mrs. Cousins. The motion was seconded by Mr. Massey and was unanimously approved by the Board.

Mrs. Cousins recommended that two proposals be denied. Mr. Massey made the motion to deny the two cost proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Mrs. Cousins recommended an extension for one cost proposal. Mr. Spiegel made a motion to approve the extension. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Mrs. Cousins recommended that one cost proposal be voided. Mr. Massey made the motion to void the cost proposal as recommended. The motion was seconded by Mr. Spiegel and unanimously approved by the Board.

Mrs. Cousins presented a list of Alabama Drycleaning Environmental Consultants (ADEC) for the Board's approval. Mr. McKinnon made a motion to approve the ADEC list as presented. The motion was seconded by Mr. Massey and unanimously approved by the Board.

The Board discussed scheduling a special meeting in March to discuss proposed legislation and to notify the Board members when a date had been coordinated with the Mr. Warren and Mr. Weeks.

Chairman Windham reminded the members that the next regular meeting of the Board was scheduled May 20, 2021 at 10:00 a.m.

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

Respectfully Submitted,



Jason Windham
Board Chair



Keith E. Warren
Executive Director

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