



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

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Montgomery, Alabama 36106
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**MINUTES
Board Meeting
November 16, 2023**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, November 16, 2023, at the Board's office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business of the Board. The following members were in attendance: Mr. Jason Windham (Board Chair), Mr. Steve McKinnon (Board Vice Chair), Mr. Jim Massey, III (member), and Ms. Bonnie Temple (member). Member absent was Mr. Cary Spiegel. Also participating were Mr. Keith Warren (Executive Director), Mr. Robert Tambling (Board Legal Counsel), Mrs. Ashley Cousins (Consulting Engineer), Ms. Ashley Powell and Mr. Steve Cape with ADEM, Ms. Nichelle Norris with the Department of Revenue, Ms. Angela Warr (Executive Assistant) and Ms. Renee' Reames (recording secretary) and public guest.

Public notice of this regular business 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.

CALL TO ORDER AND ROLL CALL

Chairman Windham called the meeting to order at 10:10 a.m. and Mr. Warren called Board roll, reporting that a quorum of the members was present to conduct business of the Board. Chairman Windham welcomed members and guest.

APPROVAL OF MINUTES

The Board reviewed the minutes from the August 17, 2023, 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 August meeting minutes as presented. The motion was seconded by Ms. Temple and unanimously approved by the Board.

ADEM'S REPORT

Ms. Powell reviewed the ADEM reports which included the DERTF list of active participants in the Fund, a list of delinquent accounts, and a list of prioritizations of active accounts. She reported that Gulfdale Improvements had been listed, at the August meeting, on the prioritization list of active accounts and has since been removed from the prioritization list and removed from the delinquent list.

REVENUE DEPARTMENT'S REPORT

Ms. Norris with the Revenue Department reported on the participating accounts and the status of payments to the Fund. She reported that the delinquent account list should be adjusted to remove Gulfdale Improvements, and she reviewed the list of accounts that were written off and closed.

CONSULTING ENGINEER'S REPORT

Mrs. Cousins presented a historical record of cost proposals and approved payment requests per site. She reported that the Payment Requests approved by the Board for all sites totaled \$3,999,751.50.

Mrs. Cousins reviewed the quarterly contributions to the Fund, for a comparative period of the second quarter of FY 2016 through first quarter of FY 2024, with two months remaining in the first quarter. Also provided was a graph indicating contributions received annually for this same period.

Mrs. Cousins reported on the Fund's operating account cash balance, with a projected balance of \$63,266 for the first quarter of FY 2024. She indicated that, assuming 100% funding of all outstanding Cost Proposal obligations, the Fund had a projected balance of \$22,528. She reported that there were not enough funds to pay ADEM in December, and a transfer of \$75,000 was pending transfer from the investment fund to the operating account. She reported an Investment Account balance of \$1,348,149, as of October 31, 2023. The Board discussed transferring additional funds to the operating account.

MOTION: Mr. Massey made the motion to authorize a maximum of \$100,000 be transferred from the investment account to the operating account, with \$75,000 transferred immediately and the remaining \$25,000 transferred as needed, up to a maximum of \$100,000. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Ms. Cousins presented Cost Proposals on two (2) sites. She recommended an adjusted Cost Proposal amount totaling \$10,954.11 for the two sites.

MOTION: Mr. McKinnon made the motion to approve the adjusted Cost Proposals for the two sites as recommended by Mrs. Cousins. The motion was seconded by Ms. Temple and was unanimously approved by the Board.

Mrs. Cousins presented Payment Requests on three (3) sites. She recommended an adjusted Payment Request amount totaling \$15,811.53 for the three sites.

MOTION: Mr. McKinnon made the motion to approve the adjusted Payment Request as recommended by Ms. Cousins. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins presented the Cost Proposal regarding the Former Mountain Brook Cleaners site and reported that the plans had not been approved by ADEM. The Board reviewed correspondence from representatives of the Former Mountain Brook Cleaners and ADEM about the vapor mitigation system work. Ms. Powell reported that ADEM was preparing a letter to representatives of the Former Mountain Brook Cleaners.

MOTION: Mr. Massey made the motion to defer action on the Former Mountain Brook Cleaners Cost Proposal. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

2024 QUARTERLY EXPENDITURE LIMIT

Mrs. Cousins presented a chart containing annual and quarterly income from FY 2015 through FY 2023. The Board considered FY 2023 income in setting quarterly ceiling limit for FY 2024 expenditures.

MOTION: Mr. Massey made the motion to authorize FY 2024 expenditures based on 75% of the annual income from prior year and to adjust the ceiling limit quarterly if necessary. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

GOVERNOR'S EFFICIENCY STUDY GROUP

The Board reviewed a copy of the Final Report of the Governor's Study Group on Efficiency in State Government and asked the Board's Counsel to contact the Governor's office to obtain more information about the report.

REVIEW OF ADMINISTRATIVE SERVICES PROPOSAL

Mr. Tambling reported that one proposal for administrative services had been received and presented the proposal from Smith Warren Management Services for \$30,000 annually.

MOTION: Mr. McKinnon made the motion to approve the proposal submitted by Smith Warren Management Services. The motion was seconded by Mr. Massey and unanimously approved by the Board.

MOTION: Mr. McKinnon made the motion to accept the contract with Smith Warren Management Services and authorize the Board Chair to sign the contract. The motion was seconded by Ms. Temple and unanimously approved by the Board.

Mr. Warren thanked the Board and commented on plans to relocate Smith Warren to a larger building.

PROPOSED LEGISLATION

The Board discussed obtaining sponsors to the proposed legislative bill and pre-filing the proposed bill.

BOARD TERMS

Mr. Warren reported that Board member appointments were pending recommendation to the Senate Confirmation committee for approval during the upcoming Legislative Session.

PROPOSED BOARD MEETING SCHEDULE

Mr. Warren presented a list of meeting dates in calendar year 2024.

MOTION: Mr. Massey made the motion to approve February 22, May 23, August 22, and November 21, 2024, for the Board to conduct meetings. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

ANNUAL ELECTION OF BOARD OFFICERS:

Chairman Windham reported that annual election of Board officers was due.

MOTION: Mr. Masey made the motion that the current officers remain the same, 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.

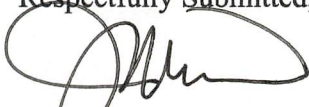
NEXT MEETING:

Chairman Windham reminded the members that the next meeting of the Board was scheduled for February 22, 2024.

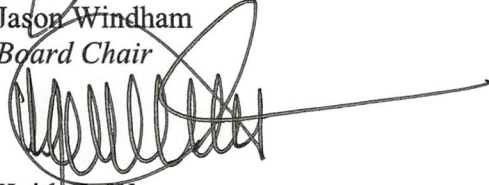
ADJOURNMENT

There being no further business of the Board, Mr. McKinnon made a motion to adjourn the meeting. The motion was seconded by Ms. Temple and unanimously approved by the Board. Chairman Windham adjourned the meeting at 11:20 a.m.

Respectfully Submitted,



Jason Windham
Board Chair



Keith E. Warren
Executive Director

Approved by the Board on February 22, 2024 /rr 