



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

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**MINUTES  
Board Meeting  
November 21, 2019**

The meeting of the Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, November 12, 2019, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business of the Board. Board members in attendance 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, Mr. Quincey Banks and Mr. Steve Taylor. Also in attendance were Mr. Keith Warren (Executive Director), Mr. Randy Barrows (Board Administrator), Mr. Robert Tambling (Board Counsel), Mrs. Ashley Cousins (Consulting Engineer) and Ms. Renee' Reames (recording secretary). Other guests were present at the meeting. Chairman Windham called the meeting to order at 10:26 a.m. when a quorum of its 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](http://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](http://www.drycleaningtrustfund.alabama.gov). The meeting was scheduled at 10:00 a.m.

The Board reviewed the minutes from the September 12, 2019 regular meeting of the Board. Ms. Reames reported a correction to the minutes, due to a mathematical error, concerning the amount of Payment Requests for \$33,598.78. Mr. Massey made a motion to approve the September meeting minutes as presented with the correction. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Ms. Bonnie Temple, with ADEM, reported that she would be retiring as of January 1, 2020 and indicated that her replacement had not yet been named. The Board expressed their appreciation for her work with the Board and offered their best wishes.

Ms. Temple presented information on the number of DERTF active participants in the Fund, along with the current prioritization of active accounts. Also presented was a list of delinquent accounts.

Ms. Nichelle Norris, with the Revenue Department, reported on the participating accounts that had submitted Returns and paid into the Fund. She reported on one new account, two closed accounts and 4 delinquent accounts. She reported a cash balance of \$43,480.14 as of October 28, 2019.

Mrs. Cousins presented a historical record of funding activity by individual accounts, which included the total amount in payment requests per site and approved cost proposals.

Mrs. Cousins also presented a graph indicating quarterly contributions into the Fund since first quarter of FY 2015 through fourth quarter of FY 2019. This report spanned a period of 20-quarters showing a comparison of total contributions into the Fund. She reported a decline in

funds in FY 2019, which would reduce the available funds for minimum payout from funds. The Board discussed the grim outlook after reviewing the comparison for 20-quarters of contributions into the Fund.

Mrs. Cousins reviewed the projected operating account activities which indicated a projected Fund balance of a \$92,863 deficit as of October 31, 2019, which assumed a 100% funding of all outstanding Cost Proposal obligations. A third quarter comparison (for the period ending July 31, 2019) was also provided. The Board discussed moving investment funds into the operating fund account. Mrs. Cousins reported that the investment fund balance totaled \$1,847,625 as of October 31, 2019. Mr. Spiegel made the motion to authorize the Executive Director to transfer \$100,000 from the investment account to the operating account.

Mrs. Cousins presented the Cost Proposals report for the Board's review and approval. She presented a Cost Proposal recommendation for seven (7) sites with an adjustment total cost of \$36,037.70. She indicated that this recommendation was under the quarterly minimum payout. Mr. McKinnon made the motion to approve the Cost Proposal recommendations as presented by Mrs. Cousins. The motion was seconded by Mr. Spiegel and approved unanimously by the Board.

Mrs. Cousins also presented the Payment Requests Report. She recommended an adjustment Payment Request amount of \$27,421.52 for five (5) sites. Mr. McKinnon made a motion to approve the Payment Requests as presented by Mrs. Cousins. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins recommended approval of one extension request received by Aladdin Cleaners (Cahaba). Mr. Massey made the motion to approve the extension as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Chairman Windham asked Mrs. Cousins to review with the Board the 2020 average quarterly income proposal. She presented several scenarios for the Board's consideration in selecting the amount of authorized expenditures on a quarterly basis. Mr. Spiegel 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. Massey. The Board agreed that due to the trend in declining funds, that this amount would be adjusted on a case-by-case basis. The motion was unanimously approved.

Mr. Tambling reported that, following consultation with the Legislative Services Agency, a revised version of the proposed legislation would to be drafted regarding mandatory participation in the Fund. The Board asked Mr. Tambling to review the proposed legislation with the Department of Revenue regarding legal authority to take civil action about collection of funds. Mr. McKinnon made the motion to approve the proposed legislation as discussed with amended change to include latitude to explore an enforcement mechanism and subsequent language added to the proposed legislation. The motion was seconded by Mr. Spiegel and unanimously approved by the Board.

Chairman Windham presented a list of dates in 2020 to meet and discuss regular business. Mr. McKinnon made the motion to approve the following meeting dates: February 27<sup>th</sup>, May 28<sup>th</sup>, August 27<sup>th</sup> and November 19<sup>th</sup>. The motion was seconded by Mr. Massey and unanimously approved by the Board.

The Board discussed scheduling a meeting in advance of the 2020 Legislative Session to continue discussions of the proposed legislative changes to the Board's statute and sponsorship of the legislative bill, etc. The Board unanimously agreed to meet on January 9, 2020 at 10:00 a.m. for this purpose.

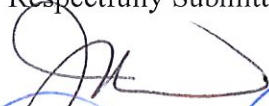
Chairman Windham reported that annual election of Board officers was due. Mr. McKinnon made the motion that the current elected officers remain the same. The motion was seconded by Mr. Massey and unanimously approved by the Board.

The Board discussed identifying persons to serve on the Board, with diversity in the composition of the Board.


Chairman Windham reminded the members that the next meeting of the Board was scheduled January 9, 2020 at 10:00 a.m. as a special meeting.

There being no further business of the Board, Mr. Massey made a motion to adjourn the meeting. The motion was seconded by Mr. McKinnon and unanimously approved by the Board. Mr. McKinnon adjourned the meeting at 11:40 a.m.

Respectfully Submitted,



Jason Windham  
Chair



Keith E. Warren  
*Executive Director*

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