



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

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

**MINUTES
Board Meeting
August 15, 2024**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, August 15, 2024, 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), Ms. Bonnie Temple (member), Mr. Dan Cooper (member), and Mr. Bubba Dean (member). Member absent was Mr. Steve McKinnon (Board Vice Chair). Two vacancies existed on the Board. Also participating were Mr. Keith Warren (Executive Director joined virtually at 10:40 a.m.), 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, Mr. Brannon Littleton (Chief Financial Officer) and Ms. Renee' Reames (recording secretary).

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 10:04 a.m. Ms. Reames called the Board member roll and reported that a quorum of the members was present to conduct business. Chairman Windham welcomed everyone attending the meeting and indicated that Mr. Warren planned to participate virtually later in the meeting.

APPROVAL OF MINUTES

The Board reviewed the minutes from the May 23, 2024, regular meeting. A copy of the minutes was provided to the members prior to the meeting for their review. Ms. Cousins corrected the minutes in the operating account cash balance report to reflect \$43,098 as the projected balance for 3rd quarter assuming funding of all outstanding cost proposal obligations. Mr. Dean made a motion to approve the May meeting minutes as corrected. 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 payments from both Talladega Plaza and Gulfdale Plaza were not received at the time of the report but had recently been received and the sites would be added to the prioritization of active accounts.

REVENUE DEPARTMENT'S REPORT

Ms. Norris with the Revenue Department reported on the Fund's cash as of August 12, 2024. She reported on participating accounts and payments to the Fund. A list of delinquent accounts and closed accounts were presented.

CONSULTING ENGINEER'S REPORT

Mrs. Cousins presented a list of cost proposals and approved payment requests as a historical record, grouped by sites. She reported that over \$4,050,634.66 had been paid out of the Fund for work performed at sites. Mrs. Cousins reviewed the list indicating the (1) delinquent accounts, (2) accounts that had been closed and later reopened as new accounts, and (3) accounts that had resigned from the Fund. She reminded that Board that any new accounts were subject to a new deductible.

Mrs. Cousins also reviewed the quarterly contributions to the Fund, for a comparative period of the second quarter of FY 2016 through a partial fourth quarter of FY 2024. She reported that the 4th quarter amount should be adjusted by approximately \$10,000 to include the recent payments from Talladega Plaza and Gulfdale Plaza. She also provided 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 \$91,564 for the fourth quarter as of July 22, 2024. She indicated that, assuming 100% funding of all outstanding Cost Proposal obligations, the Fund had a projected balance of \$70,960. She reminded the Board that these amounts should be increased by \$10,000 resulting from the recent payments into the Fund. She reported an Investment Account balance of \$1,313,391 as of July 31, 2024.

Mrs. Cousins presented Cost Proposals on two (2) sites. She recommended an adjusted Cost Proposal amount totaling \$11,026.36 for the two sites. She reported that another Cost Proposal had been moved to the deferred list.

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

Mrs. Cousins presented Payment Requests on two (2) sites. She recommended an adjusted Payment Request amount totaling \$10,509.87 for the two sites.

MOTION: Mr. Dean made the motion to approve the adjusted Payment Requests for the two sites as recommended by Mrs. Cousins. The motion was seconded by Ms. Temple and approved by the Board.

Mrs. Cousins reviewed the cost proposal previously mentioned as deferred due to being delinquent at the time.

MOTION: Ms. Temple made the motion to approve the deferral of the one request as recommended by Mrs. Cousins. The motion was seconded by Mr. Dean and was unanimously approved by the Board.

Mr. Warren joined the meeting virtually at 10:40 a.m.

UPDATE ON THE BOARD'S PROPOSED LEGISLATION

Mr. Warren reported that the Board's proposed legislation would be presented at the November Board meeting and would include the discussions with Mr. Cobb with ADEM held during the May Board meeting concerning recommended changes.

The Board discussed lowering the Fund minimum balance to sustain the Fund, and including funding to pay ADEM and Revenue for an extra year, along with making changes to the effective date(s) throughout the proposed legislative bill to reflect the 2025 legislative session. Obtaining sponsorship of the new bill was also discussed.

BOARD TERMS

Mr. Warren reported that individuals interested in serving on the Board should register on the Governor's website. Ms. Temple indicated that she was interested in continuing to serve on the Board and would register online.

CONSULTING ENGINEER SERVICES

Mr. Warren reminded the Board that the consulting engineer services contract was scheduled to expire on September 30, 2024, and new contract language was added by the State Procurement office and being incorporated into the specifications. He indicated that he planned to have the specifications published as soon as possible.

Mr. Warren recommended that an emergency contract be approved extending the consulting engineer services to December 31, 2024.

MOTION: Ms. Temple made the motion that an emergency contract be approved extending the contract to December 31, 2024. The motion was seconded by Mr. Dean and unanimously approved by the Board.

NEXT MEETING:

Chairman Windham reminded the members that the next meeting of the Board was scheduled for November 21, 2024.

TRAVEL REPORTS SUBMITTED

The Board members attending the meeting submitted travel expense forms, which the Board approved by acclamation.

ADJOURNMENT:

Chairman Windham called for other business of the Board and there were none.

MOTION: Ms. Temple made the motion to adjourn the meeting. The motion was seconded by Mr. Cooper, and Chairman Windham adjourned the meeting at 11:08 a.m.

Respectfully Submitted,

Jason Windham
Board Chair

Keith E. Warren
Executive Director

Approved by the Board on _____/rr_____