



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

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### **MINUTES Board Meeting March 6, 2025**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, March 6, 2025 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 attending virtually), Ms. Bonnie Temple (member), Mr. Dan Cooper (member). Mr. Bubba Dean (member) was absent. Two vacancies existed on the Board. Also participating were Mr. Keith Warren (Executive Director), Mr. Robert Tambling (Board Legal Counsel), Mrs. Ashley Cousins (Consulting Engineer), Ms. Ashley Powell with ADEM, Ms. Nichelle Norris with the Department of Revenue, Mr. Brannon Littleton (CFO), Ms. Renee' Reames (recording secretary), Ms. Lauren Miller (Licensing Specialist) and guest, Mr. Jim Massey.

Public notice of this regular business 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).

#### **CALL TO ORDER AND ROLL CALL**

Chairman Windham called the meeting to order at 10:10 a.m. Mr. Warren 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.

#### **APPROVAL OF MINUTES**

The Board reviewed the minutes from the November 21, 2024 regular meeting, along with minutes from the December 12, 2024 special/called meeting and January 16, 2025 special/called meeting. A copy of the minutes was provided to the members prior to the meeting for their review.

MOTION: Ms. Temple made the motion to approve the November, December and January meeting minutes as presented. The motion was seconded by Mr. Cooper, and following a roll call vote, the minutes were unanimously approved by the Board.

#### **ADEM'S REPORT**

Ms. Powell presented 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.

#### **REVENUE DEPARTMENT'S REPORT**

Ms. Norris with the Revenue Department reported on Fund activities as of January 27, 2025 to include the updated Fund's cash balance as of March 3, 2025. She reported on participating accounts and payments into the Fund as of January 27, 2025. A list of delinquent accounts and closed accounts were presented. She noted that Newman's Laundry and Cleaners Inc. had been switched to an abandoned site status, and both Parkway Cleaners and Swiss Cleaners had paid the Trust Fund balance in full and any outstanding balances were comprised of late penalties. Mr.

Warren reported that he had transferred \$100,000 of the authorized \$150,000 from the Investment Account to the operating account.

#### 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 \$4,074,286.74 had been paid out of the Fund for work performed at sites.

Mrs. Cousins also reviewed the quarterly contributions to the Fund for a period of the second quarter of FY 2016 as of January 31, 2025. She also provided a graph indicating contributions received annually as a comparative for the same reported periods.

Mrs. Cousins reported on the Fund's operating account cash balance for the second quarter of FY 2025. She reported a projected cash balance of \$57,055 as of February 27, 2025. She indicated that, assuming 100% funding of all outstanding Cost Proposal obligations, the Fund had a projected balance of \$27,787. She reported an Investment Account balance of \$1,244,450 as of February 27, 2025.

Mrs. Cousins presented Cost Proposals on three (3) sites. She recommended an adjusted Cost Proposal amount totaling \$13,087.51 for the three sites.

MOTION: Ms. Temple made the motion to approve the adjusted Cost Proposals for the three sites as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and, following a roll call vote, the motion was unanimously approved by the Board.

Mrs. Cousins presented Payment Requests on three (3) sites. She recommended an adjusted Payment Request amount totaling \$18,991.25 for the three sites.

MOTION: Mr. McKinnon made the motion to approve the adjusted Payment Requests for the three sites as recommended by Mrs. Cousins. The motion was seconded by Ms. Temple and, following a roll call vote, the motion was unanimously approved by the Board.

Mrs. Cousins reviewed one Payment Requests that was not submitted to ADEM prior to the Board's deadline.

MOTION: Mr. McKinnon made the motion to approve the deferral of Master Cleaners-Sage Avenue to the next Board meeting. The motion was seconded by Ms. Temple and was unanimously approved by the Board.

Mrs. Cousins reviewed former Mountain Brook Cleaners' Payment Request and recommended an extension to allow time to develop a remediation plan to be approved by ADEM. Ms. Powell reported that ADEM had not received a response from the site and they were not in compliance with aspects of the policies.

MOTION: Mr. Cooper made the motion to approve the extension as discussed. The motion was seconded by Ms. Temple and, following a roll call vote, the motion was unanimously approved by the Board.

#### OLD BUSINESS

Update on Board Terms: Mr. Warren reviewed the recommended appointment roster of Board members, which included a full roster of seven members. Mr. McKinnon indicated that he could continue to serve with some scheduling constraints. Mr. Warren reported that the appointment recommendations would be discussed with the Governor Ivey's staff and the proposed Board members were required to register through the Governor's website.

Update on Consulting Engineer Contract: Mr. Warren reported that the Consulting Engineer Contract with Mrs. Cousins had been approved by the Governor on January 31, 2025.

Update on Administrative Services Contract: The Board discussed the status of the Administrative Services contract with Smith Warren. Mr. Warren reported that the contract with some other Boards had been protested by one of the proposal submitters and the State Procurement office had held the Board's contract and was developing a new template for Request for Proposals (RFP). In the meantime, the Board's Attorney had been notified by the Procurement Office that the emergency contract with Smith Warren would be extended during the new template proposal process and the Board's Legal Counsel was awaiting to receive a copy of the extended emergency contract. Chairman Windham indicated that the RFP for Administrative Services would need to be released under the new RFP template and the proposal process started again.

Update on Proposed Board Legislation: Chairman Windham reported that he was working with Mr. Massey in obtaining a sponsor of the proposed Drycleaning Fund legislation as discussed in previous meetings of the Board.

#### NEW BUSINESS

Approval of Board Policies and Procedures – March 2025: The Board reviewed the updated Policies and Procedures which included the adjusted quarterly spending ceiling and updated ADEM policies.

MOTION: Mr. McKinnon made the motion to approve the Board's Policies and Procedures of March 2025 as presented. The motion was seconded by Mr. Cooper and, following a roll call vote, the motion was unanimously approved by the Board.

Approval of Alabama Drycleaning Environmental Consultants - March 2025: Mrs. Cousins presented a list of Environmental Consultants for the Board's approval. She reported that she had included information about the firms' insurance coverage.

MOTION: Mr. McKinnon made the motion to approve the ADEC list as presented. The motion was seconded by Ms. Temple and, following a roll call vote, the motion was unanimously approved by the Board.

#### ANNOUNCEMENTS

Mr. Warren introduced Ms. Lauren Miller (licensing specialist) and Mr. Brannon Littleton (CFO), to the Board.

Chairman Windham reminded the members that the next meeting of the Board was scheduled May 29, 2025.

The Board continued discussion about seeking RFP for Administrative Services after the new RFP template was prepared by the State Procurement Office.

MOTION: Mr. McKinnon made the motion to approve the extension of the Emergency Contract with Smith Warren Management Services in accordance with the extension information received from State Procurement and to authorize the Board Chairman and Board Legal Counsel to negotiate the RFP specifications after receiving the modified template from the State Procurement Office and to publicize RFP for Administrative Services. The motion was seconded by Ms. Temple and, following a roll call vote, the motion was unanimously approved by the Board.

MOTION: Mr. Cooper made the motion to authorize the Board Chairman to sign on behalf of the Board the Emergency Contract with Smith Warren for Administrative Services. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

MOTION: Mr. McKinnon amended his earlier motion to include authorizing the Board Chairman and Board Legal Counsel to finalize the RFP specification and release the RFP for Administrative Services and seek proposals. The amended motion was seconded by Ms. Temple and, following a roll call vote, the motion was unanimously approved by the Board.

#### TRAVEL REPORTS SUBMITTED

The Board members submitted travel expense forms and were approved by the Board by acclamation.

#### ADJOURNMENT:

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

MOTION: Mr. Cooper made the motion to adjourn the meeting. The motion was seconded by Mr. McKinnon, and Chairman Windham adjourned the meeting at 11:14 a.m.

Respectfully Submitted,

Jason Windham  
*Board Chair*

Keith E. Warren  
*Executive Director*

Approved by the Board on \_\_\_\_\_/rr\_\_\_\_\_