MINUTES Petroleum Storage Tank Insurance Fund Board of Trustees Meeting January 23, 2019

The University Club, University of Missouri Campus, Columbia, MO Start Time: 9:30 a.m.

Tom Kolb

Chairman Greer called the meeting to order. He recognized John Albert as the Department of Agriculture's representative for this meeting.

Trustees Present:

Trustees Absent:

James Greer, Chairman Jim Ford, Vice Chairman John Albert Nikki Loethen Ski Mariea Don McNutt Danny Opie Katie Jo Wheeler

Staff Present:

Carol R. Eighmey, Executive Director Pat Eriksen, Williams & Company Consulting Dan Henry, Williams & Company Consulting Craig Jacobs, Assistant Attorney General Diane James, Executive Assistant

Others Present:

Ken Koon, Tanks Section, Hazardous Waste Program, DNR Ron Leone, MO Petroleum Marketers and Convenience Store Association David Pate, Industrial and Petroleum Environmental Services

Review and Approval of Minutes

November 28, 2018 – Open Session – Don McNutt moved that the minutes be approved. Jim Ford seconded. Katie Jo Wheeler objected to the record of the discussion on the DNR's budget request. After discussion, Trustees McNutt and Ford withdrew their motion. Ms. Eighmey offered to send Ms. Wheeler a revised version and asked her to review it and respond prior to the next Board meeting.

Monthly Reports

Chairman Greer remarked that the cash balance was continuing to decline but should stabilize in a month or two when additional revenues from the transport load fee increase start coming in. There were no other comments or questions on the financial statements or activity reports. Ms. Eighmey briefly reviewed a large-loss claim from 1999 that was recently closed.

Approve CSCAP for FY19 and FY20

Chairman Greer asked for a motion to approve OA's planned expenditures for central state services for FY19 and FY20. Don McNutt moved to approve them. Katie Jo Wheeler seconded. Motion carried.

Legislative Report

Ms. Eighmey began reviewing 2019 legislation, noting she had not yet received the Governor's recommended budget. Katie Jo Wheeler noted the Governor's budget contains the new decision item requested by the DNR for funding from the PSTIF for four additional FTEs; she then moved to set aside the vote by the Board in November 2018 regarding DNR's budget request and revote on it. Nikki Loethen seconded the motion. After discussion, a vote by show of hands was taken. Voting in favor were: John Albert, Nikki Loethen, and Katie Jo Wheeler. Voting against were: James Greer, Ski Mariea, Don McNutt, and Danny Opie. Jim Ford abstained. Motion failed 4-3.

Ms. Eighmey then summarized a discussion that occurred in early December with several attorneys and Ms. Wheeler, during which a list of concepts was discussed. Subsequently, Jim Layton and Thais Folta were engaged to draft a bill; Ms. Eighmey went through the draft bill in detail and explained the various provisions. She noted the Governor's office had previously approved the concept of the Board's legislative proposal, and the draft bill was currently under review by the Governor's staff.

Katie Jo Wheeler moved to not proceed with external discussions on this draft bill until feedback is received from the Governor's office. After a brief discussion, Katie Jo Wheeler amended her motion and moved that this proposed legislation not be pursued until the Board hears from the Governor's office and until the Board has voted to send it forward. John Albert seconded. After discussion, Chairman Greer called for a vote by show of hands. Voting in favor were: John Albert and Katie Jo Wheeler. Voting against were: Jim Ford, James Greer, Nikki Loethen, Ski Mariea, Don McNutt, and Danny Opie. Motion failed 5-2.

Don McNutt then moved to authorize the Executive Director to enlist one or more sponsors for the bill after she receives approval and/or changes from the Governor's office. Ski Mariea seconded. Discussion ensued, followed by a vote by show of hands. Voting in favor were: Jim Ford, James Greer, Ski Mariea, Don McNutt, and Danny Opie. Voting against were: John Albert, Nikki Loethen, and Katie Jo Wheeler. Motion carried. Ms. Eighmey said she would continue discussing the concepts and draft bill with interested parties and would communicate with the Board as the process moves forward. Chairman Greer said if anyone had other comments on the bill, they should pass them along to Ms. Eighmey.

Claims Report

Chairman Greer invited Ms. Eighmey to review the report; she gave a brief presentation to supplement the meeting materials, which is filed with the official board meeting records. Chairman Greer commented he was glad to see the email in the meeting materials documenting a particularly successful response to a recent claim.

Other Information and Administrative Issues

Chairman Greer noted EPA Region 7 has not yet responded to the annual fund soundness data form submitted last fall. He noted the information about the lightning strikes affecting USTs was interesting.

The Chairman then reminded Trustees to file their financial disclosure forms no later than May 1 to avoid penalties, and asked if there were questions about any of the billings; there were none.

Chairman Greer thanked all those in attendance for coming and announced the next meeting is scheduled for Wednesday, March 20, 2019 at the same location. He then asked for a motion to go into closed session to:

- Approve the minutes from the previous closed session;
- · Discuss ongoing and threatened litigation; and
- Discuss personnel matters.

Jim Ford moved to go into closed session to discuss the matters identified by the Chairman, as authorized by Subsections 610.021(1), (3), (12) and (13). Nikki Loethen seconded. A roll call vote was taken; motion carried without dissent.

The meeting was adjourned at 11:18 a.m.

Respectfully submitted:

Approved by:

/S/ Carol R. Eighmey <u>/S/</u> James Greer, Chairman

3/20/2019

Date