

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

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Taken before SAMANTHA E. NOBLE, a Court
Reporter and Commissioner for Alabama at Large, at
Building 141-A, Basement Conference Room, Fort
McClellan, Alabama, on the 15th day of March, 1999,
commencing at approximately 6:30 p.m.

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1 MR. CHARLES TURNER: Let's come to
2 order. No, you aren't having a flashback. Both Pete
3 and Ron are unavailable tonight, and so I've been
4 asked to kind of help us through this meeting, since
5 we're going to be discussing by-laws issues.

6 We've been up here debating,
7 vigorously, the quorum requirements, which I insist we
8 haven't abandoned completely, but everybody else says
9 that we have. So, majority rule, in any event.

10 I will note, though, that we have
11 nine members in attendance. I'll call the roll.
12 Mr. Conroy? Mr. Levy?

13 MR. RON LEVY: Here.

14 MR. CHARLES TURNER: Mr. Anderson?
15 Mr. Brown? Mr. Buford? Dr. Cox?

16 DR. BARRY COX: Here.

17 MR. CHARLES TURNER: Mr.
18 Cunningham?

19 MR. DONALD CUNNINGHAM: Here.

20 MR. CHARLES TURNER: Mr. Elser?
21 Mr. Faust? Dr. Harrington?

22 DR. MARY HARRINGTON: I'm here.

23 MR. CHARLES TURNER: Mr. Hood?

1 Mr. Johnson? No, the wrong Johnson. Mayor Kimbrough.

2 Ms. Longstreth?

3 MS. MARGARET LONGSTRETH: Here.

4 MR. CHARLES TURNER: Mr. Miller?

5 MR. MILLER: Here.

6 MR. CHARLES TURNER: Mr. Parks?

7 MR. PARKS: Here.

8 MR. CHARLES TURNER: Mr. Thomassy?

9 MR. FERN THOMASSY: Here

10 MR. CHARLES TURNER: Mr. Turner?

11 Mr. Reedy? And Mr. Chris Johnson?

12 MR. CHRIS JOHNSON: Here.

13 MR. CHARLES TURNER: We've got a
14 quorum. Approval of minutes. Everybody had a chance
15 to look at this? All right. I note Mr. Anderson's
16 resignation. And that's been accepted, hasn't it?

17 MR. LEVY: He proffered it last
18 meeting, but I don't know that we said anything about
19 it.

20 MS. JOAN McKINNEY: I don't have
21 the letter and we did not formally accept it. I
22 believe that he said in the minutes that he had the
23 letter and I think Pete said, okay, thanks, is kind of

1 how that went. But I never got the -- the letter
2 hasn't gotten down to me, yet.

3 MR. RON LEVY: He did make a public
4 statement at the last meeting --

5 MS. JOAN MCKINNEY: Yes.

6 MR. RON LEVY: -- that this would
7 be his last meeting. I think we ought to take it as
8 --

9 MR. CHARLES TURNER: As a
10 resignation.

11 MR. RON LEVY: Yeah.

12 MR. CHARLES TURNER: Is there a
13 motion to approve the minutes?

14 MR. FERN THOMASSY: So moved.

15 DR. MARY HARRINGTON: Second.

16 MR. CHARLES TURNER: Any
17 discussion? All in favor of approving the minutes as
18 presented? Any opposition?

19 (No opposition.)

20 MR. CHARLES TURNER: The by-laws
21 amendments, I drafted some changes to the bylaws.
22 Now, my idea was -- it's two different things. The
23 quorum is the minimum number of people we have to have

1 here in order to do business. And I think we can
2 identify any number we're comfortable with, but that
3 we ought to have a number in place. What I think I
4 put in the bylaws was nine.

5 MR. FERN THOMASSY: It was eleven
6 to start with. Did we get to nine?

7 MR. CHARLES TURNER: I think I
8 changed it in here. Yes. In section five, I changed
9 it to nine regular members attendance. And I got rid
10 of the distinction -- of the different kinds of
11 numbers that we would have to vote on various things.
12 It just takes a simple majority of a simple majority
13 to vote. And I think that's where that phrase came
14 from is that if we've got nine people here and five
15 people vote on something, vote in favor of something,
16 then that carries. And I think -- I think that's
17 probably -- I certainly feel comfortable with it, if
18 five people -- five of the members vote on it, then
19 it's appropriate.

20 And I think all I did was go
21 through and just take out the super majority language.
22 There were various places where that was required that
23 just took it out.

1 MR. RON LEVY: Just to point out,
2 you should all have a copy of Charles' changes in
3 front of you, in case you didn't look.

4 MR. CHARLES TURNER: Does anybody
5 remember under 3.8 what month that was? Was it
6 September of '95?

7 MR. RON LEVY: I think we've got it
8 in this original copy. No, we don't.

9 MR. FERN THOMASSY: Yes, '96.

10 MR. CHARLES TURNER: September of
11 '96?

12 MR. FERN THOMASSY: Yes, we had
13 this approved September of '96. That's what I wrote
14 on these bylaws.

15 MR. CHARLES TURNER: Is that when
16 we had the --

17 MR. FERN THOMASSY: Yes.

18 MR. CHARLES TURNER: We were BRAC
19 '95, right?

20 MR. FERN THOMASSY: Yes.

21 MR. CHARLES TURNER: And we went
22 almost a whole year without having bylaws in place and
23 all that. We had interim officers and all that. I

1 think you're right, I think it was September of '96.

2 MR. FERN THOMASSY: It was
3 September of '96.

4 MR. CHARLES TURNER: I'm going to
5 pencil in that that should be September, on the 1st
6 day of September 1996.

7 MR. FERN THOMASSY: It was
8 September 16th. Put the date in we approved it.

9 MR. RON LEVY: Our first meeting
10 was in May of '96?

11 MR. CHARLES TURNER: The terms of
12 office shall commence on the 1st day of September. I
13 think that's how we did it, isn't it, is the 1st day
14 of September or the 1st day of October of '96?

15 MR. FERN THOMASSY: If we approved
16 it on the 16th of September, then it would have been
17 the 1st day of October that it would have taken --

18 MR. CHARLES TURNER: And I think
19 that's the way we did it, too.

20 MR. FERN THOMASSY: Yes.

21 MR. CHARLES TURNER: Yes. I've
22 eliminated -- I propose that we eliminate the
23 attendance requirement. Did we discuss that?

1 MR. FERN THOMASSY: We probably
2 need to discuss it --

3 MS. JOAN McKINNEY: Last meeting,
4 no.

5 MR. FERN THOMASSY: -- because if a
6 person doesn't attend but does not -- is not willing
7 to tender his resignation, we ought to have some
8 option there, if we want to bring somebody else on.
9 So we probably --

10 MR. CHARLES TURNER: I think we can
11 just -- we can just remove somebody under section 2.5.

12 MR. FERN THOMASSY: It was only
13 officers, I think, that were addressed under removal,
14 wasn't it?

15 MR. CHARLES TURNER: Huh-uh, it was
16 membership. Regular members may only be removed by a
17 affirmative vote therefore, is what I've changed it
18 to. It used to be by super majority vote.

19 MR. FERN THOMASSY: Oh, yes, that's
20 fine. That gives us that option if it's ever
21 necessary.

22 MR. CHARLES TURNER: I think it's
23 necessary tonight. I propose -- I'm going to propose

1 in a little while that we remove Mr. Johnson, who
2 according to what I've got, has been to one meeting in
3 three years.

4 MS. JOAN McKINNEY: Mr. Johnson
5 sent an e-mail today and asked that he be replaced.

6 MR. FERN THOMASSY: Okay, because I
7 had talked to him, I guess, six, eight months ago, and
8 he wanted to just suspend it. Okay, that's good.

9 MR. CHARLES TURNER: And we can
10 leave -- I think -- I mean, it's up to -- whatever
11 y'all think. An attendance requirement gives a nice
12 guideline.

13 MR. RON LEVY: That's why I'm -- if
14 nothing else, it needs to be there for a guideline,
15 because there is no basis for which to remove a
16 person.

17 MR. CHARLES TURNER: Do we want to
18 keep it nine meetings?

19 MS. JOAN McKINNEY: Would you all
20 be more comfortable with some sort of --

21 MR. FERN THOMASSY: We would all be
22 eligible for removal --

23 MS. JOAN McKINNEY: -- excused

1 absences or something like that? You know, I'm asking
2 you to call if you're not going to be able to attend.
3 And that kind of gives us an idea of what kind of
4 business we can conduct.

5 MS. MARY HARRINGTON: And sometimes
6 I just -- I can't attend.

7 MR. FERN THOMASSY: Yeah, another
8 thing could be, if a person misses four or six
9 consecutive meetings, rather than having a number of
10 meetings, put it on --

11 MR. CHARLES TURNER: Consecutive
12 meetings.

13 MR. FERN THOMASSY: Yeah,
14 consecutive meetings.

15 MR. CHARLES TURNER: That's what --

16 MR. DON CUNNINGHAM: Let me comment
17 on that from a very personal perspective, if I may.
18 I'm sure most of you know that my wife was diagnosed
19 with leukemia last September. And we've spent most of
20 the time since September either in the hospital,
21 treatment or medical facilities.

22 MR. CHARLES TURNER: No, Don, I
23 didn't know that. I'm so sorry.

1 MR. DON CUNNINGHAM: So, we are
2 just now at a point where I'm able to, as a care
3 giver, to leave home just a little bit. But that has
4 -- but that hasn't changed my interest in what's going
5 on here. I just -- I have not had the opportunity to
6 participate. I hope to be able to from now on, if
7 everything goes well.

8 So, mine is an instance of where my
9 interest has been there, unfortunately, I just
10 couldn't -- I just physically could not attend. So,
11 we need to -- I would suggest that we make some kind
12 of provision for those kinds of circumstances.

13 MS. LONGSTRETH: Also, I think
14 everybody knows I have a sick, bedridden mother, and
15 that a lot of times, you know, I can't come if my
16 sister is not going to be available. And I think it
17 would be best if we said maybe consecutive meetings,
18 because everybody should be able to fit it in their
19 schedule at some time, you know.

20 MR. CHARLES TURNER: I mean in
21 1998, there are only three people that made the
22 attendance requirements. The rest of us are done.

23 MR. FERN THOMASSY: Yes, that's

1 what I said, most of us couldn't even meet the
2 requirements as they were originally stipulated. I
3 would say that's a good idea.

4 We ought to talk about the number.
5 And then, of course, we already have a stipulation,
6 which I recommend we stick with, and that is after the
7 vote of --

8 MR. CHARLES TURNER: How about if
9 we just make it --

10 MR. FERN THOMASSY: -- the board.
11 And so the board has the final determination --

12 MR. CHARLES TURNER: Just make it
13 --

14 MR. FERN THOMASSY: -- and the
15 number is just a guideline.

16 MR. CHARLES TURNER: -- members may
17 -- regular members may be removed if they miss 50
18 percent of the meetings in any calendar year.

19 MR. FERN THOMASSY: At the
20 discretion of the board.

21 MR. CHARLES TURNER: May be
22 removed.

23 MR. FERN THOMASSY: Yeah.

1 MR. CHARLES TURNER: As opposed to
2 shall be removed.

3 MR. FERN THOMASSY: Yes, may be.
4 And then that gives us certainly the opportunity to
5 talk to the individual, find out what their desires
6 are, what the problems are, and the board can, if
7 there is a need to discuss it, discuss it. Otherwise,
8 it could just be an informal discussion. We can
9 forget about it.

10 MR. CHARLES TURNER: Regular
11 members may be removed if they fail to attend, if they
12 fail to attend at least 50 percent of the regular RAB
13 --

14 MR. RON LEVY: Why don't you say
15 calendar year meetings?

16 MR. FERN THOMASSY: In a calendar
17 year.

18 MR. CHARLES TURNER: In each
19 calendar --

20 MR. CHRIS JOHNSON: There is eleven
21 meetings, right?

22 MR. RON LEVY: That's right. We're
23 only having eleven meetings. We don't have a meeting

1 in December.

2 MR. CHARLES TURNER: That's right.

3 In each calendar year.

4 MR. RON LEVY: Because the
5 holidays.

6 MR. CHARLES TURNER: So, that
7 really gets it down to five, five meetings.

8 MR. RON LEVY: Five and a half.

9 MR. FERN THOMASSY: Six, isn't it?
10 Didn't we go eleven?

11 MR. CHARLES TURNER: We got eleven
12 meetings.

13 MR. RON LEVY: If you say 50
14 percent, that's --

15 MR. CHARLES TURNER: And if you've
16 got 50 percent, then they've got to make five.

17 MR. CHRIS JOHNSON: Round up, 5.5.

18 MR. RON LEVY: Which if you round
19 up is six.

20 MR. CHARLES TURNER: 5.5.

21 MR. FERN THOMASSY: If they have to
22 be at least 50 percent, the only way you can get there
23 is get to six, if we have eleven meetings.

1 MR. PARKS: They can come and leave
2 early on one.

3 MR. CHARLES TURNER: Well, they may
4 be removed. So, even if they don't make it, they
5 aren't necessarily removed. It's not an absolute. It
6 just gives us the leeway to remove folks that don't
7 come.

8 MR. FERN THOMASSY: Right.

9 MR. RON LEVY: The intent is not to
10 remove somebody just because they haven't been able to
11 attend meetings. The intent is to have consistency as
12 much as possible, knowing that people are going to
13 have problems. And believe me, the Army understands
14 that nobody on this board is being paid for their
15 participation here.

16 MR. CHARLES TURNER: Yeah, I've
17 been wondering about that. When am I going to get a
18 check? I've been doing this for three years.

19 MR. RON LEVY: When you get one, I
20 want one, too.

21 MR. CHARLES TURNER: Under quorum,
22 I reduced the quorum -- the number needed to do
23 business to nine. Is that satisfactory? It takes

1 nine people here before we can do any business. If
2 we're going to --

3 MR. RON LEVY: We've got to go back
4 to what we agreed on the last time.

5 MR. CHRIS JOHNSON: You're down to
6 sixteen members.

7 MR. FERN THOMASSY: I think we need
8 to vote on that then, because this is a change from
9 last time.

10 MR. RON LEVY: It is. Simple
11 majority.

12 MR. FERN THOMASSY: Charles, I
13 think we need to vote on that, because it is a change
14 from what's in the minutes on what we did last time.

15 MR. CHARLES TURNER: I agree.

16 MR. RON LEVY: Technically, you're
17 --

18 MR. CHARLES TURNER: No, I mean, I
19 think we're going to vote -- I'm going to vote to make
20 the changes -- I'm going to make a motion here in a
21 minute to adopt these changes. So, it doesn't matter
22 what we did last time. It will be --

23 MR. FERN THOMASSY: The whole

1 thing.

2 MR. CHARLES TURNER: Yeah.

3 MR. RON LEVY: Let me understand
4 this. We're bringing the quorum back because it
5 shouldn't have been pulled out in the first place?

6 MR. CHARLES TURNER: Right.

7 MR. FERN THOMASSY: Right.

8 MR. CHARLES TURNER: It should have
9 been reduced.

10 MR. FERN THOMASSY: To some number.
11 And what Charles has going is a discussion of what
12 that number could be. We could say that number could
13 be seven. It doesn't have to be nine. I recommend an
14 odd number, but it doesn't have to be nine. Or it
15 could go back to the super majority of eleven.

16 MR. CHARLES TURNER: We don't
17 immediately have to add memberships to replace those
18 that are created. I mean, we could stick with fifteen
19 for awhile, if we wanted to.

20 MR. RON LEVY: Does --

21 MR. FERN THOMASSY: Total?

22 MR. CHARLES TURNER: Uh-huh.

23 MR. RON LEVY: We got seventeen

1 regular members?

2 MR. CHARLES TURNER: Yeah, we do
3 have -- we'd have to change that. I don't know. I
4 don't care.

5 MR. RON LEVY: Well, that's --

6 MR. CHARLES TURNER: How long --

7 MR. RON LEVY: The seventeen is
8 also in the bylaws, as well. So --

9 MR. FERN THOMASSY: The seventeen
10 doesn't necessarily need to be changed, because that
11 doesn't mean faces as much as it means positions; is
12 that correct?

13 MR. RON LEVY: No, not --

14 MR. FERN THOMASSY: At any one
15 time, we know we're not going to have those filled a
16 hundred percent all the time. There will be
17 transitions occurring.

18 MR. RON LEVY: That seventeen in
19 fact was somewhat arbitrary when we seated the board,
20 and the FMDC had decided on the amount -- those folks
21 -- it came out to be seventeen people. We could have
22 had twenty, we could have had forty for that matter.

23 MR. CHARLES TURNER: And we still

1 can.

2 MR. RON LEVY: Or we could have
3 less.

4 MR. FERN THOMASSY: And we still
5 can. But don't we have some people in the hopper,
6 Joan, who want to become members?

7 MS. JOAN McKINNEY: Yes, and
8 they're in your packets.

9 MR. FERN THOMASSY: So, at this
10 point, with facing that, do we want to drop the low to
11 seventeen? I don't think so.

12 MR. RON LEVY: I think we want to
13 -- I'd like to stay with seventeen.

14 MR. FERN THOMASSY: Yes, I'd like
15 to stay with it.

16 MR. RON LEVY: But I'm not a voting
17 member here.

18 MR. CHARLES TURNER: I'm not as
19 interested in that number as the number needed to do
20 business.

21 MR. FERN THOMASSY: Quorum.

22 MR. CHARLES TURNER: How many times
23 have we fallen way short, Joan? Do you remember?

1 MS. JOAN MCKINNEY: Well, I can't
2 answer that particular question. But I would say
3 within the six months, maybe somebody walked in at the
4 last minute that gave us a quorum. But mostly during
5 the last six months we've not had a quorum.

6 MR. CHARLES TURNER: Right. And
7 it's usually pretty close, but just no cigar, right,
8 where we've got nine and we need eleven?

9 MR. CHRIS JOHNSON: I'll agree with
10 that.

11 DR. BARRY COX: Well, why don't we
12 put 50 percent or some percentage in there so that
13 could account for going up and down in the membership.
14 So, you wouldn't have to change the bylaws each time
15 you add members or something.

16 DR. MARY HARRINGTON: That's a good
17 idea.

18 MR. CHARLES TURNER: Well, you need
19 -- that's what tough is: You need 50 percent, plus
20 one.

21 DR. BARRY COX: Okay. So, let's
22 say over 50 percent.

23 MR. FERN THOMASSY: Greater than 50

1 percent of the active membership.

2 DR. BARRY COX: Over 50 percent.

3 MR. CHARLES TURNER: Now look,
4 that's going to make us just like any other bylaws we
5 start doing that. A majority of the members --

6 MR. FERN THOMASSY: We're going
7 normal.

8 MR. CHARLES TURNER: -- a majority
9 of the regular members constitutes a quorum.

10 MR. FERN THOMASSY: Okay.

11 MR. RON LEVY: We're just -- so,
12 instead of 50 -- all right, a majority.

13 MR. CHARLES TURNER: A majority of
14 the regular members.

15 MR. RON LEVY: So, how is that
16 going to read? Are you going to state that?

17 MR. CHARLES TURNER: I'm going to
18 put it --

19 DR. MARY HARRINGTON: And state it
20 live, now. And write down what you say so you can
21 remember what you said.

22 MR. CHARLES TURNER: She's getting
23 it down. I trust Sammy. If Sammy tells me that's

1 what I said, that's what I said, if she shows me a
2 transcript that says that.

3 MR. FERN THOMASSY: Instead of
4 regular members, should that be active members?

5 MR. CHARLES TURNER: Regular
6 members --

7 MR. RON LEVY: Then you have to
8 define what active is.

9 MR. CHARLES TURNER: -- as opposed
10 to execution of members, which is a distinction we
11 made at 8.0.

12 MR. FERN THOMASSY: Yeah, all
13 right, they're defined, that's correct. He's right,
14 they're defined on the first paragraph. Well, why
15 don't we say then, active regular members, because
16 this says regular members are seventeen people, and
17 there are not always seventeen people.

18 MR. RON LEVY: Does that mean you
19 have to define what active regular --

20 MR. FERN THOMASSY: There are
21 fifteen right now. And so, you know, then we got to
22 get --

23 MR. CHARLES TURNER: How about

1 regular memberships, if we just change that from there
2 shall be seventeen regular members to there shall be
3 seventeen regular memberships.

4 MR. FERN THOMASSY: Memberships,
5 yeah. And we just all know the definition then of the
6 quorum means faces in those memberships. Right now,
7 we say we have fifteen.

8 MR. CHARLES TURNER: We've got
9 sixteen members right now.

10 MR. FERN THOMASSY: We do?

11 MR. CHARLES TURNER: Yes, Mark's
12 resigned, but Mr. Johnson is still --

13 MR. RON LEVY: He's resigned, too.

14 MR. FERN THOMASSY: He's resigned,
15 also.

16 MR. CHARLES TURNER: So, we've got
17 to accept those resignations. We've got fifteen
18 members, 50 percent on this next vote. I'd say that
19 50 percent of fifteen, a majority of fifteen is a
20 quorum. And then a majority of that can do business.

21 MR. FERN THOMASSY: Is five.

22 MR. CHARLES TURNER: Is enough for
23 a vote. No, it's four.

1 MR. FERN THOMASSY: It's five,
2 because it's eight. And so you've got to have a
3 majority. It's five.

4 MR. CHARLES TURNER: Yeah, that's
5 right. Quit shaking that head. You're undermining me
6 over here. I'm rusty, I haven't done this in a while.

7 DR. MARY HARRINGTON: You're all
8 right. Just do it every now and then, you stay in
9 practice.

10 MR. CHARLES TURNER: Okay.

11 MR. FERN THOMASSY: You got
12 confidence on that side of the table.

13 MR. CHARLES TURNER: And I struck
14 out the distinctions between simple majority and super
15 majority action.

16 No proxies. I can't call Mary in
17 advance and tell her she can vote for me.

18 DR. MARY HARRINGTON: If you could
19 catch me in advance, you'd probably be the only one on
20 this board that could.

21 MR. CHARLES TURNER: And that's it.
22 Anything else that we need to take up? Well, I would
23 move that we amend the bylaws in the ways I just

1 discussed. I'll be happy --

2 MR. RON LEVY: Can we review the
3 ways you just discussed?

4 MR. CHARLES TURNER: Sure. Why
5 don't we just attach a copy of this to the transcript?

6 MR. RON LEVY: Can you state it
7 again?

8 MR. CHARLES TURNER: Do you want me
9 to read each change?

10 MR. RON LEVY: I do. I want to
11 make sure we've got it right.

12 MR. FERN THOMASSY: Yeah, each
13 change beyond the changes that are already made,
14 because we have in front of us the changes he's made
15 --

16 MR. CHARLES TURNER: Yeah, I spent
17 a lot of time doing this.

18 MR. RON LEVY: Can I read through
19 what I understand?

20 MR. CHARLES TURNER: No. Sammy,
21 2.1.1, we're going to add -- strike the word "members"
22 and add the word "memberships".

23 The changes reflected on this draft

1 at 2.3. The same at 2.5. The same at 3.1.1. The
2 same at 3.2. The same at 3.2.3. The same at 3.3.
3 Then at 3.8, the words "October 1996," will replace
4 the blank that's in that section.

5 MR. FERN THOMASSY: Excuse me. You
6 want to back up. There was a change in 3.5.

7 MR. CHARLES TURNER: I'm sorry.
8 Forgive me. 3.5, the changes reflected.

9 MR. FERN THOMASSY: And 3.6.

10 MR. CHARLES TURNER: And 3.6. At
11 4.4 --

12 MS. LONGSTRETH: Go back to 3.8.

13 DR. MARY HARRINGTON: The date that
14 you put in 3.8 was what?

15 MR. CHARLES TURNER: October '96.

16 At 4.4, instead of a complete
17 strike through as indicated on the draft, what this
18 section will say is: Regular members may be removed
19 if they fail to attend --

20 MR. RON LEVY: 50 percent.

21 MR. CHARLES TURNER: -- at least --
22 if they fail to attend -- if they fail to attend 50
23 percent of the regular RAB meetings in each calendar

1 year.

2 MR. FERN THOMASSY: Yes, in any
3 calendar year.

4 MR. CHARLES TURNER: Hold on. Any
5 calendar year or each calendar year?

6 MR. FERN THOMASSY: Any.

7 MR. RON LEVY: I'd just say of the
8 calendar year meetings. That means whatever that
9 calendar year meetings are.

10 MR. CHARLES TURNER: In each
11 calendar year.

12 MR. FERN THOMASSY: You don't want
13 to make it retroactive. You know, if we didn't take
14 somebody out in 1997 for instance, we shouldn't be
15 able to go back and now take them out in --

16 MR. CHARLES TURNER: I don't think
17 there is anything that makes it retro -- anticipates
18 retrospective application.

19 MR. CHRIS JOHNSON: Put active
20 calendar year.

21 MS. LONGSTRETH: Yeah, active.

22 MR. CHARLES TURNER: Active?

23 DR. MARY HARRINGTON: Restate.

1 MR. FERN THOMASSY: In the most
2 recent calendar year.

3 MR. CHARLES TURNER: Regular
4 members may be removed if they fail to attend 50
5 percent of the regular RAB meetings at each calendar
6 year.

7 MR. FERN THOMASSY: That allows us
8 to pick on them at any time they've been a member for
9 any calendar year.

10 MR. CHARLES TURNER: We can remove
11 them, anyway. This is may be removed. This is a
12 softening of the previous --

13 MR. FERN THOMASSY: Correct, and
14 that's what we wanted to do. And that's why I'm
15 saying, why don't we say --

16 MR. CHARLES TURNER: You're worried
17 about --

18 MR. FERN THOMASSY: -- in the most
19 recent calendar year.

20 MR. CHARLES TURNER: That won't
21 work, because we have to do it in the preceding
22 calendar year.

23 MR. FERN THOMASSY: Which is the

1 most recent complete calendar year.

2 MR. CHARLES TURNER: I don't see
3 the problem.

4 MR. FERN THOMASSY: I'm trying to
5 prevent us from being able to use calendar years prior
6 to the most recent one, the most recent complete
7 calendar year.

8 MR. CHARLES TURNER: Okay.

9 DR. MARY HARRINGTON: I think the
10 "may" protects us from that.

11 MR. FERN THOMASSY: Beg your
12 pardon?

13 DR. MARY HARRINGTON: The "may".
14 You know, it didn't say shall be.

15 MR. CHARLES TURNER: The "may"
16 protects us, plus the --

17 MR. FERN THOMASSY: Yeah, it gives
18 enough flexibility. We're not going to pull that dumb
19 stunt.

20 DR. MARY HARRINGTON: Right.

21 MR. CHARLES TURNER: You aren't
22 going to convince five people in here to go back and
23 remove Mary because she missed a bunch of meetings in

1 1997 --

2 MR. FERN THOMASSY: In 1997, yeah.

3 MR. CHARLES TURNER: -- when she
4 was getting her Ph.D.

5 MR. FERN THOMASSY: There is enough
6 flexibility in there.

7 MR. CHARLES TURNER: Well, now that
8 you mentioned it, I think we ought to go ahead and
9 take that up. I've been wanting to.

10 MR. RON LEVY: Can we try this one
11 more time?

12 MR. CHARLES TURNER: Regular
13 members may be removed if they fail to attend 50
14 percent of the regular RAB meetings in each calendar
15 year.

16 MR. RON LEVY: Okay.

17 MR. CHARLES TURNER: 5.1. Now, I'm
18 going to have to work on this one for a second. A
19 majority of the regular RAB member's -- that should
20 should be an apostrophe S -- attendance at any meeting
21 shall constitute a quorum of the RAB. No meeting
22 shall begin, nor shall any business be conducted,
23 comma, without there first being a quorum present.

1 DR. MARY HARRINGTON: Restate.

2 MR. CHARLES TURNER: Do you want to
3 read that back?

4 COURT REPORTER: If you want me to.

5 (WHEREUPON, the requested portion of the record was
6 read back.)

7 MR. RON LEVY: Can I bring up a
8 point here? We have in the past conducted meetings
9 without a quorum, that being eleven people. We've
10 just gone ahead and -- although --

11 DR. MARY HARRINGTON: We did the
12 meeting, but we didn't do business.

13 MR. RON LEVY: Yeah, but that's not
14 what this says.

15 MR. CHARLES TURNER: That is
16 precisely what it says.

17 MR. RON LEVY: No meeting shall
18 begin. And we did begin a meeting. And maybe we
19 didn't do any business. Can we modify that in any
20 way?

21 MR. CHRIS JOHNSON: Make it an
22 official meeting.

23 MR. FERN THOMASSY: That's what it

1 means, official meeting. I mean, we can go ahead and
2 hold the meeting --

3 MR. CHARLES TURNER: We can have
4 parties any time we want, which is what this is, if we
5 don't have quorum.

6 MR. RON LEVY: Can we change that
7 to no official meeting? In other words, it wouldn't
8 count as an official meeting --

9 MS. MARY HARRINGTON: I was fixing
10 to say, we all know that.

11 MR. RON LEVY: We've taken
12 transcripts, and we've provided meeting minutes and
13 we've done all that from previous meetings without a
14 quorum.

15 DR. BARRY COX: Why don't you say
16 no business shall be conducted.

17 MR. FERN THOMASSY: And that's what
18 we said.

19 DR. BARRY COX: And leave the rest
20 of it out, no meetings shall begin.

21 MR. CHARLES TURNER: What you've
22 been having are parties. They aren't meetings.

23 MR. RON LEVY: Well, I wish I would

1 have known that. I would have --

2 DR. MARY HARRINGTON: It's sad to
3 get somebody here to do a presentation and it not be
4 -- we don't even start and let them present what --

5 MR. CHARLES TURNER: This is not --

6 MR. RON LEVY: Mary's got a good
7 point, because --

8 MR. CHARLES TURNER: The idea is
9 not to change --

10 DR. MARY HARRINGTON: I know what
11 you're saying.

12 MR. CHARLES TURNER: -- the way the
13 RAB does business. What it is it to -- the idea is to
14 bring these by-laws into accord with the way we do
15 business.

16 MR. JEFF AMY: Ron, what you're
17 having are work sessions.

18 MR. RON LEVY: Great idea. I'd
19 like to call it something. But, you know, we paid for
20 a transcript --

21 MR. CHARLES TURNER: Work sessions
22 are permitted at any --

23 DR. MARY HARRINGTON: Briefing

1 sessions.

2 MR. CHARLES TURNER: -- at any
3 meeting at which a majority of the members are not
4 present --

5 MR. FERN THOMASSY: Barry made a
6 good point.

7 MR. CHARLES TURNER: -- a work
8 session shall be conducted. How is that, Ron?

9 MR. RON LEVY: Something along that
10 line will be fine.

11 MR. FERN THOMASSY: Barry made a
12 good point. He said, why not just cross out the part,
13 no meeting shall begin, and just say, no business
14 shall be conducted without there first being a quorum
15 present. Workshops or other informal activities --

16 MR. CHARLES TURNER: Because
17 meetings can't start, either. We can't have meetings
18 without a quorum present, either.

19 MR. RON LEVY: I like what you
20 said. As long as, you know, we can -- we paid for
21 people to be here, there is a presentation scheduled,
22 we've paid for -- we've paid for the transcript --

23 MR. CHARLES TURNER: Paying doesn't

1 carry the order, man.

2 MR. RON LEVY: I understand, but
3 what I want to say is that, then there will be a work
4 session.

5 MR. FERN THOMASSY: Training or
6 work sessions are permitted.

7 MR. CHARLES TURNER: Training? I
8 don't see the need to change it. It's got -- I mean,
9 it's kind of a -- they're words of art. And I mean,
10 it has a very specific meaning. A meeting and
11 business have very -- those two terms have very
12 specific meanings. Tinkering with it additionally, I
13 mean, it's like telling the doctor what he needs to
14 write on your prescription.

15 MR. RON LEVY: Your point being, if
16 we conducted some sort of something or another going
17 on, it wouldn't matter, because it just wouldn't be
18 considered a meeting?

19 MR. CHARLES TURNER: I don't think
20 you're going to be able to improve on that sentence.

21 MR. CHRIS JOHNSON: And it really
22 doesn't matter. I mean, you know, we're coming up
23 here, and if there is only two here, we're still going

1 to come here and we're going to -- we're going to do
2 what we got to do. So, I don't think --

3 MR. RON LEVY: Yeah, I guess that's
4 the point -- that's the point I'm making. I'm going
5 to put out whatever information is here.

6 MR. DONALD CUNNINGHAM: That's the
7 point. The issue is not as much business as it is
8 decision. You've got to have a quorum to get a vote
9 or a decision. But you could have a presentation or
10 you could have discussions and other things that are
11 part of business without having a decision. We ought
12 to --

13 MR. CHARLES TURNER: We can get
14 together any time we want and have training and work
15 sessions and parties, but unless -- there are
16 specifics things that have to occur before we have a
17 meeting.

18 MR. RON LEVY: I got you. I want
19 to go on the record that I don't like that word,
20 "party". That's not something we do.

21 MR. CHARLES TURNER: I did that in
22 a deposition once. I don't know if you were there or
23 not. Guy just freaked out.

1 DR. MARY HARRINGTON: If this is a
2 party, we're in trouble.

3 MR. RON LEVY: I know.

4 MR. CHARLES TURNER: All right,
5 well, 5.3 needs to be stricken completely, as does --
6 I'm sorry, 5.2 needs some work. Let's see, action by
7 the restoration advisory board. Every act or decision
8 done or made by a majority of the regular members
9 present at any meeting duly held at which a quorum is
10 present is the act of the RAB. Each regular member
11 who is present at such a meeting will conclusively
12 presumed to have assented to the action taken at such
13 a meeting unless his or her dissent to the action is
14 entered on the minutes of the meeting.

15 MR. FERN THOMASSY: You know, just
16 like Don said, that's what we're aiming at. And so

17 the need to say no meeting shall begin -- I still
18 don't see it. I agree with what Barry said. I think
19 that can be taken out. And all we have to do is say
20 we can't conduct business unless there is a quorum
21 present.

22 DR. BARRY COX: We didn't say we
23 could have a meeting, we just left that part out.

1 MR. CHARLES TURNER: There is an
2 entire section about meetings. It starts at section
3 4. I mean, it discusses notice. We could subsume the
4 quorum section into the meeting section, if y'all
5 wanted. But I don't think we need to make any
6 changes. I don't think it's going to have any
7 undesirable effect. It's not going to change the way
8 we do business.

9 DR. BARRY COX: Wouldn't you then
10 change 4.1 to say regular meetings shall occur on the
11 third Monday, unless a quorum is not present, because
12 you said we couldn't have a meeting if we didn't have
13 a quorum.

14 MS. LONGSTRETH: That sounds good,
15 though.

16 MR. CHARLES TURNER: No, no, they
17 shall occur if the membership -- if there are not
18 enough members here, then it's a failing of the
19 membership.

20 MR. FERN THOMASSY: And there is no
21 meeting.

22 MR. CHARLES TURNER: I mean, it's a
23 commandment.

1 DR. BARRY COX: And you say --
2 couldn't say will occur, you say shall occur.

3 MR. CHARLES TURNER: They shall
4 occur.

5 DR. BARRY COX: But not will?

6 MR. CHARLES TURNER: But not will.

7 MR. RON LEVY: Yeah, that makes
8 sense.

9 MR. CHARLES TURNER: Good. That's
10 all I've got. Any other changes?

11 DR. MARY HARRINGTON: Are you sure?

12 MR. RON LEVY: You struck 5.3, you
13 said that already, right?

14 MR. CHARLES TURNER: Yes, 5.3 is
15 stricken.

16 DR. MARY HARRINGTON: Yes.

17 MR. CHARLES TURNER: Any other
18 changes? I would move then that we -- I've already
19 made the motion. Just need to complete it.

20 MR. RON LEVY: You got a second?

21 DR. MARY HARRINGTON: This was just
22 our discussion.

23 MR. CHARLES TURNER: I'll summarize

1 it. I move that we amend the bylaws as we've
2 discussed and made note of on this copy of the draft.

3 DR. MARY HARRINGTON: Second the
4 motion.

5 MR. CHARLES TURNER: Is there any
6 discussion? Yeah, y'all were all out of order when I
7 was trying to go through my motion. Y'all interrupted
8 me and all that.

9 MR. FERN THOMASSY: That's good.

10 MR. CHARLES TURNER: I hope you're
11 ashamed of yourselves.

12 DR. MARY HARRINGTON: I told y'all
13 what happened --

14 MR. FERN THOMASSY: Absolutely not.

15 MR. RON LEVY: Just from my
16 standpoint, representing the Army, is that our intent
17 is to get as much participation from the community as
18 possible and not to muzzle anybody or strike anybody
19 because of their inability to participate. And I
20 think you've tried to cover that in these changes.
21 But understand that the last thing we want to do is
22 throw people off for the sake of attendance or
23 inability to -- because of some other compelling

1 reason or something that's going on in their family,
2 that's not what we're trying to do here. Just a
3 statement on my part.

4 MR. FERN THOMASSY: And we agree,
5 that's why we made those changes.

6 MR. RON LEVY: Of course, I'm not a
7 voting member.

8 MR. CHARLES TURNER: No, you're out
9 of order.

10 MR. FERN THOMASSY: We're voting.
11 Second.

12 MR. CHARLES TURNER: All right,
13 second. Any other discussion? All in favor, say I.
14 Any opposition?

15 (No opposition.)

16 MR. CHARLES TURNER: Motion
17 carries.

18 We've been -- it's been suggested
19 that two members have resigned, Mr. Anderson and Mr.
20 John Johnson. I would move that we accept these
21 resignations.

22 MS. LONGSTRETH: Second the motion.

23 MR. CHARLES TURNER: Is there any

1 discussion? All in favor say I. Any opposition?

2 (No opposition.)

3 MR. CHARLES TURNER: Review and
4 selection of board applicants. We have got several
5 before us.

6 DR. MARY HARRINGTON: Four, I
7 think.

8 MR. RON LEVY: Joan, do you want to
9 say anything at this point about the applicants?

10 MS. JOAN MCKINNEY: Well, I was not
11 here when you did the selection initially in '96, but
12 it just seems to me that as you make your selections,
13 some of the things that you probably consider are
14 first of all the center of influence in the community
15 and the person's interests. And I think you can
16 probably gauge that by taking a look at the applicants
17 and who has written -- if they've taken the time to
18 express themselves on the application, then obviously
19 they're going to be very interested. I think if -- we
20 have several here that I recontacted after our last
21 meeting to make sure that they were still interested.
22 And these are the five that you have in front of you.

23 We have one, two, three, the first

1 three in the packet were folks that came through
2 originally in '96. Of those first three, you can see
3 that we have some that are very interested. We have
4 the second and third, Mr. Turecek and Mr. Weston. And
5 Mr. Turecek is in the audience tonight, by the way.
6 Do I pronounce that right, sir, Mr. Turecek?

7 MR. TURECEK: Turecek.

8 MS. JOAN McKINNEY: Turecek. Those
9 are two new ones. I think that's also very important,
10 that they came through on the mailing right away and
11 said, I'm very interested and they came as a result of
12 seeing it in the paper.

13 Now, my comments on several based
14 on my community relations knowledge, the last one,
15 Mr. Weston as a center of influence, he reaches not
16 only Calhoun County but Cleburne County. And we all
17 know -- many of us know retired Sergeant Major Weston.
18 We know that he was a retired command sergeant major
19 of the chemical school. So, he has quite a vested
20 interest. He lives here, his -- this is his home, and
21 he is a community leader.

22 Mr. Turecek has expressed interest
23 ever since the summer, calls me, asks about our

1 meetings, makes sure that he's on the mailing list.

2 Mr. Thrash was an individual who
3 you -- who came through in the recent mailing, was
4 also part of the first mailing. This is what I have
5 received from Mr. Thrash. And up to the point of --
6 my reviewing again to see if folks were interested,
7 kind of had to find Mr. Thrash. He's changed
8 addresses and phone numbers. But he did express
9 interest in continuing.

10 Mr. Polek lives out in Ohatchee.
11 That's an area that we have not reached very much. He
12 has -- this is the second time around for him.

13 And, of course, Mr. Clendenin has
14 been very, very interested. He's called several
15 times. He lives here in town and is right outside the
16 gate as a minister in the Presbyterian Church, of
17 course, right outside the gate. He would also be a
18 good center of influence for us.

19 As I understand the criteria to be
20 a member or what we're looking for is people who will
21 take the message and go back out and talk about it and
22 tell their spheres who we are, what we are, and what
23 we're doing, not just sit here and come to the meeting

1 and go home.

2 So, those are the -- those are the
3 short sketches of what contact I have had with your
4 five members.

5 MR. MILLER: I've had dealings with
6 him and, you know, he's not really wrapped real tight.

7 MR. CHARLES TURNER: Okay. I'm
8 cool with that.

9 MR. FERN THOMASSY: Let me add
10 something to what Joan has said, because I had the
11 pleasure of working with Bobby Weston when he was on
12 active duty and I've known his activities in the
13 community, I've known him and his family as members of
14 the community for now some fifteen years, plus, at
15 least, you know, probably longer than that. That's
16 how long I've known of him being here. And he's a
17 very responsible person. He's somebody who knows Fort
18 McClellan. And that link between him and the vested
19 interest of the community I think is very, very
20 strong. And as Joan said, with his new position in
21 the community, he's somebody to look to across the
22 whole spectrum of Calhoun County who could carry a
23 message and be listened to.

1 MR. CHARLES TURNER: I've only got
2 one point, and it's a technical point, and that is:
3 He's applied in the name of his organization and not
4 as a natural person.

5 MR. FERN THOMASSY: He signed it,
6 however on the back.

7 MS. LONGSTRETH: Yes, he did.

8 MR. FERN THOMASSY: Then put his
9 name down there, so that was just a technical
10 administrative error.

11 MR. CHARLES TURNER: Thank you for
12 clearing that up for us.

13 MR. RON LEVY: I would point out,
14 too: We've been looking for minority representation
15 so that we could get a good cross-section on the
16 board, and I know Mr. Weston put down not applicable
17 for his minority status, but he is a black. And that,
18 from our standpoint, at least from the Army's
19 standpoint, wanting to have more minority
20 representation is important.

21 MS. JOAN McKINNEY: Absolutely.

22 MR. RON LEVY: So --

23 MR. CHARLES TURNER: With the

1 endorsement that Fern gave, I -- just based on knowing
2 Fern, I mean, with that kind of endorsement --

3 MR. FERN THOMASSY: He's trouble.

4 MR. CHARLES TURNER: -- with that
5 kind of endorsement, he's thumbs up, as far as I'm
6 concerned.

7 MR. JIMMY PARKS: I'd like to speak
8 on behalf of Mr. Clendenin. I know he's very
9 interested in it. He showed -- he expressed interest
10 in it on several occasions. So, I know he's
11 personally interested in it. And we do need some
12 spiritual guidance.

13 MR. MILLER: I don't think you'll
14 get the spiritual guidance from him. I know him
15 personally.

16 MR. CHARLES TURNER: Let's go off
17 the record.

18 (WHEREUPON, there was discussion off the record.)

19 MR. CHARLES TURNER: Back on the
20 record. And I'll open the floor for nominations.

21 MR. FERN THOMASSY: I'd like to
22 nominate Bobby Weston.

23 MR. MILLER: I'll second it.

1 DR. MARY HARRINGTON: I'd like to
2 nominate Mr. Turecek.

3 MR. CHARLES TURNER: You're saying
4 Turecek, right.

5 DR. MARY HARRINGTON: Yes.

6 MR. CHARLES TURNER: And you'll
7 second that?

8 MS. LONGSTRETH: I would like to
9 close the nominations on those two names, if it's
10 appropriate.

11 MR. CHARLES TURNER: I think it's
12 appropriate. But let's hear what Don has to say
13 before we vote on your motion.

14 MR. DON CUNNINGHAM: You know,
15 we've gone through quite a process of advertising and
16 going back and looking at the applicants from previous
17 times and that sort of thing. And these folks, at
18 least these three that have not been nominated have
19 indicated an interest. I would recommend that we put
20 them on reserve and take care of this thing today. In
21 other words, we filled the two vacancies and then we
22 prioritize the other three or decide that we want to
23 consider them for vacancies that occur at a later

1 date.

2 MR. CHARLES TURNER: I think we
3 just put them back in the hopper.

4 MS. JOAN McKINNEY: Yes, I think
5 that would be the wisest, instead of prioritizing,
6 because they can come up again. But I think keeping
7 them in the applicant file would be appropriate.

8 MR. CHARLES TURNER: I think that
9 your motion is in order, your motion to close the
10 nominations is in order. I second it. Is there any
11 discussion? Vote on the motion to close the
12 nominations. All in favor say I. Any opposition?

13 (No opposition.)

14 MR. CHARLES TURNER: Well then, we
15 have two new members then, Chief Warrent Officer
16 Turecek and Mr. Bobby Weston. Should we ask Joan to
17 get in touch with Mr. Weston and --

18 MR. RON LEVY: In fact, if you'll
19 provide a letter for --

20 MS. JOAN McKINNEY: Yes.

21 MR. RON LEVY: -- for Pete's
22 signature to --

23 MS. JOAN McKINNEY: I think letters

1 are appropriate, and letters going out to the other
2 three as to --

3 MR. CHARLES TURNER: Maybe with a
4 copy of the bylaws and just whatever else y'all can
5 fit in an envelope that would be appropriate.

6 MR. RON LEVY: These memberships
7 will be effective the next meeting.

8 MR. CHARLES TURNER: Whenever.

9 DR. MARY HARRINGTON: Should be.

10 MR. CHARLES TURNER: Okay.

11 Y'all say what you will about me,
12 but we're about to finish this meeting in an hour.

13 MR. FERN THOMASSY: Not yet. I've
14 got one question, and I would like some discussion on
15 it before we leave. And that is the situation on the
16 funding and an update of where we are on that. How
17 about it, Mr. Chairman, can we go through that?

18 MR. CHARLES TURNER: Fine with me.

19 MR. RON LEVY: Uh, let me -- I was
20 provided with some information that can be released to
21 the RAB. Let me tell you this, that individuals at
22 the Department of the Army level have briefed, and I
23 believe it's staffers, I'm not sure that Senator

1 Sessions or Congressman Riley was briefed specifically
2 again, but I believe at least their staffers have been
3 briefed and been talked to as to the funding
4 situation.

5 I can tell you what I understand to
6 be the funding levels at Fort McClellan as proposed
7 because of the deferment. For fiscal year '00,
8 program environmental funding for Fort McClellan
9 before issuance of the PBB was 37.9 million. The FY
10 '00 President's budget for Fort McClellan reflects
11 this requirement in FY '00 and FY '00 appropriation
12 request of 7.7 million. And the budget request in
13 advance appropriations of 30.2 million in '01.

14 So, these only impact Fort
15 McClellan's cleanup schedule. There could be some
16 minor delays to the cleanup schedule, however
17 generally speaking, there are no known impacts to the
18 reuse.

19 It's the Army's intent to manage
20 the environmental program at Fort McClellan such that
21 there will be minimal impact to the cleanup schedule,
22 and therefore little or no impact to reuse. This will
23 require that incremental funding of some environmental

1 projects and advanced appropriations approval from
2 Congress.

3 The Army is working with the
4 leadership of the Army Corps of Engineers and the
5 training and doctrine command to optimize the amount
6 of effort that must be undertaken to diminish the
7 impacts of the cleanup schedules.

8 Another question that had come up,
9 will the funding delay planned -- will the funding
10 delay planned property turnover or reuse. And the
11 answer is: If the Army can successfully execute
12 incremental funding of the Fort McClellan
13 environmental programs, such that work on projects key
14 to development continue and Congress approves advanced
15 appropriations, there should be no impact on reuse
16 unless there is a major shift in the reuse priorities
17 as outlined in the Fort McClellan final reuse plan.

18 The Fort McClellan Joint Powers
19 Authority should update the community reuse priorities
20 and communicate these priorities to the Army. And
21 we've told the JPA that in fact that, you know, if
22 they've got an update to the reuse plan and/or changes
23 to the priorities that the FMDC had originally given

1 us, that we would consider that. And I have not
2 gotten any changes to those priorities, at least not
3 anything written, other than --

4 MR. CHARLES TURNER: They haven't
5 amended the plan.

6 MR. RON LEVY: It says, the Army
7 will work with the community to ensure resources are
8 realigned based on any changes to the reuse plan.

9 At this time it is not known if or
10 when the community will submit an economic development
11 conveyance to the Army to begin the transfer process.

12 Additionally, any delay in the
13 cleanup schedules will not delay the opportunities for
14 the community to lease the property in furtherance of
15 an economic development conveyance or public benefit
16 conveyances.

17 It's the Army's intention and in
18 our best interest to get property into the hands of
19 the grantee or the lessee at the earliest opportunity.
20 And every effort will be made to ensure this happens.

21 That's what I've been told I can
22 say. And --

23 MR. FERN THOMASSY: What was that

1 30.2 million in '01, is that what is --

2 MR. RON LEVY: That's the deferment
3 into '01.

4 MR. FERN THOMASSY: Okay, so that's
5 the sum total in the President's budget for '01?

6 MR. RON LEVY: Well, assuming that
7 we -- yes. No, it's not. Excuse me.

8 MR. FERN THOMASSY: For Fort
9 McClellan?

10 MR. RON LEVY: No, it is not the
11 sum total. It's inclusive -- it's inclusive of what
12 we originally had scheduled for '01 funding, which
13 puts us, I believe, in '01, we're looking at over
14 forty million -- forty million dollars, based on the
15 --

16 MR. FERN THOMASSY: So, the 30.2
17 was just the deferment?

18 MR. RON LEVY: Just the deferment.
19 Lisa, what's the total for -- it's forty point
20 something or another. And I'll have to get you those
21 figures. But that's the deferment.

22 So, we're looking at 7.7 million
23 that went in to the appropriation request for '00.

1 However, you know, the committees have not finalized
2 anything. I understand that that's the -- in terms of
3 what we actually do get, what's voted on, is still up
4 in the air.

5 MR. FERN THOMASSY: Right. That
6 will come out with the '00 budget passed by Congress.
7 You had ten million in '00, '01.

8 MR. RON LEVY: Right.

9 MR. FERN THOMASSY: So, that's
10 where you get the forty.

11 MR. RON LEVY: Right. That's why
12 the forty. That's why the forty million.

13 MR. FERN THOMASSY: Right.

14 MR. RON LEVY: That is a lot of
15 money in a fiscal year.

16 MR. FERN THOMASSY: In your
17 opinion, that 7.7, I mean, that's a thirty million
18 dollar cut. That's --

19 MR. RON LEVY: Deferment.

20 MR. FERN THOMASSY: -- where the
21 30.2 million came from in this year.

22 MR. RON LEVY: Deferment.

23 MR. FERN THOMASSY: And what I'm

1 saying is: Do you feel comfortable that that was all
2 you could have spent, anyhow, in '99?

3 MR. RON LEVY: I don't know that we
4 said that. No, we didn't say that.

5 MR. FERN THOMASSY: So, we have
6 been impacted. And that's what I would like to get a
7 feel for now or by the next meeting. What is that
8 impact in an objective fashion? What isn't going to
9 get done in '99?

10 MR. CHARLES TURNER: Can I
11 interrupt?

12 MR. FERN THOMASSY: Yes.

13 MR. CHARLES TURNER: I would say
14 that that sounds like a good topic for us to discuss
15 next month with numbers and real projects and that
16 kind of thing that we can study, rather than speaking
17 abstractly. I don't even have the numbers in front of
18 me. I heard thirty million twice. And I think I
19 associated that with the year 2001. But that's about
20 as good as I can do.

21 MR. RON LEVY: I wasn't really
22 prepared to show you what that 7.7 million covers for
23 that fiscal year. Although, we have some -- we have

1 some -- we have projects lined up that tell you where
2 that 7.7 fits within our prioritization and we had
3 some guidance as to how we prioritize our projects,
4 and I can show you that, but I really wasn't prepared
5 to show it to you tonight.

6 MR. FERN THOMASSY: We saw those
7 five priorities at the last meeting. But the point
8 I'm making is: Not what that 7.7 is going to do for
9 us, I want to know what the Delta is between what was
10 planned and what is not going to get done by only
11 spending 7.7 million this year.

12 MR. CHARLES TURNER: I want all of
13 it. I want the numbers for this year, next year, and
14 the next.

15 MR. FERN THOMASSY: And that's what
16 I'm asking for. He's going to tell us what the 7.7
17 is, but I want to know also what's now not going to
18 get done that was planned to be done.

19 MR. RON LEVY: But again, the
20 Army's position is not that it's not going to get
21 done. It's just going to be pushed into the --

22 MR. FERN THOMASSY: I understand
23 that, but I'm not accepting the Army's position. I

1 don't trust the Army and I don't want to hear what
2 their position is. What I want to hear is
3 specifically what the impact is on the cleanup of Fort
4 McClellan this year.

5 MR. RON LEVY: If we can -- if you
6 can allow me to the next meeting to show you --

7 MR. CHARLES TURNER: Let's make it
8 the next meeting.

9 MR. RON LEVY: -- where the 7.7
10 million, you know, presently is and how that -- how
11 the other programs fall into fiscal year '01, because
12 of deferment.

13 MR. FERN THOMASSY: That's not all
14 I want, though. We should hear -- we had 37.9 million
15 dollars. Now, we couldn't spend it all. Okay, fine.
16 But we were going to spend a lot more than 7.7 in '00.
17 So what I want to know is: Between the 37.9 and the
18 7.7, what have we lost? And so, not just what 7.7 is
19 going to do, I want to know what we've lost, also.

20 MR. JIMMY PARKS: Well, when do we
21 get back to that base cleanup plan that we always was
22 going to use as a bible, that that was what we was
23 going to follow down the line to clean up? When does

1 that thing enter --

2 MR. CHARLES TURNER: Y'all can just
3 put Ron's seat right out there next time.

4 MR. RON LEVY: We have been
5 discussing it all along. And at the last meeting we
6 got involved in OE discussions, now we've started in
7 with this. You know, we can put it back on the
8 schedule, but I mean, that was up to the RAB.

9 MR. JIMMY PARKS: Is the base
10 cleanup plan going to be what this money is tied to?

11 MR. RON LEVY: Is the base cleanup
12 plan --

13 MR. JIMMY PARKS: That's what we
14 thought the bible was. This is the cleanup plan and
15 here is the priorities and here is how we're going to
16 clean it up. Here's the contractors that's going to
17 do it and here is the funding that's applied to it.
18 And the base cleanup plan just seemed like it
19 disappeared or somebody or another --

20 MR. RON LEVY: No, it's still
21 there. In fact, we do have a master schedule. And it
22 changes, somewhat, but the plan is still out there.

23 MR. CHARLES TURNER: Out where?

1 MR. RON LEVY: We've got copies of
2 it.

3 MR. JIMMY PARKS: Has it been
4 approved? You had version one and version two.

5 MR. RON LEVY: We're working on
6 version -- the BCT is working -- is presently working
7 on version two right now and updating it. And that's
8 based upon new information that's coming out of
9 investigations.

10 We're still following along the
11 CERCLA process. And as SI work turns up additional
12 work, we will carry it over. And we're still
13 following along with what priorities were given to us
14 from the community, i.e., the FMDC. And now the JPA
15 is saying that that still stands.

16 MR. JIMMY PARKS: But will that go
17 back to this funding? Your base cleanup plan will be,
18 one, two, three, here is your priorities and here,
19 we're going to apply this money to --

20 MR. RON LEVY: Well, I don't know
21 that the two actually, you know, completely correlate
22 with each other.

23 MR. CHARLES TURNER: Well, why not?

1 MR. RON LEVY: I --

2 MR. PARKS: See, a cleanup plan has
3 got a connotation to it.

4 MR. RON LEVY: Yeah.

5 MR. JIMMY PARKS: This is our plan
6 for cleaning up.

7 MR. CHARLES TURNER: Yeah, and here
8 is our money that we're going to use to clean it up.
9 Why don't the two meet?

10 MR. RON LEVY: Let me -- you know,
11 give me a chance to go back and think and think about
12 that question.

13 MR. CHARLES TURNER: Think up an
14 answer to that?

15 MR. RON LEVY: No.

16 MR. CHRIS JOHNSON: I would like to
17 say one thing. Right now, we're in a situation where
18 you really have to kind of just -- it's really almost
19 like guess work in the up front on investigations.
20 You guess on the amount of money you need to cradle
21 the project.

22 So, right now we're basically in
23 the position, we're trying to find out if we've even

1 got a problem. We're doing a hundred -- well over a
2 hundred site investigations, and we're fixing to try
3 to get all of those done. When we get this data back
4 in -- which it's starting to trickle back. We've
5 already got seventeen sites on the SI report that QST
6 is doing. We've got the schedule from IT on when the
7 reports are going to start coming in for another
8 hundred and twenty to thirty sites.

9 So, what we did up front was
10 basically try to say, well, you know, we've got a
11 landfill here, a tank here, and just said, okay, we
12 feel that these will worse case out and try to add a
13 dollar, at least, get the Corps to try to match up
14 some dollars with that on those sites.

15 But once we truly get the SIs back
16 and say, these are no further action, write a decision
17 document, give the property away, or it goes into the
18 next phase and RI, a remedial investigation, or do a
19 removal, until we truly know the condition of those
20 sites, it's really hard to know, one, if the 7.7 we've
21 got is going to be enough, and two, you know, do we
22 need to start raising some cane with somebody that we
23 need more money.

1 And I really can't even, from our
2 standpoint, start really, you know, getting upset with
3 the Army until we truly know that those dollars, those
4 shortage of dollars that we really forecasted for are
5 going to be a problem for us.

6 MR. CHARLES TURNER: When are we
7 going to know that?

8 MR. CHRIS JOHNSON: I think we're
9 going to have a good handle on it really within
10 probably mid-summer, really.

11 MR. FERN THOMASSY: Six months.

12 MR. CHRIS JOHNSON: Yes. Because
13 the reports -- their first -- they did what we call
14 fifteen packages. And each package has fuzzy --

15 MR. CHARLES TURNER: So, we're
16 going to be almost into the fiscal year when the money
17 in question is being spent before we know whether
18 we've got enough money?

19 MR. CHRIS JOHNSON: On at least --
20 on -- on several sites, yeah, because we're not
21 getting the reports back until the next fiscal year,
22 on some of those sites until the next fiscal year
23 starts.

1 MR. FERN THOMASSY: Let me add
2 this, because we're speaking in generalities, we can't
3 get the specifics, and justifiably so. Ron mentioned
4 this last time as the basic reason why he wasn't too
5 concerned about some cut in the FY '00 funding. And I
6 agree with you, I understand how much of a projection
7 you had to make.

8 But when I see 80 percent of the
9 dollars being cut, I don't think your projection was
10 that much of a grab in the air that you can afford to
11 lose 80 percent of those dollars and not have an
12 impact. And so, that's what I'm asking for. Look at
13 your crystal ball that you came up with 37.9 million,
14 and I'll bet you you can show what an estimated impact
15 is going to be in those things that had a higher
16 probability of probably being needed in '00.

17 MR. CHRIS JOHNSON: I can tell you
18 where I foresee an impact, is where we get the reports
19 back and they come in and we want to do a removal.

20 MR. FERN THOMASSY: Yeah.

21 MR. CHRIS JOHNSON: Let's just say
22 that we're going to do a UST (phonetic) petroleum
23 removal, maybe do a lead removal in a small arms

1 range, and we want to go ahead and execute that
2 removal right after that report is going on, that's
3 where I see some delays going on, if we need to go
4 ahead and start executing some removal actions
5 immediately.

6 MR. RON LEVY: And I agree with
7 Chris, because that would be my major concern. If a
8 project like this USEC (phonetic) were to come in and
9 the property needed to be quickly put to a state where
10 it could be transferred and we really had not
11 programmed -- and we can't, because we don't know for
12 certain that that's going to be a project, then you
13 start to see problems and you start to see -- just
14 trying.

15 MR. FERN THOMASSY: Delays.

16 MR. RON LEVY: Yeah, us trying to
17 do -- but right now, based upon just what the
18 community has got in their reuse plan, which honestly
19 is not a whole lot at this stage --

20 MR. PARKS: Does your RIs and your
21 SIs and all of them fit into that cleanup plan?

22 MR. RON LEVY: Yeah. But again,
23 Jimmy, the document is a living document, and things

1 are going to change as we get through the SI phase and
2 we discover we've got, you know, 30, 20 to 30 percent
3 of those sites actually are going to carry over.

4 In our actual funding stream, we
5 were very conservative. Is conservative the right
6 word? We assumed that all of our sites would move
7 forward into the next phase.

8 MR. CHRIS JOHNSON: Not all of
9 them, Ron.

10 MR. RON LEVY: Fairly close.

11 MR. CHRIS JOHNSON: It was -- we
12 were conservative in predicting which -- like a
13 landfill, for example, potential landfill, you're
14 going to worse case that out, you know, as far as the
15 dollars.

16 MR. FERN THOMASSY: Full-blown RI.

17 MR. CHRIS JOHNSON: Like say a wash
18 rack or something, you might just take it to an SI and
19 removal action and not carry it on into detailed
20 feasibility studies and that kind of stuff. So,
21 that's how we kind of --

22 MR. CHARLES TURNER: Let me
23 interrupt this for a second. We've been going an hour

1 and I think we've talked about wanting to finish in an
2 hour. If we can at least give the RAB an opportunity
3 to adjourn.

4 MR. RON LEVY: Can I just say one
5 more thing, just one more thing?

6 MR. CHARLES TURNER: Well, let's
7 put it to a vote whether you can say one more thing.

8 Do we want to take this up next
9 month? What do we want to talk about next month?
10 Y'all be thinking about it while Ron says what he
11 wanted to say.

12 MR. RON LEVY: The biggest concern
13 we've got is that the community and the JPA and those
14 people who are looking for property, do not tell us
15 that they expect the property to be turned over in a
16 very short time, especially where we've got
17 environmental investigations or potential remediation
18 going on. That cannot happen quickly. The process,
19 the CERCLA process is going to keep us from doing that
20 in an expedient manner. We can't just turn over
21 property that quick. And that's something that needs
22 to be said, needs to be told.

23 MR. CHARLES TURNER: You're talking

1 to the press, aren't you? You don't need the rest of
2 us here to do that.

3 MR. FERN THOMASSY: But the point
4 is: To get to any element in the end of that CERCLA
5 process, I don't want any bubbles in the pipeline of
6 twelve months because they didn't have the money
7 available in this year, it was into next year. And
8 that's what I'm driving at.

9 MR. RON LEVY: Yeah.

10 MR. FERN THOMASSY: I understand
11 what you're saying.

12 DR. BARRY COX: It seemed to me the
13 first thing is we already have a letter that we've
14 sent. Isn't that correct?

15 MR. RON LEVY: Yeah, it's a letter
16 that Pete sent, representing the RAB.

17 DR. BARRY COX: What I would
18 suggest is first, let's see if between now and next
19 time, if we could get some response back on that
20 letter. And then based on whether we do or don't and
21 what the response is and the documents that Ron has
22 that --

23 MR. CHARLES TURNER: The response

1 is going to come through you. I mean, somebody is
2 going to tell you what the response is, aren't they?

3 MR. RON LEVY: Well, yeah, that
4 would, I'm sure, happen. But the response would
5 probably go directly back to whoever wrote the letter,
6 in this case it should be Pete. And I'm sure I'll
7 find out about it as part of it.

8 MR. CHARLES TURNER: Well, we need
9 to plan a program. Joan, did you have any ideas about
10 what we were going to do next month?

11 MS. JOAN McKINNEY: No.

12 MR. CHARLES TURNER: Why don't we
13 talk about -- we don't have nearly enough of these
14 kind of meetings where we attack Ron for forty-five
15 minutes. I'd say let's do that.

16 MS. JOAN McKINNEY: Well, we ought
17 to, when we bring Bobby Weston and Tom Turecek on
18 board, we ought to ask them to discuss things about
19 themselves and talk a little bit, and then we can
20 share a little bit about who we are. I don't know
21 that we -- in the year that I've been here, you know,
22 I don't know that any of us really went around the
23 table and said -- maybe you did that years ago, I

1 don't know.

2 MR. DONALD CUNNINGHAM: We did.

3 MR. CHARLES TURNER: We did it very
4 painfully the first time we met.

5 MS. JOAN MCKINNEY: But we do have
6 those two new members, so that's, you know -- that's
7 going to be three minutes right there.

8 MR. CHARLES TURNER: It's going to
9 be a lot easier on them than it was on us.

10 MR. RON LEVY: Yeah, I'm sure we
11 could get that as part of the agenda.

12 One other thing, there is some
13 information coming out, at least from the geophysical
14 standpoint, that we know about from the SIs; that is,
15 we've discovered two fill areas up and around Reilly
16 Lake that you may want to hear something about that.
17 Maybe we could bring in IT and talk a little bit. We
18 don't have the analytical back, but we do have the
19 geophysical. We know that there is some significant
20 disturbances there, and you can actually see that
21 there was some trench and fill areas up in that -- up
22 in and around the Reilly Lake area.

23 MR. FERN THOMASSY: Yeah.

1 MR. JIMMY PARKS: Could I ask that
2 we get an update of graphite smoke training the next
3 time?

4 MR. CHARLES TURNER: Yes, sir, I
5 think that's appropriate.

6 MR. CHARLES TURNER: Do we want to
7 maybe plan for a little longer meeting next time?
8 Just go ahead and grin and bear it for an hour and a
9 half or two hours? Because I don't think we're going
10 to be able to do all this in an hour.

11 MR. FERN THOMASSY: Hour and a
12 half.

13 MR. CHARLES TURNER: Hour and a
14 half. We're going to have an hour and a half meeting
15 next time.

16 DR. BARRY COX: Do you think
17 somebody from the Army won't come down and explain the
18 cuts to us? I mean, that's what the --

19 MR. CHARLES TURNER: Would you?

20 DR. BARRY COX: That's what
21 happened --

22 MR. RON LEVY: Explain the
23 deferrals?

1 DR. BARRY COX: Yes, cuts. You
2 know, that's what happened with the A&AD RAB, that
3 they --

4 MR. RON LEVY: Would you like me to
5 ask somebody from Department of Army to come down and
6 do that? Is that what you're asking?

7 DR. BARRY COX: Yeah, I'm just
8 throwing that out. Would we like that? Would you
9 like to --

10 MR. FERN THOMASSY: I'm not sure --
11 Ron will know what those cuts are, the substance, the
12 technical substance and the impact from them is all
13 here in his shop. I don't believe they can give us
14 anything more than a bunch of policy and the same
15 numbers that he's repeating to us right now. I would
16 like to hear the technical --

17 MR. CHARLES TURNER: I would like
18 to see it in writing.

19 MR. FERN THOMASSY: Is that true,
20 Ron, what I said? Or is Barry onto something that
21 maybe we ought to have people from TRADOC or DA come?

22 MR. RON LEVY: You're looking for
23 the impacts from the deferrals. You know what the

1 deferrals are. We've told you what the deferrals are.
2 You're looking for what those impacts are at our
3 level.

4 MR. FERN THOMASSY: Right, exactly.

5 MR. RON LEVY: I understand.

6 MR. FERN THOMASSY: That's your
7 office. We're not going to get that from TRADOC or
8 DA, are we?

9 MR. RON LEVY: That's the Army and
10 that's the BCT.

11 MR. FERN THOMASSY: Okay.

12 MR. CHARLES TURNER: So, y'all are
13 going to give it to us in writing next time?

14 Any other business? It's good to
15 see all y'all. I move we adjourn.

16 (WHEREUPON, the meeting was adjourned.)

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C E R T I F I C A T E

STATE OF ALABAMA)
CALHOUN COUNTY)

I, SAMANTHA E. NOBLE, a Court
Reporter and Notary Public in and for The State of
Alabama at Large, duly commissioned and qualified,
HEREBY CERTIFY that this proceeding was taken before
me, then was by me reduced to shorthand, afterwards
transcribed upon a computer, and that the foregoing is
a true and correct transcript of the proceeding to the
best of my ability.

I FURTHER CERTIFY this proceeding
was taken at the time and place and was concluded
without adjournment.

1 IN WITNESS WHEREOF, I have hereunto
2 set my hand and affixed my seal at Anniston, Alabama,
3 on this the 20th day of March, 1999.

4

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SAMANTHA E. NOBLE

10

Notary Public in and for

11

Alabama at Large

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14 MY COMMISSION EXPIRES: 11-14-2001.

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