



# Baldwin County Commission

## Legislation Text

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**File #:** 18-0877, **Version:** 1

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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 9/4/2018

**Item Status:** New

**From:** Ronald J. Cink, County Administrator

**Submitted by:** Keri E. Green, Administrative Support Specialist III

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### **ITEM TITLE**

Baldwin County Eastern Shore Health Care Authority - Board Appointments

### **STAFF RECOMMENDATION**

Related to the Baldwin County Eastern Shore Health Care Authority Board, take the following actions:

- 1) Re-appoint Mrs. Emalyn Johnson as a member of the Board of Directors for slot #4, for the remaining unexpired six (6) year term, which began on April 30, 2018, and will expire on April 30, 2024; and
- 2) Re-appoint Mr. John Baker as a member of the Board of Directors for slot #5, for the remaining unexpired six (6) year term, which began on April 30, 2018, and will expire on April 30, 2024; and
- 3) Re-appoint Mr. Marion (Tut) Wynne as a member of the Board of Directors for slot #9, for the remaining unexpired six (6) year term, which began on April 30, 2018, and will expire on April 30, 2024.

### **BACKGROUND INFORMATION**

**Previous Commission action/date:** N/A

#### **Background:**

On August 22, 2018, the Board of Directors of the Baldwin County Eastern Shore Health Care Authority (Authority) adopted a Resolution whereby the Authority proposed a list of three (3) nominees, as follows, for appointment to the Board of Directors:

Ms. Emalyn Johnson (Slot #4)

Mr. Marion "Tut" Wynne (Slot #5)

Mr. John Baker (Slot #9)

On August 24, 2018, Commission staff received correspondence from the Baldwin County Eastern

Shore Health Care Authority ("Board"), including a certified copy of the Resolution (attached) adopted by the Baldwin County Eastern Shore Health Care Authority, which submits said nominees to the Board of Directors of the Authority for Commission approval, as required by §22-21-352, Code of Alabama 1975.

The aforementioned certified copy of the Resolution is required to be adopted by the Authority and caused to be filed with the Commission within statutorily set time parameters [not more than 90 nor less than 10 days prior to the expiration of such term of office (or in case of a vacancy resulting from the death or resignation of any such director or from a cause other than the expiration of the stated term of office of any such director, within 30 days following the occurrence of such vacancy)] and in resolution / certified form, pursuant to Alabama law, specifically, §22-21-352, Code of Alabama 1975.

The Commission can choose only one (1) nominee, of the three (3) nominees, for each of the three (3) seats or places related to the pending vacancies, respectively.

Further, please note that there remain no "required qualifications" set forth in §22-21-310, et seq., Code of Alabama 1975 for citizens to be appointed to the Authority. However, within §22-21-316, Code of Alabama 1975, such "required qualifications" are self-imposed by the Authority through their Certificate of Incorporation [in this case Certificate of Reincorporation], as amended, which requires that they only "reside in Baldwin County, Alabama."

Lastly, there is a provision in §22-21-316 (b) Code of Alabama 1975 which requires appointments to be made no earlier than thirty (30) days prior to the date such director is to take office [i.e. the County Commission can't make appointments thirty-one (31) days or more in advance to the date the said director(s) is (are) to take office]. The Commission is compliant with this provision.

On August 28, 2018, the Commission discussed the Board Appointments at the work session. Staff has verified that the nominees reside in Baldwin County.

## **FINANCIAL IMPACT**

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?**  
N/A

## **LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**  
N/A

**Reviewed/approved by:** N/A

**Additional comments:** N/A

**ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** N/A

**If the proof of publication affidavit is not attached, list the reason:** N/A

**FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** N/A

**Individual(s) responsible for follow up:** Administration to send correspondence to the following:  
Baldwin County Eastern Shore Health Care Authority  
Post Office Drawer 929  
Fairhope, Alabama 36532

Mrs. Emalyn Johnson  
9591 Highway 104  
Fairhope, Alabama 36532

Mr. Marion (Tut) Wynne  
711 Greenwood Avenue  
Fairhope, Alabama 36532

Mr. John Baker  
Post Office Box 395  
Fairhope, Alabama 36532

cc:  
Ormand P. Thompson, III, President - [ormand.thompson@infirmarhealth.org](mailto:ormand.thompson@infirmarhealth.org)  
Susan Hunt, Assistant - [susan.hunt@infirmarhealth.org](mailto:susan.hunt@infirmarhealth.org)  
Ron Cink, County Administrator

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**  
N/A

**Additional instructions/notes:** N/A