



Baldwin County Commission

Legislation Text

File #: 18-0195, **Version:** 1

Meeting Type: BCC Regular Meeting
Meeting Date: 6/5/2018
Item Status: New
From: Ronald J. Cink, County Administrator
Submitted by: Keri E. Green, Administrative Support Specialist III

ITEM TITLE

South Baldwin Health Care Authority - Board Appointments

STAFF RECOMMENDATION

Related to the South Baldwin County Health Care Authority, take the following actions:

- 1) Appoint John Boller for place seat #7, to replace John Andrew Schaff, Sr., for a pro-rata reduced six (6) year term, said term to commence on June 5, 2018, and expire June 1, 2024; and
- 2) Re-appoint Clark Stewart for place seat #8, for a six (6) year term, said term to continue from June 1, 2018, and expire June 1, 2024; and
- 3) Re-appoint Sandra S. Russell for place seat #9, for a six (6) year term, said term to continue from June 1, 2018, and expire June 1, 2024.

BACKGROUND INFORMATION

Previous Commission action/date: N/A

Background:

The Chairman of the South Baldwin County Health Care Authority ("Authority"), Mr. Clark Stewart, forwarded the attached correspondence, dated May 8, 2018, to the Baldwin County Commission ("Commission") with the Authority's recommendations for each of the three terms that will expire June 1, 2018 so that the Commission can appoint board members from the submitted names.

The following three board members' terms expire on June 1, 2018:

Mr. John Andrew Schaff, Sr. (slot #7)
Mr. Clark Stewart (slot #8)
Mr. Sandra S. Russell (slot #9)

The nominations were discussed at the May 22, 2018, Baldwin County Commission work session.

General Background Information:

Section 22-21-316 (b), Code of Alabama 1975, states "if, at the expiration of any term of office of any director, a successor thereto shall not have been elected or appointed, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected or appointed."

It must be noted that the Authority, years ago, adopted an instrument which augments their governing Certificate of Reincorporation, which allows the Authority to propose a list (by and through an Authority Resolution certified to the Commission within certain timelines) of three (3) nominees for each place-seat (or "Slot") that becomes vacant due to an expiration of office of a member or upon the death of a member on said Board of Directors of the Authority.

However, the Authority did not record the instrument in Probate Court which negates its use.

Therefore, the governing Certificate of Reincorporation of the Authority, consistent with Section 22-21-316, Code of Alabama 1975, sets for the parameters regarding appointment by the Baldwin County Commission to members of the Board of Directors. The nine (9) members of the Board of Directors are appointed by the Baldwin County Commission for terms, each, of six (6) years and must be residents of Baldwin County, Alabama.

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 re-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 Reincorporation, as amended, which, in this case, 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 is to take office].

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 Department

Action required (list contact persons/addresses if documents are to be mailed or emailed):
Appointment/Reappointment letters to:

Mr. John Boller
P. O. Box 133
Gulf Shores, Alabama 36547

Mr. Clark Stewart
P.O. Box 1747
Foley, Alabama 36535

Ms. Sandra S. Russell
117 West Rosetta Avenue
Foley, Alabama 36535

cc:
Mr. Clark Stewart, Chairman of South Baldwin County Health Care Authority
1613 North McKenzie Street
Foley, Alabama 36535

Mr. Michael Elder, Executive Director
South Baldwin County Health Care Authority
ADDRESS FORTHCOMING

Administration: Update Board Header

Additional instructions/notes: N/A