



Baldwin County Commission

Legislation Text

File #: 19-0820, **Version:** 1

Meeting Type: BCC Regular Meeting
Meeting Date: 3/6/2019
Item Status: New
From: Ronald J. Cink, Budget Director
Submitted by: Miranda N. McKinnon, Administrative Support Specialist

ITEM TITLE

Orange Beach Water, Sewer & Fire Protection Authority - Board Appointment

STAFF RECOMMENDATION

Related to the Orange Beach Water, Sewer & Fire Protection Authority, re-appoint Mr. Jason Jackson as a member of the Board of Directors for a six (6) year term, said term to continue from March 1, 2019, and expire on March 1, 2025.

BACKGROUND INFORMATION

Previous Commission action/date: N/A

Background:

GENERAL BACKGROUND -

The Orange Beach Water, Sewer & Fire Protection Authority submitted the attached correspondence, dated February 21, 2019, to the Baldwin County Commission requesting the re-appointment of Mr. Jason Jackson.

Staff asserts that all appointments are at the discretion of the Baldwin County Commission which can approve a qualified citizen of its choice.

PART II - GENERAL BACKGROUND - APPOINTMENT TO WATER, SEWER AND FIRE PROTECTION AUTHORITIES:

The Authority is a public corporation initially established, in 1968, pursuant to applicable Sections of the Code of Alabama 1958 Recompiled, and, currently, is statutorily governed pursuant to §11-88-1 et seq., Code of Alabama 1975; further, when established, in 1968, this Authority was composed of a three (3) member Board of Directors and, today, is composed of a five (5) member Board of Directors appointed by the Commission to serve, respectively, terms of six (6) years each.

To provide information required to make this decision please note that there remains "required

qualifications" set forth in §11-88-6 Code of Alabama 1975 for citizens to be appointed to the Authority. The "required qualifications" for nominees are that such persons:

1. Be a duly qualified elector (i.e. registered voter) in Baldwin County; and
2. Be a resident of that part of the service area of the Authority; and
3. Be an owner of real property in that part of the service area of the Authority; and
4. Cannot be an officer of the state, county or municipality during tenure of office.

Furthermore, on this Authority all regular appointments, and appointments to vacancies, are made by the Commission.

Lastly, there is a provision in §11-88-6 Code of Alabama 1975 which requires appointments/re-appointments to be made no earlier than thirty (30) days prior to the date such appointment is to be effective [i.e. the Commission cannot make appointments/reappointments thirty-one (31) days or more in advance of the date on which a director is to take office].

PART III - BACKGROUND ON PROPOSED APPOINTMENT:

The Board of Directors of the Authority has conducted non-binding elections, since (based on what staff can ascertain) beginning in the late 1980's, from among its membership (subscribers) to propose nominees to the Commission for vacant place-seats on the Board of Directors. Thereafter, the Commission may accept said nominations or can appoint pursuant to its discretion. The Authority proposes the Commission appoint the nominee whom gains the most votes for each place-seat in each non-binding election.

Staff has verified with the Board of Registrars that Mr. Jackson is a duly qualified elector (i.e. registered voter) of Baldwin County, Alabama, a resident of that part of the service area of the Authority, an owner of real property of that part of the service area of the Authority, and not an officer of the State, County or municipality.

Mr. Jackson meets all of the requirements to be appointed to the Board of Directors of the Authority as set forth in §11-88-6, et seq., Code of Alabama 1975.

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

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

Appointment Letter:

Mr. Jason Jackson
26527 Cotton Bayou Drive
Orange Beach, Alabama 36561

cc:

L. Godbee Smith, Vice Chairman
Orange Beach Water, Sewer & Fire Protection Authority
P.O. Box 247
Orange Beach, Alabama 36561

Additional instructions/notes: N/A