



Baldwin County Commission

Legislation Text

File #: 23-0049, Version: 1

Meeting Type: BCC Regular Meeting

Meeting Date: 12/5/2022

Item Status: New

From: Ronald J. Cink, Budget Director/Interim County Administrator

Submitted by: Anu Gary, Administrative Services Manager

ITEM TITLE

South Baldwin County Health Care Authority - Board Appointment(s)

STAFF RECOMMENDATION

Action Item with discussion necessary - Commission to review the nominees recommended by the Board of Directors of the South Baldwin County Health Care Authority.

Staff Note: The Authority amended its bylaws on June 30, 2022, which eliminated the need for three (3) nominees to be submitted for consideration for each vacant slot on the board. The amended bylaws require that the Authority only submit one (1) nominee for each vacant slot to be considered for appointment by the County Commission.

Related to the South Baldwin County Health Care Authority, consider and approve the following appointments to the Board of Directors:

1) Appoint the following nominee for slot #4, to replace Mr. John Lee, for a pro-rata reduced six (6) year term, said term to commence on December 5, 2022, and expire June 1, 2028:

Mr. John Lee (this is a re-appointment)

2) Appoint the following nominee for slot #5, to replace Mr. Aubon Clyde Abrams, Jr., for a pro-rata reduced six (6) year term, said term to commence on December 5, 2022, and expire June 1, 2028:

Mr. Aubon Clyde Abrams, Jr. (this is a re-appointment)

3) Appoint the following nominee for slot #6, to replace the late Mr. Arthur Holk, for a pro-rata reduced six (6) year term, said term to commence on December 5, 2022, and expire June 1, 2028:

Mr. Clark Cathey (this is a new appointment)

BACKGROUND INFORMATION

Previous Commission action/date: March 16, 2021

Background: Mr. Clark Stewart, Chairman of the South Baldwin County Health Care Authority (SBHCA), submitted correspondence dated August 17, 2022 (attached), to the Commission with the Authority's recommendation for board appointments to three slots on the board of directors, which expired June 1, 2022.

The Authority amended its bylaws on June 30, 2022, which eliminated the need for three (3) nominees to be submitted for consideration for each vacant slot on the board. The amended bylaws require that the Authority only submit one (1) nominee for each vacant slot to be considered for appointment by the County Commission.

The SBHCA approved a resolution on November 2, 2022 (attached), proposing the following three nominees to be appointed by the Baldwin County Commission to fill the three seats on the board of directors.

Slot #4 - Re-appoint John Lee

Slot #5 - Re-appoint Aubon Clyde Abrams, Jr.

Slot #6 - Appoint Clark Cathey to replace the late Mr. Arthur Holk

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."

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.

There are 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.

Provision in §22-21-316 (b) Code of Alabama 1975 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? Yes, needs County Attorney's review due to changes to bylaws and BCC appointments.

Reviewed/approved by: Reviewed and approved by Brad Hicks, County Attorney 08/23/2022 akc

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):
Verify Appointment/Reappointment letters to the three selected appointees.

Re-appointment Letter to:

Mr. John Lee
25655 Stapleton Lane
Loxley, Alabama 36551

Mr. Aubon Clyde Abrams, Jr.
9496 lakeview Drive
Foley, Alabama 36535

Appointment Letter to:

Mr. Clark Cathey
2039 Main Street
Daphne, Alabama 36526

cc:

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

Mr. Michael Elder, Executive Director
South Baldwin County Health Care Authority
11111 U.S. Highway 31, STE B
Spanish Fort, Alabama 36527

Administration: 1) Update board list; 2) make changes to header re: amended bylaws and appointment of nominees by BCC; and 3) update contact number for Mr. Elder: 251-604-8172.

Additional instructions/notes: N/A