

Alabama Board of Examiners of Assisted Living Administrators
Called Board Meeting

Date: Tuesday, February 26, 2008
Time: 10:00 a.m.

Place: 5921 Carmichael Road
Montgomery, AL

Members Present: Ms. Kathy Tankersley
Mr. Tommy McKinnon
Ms. Rita VanDyke
Ms. Mamie Mahone
Mr. George Smith

Members Absent: Mr. David Wilbanks
Ms. Merlinda Nettles

Others Present: Ms. Bettie Carmack, Attorney General Representative
Ms. Amy Findley, Executive Director

Call to Order: The called meeting of the Board was called to order at 10:25 a.m. by chairperson, Mamie Mahone.

Agenda: Mamie Mahone requested the Board move the AG Opinion after the minutes and add Senate Bill 187 before the RFP.

Rita VanDyke motioned to approve the agenda with changes, Kathy Tankersley seconded the motion. No opposition. Motion carried unanimously.

Minutes from January 10, 2008: Tommy McKinnon motioned to approve the minutes with changes, Rita VanDyke seconded the motion. No opposition. Motion carried.

AG Opinion: The AG Opinion was presented to the Board.

The three questions asked were:

- 1) What is ALAA's role in advising the BOEALA?
- 2) Can a Board member serve on both the BOEALA and ALAA Boards?
- 3) Can the BOEALA and ALAA have a shared employee?

The answers from the Attorney General's Office were as follows:

- 1) ALAA's advice is limited to advising the BOEALA on regulations.
- 2) There is not a problem with a person serving on both the ALAA and BOEALA Boards as long as the Ethics Commission does not foresee a problem.
- 3) Yes, the BOEALA can share a clerical employee. The BOEALA and ALAA can contract for office space as long as it is based on fair market value.

Bettie Carmack gave Rita VanDyke information to submit to the Ethics Commission regarding her Board position on both Boards. The information will also be given to Jimmy Law since his wife serves on the ALAA board.

BOE Monthly Checklist: The January 2008 Monthly Checklist was presented to the Board.

Emergency Permit: Amy Findley gave a brief report on the Emergency Permit application for RJ.

RJ had 15 days to submit notice to the BOEALA regarding an administrator change, he also had 120 days to have an Emergency Permit and get someone licensed for his facility. RJ did not do any of the above and has sent in an Emergency Permit application due to his facility having a bad survey.

Discussion was held.

On a motion by Kathy Tankersley and a second by George Smith, the ALABOE is declining the Emergency Permit application of RJ. No opposition. Motion carried.

Senate Bill 187: Senate Bill 187 was given to the Board for review. The Sunset Review committee has submitted a Bill requesting that the BOEALA be extended until October 1, 2009.

Request for Proposal: Mamie Mahone presented the Board with a comparison of the BOEALA and the BOENHA.

Unclassified and Merit employee status were discussed.

Discussion was held regarding Amy Findley continuing to serve as Executive Director by becoming an unclassified employee as well as continuing her duties with ALAA.

Amy Findley presented the Board with an office space spreadsheet from July 2007.

There were three RFP's submitted. Warren and Co. submitted a bid for \$3,250 that did not include office supplies, postage, Board travel, Board Payments, etc. Suzelle Josey submitted a bid for \$4,500 that did not include office space and necessary supplies, and Paula McCaleb submitted a bid for \$5,000 that included office space and excluded various expenses related directly to the BOEALA. The board determined that the estimated cost to keep Amy Findley on as Executive Director, including office space and supplies would be about \$3,500.00.

After much discussion and comparing rent, salaries, etc, a motion was made by Tommy McKinnon and a seconded by Rita VanDyke and the Board chose not to accept any of the RFP's submitted but asked Amy Findley to continue her role as Executive Director and become an unclassified part-time employee with the State. The BOEALA will be submitting a proposal to ALAA regarding rent, office furniture, computer, etc. No opposition. Motion carried.

Mamie Mahone will draft the rejection letters to the three companies that submitted RFPs.

Bettie Carmack spoke with Darby Forrester in State Personnel, Ms. Forrester stated that personnel does not have a stake in whether an employee is employed by both a board and an association. Personnel only precludes the employment of an Executive Director by two different state agencies.

On a motion by Kathy Tankersley and a second by Rita VanDyke, the BOEALA will reclassify the Executive Director position to unclassified. No opposition. Motion carried.

On a motion by Tommy McKinnon and a second by George Smith, the BOEALA will terminate Amy Findley's professional services contract pending the approval of the unclassified position with the State of Alabama at a rate of \$24.00 per hour for 20 hours per week. Anything over 20 hours per week will have to be pre-approved by the Chair. No opposition. Motion carried.

Proposal to ALAA from BOEALA

- Copier- 400 free copies per month
\$.10 per additional copy over the 400 (to be billed from ALAA)
- Postage- To be billed by ALAA per actual usage
- Furniture- Desk, Hutch, Chair, 3 filing cabinets, lamp, desk accessories, fax and Printer (BOEALA will pay \$500 for all the stated items)
(All current furniture in use now by the BOEALA)
- Computer- BOEALA will assume the lease from Dell Financial Services
- Office Space- ALAA will provide a solid wall for the new BOE Office
BOEALA will sub-lease space from ALAA for \$450 per month (Includes utilities) BOEALA will pay the \$450 directly to Henderson Investments

The BOEALA will be responsible for the following payments:

Executive Director Salary
Renters Insurance
Phone/Internet
Postage
Supplies

On a motion by Kathy Tankersley and a second by Tommy McKinnon, the BOEALA asks Bettie Carmack to draft a letter to ALAA regarding amending the current lease agreement terms as stipulated from Board discussion to be effective April 1, 2008. No opposition. Motion carried.

New Business: none

Old Business: none

George Smith motioned to adjourn the meeting at 1:50 p.m., Rita VanDyke seconded the motion. No opposition. Motion carried.

Approved by: _____
Mamie Mahone, Chairwoman

Prepared by: _____
Amy Findley, Executive Director