

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE GENERAL SESSION OF THE INDIGENT HEARING  
WEDNESDAY, AUGUST 1, 2012  
9:00 A.M.**

The Board of Ada County Commissioners (Board) met this date in Open Session in the Commissioners' Conference Room of the Ada County Courthouse Complex to act on the following items. Staff members present: Bonnie Malmstrom, Toni Hellman, Kelly Helland, Roxanna Dempsay, Renee Jaques and John Traylor, Indigent Services; and Claire Tardiff and Gene Petty, Prosecuting Attorney's Office. Minutes Recorder: Judy Morris.

**I. IN THE MATTER OF CALL TO ORDER:**

Commissioner Rick Yzaguirre called the meeting of the Ada County Commissioners to order at 9:00 a.m.

**II. IN THE MATTER OF ROLL CALL:**

Commissioners Rick Yzaguirre, Sharon M. Ullman and David L. Case were present.

**III. CHANGES TO THE AGENDA:**

There were no changes to the agenda.

**IV. IN THE MATTER OF OPEN SESSION – HARDSHIP APPLICATIONS AND CONSENT AGENDA:**

1. Tax Hardships

- Name

Application #	Parcel #	Year	Amount
1. Kidz Connection #12-011	R0432000102	2nd ½ of 2009	\$2,904.19
		2010	\$6,248.78
		2011	\$5,814.91
2. Inge E Cox #12-013	R7103260110	2010	\$805.12
		2011	\$291.12
		2012	\$796.63
3. Donald P Morris #12-014	R3826540030	2009	\$1,367.12
		2010	\$1,272.36
		2011	\$1,044.04
		2012	\$834.86
4. Vernon L Barnett #12-016	R9206500245	2012	est. w/o HOE \$2,235.31 est. w/ HOE \$1,117.65/ est. reduction \$1,117.66

William J. Walgamott, II, was present on behalf of Kidz Connection and sworn in for testimony. Staff was sworn in for testimony.

**ACTION: S. ULLMAN MOVED TO ADJOURN INTO EXECUTIVE SESSION PURSUANT TO IDAHO CODE § 67-2345(1)(d) TO DISCUSS HARDSHIP APPLICATIONS AND PERSONAL FINANCIAL DATA; AND THAT THE VOTE TO DO SO BE BY ROLL CALL. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY**

*[After returning to Open Session, the following actions were taken on Hardship Applications.]*

**ACTION: S. ULLMAN MOVED TO APPROVE THE TAX HARDSHIP FOR THE SECOND HALF OF 2009 FOR APPLICATION NO. 12-011 INCLUDING INTEREST AND PENALTIES, BUT DENY THE HARDSHIP FOR 2010 AND 2011. D. CASE SECONDED.**

**DISCUSSION: R. YZAGUIRRE EXPLAINED HIS POSITION ON GRANTING A HARDSHIP FOR**

**APPLICATION NO. 12-011 AND STATED FOR THE RECORD THAT HE WOULD BE VOTING NO.**

**ACTION: S. ULLMAN, AYE, AND D. CASE, AYE. R. YZAGUIRRE, NAY. THE MOTION CARRIED.**

**ACTION: S. ULLMAN MOVED TO APPROVE THE TAX HARDSHIP FOR THE 2010 TAXES, INTEREST AND PENALTIES FOR APPLICATION NO. 12-013 AS THE AVAILABLE RESOURCES ARE STRAINED AND THE OWNER WILL BE FACING PROBLEMS RETAINING OWNERSHIP IN THE NEAR FUTURE, BUT DENY THE HARDSHIP FOR YEARS 2011 AND 2012 AS SHE WILL HAVE THE AVAILABLE RESOURCES AND WILL NOT BE IN TAX DEED FOR THOSE YEARS; DENY APPLICATION 12-014 AS THERE ARE AVAILABLE RESOURCES TO PAY THE TAXES; APPROVE THE HARDSHIP WITH REGARD TO THE HOMEOWNER'S EXEMPTION ONLY FOR APPLICATION NO. 12-016 AND REDUCE THE TAXES BY THE VALUE OF THE TAXES THAT WOULD APPLY HAD THERE BEEN A HOMEOWNER'S EXEMPTION IN PLACE; AND AUTHORIZE THE CHAIRMAN OR ACTING CHAIRMAN TO SIGN THE APPROPRIATE DOCUMENTS ON BEHALF OF THE BOARD. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

2. Consent Agenda (*Authorize the Chairman to Sign the Appropriate Documents*)
  - a. 0 Matters to be Continued - Exhibit "A"
  - b. 2 Matters to be Withdrawn from Further Consideration - Exhibit "B"
  - c. 6 Matters to be Removed from the Table to be Heard - Exhibit "C"
  - d. 27 Final Decisions for Hearings from 7/12/12 - Exhibit "D"

**ACTION: S. ULLMAN MOVED TO APPROVE THE CONSENT AGENDA – 0 MATTERS TO BE CONTINUED AS LISTED ON EXHIBIT "A," 2 MATTERS TO BE WITHDRAWN FROM FURTHER CONSIDERATION AS LISTED ON EXHIBIT "B," 6 MATTERS TO BE REMOVED FROM THE TABLE TO BE HEARD AS LISTED ON EXHIBIT "C," AND 27 FINAL DECISIONS FOR HEARINGS FROM 7/12/12 AS LISTED ON EXHIBIT "D;" THAT SAID EXHIBITS REMAIN ON FILE IN THE COMMISSIONERS' OFFICE; AND AUTHORIZE THE CHAIRMAN TO SIGN THE APPROPRIATE DOCUMENTS ON BEHALF OF THE BOARD. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**V. IN THE MATTER OF EXECUTIVE SESSION:**

**ACTION: S. ULLMAN MOVED TO ADJOURN INTO EXECUTIVE SESSION TO HEAR MEDICAL INDIGENCY APPLICATIONS WHICH, IN ACCORDANCE WITH IDAHO CODE § 31-874, ARE REQUIRED TO BE KEPT CONFIDENTIAL; AND THAT THE VOTE TO DO SO BE BY ROLL CALL. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**VI. IN THE MATTER OF OPEN SESSION:**

After returning to Open Session, the following actions were taken:

1. Motion on Appeal Hearings (*Authorize the Chairman to Sign*)

**ACTION:** S. ULLMAN MOVED TO TABLE CASE NOS. 1205-138, 1205-106 AND 1205-147 TO SEPTEMBER 5, 2012; TABLE CASE NOS. 1205-097 AND 1202-033 TO SEPTEMBER 12, 2012; TABLE CASE NO. 1205-107 TO SEPTEMBER 26, 2012; TABLE CASE NO. 1206-029 TO OCTOBER 3, 2012; TAKE ALL OTHER CASES UNDER 30 DAY ADVISEMENT, CLOSE THE RECORD ON THOSE CASES, EXCEPT ON THOSE CASES THAT THE BOARD HAS AUTHORIZED THE SUBMISSION OF ADDITIONAL DOCUMENTATION, WITH SUCH SUBMISSION TO BE MADE NO LATER THAN 5:00 PM FRIDAY, AUGUST 3, 2012; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

2. Weekly Indigent Items (*Authorize the Chairman to Sign*)

(6 Approvals; 37 Denials; 27 Liens; 26 Form N1 (UCC) Liens; 36 Releases of Lien; 34 Releases of Form N1 (UCC) Liens; 3 Lien Corrections; and 3 Form N3 (UCC) Amendment Liens)

R. Dempsay presented the weekly indigent report and submitted the indigent requests.

3. Special Cases (*Authorize the Chairman to Sign*)

a. UNFINISHED BUSINESS

- 0901-028 (*Tabled from 7/25/12*)

**ACTION:** S. ULLMAN MOVED TO REMOVE CASE NO. 0901-028 FROM THE TABLE FOR CONSIDERATION. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

R. Jaques presented the Staff report for Case No. 0901-028, a request for a release of lien.

b. NEW BUSINESS

- 0904-027

R. Jaques presented the Staff report for Case No. 0904-027, a financial review.

**ACTION:** S. ULLMAN MOVED TO ACCEPT THE RECOMMENDATIONS OF THE INDIGENT SERVICES STAFF AS LISTED ON THE SUMMARY OF CASES DATED AUGUST 1, 2012, FOR 6 APPROVALS; 37 DENIALS; 27 LIENS; 26 FORM N1 (UCC) LIENS; 36 RELEASES OF LIEN; 34 RELEASES OF FORM N1 (UCC) LIENS; 3 LIEN CORRECTIONS; AND 3 FORM N3 (UCC) AMENDMENT LIENS; DENY CASE NO. 0901-028; CONTINUE TO SUSPEND THE ORDER OF REIMBURSEMENT FOR CASE NO. 0904-027; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

**VII. IN THE MATTER OF RECESS:**

There being no further business to come before the Board at this time, the meeting was recessed at approximately 11:03 a.m.

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Rick Yzaguirre, Chairman

ATTEST:

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Christopher D. Rich, Ada County Clerk