

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE GENERAL SESSION OF THE INDIGENT HEARING
WEDNESDAY, AUGUST 29, 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; Jana Gomez and Claire Tardiff, Prosecuting Attorney's Office. Minutes Recorder: Donna Dana and 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 THE CONSENT AGENDA:

- Consent Agenda (*Authorize the Chairman to Sign the Appropriate Documents*)
 - a. 3 Matters to be Continued – Exhibit "A"
 - b. 0 Matters to be Withdrawn from Further Consideration – Exhibit "B"
 - c. 5 Matters to be Removed from the Table to be Heard – Exhibit "C"
 - d. 18 Final Decisions for Hearings from 8/7/12 - Exhibit "D"

ACTION: S. ULLMAN MOVED TO APPROVE THE CONSENT AGENDA – 3 MATTERS TO BE CONTINUED AS LISTED ON EXHIBIT "A," 0 MATTERS TO BE WITHDRAWN FROM FURTHER CONSIDERATION AS LISTED ON EXHIBIT "B," 5 MATTERS TO BE REMOVED FROM THE TABLE TO BE HEARD AS LISTED ON EXHIBIT "C," AND 18 FINAL DECISIONS FOR HEARINGS FROM 8/7/12 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.

The Board returned to Open Session to adjourn into Executive Session to discuss records exempt from disclosure.

ACTION: S. ULLMAN MOVED TO ADJOURN INTO EXECUTIVE SESSION PURSUANT TO IDAHO CODE § 67-2345(1)(D) TO DISCUSS RECORDS FROM DISCLOSURE 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.

The Board returned to Open Session to re-adjourn into Executive Session to continue hearing medical indigency applications.

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 and Hardship Applications (*Authorize the Chairman to Sign*)

ACTION: S. ULLMAN MOVED TO TABLE APPEAL CASE NO. 1205-064 TO OCTOBER 31, 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 31, 2012; DENY TAX HARDSHIP APPLICATION NO. 12-017 AS THE TAXES HAVE BEEN PAID AND THERE IS NO THREAT OF TAX DEED; TABLE TAX HARDSHIP APPLICATION NO. 12-020 TO SEPTEMBER 5, 2012, TO ALLOW STAFF TIME TO OBTAIN ADDITIONAL INFORMATION AND INVITE THE APPLICANT TO ATTEND THE HEARING; 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*)

- a. *Ratification*

(*signed by Commissioner Yzaguirre on August 23, 2012*)

- 1 Partial Release of Lien, Case No. 0704-055

- b. 14 Approvals; 42 Denials; 54 Liens; 50 Form N1 (UCC) Liens; 20 Releases of Lien; 19 Releases of Form N1 (UCC) Liens; 3 Lien Corrections; 3 Form N3 (UCC) Amendment Liens; and 7 Amended Orders of Reimbursement

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

ACTION: D. CASE MOVED TO APPROVE AND RATIFY THE PARTIAL RELEASE OF LIEN FOR CASE NO. 0704-055 EXECUTED BY COMMISSIONER YZAGUIRRE ON AUGUST 23, 2012; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. S. ULLMAN SECONDED. D. CASE, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

ACTION: D. CASE MOVED TO ACCEPT THE RECOMMENDATIONS OF THE INDIGENT SERVICES STAFF AS LISTED ON THE SUMMARY OF CASES DATED AUGUST 29, 2012, INCLUDING 14 APPROVALS; 42 DENIALS; 54 LIENS; 50 FORM N1 (UCC) LIENS; 20 RELEASES OF LIEN; 19 RELEASES OF FORM N1 (UCC) LIENS; 3 LIEN CORRECTIONS; 3 FORM N3 (UCC)

AMENDMENT LIENS; AND 7 AMENDED ORDERS OF REIMBURSEMENT; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. S. ULLMAN SECONDED. D. CASE, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

2. Special Cases (6) (*Authorize the Chairman to Sign*)
 - a. 1107-028 [*This Case was heard after Case No. 47595*]
 - b. #47595
 - c. 0807-023
 - d. 0801-049
 - e. 0904-124
 - f. 0903-019

R. Dempsay advised the Board that Case No. 47595 was a request to suspend an application pending determination of other resources.

C. Tardiff discussed Case No. 1107-028, which was processed through the Prosecuting Attorney's Office.

R. Jaques advised the Board that the Applicant for Case Nos. 0807-023 & 0801-049 withdrew her request for a consensual lien. She then presented the joint Staff reports for Case Nos. 0904-124 and 0903-019, a short sale settlement offer.

ACTION: S. ULLMAN MOVED TO APPROVE THE WAIVER OF NOTICE FOR CASE NO. 1107-028 IN THE FORECLOSURE SALE, WHILE NOT SETTING A PRECEDENT; SUSPEND THE APPLICATION FOR CASE NO. 47595 PENDING DETERMINATION OF OTHER RESOURCES; TAKE NO ACTION ON CASE NOS. 0807-023 AND 0801-049 AS THE REQUEST FOR A CONSENSUAL LIEN HAS BEEN WITHDRAWN; APPROVE A PARTIAL RELEASE OF LIEN FOR CASE NOS. 0904-124 AND 0903-019 WITH THE REQUIREMENT THAT \$2,000 WILL BE APPLIED TO THE BALANCE OWED TO THE COUNTY; 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 10:06 a.m.

Rick Yzaguirre, Chairman

ATTEST:

Christopher D. Rich, Ada County Clerk