

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE GENERAL SESSION OF THE INDIGENT HEARING
WEDNESDAY, FEBRUARY 13, 2013
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, John Traylor, Renee Jaques and Andrea DeGiulio, Indigent Services; and Lorna Jorgensen, Prosecuting Attorney's Office. Minutes Recorder: Judy Morris.

I. IN THE MATTER OF CALL TO ORDER:

Commissioner David L. Case called the meeting of the Ada County Commissioners to order at 9:00 a.m.

II. IN THE MATTER OF ROLL CALL:

Commissioners David L. Case, Jim Tibbs and Rick Yzaguirre 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. 0 Matters to be Continued – Exhibit "A"
 - b. 0 Matters to be Withdrawn from Further Consideration – Exhibit "B"
 - c. 10 Matters to be Removed from the Table to be Heard – Exhibit "C"
 - d. 21 Final Decisions for Hearings from 1/24/13 - Exhibit "D"

ACTION: J. TIBBS MOVED TO APPROVE THE CONSENT AGENDA – 0 MATTERS TO BE CONTINUED AS LISTED ON EXHIBIT "A," 0 MATTERS TO BE WITHDRAWN FROM FURTHER CONSIDERATION AS LISTED ON EXHIBIT "B," 10 MATTERS TO BE REMOVED FROM THE TABLE TO BE HEARD AS LISTED ON EXHIBIT "C," AND 21 FINAL DECISIONS FOR HEARINGS FROM 1/24/13 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. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

V. IN THE MATTER OF EXECUTIVE SESSION:

ACTION: R. YZAGUIRRE 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. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, 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*)

[R. Jaques and A. DeGiulio joined the hearings.]

ACTION: J. TIBBS MOVED TO TABLE CASE NOS. 1210-038 AND 1208-003 TO MARCH 27, 2013; 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, FEBRUARY 15, 2013; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. R. YZAGUIRRE SECONDED.

DISCUSSION: D. CASE INQUIRED IF THE MOTION NEEDED TO BE AMENDED TO SEPARATE CASE NO. 1210-156OR. D. CASE STATED THAT THE AMENDED MOTION WOULD BE TO CLOSE ALL OF THE CASES WITH THE EXCEPTION OF CASE NO. 1210-156OR AND ASKED FOR A SECOND.

ACTION: R. YZAGUIRRE SECONDED.

DISCUSSION: D. CASE CLARIFIED THAT THE AMENDED MOTION WAS BEING TAKEN AT THIS TIME. L. JORGENSEN AFFIRMED.

ACTION: R. YZAGUIRRE, AYE, AND D. CASE, AYE. J. TIBBS RECUSED HIMSELF FROM THE VOTE AS HE KNEW THE FATHER OF THE APPLICANT. THE MOTION CARRIED.

DISCUSSION: D. CASE THEN ASKED FOR THE VOTE ON THE ORIGINAL MOTION.

ACTION: J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

DISCUSSION: D. CASE THEN ASKED FOR A MOTION ON CASE NO. 1210-156OR.

ACTION: R. YZAGUIRRE MOVED TO TABLE CASE NO. 1210-156OR TO MAY 15, 2013. D. CASE SECONDED. R. YZAGUIRRE, AYE AND D. CASE, AYE. J. TIBBS, ABSTAIN.

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

[R. Jacques and A. DeGiulio were sworn in for testimony.]

(15 Approvals; 28 Denials; 30 Liens; 29 Form N1 (UCC) Liens; 19 Releases of Lien; 18 Releases of Form N1 (UCC) Liens; 1 Lien Correction; 1 Form N3 (UCC) Amendment Lien; and 1 Partial Release of Lien)

K. Helland presented the weekly indigent report and submitted the indigent requests.

3. Special Cases (4) (*Authorize the Chairman to Sign*)

- a. #48853
- b. 0701-007
- c. 0812-111
- d. 0909-083

K. Helland advised the Board that Case No. 48853 was a request to suspend an application pending determination of other resources.

R. Jaques presented the Staff report for Case Nos. 0701-007, a request for a subordination of lien, 0812-111 a request to modify an Order of Reimbursement and 0909-083, a request for a Consensual Lien.

The Board and Staff discussed the cases individually.

ACTION: R. YZAGUIRRE MOVED TO ACCEPT THE RECOMMENDATIONS OF THE INDIGENT SERVICES STAFF AS LISTED ON THE SUMMARY OF CASES DATED FEBRUARY 13, 2013, FOR 15 APPROVALS; 28 DENIALS; 30 LIENS; 29 FORM N1 (UCC) LIENS; 19 RELEASES OF LIEN; 18 RELEASES OF FORM N1 (UCC) LIENS; 1 LIEN CORRECTION; 1 FORM N3 (UCC) AMENDMENT LIEN; AND 1 PARTIAL RELEASE OF LIEN; SUSPEND CASE NO. 48853 PENDING DETERMINATION OF OTHER RESOURCES; DENY CASE NO. 0701-007; APPROVE CASE NO. 0812-111 WITH AN ORDER OF REIMBURSEMENT IN THE AMOUNT OF \$20 PER MONTH WITH A REVIEW AFTER ONE YEAR; APPROVE CASE NO. 0909-083 WITH AN ORDER OF REIMBURSEMENT OF \$25 PER MONTH; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, 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 10:20 a.m.

VIII. IN THE MATTER OF RECONVENING:

D. Case reconvened the meeting of the Ada County Commissioners to order at 10:24 a.m.

IX. IN THE MATTER OF OPEN SESSION:

D. Case explained that the Board desired to amend its motion regarding one of the Special Cases.

ACTION: R. YZAGUIRRE MOVED TO AMEND THE MOTION FOR CASE NO. 0812-111 AND ORDER REIMBURSEMENT.

DISCUSSION: R. YZAGUIRRE THEN CONFIRMED THAT THE CASE NUMBER THAT NEEDED AMENDING WAS 0701-007.

ACTION: R. YZAGUIRRE MOVED TO WITHDRAW HIS MOTION AND WITH REGARD TO CASE NO. 0701-007, AMEND THE MOTION TO APPROVE THE SUBORDINATION LIEN AND AUTHORIZE AN ORDER OF REIMBURSEMENT IN THE AMOUNT OF \$25 PER MONTH; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENT ON BEHALF OF THE BOARD. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED.

I. IN THE MATTER OF RECESS:

There being no further business to come before the Board at this time, the meeting was recessed at approximately 10:26 a.m.

Chairman

ATTEST:

Christopher D. Rich, Ada County Clerk