

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE GENERAL SESSION OF THE INDIGENT HEARING
WEDNESDAY, APRIL 3, 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 Jana Gomez, 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 9:02 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. 1 Matter to be Continued – Exhibit "A"
 - b. 0 Matters to be Withdrawn from Further Consideration – Exhibit "B"
 - c. 4 Matters to be Removed from the Table to be Heard – Exhibit "C"
 - d. 22 Final Decisions for Hearings from 3/13/13 - Exhibit "D"

ACTION: J. TIBBS MOVED TO APPROVE THE CONSENT AGENDA – 1 MATTER TO BE CONTINUED AS LISTED ON EXHIBIT "A," 0 MATTERS TO BE WITHDRAWN FROM FURTHER CONSIDERATION AS LISTED ON EXHIBIT "B," 4 MATTERS TO BE REMOVED FROM THE TABLE TO BE HEARD AS LISTED ON EXHIBIT "C," AND 22 FINAL DECISIONS FOR HEARINGS FROM 3/13/13 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:

[R. Dempsay, A. DeGiulio and C. Tardiff joined the hearing during Executive Session.]

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

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

ACTION: J. TIBBS MOVED TO TABLE CASE NO. 1301-083 TO MAY 29, 2013; TABLE CASE NOS. 1301-707, 1210-082 AND 1301-080 TO MAY 22, 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, APRIL 5, 2013; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

2. Motion on Hardship Applications

ACTION: R. YZAGUIRRE MOVED TO DENY TAX HARDSHIP APPLICATION NO. 13-002 FOR BEARCAT LAND COMPANY, PARCEL NUMBER R0391650020, AS APPLICANT APPEARS TO HAVE AN OPPORTUNITY TO MAKE ARRANGEMENTS TO PAY ALL OR A MAJORITY OF THE 2010 TAXES; AND DIRECT STAFF TO WORK WITH APPLICANT TO EXPLAIN THE TAX DEED PROCESS RELATING TO THE 2010 TAXES AND MAKE PAYMENT ARRANGEMENTS FOR 2011 AND 2012. J. TIBBS SECONDED.

ACTION: R. YZAGUIRRE MOVED TO AUTHORIZE THE CHAIRMAN TO SIGN.

DISCUSSION: D. CASE ASKED IF R. YZAGUIRRE WANTED TO INCLUDE THE TRASH HARDSHIP IN THE MOTION.

ACTION: R. YZAGUIRRE MOVED TO INCLUDE THE TRASH HARDSHIP APPLICATION IN THE PREVIOUS MOTION AND APPROVE APPLICATION NO. 13003 FOR NITA PARMER; AND AUTHORIZE THE CHAIRMAN TO SIGN THE APPROPRIATE DOCUMENTS. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

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

(13 Approvals; 37 Denials; 34 Liens; 31 Form N1 (UCC) Liens; 21 Releases of Lien; 20 Releases of Form N1 (UCC) Liens; and 2 Partial Releases of Lien)

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

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

- a. #49220
- b. 0503-48
- c. 0704-070

R. Dempsay advised the Board that Staff was recommending suspending Case No. 49220 due to a third party resource.

A. DeGiulio presented the Staff reports for Case Nos. 0503-48 and 0704-070, requests for subordination of liens.

ACTION: R. YZAGUIRRE MOVED TO ACCEPT THE RECOMMENDATIONS OF THE INDIGENT SERVICES STAFF AS LISTED ON THE SUMMARY OF CASES DATED APRIL 3, 2013, FOR 13 APPROVALS; 37 DENIALS; 34 LIENS; 31 FORM N1 (UCC) LIENS; 21 RELEASES OF LIEN; 20 RELEASES OF FORM N1 (UCC) LIENS; AND 2 PARTIAL RELEASES OF LIEN; SUSPEND CASE NO. 49220 PENDING DETERMINATION

OF OTHER RESOURCES; APPROVE THE SUBORDINATION OF LIEN ON CASE NOS. 0503-48 AND 07-04-070; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. J. TIBBS SECONDED.

DISCUSSION: D. CASE CLARIFIED THAT THE SECOND SUBORDINATION OF LIEN WAS FOR CASE NO. 0704-070.

ACTION: 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 10:48 a.m.

David L. Case, Chairman

ATTEST:

Christopher D. Rich, Ada County Clerk