

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE GENERAL SESSION OF THE INDIGENT HEARING
WEDNESDAY, MAY 8, 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, Andrea DeGiulio and Roxanna Dempsay, Indigent Services; and Amber Ellis, 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. 2 Matters to be Continued – Exhibit "A"
 - b. 0 Matters to be Withdrawn from Further Consideration – Exhibit "B"
 - c. 1 Matter to be Removed from the Table to be Heard – Exhibit "C"

ACTION: J. TIBBS MOVED TO APPROVE THE CONSENT AGENDA – 2 MATTERS TO BE CONTINUED AS LISTED ON EXHIBIT "A," 0 MATTERS TO BE WITHDRAWN FROM FURTHER CONSIDERATION AS LISTED ON EXHIBIT "B," 1 MATTER TO BE REMOVED FROM THE TABLE TO BE HEARD AS LISTED ON EXHIBIT "C"; THAT SAID EXHIBITS REMAIN ON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:

[A. DeGiulio and R. Dempsay joined the hearing in Executive Session at 10:00 a.m. to present the tax hardship applications.]

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 NOS. 1303-026 AND 1302-047 TO JULY 10, 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, MAY 10, 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 APPROVE TAX HARDSHIP APPLICATION NO. 13-003 FOR STACY A. RAMIREZ, PARCEL NO. MDIPL712403; DENY TAX HARDSHIP APPLICATION NO. 13-005 FOR SUSAN L. WAITE, PARCEL NO. R1277600280, AS THERE IS NO THREAT OF TAX DEED; AND DENY TAX HARDSHIP APPLICATION NO. 13-006 FOR MELANIE A. ADAMS, PARCEL NO. R1798500410. 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*)

(8 Approvals; 34 Denials; 30 Liens; 25 Form N1 (UCC) Liens; 23 Releases of Lien; 23 Releases of Form N1 (UCC) Liens; 1 Lien Correction; and 1 Form N3 (UCC) Amendment Lien)

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

4. Special Cases (6) (*Authorize the Chairman to Sign*)

- a. #49353
- b. #49335
- c. 9208-3, 9208-2A, 9308-50, 9310-140
- d. 0201-33
- e. 0507-81
- f. 0909-122

R. Dempsay advised the Board that Case Nos. 49353 and 49335 were requests to suspend the applications pending determination of other resources.

A. DeGiulio presented the joint Staff report for combined Case Nos. 9208-3, 9208-2A, 9308-50, 9310-140, a settlement offer. She also provided the Staff reports for Case No. 0201-33, a settlement offer, Case No. 0507-81, subordination of lien and Case No. 0909-122, a consensual lien.

The Board inquired if the Board could approve a lien subordination or consensual lien contingent upon Applicant executing a Promissory Note. The Board requested Legal Staff review the issue.

ACTION: R. YZAGUIRRE MOVED TO ACCEPT THE RECOMMENDATIONS OF THE INDIGENT SERVICES STAFF AS LISTED ON THE SUMMARY OF CASES DATED MAY 8, 2013, FOR 8 APPROVALS; 34 DENIALS; 30 LIENS; 25 FORM N1 (UCC) LIENS; 23 RELEASES OF LIEN; 23 RELEASES OF FORM N1 (UCC) LIENS; 1 LIEN CORRECTION; AND 1 FORM N3 (UCC) AMENDMENT LIEN; SUSPEND CASE NOS. 49353 AND 49335 PENDING DETERMINATION OF OTHER RESOURCES; APPROVE THE SETTLEMENT OFFER FOR CASE NOS. 9208-3, 9208-2A, 9308-50, 9310-140; DENY THE SETTLEMENT OFFER AS PRESENTED FOR CASE NO. 0201-33; TABLE CASE NO. 0507-81 TO JULY 15, 2013, AND ASK STAFF TO NEGOTIATE A PROMISSORY NOTE, IF POSSIBLE.

DISCUSSION: STAFF ADVISED THAT CASE NO. 0507-81 WAS TABLED TO MAY 15, 2013

ACTION: R. YZAGUIRRE CORRECTED THE MOTION AND MOVED TO TABLE CASE NO. 0507-81 TO MAY 15, 2013; TABLE CASE NO. 0909-122 TO MAY 15, 2013, AND ATTEMPT TO GET A PROMISSORY NOTE; 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 10:24 a.m.

David L. Case, Chairman

ATTEST:

Christopher D. Rich, Ada County Clerk