

**BOARD OF THE LOCAL IMPROVEMENT DISTRICT NO. 1101
MINUTES OF THE SPECIAL MEETING
MONDAY, NOVEMBER 18, 2013
10:00 A.M.**

The Board of the Local Improvement District (Board) met this date in an Open Meeting in the Ada County Public Hearing Room of the Ada County Courthouse Complex to act on the following items. Staff members present: Ted Argyle, Prosecuting Attorney's Office. Minutes Recorder: Judy Morris.

I. IN THE MATTER OF CALL TO ORDER:

Commissioner Rick Yzaguirre called the meeting of the Board of the Local Improvement District No. 1101 for the Sage Acres Water Project to order at 10:00 a.m.

II. IN THE MATTER OF ROLL CALL:

Commissioners Rick Yzaguirre and Jim Tibbs were present.

III. CHANGES TO THE AGENDA:

There were no changes to the agenda.

IV. NEW BUSINESS:

- Sage Acres Assessment Appeal; Hearing on the Objection to the Agency's Record

Attorney Andrew Schoppe, on behalf of Appellants, stated his name for the record. He presented testimony requesting additional information be added to the Agency Record. He stated the request was being made for the sake of completeness of the record surrounding the formation and, ultimately, the Assessment Roll. He argued that supplementation is necessary because Appellants question costs included in the final assessment as well as the work performed under the contract. He explained that the Appellants believe that neither the LID nor the County should pay for work that was not performed, for old parts used in place of new ones or for legal work not properly conducted in compliance with the Rules of Professional Conduct. He stated that Appellants also question the manner in which the Assessment Roll was divided among parcels within the LID, excluding property owners in the neighborhood that will benefit from fire protection that is now available.

Jason Stock, on behalf of the County, stated his name for the record. He explained that the matter before the Board was Appellants' appeal of the Assessment Roll. He advised that an Agency Record was prepared in response to the Notice of Appeal which included the Exhibits introduced during the July 30th and August 13th public hearings, the Minutes and Agendas for those meetings, the recorded Notice of Assessments and Ordinance 809. He advised that Appellants were also provided transcripts of numerous public hearings and meetings that relate, in some fashion, to the LID. He said only two of the transcripts related to the Assessment Roll hearings. He said Appellants Objections to Agency Record requests transcripts for hearings that pre-date the Board's consideration of the Assessment Roll, as well as additional documents that were not admitted during the July and August hearings. He believes the Agency Record is complete and the transcripts provided were overbroad. He reiterated that the only issue before the Board is the Assessment Roll and the appeal of the Assessment Roll as all other issues are resolved and are not appealable. He recommended adding only the documents that relate to the objection, which include the Objection to Appellants Transcript Requests, the Notice of Hearing and the ultimate decision made by the Board on this matter. He also suggested the hearing transcripts be pared down to only the July 30th and August 13th hearings as they are the only two hearings pertinent to the appeal. He said, at that time, the Agency Record and transcripts would be ready to transmit to the District Court.

J. Tibbs inquired if A. Schoppe received a copy of the Agency Record. A. Schoppe responded that he had received a copy. J. Tibbs then confirmed that no appeal was filed regarding the formation of the LID within the specified appeal time period. J. Stock affirmed.

A. Schoppe stated he did not believe the Board had legal authority to pare the record down. He stated that the objections filed by J. Scott were untimely filed and should not be considered at this hearing.

J. Scott stated the objections filed by him were outside the 14 day period. He argued, however, that Appellants' objections were also filed outside of the 14 day period. He said no one filed timely objections, but the Board could consider untimely objections, finding no prejudice on either side.

A. Schoppe responded that under Idaho Rules of Civil Procedure, Appellants' objections were timely filed.

R. Yzaguirre opened the matter up for the Board's discussion. He stated he believed the Board intended to table the matter in order to review the information presented. T. Argyle explained that the matter needed to be addressed within a certain time frame under statute and recommended the matter be scheduled to a date specific.

J. Tibbs inquired as to the time frame to make a decision. J. Scott responded that Rule 84J indicates any objection made to a transcript or record shall be determined by the Agency within 14 days of receipt thereof, or November 20th. The parties discussed optional dates to continue the meeting. A. Schoppe advised the Board that Appellants would not object to the Board taking additional time to make a decision. T. Argyle confirmed with the attorneys that it would be acceptable if the matter was scheduled to November 26th for the purpose of deliberation and decision. Both attorneys confirmed that date would be acceptable.

ACTION: J. TIBBS MOVED TO TABLE THE MATTER TO THE NOVEMBER 26, 2013, OPEN BUSINESS MEETING FOR FURTHER DELIBERATION AND CONSIDERATION. R. YZAGUIRRE SECONDED.

DISCUSSION: R. YZAGUIRRE CLARIFIED THAT IT WOULD BE A MEETING OF THE LID FOLLOWING THE OPEN BUSINESS MEETING. J. TIBBS AFFIRMED.

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

V: IN THE MATTER OF RECESS:

There being no further business to come before the Board at this time, the meeting was recessed at 10:22 a.m.

Rick Yzaguirre, Acting Chairman

ATTEST:

Christopher D. Rich, Ada County Clerk