



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

IN THE MATTER OF THE PETITION OF)
DELMAR A. LAST)
OF TERRITORY LOCATED IN ADA)
COUNTY TO THE KUNA RURAL) **ORDER**
PROTECTION DISTRICT, LOCATED IN)
ADA COUNTY, IDAHO)
_____)

The Kuna Rural Fire Protection District Board of Commissioners' Findings of Fact, Conclusions of Law and Order of Annexation (attached to this Order as Exhibit A) states that the Fire Protection Board of Commissioners took up the matter pursuant to the petition of Delmar A. Last for annexation of his property into the Kuna Rural Fire Protection District. The Findings of Fact (Section 2 of the Findings of Fact, Conclusions of Law and Order of Annexation, Exhibit A) notes that a notice of public hearing on the requested annexation was published on September 29, 2010 in the *Kuna Melba News*. Page 1 of the Findings of Fact, Conclusions of Law and Order of Annexation (Exhibit A) indicates a public hearing was held on October 13, 2010. The Fire Protection Board of Commissioners' Secretary certified that the Findings of Fact and Conclusions of Law were adopted on October 13, 2010, and the Fire Protection Board of Commissioners ordered the annexation of the following described parcels into the Fire District pursuant to the provisions of § 31-1411, Idaho Code.

NOW, THEREFORE, IT IS HEREBY ORDERED, that the territory hereinafter described, located within the County of Ada, Idaho, be and the same is hereby declared annexed to the Kuna Rural Fire Protection District, Ada County, Idaho, in accordance with the provisions of Idaho Code § 31-1411, and the boundaries of the territory annexed to said Kuna Rural Fire Protection District be, and the same are hereby fixed as follows:

Township 2 North, Range 2 East, Boise Meridian, Lots 1 and 2 of Section 31.

RECEIVED

DEC 2 2010

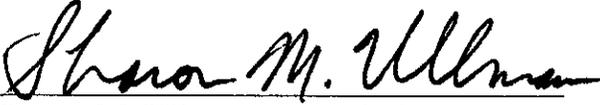
IT IS FURTHER ORDERED that a signed copy of this *Order* be transmitted to the Kuna Rural Fire Protection District Board of Commissioners; that pursuant to Idaho Code § 63-215, a copy of this *Order*, which contains the legal description, and a map, which was provided by Kuna Rural, be delivered to the office of the County Recorder of Ada County for recording; and a copy of the aforementioned *Order* and map be delivered to the County Assessor of Ada County, for filing.

IT IS FURTHER ORDERED that, from and after the date hereof, the above-described territory shall be included within the boundaries of said Kuna Rural Fire Protection District.

DATED this 7 day of December, 2010.

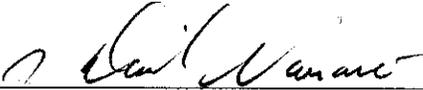
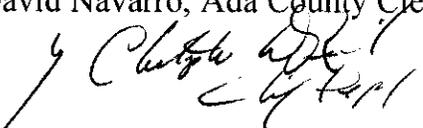
Board of Ada County Commissioners

By: 
Rick Yzaguirre, Chairman

By: 
Sharon M. Ullman, Commissioner

By: 
Fred Tilman, Commissioner

ATTEST:


J. David Navarro, Ada County Clerk


**CERTIFICATE OF SECRETARY
OF THE
KUNA RURAL FIRE DISTRICT**

I, the undersigned, do hereby certify:

1. That I am the duly appointed and serving Secretary of the Kuna Rural Fire District, Ada and Canyon Counties, State of Idaho, whose address is 150 W Boise Street, Kuna, ID 83634.

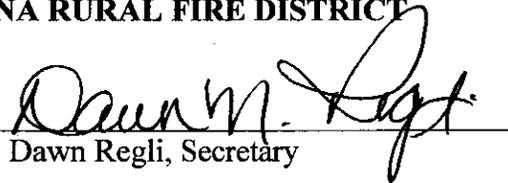
2. That as the Secretary of this District, I am the custodian of its records and minutes and do hereby certify that on the **13th day of October, 2010** the attached **Findings of Fact, Conclusions of Law, and Order of Annexation** in the matter of the application of **Delmar A. Last** were duly adopted and ordered by the Board of Commissioners of the Kuna Rural Fire District, and said action was taken and authorized.

IN WITNESS WHEREOF I have hereunto subscribed my name on the 13 day of October, 2010.



KUNA RURAL FIRE DISTRICT

By:


Dawn Regli, Secretary

EXHIBIT

A

tabbles

**THE BOARD OF COMMISSIONERS
OF THE
KUNA RURAL FIRE DISTRICT**

<p>In the Matter of the Application of</p> <p align="center">DELMAR A. LAST</p> <p>which Real Property is located at 14375 S Cole Road, Kuna, which is located E of and adjacent to South Cole Road (86.08 acres more or less)</p> <p>For annexation of real property to the Kuna Rural Fire District</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. Annex 10 -01</p> <p>FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER OF ANNEXATION</p>
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The above entitled matter having come before the Board of Commissioners for public hearing on October 13, 2010 at 7:15 p.m. pursuant to the petition of **Delmar A. Last** for annexation of his real property into the Kuna Rural Fire District.

On October 13, 2010 the hearing was opened at 7:15 p.m. for annexation of certain real property to the Kuna Rural Fire District, and the Board of Commissioners of the Kuna Rural Fire District does hereby set forth the Record of the Proceedings, its Findings of Fact, Conclusions of Law and Order of Annexation, and wherever within this document a Finding of Fact is made which references a point of law or statute, the same shall also be considered a Conclusion of Law, all of which is set forth as follows:

**SECTION 1.
RECORD OF PROCEEDINGS**

The record of the proceedings of the above-referenced matter consists of the following, to-wit:

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>		Withdrawn	Refused	Admitted
1	Petition for Annexation of Delmar A. Last dated August 19, 2010, including property deed			X
2	Property Location Map			X
3	Ada County Assessor Records, Parcel, legal Description and Property maps			X
4	Affidavit of publication in <i>Kuna-Melba News</i> on 9/29/10			X

1.2 Witness Testimony

1.2.1 Those who testified at the October 13, 2010 hearing are as follows, to-wit:

1.2.1.1 Kuna Rural Fire District Staff: Chief Doug Rosin

1.3 Judicial Notice

1.3.1 Judicial Notice was taken of the boundaries of the Kuna Rural Fire District and of the Kuna Rural Fire District Policy Code.

SECTION 2. FINDINGS

2.1 Findings Regarding Notice

2.1.1 **Notice Provided:** Notice of Hearing was published in one issue of the *Kuna Melba News*, the official newspaper of the Fire District, prior to the date of the public hearing

<i>Newspaper</i>	<i>Date Published</i>
<i>Kuna Melba News</i>	September 29, 2010

2.1.2 **Notice Required:** Notice has been given in accordance with the Law as required by I.C. § 31-1411 and § 3.1.3 of the Kuna Rural Fire District Policy Code.

2.2 Findings Regarding the Real Property and Petitioner's Interest in the Real Property

2.2.1 The Real Property which is the Subject of the above referenced Petition for annexation into the Kuna Rural Fire District consists of 86.08 acres and is more particularly described as follows:

Township 2 North, Range 2 East, Boise Meridian, Lots 1 and 2 of Section 31

2.2.2 The Real Property is owned by Delmar A. Last [aka D. A Last] who is the Petitioner for Annexation.

2.2.3 The Real Property is located within the County of Ada, State of Idaho.

2.2.4 The Real Property is not contiguous to the external boundaries of the Kuna Rural Fire District.

2.2.5 The Real Property consists of eighty six and 8/100 [86.08] contiguous acres.

- 2.2.6 No one appeared in opposition, and no one filed any written objection to the annexation of the Real Property.
- 2.2.7 The Real Property is not within an incorporated city nor is it within a Rural Fire District.
- 2.2.8 The Real Property is improved ground with a residential use.
- 2.2.9 The Fire Chief offered testimony that the Real Property which is the subject of this annexation could be served by the Fire District personnel and equipment subject to the limitations posed by the distance between the existing station #1 and the location of the subject property. The Fire Chief stated that, given the fact there is no other fire district and/or city providing coverage to the subject property, and given the fact that the area is in need of fire protection and life preservation services, and considering the recent annexations into this Fire District in the general vicinity and the likelihood that in the future there will be additional properties in close proximity to the subject real property for which annexation will be sought, it is in the best interests of the Fire District to annex the subject Real Property.
- 2.2.10 It is in the best interests of the Fire District and of the Real Property and its owners that the Real Property be annexed to the Fire District and included within its boundaries.

SECTION 3. CONCLUSIONS OF LAW

- 3.1 Idaho Code § 31-1411 provides in the provisions therein relevant to this Petition as follows:

After the organization of a fire district, additional contiguous or noncontiguous territory lying within the same county may be added thereto and shall thereupon and thenceforth be included in such district. Noncontiguous territory annexed to an existing fire district shall consist of not less than forty (40) contiguous acres. At least seventy-five percent (75%) or more of the owners or contract purchasers of the land sought to be annexed shall petition the fire board and request annexation of the territory particularly described in said petition. Upon receipt of any such petition the fire board shall hold a hearing not less than ten (10) nor more than thirty (30) days thereafter, or upon the written consent of the petitioner within one hundred eighty (180) days, and said board shall cause notice of such hearing, designating the time and place, to be published in at least one (1) issue of a newspaper of general circulation within the district. Any person supporting or objecting to such petition shall be heard at such hearing, if in attendance, and at the close of such hearing said board shall approve or reject said petition. If the board approves said petition it shall make an order to that effect and certify a copy of said order containing an accurate legal description of the annexed territory to the board of county commissioners of the county where said fire district is situated. Said board of county commissioners shall thereupon enter an order of annexation and cause the same to be recorded so as to include the annexed property on the tax rolls as in this chapter provided....

3.2 Idaho Code § 63-215 (1) provides as follows:

Any taxing district which shall be formed or organized hereafter, or which shall change any existing boundaries hereafter, shall cause one (1) copy of the legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of such district or municipality as formed or organized, or as altered, to be recorded with the county recorder and filed with the county assessor in the counties within which the unit is located and with the state tax commission within thirty (30) days following the effective date of such formation, organization or alteration but no later than the tenth day of January of the year following such formation, organization or alteration. In the case of fire districts, the board of county commissioners approving the boundaries shall be responsible for delivering to the assessor and recorder the map and legal description of the amended district boundaries.

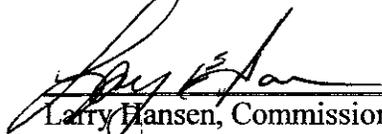
**SECTION 4.
ORDER OF ANNEXATION OF REAL PROPERTY**

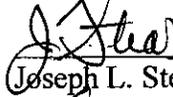
Based upon the above and foregoing Findings of Fact and Conclusions of Law, and good cause appearing from the record, the Board of Commissioners of the Kuna Rural Fire District **DOES HEREBY ORDER AND THIS DOES ORDER THAT:**

- 4.1 The petition of petitioner is hereby granted; and
- 4.2 The following described Real Property consisting of 86.08 acres be annexed and included within the boundaries of the Kuna Rural Fire District:
- Township 2 North, Range 2 East, Boise Meridian, Lots 1 and 2 of Section 31*
- 4.3 The Secretary of this District shall certify a true and correct copy of this order and to then forthwith submit the same to the Board of County Commissioners of Ada County; and
- 4.4 This Commission does hereby request that the Board of Ada County Commissioners to enter an order of annexation of the said described real property into the Kuna Rural Fire District and cause said Order to be recorded so as to include said described annexed real property on the tax rolls as provided in Idaho Code §31-1411.
- 4.5 The Kuna Rural Fire District Secretary shall obtain one copy of the legal description of the herein described Real Property and map be prepared in a draftsman like manner and which map shall plainly and clearly designate the boundaries of the Fire District as altered by this annexation and then submit the same to the Board of County Commissioners of Ada County together with a certified copy of this Order; and
- 4.6 Upon the Board of County Commissioners having entered an order of annexation of the Real Property to this Fire District it is requested that the Board of Ada County Commissioners then deliver said legal description and map to the Ada County Assessor and Recorder and to the Idaho State Tax Commission within thirty (30) days of said Order in compliance with the provisions of I.C. § 63-215 (1).

4.7 The Secretary of this District shall file the original order in the official records of the Fire District and serve a true and correct copy of this order upon the Petitioner.

DATED this 13 day of October, 2010.


Larry Hansen, Commissioner Subdistrict No. 1

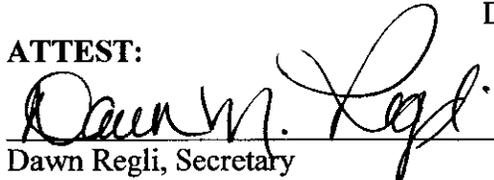

Joseph L. Stear, Chairman/Commissioner Subdistrict No.2


Linda Ostolasa, Commissioner Subdistrict No. 3


Dawn Regli, Commissioner Subdistrict No. 4


Debi Engelhardt-Vogel, Commissioner Subdistrict No. 5

ATTEST:


Dawn Regli, Secretary

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order of Annexation was served by:

- United States mail, postage prepaid
- Facsimile transmission
- Hand delivery

this 9th day of November, 2010, to:

Petitioner: Delmar A. Last
14375 S Cole Road
Kuna ID 83634


Robyn Ward, Secretary
Kuna Rural Fire District

236 → 239

←
Delmar
Last
Property

S Cole Rd

H-Mora Rd

S2101110750

S2006223000

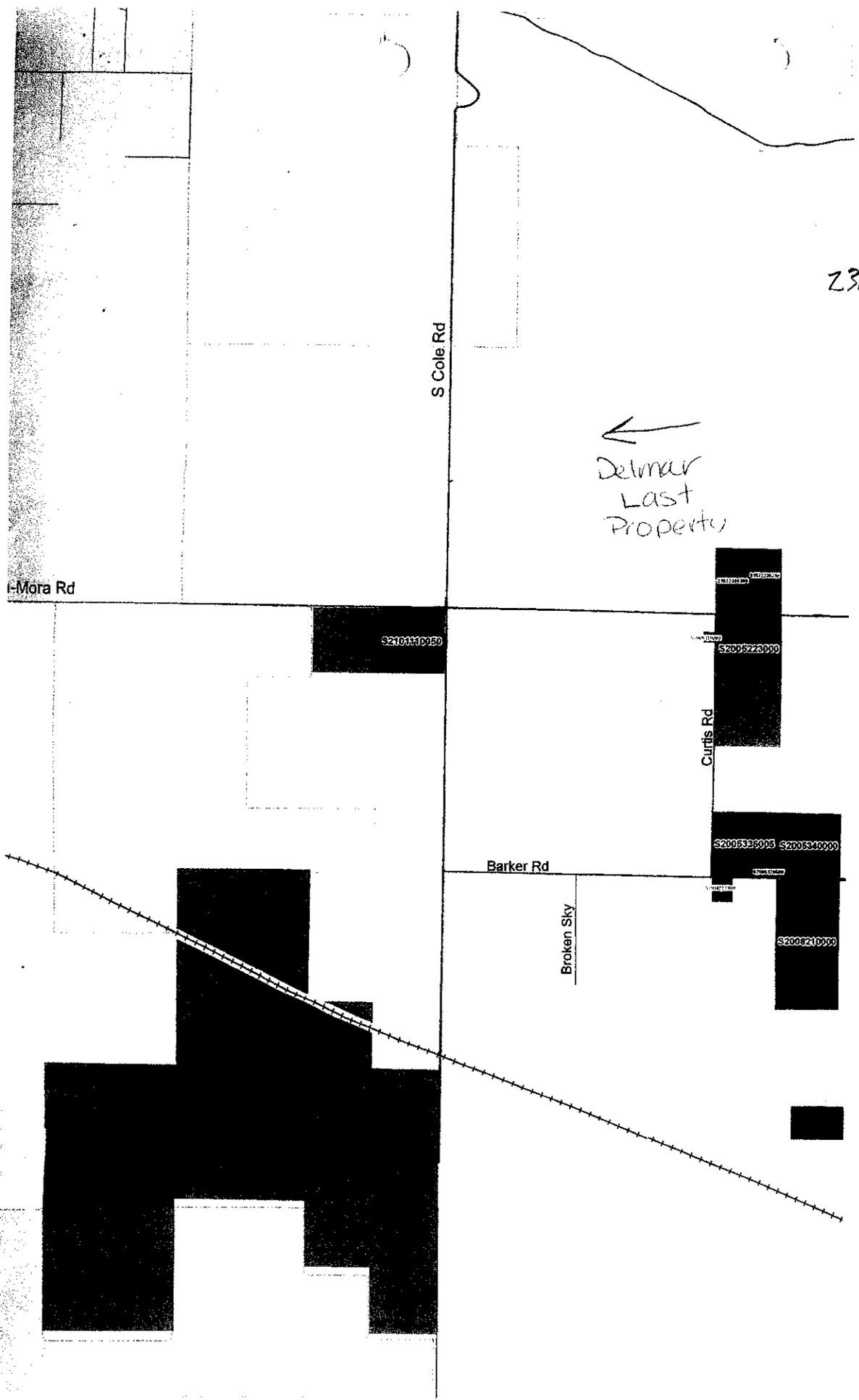
Curtis Rd

Barker Rd

S2005338005 S2005340000

S2008210000

Broken Sky



Current
Kuna Rural Fire
Dist.

S Cole Rd

←
Delmar
Last
Property

Kuna-Mora Rd

current

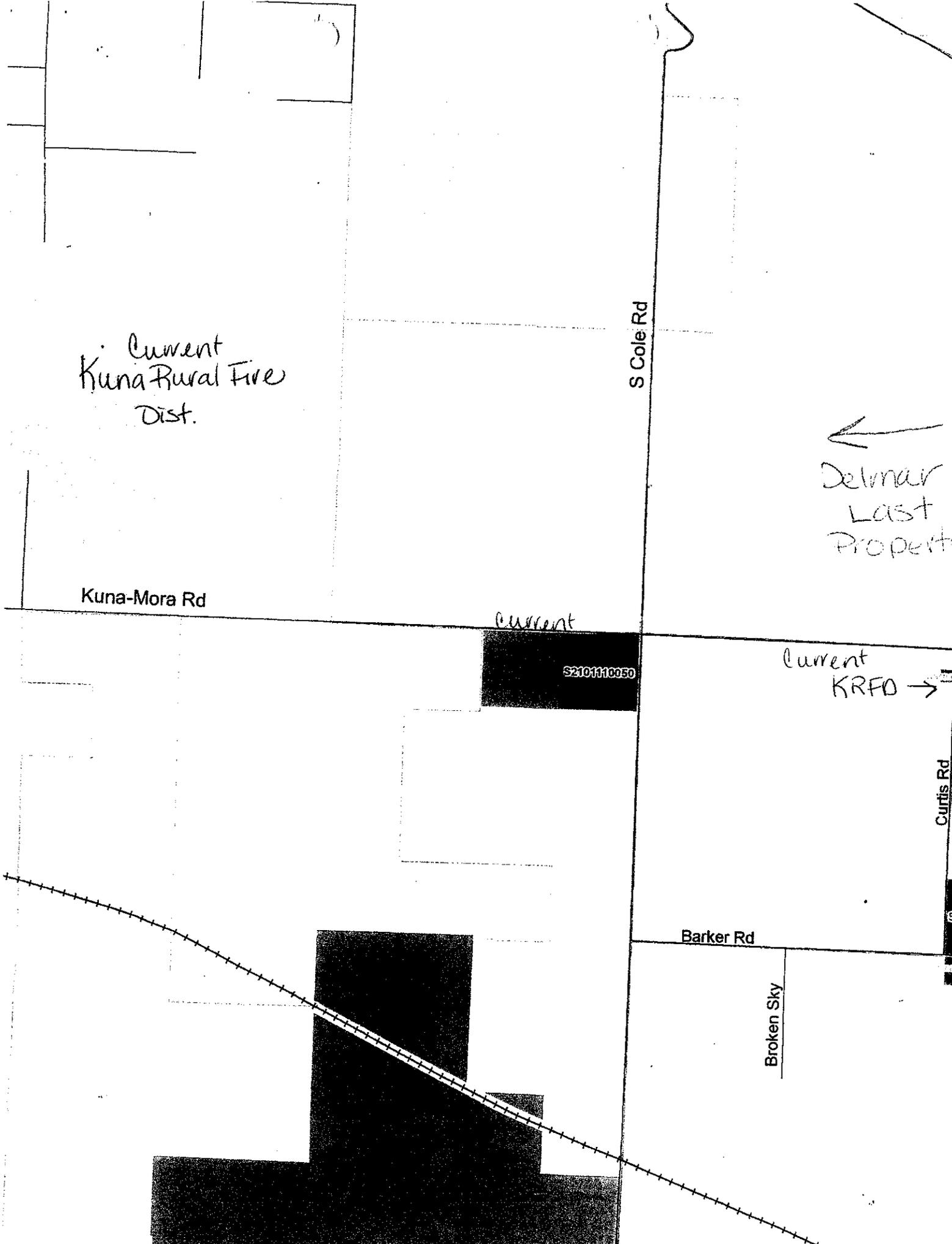
S2101110050

Current
KRFD →

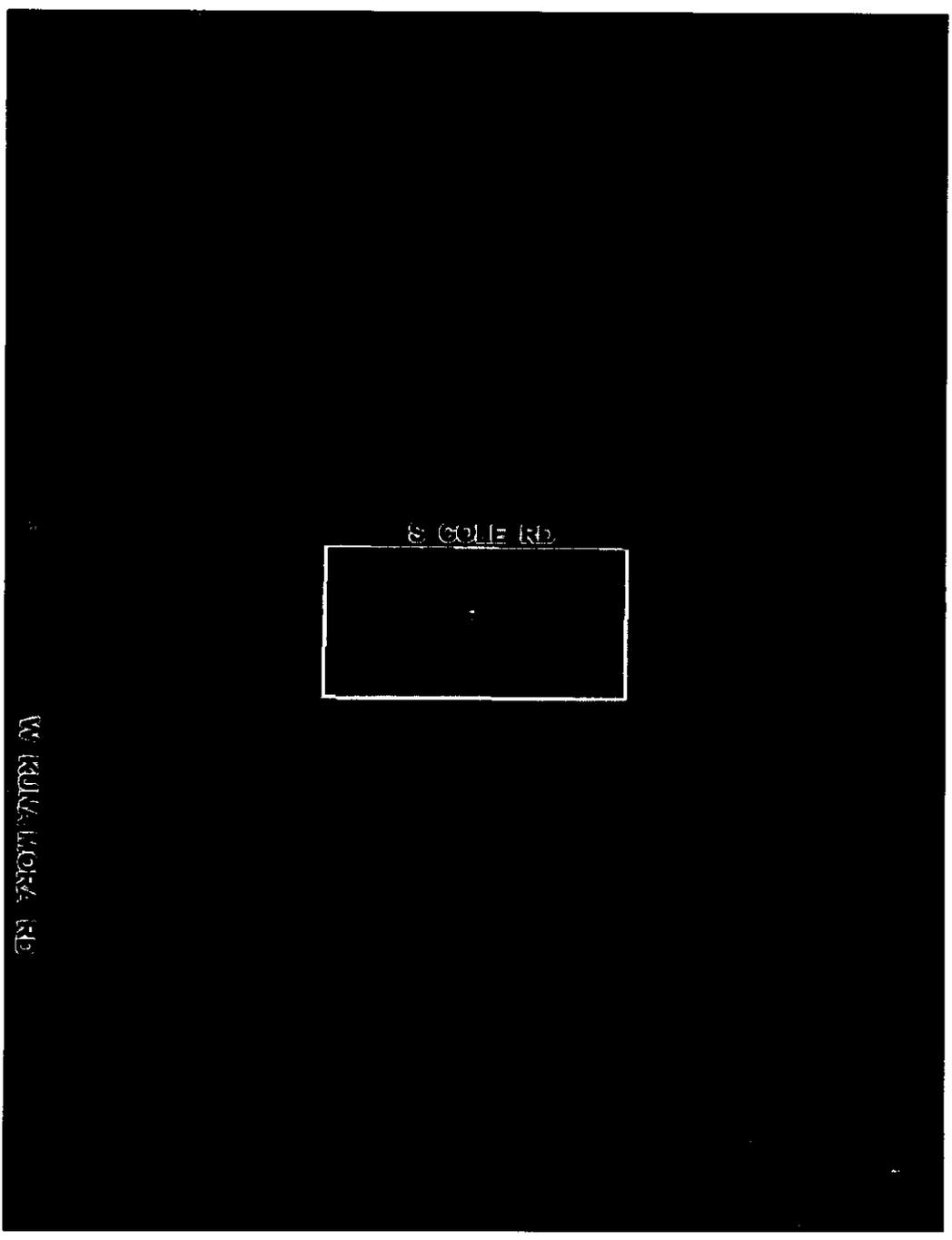
Curtis Rd

Barker Rd

Broken Sky

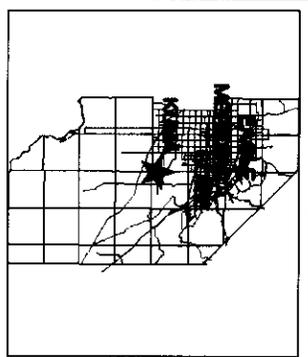


Delmar Last Property



This map is a user-generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map center: 43° 28' 10" N, 116° 16' 18" W



Legend

- Neighborhood
- Major Streets
- MINOR ARTERIAL
- MAJOR COLLECTOR SECTION
- PRINCIPAL ARTERIAL
- INTERSTATE
- Other
- Minor Streets
- LOCAL
- PARKS
- PRIVATE
- RESIDENTIAL
- Other
- Parcels
- Sections
- Water
- Schools
- Parks
- City Limits
- Kuna
- Boise
- Garden City
- Eagle
- Star
- Meridian
- Ada-002010



Scale: 1:17,533

BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE OPEN BUSINESS MEETING
TUESDAY, DECEMBER 7, 2010
9:00 A.M.

The Board of Ada County Commissioners (Board) met this date in an Open Meeting in the Commissioners' Conference Room of the Ada County Courthouse Complex to act on the following items. Staff members present: Chris Rich, Clerk's Office; Bob McQuade, Assessor's Office; Bob Perkins, Purchasing; Kelli Bolicek and Douglas Adams, Sheriff's Office; Roxanna Dempsay and Renee Jaques, Indigent Services; Rich Wright, Department of Administration; and Ted Argyle, Claire Tardiff, Ax Yewer, Gene Petty, Lynn Norton, Robert Steiner and Heather McCarthy, Prosecuting Attorney's Office. Minutes Recorder: Pam Woodies.

I. **IN THE MATTER OF CALL TO ORDER:**

Commissioner Rick Yzaguirre called the meeting of the Ada County Commissioners to order at 9:08 a.m.

II. **IN THE MATTER OF ROLL CALL:**

Commissioners Sharon M. Ullman, Fred Tilman and Rick Yzaguirre were present.

III. **CHANGES TO THE AGENDA:**

There were no changes to the agenda.

IV. **UNFINISHED BUSINESS**

- Purchasing

- Award Bid 1102 Ada County Sheriff's Office Patrol Vehicles (*Tabled from 11/23/10*)

ACTION: F. TILMAN MOVED TO REMOVE BID 1102, ADA COUNTY SHERIFF'S OFFICE PATROL VEHICLES, FROM THE TABLE FOR CONSIDERATION AT THIS TIME. S. ULLMAN SECONDED. F. TILMAN, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

B. Perkins provided a letter of recommendation from the Evaluation Committee.

S. Ullman asked if the bidder being recommended had the best overall offer. B. Perkins responded that they were the lowest responsive bidder. S. Ullman inquired if they were best in terms of trade-in as well. B. Perkins answered affirmatively and confirmed that they offered the most in trade-in value and the lowest cost per vehicle.

ACTION: F. TILMAN MOVED TO ACCEPT THE RECOMMENDATION OF THE EVALUATION COMMITTEE AND AWARD BID 1102, ADA COUNTY SHERIFF'S OFFICE PATROL VEHICLES, TO DAN WIEBOLD FORD AS THE LOWEST RESPONSIVE BIDDER IN THE AMOUNT OF \$181,775 INCLUDING A TRADE-IN VALUE FOR 11 VEHICLES IN THE AMOUNT OF \$25,000. S. ULLMAN SECONDED. F. TILMAN, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

V. **NEW BUSINESS**

1. Licenses (*Authorize the Chairman to Sign*)

a. Catering Permits (5)

1. End Zone at Hidden Springs Community Barn for Idaho Orthodontist Association, December 10th from 4pm to 1am
2. Rodeway Inn & Sunshine Feed Store at Bogus Creek Ranch for Office Max, December 10th from 6pm to 10pm
3. Rodeway Inn & Sunshine Feed Store at Bogus Creek Ranch for MJM Communications, December 15th from 6pm to 10pm
4. Rodeway Inn & Sunshine Feed Store at Bogus Creek Ranch for Smoke Guard, December 16th from 6pm to 10pm

5. Rodeway Inn & Sunshine Feed Store at Bogus Creek Ranch for Enviro Tech, December 17th from 6pm to 10pm

b. Ratification of Catering Permit (Signed 12/2/10)

- McCleary's Pub at Charter Point Club for Miles Wiscombe birthday, December 4th from 11:00am to 11:59pm

C. Rich stated that the required fees were paid and the above-listed items were properly before the Board.

S. Ullman recalled there had been a previous issue with the Hidden Springs Community Barn. R. Yzaguirre and F. Tilman confirmed that it had to do with the road and had been resolved some time ago.

ACTION: S. ULLMAN MOVED TO APPROVE FIVE CATERING PERMITS AND RATIFICATION OF ONE CATERING PERMIT AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. F. TILMAN SECONDED. S. ULLMAN, AYE, F. TILMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

2. Auditor's Office

C. Rich reported that the election recount is going to take place. A request was received for a recount of the Ellsworth/Engelking race which had a nine-vote margin. It is also possible that Mr. Durst may request a recount in the Durst/Toryanski race, where there was a 103-vote margin.

R. Yzaguirre asked what the time frame was to request the recount. C. Rich responded that a request had to be received within 20 days of the election, and a letter was sent to the Attorney General's Office last Friday. However, C. Rich has not yet received the Attorney General's Order. Additionally, he noted that this may be one of the largest machine recounts in the United States. Most jurisdictions do them by hand or by other means. Running 70,000+ ballots will be a bit different.

S. Ullman inquired who pays for the recount when it is within the margin that the Ellsworth/Engelking race is. C. Rich replied that when a race is within one-tenth of 1 percent, the personnel will be supplied by the County at no charge. He anticipated bringing in 25-30 people. He added that his office recommended the equipment be tuned up, which cost \$12,800 and that cost is being borne by the Attorney General's Office. If Mr. Durst also requests a recount, he will pay \$100 per precinct.

S. Ullman asked if all the ballots have to be run through the machine, rather than just those for the district involved. C. Rich explained that the absentee ballots are not segregated and must be completely run through. There are 28,000 of those ballots, and each has two pages, so 56,000 pieces of paper will have to be put through the machines to get results from District 18. The individual precincts will also have to be run through. S. Ullman noted that the second page of the ballot contained constitutional amendments so she wondered if only the first page needed to be recounted. C. Rich explained that the pages are all mixed together and segregating them would take a long time and be very difficult.

S. Ullman questioned whether it would save money if both recounts were done together. C. Rich answered that it is his hope that he would be directed to run only one recount and obtain the results for both races versus running the ballots through twice. He clarified that Ada County is handling the recount under the direction of the Attorney General.

C. Rich next commented that there is an agreement on today's agenda for a company known as SimpliFile. They handle third-party recordings, so the title companies can avoid having to send runners to bring documents, such as Deeds of Trust, to the courthouse. Instead they scan them and send them to SimpliFile, which in turn sends them to the Recorder's Office electronically. They are bringing Pioneer Title on

board this month. He estimated that 80 to 90 percent of the recordings at Ada County would be electronic.

S. Ullman asked if this would save money as it would require less staff time and less scanning of documents. C. Rich agreed there would be less scanning, but it is hard to say how much it would save money as it shifts duties. More than anything else, it is a benefit to the customers.

3. Personnel Action Forms (6 Leaves with Pay; 1 Longevity Increase/Sheriff's Pay Plan; 1 Promotion and 2 Reclassifications)

ACTION: S. ULLMAN MOVED TO APPROVE SIX LEAVES WITH PAY, ONE LONGEVITY INCREASE/SHERIFF'S PAY PLAN, ONE PROMOTION AND TWO RECLASSIFICATIONS AS IDENTIFIED ON THE SUMMARY OF THE PERSONNEL ACTION FORMS; AND THAT THE SUMMARY SHEET REMAIN ON FILE IN THE COMMISSIONERS' OFFICE. F. TILMAN SECONDED. S. ULLMAN, AYE, F. TILMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

4. Approval of Minutes (5) (*Authorize the Chairman to Sign*)
- a. Indigent Services, Executive Session, November 8, 2010
 - b. Indigent Services, Executive Session, November 17, 2010
 - c. Board of Equalization, November 22, 2010
 - d. Open Business Meeting, November 30, 2010
 - e. Indigent Services, General Session, December 2, 2010

ACTION: F. TILMAN MOVED TO APPROVE FIVE SETS OF MINUTES AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. S. ULLMAN SECONDED. F. TILMAN, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

5. Tax Cancellations (1 – 2008; 4 – 2009; 25 – 2010) (*Authorize the Chairman to Sign*)

a. 2008 Property Roll (1)

- R8039100180 BURT J ROBERT

b. 2009 Property Roll (4)

1. R6989380300 DARST JASON M
2. R8039100180 BURT VIRGINIA G
3. R1525760170 HULTMAN ERMA I
4. R7626790408 GREINER MICHAEL M

c. 2010 Property Roll (24)

1. R8584530260 COLOMBATTO JENNIFER
2. P1EDWADJO01 EDWARD D JONES & CO LP
3. R0799350040 CARBONE ROBERT FRANK
4. R9437190600 LUCUS RESTATED FAMILY REVOCABL
5. R3386000375 CAUGHLIN CASEY J
6. R7626790408 GREINER MICHAEL M
7. R1079800110 CARLSON RYAN S
8. R9227970430 SEVERA CAROL A
9. R3827960470 WILLIAMS ROSS LIVING TRUST
10. R8039100180 BURT VIRGINIA G
11. R8521130315 SABELL SCOTT G
12. P4CESCOXX04 CESCO
13. P7KEYCRP127 KEY EQUIPMENT FINANCE INC
14. P1LOTUSSPO1 LOTUS HAIR SPA
15. P1LOLIPST01 LOLLIPOP STOP LLC
16. P1CAPMORT02 CAPITAL MORTGAGE
17. MCONC751417 HOLBROOK CHRISTIAN B
18. S2728410000 SCOTT DONALD R

- | | |
|-----------------|--------------------------------|
| 19. PICAMWOIN01 | CAMPING WORLD INC |
| 20. PIHILLPRE01 | HILLVIEW PRESCHOOL |
| 21. PICOREXPR01 | CORPORATE EXPRESS |
| 22. R5199260280 | MILLWARD MICHAEL & JEAN LIVING |
| 23. S1732300000 | DEMEYER ARLEN A JR |
| 24. R4221310120 | MARSHALL ANN W TRUST |

- d. 2010 Property Roll – Casualty Loss
- R7977000030 SUITER NANCY I

ACTION: S. ULLMAN MOVED TO APPROVE 1 TAX CANCELLATION FOR 2008, 4 FOR 2009 AND 25 FOR 2010 AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. F. TILMAN SECONDED. S. ULLMAN, AYE, F. TILMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

6. Recreation and Event Services (*Authorize the Chairman to Sign*)
- Barber Park Education & Event Center (3)
a. Brandi Towns, Business Meeting, December 9, 2010
b. Cindy Cochran, Wedding and Reception, September 24, 2011
c. Matt Grover, Business Meeting, June 28 and 29, 2011

ACTION: F. TILMAN MOVED TO APPROVE THREE BARBER PARK EDUCATION AND EVENT CENTER AGREEMENTS AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. S. ULLMAN SECONDED. F. TILMAN, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

7. Agreements (4) (*Authorize the Chairman to Sign the Appropriate Documents*)
a. Agreement No. 9211 – Agreement Between Ada County and Brady Goss for Entertainment, Ground Stage, 2011 Western Idaho Fair (8/24/11-8/28/11)
b. Agreement No. 9212 – Agreement Between Ada County and Meridian Heights Water and Sewer District (MHWS) for Lease to MHWS of 975 East Pine Avenue (Expires 9/30/11)
c. Agreement No. 8905-1-10 – Renewal of Electronic Recording and Approved Procedures Agreement Between Ada County and SimpliFile, LLC for the Receiving and Transmitting of Documents for Recording Transactions (10/1/10-9/30/11)
d. Agreement No. 9034-1-10 – Project Scope of Services Between Ada County and CH2M Hill for Groundwater Work at the Ada County Landfill

ACTION: S. ULLMAN MOVED TO APPROVE FOUR AGREEMENTS AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE APPROPRIATE DOCUMENTS. F. TILMAN SECONDED. S. ULLMAN, AYE, F. TILMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

Public Hearing

8. Fire District Annexation into the Kuna Rural Fire Protection District (1)
- Approval of Annexing the Delmar A. Last Property
9. Resolutions (2)
a. Resolution No. 1723 – Resolution Creating Internal Audit Committee and Establishing Its Scope and Authority
b. Resolution No. 1724 – Resolution Authorizing Destruction of Claim, Worker's Compensation, Purchase Order and Bid Records

R. Yzaguirre stated that the Fire District annexation would be heard jointly with the two Resolutions.

S. Ullman pointed out that the County already has an Internal Audit Committee, and they are simply changing the parameters under which it functions. F. Tilman agreed that this was a modification. S. Ullman commented that it was unclear and sounded as though there was currently no existing committee and a new one was being created for the first time. She would like the record clear that this is an amendment to a previous Resolution. She expressed concern that the public might misunderstand and think the County had waited until now to create such a committee. R. Yzaguirre remarked that S. Ullman made a good point.

R. Yzaguirre opened the public hearing on the fire district annexation and the two Resolutions.

[There was no public testimony.]

R. Yzaguirre closed the public hearing on the fire district annexation and the two Resolutions.

ACTION: F. TILMAN MOVED TO APPROVE ANNEXING THE DELMAR A. LAST PROPERTY INTO THE KUNA RURAL FIRE PROTECTION DISTRICT; AND APPROVE TWO RESOLUTIONS AS READ INTO THE RECORD. S. ULLMAN SECONDED. F. TILMAN, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

VI. INDIGENT SERVICES:

1. Weekly Indigent Items (*Authorize the Chairman to Sign*)
(13 Approvals; 50 Denials; 30 Liens; 25 Form N1 (UCC) Liens; 45 Releases of Lien; 42 Releases of Form N1 (UCC) Lien; 2 Lien Corrections; and 2 Form N3 (UCC) Amendment Liens)

R. Dempsay presented the Staff report. Ada County Indigent Services submitted a request for 7 approvals and 32 denials on Medical Case Nos. 1012-001 through 1012-039; 5 approvals and 14 denials on General Assistance Case Nos. 1012-300 through 1012-318; and 1 approval and 4 denials on Voluntary Mental Health Case Nos. 1012-700 through 1012-704. Indigent Services also requested approval for the recording of 30 Liens, 25 Form N1 (UCC) Liens, 45 Releases of Lien, 42 Releases of Form N1 (UCC) Lien, 2 Lien Corrections and 2 Form N3 (UCC) Amendment Liens.

2. Special Cases (*Authorize the Chairman to Sign*)
 - a. 1006-017

R. Dempsay presented the Staff report saying this is an appeal that was before the Board on August 11, 2010, and continued by Stipulation to September 15, 2010, and again to November 8, 2010, when it was taken under advisement for 30 days to allow review of Applicant's resources and of documentation submitted. In this case, an application for medical assistance was filed with an estimated Medicaid rate of \$52,093. The Board's initial determination was denial because the financial status of Applicant's spouse could not be verified and Applicant failed to submit material information. Verification of the financial status of the Applicant's spouse was submitted and demonstrates that Applicant is medically indigent. Staff's recommendation is to approve with no means to reimburse at this time.

- b. 1006-147

R. Dempsay presented the Staff report saying this is an appeal that was before the Board on November 8, 2010, at which time Vicky Halford and Mark Peterson appeared on behalf of St. Luke's Regional Medical Center and submitted additional verification of monthly expenses and resources. The Board took the case under advisement for 30 days to review the documentation. The Board also directed Staff to attribute additional childcare and food expenses to Applicant. In this case, an application for medical assistance was filed with an estimated

Medicaid rate of \$5,822. The Board's initial determination was denial because the application was incomplete and lacking material information. Furthermore, Applicant failed to appear for the mandatory interview and to provide material information. During the appeal, the Board issued a Subpoena directing Applicant to appear on September 1, 2010. Applicant appeared and completed a mandatory interview; however, Applicant did not submit all required material information. Staff's recommendation is to approve with an Order of Reimbursement for a lump sum of \$610 to be paid within 30 days of the date of the determination.

c. 1008-108

R. Dempsay presented the Staff report saying this is an appeal that was before the Board on November 8, 2010, when Applicant and his significant other appeared and provided testimony as to residency in Ada County and current living arrangements. The case was taken under advisement for 30 days to review the information provided. In this case, an application for medical assistance was filed with an estimated Medicaid rate of \$6,068. The Board's initial determination was denial because the Applicant had other potential resources including, but not limited to, a possible insurance claim with the city of Boise. Applicant also failed to provide material information. Staff's recommendation is to approve with an Order of Reimbursement of \$3,600 payable in 144 monthly payments of \$25.

d. 1011-068

R. Dempsay presented the Staff report saying this is a request to reverse an approval and enter a denial. On October 12, 2010, an application for payment of COBRA insurance premiums was submitted. These premium payments would have provided for health insurance benefits to cover knee surgery for Applicant. An investigation was duly conducted, and on November 9, 2010, the Board approved payment of the insurance premiums. On November 16, Applicant submitted a letter to the Clerk advising she did not want County assistance, would not be pursuing the knee surgery and did not want Ada County to pay her insurance premiums. Staff's request is that the Board therefore reverse the initial determination of approval and enter a denial.

S. Ullman inquired whether the County would be liable to pay for medical costs in the event Applicant chooses to have the surgery despite the County not paying the COBRA insurance premiums. R. Dempsay explained that the application for knee surgery was denied because Applicant had resources available, including the insurance premiums. If Applicant wants knee surgery, she would have to submit a new application and undergo the investigation process to determine eligibility for County assistance. S. Ullman expressed concern that by forgoing paying \$300 or \$600 a month for health insurance, the County might instead end up having to pay a higher amount for future medical treatment. R. Dempsay noted that Staff could not predict whether Applicant might change her mind about having the surgery. Staff also could not predict whether any doctor would agree to perform surgery without Applicant having health insurance or approval for payment from the County.

e. 0910-031

Applicant Eddie Tarsha and his mother, Kathy Tarsha, were present and sworn in for testimony.

R. Dempsay presented the Staff report saying the request is to modify reimbursement and enter an amended Order of Reimbursement. This case was originally before the Board on October 6, 2009. There is a lien in the amount of \$1,004.94. This was not a catastrophic case and no Promissory Note was required. Staff learned Applicant had won a lottery in the amount of \$100,000 in March of 2010. In October 2009, Applicant had been approved for County assistance and the County paid \$1,004.94. At the time of the original Board action in October 2009, the Board found Applicant did not have the resources, income or present ability to reimburse Ada County. The Board reserved the right to order reimbursement at a later date should assets or other resources become available.

Applicant testified that he won \$100,000 on a scratch ticket in March. He said he had previously applied for County assistance a couple of times. At one time he had a deviated septum due to a car accident and needed his nose fixed. That application was denied. More recently, he had back problems and needs surgery. Several doctors have indicated he is going to have a hard time walking and needs the surgery on an emergency basis. He submitted an application before he won the lottery. That application was also denied. He asked if the reason for the denial was because he did not produce enough documents. R. Dempsay indicated that was not the case. Applicant noted that he provided the documents as much as he could. If anything else was needed, he would have been happy to provide it. He stated that he needed assistance badly, but the request was denied. As far as he knew, that was the end of it. He then received a Subpoena indicating he owed the County money. As far as he knew, the County had not paid anything on his behalf. He has since found out that the County paid for a couple of Emergency Room visits that he had no knowledge of. He never asked for assistance to pay those bills and does not feel that was what he needed help with. He has been to the Emergency Room upwards of 50 times over the last couple of years due to pain and lack of health insurance. The last thing he needed was a couple of Emergency Room visits to be paid. He had no knowledge they were paid, and he thinks it is wrong for the County to now request money from him when he has none available.

R. Yzaguirre asked if the application had been submitted by a third party. R. Dempsay explained that in February 2009, an application was filed concerning Applicant's nose. That application was denied for failure to cooperate. There was a two-year non-emergency services ban enforced effective with that denial. In August 2009, Applicant filed an application for a future back surgery and it included some Emergency Room visits. The application was broken into two parts. The emergency services were approved because Applicant was found to be indigent for those services. The future surgery request was denied because it was found to be non-emergency services and there was a ban in place. That two-year ban was the reason for the denial of the majority of the future services.

S. Ullman explained to Applicant and his mother that the County is required to pay under state law, and the hospital is required by federal law to treat patients in emergency situations. She conceded that it may not make sense and is a broken system, but that is the way it works. The County is legally obligated to pay the hospital and other medical providers under circumstances when a patient meets certain criteria. That is what Indigent Services handles. She clarified that a patient does not have to make application to the County. Rather, the hospitals and other medical providers can make the application. Applicant acknowledged that he understood that the hospital made application in order to be paid. S. Ullman noted that while it may not have been critical to Applicant that the Emergency Room visits be paid, the hospital believed otherwise since they had provided the service. Applicant said he certainly wanted them to be paid, but he has letters from different doctors indicating his back situation is an emergency and he is not going to be able to walk in a matter of a few months. He does not understand why he cannot get assistance for services he badly needs. He is 27 years old and his life has become nothing.

S. Ullman inquired whether when Applicant received \$100,000, he went ahead and paid for the surgery. Applicant replied that he paid back medical bills that he had, as well as personal loans. He also has had prescriptions for years that cost \$700 a month. K. Tarsha confirmed that had been the case for years and she has paperwork documenting it.

Applicant explained that he owed a lot of people a lot of money. He ended up with \$60,000 after taxes were paid. He owed his grandmother money for the house she helped him buy, but since then he has lost the house. He has been left with nothing. He does not have any money.

R. Yzaguirre asked if the issue before the Board was the Order of Reimbursement for the two Emergency Room visits.

Applicant stated that at the time he won the lottery, he had not yet undergone an MRI and did not know surgery would be required. Otherwise, he would have tried to put money toward the surgery.

R. Dempsay clarified that what is before the Board is a request to amend the original Order of Reimbursement to require payment from Applicant. That is why Staff issued a Subpoena asking for information concerning the \$100,000. As far as the future surgery, Applicant will have the opportunity to file another application when the ban expires in March 2011.

R. Yzaguirre asked what Staff was requesting be the terms of the Order of Reimbursement. R. Dempsay replied that the amount due is the lien balance, but the terms of repayment would be up to the Board.

S. Ullman noted that a lien had been placed on any real and personal property, yet when the Lottery Commission paid the prize, they appear not to have checked into that prior to disbursing the funds. F. Tilman said he did not believe they were required to do so. R. Dempsay was not sure. S. Ullman suggested the County work with the Lottery Commission to ensure such a situation not reoccur.

S. Ullman asked if Staff had current financial information such as bank statements for Applicant. R. Dempsay responded that they did not. S. Ullman suggested this case be taken under advisement to collect additional information prior to making a decision.

R. Yzaguirre said the case would be taken under advisement for 30 days. He asked Applicant if he would attend an interview with Staff at this time. Applicant inquired how long it would take. R. Dempsay responded about an hour. Applicant did not understand what the purpose of an interview was. K. Tarsha remarked that the Board wanted to know what Applicant has in the bank. R. Yzaguirre stated that the Board needs updated financial information. Applicant said he did not have any documents with him. R. Yzaguirre said Staff would let Applicant know what is needed. Applicant stated that he already knew because it was in a prior letter and he needs bank statements, etc. R. Yzaguirre asked if Applicant would be willing to provide that information. Applicant replied that he could go to his bank and request a printout from the time period during which he had money. He reiterated that he has nothing left. K. Tarsha pointed out that Applicant owes money to the bank.

R. Yzaguirre said the case would be taken under advisement for 30 days and recommended that before Applicant leaves, he meet with Staff to find out what information is needed.

3. Hardships (*Authorize the Chairman to Sign*)

- Cindy & William Walgamott

10-046 R0432000102 2009 half of taxes \$2,462.30 + late chgs & int
2010 taxes \$5,169.50

R. Jaques presented the Staff report saying Applicant is requesting cancellation of taxes as indicated on the agenda. This is commercial property where they run a business known as Kids Connection. There is no threat of tax deed. Taxes are current through December 2009. A review of the taxes indicates it would require a monthly payment of \$635.98 to retire the entire balance within 12 months. Applicants are 47 and 48 years old and have three children at home. Kids Connection has lost a lot of business due to the recession. A lot of their clients have lost their jobs, so revenue is down. They have indicated to Staff that they are trying to hang on to this last piece of property they own. Kids Connection is listed as their sole source of income. A limited financial review indicates Applicants have a monthly deficit income. The balance in their business checking account on November 30, 2010, was \$717.48. Applicants have advised they have no personal checking or savings.

F. Tilman asked if this was real property. R. Jaques replied that it is commercial property. F. Tilman inquired what the value is and whether Applicants own it. R. Jaques responded that they said they own it but did not provide mortgage

paperwork or indicate what may be owed. The value of the property is \$334,000. They also have several pieces of property in foreclosure.

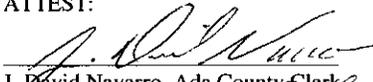
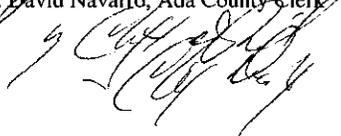
ACTION: S. ULLMAN MOVED TO APPROVE THE RECOMMENDATIONS OF ADA COUNTY INDIGENT SERVICES AS LISTED IN THE SUMMARY OF CASES DATED DECEMBER 7, 2010, FOR 7 APPROVALS AND 32 DENIALS ON MEDICAL CASE NOS. 1012-001 THROUGH 1012-039; 5 APPROVALS AND 14 DENIALS ON GENERAL ASSISTANCE CASE NOS. 1012-300 THROUGH 1012-318; AND 1 APPROVAL AND 4 DENIALS ON VOLUNTARY MENTAL HEALTH CASE NOS. 1012-700 THROUGH 1012-704; THE RECORDING OF 30 LIENS, 25 FORM N1 (UCC) LIENS, 45 RELEASES OF LIEN, 42 RELEASES OF FORM N1 (UCC) LIEN, 2 LIEN CORRECTIONS AND 2 FORM N3 (UCC) AMENDMENT LIENS; APPROVE SPECIAL CASE NO. 1006-017 WITH NO ORDER OF REIMBURSEMENT AT THIS TIME; APPROVE SPECIAL CASE NOS. 1006-147 AND 1008-108 WITH ORDERS OF REIMBURSEMENT AS SPECIFIED; REVERSE THE APPROVAL IN SPECIAL CASE NO. 1011-068 AND ENTER A DENIAL AT APPLICANT'S REQUEST; TAKE SPECIAL CASE NO. 0910-031 UNDER ADVISEMENT FOR 30 DAYS; DENY HARDSHIP NO. 10-046 AS THERE IS NO THREAT OF TAX DEED; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. F. TILMAN SECONDED. S. ULLMAN, AYE, F. TILMAN, 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 9:47 a.m.


Rick Yzaguirre, Chairman

ATTEST:


J. David Navarro, Ada County Clerk




J. David Navarro
Ada County Clerk of the District Court
Ex-officio Auditor and Recorder

Ada County Courthouse, Room 1196, 200 W. Front Street, Boise ID 83702-7300
Phone (208) 287-6887 Fax (208) 287-6909

Christopher D. Rich
Chief Deputy

144

December 20, 2010

Idaho State Tax Commission
Attn: Jeff Servatius, GIS Manager
Technical Support Bureau
800 Park Blvd., Plaza IV
Boise ID 83722

Dear Jeff:

Find attached a copy of an order by the Ada County Commission for annexation to the Kuna Rural Fire Protection District. The Commissioners entered the order on December 7, 2010 with minutes of the meeting for the permanent record.

The appropriate paper documentation is included with this request.

Please contact me if you have any questions or comments.

Sincerely,

J. David Navarro
by Brad Vandevord
J. David Navarro
Clerk to the Board of Ada County Commissioners
Deputy Clerk

RECEIVED
DEC 21 2010
TECHNICAL SUPPORT

Civil Court Room 1155 Ph (208) 287-6900 Fx (208) 287-6919	Court Assistance Officer Room 1182 Ph (208) 287-6963 Fx (208) 287-6919	Criminal Court Room 1190 Ph (208) 287-6900 Fx (208) 287-6919	Elections Room 1202 Ph (208) 287-6860 Fx (208) 287-6849	Payroll Room 1193 Ph (208) 287-6980 Fx (208) 287-6989	Recorder Room 1208 Ph (208) 287-6840 Fx (208) 287-6849
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