

Minutes of Meeting
Requests for Cancellation of Taxes
August 14, 2019
9:30 a.m.

The Kootenai County Board of Commissioners: Chair Pro Tem Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda items. Also present were Chief Deputy Treasurer Laurie Thomas, Chief Deputy Assessor Joe Johns, Civil Deputy Prosecuting Attorney R. David Ferguson, BOCC Administrative Secretary Teri Johnston and Deputy Clerk Tina Ginorio. Also present was Kootenai County Resident Sharon Sorenson. Chairman Chris Fillios was excused.

- A. Call to Order:** Chair Pro Tem Leslie Duncan called the meeting to order at 9:30 a.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Action Items:**

Request for Cancellation of Late Charges, Penalties and Interest/AIN Nos. 257185; 257186/Cazier

Chief Deputy Treasurer Laurie Thomas explained that the request involved two parcels that were adjacent to the owner's primary residence. She indicated the taxes on the two parcels had been delinquent since 2007 and that the owner had requested that the late charges, penalties and interest be waived so that the three properties could be combined into one. Ms. Thomas said that the properties were not held under uniform ownership and this had prevented them from being merged in the past.

Chief Deputy Assessor Joe Johns provided the Commissioners with a map illustrating the properties in question. Mr. Johns confirmed that the Assessor's Office has not been able to consolidate the parcels because the owner had not had uniform ownership; they were held under Land Renewal Management, Inc., Cazier Trust and Nicholas Cazier. Mr. Johns concluded that, even if the taxes were settled, they could not perform the merge until uniform ownership was established.

Chair Pro Tem Duncan noted that none of the issues described were due to an error on the County's part and the owner did not provide any indication that paying the accumulated amount of about \$2,000 presented any hardship.

Commissioner Bill Brooks moved that the Board deny the request for cancellation of late charges, penalties and interest on AIN Nos. 257185 and 257186. Chair Pro Tem Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Chair Pro Tem Duncan: Aye
Chairman Fillios: Excused

The motion carried.

Request for Cancellation of Penalties and Interest/AIN Nos. 225876; 104733/Hardy

Ms. Thomas said she had received a phone call from the owner back in July 2019 saying he had sent in his property tax payment. She stated he was questioning the June 20 due date and felt that it was inappropriate that, if someone did not pay by June 20, the interest was calculated back to January 1. Ms. Thomas reported she had denied his request at that time, but offered him the opportunity to bring the question to the Board. She confirmed that the amount in question was just under \$500 for two parcels.

Commissioner Brooks noted that the tax due date was state law and the County did not have authority to change it.

Chair Pro Tem Duncan agreed and added that he also had not provided any evidence that this would create a hardship.

Commissioner Brooks moved that the Board deny the request for cancellation of penalties and interest on AIN Nos. 225876 and 104733. Chair Pro Tem Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Chair Pro Tem Duncan: Aye
Chairman Fillios: Excused

The motion carried.

Request for Cancellation of Late Charges, Penalties and Interest/AIN Nos. 136350; 108186; 238656; 306154; 217031; 191886; 127242; 121048; 185860; 139933; 110895; 190165; 114623; 218182; 218179; 101513; 113851; 211505; 186709/Sorenson

Deputy Clerk Tina Ginorio swore in Kootenai County Resident Sharon Sorensen.

Ms. Sorensen explained that she had owned property in this area since 1981 and had a record of paying her taxes on time. She said that the computer-generated checks for the taxes on two of her three accounts had been issued on June 14, 2019; she was not sure if they were mailed on June 14 or June 15, but they were somehow postmarked June 25, 2019. She said she did not feel this was her fault; she indicated she believed it was a postal issue. She added that the fines and interest were close to \$2,000.

Chair Pro Tem Duncan asked if this presented a hardship. Ms. Sorensen replied that this was a lot of money for something that was not her error. Chair Pro Tem Duncan said state statute listed reasons why the Board of County Commissioners could waive taxes, a failure by a third party like the postal service that occurred between the property owner and the County was not included.

Civil Deputy Prosecuting Attorney R. David Ferguson confirmed that Idaho Code 63-711 said, "property taxes may be cancelled for reason of undue hardship. The Commissioners may, at their discretion, grant such cancellation for a specified time period." He noted that "undue hardship" was not defined in the statute, but the dictionary definition described it as, "extreme or excessive, not only hardship but extreme hardship."

Commissioner Brooks moved that the Board deny the request for cancellation of late charges, penalties and interest on various AINs as found on the agenda item three. Chair Pro Tem Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Chair Pro Tem Duncan: Aye
Chairman Fillios: Excused

The motion carried.

Ms. Sorensen exited the meeting at 9:48 a.m.

Request for Cancellation of Taxes/AIN 120947/Bryan

Ms. Thomas reported that the taxpayer had written a letter requesting that his taxes be cancelled. She said he purchased the property in October 2018 and missed applying for the veteran's exemption for that year. Ms. Thomas pointed out that 2019 taxes had not yet been billed, so the Board could not grant an exemption of those yet. She added that it was not clear from his letter whether he was requesting an exemption be applied for the 2018 or 2019 taxes.

Mr. Johns confirmed that his office had not received an exemption request for 2019 but, based on the information he had previously received, this person would be eligible for an exemption of up to \$1,320 on property tax, half the solid waste fee and half the aquifer fee. Mr. Johns said that the property owner had explained in the letter that he had been prevented from completing the exemption application by his condition and circumstances. Mr. Johns added that he also was not clear on whether the request was intended for 2018 or 2019 taxes.

Chair Pro Tem Duncan asked that the property owner be contacted to clarify his request. Ms. Thomas said she would follow up with him. She also noted that the case could be considered as either a cancellation of taxes or under a hardship situation when the time came.

Commissioner Brooks commented that he felt this should be considered an incomplete application and action on it withheld.

There was general agreement that no motion was needed at this time and that the property owner would be contacted and offered assistance in navigating the process.

Request for Cancellation of Taxes/AIN 106837/Taylor

Ms. Thomas stated that she had asked to have this case added to the agenda; she had been working with Mr. Taylor for some time. She explained he had owned a mobile home that had been destroyed in October 2018, was on SSI, was blind and had been in and out of the hospital most of this year. She said he has expressed a strong feeling of obligation to try to make payments of \$5 or \$10 per month on a total delinquent bill of about \$470. Ms. Thomas asked for guidance from the Board on how to proceed.

Chair Pro Tem Duncan stated that she saw this unquestionably as a case of undue hardship.

Commissioner Brooks moved that the Board approve the request for cancellation of taxes on AIN 106837. Chair Pro Tem Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Chair Pro Tem Duncan: Aye
Chairman Fillios: Excused

The motion carried.

Request for Adjustment of Taxes/Circuit Breaker/AIN 132791/Scheper

Ms. Thomas reported that the property owner had received the Circuit Breaker Program exemption for years. She explained that the property owner had come in to the Assessor's office to complete the application, but there had been an apparent communications issue: she had apparently asked if she needed to file for a homeowner's exemption when she meant to say circuit breaker. Ms. Thomas said the staff member had told her she only had to do that once, so Ms. Scheper left without completing the right forms.

Mr. Johns confirmed this and said his staff was working to contact Ms. Scheper and correct the situation.

Ms. Thomas said that Ms. Scheper was asking to have the exemption reinstated on the 2019 taxes but the 2019 taxes had not yet been billed. She said she had recommended that the property owner contact the Board again when she receives her tax bill.

There was general agreement that this case should receive further attention but required no motion at this time.

Mr. Johns confirmed that his office would contact the property owner, let her know what they need from her and flag her file for further action.

Request for Cancellation of Late Charges, Penalties and Interest/AIN 207984/Leighton

Ms. Thomas stated that this parcel was in the pending issue of tax deed process; the County had taken it for non-payment of taxes and it was scheduled for auction October 7, 2019. She said that Ms. Leighton had written a letter explaining that the property management company had not handled her affairs properly and that was why the taxes had not been paid on time. Ms. Thomas said Ms. Leighton asked that the late charges, penalties and interest be waived, and to be allowed to make monthly payments on the delinquent amount.

Ms. Thomas explained that statute declared that, once a property had been tax deeded, the whole amount of the back taxes plus a pre-payment of the current year's tax had to be paid in full. She noted that the Commissioners had the authority to pull the property from the auction and hold it for up to sixteen months, if they felt this was appropriate.

Chair Pro Tem Duncan commented that it was the owner’s responsibility to keep aware of their business. She added that there was no indication this would create any undue hardship for the property owner and the situation had not been caused by an error by the County.

Commissioner Brooks moved that the Board deny the request for cancellation of taxes on AIN 207984. Chair Pro Tem Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Chair Pro Tem Duncan: Aye
Chairman Fillios: Excused
The motion carried.

Treasurer’s Cancellation of Penalties and Interest/AIN Nos. 194447; 120177/Simons

Ms. Thomas reminded the Commissioners that, as of January 2019, they had given her and the Treasurer authority to cancel or waive late charge and interest, if there were sufficient reason. She noted that part of the agreement had been that the Treasurer’s Office would provide the Board with a report of the prior month’s activity. She said that they had cancelled late charges and interest on two parcels, for a total of about \$263. She explained the customer had paid their bill in a timely fashion but the bank had experienced an internal issue. She said she had been able to fully confirm their explanation.

Chair Pro Tem Duncan asked if the Board needed to ratify this with a motion. Ms. Thomas said it was not necessary.

- D. Public Comment (Discussion):** This section is reserved for citizens wishing to address the Board regarding a County-related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing. There was no public comment.

- E. Adjournment (Action):** Chair Pro Tem Duncan adjourned the meeting at 10:10 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

LESLIE DUNCAN, CHAIR PRO TEM

BY: _____
Tina Ginorio, Deputy Clerk
