

Minutes of Meeting
Requests for Cancellation of Taxes
January 6, 2021
9:00 a.m.

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda items. Also present were Chief Deputy Assessor Joe Johns, Chief Deputy Treasurer Laurie Thomas, Treasurer's Office Customer Service Technician II DeeAnn Reed, Civil Deputy Prosecuting Attorney R. David Ferguson, BOCC Senior Business Analyst Nanci Plouffe and Deputy Clerk Tina Ginorio. Also present were Kootenai County Residents Wiley and Gloria Marks, and New Life Community Church Representatives Geoffrey Winkler, David Warnick and Nick Warnick. Commissioner Brooks and Mr. Ferguson were present via teleconference.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 9:02 a.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Action Items:**

Chairman Fillios asked that all participants be sworn in.

Deputy Clerk Tina Ginorio swore in all those present.

Request for Cancellation of Taxes/AIN Nos. 162188; 162190; 182821/New Life Community Church

New Life Community Church Representative Geoffrey Winkler requested that the Commissioners reconsider their case.

Chief Deputy Assessor Joe Johns stated that State Law did not offer discretion to the Board in the case of late applications, unless there were special circumstances such as the County having made an error. He noted that the case had originally been heard by the Board of Equalization and had been declined because that was not the appropriate venue for the request. He said the case had then been sent to the Idaho State Board of Tax Appeals, which also declined it.

Chief Deputy Treasurer Laurie Thomas commented that this was not a situation in which her department could take action. She said that the BOCC could consider it as a Hardship Exception, if the proper documents were filed. She added that Hardship could be requested for any sort of property, not just residences.

All three Commissioners expressed their encouragement for a Hardship Appeal to be filed by the representatives of the church.

Commissioner Leslie Duncan moved that the Board deny the request for cancellation of Taxes for AIN Nos. 162188, 162190 and 182821 pending the hardship process. Commissioner Bill Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

Mr. Winkler and New Line Community Church Representatives David Warnick and Nick Warnick exited the meeting at 9:13 a.m.

Request for Adjustment of Taxes/Agricultural Exemption/AIN 308997/Panerio

Mr. Johns stated that AIN 308997 was conveyed in 2017 to the property owner Panerio. He said that the Assessor's Office, while processing the split of the original property, did not get the assessment notice into the grantee's name so they did not receive the assessment notice for 2018, 2019 or 2020. He said the property owner stated that, had the assessment notices been received, they would have filed for the agricultural exemption.

Mr. Johns said that the Assessor's Office was not able to alter the valuation of the property for those years. He read a portion of Idaho Code §63-307, paragraph 3 into the record: "No mistake in the name of the owner or failure to designate such owner shall in any manner affect the validity of the assessment or tax lien." He acknowledged that the Assessor's Office had made an error in processing the documents, however.

Kootenai County Residents Krista L. Panerio and Justin Moody entered the meeting at 9:16 a.m.

In response to a question from Commissioner Duncan, Mr. Johns said that the difference would have been about \$36,000 in value for each of the three years in question. He said he did not have the calculation of the precise amount in taxes this would have generated. He confirmed that the owners had filed for such exemption for the future, as required.

Upon a request from Chairman Fillios, Ms. Ginorio swore in Ms. Panerio.

Ms. Panerio provided background information on the transfer of the property and its history of agricultural use. She pointed out that the exemption had not been lost by her error.

Ms. Thomas confirmed that the property had received the agricultural exemption prior to the subdivision. She further explained to the Commissioners that this would constitute a cancellation of taxes, since Ms. Panerio was asking that the exemption be reinstated for 2018, 2019 and 2020.

Commissioner Duncan asked Civil Deputy Prosecuting Attorney R. David Ferguson whether this situation would qualify as a County error under the statute.

Mr. Ferguson reviewed the information presented and said that he felt the Board could address the case under §63-1302, which allows the Board to cancel taxes in cases where there was an error on the part of the County.

Mr. Johns stated that he could provide the difference in assessed value to the Treasurer's Office so the difference in tax could be calculated.

Mr. Ferguson, in response to Ms. Thomas' explanation of what her department would need, suggested that they proceed with a motion today, but further ratify the motion after the precise dollar amount had been determined.

Ms. Thomas pointed out that, in resolutions such as this, payment would typically be required within 30 days of receipt of the tax bills with the late charge and interest removed. She said if it went beyond that period of time, late charge and interest were usually reinstated.

Commissioner Duncan moved that the Board approve the request for adjustment of taxes, putting the Agricultural Exemption value on for 2018, 2019 and 2020, cancelling the penalties and interest, and those taxes that were attributed to the former value, with payment to be received within 30 days. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

Ms. Panerio and Mr. Moody exited the meeting at 9:31 a.m.

Request for Adjustment of Taxes to Reflect VA Tax Reduction/AIN 171570/Marks

Kootenai County Resident Gloria Marks explained that their VA (Veteran's Affairs) exemption had been denied previously because of the percentage of employability and disability that Wiley Marks had received. She said they had learned from a friend that the laws regarding the percentages had been changed and wanted to ask the Board to reconsider.

Mrs. Marks also noted that the Homestead Exemption did not have to be filed every year and asked why the VA Exemption did.

Commissioner Duncan and Chairman Fillios said they felt that was an excellent question and deserved exploration, but was not under the Board's authority. They encouraged Mrs. Marks to bring it up with her local Legislative Representative and ask that it be changed.

Mrs. Marks confirmed that payment of the additional tax did create a financial hardship for their family.

Mr. Johns stated that the Legislature did approve veterans paid at 100% disability but rated less than 100% disabled to receive the full VA tax reduction in the spring of 2020. He said that those who had come in early to file their documents had been told they were not eligible. He added that Mr. Marks was eligible to receive the full benefit, a credit of up to \$1,320 on property tax.

Commissioner Duncan moved that the Board approve request for adjustment of taxes to reflect the VA Tax Reduction in an amount up to \$1,320 for AIN 171570. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

Mr. and Mrs. Marks exited the meeting at 9:33 a.m.

Request for Cancellation of Late Fees/Interest/AIN 262125/Overby

Ms. Thomas reported that Mr. Overby had contacted the Treasurer's Office regarding late fees and interest that had appeared on his 2020 tax bill. She explained that he had bought the property in 2019, and due to an error made in setting up the escrow account, his 2019 taxes were not paid by the deadline. She confirmed that Mr. Overby would have received an earlier notice of the late fees and interest in his May 2020 statement. She added the interest would be \$609.66 and the penalty would be \$110.19 and that he had since paid the 2019 and 2020 taxes.

Commissioner Duncan moved that the Board deny the request for cancellation of late fees and interest on AIN 262125. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

**Resolution 2021-01/Cancellation of Taxes, Penalties and Interest/AIN 101750/1607
Lincoln LLC**

BOCC Senior Business Analyst Nanci Plouffe explained the resolution was for the building rented for the Public Defender's Office. She specified that they were asking only for the County portion of the taxes be cancelled, but that the remaining taxing districts and special assessment be paid.

Commissioner Duncan remarked that this was an annual event.

Chairman Fillios agreed.

Commissioner Duncan moved that the Board approve Resolution 2021-01, for the cancellation of taxes, penalties and interest on the County portion on Ain 101750 for 1607 Lincoln LLC. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Duncan: Aye
Chairman Fillios: Aye

The motion carried.

Resolution 2021-02/Cancellation of Taxes, Penalties and Interest/AIN 173521/Kootenai County Surplus Property

Ms. Plouffe asked for the Board’s approval of Resolution 2021-02, for old taxes, special assessments, penalties and interest due on the property from 2007 through 2010. She explained they were requesting cancellation of penalties and interest and pay the special assessments to the Aquifer Protection District (APD). She added that the amount due to APD was \$32 and the County would cancel about \$44.00.

Commissioner Duncan moved that the Board approve Resolution 2021-02 for the cancellation of taxes, penalties and interest, but not special assessment, for AIN 173521. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Duncan: Aye
Chairman Fillios: Aye

The motion carried.

D. Public Comment: 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 were no public comments.

E. Adjournment (Action): Chairman Fillios adjourned the meeting at 9:39 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
