

SHIRLY RITENOUR
JACKSON COUNTY, IOWA
RECORDER

No Fee

ORDINANCE NO. 90

AN ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM IN JACKSON COUNTY, IOWA.

BE IT ENACTED by the Board of Supervisors of Jackson County, Iowa:

Section 1. Categories. There shall be three (3) categories of general relief in Jackson County, Iowa. They are:

1. Emergency relief for needy persons;
2. Relief for poor persons; and
3. Relief of an extended nature.

Section 2. Definitions The definition of terms as used in this Ordinance are:

1. "Needy Person" is a person or the family unit of that person who is domiciled in Jackson County, Iowa and who, because of circumstances which are not attributable to that person, needs immediate relief.
2. "Poor Person" is a person or family unit of that person who is domiciled in Jackson County, Iowa, and who, because of physical or mental disability, is unable to engage in gainful employment and otherwise cannot make a living.
3. "Relief" means food, rent, shelter, clothing, fuel, electricity, water, personal care items, medical attention, and burial expenses. Food does not include cigarettes or alcoholic beverages.
4. "Resources" include monies from any source, monies due, savings and other deposits, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and the value of all other real and personal property, but excludes clothing, wedding rings, usual household furniture, bedding, towels and similar items. The total value of these resources shall not exceed Two Thousand Dollars (\$2,000).

Homestead value shall not exceed Thirty Five Thousand Dollars (\$35,000).

Total value of vehicles shall not exceed Five Thousand Dollars (\$5,000).

Burial trusts or contracts shall not exceed Three Thousand Five Hundred Dollars (\$3500) per person.

Equity in any property besides the homestead shall not exceed Five Thousand Dollars (\$5,000).
5. "Income" includes any earned or unearned income. Relief is to be provided to persons whose income is below the schedules set up for the State Aid to Dependent Children (ADC) program.
6. "Family unit" means the individual applying and all members of the immediate family as long as they reside with the applicant as a family unit.

7. "Awaiting approval and receipt" means a poor person who has applied for assistance under any state or federal law, who has pursued that application with due diligence and who has not had that application denied.

Section 3. Form of Relief. The relief shall be purchased directly from the supplier for the applicant or the family unit. It may be for one or more of the items of relief that can be provided.

Section 4. Requirements for Eligibility. Relief is to be provided to needy or poor persons who are in need of immediate relief, cannot obtain relief from any other source, and who meet the income and resource guidelines.

- A. Transients- Needy persons who have been in the county for less than five (5) days will be considered "transient" and will be referred to other local agencies providing transient assistance.
- B. Age- Applicants must be 18 years of age or older to receive General Relief assistance unless emancipated by marriage or through the court system.
- C. Job Seeking Requirements- A needy person shall immediately register for employment with Job Service of Iowa and otherwise actively seek employment unless the person is a:
1. Disabled Person- a doctor's statement may be required if the disability is not evident.
 2. Primary caretaker of a child in the home who is under 6 years of age.
 3. Elderly person- age 62 or over.
 4. Minor- under 18 years of age and attending school full-time, if of school age.

The needy person shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of Job Service of Iowa. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the needy person from receiving future benefits. The needy person may be required to provide reasonable proof that he or she is actively seeking employment.

- D. Quitting a job- A needy person who quits a job without good cause within thirty (30) days prior to the date of application shall only be eligible for General Relief assistance for one month.
- E. Reasons for denial- General Relief shall be denied at any time if:
- a. the applicant or recipient refuses to rely on his or her resources.
 - b. there is a transfer of property with intent to qualify for General Relief.
 - c. the applicant or recipient refuses to answer any question or if they falsify their application.
- F. Reasons for disqualification- An applicant may be disqualified from receiving future benefits if that person:
- a. falsifies the application, verification or any other information. In cases of falsification, the applicant shall be denied further assistance for one (1) year.

- b. fails to repay the value of benefits received as agreed, except for reasons not attributable to that person. The Board of Supervisors may, upon application, waive the repayment of all or some of the benefits provided on the same basis as it may waive payment of property taxes.

Section 5. Level of Benefits. Relief shall be paid only on current bills. Relief shall not be paid for deposits, hook-up fees, reconnect fees, or to satisfy any past due bills unless necessary for current service or goods and it is approved by the Board of Supervisors.

The maximum level of benefits to be provided for each item of relief for each person or that person's family unit shall be:

1. Food, if food stamps have not been received, at the level of guidelines for food stamps;
2. Rent, the reasonable rental value not to exceed One Hundred Fifty Dollars (\$150) per month for one person and an additional Twenty Five Dollars (\$25) per month for each additional member of the family unit that actually resides with the person. When the utilities are included in the rent payment, the reasonable rental value is not to exceed One Hundred Seventy Five Dollars (\$175.00) per month for one person and an additional Twenty Five Dollars (\$25) for each additional member of the family unit who actually resides with the person. The maximum allotment per month per family shall not exceed Two Hundred Fifty Dollars (\$250). Rent shall only be paid to bona fide landlords. Rent shall not be paid to responsible relatives such as parents, children, grandparents, or grandchildren;
3. Clothing, the reasonable value of clothing actually needed if not immediately available from other sources;
4. Fuel, electricity, and water, the amount needed to provide these services and supplies;
5. Personal care items, the reasonable value of personal hygiene items actually needed not to exceed Fifteen Dollars (\$15);
6. Medical services, prescriptions, and dental services, the reasonable value of these services actually needed on an emergency basis. Dental services shall be limited to tooth extraction or alleviation of pain. If extensive medical treatment is anticipated, a State Paper may be considered.
7. Burial assistance, the reasonable value of these services, not to exceed Seven Hundred and Fifty Dollars (\$750). In cases where income exceeds the guidelines, but is less than the cost of burial, the Director may waive the income guidelines with Board approval.
8. Maximum limitation for any one person per year for the above benefits, disregarding county papers and county burial, shall be One Thousand Dollars (\$1,000) and One Hundred Dollars (\$100) extra for each additional member of the family unit, unless extended relief is being provided under Section 6 of this Ordinance in which case the maximum shall be Two Thousand Five Hundred Dollars (\$2,500) plus One Hundred Dollars (\$100) for each additional member of a family unit;

The total amount for all of the items of relief needed at any one time, shall be determined, and there shall be deducted the amount of liquid assets the person or the family unit have available and the balance remaining is the amount of relief benefits the needy person is to receive.

Section 6. Relief of an Extended Nature. It is contemplated that items of relief provided to needy persons, poor persons, or their family unit will not exceed two (2) months during a 12 month period of time. If it appears that items of relief should be provided continuously beyond this two (2) month period, and it is determined by the Director of Relief and the Board of Supervisors that it is necessary, the family unit of the needy or poor person will continue to receive items of relief on a month-to-month basis.

Section 7. Application for Relief. Applications for relief shall be submitted by needy and poor persons to the Director of Relief at the Jackson County Courthouse during usual business hours upon forms provided by the Director. If, because of undue hardship, an applicant cannot come to the General Relief Office, the Director shall mail such person an application form. If the applicant or the family unit is or appears to be eligible for relief or assistance from any other federal, state, or local source, the Director shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source, and pursue such application with due diligence as a condition to be eligible for further relief under this Ordinance. It is the obligation of each person applying to establish his or her eligibility for any category of general relief and need for any item of relief. If requested, the person applying shall provide the Director with a verified statement of net worth, federal and state income tax returns, medical reports, medical authorization, and anything else requested by the Director that bears upon the person's eligibility and need for relief. The Director may also require, upon approval of the Board, that the applicant submit to a physical or mental examination to determine applicant's capacity to labor. The Director shall also receive anything that the person applying desires to submit to establish their eligibility or need to include statements or letters, medical reports, and other written documents as well as the verbal statements of the applicant. The Director shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and finding of the Director shall be made available to the applicant, upon request, or to the applicant's attorney by written request.

Section 8. Initial Determination.

- A. The Director shall make an initial determination of the eligibility and needs of the applicant within five (5) working days of the receipt of the application. Upon that determination, the Director shall notify the applicant in writing of the Director's decision showing the reasons for the determination and the statutes or ordinances applied, together with the specific benefits and their amounts to which the applicant is entitled.

If the Director cannot make the initial determination within five (5) working days, the Director shall immediately inform the applicant in writing of the reasons why such determination cannot be made.

- B. If an applicant has been previously found eligible, the Director need not receive a new application, but may proceed to a determination of whether or not current relief is warranted. Notice and mailing of such determination shall be provided as above. If an emergency and immediate

need is present, the Director may verbally authorize a supplier or vendor to furnish any item of relief for the benefit of the applicant and the amount allowed for such benefit. The Director shall inform the applicant and issue a written decision as provided above.

- C. Whenever an applicant is found eligible and entitled to relief, the Director shall proceed to provide the same and notify the Board of Supervisors.

Section 9. Appeal.

- A. Every applicant, whether granted relief or not, shall be informed in the Director's written decision of the applicant's right to appeal from such decision to the Board of Supervisors. The applicant shall be informed of:
1. the method by which an appeal may be taken, and
 2. that he or she may represent himself or herself, or may be represented by attorney.
- B. Any written appeal or communication to the Director by or on behalf of an applicant requesting appeal of the Director's determination, shall be taken by the Director and put immediately upon the Board of Supervisors' agenda, in accordance with Chapter 28A, Code of Iowa, for the next regular Board meeting. The written appeal or communication must be made to the Director within ten (10) days of the Director's determination, provide applicant's current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately by telephone and by ordinary mail of the date and time of hearing before the Board. Applicant and his or her attorney, upon written authorization, shall be granted access by the Director to his or her relief case file if request is made.

Section 10. Appeal Hearing.

- A. The Board of Supervisors shall hear applicant's appeal *de novo* at the time scheduled in the agenda unless continuance is requested by applicant. Applicant shall be permitted to present whatever evidence desired in support of the appeal including testifying, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Board may set reasonable times for the present action of the parties at any appeal. The applicant's file shall be admitted into evidence. The Board may question the applicant. The Director shall present the Board with the reasons for the determination. The appeal will be tape recorded. The hearing before the Board will not be an open meeting under Chapter 28A, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates on the appeal, no parties shall be present.
- B. The Board shall make a decision on the appeal within five (5) working days. Board's decision shall be only on the basis of the evidence submitted before the board. The applicant shall be informed immediately by telephone of the decision and within four (4) working days thereafter, the Board shall mail to the applicant at his or her last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action, together with any statute or ordinance applied. The board's decision shall also state that an appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken.

- C. Any appeal to the district court shall be allowed by applicant from the Board's decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

Section 11. Actions of the Board of Supervisors. In the event the Board of Supervisors, in reviewing the action of the Director of Relief, questions any allowance of relief benefits allowed by the Director, it shall take no action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notification to the applicant shall be given in the same manner as if the applicant had taken an appeal. This hearing shall proceed in the same manner as an appeal from the Director's determination.

Section 12. Additional Provisions. The Director may allow, upon application, the additional benefits provided for in Chapter 252, Code of Iowa. The provision of Chapter 252.13, Code of Iowa, for repayment of benefits to Jackson County, are applicable and the applicant shall acknowledge the same in writing. Recipient of relief may further be required to work for the County as a condition to receipt of such benefits as required in Sections 252.7 and 252.42, Code of Iowa. Benefits provided a recipient may be further a claim against the homestead of a recipient and a claim in probate, as provided by law. As provided for in Chapter 251.6, Code of Iowa, the Board of Supervisors may determine on what projects of county-wide nature the relief labor may be used.

If it is discovered that any relatives of the applicant or recipient are able to provide any means of support for applicant or recipient, they will be deemed liable for such support as provided by Chapter 252.2, Code of Iowa.

Section 13. Repealer Clause. All ordinances and resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

Passed and Approved this 3rd day of August 19 93

VOTE-AYE

Willey
Engel

ABSENT- HAYNES

ATTEST:

T.M. Cotton
T.M. "MIKE" COTTON
JACKSON COUNTY AUDITOR

CHAIR:

J.C. Engel
J.C. ENGEL
BOARD OF SUPERVISORS

LEGAL PUBLICATION

BELLEVUE HERALD----AUGUST 12, 1993
MAQUOKETA SENTINEL-AUGUST 11, 1993
PRESTON TIMES-----AUGUST 11, 1993