

RESOLUTION # 393

A RESOLUTION PRESCRIBING THE GENERAL RELIEF PROGRAM IN MITCHELL COUNTY, IOWA.

BE IT RESOLVED, by the Board of Supervisors of Mitchell County, Iowa:

Section 1. Categories. There shall be three (3) categories of general relief in Mitchell 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 resolution are:

1. "Needy Person" is a person or the family unit and that person who is domiciled in Mitchell County, Iowa or who is a transient in the County and who, because of circumstances which are not attributable to that person, needs immediate relief.
2. "Poor person" is a person defined by Secion 252.1, Code of Iowa.
3. "Relief" means, food, rent, shelter, clothing, transportation, emergency telephone service, fuel, lights and medical attention. Food does not include cigarettes or alcoholic beverages but does include laundry soap, household cleaners, and other items of a non-food nature used for personal hygiene. "Relief" also includes except for the case of a Veteran and his family at their election, provisions of any of the above items of relief by the General Relief Director or Board of Supervisors through the offering of temporary residence at the County Care Facility.
4. "Net Worth" includes income or 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 it excludes clothing, wedding rings, usual household furniture, bedding, towels and similar equipment, one automobile of a value not in excess of One Thousand Dollars (\$1,000.00) and up to 25% equity in a homestead with a value not to exceed Twenty-Five Thousand Dollars (\$25,000.00).
5. "Family Unit" means the individual applying and all members of the immediate family (spouse, children under eighteen (18) years of age, children over eighteen (18) years of age who are dependent upon the applicant, and anyone else who is a dependent of the applicant for Federal tax purposes) as long as they reside with the applicant as a family unit.

6. "Liquid assets" means cash or any other items of net worth of the family unit that can be readily converted to cash.

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. This does not include an appeal of a denial of benefits. It does include a person who has had an application denied and who reapplies after eighteen (18) consecutive months have expired from the date of denial.

Section 3. Form. 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. Eligibility of Needy Person. Emergency relief is to be provided a needy person who is in need of immediate relief, cannot obtain relief from any other source, and whose income or assistance from a state or federal program has been delayed or not actually received by the person because of reasons not attributable to that person and who does not have liquid assets of the family unit from which to pay for the items of relief that can be provided. Emergency relief is, also, to be provided persons who are in need of immediate relief, cannot obtain relief from any other source, whose net worth is less than Five Hundred Dollars (\$500.00), and who, because of reasons not attributable to that person, does not have liquid assets of his or her family unit from which to pay for items of relief that can be provided.

In all instances, applicants must apply for, accept, and maintain eligibility for any other benefits or funds that they are eligible to receive prior to accessing county funds.

County is payer of last resort.

Section 5. Eligibility of Poor Persons. Relief is to be provided poor persons who are in need of immediate relief, cannot obtain relief from any other source, whose family unit net worth is less than Five Hundred Dollars (\$500.00), and who are eligible for, and are awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs, as defined within the limitations imposed by this resolution, cannot be fully met by the assistance furnished under such programs. Any applicant is assumed to be able to earn a living unless applicant's doctor deems otherwise. The applicant shall release the results of medical examination to the Director.

Section 6. Level of Benefits. 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, apply for Food Stamps. If, emergency, issue food voucher for food bank or grocery order, according to state guideline for ADC and number in household.

2. RENT, according to state guideline for ADC and number in household. However, rental assistance will not be approved to parent/relative. (Relative defined as - Grandparents, Brother, Sister.)

3. UTILITIES, according to state guidelines for ADC and number in household.

4. DENTAL, emergency extraction only.

5. GLASSES, authorized only once in 24 months, unless medical purposes or non-repairable. No allowance for prescribed sun glasses.

6. Anyone who has income in excess of \$250.00 monthly must:

A. Pay \$2.00 on each office call for medical purposes

B. Pay \$1.00 on each prescription

7. HOSPITALIZATION:

A. State Papers for University Hospitals, Iowa City

B. Emergency medical or hospital care, County Relief Office and/or Director must be notified first working day or within 24 hours.

8. TRANSPORTATION, including gasoline, will be considered as to need.

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. If the needy or poor person, except for reasons not attributable to that person, fails to repay the value of the benefits received, if agreed, he or she shall be disqualified from receiving future benefits. 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 7. Requirements for Receiving Relief by a Needy Person. A needy person who is not needed in the home to care for minor children, shall immediately register for employment with Job Service of Iowa and otherwise actively seek employment. The needy person shall seek and accept any reasonable employment whether or not it is suitable employment under the guideline of Job Services 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.

SECTION 8. Relief of an Extended Nature. It is contemplated that items of relief to be provided to needy persons, poor persons or their family unit will not, during any one consecutive period of time, exceed sixty (60) days. It will be determined by Director of Relief as to continuation of relief to family unit of needy or poor on a month-to-month basis.

SECTION 9. Application for Relief. Applications for relief shall be submitted by needy and poor persons to the Director of Relief at Osage, Iowa, during usual business hours upon forms provided by the Director. If, because of undue hardship, a needy or poor person cannot come to the office of the Director, the Director shall mail such person an application form or deliver to such persons the application. 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 for the past five (5) years, medical reports, medical authorization, and anything else requested by the Director that bears upon the person's eligibility and need for relief. 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 an investigation into the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director shall be made available to the applicant, upon request, or to the applicant's counsel by written authorization.

SECTION 10. INITIAL DETERMINATION.

(a) (1) The Director shall make an initial determination of the eligibility and needs of the applicant within three (3) working days of the receipt of the application. Upon that determination, the Director shall notify the applicant by telephone immediately, if possible, and within two (2) working days after that determination, mail the applicant at the last address shown on the application, by ordinary mail, the Director's written decision showing the date of the determination. The determination and the statutes or ordinances applied, together with the specific benefits and their amounts to which the applicant is entitled.

(a) (2) If the Director cannot make the initial determination within three (3) working days, the Director shall immediately inform the applicant, by telephone, if possible, of the reasons why such determination cannot be made. The Director shall, also, mail to the applicant, by ordinary mail, within two (2) working days thereafter, the Director's written decision showing the reasons why such determination could not 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 as provided 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 11. 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 (1) of the method by which an appeal may be taken, and (2) that he or she may represent him or herself, or may be represented by counsel. Counsel need not be an attorney.

All appeals must be in writing and delivered to the Director in person or by certified mail, return receipt. If delivered, the Director shall receipt to the person delivering the appeal, noting the date and time of receipt thereof.

(b) A written appeal. Director's determination shall be taken by the Director and put immediately upon the Board of Supervisors agenda, in accordance with Chapter 28 A, Code of Iowa, for the next regular Board meeting, provided that such appeal shall not be heard sooner than five (5) days after appeal is taken. The written appeal 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, if possible, and by ordinary mail, of the date and time of hearing before the Board. Applicant, and his or her counsel upon written authorization, shall be granted access by the Director to his or her relief case file if request is made.

SECTION 12. APPEAL HEARING.

(a) The Board of Supervisors shall hear applicant's appeal de nova at the time scheduled in the agenda. Continuance for good cause may be granted by the Board. Applicant shall be permitted to present any evidence desires 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 applicant's file shall be admitted into evidence. The Board may question the applicant, and 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 28 A, Code of Iowa, since the confidential files of the applicant deliverates on the appeal, no parties shall be present.

(b) The Board shall make a decision on the appeal within five (5) working days. The Board's decision shall be only on the basis of the evidence submitted before the Board. The applicant shall be informed immediately by telephone, if possible, of the decision and within four (4) working days thereafter, the Board shall mail to applicant at his or her last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the actions, 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. The Board may modify, increase, or reduce the Director's award in any respect or amount.

SECTION 13. Actions of the Board of Supervisors. In the event the Board of Supervisors, in reviewing the actions of the Director of Relief, disapproves 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. Upon hearing, the Board may modify, increase or reduce the Director's award in any respect or amount.

SECTION 14. Additional Provisions. The Director may allow, upon application, the additional benefits provided for in Chapter 252, Code of Iowa. The provisions of Chapter 252.13, Code of Iowa, for repayment of benefits to Mitchell County, are applicable and the applicant shall acknowledge the same in writing. Recipients of relief may further be required to work for the County as a condition to receipt of such benefits as required by statute. Benefits provided a recipient may be further a claim against the homestead of a recipient and a claim in probate, as provided by law.

RESOLUTION # 393 reviewed and declared adopted this 10th

day of December 1996.


Don Hendrickson, Chairperson
Board of Supervisors
Mitchell County, Iowa

ATTEST:


Sandra Heckstein, Auditor
Mitchell County, Iowa