

## ORDINANCE 14

An Ordinance Prescribing the General Relief program of Cerro Gordo County, Iowa.

Be It Enacted by the Board of Supervisors of Cerro Gordo County, Iowa:

### SECTION I. POLICY

1. The Board of Supervisors shall provide for a general relief program for the benefit of poor or needy persons residing in Cerro Gordo County. The ultimate objective of such program shall be to assist such persons to become self-supportive and self-reliant.
2. The benefits of the general relief program shall be extended to all persons eligible, regardless of race, color, creed, national background, character or past or present conduct or behavior.
3. General relief provided under this program is temporary, and provided to meet emergency situations. Relief shall be provided to poor persons so long as they meet the definition of a poor person pursuant to this ordinance. Relief to needy persons will be limited to a specific time and/or amount as set by the Cerro Gordo County Board of Supervisors by resolution.
4. Assistance received from the Commission of Veteran Affairs shall be considered as received through the general relief program for purposes of the limitations set forth herein.
5. Relief shall not be granted for payment of deposits, taxes, interest, carrying charges or other payments not directly necessary for the support and maintenance of the applicant or his or her family or household.

### SECTION II. DEFINITIONS

For use in the ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. A "poor person" is a person of limited means who is in need of support and maintenance, and who is without sufficient means or earning capacity to provide for his or her own support and maintenance

and who is unable because of physical or mental disabilities to earn a living by labor.

"Disability shall mean the existence of an impairment, illness, or defect, either mental or physical, which has a demonstrable effect upon the applicant's ability to perform ordinary work tasks. The incapacity, when not evident to the general relief worker, may be supported by medical statements supplied by a physician or a psychologist. A doctor's statement stating that the applicant possesses an impairment which has a demonstrable effect on his or her ability to perform ordinary work tasks, shall be conclusive proof of disability. The incapacity may range from a partial and/or temporary to total and/or permanent. Mental impairments, alcoholism, or drug addiction may constitute disability depending upon their affect upon the applicants ability to perform ordinary work tasks. There shall be no durational requirements for the incapacity to qualify the applicant as disabled, except that any physical disability need not be recognized until it has been present for fourteen days. Any person not disabled shall be considered a 'needy person'".

2. A "needy person" is a person of limited means who is in need of support and maintenance, and who is without sufficient means or earning capacity to provide for his or her own support and maintenance.

3. "Relief" means food, rent, shelter, clothing, emergency medical transportation, emergency medical attention, household fuel and electricity, and burial assistance. Food does not include tobacco or alcoholic beverages, pop, candy or pet foods, but does include laundry soap, household cleaners and other items of non-food nature used for personal hygiene.

4. "Liquid assets" means any item of the household unit that can be readily converted to cash within seven (7) days. This includes monies due, savings and other deposits, stocks, bonds, cash value of life insurance policies, jewelry and the value of all other personal property, but excludes clothing, wedding rings and usual household furnishings.

5. "Household unit" means the individual applying and all members of the immediate family or household, (spouse, children under eighteen (18) years of age, children over eighteen (18) years of age who are dependent upon the applicant, parents and anyone else who is residing in the household), provided that such person physically resides with the applicant.

6. "Income" means all income in cash or in-kind received or readily available to the applicant or his or her household unit, shall be considered in determining the amount of relief. Public assistance programs, worker compensation payment, social security payments, pension payments, and any other forms of income shall be considered.

7. "Awaiting approval and receipt" means a poor or needy person who has applied for assistance under any state or federal law, 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 an application denied and who reapplied after eighteen (18) consecutive months have expired from the date of the denial.

### SECTION III FORM

The "relief" shall be purchased directly from the supplier for the applicant or the household unit. It may be for one or more of the items of relief to be provided. Assistance is granted on a vendor payment system. A voucher claim is presented to the vendor for signature and returned to the County Relief Office for submission to the Board of Supervisors for payment approval.

General Relief is administrated promptly, equitably to poor or needy persons, but will not be used to supplement other forms of relief.

Eligibility for relief may be investigated by the County Relief Director or that Officer's designee, and may be reinvestigated as often as necessary, but each approval cannot exceed a one month period. An analysis of eligibility under this standard shall be made on a current month basis.

Any application for benefits under this ordinance shall be in affidavit form.

### SECTION IV APPLICATION FOR RELIEF

Applications for relief shall be submitted by the needy or poor persons to the Director of Relief or that officer's designee at the Cerro Gordo County Court House in Mason City, Iowa during usual business hours upon forms provided by the Director and shall be in affidavit form. If, because of undue hardship, a needy or poor person cannot come into the Court House, the Director or that officer's designee shall mail such person an application form at their last known address. If the applicant or the household unit is, or appears to be eligible for relief or assistance

from any other federal, state or local source, the Director or that officer's designee shall immediately refer the applicant to that source and such application shall be pursued 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 relief and need for any item of relief. If requested, the person applying shall provide the Director or that officer's designee with a verified statement of net worth, federal or state income tax returns for the past five (5) years, medical reports, medical authorization and/or anything else requested by the Director or that officer's designee that relates to the person's eligibility and need for relief. The Director or that officer's designee may also require, upon approval of the Board, that the applicant submit a physical or mental examination to determine applicant's capacity to work. The Director or that officer's designee shall also receive anything that the person applying desires to submit to establish his or her eligibility or need, to include statements or letters, medical reports, and/or other written documents as well as the verbal statement of the applicant. The Director or that officer's designee shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director or that officer's designee, shall be made available to the applicant, upon request, or to the applicant's attorney or representative by written authorization.

A person who is eligible for other public assistance shall be referred to the appropriate agency for such assistance. Persons eligible for unemployment compensation or workmen's compensation must apply for said benefits.

#### SECTION V FINANCIAL ELIGIBILITY

"Relief" is to be provided to eligible persons or household units who are in immediate need, cannot obtain relief from any other source and whose financial situation is such that the denial of relief would be counter productive to the stated policy in Section I - Policy.

To be eligible for relief, liquid assets of the applicant or his or her household unit shall not exceed \$500.00.

Application for relief will be denied if the applicant or his or her household unit has an unencumbered equity in or owns property with a value of more than \$20,000. Application for relief will be denied if the applicant or his or her household unit owns or has an unencumbered

equity in a vehicle or any number of vehicles that exceed \$3,000. This may be amended by Resolution by the Board of Supervisors.

A person who is eligible for other public assistance programs shall be referred to the appropriate agency for such assistance. Persons who may be eligible for unemployment compensation must apply for said benefits and furnish evidence thereof. Failure to do so shall result in denial of assistance.

For determination of eligibility for relief for a single person, the Supplemental Security Income Payment standard for one person in his or her own home shall be used.

For determination of eligibility for relief for a family or household unit of two (2) or more persons, the income levels in the Schedule of Basic Needs currently in use for determination of eligibility for Aid to Families with Dependent Children shall be used.

An examination of all assets of the family or household unit shall be made. To be eligible for relief, assets of the applicant or his or her family unit or household unit shall not exceed \$500.00.

In determining eligibility income, said income shall be reduced by medical expenses currently being paid, mandatory employment deductions, child care expenses and mandatory child support payments, not whose which are being voluntarily made. All such income and deductions shall be verified by the Relief Director or that officer's designee. An analysis of eligibility under this eligibility standard shall be made on a calendar month basis. The General Relief Director or designee may make further inquiry of factual details regarding eligibility status as would be necessary.

The denial or granting of Social Security Disability benefits shall not effect a persons eligibility for assistance under this ordinance.

## SECTION VI LEVEL OF BENEFITS

Relief shall be granted in accordance with a verified need for each applicant or household unit as set forth in this section. Need may be temporary depending upon the individual's or household unit's need. There shall be no payments for deposits, taxes, interest, carrying charges, loans, air conditioning, telephone, past due debts, or similar personal indebtedness unless otherwise provided herein. The Relief Office does not make payments on anything in which equity might be gained by the mortgage holder. Needs which may be considered are:

food, rent utilities, clothing, medical services, medical transportation, and burial.

1. Food - if food stamps have not been received, at the level of guidelines currently in effect for the food stamp program. A food voucher may be given to a client made out of the grocery store of their choice according to food stamp guidelines until the family is certified for food stamps. This voucher is to provide staple food items only. Food vouchers shall not be used to supplement the household that is eligible for food stamps or receives food stamps on an on-going basis. If a client is in need of non-food items such as soap, paper products or personal items, these may be considered.

2. Rent - payment shall only be made to owners of property or their designee. Rent shall only be paid for housing that is currently being occupied by the applicant or household unit except for temporary absence of the household member for health purposes. Rent shall not be paid to relatives such as parents, grandparents, children or grandchildren. If nothing else is available in an emergency, rent can be paid for temporary housing such as a motel not to exceed two days. A maximum of one hundred dollars (\$100.00) will be allowed clients of some means, however, in no situation shall assistance for rent exceed one hundred fifty (\$150.00) per month, or if utilities are included, a total of two hundred (\$200.00) be allowed. This may be amended by resolution by the Board of Supervisors.

3. Utilities - includes payments for gas, electricity, water and fuel oil companies, and if they have no other fuel needs, for cooking gas. Utilities are paid on a current month's needs only. Utilities must be in the name of the applicant or a household member. A maximum of fifteen dollars (\$15.00) may be allowed on a water bill and a maximum of eighty-five dollars (\$85.00) on heat and electricity, provided these services are not available from any other source. This may be amended by resolution by the Board of Supervisors.

4. Clothing - a reasonable value of item actually needed if not immediately available from any other source. Goodwill Store, Salvation Army Store and any other thrift store shall be first to be considered.

5. Medical - assistance will be considered only after an applicant has been referred to any other community agency which determines eligibility and payment of medical expenses. The usage of State of Iowa Papers for University of Iowa Hospitals and Clinics in Iowa city will be considered before large medical expenses will be authorized within the local community. Eligibility for issuance of state papers is set by resolution by the Board of Supervisors.

Payment may be made to local vendors for medical care if no other resource is available. Payment for dental work shall only be allowed to alleviate pain by an emergency extraction; however, dentures or denture repair may be considered in an extreme emergency situations.

Dental and medical services and prescriptions for medications shall be the reasonable value of these services actually needed as shown by the statement from a physician, dentist or optician. The client shall pay the first two dollars (\$2.00) on doctor and dentist calls, and first one dollar (\$1.00) on prescribed medications. Dentures and denture repair may be considered with a limit of two hundred dollars (\$200.00) for a full month extractions, and a limit of two hundred fifty dollars (\$250.00) for dentures. Payment may be authorized for prescriptions and non-prescriptive items such as insulin, needles, bandages and gauze. Payment for examinations and lenses will be considered in an emergency situation only and the applicant will be asked to get an estimate of the cost before authorization is approved. Payment for medical appliances not available through other resources may be considered such as hearing aids, with a cost estimate necessary before approval. Authorization must be received prior to receiving any medical assistance. In the case of an emergency, the Relief Office must be notified within 24 hours following the emergency or within 48 hours after admission on weekends or holidays.

Relief shall not be used to provide out-of-state medical costs. Relief guidelines for income and net worth apply. Clients eligible for private insurance, Medicaid or Medicare must take advantage of these programs. Cerro Gordo County may pay up to 80% of the first three (3) days of local hospitalization if patient is not able to be transported to University of Iowa Hospitals in Iowa City during this period of time. The patient is to be transferred as soon as a determination of treatment is made between the hospital and the County Relief Office. No costs will be considered if our office has not been notified of an admission. Emergency room charges may also be considered at the 80% rate as well as doctor and dental charges.

6. Medical Transportation - for medical emergencies if needed. A bus ticket or a fill of gasoline if transportation is not available by any other source.

7. Burial - expenses may be considered for indigent persons according to contract agreement with the funeral directors not to exceed one thousand dollars (\$1,000.00). Social Security Death Benefits or Veteran Burial Benefits must be applied for and refunded to the County for these expenses allowed. In the event funds are received from the family or other resources, they will first be credited

towards a cemetery plot if there is no family plot available and the opening and closing of the grave. If no family funds are available, the County will provide for a plot and the opening and closing of the grave in addition to the one thousand dollars (\$1,000.00) for the burial expenses. The amount for disposition of remains may be changed by the Board of Supervisors by resolution.

## SECTION VII WORK REGISTRATION REQUIREMENTS

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 guidelines of Job Service of Iowa. A refusal or failure to actively seek employment, and refusal or failure to accept a reasonable employment offer, shall disqualify the needy person from receiving benefits under this Ordinance.

The needy person shall be required to provide reasonable proof that he or she is actively seeking employment and has registered with Job Service of Iowa. Conditions making persons unavailable for employment and not required to register with Job Service would include: illness, either physical or mental disability that prevents self-support; a disability or other factors rendering the person unemployable; or need to provide care for a dependent person whose needs are such that constant care and supervision is needed in the home.

An applicant, applicant's spouse, or other adult household member who has voluntarily terminated employment may not be eligible for relief until three months have elapsed, unless that person is exempt under this Ordinance. When an adult member of a family or household unit voluntarily terminates employment the person will be permitted to prove, with provision of information satisfactory for our purposes, that the voluntary quit was for a good reason which exists in the Iowa Department of Job Service guidelines.

An applicant or household unit member who voluntarily withdraws from the work force in order to attend school above high school level is not eligible for relief.

A person must be eighteen years of age to be eligible for county relief, if the person is not living in the parental home. An exception to this policy is if a person is married under the age of eighteen. Persons



under the age of eighteen who are attending school through 12<sup>th</sup> grade on a regular basis are exempt from this work registration requirement.

### SECTION VIII RELIEF OF AN EXTENDED NATURE

Items of relief to be provided to needy, poor persons or their household unit shall not, during any one consecutive period of time, exceed sixty (60) days. If it appears that items of relief should be provided continuously beyond this sixty (60) day period, it will be by appeal or hearing before the Board of Supervisors.

The total amount of 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 household unit has available and the balance remaining is the amount of relief benefits the person or household unit 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 may be disqualified from receiving future benefits. An opportunity to present proof of inability to repay earlier benefits will be allowed. 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 IX INITIAL DETERMINATION

1. (a) The Director or that officer's designee shall make an initial determination of the eligibility and the needs of the applicant within three (3) working days of the receipt of the application. Upon the determination, the Director or that officer's designee 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 or that officer's designee's written 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.

2.(a) If the Director or that officer's designee cannot make the initial determination within three (3) working days, the Director or that officer's designee shall immediately inform the applicant, by telephone, if possible, of the reasons why such determination cannot be made. The Director or that officer's designee shall also mail to the applicant, by ordinary mail, within two (2) working days thereafter, the Director's or

that officer's designee's written decision showing the reasons why such determination could not be made.

(b). If the applicant has been previously found eligible, the Director or that officer's designee 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 or that officer's designee 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 or that officer's designee 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 or that officer's designee shall proceed to provide the same and notify the Board of Supervisors.

#### SECTION X APPEAL

A. Every applicant, whether granted relief or not, shall be informed in the Director's or that officer's designee'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 an attorney or representative.

B. The appeal shall be in writing to the Director or that officer's designee by or on behalf of an applicant requesting appeal of the Director's determination, shall be taken by the Director or that officer's designee and put immediately upon the Board of Supervisor's agenda, in accordance with Chapter 28A, Code of Iowa, for the next regular Board meeting, provided that such appeal shall not be heard sooner than five (5) working days after appeal is taken. The written appeal must be made to the Director or that officer's designee 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 written notice of appeal shall be physically received at the Cerro Gordo County Court House within the ten (10) day appeal period. The applicant shall be informed immediately, by telephone and ordinary mail, of the date and time of hearing before the Board. Applicant and his or her attorney or representative, upon written authorization, shall be granted access by the Director or that officer's designee to his or her relief case file if request is made.

## SECTION XI APPEAL HEARING

A. The Board of Supervisors shall hearing applicant's appeal de novo at the time scheduled in the agenda unless continuance is requested by applicant. The governmental body may hold a closed session by a vote of two-thirds of the members present at the meeting for the reason of "to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A", and the Board shall keep detailed minutes of all discussion, persons present and action occurring at the closed session, and shall also tape record all of the closed session. The detailed minutes and tape recording of the closed session shall be sealed and shall not be public record open to public inspection. 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, and the Director or that officer's designee shall present the Board with the reasons for the determination. The hearing before the Board will not be an open meeting under Chapter 21, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates 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 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 the 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 XII ACTIONS OF THE BOARD OF SUPERVISORS

In the event the Board of Supervisors, in reviewing the actions of the Director of Relief or that officer's designee, 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 or that officer's designee's determination.

### SECTION XIII 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 Cerro Gordo 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 benefits, in accordance with the 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.

To the extent permitted by law, the County Attorney may seek reimbursement of the monies paid out under this ordinance to a recipient from the recipient's relatives and/or conservator.

### SECTION XIV REPEALER

All ordinances or parts of ordinances presently in force that deal with the subject matter of this ordinance are hereby repealed.

### SECTION XV SEVERABILITY CLAUSE

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

### SECTION XVI EFFECTIVE DATE

This ordinance will be effective January 1, 1990 upon approval by the Board of Supervisors.

Adopted by the Cerro Gordo County Board of Supervisors on the 9<sup>th</sup> day of January, 1990.

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Chairman Robert K. Ermer  
Board of Supervisors

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Member, Cerro Gordo County Board  
of Supervisors

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Member, Cerro Gordo County Board  
of Supervisors

ATTEST:

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Linda Collins  
County Auditor

AUDITOR'S CERTIFICATE

STATE OF IOWA                    )  
  )     ss  
CERRO GORDO COUNTY         )

I hereby certify that the attached and foregoing is a true and correct copy of the same as it appears on record in the Auditor's office.

In Testimony Whereof, I have this day affixed the seal of Cerro Gordo County Auditor and hereunto set my hand.

Dated at Mason City this 11<sup>th</sup> day of January, 1990.

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Linda Kay Collins, County Auditor

Cerro Gordo County

Subscribed and sworn to before me the 11<sup>th</sup> day of January,  
1990.

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Notary Public