

August 15, 2006

The Board of Supervisors of Shelby County, Iowa, met pursuant to law and rules of said board in regular session at 9:00 a.m. in the Supervisors Chambers of the Shelby County Courthouse with the following members present: Roger Schmitz, Chairman; Richard Ferry, Vice-Chairman; LaVon Christensen; and Rhonda Brown, Acting-Clerk.

It was moved by Christensen, seconded by Ferry, to approve the agenda AND the following items contained in the Consent Agenda:

- A. Minutes of August 1, 2006
- B. Office Reports – None
- C. Committee Reports

AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Ferry, seconded by Christensen, to approve the Claims of August 15, 2006, as listed in the Claims Register. AYES: Schmitz, Ferry, Christensen

NAYES: None

Now being the time for the public hearing on the first reading of Shelby County Ordinance No. 2006-4, GENERAL RELIEF PROGRAM, the chairman did open the hearing. It was moved by Ferry, seconded by Christensen, to introduce Shelby County Ordinance No. 2006-4. AYES: Schmitz, Ferry, Christensen NAYES: None. There were no written or oral comments. It was moved by Christensen, seconded by Ferry, to suspend the future readings of Shelby County Ordinance No. 2006-4. AYES: Schmitz, Ferry, Christensen NAYES: None. It was moved by Ferry, seconded by Christensen, to close the hearing and to adopt the following Ordinance:

SHELBY COUNTY GENERAL RELIEF PROGRAM
ORDINANCE NO. 2006-4

(REPEALS ORDINANCE NO. 1997-3)
(REPEALS ORDINANCE NO. 2001-6)

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

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

General assistance is available through the Shelby County General Relief program to families and individuals who are poor or needy, when their own means, relatives, or other public or private resource, in accordance with the policies, does not support such persons specified in this ordinance. General assistance shall be administered to poor and needy persons within the scope of monies appropriated.

Section 1. Categories. The general assistance program shall provide aid to meet the needs of persons who are poor as defined in Iowa Code 252.1 “those who have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor; but this section shall not be construed to forbid aid to needy persons who have some means, when the Board shall be of the opinion that the same will be conducive to their welfare and the best interest of the public”. These categories shall include:

1. Emergency assistance for needy persons;
2. Assistance while awaiting approval and receipt for federal/state public assistance; and
3. Assistance for poor persons.

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

1. “Needy person”, a person or the household of that person who is domiciled in Shelby County, Iowa or who is a transient in the County for less than three (3) days and who, because of circumstances, which are not attributable to that person needs immediate temporary assistance.
2. “Poor person”, a person or family as defined in Iowa Code 252.1 that is at or below seventy-five percent (75%) of the current Federal Poverty Guideline.
3. “Household unit/members”, those who dwell under the same roof: a social unit comprised of those living together in the same dwelling and can verify residence in said dwelling.

4. "Assistance" means food, rent, shelter, transportation, emergency telephone service, fuel, lights, prescription drugs and medical attention. Food does not include cigarettes or alcoholic beverages but may include care and upkeep items such as laundry soap, household cleaners, and other essential items of a non-food nature used for personal hygiene.
5. "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. Resource limitation shall be \$1,000 per household. Exemptions when determining limitations are a homestead, equity not to exceed \$1,500 on one motor vehicle, funeral contracts or burial trusts that are designated for each member of the household. When the value of one or more resources exceeds amounts, the excess will be counted toward resource limitations.
6. "Liquid assets" means cash or any other item of net worth of the household that can be readily converted to cash within seven (7) days.
7. "Awaiting approval and receipt" means a poor person who has applied for assistance under any state or federal law; who 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 lapsed since the date of the denial.
8. "Director" is the individual(s) or office appointed by the Shelby County Board of Supervisors to carry out the duties and provide assistance as stated in this ordinance.

Section 3. Form. The assistance shall be purchased directly from the supplier for the applicant or the household unit using a voucher. It may be for one or more of the items of relief that are allowable. No cash will be provided. No more than the approved amount will be paid.

Section 4. Eligibility.

1. Assistance is to be provided to individuals who are in need of immediate assistance, cannot obtain assistance from any other source, have not been denied or revoked from assistance from any other source, have not been denied assistance from any other source for non-cooperation.
2. Assistance is to be provided to individuals whose income or assistance from a state or federal program has been delayed or not received because of reasons not attributable to those persons and who do not have liquid assets of the household unit from which to pay for the items of assistance that can be provided and whose net worth is less than five hundred dollars (\$500.00).

Section 5. Requirements.

1. Applicants shall be registered for employment with Iowa Workforce Development and otherwise actively seek employment.
2. Applicants shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of Iowa Workforce Development.
3. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the applicant from receiving future benefits.
4. The applicant may be required to provide reasonable proof that he or she is actively seeking employment.
5. General Relief shall be denied at any time if: (a) the applicant or recipient refuses to rely on his/her resources, or (b) there is a transfer of property without due consideration with intent to qualify for General Relief.

Section 6. Level of benefits. The maximum level of benefits to be provided for each item of assistance for each person or that person's household unit shall be:

1. Food: if food stamps have not been received, if food bank referral has been made but supplies are not adequate, a food order may be given at \$15.00 for one person plus \$5.00 per household member.
2. Rent and shelter: the reasonable rental value to exceed One Hundred Fifty Dollars (\$150.00) per month for one person and an additional Twenty-Five Dollars (\$25.00) per month for each

additional household member that actually resides with the person, up to a maximum of \$250.00 per month. The allowed amount may be increased up to \$50.00 per month for the total amount of rent, if the rent includes heat, lights, water and sewer.

3. Clothing: a referral will be issued to the local community action agency/clothing bank. If clothing items are of immediate need and not available from any other source the reasonable value of the clothing from a local merchant will be allowed.
4. Heat, light, water/sewer: the amount not to exceed \$150.00 or the amount of the most recent month's bill owed, whichever is the least amount. Back payment due, deposits, reconnection fees or other fees will not be allowed.
5. Medical services, dental services and prescriptions: for dental emergency extraction only, for medical and prescription, the reasonable value of these services actually needed on an emergency basis and the person does not have any other source of payment and must have made an attempt and been denied for all other payment sources.
6. Transportation expenses: includes gasoline and oil; as needed to obtain other benefits, seek employment or medical care, provided proof of application/appointment for benefits or employment is provided to the Director.
7. Telephone: only allowed if a person has a medical necessity, the monthly cost of one telephone is to be allowed. Long distance charges shall not be allowed or provided. The person must show doctor verification of medical necessity.
8. Maximum limitation for any one person per year for the above benefits, with the exception of payments for rent and utilities, shall be One Thousand Dollars (\$1,000.00) and One Hundred Dollars (\$100.00) extra for each additional household member up to a maximum of \$1,500.00 per year. Benefits shall not exceed this limit in any year for any situation (year for definition shall begin from the first allowance for assistance for the person or any person within a household), an exception may be allowed by the Board of Supervisors based on medical necessity as evidenced by a statement from a health practitioner.

It is the obligation of each person applying to establish his or her eligibility for any category of general assistance and to prove his or her need for any item of assistance. If requested, the person applying will 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 pertains to the person's eligibility for assistance. The Director may also require, upon approval of the Board of Supervisors, that the applicant submit proof of a physical or mental examination to determine the applicant's capacity for labor. The Director will also request submission of statements to establish eligibility and need (including statements or letters, medical reports, bills for current utilities, shut off notices, eviction notices, and other written documents as well as verbal statements from vendors and other community references). The Director will then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file, investigation and findings of the Director will be made available to the applicant.

Section 7. Application for assistance. Needy and poor persons shall submit applications for assistance to the Director of General Relief in Harlan, Iowa during usual business hours Monday through Friday on forms provided by the Director. If, because of hardship, a needy or poor person cannot come to the office, the Director shall mail to or deliver to such person an application form. If the applicant or the household unit is or appears to be eligible for 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. Failure or denial to make application to other sources may be grounds for denial of assistance.

Section 8. Determination.

- A. The Director shall make an initial determination of the eligibility and the needs of the applicant within five (5) working days of the receipt of the application with all supporting documentation requested. Upon that determination, the Director shall notify the applicant by telephone immediately, if possible, and within five (5) working days after that determination, shall mail to the applicant at the last address shown on the application, by ordinary mail, the Director's written decision showing the reasons for the

determination, together with the specific benefits and the amounts to which the applicant is entitled.

- B. If the Director cannot make the initial determination within five (5) 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 five (5) working days thereafter, the Director's written decision showing the reasons why such determination could not be made.
- C. If an applicant has been previously found eligible, and the person's situation has remained the same, the Director need not receive a new application and may just request supporting documentation for current need and may proceed to a determination of assistance that may be allowed. Notice and mailing of such determination shall be as provided above.
- D. If an emergency and immediate need is present, the Director may provide verbal authorization to a vendor to furnish any assistance for the benefit of the person and the amount allowed for such assistance. If the applicant is allowed a benefit under an emergency situation, the applicant must provide any documentation of eligibility for need and determination that is requested by the Director. If the person fails to provide an application and/or information requested to document need, any further assistance shall be denied and current assistance shall be discontinued.
- E. If, as part of determination of eligibility the person is presumed to have legal residence in another county, expenditures for that person or household unit will be billed to the county of legal residence as specified in Chapter 252 of Iowa Code. The applicant must provide information to assist in the legal residence determination.

Section 9. Reimbursement.

All recipients of general assistance shall agree to reimburse the County for assistance allowed and shall acknowledge the same in writing. Recovery efforts shall be initiated as allowed under Chapter 252 of the Iowa Code. Money may be recovered from the poor person if the person becomes able or from the person's estate by filing such claim as provided by law.

Section 10. Appeal.

- A. Every applicant denied assistance would be informed in writing of the Director's decision and of the applicant's right to appeal 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 they may represent their self or may be represented by an attorney at their own expense.
- B. The applicant/recipient may appeal the decision of the Director or the designees of the county. This appeal must be communicated in writing to constitute an official appeal to be presented to the Board of Supervisors. The appeal shall be filed, in writing, within fifteen (15) business days of the decision. Such appeals must have a clear description of the decision in question with specific times, dates and any other factual basis for the appeal. The appeal must contain the applicant's/recipient's current address and telephone number.
- C. Upon receipt of a written appeal, the Director shall schedule a time on the Board of Supervisors' agenda (in accordance with Chapter 28A Code of Iowa) at their regular Board Meeting.

The applicant/recipient will be informed, by telephone if possible, and by ordinary mail of the date and time of the hearing before the Board of Supervisors.

Section 11. Appeal Hearing.

- A. The Board of Supervisors will hear the applicant's appeal de novo, at the time scheduled on the agenda, unless the applicant requests continuance. The applicant will be permitted to present what ever 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 will not apply. The Board may set reasonable time limits for the presentation of evidence. The applicant's file will be admitted into evidence. The

Board may question the applicant. The Director will present the Board with the reasons for the determination. The hearing will be tape-recorded. The hearing before the Board will be at a closed meeting in accordance with Chapter 21, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates on the appeal, no other parties will be present unless the Board may request the presence of the County Attorney.

- B. The Board will make a decision on the appeal within fourteen (14) working days after the hearing. The Board's decision will be based only on the evidence submitted before the Board. The applicant will be informed immediately by telephone, if the applicant may be reached by phone, and within seven (7) working days thereafter, the Board will mail to the applicant, at their last known address, by ordinary mail, the written decision. The decision will state the reasons for the action. The Board's decision will also state that an appeal of the Board's determination may be made.
- C. An appeal by the applicant to the district court will be allowed within the time limits and the manner and procedures established under Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

Section 11. Actions of the Board of Supervisors. The Board of Supervisors may review the actions of the Director in allowing or disallowing assistance benefits, and may approve or disapprove of such actions, consistent with the provisions of the Ordinance.

Section 13. Additional Provisions. The Director may allow, upon application, the additional benefits provided for in Chapter 252, Code of Iowa.

Section 14. All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

Section 15. This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Passed and adopted this 15th day of August, 2006.

AYES: Schmitz, Ferry, Christensen

NAYES: None

David Yamada, Shelby County DevelopSource appeared before the Board to update them on economic development issues.

Dan Robinson appeared before the Board to present a Revised Shelby County Roads Task Force Recommendation. The Board recognized the efforts put forth by the Task Force, but no action was taken on the recommendations. Final approval of road projects are made each year at budget time after taking into consideration all proposed road AND bridge projects as recommended by the County Engineer, who will meet with the Task Force prior to making his recommendations to the Board.

SHELBY COUNTY ROADS TASK FORCE RECOMMENDATIONS (REVISED VERSION OF RECOMMENDATIONS PRESENTED AUGUST 1, 2006)

1. The completion of five or more miles of seal coat roads per year as approved and designated jointly by the County Supervisors and the Roads Task Force. These roads should start at the city limits in Shelby County with eventually forming a network of seal coat roads in the perimeter of the towns of Shelby County. As the budget allows, gravel roads with high traffic counts should be considered for seal coat and included in the five plus miles of roads completed each year. The road improvements will enhance economic development.
2. Develop a program providing the availability of a 50% cost share plan between the county and taxpayers interested in some form of dust reduction (with an alternative other than oil). Cost share would be limited to 400 feet in front of a rural residence eligible for the dust reduction program. (Anything beyond 400 feet would be the responsibility of the taxpayer requesting dust reduction.)
3. Privately oiled roads should not be torn up without a confirmed contact (re: notification via certified mail) of the current residents. This notification would be followed up by personal contact with the residents.

The County Engineer gave the secondary road project update.

Lee Nelson appeared before the Board to discuss the road past his residence.

There being no further business appearing, the Chairman declared the meeting adjourned at 9:35 a.m.

Roger Schmitz, Chairman

ATTEST:_____
Rhonda Brown
Acting-Clerk to the Board of Supervisors

NOTE: These minutes are as recorded by the Clerk to the Board of Supervisors and are subject to Board approval at the next regular meeting.