

September 2, 2008

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 Marsha J. Carter, 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 19, 2008
- 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 28, 2008, 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. 2008-1 – An Ordinance Prescribing the General Relief Program in Shelby County, Iowa, the Chairman did open the hearing. It was moved by Christensen, seconded by Ferry, to introduce Shelby County Ordinance No. 2008-1. AYES: Schmitz, Ferry, Christensen    NAYES: None. Carter reported that the proper notices had been published in the official newspapers. No written or oral comments had been received. It was moved by Christensen, seconded by Ferry, to suspend the future readings of Shelby County Ordinance No. 2008-1. AYES: Schmitz, Ferry, Christensen    NAYES: None. It was moved by Christensen, seconded by Ferry, to close the hearing and approve the following Ordinance:

**SHELBY COUNTY GENERAL RELIEF  
ORDINANCE NO. 2008-1**

(REPEALS ORDINANCE NO. 2006-4)  
(REPEALS ORDINANCE NO. 2001-6)  
(REPEALS ORDINANCE NO. 1997-3)  
(REPEALS ORDINANCE NO. 1981-1)

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 Shelby County General Relief to families or individuals who are poor or needy, when their own means, relatives, or other public or private resource, does not support such persons. General Relief is a short-term emergency assistance program that is understood to be the “payer of last resort”; it is not intended to provide on-going aid to any family or individual. Assistance shall be administered within the scope of monies appropriated.

**Section 1. Definitions.** Terms or words used in this Ordinance are interpreted as follows:

1. **“Needy person”**, a person or household domiciled in Shelby County, Iowa or a transient in the County for less than 3 days who because of circumstances which are not attributable to that person needs immediate temporary assistance. Examples of circumstances not attributable to that person: layoff or medical problems. Examples of circumstances attributable to that person: voluntary quit, failure to keep scheduled appointment for state or federal programs, pursuing an education, involvement in illegal/unlawful acts.
2. **“Poor person”**, a person or household as defined in Iowa Code 252.1 that is at or below 75% of the current Federal Poverty Guideline.
3. **“Household”**, those who dwell under the same roof: a social unit comprised of those living together in the same dwelling with verification of residence in said dwelling.

4. **“Assistance”** means food, rent, shelter, burial, heating fuel, electricity, water, prescription medicines and medical attention. Food does not include tobacco products, candy, soda pop, can deposits, pet food or alcoholic beverages but may include items of a non-food nature used for personal hygiene.
5. **“Net worth”** includes income or monies due from any source, bank deposit accounts, stocks, bonds, real estate, cash value of life insurance policies, jewelry and the value of all other real and personal property. Excluded: household furniture; tools and equipment used for self-support; household vehicles total value less than \$5,000; homestead residence equity less than \$25,000. When the value of one or more resources exceeds amounts, the excess will be counted in net worth. Total net worth shall not exceed \$1,000.00.
6. **“Liquid assets”** means cash or any other item of net worth of the household that can be readily converted to cash within 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.
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 2. Form.** The assistance shall be purchased directly from the supplier for the applicant using a voucher. No cash will be provided. No more than the approved amount will be paid.

### Section 3. Requirements.

1. Applicants shall be registered with Iowa Workforce Development and actively seek employment.
2. Applicants shall accept any reasonable employment under the guidelines of Iowa Workforce Development.
3. Refusal or failure to actively seek employment or 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. Students are not eligible for General Relief assistance unless they are under age 19 and in a program leading to a high school diploma.
6. General Relief shall be denied if the applicant refuses to rely on his/her resources.
7. General Relief may be denied due to a false/incorrect statement on an assistance application.
8. All applicants shall repay Shelby County for assistance received. Failure to repay shall result in denial of future assistance.
9. Failure to pay on utilities during moratorium shall result in denial of assistance.

**Section 4. Level of benefits.** The maximum level of benefits to be provided for each item of assistance for each person or that person’s household shall be:

1. **Food:** a voucher may be given at \$15.00 for one person plus \$5.00 per household member. A voucher shall not be given to supplement food stamps.
2. **Rent and shelter:** the reasonable rental value not to exceed \$150.00 per month for one person and an additional \$25.00 per month for each additional household member, 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. Rent shall only be paid to the landlord who may not be a relative. Rent shall not be paid in advance. House payments shall not be paid. Deposits shall not be paid. Rent assistance shall not be given if landlord will not allow applicant to remain in the rental unit for 30 days. Rental assistance may only be given twice during a 12-month span. Shelter at a motel may be provided one time only with a value not to exceed \$150.00.
3. **Burial:** Assistance in the amount of \$1,500.00 shall be paid to a mortuary for final care of the deceased whether traditional or cremation. The appropriate vendor, separate from the mortuary, will be paid \$350.00 for opening and closing the grave. The burial of a household member does not affect the maximum limitation of assistance for that household in a 12-month span.

4. **Heat, light, water/sewer:** assistance not to exceed \$150.00 or the amount of the current month's bill, (or payment plan) whichever is least. Back payments, deposits, and/or fees shall not be allowed. Telephone service, internet access, satellite or cable television bills will not be paid. Utility company must agree to leave the utility connected for 30 days. Utility assistance may only be given twice during a 12-month span.
5. **Medical services, dental services and prescriptions:** for dental emergency extraction only, \$150.00. Medical services may be assisted in life threatening situations: \$500.00 for physician services; \$500.00 maximum for hospitalization. Assistance for prescription drugs and/or medical supplies shall not exceed \$200.00 to any applicant/household within a 12-month span; an exception may be allowed by the Director for mental health medication.
6. **Other:** includes **clothing**, for which a voucher for reasonable value from a local discount store shall be allowed. Includes **emergency telephone** evidenced by a statement from a health practitioner as a medical necessity. Includes **transportation** assistance to obtain medical treatment; requires confirmation of appointments before approval. Amount is subject to distance involved.
7. **Maximum limitation** for any one person per 12-month span, with the exception of burial, shall be \$1,000.00 and \$100.00 for each additional household member up to a maximum of \$1,500.00 per 12-month span. If financial and other documented records of the General Relief program show repeated assistance to an individual or household over a span of years with no repayments, assistance may cease for that individual or household.

It is the obligation of each applicant to establish eligibility for any category of General Relief and to prove need including statements, medical reports, and bills for current utilities, shut off notices, eviction notices, and other written documents as well as verbal statements from vendors. If requested, the applicant will provide the Director with a verified statement of net worth, medical authorization, and anything else requested by the Director that pertains to the person's eligibility for assistance. The Director may require that the applicant submit proof of a physical or mental examination to determine the applicant's capacity for labor. The Director shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file, investigation and findings of the Director shall be made available to the applicant.

**Section 5. Application for assistance.** Initial contact may be made by telephone or office visit to the Director of General Relief in Harlan, Iowa during normal business hours Monday through Friday. Signed application must be submitted on forms provided by the Director. If an applicant cannot come to the office, the Director may mail or fax an application form. If the applicant appears to be eligible for assistance from any other source, the Director shall immediately refer the applicant to that source. It shall be the obligation of the applicant to make application and pursue such application with due diligence. Failure or refusal to make application to other sources may be grounds for denial of assistance.

## **Section 6. Determination.**

- A. The Director shall make an initial determination of the eligibility and needs of the applicant within 5 working days of the receipt of the application with all supporting documentation requested. Upon determination, the Director shall notify the applicant by telephone and shall mail to the applicant at the last address shown on the application, copies of the written decision and voucher.
- B. If the Director cannot make the initial determination within 5 working days, the Director shall immediately inform the applicant, by telephone and ordinary mail, the reasons why such determination cannot be made.
- C. If an applicant has been previously found eligible, and their situation has remained the same, the Director need not receive a new application during a 12-month span. Supporting documentation for current need must be provided by applicant.
- D. If an emergency need is present, the Director may provide verbal authorization to a vendor to furnish an amount of assistance for the benefit of the applicant. The applicant must provide any documentation of eligibility and determination that is requested by the Director. Failure to provide requested information shall cause current assistance to be discontinued and future assistance to be denied.

## **Section 7. Reimbursement.**

All recipients of General Relief shall agree to reimburse the County for assistance and shall acknowledge the same by their signature on the application. 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 8. Appeal.**

- A. Every applicant denied assistance shall 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 of the method by which an appeal may be taken; they may represent their self or may be represented by an attorney at their own expense.
- B. An applicant's 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 15 business days of the Director's 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 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 shall be informed by telephone and by ordinary mail of the date and time of the hearing before the Board of Supervisors.

## **Section 9. Appeal Hearing.**

- A. The Board of Supervisors shall hear the applicant's appeal de novo, at the time scheduled on the agenda, unless the applicant requests continuance. The applicant shall 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 shall not apply. The Board may set reasonable time limits for the presentation of evidence. 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 hearing shall be tape-recorded. The hearing before the Board shall 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 shall be present unless the Board requests the presence of the County Attorney.
- B. The Board shall make a decision on the appeal within 14 working days after the hearing. The Board's decision shall be based only on the evidence submitted before the Board. The applicant shall be informed immediately by telephone, if the applicant may be reached by phone, and within 7 working days thereafter, the Board shall mail to the applicant, at their last known address, by ordinary mail, the written decision. The decision shall state the reasons for the action. The Board's decision shall also state that an appeal of the Board's determination may be made.
- C. An appeal by the applicant to the district court shall be allowed within the time limits and the manner and procedures established under Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

**Section 10. 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 11. All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.**

**Section 12. This ordinance shall be effective after its final passage, approval, and publication as provided by law.**

Passed and adopted this 2<sup>nd</sup> day of September, 2008.

AYES: Schmitz, Ferry, Christensen    NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the following abatements of the 2007 Real Estate Taxes due 2008-2009: Parcel Nos. 833301000016 - \$6,570.00; 832900026051 - \$1,414.00; 832400011070 - \$49.50; 835700000021 - \$100.00; 833014022003 - \$50.00; 833105121060 - \$96.00; 833102004061 - \$2.00; 833007204001 - \$8.00; 833102012012 - \$554.97; 833102005013 - \$20.00; 833102005071 - \$4.00. AYES: Schmitz, Ferry, Christensen NAYES: None

David Yamada, Shelby County DevelopSource, updated the Board on the economic development projects for Shelby County. He reported that Shelby County Cookers was working with the State on a resolution to the penalty for not meeting the required number of employees by the EDSA Grant deadline.

It was moved by Christensen, seconded by Ferry, to designate the Shelby County Engineer as the liaison between the Shelby County Board of Supervisors and NRCS for EWP Projects. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to approve Project Agreement No. 69-6114-8-07 with the NRCS for three EWP Project Sites DSR Nos. IA7321-06 thru IA7321-08 and authorize the Chair to sign after NRCS submits signed and approved copies of the Agreement. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the following resolution:

ROAD VACATION  
RESOLUTION NO. 2008-15

The Board took final action on the hearing of February 5, 2008 (Item 1) and report of this date September 2, 2008 related to the vacating and abandoning of right of way for sections of the Shelby County Secondary Road system as described below. The Board heard a report from the County Engineer that all crossings, fences and banks were removed and section lines established to the specifications of the landowner.

IT IS THEREFORE ordered that the following sections of the Shelby County Secondary Road system be vacated, the crossings abandoned and all right of way abandoned.

A highway, the centerline of which is described as follows; Commencing at the S1/4 Corner of the Section 23-79-38 and running easterly and terminating at the SE Corner of the SW1/4SE1/4 of said Section 23, being a section of road originally established as #188 (900<sup>th</sup> Street, Center Twp).

Passed and approved this 2<sup>nd</sup> day of September, 2008.

AYES: Schmitz, Christensen, Ferry NAYES: None

Dan Ahart, the County Engineer, updated the Board on activities of the county road crews and the status of current maintenance and construction projects.

There being no further business appearing, the Chairman declared the meeting adjourned at 9:49 a.m.

ATTEST:\_\_\_\_\_

Roger Schmitz, Chairman

Marsha J. Carter

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.