Book 2006 Page 4078

Document 2006 4078 Type 06 018 Pages 25
Date 11/16/2006 Time 9:52:12AM
Rec Amt $.00

DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

Prepared by and returned to: Sharon McCrabb, Administrative Assistant to Auditor, 301 E. Main St., Room 210, Manchester, Iowa Phone 563 927 4701

CERTIFICATION

Attached hereto is the supporting documentation for the passage of Ordinance #27 entitled "An Ordinance Prescribing The General Assistance Program in Delaware County, Iowa", by the Delaware County Board of Supervisors.

1. County Ordinance #27
2. Proof of Publication of the Public Notice of the first and final reading of Ordinance #27 published September 5, 2006 in The Manchester Press and in the Delaware County Leader.
3. Copy of the Board of Supervisors' Official Minutes of September 25th, 2006, in Book X, Page 414 through 419 showing the first approved reading of Ordinance #27.
4. Proof of Publication of the full text of Ordinance #27 published on October 3, 2006 in The Manchester Press and in the Delaware County Leader.

I, Sharon McCrabb, Administrative Assistant to the Auditor do hereby certify that the attached are originals or true copies of the above listed instruments.

Dated this 16th day of November, 2006.

Sharon McCrabb

Sharon McCrabb, Administrative Assistant to Auditor

STATE OF IOWA )
) SS:
DELAWARE COUNTY)

Subscribed and sworn to before me, and in my presence by Sharon McCrabb, Administrative Assistant to County Auditor this 16th day of November, 2006.

Julia L. Hackbarth

Julia L. Hackbarth, Notary Public in and for the State of Iowa.

JULIA L. HACKBARTH
Commission Number 169605
My Comm. Exp. 5/24/08

**Prepared by and returned to: Peggy S. Petlon, PO Box 500, Manchester, Iowa (563)927-5116**
**County Ordinance NO. 27**

# AN ORDINANCE PRESCRIBING THE GENERAL ASSISTANCE PROGRAM IN DELAWARE COUNTY, IOWA

**BE IT RESOLVED, by the Supervisors of Delaware County, Iowa:**

**PURPOSE OF GENERAL ASSISTANCE. County General Assistance shall be provided to residents of this county as mandated by the Code of Iowa, section 252.25. The purpose and policy of such provision of assistance where appropriate, is to assist the resident in removing barriers to self-sufficiency and economic self-support to prevent, reduce or eliminate dependency.**


1 Categories
2 Definitions
3 Form of Benefits
4 Eligibility of Needy Persons
5 Eligibility of Poor Persons
6 Level of Benefits
7 Requirements for Receiving Assistance
8 Application for Assistance
9 Initial Determination
10 Appeal
11 Appeal Hearing
12 Actions of the Board of Supervisors
13 Additional Provisions


## SECTION 1- CATEGORIES.

A. The three (3) categories of general assistance in Delaware County are:
   1. Emergency assistance for needy persons; and
   2. Assistance for poor persons; and
   3. Assistance for an extended nature

## SECTION 2 - DEFINITIONS (for this manual).

A. "**Awaiting approval and receipt**" means that a poor person has applied for assistance under any state or federal law, has pursued that application with due diligence, and has not had such application denied. This does not include an appeal of a denial of benefits.

B. **"Burial expenses"** include basic services of funeral director and staff, transfer of remains to funeral home, least expensive casket, least expensive vault or grave liner, and hearse. Opening and closing of grave may be considered if all other possible resources are exhausted.

C. "**Household living unit**" mean all persons who live in a residence with common toilet, kitchen, dining or bedroom facilities or shared rental payment or lease.

D. **"Income"** shall include any earned and unearned income. Relief is to be provided to persons whose income is below the schedules set up for the Family Investment Program (FIP)

E. "**Liquid assets**" means cash or any other items of net worth of the household living unit that can be converted to cash within seven (7) days.

F. "**Resources**" includes income or moneys for any source, moneys due, checking and savings accounts, other deposits, stocks, bonds, real estate, credit union accounts, cash value of life insurance, jewelry and other items of salable value. Excluded from consideration are the following: a person's homestead, personal possessions, household goods, tools and equipment used for self support, one licensed motor vehicle with a maximum equity value of $7500.00, burial lots, and funeral trust funds. The total value of these resources shall not exceed Two Thousand Dollars ($2000.00)

G. "**Needy person**" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa and who, because of circumstances not attributable to that person, needs immediate assistance.

H. "**Poor person**" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa, and in accordance with Chapter 252.1 "...have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor..."

I. **"Transients"** means a needy person show has been in the county for less than five (5) days and will be referred to other local agencies providing transient assistance.

J. **"Assistance"** means food, rent, clothing, transportation, fuel, utilities, medical attention and burial assistance. Food does not include pop, alcohol, can deposits, tobacco, candy, or pet food **but** does include laundry soap, household cleaners, and non-food items used for personal hygiene.

K. "**Legal Settled**" means applicant has had a permanent residence in Delaware County for twelve (12) consecutive months.

**SECTION 3 - FORM OF BENEFITS.**

A. The assistance shall be purchased directly from the supplier for the applicant or the household living unit.

**SECTION 4 - ELIGIBILITY**

Compliance with the requirements of Section 252.16 of the **Code of Iowa**

**A. Emergency assistance will be provided to a needy person who:**

1) Legally settled in Delaware County.
2) Needs immediate assistance and cannot obtain assistance from any other source.

3) Whose household living unit meets 150% poverty level based on Department of Public Health guidelines..

4) Whose income or assistance from a state or federal program has been delayed or not actually received because of reasons not attributable to that person.

5) Does not have liquid assets.

**B. Assistance will be provided to a poor person who:**

1) Legally settled in Delaware County.

2) Needs immediate assistance and cannot obtain assistance from any other source.

3) Whose household living unit meets 150% poverty guidelines set by Department of Public Health.

4) Is awaiting approval and receipt of assistance under programs by state or federal law.

5) Otherwise has no income or monetary benefits.

6) Does not own property, exempt or otherwise i.e. a homestead, equity in a home, ownership of a vehicle or other personal property.

7) Can provide a doctor's statement that they are unable to work due to a disability.

8) Does not have liquid assets.

**SECTION 5 - LEVEL OF BENEFITS.** Assistance shall be paid only on current bills. Assistance shall not be paid for deposits, hook-up fees, or to satisfy any past due bills unless necessary for current services or goods and it is approved by the Board of Supervisors.

The maximum level of benefits per twelve (12) month period to be provided for relief for each person or that person's family unit shall be:

| Persons | Amount |
|---|---|
| 1 | $200.00 |
| 2 | 225.00 |
| 3 | 250.00 |
| 4 | 275.00 |
| 5 | 300.00 |
| 6 | 325.00 |

Add $25.00 for each additional person

2) Rent -- Rent will only be payable for the current month and shall not be paid to responsible relatives such as parents, children, grandparents, or grandchildren. A landlord statement may be required.

3) Utility payments -- including payment for fuel for heat, cooking and heating water, electricity for light, heat, cooking, heating water, and for water. Sewer and garbage costs will be included as long as the main utility (gas, water) is being utilized.

4) Provisions -- food and non-food items such as emergency restaurant meals, soap products, paper products, household cleaning supplies, personal hygiene items, non-prescription drugs, etc. not to exceed Twenty-fiveDollars ($25) unless prior authorization by Director of General Assistance.

5) Transportation in an emergency situation if necessary.

6) Burial expense is limited to a maximum of one thousand five hundred dollars ($1,500.00). If the deceased has a burial contract and/or any resources, those amounts will be deducted from the one thousand five hundred dollars ($1,500.00) maximum amount allowed. Burial assistance must be applied for within thirty (30) days of the date of death. The Director may waive the income guidelines with the Board approval. Total cost cannot exceed $2500

7) Clothing for the reasonable value of clothing actually needed if not immediately available from other sources.

8) Medical services, prescriptions, and dental services, the reasonable value of theses services actually needed on an emergency basis. Dental services shall be limited to tooth extraction or alleviation of pain.

a) Glasses, including examinations, lens and frame repair when such are prescribed by optometrists or physicians will be funded by the Delaware County Correll Fund.

b) Criteria for State Psychiatric Papers are as follows:

1) Documentation and or information may be required prior to issuance of State Psychiatric Papers.

2) Inpatient Psychiatric Papers are unlimited per year.

3) Outpatient Psychiatric Papers are limited to one (1) time per year. A year is from the last time seen. The Outpatient Psychiatric Paper would cover the initial visit and one (1) follow up appointment.

4) Net worth will be reviewed on a case by case basis and co-payments may be assessed.

**SECTION 6 – <u>ASSISTANCE OF AN EXTENDED NATURE.</u>** It is contemplated that items of relief provided to needy person, or their family unit will not exceed two (2) months during a 12 month period of time.

**SECTION 7 -<u>REQUIREMENTS FOR RECEIVING ASSISTANCE.</u>**

A. An applicant must be eighteen (18) years of age. Exceptions to this policy are married individuals or those emancipated through the legal process of the juvenile court system.

B. A needy person who is not needed in the home to care for minor children or disabled adults or elderly over the age of 62 shall immediately register for employment with the Department of Employment Services Workforce Center (formerly Job Service of Iowa) and otherwise actively seek employment.

C. The needy person shall seek and accept any reasonable employment, whether or not it is suitable employment under the guidelines of the Department of Employment Services Workforce Center. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the needy person from receiving benefits for ninety (90) days. The needy person may be required to provide reasonable proof that he or she is actively seeking employment.

D. Falsification of information required for application or failure to provide information as requested shall result in a denial of assistance and suspension of eligibility for one hundred eighty (180) days.

E. Any needy person who quits a job without good cause within thirty (30) days prior to the date of application shall be denied

F. An applicant with a mental or physical disability may be required to provide verification of the disability by medical and/or other documentation.

G. An applicant for assistance must first apply for all other assistance programs for which he or she may be eligible (food stamps, ADC, FIP, SSI, Social Security, Medicaid, unemployment, etc.) and pursue such application with due diligence. Failure to apply for and pursue said application will result in a denial of assistance. **Any applicant requesting assistance who has applied for SSI must sign an Interim Assistance Reimbursement Authorization Form. Failure for a needy person to sign said form will result in a denial of assistance**.

H. Failure to follow through with state and/or federal programs which results in a denial, reduction, or termination of benefits shall result in a denial of general assistance. Denial of general assistance shall be for the same period of time the state and/or federal program is denied, reduced or terminated.

I. General Assistance shall be denied at any time if the applicant or recipient refuses to rely on his or her resources, there is a transfer of property with intent to qualify for General Assistance, or the applicant or recipient refuses to answer any question or if they falsify their application.

J. Income available to the individual or household living unit shall not equal or exceed the standard payment in the ADC or FIP program with the exception of the single individual living alone, whose income shall not equal or exceed the ADC or FIP standard for the two member household.

K. Paid monthly medical expenses shall be deducted from income for the purpose of determining eligibility. Medical expenses do not include Medicaid premiums or co-payments on prescriptions. Documentation may be required.

L. The county may require the applicant to sign a repayment agreement and to reimburse the county for benefits received. If such agreement is signed and the person, except for reasons not attributable to that person, fails to repay the value of the benefits received, he or she shall be disqualified from receiving benefits for ninety (90) days.

M. If the applicant is an honorably discharged wartime veteran or eligible dependent, said applicant must apply for assistance through Delaware County Administrator for Veterans Affairs.

N. An applicant may be disqualified from receiving future benefits if that person falsifies the application, verification or any other information. In case of falsification, the applicant shall be denied further assistance for one (1) year, or fails to repay the value of benefits received as agreed, except for reasons not attributable to that person

O. 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. All other application eligibility guidelines may be waived at the discretion of the Board of Supervisors and/or Director of General Assistance.

## SECTION 8 - APPLICATION FOR ASSISTANCE.

Application for assistance shall be submitted by needy and poor persons to the Director or Assistant of General Assistance during usual business hours upon forms provided by the Director or Assistant. If, because of undue hardship, a needy or poor person cannot come to the General Assistance Office, the Director or Assistant shall mail or deliver the application form. If the applicant or household living unit is or appears to be eligible for assistance from any other federal, state or local source, the Director or Assistant shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and to pursue such application with due diligence as a requirement for receiving assistance under this manual. If requested, the person applying shall provide the Director or Assistant with a verified statement of income, net worth, federal and state income tax returns for the past five (5) years, medical reports, medical authorization, or anything else requested by the Director or Assistant that bears upon the person's eligibility and need for assistance. The Director or Assistant may also require, upon approval of the Delaware County Board of Supervisors, that the applicant submit to a physical or mental examination to determine applicant's ability to work. The Director or Assistant shall then investigate the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director or Assistant shall be made available to that applicant, upon request, or to the applicant's attorney by written authorization.

## SECTION 9 - INITIAL DETERMINATION.

A. The Director or Assistant shall determine the applicant's eligibility and needs within seven (7) working days of the receipt of the application. The Director or Assistant shall notify the applicant in person or by ordinary mail of the determination. If denied, the written decision shall show the reason for the denial and the statutes or ordinances and manual sections which applied.

B. If the Director or Assistant cannot make a determination within seven (7) working days, the applicant shall be notified in writing by ordinary mail of the reasons why such determination cannot be made.

C. If an applicant has been previously found eligible, the Director or Assistant need not receive a new application but may proceed to a determination of whether or not current assistance is warranted. Notice and mailing of such determination shall be as provided above. If an emergency or immediate need is present, the Director or Assistant may verbally authorize a supplier or vendor to furnish any item of assistance for the benefit of the applicant and the amount allowed for such benefit. The Director or Assistant shall inform the applicant and issue a written decision as provided above.

D. Whenever an applicant is found eligible and entitled to assistance, the Director or Assistant shall proceed to provide the same and notify the Delaware County Board of Supervisors.

**SECTION 10 -APPEAL.**

A. Every applicant, whether granted assistance or not, shall be informed in the Director or Assistants written decision of the applicant's right to appeal from such decision to the Delaware County Board of Supervisors. The applicant shall be informed (a) of the method by which an appeal may be taken and (b) that the applicant may represent himself or herself or may be represented by an attorney at their own expense.

B. Any written appeal or communication to the Director or Assistant by or on behalf of an applicant requesting appeal of the Director or Assistant's determination shall be received by the Director or Assistant and put immediately upon the Delaware County Board of Supervisor's agenda, in accordance with Chapter 21 of the Code of Iowa, for the next regular Delaware County Board of Supervisors meeting, provided that such appeal shall not be heard sooner than five (5) working days after appeal is taken.

   The written appeal or communication must be made to the Director or Assistant within ten (10) working days of the Director or Assistant's determination, must provide the applicant's current address, telephone number, and must state the reasons for the appeal.

C. The applicant shall be informed by ordinary mail of the date and time of the hearing before the Delaware County Board of Supervisors. The applicant and the applicant's attorney, upon written authorization, shall be granted access by the Director or Assistant to applicant's assistance case file is request is made.

**SECTION 11 -APPEAL HEARING.**

A. The Delaware County Board of Supervisors shall hear the applicant's appeal de novo at the time scheduled on the agenda unless continuance is requested by the applicant. The applicant shall be permitted to present whatever evidence is desired in support of the appeal, including testimony of self and others, documentary evidence, and reasonable cross examination of other witnesses, if present. Evidence which is the kind of evidence that reasonably prudent persons are accustomed to rely on for the conduct of their serious affairs shall be admitted and relied on by the Board. Evidence shall not be excluded solely on the ground that it would be inadmissible under the Iowa Rules of Evidence or caselaw, and strict compliance with the Rules is not required. The Board shall give effect to the rules of privilege recognized by law. The applicant's file shall be admitted into evidence. The Delaware County Board of Supervisors may question the applicant, and the Director or Assistant shall present the Delaware County Board of Supervisors with the reasons for the

determination. The appeal will be tape recorded. The Board may vote to close the meeting pursuant to Chapter 21.5(a) of the Code of Iowa, to review or discuss records which are required or authorized to be kept confidential under state or federal law. The closed portion of the meeting shall be limited to the purposes permitted under Chapter 22 of the Iowa Code. The vote on the applicant's appeal shall be made in an open meeting. When the Delaware County Board of Supervisors deliberates on the appeal, no parties to the appeal shall be present.

B. The Delaware County Board of Supervisors may decide to uphold the decision of the General Assistance Director or Assistant, or under the provisions of the Iowa Code Section 252.37, the Delaware County Board of Supervisors may "If a poor person, on application to the general assistance director, is refused the required assistance, the applicant may appeal to the board of supervisors, who, upon examination into the matter, may order the director to provide assistance, or it may direct specific assistance."

C. The Delaware County Board of Supervisors shall make a decision on the appeal within five (5) working days. The Delaware County Board of Supervisor's decision shall be only on the basis of the evidence submitted before the Delaware County Board of Supervisors. The applicant shall be informed within four (4) working days thereafter by the Delaware County Board of Supervisor's mailing its written decision to the applicant by ordinary mail. The decision shall state the reasons for the action, together with any statutes or ordinances and manual sections applied. The Delaware County Board of Supervisor's decision shall also state that an appeal may be taken from the Delaware County Board of Supervisor's determination, as provided below, and the method by which such appeal may be taken.

D. Any appeal to the District Court shall be allowed by the applicant from the Delaware County Board of Supervisor's decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

**SECTION 12 -<u>ACTIONS OF THE BOARD OF SUPERVISORS.</u>**

In the event that the Delaware County Board of Supervisors, in reviewing the actions of the Director or Assistant of General Assistance, questions any allowance of assistance benefits allowed by the Director or Assistant, 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 or Assistant's determination.

**SECTION 13 - ADDITIONAL PROVISIONS.**

The Director or Assistant may allow, upon application, the additional benefits provided for in Chapter 252 of the Code of Iowa. The provisions of Chapter 252.13 of the Code of Iowa for repayment of benefits to the county are applicable, and the applicant shall acknowledge the same in writing. Recipients of assistance may further be required to work for the county as a condition to receipt of such benefits as required in Section 252.27 and 252.42 of the Code of Iowa. Benefits provided a recipient may be a further claim against the homestead of a recipient and a claim in probate, as provided by Section 252.13 of the Code of Iowa.

**SECTION 14** - All ordinances and resolutions, or part thereof, in conflict herewith are hereby repealed.

William J. Skinner
CHAIR, BOARD OF SUPERVISORS

Attest:

Sharon McCrabb
Delaware County Auditor

First Reading: 9-25-06

Second Reading: Waived

Third Reading: Waived

Published: 10-3-06

Peggy S. Petlon
Delaware County Community Services

Deborah L. Peyton
Delaware County Recorder
Phone: 563-927-4665
Fax: 563-9273641

STATE OF IOWA, Delaware County-ss.

I, Brian W. Cook being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county. and that the DELAWARE CO. SUPERVISORS

in case of PUBLIC NOTICE ORDINANCE NO. 27

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 5th day of SEPT. A.D. 20 06, and the last on the 5th day of SEPT. A.D. 2006 Publication fee, $ 18.51.

Subscribed by Brian W. Cook and by him sworn to before me, a notary public in and of Delaware County, Iowa this 5th day of SEPT. A.D. 2006

Witness my hand and seal the date last above written.

Denise Deppe Notary Public

DENISE A. DEPPE
Commission Number 734551
My Comm. Exp. 5-19-08

PUBLIC NOTICE

Public Notice is hereby given that the Delaware County Board of Supervisors will meet for the first reading and consideration of County Ordinance #27 entitled "An Ordinance Prescribing the General Assistance Program in Delaware County, Iowa" at its regular meeting at 1:15 p.m. on September 25, 2006, in the Supervisors' Office, Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Auditor's Office.

Summary: Purpose and policy of county general assistance to assist the resident in removing barriers to self sufficiency and economic self-support to prevent, reduce or eliminate dependency.

p36

FILED
SEP 11 2006
SHARON McCRABB
DELAWARE COUNTY AUDITOR

# Notarization

State of Iowa, Delaware County, ss

I, Mary Helle, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for one consecutive weeks beginning September 5, 2006 and ending Same, 20____.

PRINTERS FEES: $ 8.21

Mary Helle

**Subscribed in my presence and sworn to** before me by Mary Helle on this 26th day of September, 2006.

Cathy S. Harris
Notary Public

NOTARIAL SEAL IOWA
CATHY S HARRIS
COMMISSION NUMBER 731078
MY COMMISSION EXPIRES
OCTOBER 19, 2007

**Legal Notice – Delaware County Board of Supervisors**

**PUBLIC NOTICE**

Public Notice is hereby given that the Delaware County Board of Supervisors will meet for the first reading and consideration of County Ordinance #27 entitled "An Ordinance Prescribing the General Assistance Program in Delaware County, Iowa" at its regular meeting at 1:15 p.m. on September 25, 2006 in the Supervisors' Office, Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Auditor's Office.

Summary: Purpose and policy of county general assistance to assist the resident in removing barriers to self sufficiency and economic self-support to prevent, reduce or eliminate dependency.

FILED
SEP 28 2006
SHARON McCRABB
DELAWARE COUNTY AUDITOR

Paid
10-9-06

# Supervisor's Minutes,

Motion made by Koeneke, seconded by Helmrichs and carried that the box culvert low quote of K Construction be approved as submitted in the amount of $19,927.50. All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that the second half taxes of $578.00 for Keystone Area Education Agency #1 of Elkader, Iowa, be abated on Parcel D Pt Hobbs Add Delhi & Adj Vac Alley, Block 9 Hobbs Add located at 802 Charles Street in Delhi, Iowa. The abated taxes are for 2006/2007 tax year second half due to the agency's tax exempt status. All ayes.

Motion made by Koeneke, seconded by Helmrichs and carried that the Manure Management Plan submitted for D & J Pork in Cass Township in Clayton County and Richland Township in Delaware County be acknowledged as filed with the county. All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that the following Resolution be approved:

RESOLUTION

September 18, 2006

Pursuant to the 2005 Code of Iowa, Section 331.323 sub section 2d, we do hereby authorize the destruction of the following records in the Auditor's Office:

General Election 11-2-2004
City Election 11-8-2005
Hopkinton Runoff Election 12-6-2005

/S/ Bill Skinner, Chairperson
/S/ Shirley E. Helmrichs
/S/ Steven L. Koeneke

All ayes.

Ann Sperfslage addressed the Board as a county resident concerned about a highway bypass and upkeep for a possible ethanol plant on the east side of Manchester. She felt the plant should be on the west side of town by the industrial park. Delaware County should have a zoning ordinance in place in order to be good stewards of the land and was concerned what effects a bypass would have on the Fish Hatchery area.

The Board thanked Ms. Sperfslage for coming and expressing her concerns for their information.

The Board has received questions on the timing of the W63 bridge project and discussed the issue with Engineer Mark Nahra. The dates a bridge would be closed is not totally decided by the engineer or the Board of Supervisors. There are three times there would be an opportunity to request a date but the reasons for this one would have been denied by the DOT. There is never a good time to close a bridge.

Mark Nahra, County Engineer, gave the Board an update on secondary road projects.

There being no further business, this meeting adjourned. These minutes were read and approved.

Bill Skinner
Bill Skinner, Chairperson

Sharon McCrabb
Sharon McCrabb, Auditor

**********

September 25, 2006
Manchester, Iowa

STATE OF IOWA )
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Also present were Ann Spersflage, Peggy Petlon, Katie Johannes, Mark Nahra and three members of the media. Bill Skinner, Chairperson, called the meeting to order.

Motion made by Helmrichs, seconded by Koeneke and carried that the following employees be allowed to attend their respective meetings: Shirley Helmrichs to attend a BDF meeting in Oelwein on September 26; Bill Skinner to attend an RC&D meeting in Maquoketa on September 27. All ayes.

Motion made by Koeneke, seconded by Helmrichs and carried that the following claims be allowed for payment:

| | | |
|---|---|---|
| **GENERAL BASIC FUND** | | |
| Alliant Energy | utility service | $3,464.85 |
| Maquoketa Valley Electric Coop | utility service | 2,155.28 |
| Iowa Telecom | phone service | 138.37 |
| City of Manchester | water service | 92.44 |
| Pete Schaul | rental assistance | 200.00 |
| Three Rivers FS | LP | 125.00 |
| Wal-Mart | supplies | 202.18 |
| Aquila | utility service | 45.62 |
| Mastercard | postage | 10.55 |
| Blue Cross & Blue Shield | insurance | 2,128.89 |
| Houlihan Sanitation | landfill charges | 99.00 |
| U. S. Cellular | phone service | 134.03 |
| Pat O'Connell | well closure | 300.00 |
| **GENERAL SUPPLEMENTAL FUND** | | |
| Group Services | insurance | 3,826.55 |
| Steve Koeneke | mileage | 16.02 |
| **MENTAL HEALTH FUND** | | |
| Iowa Telecom | phone service | 359.49 |
| **SECONDARY ROAD FUND** | | |
| Mastercard | postage | 34.00 |
| Iowa Telecom | phone service | 250.61 |
| Alliant Energy | utility service | 760.48 |
| **CONSERVATION TRUST FUND** | | |
| Alliant Energy | utility service | 10.42 |

ROCH BROTHERS, DES MOINES C-089-X H-0192-1

Motion made by Helmrichs, seconded by Koeneke and carried that the underground construction permit requested by Iowa Telecom for buried cable in Coffins Grove Twp. be approved. All ayes.

Motion made by Koeneke, seconded by Helmrichs and carried that the First Judicial District Department of Correctional Services Combined Balance Sheet for the period ending 6-30-06 showing revenues as $14,707,300 and expenditures as $14,604,607 be approved. All ayes.

Motion made Helmrichs, seconded by Koeneke and carried that the request by the conservation department to deposit $200.00 of Indian Hills Area farm lease payments into the Conservation Land Acquisition and Trust Fund be approved. All ayes.

This being the date set by publication in the Delaware County Leader and The Manchester Press on September 5, 2006, County Ordinance No. 27 entitled "An Ordinance Prescribing the General Assistance Program in Delaware County, Iowa", was read.

Motion made by Koeneke, seconded by Helmrichs and carried that the following Ordinance #27 be adopted as read and that any further readings be waived:

County Ordinance No. 27

AN ORDINANCE PRESCRIBING THE GENERAL ASSISTANCE PROGRAM IN DELAWARE COUNTY, IOWA

BE IT RESOLVED, by the Supervisors of Delaware County, Iowa:

PURPOSE OF GENERAL ASSISTANCE. County General Assistance shall be provided to residents of this county as mandated by the Code of Iowa, section 252.25. The purpose and policy of such provision of assistance where appropriate, is to assist the resident in removing barriers to self-sufficiency and economic self-support to prevent, reduce or eliminate dependency.


1 Categories
2 Definitions
3 Form of Benefits
4 Eligibility of Needy Persons
5 Eligibility of Poor Persons
6 Level of Benefits
7 Requirements for Receiving Assistance
8 Application for Assistance
9 Initial Determination
10 Appeal
11 Appeal Hearing
12 Actions of the Board of Supervisors
13 Additional Provisions


SECTION 1 - CATEGORIES

A. The three (3) categories of general assistance in Delaware County are:
   1. Emergency assistance for needy persons; and
   2. Assistnace for poor persons; and
   3. Assistance for an extended nature

SECTION 2 - DEFINITIONS (for this manual).

A. "Awaiting approval and receipt" means that a poor person has applied for assistance under any state or federal law, has pursued that application with due diligence, and has not had such application denied. This does not include an appeal of a denial of benefits.

B. "Burial expenses" include basic services of funeral director and staff, transfer of remains to funeral home, least expensive casket, least expensive vault or grave liner, and hearse. Opening and closing of grave may be considered if all other possible resources are exhausted.

C. Household living unit" mean all persons who live in a residence with common toilet, kitchen, dining or bedroom facilities or shared rental payment or lease.

D. "Income" shall include any earned and unearned income. Relief is to be provided to persons whose income is below the schedules set up for the Family Investment Program (FIP).

E. "Liquid assets" means cash or any other items of net worth of the household living unit that can be converted to cash within seven (7) days.

F. "Resources" includes income or moneys for any source, moneys due, checking and savings accounts, other deposits, stocks, bonds, real estate, credit union accounts, cash value of life insurance, jewelry and other items of salable value. Excluded from consideration are the following: a person's homestead, personal possessions, household goods, tools and equipment used for self support, one licensed motor vehicle with a maximum equity value of $7,500.00, burial lots, and funeral trust funds. The total value of these resources shall not exceed Two Thousand Dollars ($2,000.00).

G. "Needy person" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa and who, because of circumstances not attributable to that person, needs immediate assistance.

H. "Poor person" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa, and in accordance with Chapter 252.1 "..have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor..."

I. "Transients" means a needy person show has been in the county for less than five (5) days and will be referred to other local agencies providing transient assistance.

J. "Assistance" means food, rent, clothing, transportation, fuel, utilities, medical attention and burial assistance. Food does not include pop, alcohol, can deposits, tobacco, candy, or pet food but does include laundry soap, household cleaners, and non-food items used for personal hygiene.

K. "Legal Settled" means applicant has had a permanent residence in Delaware County for twelve (12) consecutive months.

SECTION 3 - FORM OF BENEFITS.

A. The assistance shall be purchased directly from the supplier for the applicant or the household living unit.

SECTION 4 - ELIGIBILITY

Compliance with the requirements of Section 252.16 of the Code of Iowa

A. Emergency assistance will be provided to a needy person who:

   1) Legally settled in Delaware County.
   2) Needs immediate assistance and cannot obtain assistance from any other source.
   3) Whose household living unit meets 150% poverty level based on Department of Public Health guidelines.
   4) Whose income or assistance from a state or federal program has been delayed or not actually received because of reasons not attributable to that person.
   5) Does not have liquid assets.

B. Assistance will be provided to a poor person who:

1) Legally settled in Delaware County.
2) Needs immediate assistance and cannot obtain assistance from any other source.
3) Whose household living unit meets 150% poverty guidelines set by Department of Health.
4) Is awaiting approval and receipt of assistance under programs by state or federal law.
5) Otherwise has no income or monetary benefits.
6) Does not own property, exempt or otherwise i.e. a homestead, equity in a home, ownership of a vehicle or other personal property.
7) Can provide a doctor's statement that they are unable to work due to a disability.
8) Does not have liquid assets.

SECTION 5 - LEVEL OF BENEFITS. Assistance shall be paid only on current bills. Assistance shall not be paid for deposits, hook-up fees, or to satisfy any past due bills unless necessary for current services or goods and it is approved by the Board of Supervisors.

The maximum level of benefits per twelve (12) month period to be provided for relief for each person or that person's family unit shall be:

| Persons | Amount |
|---|---|
| 1 | $200.00 |
| 2 | 225.00 |
| 3 | 250.00 |
| 4 | 275.00 |
| 5 | 300.00 |
| 6 | 325.00 |

Add $25.00 for each additional person

2) Rent--Rent will only be payable for the current month and shall not be paid to responsible relatives such as parents, children, grandparents, or grandchildren. A landlord statement may be required.

3) Utility payments -- including payment for fuel for heat, cooking and heating water, electricity for light, heat, cooking, heating water, and for water. Sewer and garbage costs will be included as long as the main utility (gas, water) is being utilized.

4) Provisions -- food and non-food items such as emergency restaurant meals, soap products, paper products, household cleaning supplies, personal hygiene items, non-prescription drugs, etc. not to exceed twenty five Dollars ($25) unless prior authorization by Director of General Assistance.

5) Transportation in an emergency situation if necessary.

6) Burial expense is limited to a maximum of one thousand five hundred dollars ($1,500.00). If the deceased has a burial contract and/or any resources, those amounts will be deducted from the one thousand five hundred ($1,500.00) maximum amount allowed. Burial assistance must be applied for within thirty (30) days of the date of death. The Director may waive the income guidelines with the Board approval. Total cost cannot exceed $2,500.

7) Clothing for the reasonable value of clothing actually needed if not immediately available from other sources.

8) 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.

a) Glasses, including examinations, lens and frame repair when such are prescribed by optometrists or physicians will be funded by the Delaware County Correll Fund.

b) Criteria for State Psychiatric Papers are as follows:

1) Documentation and or information may be required prior to issuance of State Psychiatric Papers.
2) Inpatient Psychiatric Papers are unlimited per year.
3) Outpatient Psychiatric Papers are limited to one (1) time per year. A year is from the last time seen. The Outpatient Psychiatric Paper would cover the initial visit and one (1) follow up appointment.
4) Net worth will be reviewed on a case by case basis and co-payments may be assessed.

SECTION 6 -ASSISTANCE OF AN EXTENDED NATURE. It is contemplated that items of relief provided to needy person, or their family unit will not exceed two (2) months during a 12 month period of time.

SECTION 7 - REQUIREMENTS FOR RECEIVING ASSISTANCE.

A. An applicant must be eighteen (18) years of age. Exceptions to this policy are married individuals or those emancipated through the legal process of the juvenile court system.

B. A needy person who is not needed in the home to care for minor children or disabled adults or elderly over the age of 62 shall immediately register for employment with the Department of Employment Services Workforce Center (formerly Job Service of Iowa) and otherwise actively seek employment.

C. The needy person shall seek and accept any reasonable employment, whether or not it is suitable employment under the guidelines of the Department of Employment Services Workforce Center. A refusal or failure to accept reasonable employment offered shall disqualify the needy person from receiving benefits for ninety (90) days. The needy person may be required to provide reasonable proof that he or she is actively seeking employment.

D. Falsification of information required for application or failure to provide information as requested shall result in a denial of assistance and suspension of eligibility for one hundred eighty (180) days.

E. Any needy person who quits a job without good cause within thirty (30) days prior to the date of application shall be denied.

F. An applicant with a mental or physical disability may be required to provide verification of the disability by medical and/or other documentation.

G. An applicant for assistance must first apply for all other assistance programs for which he or she may be eligible (food stamps, ADC, FIP, SSI, Social Security, Medicaid, unemployment, etc.) and pursue such application with due diligence. Failure to apply for and pursue said application will result in a denial of assistance. Any applicant requesting assistance who has applied for SSI must sign an Interim Assistance Reimbursement Authorization Form. Failure for a needy person to sign said form will result in a denial of assistance.

H. Failure to follow through with state and/or federal programs which results in a denial, reduction, or terminatino of benefits shall result in a denial of general assistance. Denial of general assistance shall be for the same period of time the state and/or federal program is denied, reduced or terminated.

I. General Assistance shall be denied at any time if the applicant or recipient refuses to rely on his or her resources, there is a transfer of property with intent to qualify for General Assistance, or the applicant or recipient refuses to answer any question or if they falsify their application.

J. Income available to the individual or household living unit shall not equal or exceed the standard payment in the ADC or FIP program with the exception of the single individual living alone, whose income shall not equal or exceed the ADC or FIP standard for the two member household.

K. Paid monthly medical expenses shall be deducted from income for the purpose of determining eligibility. Medical expenses do not include Medicaid premiums or co-payments on prescriptions. Documentation may be required.

L. The county may require the applicant to sign a repayment agreement and to reimburse the county for benefits received. If such agreement is signed and the perosn, except for reasons not attributable to that person, fails to repay the value of the benefits received, he or she shall be disqualified from receiving benefits for ninety (90) days.

M. If the applicant is an honorable discharged wartime veteran or eligible dependent, said applicant must apply for assistance through Delaware County Administrator for Veterans Affairs.

N. An applicant may be disqualified from receiving future benefits if that person falsifies the application, verification or any other information. In case of falsification, the applicant shall be denied further assistance for one (1) year, or fails to repay the value of benefits received as agreed, except for reasons not attributable to that person.

O. 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. All other application eligibility guidelines may be waived at the discretion of the Board of Supervisors and/or Director of General Assistance.

SECTION 8 - APPLICATION FOR ASSISTANCE.

Application for assistance shall be submitted by needy and poor persons to the Director or Assistant of General Assistance during usual business hours upon forms provided by the Director or Assistant. If, because of undue hardship, a needy or poor person cannot come to the General Assistance Office, the Director or Assistant shall mail or deliver the application form. If the applicant or household living unit is or appears to be eligible for assistance from any other federal, state or local source, the Director or Assistant shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and to pursue such application with due diligence as a requirement for receiving assistance under this manual. If requested, the person applying shall provide the Director or Assistant with a verified statement of income, net worth, federal and state income tax returns for the past five (5) years, medical reports, medical authorization, or anything else requested by the Director or Assistant that bears upon the person's eligibility and need for assistance. The Director or Assistant may also require, upon approval of the Delaware County Board of Supervisors that the applicant submit to a physical or mental examination to determine applicant's ability to work. The Director or Assistant shall then investigate the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director or Assistant shall be made available to that applicant, upon request, or to the applicant's attorney by written authorization.

SECTION 9 - INITIAL DETERMINATION.

A. The Director or Assistant shall determine the applicant's eligibility and needs within seven (7) working days of the receipt of the application. The Director or Assistant shall notify the applicant in person or by ordinary mail of the determination. If denied, the written decision shall show the reason for the denial and the statutes or ordinances and manual sections which applied.

B. If the Director or Assistant cannot make a determination within seven (7) working days, the applicant shall be notified in writing by ordinary mail of the reasons why such determination cannot be made.

C. If an applicant has been previously found eligible, the Director or Assistant need not receive a new application but may proceed to a determination of whether or not current assistance is warranted. Notice and mailing of such determination shall be as provided above. If an emergency or immediate need is present, the Director or Assistant may verbally authorize a supplier or vendor to furnish any item of assistance for the benefit of the applicant and the amount allowed for such benefit. The Director or Assistant shall inform the applicant and issue a written decision as provided above.

D. Whenever an applicant is found eligible and entitled to assistance, the Director or Assistant shall proceed to provide the same and notify the Delaware County Board of Supervisors.

SECTION 10. - APPEAL.

A. Every applicant, whether granted assistance or not, shall be informed in the Director or Assistants written decision of the applicant's right to appeal from such decision to the Delaware County Board of Supervisors. The applicant shall be informed (a) of the method by which an appeal may be taken and (b) that the applicant may represent himself or herself or may be represented by an attorney at their own expense.

B. Any written appeal or communication to the Director or Assistant by or on behalf of an applicant requesting appeal of the Director or Assistant's determination shall be received by the Director or Assistant and put immediately upon the Delaware County Board of Supervisor's agenda, in accordance with Chapter 21 of the Code of Iowa, for the next regular Delaware County Board of Supervisors meeting, provided that such appeal shall not be heard sooner than five (5) working days after appeal is taken.

The written appeal or communication must be made to the Director or Assistant within ten (10) working days of the Director or Assistant's determination, must provide the applicant's current address, telephone number, and must state the reasons for the appeal.

C. The applicant shall be informed by ordinary mail of the date and time of the hearing before the Delaware County Board of Supervisors. The applicant and the applicant's attorney, upon written authorization, shall be granted access by the Director or Assistant to applicant's assistance case file is request is made.

SECTION 11 - APPEAL HEARING.

A. The Delaware County Board of Supervisors shall hear the applicant's appeal de novo at the time scheduled on the agenda unless continuance is requested by the applicant. The applicant shall be permitted to present whatever evidence is desired in support of the appeal, including

testimony of self and others, documentary evidence, and reasonable cross examination of other witnesses, if present. Evidence which is the kind of evidence that reasonably prudent persons are accustomed to rely on for the conduct of their serious affairs shall be admitted and relied on by the Board. Evidence shall not be excluded solely on the ground that it would be inadmissible under the Iowa Rules of Evidence or caselaw, and strict compliance with the Rules is not required. The Board shall give effect to the rules of privilege recognized by law. The applicant's file shall be admitted into evidence. The Delaware County Board of Supervisors may question the applicant, and the Director or Assistant shall present the Delaware County Board of Supervisors with the reasons for the determination. The appeal will be tape recorded. The Board may vote to close the meeting pursuant to Chapter 21.5(a) of the Code of Iowa, to review or discuss records which are required or authorized to be kept confidential under state or federal law. The closed portion of the meeting shall be limited to the purposes permitted under Chapter 22 of the Iowa Code. The vote on the applicant's appeal shall be made in an open meeting. When the Delaware County Board of Supervisors deliberates on the appeal, no parties to the appeal shall be present.

B. The Delaware County Board of Supervisors may decide to uphold the decision of the General Assistance Director or Assistant, or under the provisions of the Iowa Code Section 252.37, the Delaware County Board of Supervisors may "If a poor person, on application to the general assistance director, is refused the required assistance, the applicant may appeal to the board of supervisors, who, upon examination into the matter, may order the director to provide assistance, or it may direct specific assistance."

C. The Delaware County Board of Supervisors shall make a decision on the appeal within five (5) working days. The Delaware County Board of Supervisor's decision shall be only on the basis of the evidence submitted before the Delaware County Board of Supervisors. The applicant shall be informed within four (4) working days thereafter by the Delaware County Board of Supervisor's mailing its written decision to the applicant by ordinary mail. The decision shall state the reasons for the action, together with any statutes or ordinances and manual sections applied. The Delaware County Board of Supervisor's decision shall also state that an appeal may be taken from the Delaware County Board of Supervisor's determination, as provided below, and the method by which such appeal may be taken.

D. Any appeal to the District Court shall be allowed by the applicant from the Delaware County Board of Supervisor's decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

SECTION 12 - ACTIONS OF THE BOARD OF SUPERVISORS

In the event that the Delaware County Board of Supervisors, in reviewing the actions of the Director or Assistant of General Assistance, questions any allowance of assistance benefits allowed by the Director or Assistant, 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 or Assistant's determination.

SECTION 13 - ADDITIONAL PROVISIONS

The Director or Assistant may allow, upon application, the additional benefits provided for in Chapter 252 of the Code of Iowa. The provisions of Chapter 252.13 of the Code of Iowa for repayment of benefits to the county are applicable, and the applicant shall acknowledge the same in writing. Recipients of assistance may further be required to work for the county as a condition to receipt of such benefits as required in Section 252.27 and 252.42 of the Code of Iowa. Benefits provided a recipient may be a further claim against the homestead of a recipient and a claim in probate, as provided by Section 252.13 of the Code of Iowa.

SECTION 14 - All ordinances and resolution, or part thereof, in conflict herewith are hereby repealed.

/S/ William J. Skinner
Chair, Board of Supervisors

Attest:
/S/ Sharon McCrabb, Delaware County Auditor

First Reading: 9-25-06
Second Reading: Waived
Third Reading: Waived

/S/ Peggy S. Petlon
Delaware County Community Services

All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that the 2007 transportation billing rates offered by the Regional Transit Authority be approved as follows:

Sheltered Workshop routes for Delaware County that originate in Manchester - $7.00 per ride.

Sheltered Workshop routes in Dubuque and Delaware County that originate in Dyersville designated as Job Access reverse Commute (JARC) routes - $4.50 per ride.

Ridership on all other routes is calculated on the rates of $1.91 per shared bus mile, $0.45 per shared volunteer mile or $0.96 per shared Job Access reverse Commute bus mile; alternate rates of $34.00 per hour can be charged where appropriate.

All ayes.

Motion made by Koeneke, seconded by Helmrichs and carried that the following resolution be approved:

BRIDGE EMBARGO
RESOLUTION

WHEREAS: The Board of Supervisors is empowered under authority of Sections 321.236 Sub. (8), 321.471 to 321.473 to prohibit the operation of vehicles or impose limitations as to the weight therof on designated highways or highway structures under their jurisdiction, and

WHEREAS: the Delaware County Engineer has caused to be completed the Structure Inventory and Appraisal of certain bridges according to accepted Bridge Inspection Standards and has determined that the bridges below, require revision to their current load ratings,

NOW, THEREFORE, BE IT RESOLVED by the Delaware County Board of Supervisors that the following vehicle and load limit be established and that signs be placed advising of the permissible maximum weights thereof on the bridge listed herein.

285th Street Bridge Section 5-87-6 13 tons gross load

# Supervisor's Minutes,

KOCH BROTHERS, DES MOINES C-089-X H-0192-1

FURTHERMORE, the Board of Supervisors resolves that the following load posting shall be removed and that signs be removed advising of the permissible maximum weights thereof on the bridges listed herein.

130th Avenue Bridge Section 34-88-6 Legal-remove posting

Passed and approved this 25th day of September, 2006.

/S/ Bill Skinner, Chairperson
Delaware County Board of Supervisors

Recommended:

/S/ Mark Nahra, County Engineer

Attest:

/S/ Sharon McCrabb, County Auditor

All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that the Contract for bridge replacement on the 310th Avenue bridge in the amount of $297,155.95 be approved and awarded to Taylor Construction of New Vienna, Iowa. All ayes.

Motion made by Koeneke, seconded by Helmrichs and carried that the Iowa Safe Routes to School Infrastructure Grant Application for West Delaware students with the total estimated cost of $207,000.00 be approved. All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that October 9, 2006 be set as the date to receive quotes for a 3/4 ton crew cab pick-up for the secondary road department. All ayes.

Motion made by Koeneke, seconded by Helmrichs and carried that the "Federal-Aid Grade Crossing Surface Repair Force Account Agreement"for the construction of surface improvements at the railroad crossing located on Company's track and for reimbursement under 23 USC Section 130 for a railroad project on 300th Avenue with the local cost of $14,000.00 be approved. All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that Katie Johannes be approved as CPC Assistant/ Office Manager for the Community Services Department at $23,920.00 effective September 25, 2006. All ayes.

Motion made by Koeneke, seconded by Helmrichs and carried that the Contract with K Construction, Inc. in Elkader for $19,677.50 for culvert extension on 180th Avenue, be approved. All ayes.

There being no further business, this meeting adjourned. These minutes were read and approved.

Bill Skinner
Bill Skinner, Chairperson

Sharon McCrabb
Sharon McCrabb, Auditor

**********

October 2, 2006
Manchester, Iowa

STATE OF IOWA )
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date with all members present. Also present were Carol Pohlman, Ed Holtz, Steven Stepanek, Larry Schmidt, Deb Meyers, Ann Sperfslage, Mark Nahra and two members of the media. Bill Skinner, Chairperson, called the meeting to order.

Motion made by Koeneke, seconded by Helmrichs and carried that Bill Skinner, Shirley Helmrichs and Steve Koeneke be allowed to attend an RTA meeting in Dubuque on October 4th. All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that the following claims be allowed for payment:

General Basic Fund

| | | |
|---|---|---|
| Alliant Energy | utility service | $440.37 |
| Allied Waste Transfer Service | sanitation disposal | 46.00 |
| Aquila | utility service | 42.92 |
| CPI Qualified Plan Cnslt. | employee benefit expense | 145.25 |
| Tina Elgin | cleaning service | 240.00 |
| Garlyn Glanz | education & training | 416.88 |
| Iowa Telecom | phone service | 801.28 |
| ISAC Group Unemployment Fund | 3rd Quarterly unemployment | 1,057.94 |
| Mastercard | equipment | 139.34 |
| Walmart | supplies | 169.84 |

General Supplemental Fund

| | | |
|---|---|---|
| Iowa Telecom | phone service | 43.99 |

MH-DD Services Fund

| | | |
|---|---|---|
| Walmart | supplies | 3.43 |
| BP | fuel | 355.26 |

Secondary Road Fund

| | | |
|---|---|---|
| Allied Waste Services | waste service | 101.51 |
| Aquila | utility service | 25.51 |

Payroll of September 29, 2006 in the amount of $124,726.71 through warrants #24480 - #24596.

All ayes.

Motion made by Koeneke, seconded by Helmrichs and carried that the "Application for Approval of Underground Construction on Delaware County Right-of-Way" for Qwest Communications for a buried cable 1 mile north from Coggon, 375' from the west edge of 130th Avenue and Linn Delaware Road in the North ROW and for Maquoketa Valley Electric Cooperative for new overhead power lines along 340th Avenue in Colony Township and in Prairie Township, section 12; Milo Township sections 5,6,7 & 8. All ayes.

STATE OF IOWA, Delaware County-ss.

I, Latisha L. Sand, being duly sworn depose and say that I am editor of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the DELAWARE CO. SUPERVISORS

in case of ORDINANCE NO. 27

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 3RD day of OCT. A.D. 20 06 and the last on the 3RD day of OCT. A.D. 20 06.

Publication fee, $ 204.44

Latisha L. Sand

Subscribed by Latisha L. Sand and by her sworn to before me, a notary public in and of Delaware County, Iowa this 3RD day of OCT. A.D. 20 06

Witness my hand and seal the date last above written.

Denise Deppe Notary Public

NOTARIAL SEAL IOWA
DENISE A. DEPPE
Commission Number 734551
My Comm. Exp. 5-19-08

**County Ordinance NO. 27**

**AN ORDINANCE PRESCRIBING THE GENERAL ASSISTANCE PROGRAM IN DELAWARE COUNTY, IOWA**

BE IT RESOLVED, by the Supervisors of Delaware County, Iowa:

PURPOSE OF GENERAL ASSISTANCE: County General Assistance shall be provided to residents of this county as mandated by the Code of Iowa, section 252.25. The purpose and policy of such provision of assistance where appropriate, is to assist the resident in removing barriers to self-sufficiency and economic self-support to prevent, reduce or eliminate dependency.


1. Categories
2. Definitions
3. Form of Benefits
4. Eligibility of Needy Persons
5. Eligibility of Poor Persons
6. Level of Benefits
7. Requirements for Receiving Assistance
8. Application for Assistance
9. Initial Determination
10. Appeal
11. Appeal Hearing
12. Actions of the Board of Supervisors
13. Additional Provisions


**SECTION 1- CATEGORIES.**

A. The three (3) categories of general assistance in Delaware County are:
1. Emergency assistance for needy persons; and
2. Assistance for poor persons; and
3. Assistance for an extended nature

**SECTION 2 - DEFINITIONS (for this manual).**

A. **"Awaiting approval and receipt"** means that a poor person has applied for assistance under any state or federal law, has pursued that application with due diligence, and has not had such application denied. This does not include an appeal of a denial of benefits.

B. **"Burial expenses"** include basic services of funeral director and staff, transfer of remains to funeral home, least expensive casket, least expensive vault or grave liner, and hearse. Opening and closing of grave may be considered if all other possible resources are exhausted.

C. **"Household living unit"** mean all persons who live in a residence with common toilet, kitchen, dining or bedroom facilities or shared rental payment or lease.

D. **"Income"** shall include any earned and unearned income. Relief is to be provided to persons whose income is below the schedules set up for the Family Investment Program (FIP)

E. **"Liquid assets"** means cash or any other items of net worth of the household living unit that can be converted to cash within seven (7) days.

F. **"Resources"** includes income or moneys for any source, moneys due, checking and savings accounts, other deposits, stocks, bonds, real estate, credit union accounts, cash value of life insurance, jewelry and other items of salable value. Excluded from consideration are the following: a person's homestead, personal possessions, household goods, tools and equipment used for self support, one licensed motor vehicle with a maximum equity value of $7500.00, burial lots, and funeral trust funds. The total value of these resources shall not exceed Two Thousand Dollars ($2000.00)

G. **"Needy Person"** is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa and who, because of circumstances not attributable to that person, needs immediate assistance.

H. **"Poor person"** is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa, and in accordance with Chapter 252.1 "...have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor..."

1. **"Transients"** means a needy person show has been in the county for less than five (5) days and will be referred to other local agencies providing transient assistance.

J. **"Assistance"** means food, rent, clothing, transportation, fuel, utilities, medical attention and burial assistance. Food does not include pop, alcohol, can deposits, tobacco, candy, or pet food but does include laundry soap, household cleaners, and non-food items used for personal hygiene.

K. **"Legal Settled"** means applicant has had a permanent residence in Delaware County for twelve (12) consecutive months.

**SECTION 3 - FORM OF BENEFITS.**

A. The assistance shall be purchased directly from the supplier for the applicant or the household living unit.

**SECTION 4 - ELIGIBILITY.**

Compliance with the requirements of Section 252.16 of the Code of Iowa

**A. Emergency assistance will be provided to a needy person who:**

1) Legally settled in Delaware County.
2) Needs immediate assistance and cannot obtain assistance from any other source.
3) Whose household living unit meets 150% poverty level based on Department of Public Health guidelines.
4) Whose income or assistance from a state or federal program has been delayed or not actually received because of reasons not attributable to that person.
5) Does not have liquid assets.

**B. Assistance will be provided to a poor person who:**

1) Legally settled in Delaware County.
2) Needs immediate assistance and cannot obtain assistance from any other source.
3) Whose household living unit meets 150% poverty guidelines set by Department of Public Health.
4) Is awaiting approval and receipt of assistance under programs by state or federal law.
5) Otherwise has no income or monetary benefits.
6) Does not own property, exempt or otherwise i.e. a homestead, equity in a home, ownership of a vehicle or other personal property.
7) Can provide a doctor's statement that they are unable to work due to a disability.
8) Does not have liquid assets.

**SECTION 5 - LEVEL OF BENEFITS.** Assistance shall be paid only on current bills. Assistance shall not be paid for deposits, hook-up fees, or to satisfy any past due bills unless necessary for current services or goods and it is approved by the Board of Supervisors.

The maximum level of benefits per twelve (12) month period to be provided for relief for each person or that person's family unit shall be:

| Persons | Amount |
|---|---|
| 1 | $200.00 |
| 2 | 225.00 |
| 3 | 250.00 |
| 4 | 275.00 |
| 5 | 300.00 |
| 6 | 325.00 |

Add $25.00 for each additional person

2) Rent - Rent will only be payable for the current month and shall not be paid to responsible relatives such as parents, children, grandparents, or grandchildren. A landlord statement may be required.

[illegible] payment for fuel for heat, cooking and heating water, elec-

3) Whose household living unit meets 150% poverty guidelines set by Department of Public Health.

4) Is awaiting approval and receipt of assistance under programs by state or federal law.

5) Otherwise has no income or monetary benefits.

6)Does not own property, exempt or otherwise i.e. a homestead, equity in a home, ownership of a vehicle or other personal property.

7) Can provide a doctor's statement that they are unable to work due to a disability.

8) Does not have liquid assets.

**SECTION 5 - LEVEL OF BENEFITS.** Assistance shall be paid only on current bills. Assistance shall not be paid for deposits, hook-up fees, or to satisfy any past due bills unless necessary for current services or goods and it is approved by the Board of Supervisors.

The maximum level of benefits per twelve (12) month period to be provided for relief for each person or that person's family unit shall be:

| Persons | Amount |
|---|---|
| 1 | $200.00 |
| 2 | 225.00 |
| 3 | 250.00 |
| 4 | 275.00 |
| 5 | 300.00 |
| 6 | 325.00 |

Add $25.00 for each additional person

2) Rent -- Rent will only be payable for the current month and shall not be paid to responsible relatives such as parents, children, grandparents, or grandchildren. A landlord statement may be required.

3) Utility payments -- Including payment for fuel for heat, cooking and heating water, electricity for light, heat, cooling, heating water, and for water. Sewer and garbage costs will be included as long as the main utility (gas, water) is being utilized.

4) Provisions -- food and non-food items such as emergency restaurant meals, soap products, paper products, household cleaning supplies, personal hygiene items, non-prescription drugs, etc. not to exceed Twenty-five dollars ($25) unless prior authorization by Director of General Assistance.

5) Transportation in an emergency situation if necessary.

6) Burial expense is limited to a maximum of one thousand five hundred dollars ($1,500.00). If the deceased has a burial contract and/or any resources, those amounts will be deducted from the one thousand five hundred dollars ($1,500.00) maximum amount allowed. Burial assistance must be applied for within thirty (30) days of the date of death. The Director may waive the income guidelines with the Board approval. Total cost cannot exceed $2500

7) Clothing for the reasonable value of clothing actually needed if not immediately available from other sources.

8) Medical services, prescriptions, and dental services, the reasonable value of theseservices actually needed on an emergency basis. Dental services shall be limited to tooth extraction or alleviation of pain.

a)Glasses, including examinations, lens and frame repair when such are prescribed by optometrists or physicians will be funded by the Delaware County Correll Fund.

b) Criteria for State Psychiatric Papers are as follows:

1) Documentation and or information may be required prior to issuance of State Psychiatric Papers.

2) Inpatient Psychiatric Papers are unlimited per year.

3)Outpatient Psychiatric Papers are limited to one (1) time per year. A year is from the last time seen. The Outpatient Psychiatric Paper would cover the initial visit and one (1) follow up appointment.

4)Net worth will be reviewed on a case by case basis and co-payments may be assessed.

**SECTION 6 - ASSISTANCE OF AN EXTENDED NATURE.** It is contemplated that items of relief provided to needy person, or their family unit will not exceed two (2) months during a 12 month period of time.

**SECTION 7 -REQUIREMENTS FOR RECEIVING ASSISTANCE.**

A. An applicant must be eighteen (18) years of age. Exceptions to this policy are married individuals or those emancipated through the legal process of the juvenile court system.

B. A needy person who is not needed in the home to care for minor children or disabled adults or elderly over the age of 62 shall immediately register for employment with the Department of Employment Services Workforce Center (formerly Job Service of Iowa) and otherwise actively seek employment.

C. The needy person shall seek and accept any reasonable employment, whether or not it is suitable employment under the guidelines of the Department of Employment Services Workforce Center. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the needy person from receiving benefits for ninety (90) days. The needy person may be required to provide reasonable proof that he or she is actively seeking employment.

D. Falsification of information required for application or failure to provide information as requested shall result in a denial of assistance and suspension of eligibility for one hundred eighty (180) days.

E. Any needy person who quits a job without good cause within thirty (30) days prior to the date of application shall be denied

F. An applicant with a mental or physical disability may be required to provide verification of the disability by medical and/or other documentation.

G. An applicant for assistance must first apply for all other assistance programs for which he or she may be eligible (food stamps, ADC, FIP, SSI, Social Security, Medicaid, unemployment, etc.) and pursue such application with due diligence. Failure to apply for and pursue said application will result in a denial of assistance. Any applicant requesting assistance who has applied for SSI must sign an Interim Assistance Reimbursement Authorization Form. Failure for a needy person to sign said form will result in a denial of assistance.

H. Failure to follow through with state and/or federal programs which results in a denial, reduction, or termination of benefits shall result in a denial of general assistance. Denial of general assistance shall be for the same period of time the state and/or federal program is denied, reduced or terminated.

I. General Assistance shall be denied at any time if the applicant or recipient refuses to rely on his or her resources, there is a transfer of property with intent to qualify for General Assistance, or the applicant or recipient refuses to answer any question or if they falsify their application.

J. Income available to the individual or household living unit shall not equal or exceed the standard payment in the ADC or FIP program with the exception of the single individual living alone, whose income shall not equal or exceed the ADC or FIP standard for the two member household.

K. Paid monthly medical expenses shall be deducted from income for the purpose of determining eligibility. Medical expenses do not include Medicaid premiums or co-payments on prescriptions. Documentation may be required.

L. The county may require the applicant to sign a repayment agreement and to reimburse the county for benefits received. If such agreement is signed and the person, except for reasons not attributable to that person, fails to repay the value of the benefits received, he or she shall be disqualified from receiving benefits for ninety (90) days.

M. If the applicant is an honorably discharged wartime veteran or eligible dependent, said applicant must apply for assistance through Delaware County Administrator for Veterans Affairs.

N. An applicant may be disqualified from receiving future benefits if that person falsifies the application, verification or any other information. In case of falsification, the applicant shall be denied further assistance for one (1) year, or fails to repay the value of benefits received as agreed, except for reasons not attributable to that person

0. 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. All other application eligibility guidelines may be waived at the discretion of the Board of Supervisors and/or Director of General Assistance.

**SECTION 8 - APPLICATION FOR ASSISTANCE.**

Application for assistance shall be submitted by needy and poor persons to the Director or Assistant of General Assistance during usual business hours upon forms provided by the Director or Assistant. If, because of undue hardship, a needy or poor person cannot come to the General Assistance Office, the Director or Assistant shall mail or deliver the application form. If the applicant or household living unit is or appears to be eligible for assistance from any other federal, state or local source, the Director or Assistant shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and to pursue such application with due diligence as a requirement for receiving assistance under this manual. If requested, the person applying shall provide the Director or Assistant with a verified statement of income, net worth, federal and state income tax returns for the past five (5) years, medical reports, medical authorization, or anything else requested by the Director or Assistant that bears upon the person's eligibility and need for assistance. The Director or Assistant may also require, upon approval of the Delaware County Board of Supervisors, that the applicant submit to a physical or mental examination to determine applicant's ability to work. The Director or Assistant shall then investigate the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director or Assistant shall be made available to that applicant, upon request, or to the applicant's attorney by written authorization.

**SECTION 9 - INITIAL DETERMINATION.**

A. The Director or Assistant shall determine the applicant's eligibility and needs within seven (7) working days of the receipt of the application. The Director or Assistant shall notify the applicant in person or by ordinary mail of the determination. If denied, the written decision shall show the reason for the denial and the statutes or ordinances and manual sections which

tax returns for the past five (5) years, medical reports, medical authorization, or anything else requested by the Director or Assistant that bears upon the person's eligibility and need for assistance. The Director or Assistant may also require, upon approval of the Delaware County Board of Supervisors, that the applicant submit to a physical or mental examination to determine applicant's ability to work. The Director or Assistant shall then investigate the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director or Assistant shall be made available to that applicant, upon request, or to the applicant's attorney by written authorization.

**SECTION 9 - INITIAL DETERMINATION.**

A. The Director or Assistant shall determine the applicant's eligibility and needs within seven (7) working days of the receipt of the application. The Director or Assistant shall notify the applicant in person or by ordinary mail of the determination. If denied, the written decision shall show the reason for the denial and the statutes or ordinances and manual sections which applied.

B. If the Director or Assistant cannot make a determination within seven (7) working days, the applicant shall be notified in writing by ordinary mail of the reasons why such determination cannot be made.

C. If an applicant has been previously found eligible, the Director or Assistant need not receive a new application but may proceed to a determination of whether or not current assistance is warranted. Notice and mailing of such determination shall be as provided above. If an emergency or immediate need is present, the Director or Assistant may verbally authorize a supplier or vendor to finish any item of assistance for the benefit of the applicant and the amount allowed for such benefit. The Director or Assistant shall inform the applicant and issue a written decision as provided above.

D. Whenever an applicant is found eligible and entitled to assistance, the Director or Assistant shall proceed to provide the same and notify the Delaware County Board of Supervisors.

**SECTION 10 -APPEAL.**

A- Every applicant, whether granted assistance or not, shall be informed in the Director or Assistants written decision of the applicant's right to appeal from such decision to the Delaware County Board of Supervisors. The applicant shall be informed (a) of the method by which an appeal may be taken and (b) that the applicant may represent himself or herself or may be represented by an attorney at their own expense.

B. Any written appeal or communication to the Director or Assistant by or on behalf of an applicant requesting appeal of the Director or Assistant's determination shall be received by the Director or Assistant and put immediately upon the Delaware County Board of Supervisor's agenda, in accordance with Chapter 21 of the Code of Iowa, for the next regular Delaware County Board of Supervisors meeting, provided that such appeal shall not be heard sooner than five (5) working days after appeal is taken.

The written appeal or communication must be made to the Director or Assistant within ten (10) working days of the Director or Assistant's determination, must provide the applicant's current address, telephone number, and must state the reasons for the appeal.

C. The applicant shall be informed by ordinary mail of the date and time of the hearing before the Delaware County Board of Supervisors. The applicant and the applicant's attorney, upon written authorization, shall be granted access by the Director or Assistant to applicant's assistance case file is request is made.

**SECTION 11 -APPEAL HEARING.**

A. The Delaware County Board of Supervisors shall hear the applicant's appeal de novo at the time scheduled on the agenda unless continuance is requested by the applicant. The applicant shall be permitted to present whatever evidence is desired in support of the appeal, including testimony of self and others, documentary evidence, and reasonable cross examination of other witnesses, if present. Evidence which is the kind of evidence that reasonably prudent persons are accustomed to rely on for the conduct of their serious affairs shall be admitted and relied on by the Board. Evidence shall not be excluded solely on the ground that it would be inadmissible under the Iowa Rules of Evidence or caselaw, and strict compliance with the Rules is not required. The Board shall give effect to the rules of privilege recognized by law. The applicant's file shall be admitted into evidence. The Delaware County Board of Supervisors may question the applicant, and the Director or Assistant shall present the Delaware County Board of Supervisors with the reasons for the determination. The appeal will be tape recorded. The Board may vote to close the meeting pursuant to Chapter 21.5(a) of the Code of Iowa, to review or discuss records which are required or authorized to be kept confidential under state or federal law. The closed portion of the meeting shall be limited to the purposes permitted under Chapter 22 of the Iowa Code. The vote on the applicant's appeal shall be made in an open meeting. When the Delaware County Board of Supervisors deliberates on the appeal, no parties to the appeal shall be present.

B. The Delaware County Board of Supervisors may decide to uphold the decision of the General Assistance Director or Assistant, or under the provisions of the Iowa Code -Section 252.37, the Delaware County Board of Supervisors may "If a poor person, on application to the general assistance director, is refused the required assistance, the applicant may appeal to the board of supervisors, who, upon examination into the matter, may order the director to provide assistance, or it may direct specific assistance."

C. The Delaware County Board of Supervisors shall make a decision on the appeal within five (5) working days. The Delaware County Board of Supervisor's decision shall be only on the basis of the evidence submitted before the Delaware County Board of Supervisors. The applicant shall be informed within four (4) working days thereafter by the Delaware County Board of Supervisor's mailing its written decision to the applicant by ordinary mail. The decision shall state the reasons for the action, together with any statutes or ordinances and manual sections applied. The Delaware County Board of Supervisor's decision shall also state that an appeal may be taken from the Delaware County Board of Supervisor's determination, as provided below, and the method by which such appeal may be taken.

D. Any appeal to the District Court shall be allowed by the applicant from the Delaware County Board of Supervisor's decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

**SECTION 12 -ACTIONS OF THE BOARD OF SUPERVISORS.**

In the event that the Delaware County Board of Supervisors, in reviewing the actions of the Director or Assistant of General Assistance, questions any allowance of assistance benefits allowed by the Director or Assistant, 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 or Assistant's determination.

**SECTION 13 - ADDITIONAL PROVISIONS.**

The Director or Assistant may allow, upon application, the additional benefits provided for in Chapter 252 of the Code of Iowa. The provisions of Chapter 252.13 of the Code of Iowa for repayment of benefits to the county are applicable, and the applicant shall acknowledge the same in writing.

Recipients of assistance may further be required to work for the county as a condition to receipt of such benefits as required in Section 252.27 and 252.42 of the Code of Iowa. Benefits provided a recipient may be a further claim against the homestead of a recipient and a claim in probate, as provided by Section 252.13 of the Code of Iowa.

**SECTION 14** - All ordinances and resolutions, or part thereof, in conflict herewith are hereby repealed.

William J. Skinner
CHAIR, BOARD OF SUPERVISORS
Attest:
Sharon McCrabb
Delaware County Auditor

First Reading: 9/25/06
Second Reading: Waived
Third Reading: Waived
Published:10/3/06

Peggy S. Pellon
Delaware County Community Services

Deborah L. Peyton
Delaware County Recorder
Phone: 563-927-4665
Fax:563-927-3641

# Notarization

State of Iowa, Delaware County, ss

I, Mary Helle, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for one consecutive weeks beginning October 3, 2006, and ending same, 20____.

PRINTERS FEES: $ 186.76

Mary Helle

**Subscribed in my presence and sworn to** before me by Mary Helle on this 31st day of October, 2006.

Cathy S Harris
Notary Public

NOTARIAL SEAL IOWA
CATHY S HARRIS
COMMISSION NUMBER 731078
MY COMMISSION EXPIRES
OCTOBER 19, 2007

COUNTY ORDINANCE #27

AN ORDINANCE PRESCRIBING THE GENERAL ASSISTANCE PROGRAM IN DELAWARE COUNTY, IOWA

BE IT RESOLVED by the Supervisors of Delaware County, Iowa:

PURPOSE OF GENERAL ASSISTANCE. County General Assistance shall be provided to residents of this county as mandated by the Code of Iowa, Section 252.25. The purpose and policy of such provision of assistance where appropriate, is to assist the resident in removing barriers to self-sufficiency and economic self-support to prevent, reduce or eliminate dependency.

1. Categories
2. Definitions
3. Form of Benefits
4. Eligibility of Needy Persons
5. Eligibility of Poor Persons
6. Level of Benefits
7. Requirements for Receiving Assistance
8. Application for Assistance
9. Initial Determination
10. Appeal
11. Appeal Hearing
12. Actions of the Board of Supervisors
13. Additional Provisions

SECTION 1 – CATEGORIES

A. The three (3) categories of general assistance in Delaware County are:

1. Emergency assistance for needy persons; and

2. Assistance for poor persons; and

3. Assistance for an extended nature

SECTION 2 – DEFINITIONS (for this manual).

A. "Awaiting approval and receipt" means that a poor person has applied for assistance under any state or federal law, has pursued that application with due diligence, and has not had such application denied. This does not include an appeal of a denial of benefits.

B. "Burial expenses" include basic services of funeral director and staff, transfer of remains to funeral home, least expensive casket, least expensive vault or grave liner, and hearse. Opening and closing of grave may be considered if all other possible resources are exhausted.

C. "Household living unit" means all persons who live in a residence with common toilet, kitchen, dining or bedroom facilities or shared rental payment or lease.

D. "Income" shall include any earned and unearned income. Relief is to be provided to persons whose income is below the schedules set up for the Family Investment Program (FIP).

E. "Liquid Assets" means cash or any other items of net worth of the household

1) Legally settled in Delaware County

2) Needs immediate assistance and cannot obtain assistance from any other source.

3) Whose household living unit meets 150% poverty level based on Department of Public Health guidelines.

4) Whose income or assistance from a state or federal program has been delayed or not actually received because of reasons not attributable to that person

5) Does not have liquid assets.

B. Assistance will be provided to a poor person who:

1) Legally settled in Delaware County

2) Needs immediate assistance and cannot obtain assistance from any other source.

3) Whose household living unit meets 150% poverty guidelines set by Department of Public Health.

4) Is awaiting approval and receipt of assistance under programs by state or federal law.

5) Otherwise has no income or monetary benefits.

6) Does not own property, exempt or otherwise, i.e. a homestead, equity in a home, ownership of a vehicle or other personal property.

7) Can provide a doctor's statement that they are unable to work due to a disability.

8) Does not have liquid assets.

SECTION 5 – LEVEL OF BENEFITS. Assistance shall be paid only on current bills. Assistance shall not be paid for deposits, hook-up fees, or to satisfy any past due bills unless necessary for current services or goods and it is approved by the Board of Supervisors.

The maximum level of benefits per twelve (12) month period to be provided for relief for each person or that person's family unit shall be:

| Persons | Amount |
|---|---|
| 1 | $200.00 |
| 2 | 225.00 |
| 3 | 250.00 |
| 4 | 275.00 |
| 5 | 300.00 |
| 6 | 325.00 |

Add $25.00 for each additional person.

2) Rent – Rent will only be payable for the current month and shall not be paid to responsible relatives such as parents, children, grandparents, or grandchildren. A landlord statement may be required.

3) Utility payments – including payment for fuel for heat, cooking and heating water, electricity for light, heat, cooking, heating water and for water. Sewer and garbage costs will be included as long as the main utility (gas, water) is being utilized.

4) Provisions – food and non-food items such as emergency restaurant meals, soap products, paper products, household cleaning supplies, personal hygiene items, non-prescription

C. The needy person shall seek and accept any reasonable employment, whether or not it is suitable employment under the guidelines of the Department of Employment Services Workforce Center. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the needy person from receiving benefits for ninety (90) days. The needy person may be required to provide reasonable proof that he or she is actively seeking employment.

D. Falsification of information required for application or failure to provide information as requested shall result in a denial of assistance and suspension of eligibility for one hundred eighty (180) days.

E. Any needy person who quits a job without good cause within thirty (30) days prior to the date of application shall be denied.

F. An applicant with a mental or physical disability may be required to provide verification of the disability by medical and/or other documentation.

G. An applicant for assistance must first apply for all other assistance programs for which he or she may be eligible (food stamps, ADC, FIP, SSI, Social Security, Medicaid, unemployment, etc.) and pursue such application with due diligence. Failure to apply for and pursue said application will result in a denial of assistance. Any applicant requesting assistance who has applied for SSI must sign an Interim Assistance Reimbursement Authorization Form. Failure for a needy person to sign said form will result in a denial of assistance.

H. Failure to follow through with state and/or federal programs which results in a denial, reduction, or termination of benefits shall result in a denial of general assistance. Denial of general assistance shall be for the same period of time the state and/or federal program is denied, reduced or terminated.

I. General Assistance shall be denied at any time if the applicant or recipient refuses to rely on his or her resources, there is a transfer of property with intent to qualify for General Assistance, or the applicant or recipient refuses to answer any question or if they falsify their application.

J. Income available to the individual or household living unit shall not equal or exceed the standard payment in the ADC or FIP program with the exception of the single individual living alone, whose income shall not equal or exceed the ADC or FIP standard

years, medical reports, medical authorization, or anything else requested by the Director or Assistant that bears upon a person's eligibility and need for assistance. The Director or Assistant may also require, upon approval of the Delaware County Board of Supervisors, that the applicant submit to a physical or mental examination to determine applicant's ability to work. The Director or Assistant shall then investigate the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director or Assistant shall be made available to that applicant, upon request, or to the applicant's attorney by written authorization.

SECTION 9 – INITIAL DETERMINATION.

A. The Director or Assistant shall determine the applicant's eligibility and needs within seven (7) working days of the receipt of the application. The Director or Assistant shall notify the applicant in person or by ordinary mail of the determination. If denied, the written decision shall show the reason for the denial and the statutes or ordinances and manual sections which applied.

B. If the Director or Assistant cannot make a determination within seven (7) working days, the applicant shall be notified in writing by ordinary mail of the reasons why such determination cannot be made.

C. If an applicant has been previously found eligible, the Director or Assistant need not receive a new application but may proceed to a determination of whether or not current assistance is warranted. Notice and mailing of such determination shall be as provided above. If an emergency or immediate need is present, the Director or Assistant may verbally authorize a supplier or vendor to furnish any item of assistance for the benefit of the applicant and the amount allowed for such benefit. The Director or Assistant shall inform the applicant and issue a written decision as provided above.

D. Whenever an applicant is found eligible and entitled to assistance , the Director or Assistant shall proceed to provide the same and notify the Delaware County Board of Supervisors.

SECTION 10 – APPEAL

A. Every applicant, whether granted assistance or not, shall be informed in the Director or Assistants written decision of the applicant's right to appeal from such decision to the Delaware County Board of Supervisors. The applicant shall be informed (a) of the method by which an appeal may be taken and (b) that the applicant may represent himself or herself

evidence. The Delaware County Board of Supervisors may question the applicant, and the Director or Assistant shall present the Delaware County Board of Supervisors with the reasons for the determination. The appeal will be tape recorded. The Board may vote to close the meeting pursuant to Chapter 21.5(a) Code of Iowa, to review or discuss records which are required or authorized to be kept confidential under state or federal law. The closed portion of the meeting shall be limited to the purposes permitted under Chapter 22 of the Iowa Code. The vote on the applicant's appeal shall be made in an open meeting. When the Delaware County Board of Supervisors deliberates on the appeal, no parties to the appeal shall be present.

B. The Delaware County Board of Supervisors may decide to uphold the Decision of the General Assistance Director or Assistant, or under the provisions of the Iowa Code Section 252.37, the Delaware County Board of Supervisors may "if a poor person, on application to the general assistance director, is refused the required assistance, the applicant may appeal to the board of supervisors, who, upon examination into the matter, may order the director to provide assistance, or it may direct specific assistance."

C. The Delaware County Board of Supervisors shall make a decision on the appeal within five (5) working days. The Delaware County Board of Supervisors' decision shall be only on the basis of the evidence submitted before the Delaware County Board of Supervisors. The applicant shall be informed within four (4) working days thereafter by the Delaware County Board of Supervisors mailing its written decision to the applicant by ordinary mail. The decision shall state the reasons for the action together with any statutes or ordinance and manual section applied. The Delaware County Board of Supervisors' decision

Family Investment Program (FIP).

E. "Liquid Assets" means cash or any other items of net worth of the household living unit that can be converted to cash within seven (7) days.

F. "Resources" includes income or moneys for any source, moneys due, checking and savings accounts, other deposits, stocks, bonds, real estate, credit union accounts, cash value of life insurance, jewelry and other items of salable value. Excluded from consideration are the following: a person's homestead, personal possessions, household goods, tools and equipment used for self support, one licensed motor vehicle with a maximum equity value of $7500.00, burial lots, and funeral trust funds. The total value of these resources shall not exceed Two Thousand Dollars ($2000.00).

G. "Needy person" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa and who, because of circumstances not attributable to that person, needs immediate assistance.

H. "Poor person" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa and in accordance with Chapter 252.1 " . . .have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor . . ."

I. "Transients" means a needy person who has been in the county for less than five (5) days and will be referred to other local agencies providing transient assistance.

J. "Assistance" means food, rent, clothing, transportation, fuel, utilities, medical attention and burial assistance. Food does not include pop, alcohol, can deposits, tobacco, candy, or pet food but does include laundry soap, household cleaners, and non-food items used for personal hygiene.

K. "Legal Settled" means applicant has had a permanent residence in Delaware County for twelve (12) consecutive months.

**SECTION 3 - FORM OF BENEFITS**

A. The assistance shall be urchased directly from the upplier for the applicant or the ousehold living unit.

**SECTION 4 – ELIGIBILITY**

Compliance with the equirements of Section 252.16 of ie Code of Iowa.

**A. Emergency assistance will be rovided to a needy person who:**

4) Provisions – food and non-food items such as emergency restaurant meals, soap products, paper products, household cleaning supplies, personal hygiene items, non-prescription drugs, etc. not to exceed Twenty-Five Dollars ($25.00) unless prior authorization by Director of General Assistance.

5) Transportation is an emergency situation if necessary.

6) Burial expense is limited to a maximum of one thousand five hundred dollars ($1,500.00). If the deceased has a burial contract and/or any resources, those amounts will be deducted from the one thousand five hundred dollars ($1,500.00) maximum amount allowed. Burial assistance must be applied for within thirty (30) days of the date of death. The Director may waive the income guidelines with the Board approval. Total cost cannot exceed $2500.

7) Clothing for the reasonable value of clothing actually needed if not immediately available from other sources.

8) 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.

a) Glasses, including examinations, lens and frame repair when such are prescribed by optometrists or physicians will be funded by the Delaware County Correll Fund.

b) Criteria for State Psychiatric Papers are as follows:

1) Documentation and/or information may be required prior to issuance of State Psychiatric Papers.

2) Inpatient Psychiatric Papers are unlimited per year.

3) Outpatient Psychiatric Papers are limited to one (1) time per year. A year is from the last time seen. The Outpatient Psychiatric Paper would cover the initial visit and one (1) follow up appointment.

4) Net worth will be reviewed on a case by case basis co-payments may be assessed.

**SECTION 6 – ASSISTANCE OF AN EXTENDED NATURE.** It is contemplated that items of relief provided to needy person, or their family unit will not exceed two (2) months during a 12-month period of time.

**SECTION 7 – REQUIREMENTS FOR RECEIVING ASSISTANCE.**

A. An applicant must be eighteen (18) years of age. Exceptions to this policy are married individuals or those emancipated through the legal process of the juvenile court system.

B. A needy person who is not needed in the home to care for minor children or disable adults or elderly over the age of 62 shall immediately register for employment with the Department of Employment Services Workforce Center (formerly Job Service of Iowa) and otherwise actively seek employment.

or FIP program with the exception of the single individual living alone, whose income shall not equal or exceed the ADC or FIP standard for the two member household.

K. Paid monthly medical expenses shall be deducted from income for the purpose of determining eligibility. Medical expenses do not include Medicaid premiums or co-payments on prescriptions. Documentation may be required.

L. The county may require the applicant to sign a repayment agreement and to reimburse the county for benefits received. If such agreement is signed and the person, except for reasons not attributable to that person, fails to repay the value of the benefits received, he or shall be disqualified from receiving benefits for ninety (90) days.

M. If the applicant is an honorably discharged wartime veteran or eligible dependent, said applicant must apply for assistance through Delaware County Administrator for Veterans Affairs.

N. An applicant may be disqualified from receiving future benefits if that person falsifies the application, verification or any other information. In case of falsification, the applicant shall be denied further assistance for one (1) year, or fails to repay the value of benefits received as agreed, except for reasons not attributable to that person.

O. 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. All other application eligibility guidelines may be waived at the discretion of the Board of Supervisors and/or Director of General Assistance.

**SECTION 8 – APPLICATION FOR ASSISTANCE.**

Application for assistance shall be submitted by needy or poor persons to the Director of Assistant of General Assistance during usual business hours upon forms provided by the Director or Assistant. If, because of undue hardship, a needy or poor person cannot come to the General Assistance Office, the Director or Assistant shall mail or deliver the application form. If the applicant or household living unit is or appears to be eligible for assistance from any other federal, state or local source, the Director or Assistant shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and to pursue such application with due diligence as a requirement for receiving assistance under this manual. If requested, the person applying shall provide the Director or Assistant with a verified statement of income, net worth, federal and state income tax returns for the past five (5)

Delaware County Board of Supervisors. The applicant shall be informed (a) of the method by which an appeal may be taken and (b) that the applicant may represent himself or herself or may be represented by an attorney at their own expense.

B. Any written appeal or communication to the Director or Assistant by or on behalf of the applicant requesting appeal of the Director or Assistant's determination shall be received by ther Director or Assistant and put immediately upon the Delaware County Board of Supervisors' agenda, in accordance with Chapter 21 of the Code of Iowa, for the next regular Delaware County Board of Supervisors meeting, provided that such appeal shall not be heard sooner than five (5) working days after appeal is taken.

The written appeal or communication must be made to the Director or Assistant within ten (10) working days of the Director or Assistant's determination, must provide the applicant's current address, telephone number, and must state the reasons for the appeal.

C. The applicant shall be informed by ordinary mail of the date and time of the hearing before the Delaware County Board of Supervisors. The applicant and the applicant's attorney, upon written authorization, shall be granted access by the Director or Assistant to applicant's assistance case file if request is made.

**SECTION 11 – APPEAL HEARING.**

A. The Delaware County Board of Supervisors shall hear the applicant's appeal do novo at the time scheduled on the agenda unless continuance is requested by the applicant. The applicant shall be permitted to present whatever evidence is desired in support of the appeal, including testimony of self and others, documentary evidence, and reasonable cross examination of other witnesses, if present. Evidence which is the kind of evidence that reasonably prudent persons are accustomed to rely on for the conduct of their serious affairs shall be admitted and relied on by the Board. Evidence shall not be excluded solely on the ground that it would be inadmissible under the Iowa Rules of Evidence or case law, and strict compliance with the Rules is not required. The Board shall give effect to the rules of privilege recognized by law. The applicant's file shall be admitted into together with any statutes or ordinances and manual sections applied. The Delaware County Board of Supervisors' decision shall also state that an appeal may be taken from the Delaware County Board of Supervisors' determination, as provided by law, and the method by which such appeal may be taken.

D. Any appeal to the District Court shall be allowed by the applicant from the Delaware County Board of Supervisors' decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

**SECTION 12 – ACTIONS OF THE BOARD OF SUPERVISORS.**

In the event that the Delaware County Board of Supervisors, in reviewing the actions of the Director or Assistant of General Assistance, questions any allowance of assistance benefits allowed by the Director or Assistant, 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 an appeal from the Director or Assistant's determination.

**SECTION 13 – ADDITIONAL PROVISIONS.**

The Director or Assistant may allow, upon application, the additional benefits provided for in Chapter 252 of the Code of Iowa. The provisions of Chapter 252.13 of the Code of Iowa for repayment of benefits to the county are applicable, and the applicant shall acknowledge the same in writing. Recipients of assistance may further be required to work for the county as a condition to receipt of such benefits as required in Section 252.27 and 252.42 of the Code of Iowa. Benefits provided a recipient may be a further claim against the homestead of a recipient and a claim in probate, as provided by Section 252.13 of the Code of Iowa.

**SECTION 14** - All ordinances and resolutions, or part thereof, in conflict herewith are hereby repealed.

William K. Skinner,
CHAIR, BOARD OF SUPERVISORS

Attest:
Sharon McCrabb,
Delaware County Auditor
First Reading: 9-25-06
Second Reading: Waived
Third Reading: Waived
Published: 10-3-06

Peggy S. Petlon, Delaware County Community Services
Deborah L. Peyton
Delaware County Recorder
Phone 563-927-4665
Fax: 563-927-3641