

BUTLER COUNTY, IOWA

Title 7, Ordinance #1

Section I  
TITLE

BUTLER COUNTY, IOWA, GENERAL RELIEF ORDINANCE

Section II  
PURPOSE

To prescribe the general relief program in Butler County, Iowa (Ch.252, Code of Iowa).

Section III  
DEFINITIONS

1. "Needy person" is a person or the family unit of that person who resides in Butler County, Iowa and who, because of circumstances which are not attributable to that person, needs temporary relief based on a decision of the Board of Supervisors that such temporary relief will be conducive to the needy person's welfare and the best interests of the public.
2. "Poor person" is a person or the family unit of that person who is domiciled in Butler County, Iowa who has no property, exempt or otherwise, and who, because of physical or mental disability, is unable to earn a living by labor.
3. "Relief" means food, rent, clothing, transportation, fuel, electricity and other utilities and medical attention. Food does not include tobacco or alcoholic beverages but does include soap, household cleaners, laundry supplies, and other items of a non-food nature needed for personal hygiene.
4. "Family unit" means the individual and all members of the immediate household as long as all members reside with the applicant as a family unit.
5. "Equity" means fair market value less indebtedness secured by a recorded mortgage.
6. "Income" means cash received by the household from all sources. If employed, this means gross income less mandatory deductions. For the self-employed, income includes net receipts (income after deductions for business or farm expense). Also included are capital gains, tax refunds, gifts, lump sum inheritances, one-time insurance payments, compensation for injury, or non-cash benefits.
7. "Resources" means checking & savings accounts, time certificates or other deposits, stocks, bonds, real estate other than homestead, cash value of life insurance policies, jewelry and the value of all other real and personal property but it **excludes** clothing, wedding rings, usual household furniture, bedding, towels and similar equipment, one automobile of a value not in excess of Two Thousand Five Hundred Dollars (\$2,500) and a homestead with a value not to exceed Twenty Five Thousand Dollars (\$25,000).
8. "Liquid assets" means cash or any other resources of the family unit that can be readily converted to cash within seven (7) days.
9. "Awaiting approval and receipt" means a poor or needy person has applied for assistance under any state or federal law; who has pursued that application with due diligence; has not had that application denied. This does not include an appeal of a denial of benefits. It does include a person who has had an application denied and who later re-applies.

Section IV  
CATEGORIES OF RELIEF

There are three(3) categories of general relief in Butler County, Iowa:

1. Temporary relief of needy persons
2. Relief for poor persons
3. Relief of an extended nature

Section V  
FORM OF RELIEF

The relief shall be purchased from the supplier for the applicant or the family unit. It may be for one or more items of relief that can be provided. Relief shall be used only for current bills, not to satisfy past creditors of an applicant or family unit.

Section VI  
ELIGIBILITY FOR RELIEF

1. Eligibility of a Needy Person: The total monthly income of the household cannot exceed the current Schedule of Basic Needs as established by the Iowa Department of Human Services. Resources of the household cannot exceed the value of the requested items of relief. The resource exclusions stated in Section III, item 7 shall apply. If unemployed, adults must furnish proof that they are actively seeking employment. The needy person shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of Job Service of Iowa. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment may disqualify the needy person from receiving benefits. Application must be made for all other available assistance programs for which the household may be eligible. Emergency relief is to be provided a needy person who is in need of immediate relief, cannot obtain relief from any other source and whose income or assistance from a state or federal program has been delayed or not actually received by the person because of reasons not attributable to that person and who does not have liquid assets of the family unit from which to pay for the items of relief that can be provided.
2. Eligibility of a Poor Person: Relief is to be provided poor persons who are in need of immediate relief, cannot obtain relief from any other source, who are without income or resources, and who are unable to earn an income because of physical or mental disability.

Section VII  
LEVEL OF BENEFITS

The maximum level of benefits to be provided for each item of relief for each person or the person's family unit shall be:

1. Food, if Food Stamps are not being received, at the current level of guideline for the Food Stamp Program.
2. Non-food items if Food Stamps are received, not to exceed \$40.00 per month.
3. Rent and shelter, the reasonable rental value not to exceed One Hundred Fifty Dollars (\$150.00) per month for the person and an additional Twenty Five (\$25.00) per month for each additional member of the family unit that actually resides with the person, not to exceed Two Hundred Fifty Dollars (\$250.00) per month.
4. Clothing, the reasonable value of clothing actually needed if not available from other sources.
5. Heat, light, water, sewer, garbage - the amount needed to provide these services, not to include utility deposits, for the current billing only.
6. Reasonable physician's care and prescription, emergency dental care, emergency hospital care when notification has been made to the relief director within forty-eight (48) hours of admission by next-of-kin, emergency ambulance service to the nearest hospital, at the reasonable value of these services.

7. Hospital assistance at any other than University Hospital in Iowa City is on an "Emergency Basis", and then only upon notification to the Relief Office or Relief Director within forty-eight (48) hours of admittance.
8. Burial assistance shall not exceed One Thousand Two Hundred Dollars (\$1,200.00) plus Two Hundred Dollars (\$200.00) for the cost of opening and closing of the grave, as spelled-out in the Butler County Indigent Funeral Policy as adopted by the Butler County Board of Supervisors.

The level of benefits to be provided for the items listed above pertains only to current obligations. Payment will not be made for "past due" or future obligations of the poor or needy person or the household of such person. Rent and shelter assistance is not to include house payments.

The total amount for all the items of relief needed, at any one time, shall be determined and there shall be deducted the amount of liquid assets the person or the family unit have available. The balance remaining is the amount of relief benefits that may be received. If the needy or poor person, except for reasons not attributable to that person, fails to repay the value of the benefits, if agreed, he or she may be disqualified from receiving future benefits. The Board of Supervisors may, upon application, waive the repayment of all or some of the benefits provided on the same basis as it may waive payment of property taxes.

#### Section VIII RELIEF OF AN EXTENDED NATURE

It is intended that items of relief to be provided to needy persons, poor persons, or their family unit will not during any consecutive period of time exceed thirty (30) days. If it appears that items of relief should be provided beyond this thirty day period, the General Relief Director may determine that items of relief for the family unit of the needy or poor person continue on a month-to-month basis or that it is better to provide extended relief by placement in a County Care facility.

#### Section IX APPLICATION FOR RELIEF

Applications for relief shall be submitted by needy or poor persons to the General Relief Director at the Butler County Court House in Allison, Iowa during usual business hours upon forms provided by the Director. If, because of undue hardship, a needy or poor person cannot come to the Court House, the Director shall mail such person an application form or deliver to such person the application. If the applicant or family unit is or appears to be eligible for relief or assistance from any other state, federal or other source the Director shall immediately refer the person applying to that source. It shall be the obligation of the applicant to immediately make application to that source and pursue such application with due diligence as a condition to be eligible for further relief under this ordinance. It is the obligation of each person applying to establish his or her eligibility for any category of general relief and need for any item of relief. If requested, the person applying shall provide the Director with a verified statement of net worth, federal and state income tax returns, medical reports, medical authorizations, and anything else requested by the Director that bears upon the person's eligibility and need for relief. The Director shall also receive anything that the person applying desires to submit to establish his or her eligibility or need, to include: statements or letters, medical reports, and other documents as well as the verbal statements of the applicant. The Director shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director shall be made available to the applicant upon request, or to the applicant's attorney by written authorization.

Section X  
INITIAL DETERMINATION

1. The Director shall make an initial determination of the eligibility and needs of the applicant within five (5) working days of the receipt of the application providing there is sufficient information to establish eligibility for relief. Upon the determination, the Director shall notify the applicant by mail within two (2) working days of that determination at the last address shown on the application the Director's written decision showing the reasons for the determination and statutes or ordinances applied, together with the specific benefits and their amounts to which the applicant is entitled.
2. If the Director cannot make the initial determination within five (5) working days, the Director shall immediately inform the applicant by ordinary mail the reasons why such determination cannot be made. If the determination cannot be made due to the failure of the applicant to provide needed information, the applicant will be informed that he or she has ten (10) calendar days from the date of the written notice to provide the needed information or the application will be rejected.
3. If an applicant has been previously found eligible, the Director need not receive a new application, but may proceed to a determination of whether or not current relief is warranted. Notice and mailing of such determination shall be as provided above. If an emergency and immediate need is present, the Director may verbally authorize a supplier or vendor to furnish any item of relief for the benefit of the applicant and the amount for such benefit. The Director shall inform the applicant and issue a written decision as provided above.
4. Whenever an applicant is found eligible and entitled to relief, the Director shall proceed to provide the same and notify the Board of Supervisors.

Section XI  
APPEAL

1. Every applicant, whether granted relief or not, shall be informed in the Director's written decision of the applicant's right of appeal from such decision to the Board of Supervisors. The applicant shall be informed: 1) of the method by which an appeal may be taken, 2) that he or she may represent him or herself, or may be represented by an attorney, and 3) that the written appeal must be received by the Director within ten (10) days of the date of the Director's decision.
2. Any written appeal or communication to the Director by or on behalf of an applicant requesting appeal of the Director's determination, shall be taken by the Director and put immediately upon the Board of Supervisors' agenda, in accordance with Chapter 28A, Code of Iowa, for the next regular Board meeting, provided that such appeal shall not be heard sooner than five (5) days after appeal is taken. The written appeal or communication must be made to the Director within ten (10) days of the Director's determination, provide the applicant's current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately, by telephone and by regular mail, of the date and time of hearing before the Board. Applicant and his or her attorney, upon written authorization, shall be granted access by the Director to his/her relief case file if request is made.

Section XII  
APPEAL HEARING

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

testifying, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses if present. The technical rules of evidence shall not apply. The Board may set reasonable times for the present action of the parties at any appeal. The applicant's file shall be admitted into evidence. The Board may question the applicant and the Director shall present the Board with the reasons for the determination. The appeal will be tape recorded. The hearing before the Board will not be an open meeting under Chapter 28A, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates the appeal, no parties shall be present.

2. The Board shall make a decision on the appeal within five (5) working days. The Board's decision shall be only on the basis of the evidence submitted before the Board. The applicant shall be informed immediately by telephone of the decision and within four (4) working days thereafter, the Board shall mail to applicant at his or her last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action, together with statute or ordinance reference(s) applied. The Board's decision shall also state that an appeal may be taken from the Board's determination as provided below, and the method by which such appeal may be taken.

3. Any appeal from the Board's decision to the district court shall be allowed by the applicant within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

#### Section XIII ACTIONS BY THE BOARD OF SUPERVISORS

In the event the Board of Supervisors, in reviewing the actions of the General Relief Director, questions any relief benefits allowed by the Director, it shall take no action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notification to the applicant shall be given in the same manner as if the applicant had taken an appeal. This hearing shall proceed in the same manner as an appeal from the Director's determination.

#### Section XIV ADDITIONAL PROVISIONS

The Director may allow, upon application, the additional benefits provided for in Chapter 252, Code of Iowa. The provisions of Chapter 252.13, Code of Iowa, for repayment of benefits to Butler County, are applicable and the applicant shall acknowledge the same in writing. Recipients of relief may further be required to work for the county as a condition to receipt of such benefits as required in Section 252.7 and 252.42, Code of Iowa. Benefits provided a recipient may be further a claim against the homestead of a recipient and a claim in probate, as provided by law.

#### Section XV REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

#### Section XVI SEVERABILITY CLAUSE

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

This ordinance shall be in full force and effect from and after January 8<sup>th</sup>, 1990

Approved:

Butler County Board of Supervisors

Vern Echelberger  
Vern Echelberger

Melvin Bakker  
Melvin Bakker

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Neal Wedeking  
~~Chair, Butler County Board of Supervisors~~

Date: Neal Wedeking

Attest:

Donald Johnson  
Donald Johnson, Butler County Auditor