

February 19, 2013

The Mahaska County Board of Supervisors met in regular session on the above date at 9:00 a.m. in the third floor conference room of the Mahaska County courthouse. Present were the following board members: Chairman – Greg Gordy; Vice chairman – Mike Vander Molen and member Mark Doland. Also present were the following: Ken Allsup, Osky News; Duane Nollen, Oskaloosa Herald; Taylor Howard, KBOE; Deann DeGroot, Mahaska County Ag and Rural Development; Eric Dursky, Mahaska County Sanitarian; Ben Hoskinson, Mahaska County IRVM; Rich Johnson; Steve Wanders; Brad Reiman, Bearence; Jerry Nusbaum, Mahaska County Engineer and Susan Brown, Mahaska County Auditor.

This meeting was filmed by Communications Research Institute of William Penn University.

Chairman Gordy opened the meeting at 9:00 a.m. with a moment of silence.

It was moved by Vander Molen seconded by Doland to approve the agenda for today's meeting. All present voted aye. Motion carried.

It was moved by Doland seconded by Gordy to approve the minutes for February 4th and Feb 5th with the addition of Mark Doland as an attendee on the 4th and Karie Foster as an attendee on the 5th. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to open public hearing for the third reading of proposed revisions to Mahaska County Relief Ordinance No. 110B. All present voted aye. Motion carried.

There were no public comments.

It was moved by Vander Molen, seconded by Doland to close public hearing. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Gordy to repeal the current ordinance and approve the ordinance as amended which follows. All present voted aye. Motion carried.

MAHASKA COUNTY RELIEF ORDINANCE
No. 110C

This ordinance is passed by virtue of the authority established under the Iowa Code, including Chapters 251 and 252, also including the County Home Rule Amendment to the Iowa Constitution.

The Code of Iowa outlines the legal basis for the General Relief Program in counties. This section deals basically with Chapter 251 and 252 of the Code. The

General Relief Program is administered by the Director of Relief and that person reports to the Board of Supervisors.

WHEREAS, the Mahaska County Relief Director has been directed to submit regulations to the Mahaska County Board of Supervisors for approval concerning provision of relief benefits in Mahaska County, Iowa.

WHEREAS, The Board of Supervisors of each county shall provide for the relief of poor persons in this county who are ineligible for, or are in immediate need and awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs cannot be fully met by the assistance furnished under such programs.

AND WHEREAS, it is necessary to set forth by this regulation the level of relief to be provided and eligibility requirements for relief programs of Mahaska County, Iowa, under authority of the Board of Supervisor of Mahaska County, Iowa following regulations are adopted:

SECTION 1. CATAGORIES:

There shall be two (2) categories of general relief in Mahaska County, Iowa. They are:

- A. Relief for needy persons.
- B. Relief for poor persons.

SECTION 2. DEFINITIONS.

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

- A. "Needy Person" is a person or the family unit of that person who has legal settlement in Mahaska County, Iowa and who, because of circumstances which are not attributable to that person, needs immediate relief.

*Examples of circumstances not attributable to that person: Layoff, medical problems

*Examples of circumstances attributable to that person: Voluntary Quit, failure to keep scheduled appointment for State and Federal Programs, pursuing an education

- B. A "Poor Person" is a person or family unit who has no property exempt or otherwise, and are unable, because of physical/mental disabilities, to earn a living by labor

- C. "Relief" means food, rent, shelter, clothing, transportation, utilities (fuel-lights-water), medical services or burial
- D. "Net Worth" includes income or monies from any source, monies due, savings and other deposits, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and the value of all other real and personal property. The following property shall be exempt from consideration: household furniture, tools and equipment used for self-support, vehicles for family unit shall not exceed \$5000. 00, burial irrevocable trust funds not to exceed \$6000.00, homestead used as a place of residence if equity does not exceed \$15000.00.
- E. "Family Unit" or "Household" means the individual applying for relief, his or her spouse, and any person related to the individual or spouse by blood, marriage, or adoption. This will include children under 18 years of age, all occupants and children over 18 years of age who are legally dependent upon the applicant. The exception of this policy is an emancipated person due to marriage. All minor children under 18 years of age must receive their assistance from their parents, unless they can provide a marriage license to determine them to be adults.
- F. "Liquid Assets" means cash or any other item of net worth of the family unit that can be readily converted to cash within seven (7) days.
- G. "Awaiting approval and receipt" means a poor person who has applied for relief under the state or federal law, who has pursued that application with due diligence, and who has not had that application denied.
- H. "Director" means the Director of Relief, or her designee, appointed by Mahaska County Board of Supervisors to administer the county's General Relief program.
- I. "Disability" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment.

SECTION 3. FORM.

The relief shall be purchased directly from the supplier for the applicant or the family unit on a vendor system

SECTION 4. ELIGIBILITY OF NEEDY PERSONS.

Relief is to be provided for needy persons who are in need of immediate relief and who are eligible for, and are awaiting approval, and receipt of, assistance under programs provided by state or federal law, or whose actual needs, as defined

within the limitations imposed by this Ordinance, cannot be fully met by the assistance furnished under these programs.

Income guidelines of 100% Federal Poverty levels shall be used to determine eligibility. Deductions from income for payments made on medical bills will be allowed if currently applicable. Applicants up to 200% of poverty guidelines will be considered on a case by case basis if just cause and extenuating circumstances can be shown by the client.

SECTION 5. ELIGIBILITY OF POOR PERSONS.

Relief is to be provided for poor persons who are in need of immediate relief, cannot obtain relief from any other source, whose family unit has no net worth, and who are eligible for, and are awaiting approval, and receipt of assistance under programs provided by state or federal law, or whose actual needs, as defined within the limitations imposed by this Ordinance, cannot be fully met by the assistance furnished under such programs.

SECTION 6. LEVEL OF BENEFITS.

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

Each person or family unit will be eligible for assistance two (2) times in a twelve (12) month period. The time beginning from the last of two (2) assists in a twelve (12) month period.

A. Food

1. Referrals will be made to the Ecumenical Food Cupboard on availability.
2. Food vouchers issued not to exceed \$50.00 per 12 month period. Items such as steaks, sodas, tobacco, alcohol, snack items are not allowed to be purchased unless stated.
3. There will be no food vouchers issued to a person or that person's family unit if they receive the full amount of food stamps that can be granted according to DHS guidelines.

B. Shelter

1. Benefit limits are the reasonable rental value not to exceed \$200.00 per family. If other less expensive housing is available as determined by the Director, the client may be required to move into the less expensive option. If

said person does not wish to comply with the request to live in the less expensive housing, the Director may deny benefits.

2. Rent will only be paid to the landlord or owner. Payments will not be paid to a sub-renter or relative. Rent will not be paid in advance-it must be 30 days past due. Mortgage payments will not be paid as this creates an estate.
3. A needy person/family will be entitled to no more than two months of rent assistance in a twelve month period.
4. Deposits or first month's rent will not be paid for rental assistance, nor will deposits be paid for gas, water or electricity.

C. Utilities

1. Assistance with utilities cost shall be provided only in the amount of actual cost for current usage with a maximum allowance of \$200.00 per month for heat and light. A maximum of \$150.00 for water. Relief under this category does not include deposits, past balances, taxes or penalties.
2. Heat, light and water are the only utilities that will be considered.
3. Failure to pay on utilities during a moratorium will result in denial of assistance.
4. Failure to attempt to pay monthly will result in denial of assistance (1-2 month period of no payments allowed in a 6 month period).
5. Utilities must be in the name of the applicant, recipient, or other adult member of the household.

D. Medical Services

1. Assistance will be given for prescriptions and also for some medical needs that require no prescription, such as insulin, needles, bandages, gauze, etc. There will be no assistance given for narcotics, pain killers or muscle relaxers or controlled medications.
2. Dental assistance for immediate need and to relieve severe pain. Major dental may be considered if health will be impaired. The costs will be according to Title 19 rates with three (3) visits allowed in a twelve (12) month period and a maximum paid of \$150.00 per visit.
3. Eye glasses will be authorized only once, unless for circumstances not contributable to the client. Costs will be paid according to Title 19 guidelines, and client must pay for exam and one-half the cost of the glasses.

E. Hospital Services

1. No hospital services will be provided.
2. General Relief cannot assist on Medicare deductions except for poor persons 65 years old or older, under 18 years of age, or disabled.
3. Prior authorization will be required for medical services. For medical expenses the use of Iowa Care Program papers or the Medically Indigent Programs available at the hospitals shall be utilized.
4. No out of state or out of county medical costs will be approved. Medical payments will be made to local physicians at the value of \$150.00 per office visit only.
5. Indigent persons in need of medical help must apply for medically needy through the local DHS.

F. Clothing.

Clothing that is actually needed shall be provided one (1) time in a twelve (12) month period. A voucher for \$50.00 will be the maximum and will be payable to second-hand stores such as the Mahaska County Outreach or Goodwill stores.

G. Transportation.

1. Assistance with expense on the Iowa Care Program as needed to obtain medical treatment will be provided with a voucher for \$25.00. Confirmation of appointments are necessary before a voucher will be issued.

H. Funeral Services

Shall be allowed as contained in the Mahaska County Burial Contract on file with the Mahaska County Board of Supervisors.

- I. Drug and alcohol treatment will not be provided or covered.

SECTION 7. REQUIREMENTS FOR RECEIVING RELIEF

- A. Person applying for relief must live and reside in Mahaska County. Applicant must be a citizen of the United States (No assistance will be provided for aliens without citizenship).
- B. No person shall receive more than two (2) months of relief in a twelve month period unless approved by the Director and/or Board of Supervisors. The

Mahaska County Board of Supervisors and/or the Director may from time to time find it necessary to go beyond the normal scope of this ordinance. Assistance may be needed above normal limits or frequency. In order for this to occur, the client cannot be the cause of the extended need.

- C. No assistance will be issued to college students that reside in the college dorms.
- D. The applicant shall seek assistance for his needs from all other available resources before Relief will be considered. Any person who is eligible for State or Federal assistance such as WIC, SSI, State or Federal medical programs, SSA, VA, SS, Workman's Compensation etc., shall be referred to the proper source and shall make application and accept assistance offered.
- E. An applicant with a voluntary job quit shall be disqualified. Laid off workers must have a form filled out by their employer and provide it to the Director regarding vacation, severance pay, status, and medical coverage. Laid off workers must also apply for unemployment benefits. If employable, applicant must accept work or retraining assignment as requested. No attempts to control applicants income level will be allowed.
- F. Applicant must complete application, and establish his or her need for General Relief.
- G. The person applying shall provide the Director, upon request, a verified statement of net worth, federal and state income tax returns, medical reports, medical authorizations and information requested by the Director that bears upon the person's eligibility and need for relief. Medical examinations and statements may be required to determine work capabilities or eligibility for assistance.
- H. A false statement or incorrect statement on an application for assistance will be cause for denial of relief.
- I. All applicants shall, if reasonably able, be required to reimburse Mahaska County for assistance received. If applicant fails to repay the value of the benefits received, as agreed, he or she shall be disqualified from receiving future benefits. The Board of Supervisors may, upon application and good cause, waive the repayment of all or some of the benefits.

- J. Failure to satisfactorily complete drug and alcohol treatment programs or do follow-up programs may be a basis for denial.
- K. Any asset transferred without adequate consideration within thirty (30) months of the date of application shall be deemed to be part of the assets of the applicant or household member. Transfers include sales, gifts, mortgages or loans, and conveyances.
- L. Applicant will also be required to sign a release and exchange of information form which will allow the Director to act in the clients' best interests.

SECTION 8. APPLICATION FOR RELIEF

Applications for relief shall be submitted by needy and poor persons to the Director of the Mahaska County Courthouse Annex in Oskaloosa, Iowa, during usual business hours (8:00-12:00 and 1:00-4:30) upon forms provided by the Director. Applications are good for one (1) year from completion date, but will be updated upon each request for assistance. The application shall be signed by the applicant under penalty of perjury.

If the applicant or the family unit is or appears to be eligible for relief or assistance from any other Federal, State or local source, the Director shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and pursue such application with due diligence as a condition to be eligible for further relief under this ordinance.

It is the obligation of each person applying to establish his or her eligibility for any category of relief. 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 written documents as well as the verbal statement of the applicant. The Director shall then proceed to conduct an 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 9. INITIAL DETERMINATION.

The Director shall make the initial determination of the eligibility and needs of the applicant within five (5) working days of the receipt of the signed, completed application.

If the Director cannot make the initial determination within five (5) working days, the Director shall inform the applicant by telephone, if possible, of the reasons why such determinations cannot be made. The Director shall also, mail the applicant by ordinary mail within five (5) working days thereafter, the Director's written decision showing the reason why such determination could not be made.

If an applicant has been previously found eligible, within the last year, the Director need not receive a new application, but will update the current application, and then may proceed to a determination of whether or not current relief is warranted. Notice and mailing as such determination shall be as provided above. If any 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 allowed for such benefit. The recipient must sign and deliver verification of assistance received to the supplier.

SECTION 10. APPEAL

Every applicant, whether granted relief or not, shall be informed in the Director's written decision of the applicant's right to appeal. The applicant shall be informed 1- of the method by which an appeal may be, and 2- that he or she may represent him or herself, or may be represented by an attorney.

Any written appeal or communication to the Director by or on behalf of the applicant requesting appeal of the Director's determination, shall be taken by the Director and put immediately upon the Board of Supervisor's agenda, in accordance with Chapter 21, Code of Iowa, for the next regular Board meeting, provided that such appeal shall not be heard sooner than five (5) days after the appeal is taken. The written appeal or communication must be made to the Director within ten (10) days of the Director's determination, provide applicants current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately, by telephone, and by ordinary mail, of the date and time of hearing before the Board of Supervisors. The applicant and his or her attorney, upon written authorization, shall be granted access by the Director or his or her relief case file if request is made.

SECTION 11. APPEAL HEARING

The Board of Supervisors shall hear applicant's de novo at the time scheduled in the agenda, unless continuance is requested by the applicant. The parties shall be permitted to present whatever evidence desired in regarding 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 recorded. The hearing before the Board will not be an open meeting under Chapter 21, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates the appeal, no parties shall be present.

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 phone the decision and within five (5) working days thereafter, the Board shall mail the applicant at his or her last known

address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action, together with any statute or ordinance applied. The Board's decision shall also state that an appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken.

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

SECTION 12. ACTIONS OF THE BOARD OF SUPERVISORS

In the event the Board of Supervisors, in reviewing the claims submitted by the Director, denies any allowance of relief benefits allowed by the Director, then the Director shall notify the applicant of the decision and the appeal process.

SECTION 13. ADDITIONAL PROVISIONS

RECOVERY AND REIMBURSEMENT

All recipients of Relief in Mahaska County shall reimburse Mahaska County to the extent possible for the cost of benefits extended to them, except where such requirement would cause undue hardship. The Mahaska County Board of Supervisors and Mahaska County Relief Director may make suitable arrangements for securing repayment from assets, which cannot be immediately disposed of in the event that the failure or inability to dispose of these assets would otherwise make the recipient eligible for aid.

SECTION 14. REPEALER

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

It shall be up to the discretion of the Board of Supervisors to limit or make changes for the assistance provided as stated in these regulations.

EFFECTIVE DATE: February 19, 2013

s/Greg Gordy, Chairman

s/Mike Vander Molen, Vice-Chairman

s/Mark Doland, Supervisor

ATTEST: s/Susan L. Brown, Mahaska County Auditor

Eric Dursky, Mahaska County Sanitarian, presented his monthly report and it was placed on file.

Deann DeGroot gave the board her monthly report for Mahaska County Agricultural and Rural Development and it was placed on file. Due to a business name change the revolving loan approved on January 2, 2013 to J Myers Trucking LLC has not been closed. Paperwork reflecting the name change was presented to the board. It was moved by Vander Molen seconded by Doland to rescind the authorization of previous revolving loan to J Myers Trucking LLC in the amount of \$31,250 and further move the chair execute the revolving loan agreement with South Central Diesel LLC in the amount of \$31,250. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to approve the following resolution, which was read into record, supporting AHEAD RHTF for FY2014. All present voted aye. Motion carried.

RESOLUTION # 2013-01-07
Resolution of Financial Commitment

WHEREAS, Mahaska County, Iowa is a participating jurisdiction in the AHEAD Regional Housing Trust Fund (RHTF); and

WHEREAS, the Mahaska County Board of Supervisors supports the programs and services of the AHEAD Regional Housing Trust Fund (RHTF).

NOW, THEREFORE BE IT RESOLVED, to support the on-going efforts of the AHEAD RHTF Mahaska County, Iowa has fully committed \$3,357.15 as local match to the AHEAD RHTF upon its FY2014 funding by the State Housing Trust Fund/Iowa Finance Authority.

Adopted this 19th day of February, 2013.

Mahaska County Board of Supervisors
s/Greg Gordy, Chairman

Attest: s/Susan L. Brown, County Auditor

Brad Reiman, Bearence Management presented the mid year review of the Mahaska County Health Plan to the board. The effects the Affordable Care Act will have on the county were also discussed.

It was moved by Vander Molen seconded by Gordy to approve the following committee appointments for Supervisor Doland. All present voted aye. Motion carried.

Eighth Judicial District
Mahaska County Agricultural & Rural Development
Area 15 Regional Planning Commission

City-County Consolidation Committee
Ten-Fifteen (10-15) Transit Board
Mahaska Community Recreation Foundation
Southeast Iowa Response Team
28E Southeast Iowa Consortium Contracting Board
Employee Insurance Committee
Central Iowa Detention Center
AHEAD Regional Housing Trust Fund
SE Connector Consultant Selection Committee

It was moved by Gordy seconded by Vander Molen to amend the secondary road construction plan moving Indian Way HMA Project from FY2016 to FY2013. All present voted aye. Motion carried.

It was moved by Gordy seconded by Vander Molen to approve and execute the final plan for Project FM-CO62(51)-55-62 (Indian Way HMA). All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to schedule public hearing for road reclassification "B" to "C", Merino Ave from 135th to 140th in Union Twp on March 18, 2013 at 9:30 a.m. All present voted aye. Motion carried.

Mahaska County Secondary Road has received a Paving Project Award of Excellence for project number FM-C062(77)—55-62.

Doland reported attending Central Iowa Detention Center meeting at which expansion information was discussed.

There were no public comments.

It was moved by Vander Molen seconded by Doland to adjourn. All present voted aye. Motion carried.

Greg Gordy, Chairman
Mahaska County Board of Supervisors

ATTEST: _____
Susan L. Brown, Mahaska County Auditor