

IOWA COUNTY ORDINANCE NO. 3

VETERANS ASSISTANCE AS AMENDED

TITLE: AN ORDINANCE PRESCRIBING THE VETERANS ASSISTANCE PROGRAM IN IOWA COUNTY, IOWA.

Be it enacted by the Board of Supervisors of Iowa County, Iowa:

Section 1. Categories. There shall be two (2) categories of veteran's assistance in Iowa County, Iowa. They are:

1. Emergency assistance for indigent veterans.
2. Assistance of an extended nature.

Section 2. Definitions. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Veteran" means a person who was discharged from United States military service under honorable conditions and has served on active duty for ninety (90) continuous days, unless discharged with less service for a service-connected disability.
2. "indigent Veteran" is a veteran or the family unit of a veteran who is domiciled in Iowa County, Iowa, who has some means but who, because of circumstances which are not attributable to that veteran needs some immediate assistance.
3. "Assistance" means food, rent, shelter, clothing, transportation, emergency telephone service, fuel, lights and medical attention. Food does not include cigarettes or alcoholic beverages but does include laundry soap, household cleaners, and other items of non-food nature used for personal hygiene. "Assistance" shall also include the burial of indigent veterans, whether resident in this county or not, in an amount established by the Board of Supervisors.
4. "Net Worth" includes income or monies from any source, monies due, savings and other deposits, stocks, bonds, real estate (other than homestead), cash value for life insurance policies, and the value of other real and personal property, subject to certain exclusions as set forth herein.
5. "Family Unit" means the individual veteran applying and all members of the immediate family including spouse and minor children not over eighteen (18) years of age who are dependent upon the veteran for food, care and shelter and who reside with the veteran as a family unit member. In case the veteran is deceased, "family unit" shall mean the veteran's surviving spouse who has not remarried, and all members of the immediate family including minor children of the deceased veteran not over eighteen (18) years of age who are dependent upon the surviving

- spouse for food, care, and shelter and who resides with the surviving spouse as a family unit member.
6. "Assets" include money from any source, savings, and other deposits, stocks, bonds, real estate, and cash value of life insurance policies.
 7. "Awaiting Approval and Receipt" means an indigent veteran who has applied for assistance under any state or federal law: who has pursued that application with due diligence; and who has not had that application denied.
 8. The use of the term "Commission" shall mean the Iowa County Commission of Veterans Affairs and/or its Director.

Section 3. Application Requirements. In applying for benefits, the veteran must submit to the Commission with the application, the following:

1. DD Form 214 = "Report of Separation from the Armed Forces." (Request that the veteran have his or her discharge recorded in the County Recorder's Office when requesting benefits.)
2. Certificate of Marriage, if applicable.
3. Child or children's birth certificate (s), if applicable and for those under eighteen years of age.
4. Social Security Card. In lieu of a Certificate of Marriage, children's birth certificate(s), and a social security card, the veteran may provide a copy of his or her latest federal income tax return showing the same information. However, when application is made by a surviving spouse, a certificate of marriage must be submitted with birth certificates for any minor children claimed as the veteran's.

Section 4. Form. The assistance shall be purchased directly from the supplier for the applicant or the family unit. It may be one or more of the items of assistance that can be provided.

Section 5. Eligibility of Indigent Veterans.

1. Emergency assistance is to be provided to indigent veterans who are in need of immediate assistance, cannot obtain assistance from any other source, and whose income or benefits 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 assets in excess of 100% of the poverty level.
2. Assistance may be granted to veterans who are eligible for, and are awaiting approval and receipt of, benefits under programs provided by state or federal laws, or whose actual needs, as defined within the limitations imposed by this ordinance, cannot be fully met by assistance furnished under such programs.

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

1. Food, if food stamps have not been received, at the level of guidelines for food stamps.
2. Rent and shelter, the reasonable rent value not to exceed two hundred dollars (\$200.00) per month for the person and an additional twenty-five dollars (\$25.00) per month for each additional member of the family unit who actually resides with the person, when the utilities are included in the rent payment, the reasonable rental value is not to exceed two hundred twenty five dollars (\$225.00) per month for the person and an additional forty dollars (\$40.00) per month for each additional member of the family unit who actually resides with the person. The maximum allotment per month shall not exceed three hundred dollars (\$300.00).
3. Clothing, the reasonable value of clothing actually needed if not immediately available from other sources.
4. Heat, light and water, the amount needed to provide these services and supplies.
5. Medical, dental services, and prescriptions, the reasonable value of these services actually needed as shown by a statement from a physician, dentist, or optician, if not available from other sources.
6. Transportation expenses, including gasoline, as needed to obtain other benefits or seek employment, provided that proof of application for benefits or employment is provided to the Commission.
7. If a veteran lives in a rural area and the nearest neighbor is too distant to reach in event of an emergency, or has a medical necessity, the monthly cost of one telephone is to be allowed. Long distance telephone charges for other than medical emergencies shall not be allowed or provided.

The total amount for all of the items of assistance needed, at any one time, shall be determined, and there shall be deducted the amount of liquid assets the veteran or the family unit have available and the balance remaining is the amount of assistance the indigent veteran is to receive.

8. Burial assistance shall not exceed one thousand five hundred dollars (\$1,500.00).
9. Maximum limitations for any one person per year for the above benefits shall be Two Thousand Dollars (\$2,000.00) and One Hundred Dollars (\$100.00) extra for each additional member of the family unit.
10. Effective the month of January 2002 the Board of Supervisors of Iowa County, Iowa, shall by resolution set the amount to be paid under subsection 2, 8 and 9 above for the calendar year 2002, and shall by resolution the month of every following January set the amounts to be paid under subsections 2 and 9 above for that calendar year.

Section 7. Requirements for Receiving Relief by a Needy Veteran. An indigent veteran who is not needed in the home to care for minor children, shall immediately register for employment with Job Services of Iowa and otherwise actively seek employment. The indigent veteran shall seek and accept any reasonable employment whether or no it is suitable employment under the guidelines of Job Services of Iowa. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the indigent veteran from receiving future benefits. The indigent veteran may be required to provide reasonable proof that the employment is being actively sought.

Section 8. Assistance of an Extended Nature. It is contemplated that items of assistance to be provided to indigent veterans or their family unit will not, during any calendar year, exceed ninety (90) days.

Section 9. Application for Assistance. Applications for assistance shall be submitted by indigent veterans to the individual commissioners whose addresses are available from the Department of Human Services Officer, Marengo, Iowa, during usual business hours upon forms provided by the Commission, or to the Commissioner's secretary, the Director of Iowa County Social Services, in the Department of Human Services Building in Marengo, Iowa. If, because of undue hardship, an indigent veteran cannot come to the Commission officer, the Commission shall mail such veteran an application form or deliver to such veteran the application. If the applicant or the family unit is or appears to be eligible for assistance from any other federal, state or local source, the Commission shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to the 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 veteran applying to establish eligibility for any category of veteran's assistance and need for any item of assistance. The veteran applying shall provide the Commission with a verified statement of net worth, federal and state income tax returns for the past five (5) years, medical reports, medical authorization, and anything else requested by the Commission that bears upon the veteran's eligibility and need for assistance. The Commission may also require, upon approval of the Board, that the applicant submit to a physical or mental examination to determine applicant's capacity to labor. The Commission shall also receive anything that the veteran 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 statements of the applicant. The Commission 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 Commission shall be made available to the applicant, upon request, or to the applicant's attorney by written authorization.

Section 10. Initial Determination.

(a) (1) The Commission shall make an initial determination of the eligibility and needs of the applicant within three (3) working days of the receipt of the application. Upon the determination, the Commission shall notify the applicant by telephone immediately, if possible, and within two (2) working days after the determination, mail the applicant at the last address shown on the application, by ordinary mail, the Commission's written decision showing the reasons for determination and the statutes or ordinances applied, together with the specific benefits and their amounts to which the applicant is entitled.

(2) If the Commission cannot make the initial determination within three (3) working days, the Commission shall immediately inform the applicant, by telephone, if possible, of the reasons why such determination cannot be made. The Commission shall also mail to the applicant, by ordinary mail, within two (2) working days thereafter, the Commission's written decision showing the reasons why such determination could not be made.

(b) If an applicant has been previously found eligible, the Commission may request 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 Commission 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 Commission shall inform the applicant and issue a written decision as provided above.

(c) Whenever an applicant is found eligible and entitled to assistance, the Commission shall proceed to provide the same and notify the Board of Supervisors.

Section 11. Appeal.

(a) Every applicant, whether relief is denied in whole or in part, shall be informed of the Commission's written decision of the applicant's right to appeal from such decision. The applicant shall be informed of the method and time by which an appeal may be taken.

(b) (1) Any written appeal or communication to the Commission or to the Director by or on behalf of an applicant requesting appeal shall be accepted by the Commission or the Director. This appeal must be made within ten (10) days of the date of the decision, provide applicant's 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 time and date of the hearing on appeal. Applicant and his or her attorney, upon written authorization, should be granted access by the Commission to his or her case file if requested.

- (2) If the director made the decision from which the appeal is taken, the appeal shall be to the Commission itself. An agenda for the appeal before the Commission shall be made and posted as required by Iowa Code Chapter 28A. The appeal shall be heard before the Commission at its next regular monthly meeting provided that the appeal shall not be heard sooner than five (5) days after appeal has been taken. If the Commission's regular monthly meeting is scheduled more than ten (10) days beyond the date appeal is taken, the Commission shall meet specially for the appeal between the fifth and the tenth day after the appeal is filed. Any appeal taken before the Commission at a regular special meeting shall be closed pursuant to Iowa Code Section 28A.5(1)(a)(1983) because the identity and particulars of the case are confidential under Iowa Code Sections 250.10 and 250.12 (1983).
- (3) If the Commission made the original decision from which the appeal is taken or if further appeal is taken from the Commission's decision on the appeal, it shall be to the Board of Supervisors. The appeal shall be noted on the Board of Supervisor's agenda in accordance with Iowa Code Chapter 28A for the next regular board meeting, provided that such appeal shall be heard sooner than five (5) days after appeal is taken. Any appeal before the board shall be closed pursuant to Iowa Code Section 28A.5(1)(a)(1983) because the identity and particulars of the case are confidential under Iowa Code Sections 250.10 and 250.12 (1983).

Section 12. Appeal Hearings.

- A. Applicant's appeal shall be heard 'de novo' at the time scheduled in the agenda unless continuance is requested by the applicant. Applicant shall be permitted to present whatever evidence desired in support of the appeal, including testimony, 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 Commission or Board may set reasonable times for the presentation of the parties at any appeal. The Applicant's file shall be admitted into evidence. The Commission or Board may question the applicant. On an appeal before the Board, the Commission shall present the Board with reasons for its determination. The appeal will be tape recorded. When the commission or Board deliberates on the appeal, no parties shall be present.
- B. The Commission or Board shall make a decision on the appeal within five (5) working days. The decision shall be only on the basis of the evidence submitted. The applicant shall be informed immediately by telephone of the decision and within four (4) working days thereafter, the applicant shall

be mailed at his or her last known address, the decision in writing. The decision shall state the reasons for action together with any statute or ordinance applied.

Section 13. Actions of the Commission and Board. In the event the Commission, in reviewing the actions of the Director, or the Board in reviewing the actions of the Commission, questions any allowance of assistance benefits, it shall not take 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 has taken an appeal. This hearing shall proceed in the same manner as an appeal from the Director to the Commission.

Section 14. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 15. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 16. Effective Date. This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Effective: June 18, 1992
Amended: March 4, 2001