

CEDAR COUNTY

ORDINANCE NO. 7

AN ORDINANCE PRESCRIBING THE VETERAN RELIEF PROGRAM IN CEDAR COUNTY, IOWA #7 BE IT ENACTED BY THE BOARD OF SUPERVISORS OF CEDAR COUNTY, IOWA:

Section 1            Categories:

There shall be three (3) categories of Veterans assistance in Cedar County, Iowa. They are:

1. Temporary relief for eligible, indigent veterans or their widows/widowers.
2. Temporary relief for indigent spouses and/or children of eligible veterans.
3. Relief of an extended nature.

Section 2            Definitions:

The definition of terms used in this Ordinance are:

1. "Veteran" is a person having legible proof of military service with one of the following:
  - War Time
  - Peace Time
2. "Legible proof" is a copy of one of the following current types of discharges or separation papers:
  - DD Form 214 Report of Separation from active duty
  - DD Form 215 Correction to DD Form 214
  - DD Form 217 Certificate of Service
  - DD Form 256 Honorable Discharge Certificate
  - DD Form 257 General Discharge Certificate
  - DD Form 363 Certificate of Retirement
  - DD Form 794 Other than Honorable Discharge Certificate
3. "Relief" means food, shelter, utilities, clothing, burial expense, transportation, medical attention and emergency telephone services. 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. "Relief" also includes provisions of any of the above items of relief by the Secretary of Veteran Affairs, Commissioners or Board of Supervisors.
4. "Indigent" means a Veteran or the family unit of that Veteran who has the "Resources" under Section 2 (6) and "Income" (7) necessary to qualify him or them for benefits under this Ordinance.
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 anyone else who is a dependent upon the Veteran for federal tax purposes and who resides with the Veteran as a family unit member. In case the Veteran is deceased, a "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 anyone else who is dependent upon the surviving spouse for federal tax purposes and who resides with the surviving spouse as a family unit member.
6. "Resources" includes all bank accounts, certificates of deposit, stocks, bonds, notes, income producing property, real estate, cash value of life insurance, cash, and other items salable not to exceed \$2,000.00 in value. Excluded from consideration are the following: a person's homestead (must be residing in Cedar County), personal possessions, household goods, one motor vehicle not exceeding \$4,000.00 in value, burial lots and funeral trust funds.

7. "Income" is defined as cash, gross wages, gross salaries, Social Security, Veteran's pension or other pension benefits, rents, interest, FIP/ADC cash payments, child support, unemployment or other monies available for the support of the applicant.
8. "Commission" shall mean the Cedar County Commission of Veteran Affairs or its Secretary.

Section 3        Eligibility of a Veteran and Eligible Dependents:

Veteran assistance is temporary aid to Veterans who meet the following criteria:

- Honorably discharged Veteran or eligible dependant(s).
- Resources do not exceed two thousand dollars (\$2,000.00).
- Income can not exceed:  
100% of the Federal Poverty Income Level

Section 4        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:

1. Food: If food stamps have not been received.
2. Rent and shelter: The reasonable value not to exceed one half of the allowable monthly amount set by the Fair Market Rent Document System and used by HUD. This allowable amount is based on what type of unit is being occupied by the applicant. These allowable amounts will change on a yearly basis along with the Fair Market Rent Documentation System amounts change. The amount of this assistance is not to exceed the assistance maximum listed in subsection 10 of Section 4 unless applying for assistance of an extended nature as stated in Section 8 of this ordinance.
3. A landlord statement showing ownership may be required. If said landlord has previously signed a landlord statement, a second statement is not required. Payment to the landlord must enable said tenant to remain at the property for the month. Rent shall not be paid to relatives. A copy of the tenant agreement will be requested to show type of unit and the amount of allowable assistance.
4. Assistance shall be paid only on current bills and will not be paid to satisfy any past due bills or indebtedness of the applicant. Current bills do include the monthly bills or statements incurred for the monthly billing cycle in which relief is applied for even though a portion of that monthly bill may have accrued prior to the time relief was applied for. Payment will not be made on deposits or first month's bills.
5. Clothing, the reasonable value of clothing actually needed if not immediately available from other sources.
6. Medical services, dental services, optical services and prescriptions may be paid in cases where such services are emergency in nature and required to alleviate an immediate serious threat to the health or life as shown by a statement from a physician, dentist or optician. Where possible, the Veteran should seek medical attention at the VA Hospital in Iowa City. Members of his/her family should seek attention at the University of Iowa Hospital in Iowa City.
7. 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 Secretary. Transportation expenses shall not exceed \$20.00.

8. If a person lives in a rural area and the nearest neighbor is too distant to reach in the 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.
9. Burial assistance for indigent Cedar County residents in an amount not to exceed \$2,500.00 for funeral home services and grave opening and closing will be allowed. Of this amount, up to \$300.00 may be utilized for the cost of grave opening and closing to be paid directly to the cemetery by Cedar County and up to \$2,200.00 may be expended for the funeral home services set forth below to be paid to the funeral director by the County. The family is allowed to contribute an additional \$1,000 to the cost of the funeral for items not included in a county burial. The family is not allowed to exceed that amount or they will be denied county assistance.

When a Funeral Director is contacted by the family concerned that the deceased may require county funds for burial, the family will be referred to the Cedar County Veteran Affairs office before any further arrangements are made. The funeral home shall make the family aware of what services are available through assistance funds.

Before authorization by Cedar County for any indigent funeral, a complete and detailed statement of all charges for services to be rendered must be furnished by the funeral home to the Veteran Affairs Office. Failure to obtain advance approval of the Veteran Affairs Secretary shall result in disqualification for relief funds. The following services will be provided for the \$1,200.00 assistance funds paid by Cedar County:

- Transfer the remains from the place of death to the funeral home within a 50 mile radius. (Charge will be made for additional miles.)
  - Professional services. (Embalm, dress and casket the remains.)
  - Provide arrangements and consultation. (Death certificate and temporary marker.)
  - Minimum cloth covered casket/grave box. (If required by the cemetery.)
10. Maximum limitation for any one person per year for the above benefits, not to include burial and disregarding residents of a nursing home shall be Twelve Hundred Dollars (\$1,200.00) and One Hundred Dollars (\$100.00) extra for each additional member of the family unit, unless extended relief is being provided under Section 7 of this Ordinance, in which case the maximum shall be the Two Thousand Five Hundred Dollars (\$2,500.00) plus One Hundred (\$100.00) for each additional member of the family unit.

If the Veteran or recipient, except for reasons not attributable to that person, fails to repay the value of benefits received, if agreement has been made, he or she shall be disqualified from receiving future benefits.

Section 5        Form:

The assistance shall be purchased directly from the supplier for the applicant and/or applicant's spouse and/or children. It may be for one or more items of assistance that can be provided. Assistance shall be paid only on current bills and will not be paid to satisfy any past due bills or indebtedness of the applicant. Current bills do include monthly bills or statements incurred for the monthly billing cycle in which assistance is applied for even though a portion may be accrued prior to the time assistance was applied for.

Section 6        Eligibility:

Assistance is to be provided to "Veterans" as defined in Sections 2 (1) and 2 (2) who are in need of immediate assistance, cannot obtain assistance from any other source, whose family unit resources are less than 100% of the Federal Poverty Income Level, 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 7: Requirements for Receiving Assistance:

1. All members of the applicant's family unit who are at least eighteen years of age shall be registered for employment with the Iowa Department of Job Services and Temporary Job Services, except disability cases certified as such by the Social Security Administration or in cases of a spouse or widow/widower, where employment is not advisable upon written statement of his/her doctor. A refusal or failure to accept reasonable employment offers shall disqualify applicants from receiving future benefits.
2. Assistance shall be denied at any time if:
  - a. Applicant or recipient refuses to rely on his or her own resources.
  - b. There is a transfer of property without due consideration with intent to qualify for relief.
  - c. The applicant or recipient refuses to answer any relevant questions, willfully withholds any pertinent information, or falsifies his or her application.

Section 8 Assistance of an Extended Nature:

It is contemplated that the items of assistance to be provided to Veterans or their family units will not, during any one consecutive period of time, exceed sixty (60) days. If it appears that items of assistance should be provided continuously beyond this sixty (60) days period, then consultation between the Secretary and the Commission on what is in the best interest for the family and whether or not the family should continue to receive items of assistance on a month to month basis will be decided.

Section 9 Application for Assistance:

Applications for Veteran Affairs assistance are available in the Veteran Affairs Office at the Cedar County Courthouse during usual business hours. Applications shall be submitted by the Veteran unless he/she is deceased, disabled or unavailable for legitimate reasons.

If because of undue hardship, a Veteran or a member of his family cannot come to the courthouse, the Secretary of Veteran Affairs shall mail such person an application form. If the applicant or family unit is or appears to be eligible for assistance from any Federal, State or local source, the Secretary 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 assistance under this Ordinance. It is the obligation of each person applying to establish his or her eligibility for any category of assistance and need for any item of assistance. If requested, the person applying shall provide the Secretary with a verified statement of net worth, Federal and State income tax returns, medical reports, medical authorization and anything else requested by the Secretary that bears upon the person's eligibility and need for assistance. The Secretary shall then proceed to conduct a reasonable investigation concerning the applicant's file and the investigation and findings of the Secretary shall be made available to the applicant upon request or to the applicant's attorney by written authorization.

Section 10 Initial Determination:

1. The Secretary shall make an initial determination of the eligibility and needs of the applicant within three (3) working days of receipt of the application. Upon that determination, the

Secretary shall notify the applicant by telephone immediately if possible, and within two (2) working days after that determination, mail the applicant, by ordinary mail, the Secretary's written decision showing the reasons for the determination and the statutes or ordinances applied together with the specific benefits and their amount to which the applicant is entitled.

2. If the Secretary cannot make the initial determination within three (3) working days, the Secretary shall immediately inform the applicant, by telephone, if possible, of the reasons why such a determination cannot be made and mail to the applicant within two (2) working days thereafter the Secretary's written decision showing the reasons why such determination could not be made.
3. If an applicant has been previously found eligible, the Secretary need not receive a new application, but may proceed to a determination of whether or not current relief is warranted. Notice of such determination shall be provided as above. If an urgent and immediate need is present, the Secretary 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 Secretary shall inform the applicant and issue a written decision as provided above.
4. Whenever an applicant is found eligible and entitled to assistance, the Secretary shall proceed to provide the same and notify the Veteran Affairs Commissioners.

Section 11      Appeal:

- Every applicant, whether granted assistance or not, shall be informed in the Secretary's written decision of the applicant's right to appeal from such decision to the Board of Veteran Affairs Commissioners.

The applicant shall be informed:

- a) Of the method by which an appeal may be taken.
  - b) That he or she may represent him or herself, or be represented by an attorney or other representative.
- It shall be the duty of each person requesting an appeal to contact the Cedar County Office of Veteran Affairs within ten (10) days of the final determination. The appeal hearing will be put on the agenda for the next regularly scheduled meeting of the Cedar County Veteran Affairs Commission. The applicant shall be informed immediately, by telephone and by ordinary mail of the date and time of hearing before the commission.

Section 12      Appeal Hearing:

- The Veteran or applicant and his or her attorney or other representative shall present his/her case to the commission. The rules of the hearing shall be those applicable to an appeal to the Board of Supervisors under Section 13 below.
- The Veteran Affairs Commission shall make a decision on the appeal in closed session the night of their meeting. The applicant will be informed within twenty-four (24) hours by telephone of the decision and four (4) working days thereafter, the Commission shall mail to the applicant at his or her last known address by ordinary mail, the Commission's decision in writing. The decision shall state the reasons for the action, together with any statute, ordinance, or resolution applied. The Commissioners' decision shall also state that an appeal may be taken from the Commissioners' decision as provided below and the method by which such appeal may be taken.
- If further appeal is taken from the Commissioners' decision on appeal, it shall be to the Board of Supervisors. Any written appeal or communication to the Secretary by or on behalf of an applicant requesting appeal of the Commissioners' determinations, shall be taken by the Secretary

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 the appeal is taken. The written appeal or communication must be made to the Secretary within ten (10) days of the Commissioners' determination, 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 date and time of hearing before the Board. The applicant and his or her attorney or representative upon written authorization shall be granted access by the Secretary to his or her file if request is made.

Section 13      Appeal to the Board of Supervisors:

- The Board of Supervisors shall hear the applicant's appeal de novo at the time scheduled in the agenda unless continuance is requested by the applicant. The 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 times for the presentation of the parties at any appeal. The applicant's file shall be admitted into evidence. The Board may question the applicant, and the Secretary 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 unless the Board and applicant mutually agree that the meeting be an open meeting rather than a closed meeting. When the Board deliberates on the appeal, no party 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 telephone of the decision and within four (4) working days thereafter, the Board shall mail to 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 14      Actions of the Commission of Veteran Affairs or the Board of Supervisors:

- In the event the Commission of Veteran Affairs or Board of Supervisors, in reviewing the actions of the Secretary, question any allowance of relief benefits provided by the Secretary, they shall take no action concerning such allowance until they conduct 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 Secretary's determination.

Section 15

All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.