

June 6, 2017

The Board of Supervisors of Shelby County, Iowa, met pursuant to law and rules of said board in regular session at 9:00 a.m. in the Supervisors Chambers of the Shelby County Courthouse with the following members present: Charles Parkhurst; Vice-Chairperson, Roger Schmitz and Mark Maxwell, Clerk. Board member Steve Kenkel being absent.

The Chair asked that any Conflict of Interest be stated concerning any item on the agenda. No conflicts were stated.

A motion was made by Schmitz and seconded by Parkhurst to approve the agenda with no additions. AYES: Unanimous NAYES: None

A motion was made by Schmitz with a second Parkhurst, to approve the Minutes of May 23, as presented. AYES: Unanimous NAYES: None

It was moved by Schmitz, seconded by Parkhurst, to approve the Claims of May 31, 2017 as listed in the Claims Register. AYES: Unanimous NAYES: None

Mark Maxwell Shelby County IT Coordinator asked for board approval of the ICIT scope of work for their future audit of the Shelby County IT department. Motion by Schmitz and seconded by Parkhurst. AYES: Unanimous to authorize Maxwell to sign the agreement.

Mark Maxwell, Shelby County Auditor advised the board of a workmans compensation rate decrease in charges in FY18 for Shelby County, this is a 3 year average and all claims in the past will not be reflected until FY19. At that time those rates are expected to rise.

Auditor Maxwell then asked the board for permission to continue in agreement with the Harrison, Monona, Shelby Early Childhood Iowa Board. The Auditors office being the fiscal agent creates revenue of \$5,000.00 in each year the agreement is renewed. A motion was made by Schmitz and seconded by Parkhurst to approve the agreement. AYES: Unanimous

Maxwell also advised the board that the first regularly scheduled meeting would be on July 4<sup>th</sup>, instead of the 4<sup>th</sup> a date of July 11<sup>th</sup> ,for the first meeting in July was agreed upon.

The Supervisor Committee reports consisted of Lonnie Maguire speaking for Southwest Iowa Mental Health, letting the board know that there will be a meeting for the counties participation in the Stepping Up Program October 24<sup>th</sup>, 2017. Each county is asked to bring 5 employees to the meeting. This "committee" is still being assembled.

Vice Chairman Parkhurst then recessed the meeting to open a Public hearing.

Now being the time for the public hearing on the First Reading of Shelby County Ordinance No. 2017-1, repealing Shelby County General Relief ordinance NO. 2008-1 the Chairman did open the hearing. The purpose of this Ordinance is to modernize and update the ordinance reflect new provisions in the ordinance. There were no written or oral comments. It was moved by Schmitz, seconded by Parkhurst, to close the hearing, to suspend future readings, and to adopt the following Ordinance:

**SHELBY COUNTY GENERAL RELIEF  
ORDINANCE NO. 2017-1**

(REPEALS ORDINANCE NO. 2006-4)      (REPEALS ORDINANCE NO. 2001-6)  
(REPEALS ORDINANCE NO. 1997-3)      (REPEALS ORDINANCE NO. 1981-1)  
(REPEALS ORDINANCE NO. 2008-1)

AN ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM IN SHELBY COUNTY, IOWA.

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

General assistance is available through Shelby County General Relief to families or individuals who are poor or needy, when their own means, relatives, or other public or private resource, does not support such persons. General Relief is a short-term emergency assistance program that is understood to be the “payer of last resort”; it is not intended to provide on-going aid to any family or individual. Assistance shall be administered within the scope of monies appropriated.

**Section 1. Definitions.** Terms or words used in this Ordinance are interpreted as follows:

1. **“Needy person”**, a person or household domiciled in Shelby County, Iowa or a transient in the County for less than 3 days who because of circumstances which are not attributable to that person needs immediate temporary assistance. Examples of circumstances not attributable to that person: layoff or medical problems. Examples of circumstances attributable to that person: voluntary quit, failure to keep scheduled appointment for state or federal programs, pursuing an education, involvement in illegal/unlawful acts.
2. **“Poor person”**, a person or household as defined in Iowa Code 252.1 that is at or below 75% of the current Federal Poverty Guideline.
3. **“Household”**, those who dwell under the same roof: a social unit comprised of those living together in the same dwelling with verification of residence in said dwelling.
4. **“Assistance”** means rent, burial, heating fuel, electricity, water, prescription medicines and medical attention.
5. **“Net worth”** includes income or monies due from any source, bank deposit accounts, stocks, bonds, real estate, cash value of life insurance policies, jewelry and the value of all other real and personal property. Excluded: household furniture; tools and equipment used for self-support; household vehicles total value less than \$5,000; homestead residence equity less than \$25,000. When the value of one or more resources exceeds amounts, the excess will be counted in net worth. Total net worth shall not exceed \$1,000.00.
6. **“Liquid assets”** means cash or any other item of net worth of the household that can be readily converted to cash within 7 days.
7. **“Awaiting approval and receipt”** means a poor person who has applied for assistance under any state or federal law; who pursued that application with due diligence; and who has not had that application denied.
8. **“Director”** is the individual(s) or office appointed by the Shelby County Board of Supervisors to carry out the duties and provide assistance as stated in this ordinance.

**Section 2. Form.** The assistance shall be purchased directly from the supplier for the applicant using a voucher. No cash will be provided. No more than the approved amount will be paid.

**Section 3. Requirements.**

1. Applicants shall be registered with Iowa Workforce Development and actively seek employment.
2. Applicants shall accept any reasonable employment under the guidelines of Iowa Workforce Development.
3. Refusal or failure to actively seek employment or to accept reasonable employment offered shall disqualify the applicant from receiving future benefits.
4. The applicant may be required to provide reasonable proof that he or she is actively seeking employment.
5. Students are not eligible for General Relief assistance unless they are under age 19 and in a program leading to a high school diploma.
6. General Relief shall be denied if the applicant refuses to rely on his/her resources.

7. General Relief may be denied due to a false/incorrect statement on an assistance application.
8. All applicants shall repay Shelby County for assistance received. Failure to repay shall result in denial of future assistance.
9. Failure to pay on utilities during moratorium shall result in denial of assistance.

**Section 4. Level of benefits.** The maximum level of benefits to be provided for each item of assistance for each person or that person's household shall be:

- **Food:** Referrals will be made to the food pantry.
- **Rent:** An Eviction Notice that has been filed with the Shelby County Sheriff's office is required. The reasonable rental value not to exceed \$400.00 per month for a household. The allowed amount may be increased up to \$50.00 per month for the total amount of rent, if the rent includes heat, lights, water and sewer. Rent shall only be paid to the landlord who may not be a relative. Rent shall not be paid in advance. Mortgage payments shall not be paid. Deposits shall not be paid. Rent assistance shall not be given if landlord will not allow applicant to remain in the rental unit for 30 days. Rental assistance may only be given once during a 12-month span.
- **Burial:** Shelby County General Relief will provide funeral assistance to people with legal residency in Shelby County who are indigent thru the Shelby County General Relief Office.

**Assistance for Burial:**

Shelby County General Relief will pay the following for services to be rendered:

- **Cremation (All Ages):** \$1,000 (maximum)
- **Funeral Services (All Ages):** \$500 (maximum)
- **Opening and Closing of Grave:** \$350 (maximum) will be paid directly from Shelby County to the cemetery based on the situation. Neither the County nor the Mortuary is responsible for the cost of the vault or additional costs to open and close the grave.

The family or interested parties of the deceased are responsible for the purchase of a cemetery space/lot and the cost of the vault. Cremains may be returned to the family or friends making application for disposition.

The burial of a household member does not affect the maximum limitation of assistance for that household in a 12-month span.

**Eligibility for Burials:**

Applicants will be determined indigent and eligible for assistance if their representative affirms that they meet the conditions outline in the Shelby County Burial Affidavit.

**Reimbursement for Burials:**

Death Benefits or monies from private sources including savings, life insurance, sale of property, bonds, general income, etc., shall be applied to the funeral arrangements and that this money will be given to Shelby County for reimbursement of the assistance provided for these funeral arrangements. (Iowa Code 252.13)

- **Heat, light, water/sewer:** A disconnect or shut-off notice is required. Assistance not to exceed \$250.00 or the amount of the current month's bill, (or payment plan) whichever is least. Back payments, deposits, and/or fees shall not be allowed. Telephone service, internet access, satellite or cable television bills will not be paid. Utility company must agree to leave the utility connected for 30 days. Utility assistance may only be given once during a 12-month span.
- **Medical services, dental services and prescriptions:** No co-pays. For dental emergency extraction only, \$150.00. Medical services may be assisted in life threatening situations: \$500.00 for physician services; \$500.00 maximum for hospitalization. Assistance for prescription drugs and/or medical supplies shall not exceed \$200.00 to any

applicant/household within a 12-month span; an exception may be allowed by the Director for mental health medication.

- **Other:** includes **emergency telephone** evidenced by a statement from a health practitioner as a medical necessity.
- **Maximum limitation** for any one person or household per 12-month span, with the exception of burial, shall be \$650.00 per 12-month span. If financial and other documented records of the General Relief program show repeated assistance to an individual or household over a span of years with no repayments, assistance may cease for that individual or household.

It is the obligation of each applicant to establish eligibility for any category of General Relief and to prove need including statements, medical reports, and bills for current utilities, shut off notices, eviction notices, and other written documents as well as verbal statements from vendors. If requested, the applicant will provide the Director with a verified statement of net worth, medical authorization, and anything else requested by the Director that pertains to the person's eligibility for assistance. The Director may require that the applicant submit proof of a physical or mental examination to determine the applicant's capacity for labor. The Director shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file, investigation and findings of the Director shall be made available to the applicant.

**Section 5. Application for assistance.** Initial contact may be made by telephone or office visit to the Director of General Relief in Harlan, Iowa during normal business hours Monday through Friday. Signed application must be submitted on forms provided by the Director. If an applicant cannot come to the office, the Director may mail or fax an application form. If the applicant appears to be eligible for assistance from any other source, the Director shall immediately refer the applicant to that source. It shall be the obligation of the applicant to make application and pursue such application with due diligence. Failure or refusal to make application to other sources may be grounds for denial of assistance.

**Section 6. Determination.**

- A. The Director shall make an initial determination of the eligibility and needs of the applicant within 5 working days of the receipt of the application with all supporting documentation requested. Upon determination, the Director shall notify the applicant by telephone and shall mail to the applicant at the last address shown on the application, copies of the written decision and voucher.
- B. If the Director cannot make the initial determination within 5 working days, the Director shall immediately inform the applicant, by telephone and ordinary mail, the reasons why such determination cannot be made.
- C. If an applicant has been previously found eligible, and their situation has remained the same, the Director need not receive a new application during a 12-month span. Supporting documentation for current need must be provided by applicant.
- D. If an emergency need is present, the Director may provide verbal authorization to a vendor to furnish an amount of assistance for the benefit of the applicant. The applicant must provide any documentation of eligibility and determination that is requested by the Director. Failure to provide requested information shall cause current assistance to be discontinued and future assistance to be denied.

**Section 7. Reimbursement.**

All recipients of General Relief shall agree to reimburse the County for assistance and shall acknowledge the same by their signature on the application. Recovery efforts shall be initiated as allowed under Chapter 252 of the Iowa Code. Money may be recovered from the poor person if the person becomes able or from the person's estate by filing such claim as provided by law.

**Section 8. Appeal.**

- A. Every applicant denied assistance shall be informed in writing of the Director's decision and of the applicant's right to appeal such decision to the Board of Supervisors. The

applicant shall be informed of the method by which an appeal may be taken; they may represent their self or may be represented by an attorney at their own expense.

- B. An applicant's appeal must be communicated in writing to constitute an official appeal to be presented to the Board of Supervisors. The appeal shall be filed, in writing, within 15 business days of the Director's decision. Such appeals must have a clear description of the decision in question with specific times, dates and any other factual basis for the appeal. The appeal must contain the applicant's current address and telephone number.
- C. Upon receipt of a written appeal, the Director shall schedule a time on the Board of Supervisors' agenda (in accordance with Chapter 28A Code of Iowa) at their regular Board Meeting. The applicant shall be informed by telephone and by ordinary mail of the date and time of the hearing before the Board of Supervisors.

#### **Section 9. Appeal Hearing.**

- A. The Board of Supervisors shall hear the applicant's appeal de novo, at the time scheduled on the agenda, unless the applicant requests continuance. 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 cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Board may set reasonable time limits for the presentation of evidence. The applicant's file shall be admitted into evidence. The Board may question the applicant. The Director shall present the Board with the reasons for the determination. The hearing shall be tape-recorded. The hearing before the Board shall be at a closed meeting in accordance with Chapter 21, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates on the appeal, no other parties shall be present unless the Board requests the presence of the County Attorney.
- B. The Board shall make a decision on the appeal within 14 working days after the hearing. The Board's decision shall be based only on the evidence submitted before the Board. The applicant shall be informed immediately by telephone, if the applicant may be reached by phone, and within 7 working days thereafter, the Board shall mail to the applicant, at their last known address, by ordinary mail, the written decision. The decision shall state the reasons for the action. The Board's decision shall also state that an appeal of the Board's determination may be made.
- C. An appeal by the applicant to the district court shall be allowed within the time limits and the manner and procedures established under Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

**Section 10. Actions of the Board of Supervisors.** The Board of Supervisors may review the actions of the Director in allowing or disallowing assistance benefits, and may approve or disapprove of such actions, consistent with the provisions of the Ordinance.

**Section 11. All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.**

**Section 12. This ordinance shall be effective after its final passage, approval, and publication as provided by law.**

Passed and adopted this 6th day of June, 2017. AYES: Parkhurst and Schmitz NAYES: None

Vice Chair Parkhurst then opened a public hearing for the below mentioned Resolution.

This being the time for the public hearing on the FY2017 County Budget Amendment, the Chairman did open the hearing and asked for comment. There being none, it was moved by Schmitz, seconded by Parkhurst, to close the hearing and adopt the following resolution:

RESOLUTION NO. 2017-17  
ENTRY RECORD OF THE HEARING AND DETERMINATION OF  
THE AMENDMENT TO THE COUNTY BUDGET FOR FISCAL YEAR 2017

BE IT REMEMBERED on this 6th day of June, 2017, the Board of Supervisors met in scheduled session for the filing and considering of an amendment to the Shelby County Budget for Fiscal Year 2017.

THEREUPON, the Board investigated and found that the notice of the time and place of hearing had, according to law, and as directed by the Board, been published and that the affidavit of publication is on file with the County Auditor.

THEREUPON, on said day, the hearing was taken up and considered. There were no written or oral comments.

THEREFORE, BE IT RESOLVED, that the Shelby County Budget Service Areas be amended as follows:

Public Safety & Legal Services from \$2,423,667 to \$2,429,667  
Capital Projects from \$1,630,586 to \$1,730,586

The Department Appropriations will be as follows:

GIS	\$ 133,312
SECONDARY ROADS	\$ 7,106,650
TOTAL OF AMENDED APPROPRIATIONS	\$ 7,239,962

The above and foregoing resolution was adopted by the Board of Supervisors of Shelby County, Iowa, on June 6th, 2017, the vote thereon being as follows: AYES: Parkhurst and Schmitz NAYES: None

The Vice Chairman then called to order the Public hearing addressing the proposed budget for FY 2018. Hearing no objections to the proposed budget. It was moved by Schmitz and seconded by Parkhurst, to adopt the following resolution and close the hearing:

RESOLUTION NO. 2017-18  
ENTRY RECORD OF THE HEARING AND DETERMINATION  
OF THE COUNTY BUDGET FOR FISCAL YEAR 2018

BE IT REMEMBERED, on the 6th day of June, 2017, A.D., at the hour of 9:00 A.M. of said day, the Board of Supervisors of Shelby County, Iowa, met for the purpose of the hearing upon the county budget as filed with the Board. There was present a quorum as required by law.

WHEREAS, the Board investigated and found that the notice of time and place of hearing had, according to law, and as directed by the Board, been published in the official county newspapers published in Shelby County and that affidavits of publication, therefore, are on file with the County Auditor.

THEREFORE, on said day, the budget was taken up and considered. Present were interested parties and various department heads. There were no other written or oral comments. After discussion, the Chairman declared the hearing closed and the County Budget for Fiscal Year 2018 adopted, along with the Shelby County Compensation Board recommendation. The above and foregoing resolution was adopted by the Board of Supervisors of Shelby County, Iowa, the vote thereon being as follows: AYES: Schmitz, Parkhurst NAYES: None

Todd Valline was present to update the board on current Chamber activities which included the election of new Chamber Board members, and that Nate Buman and Gene Gettys have stepped up to get a Preservation Committee reformed to continue access to grants for revitalizing historical structures in the area. The first annual Honey Bacon Car Show and cooking competition will be held at the Fairgrounds this Saturday June 17<sup>th</sup>, from 9:00 AM to 5:00 PM. Thursday June 29<sup>th</sup> is the small business seminar at the Library, the topic of using social websites to promote your products.

Dan Ahart, County Engineer, was available to update the Board on activities of the county road crews and the status of current maintenance and construction projects

which included a discussion and explanation of the following: Replacing the bridge south of Harlan with a triple box culvert. .295 acres to be purchased for easement from Alvin Reinig as well as .255 acres from Dennis Woodin. With a total cost to the county of \$2306.52 Ahart was also granted with a motion by Schmitz and a second by Parkhurst and a unanimous vote in favor of granting permission for the expenditure. Ahart then presented and asked for board approval of receiving a 2.75 million dollars in federal grant money grant for the repaving of M-47 south from 44 to the county line. This project scheduled to start next calendar year. A motion by Schmitz and a second by Parkhurst proceeded a unanimous vote in favor of the County Engineers proposal.

Dan Ahart and Brandon Burmeister then informed the board of a possible new source of road rock. If this type of rock holds up better to use than the current type used by the County then more purchases will be made of the material as long as the price given for the product matches the durability.

There being no further business appearing, the Vice-Chairman declared the meeting adjourned.

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Charles Parkhurst, Vice-Chairman

ATTEST:

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Mark L. Maxwell  
Clerk to the Board of Supervisors

NOTE: These minutes are as recorded by the Clerk to the Board of Supervisors and are subject to Board approval at the next regular meeting.