

CODE
OF
ORDINANCE

CHAPTER 7
VETERANS AFFAIRS

- 7.01 Purpose
- 7.02 Categories
- 7.03 Definitions
- 7.04 Application Requirements
- 7.05 Form of Assistance
- 7.06 Eligibility of Veterans
- 7.07 Level of Benefits
- 7.08 Requirements for Receiving Assistance by a Veteran
- 7.09 Assistance of Extended Nature
- 7.10 Application for Assistance
- 7.11 Initial Determination
- 7.12 Appeal
- 7.13 Appeal Hearing
- 7.14 Other Duties of the County Commission and Board
- 7.15 Actions of the Commission and Board
- 7.16 Severability

7.01 PURPOSE. An ordinance prescribing the veterans affairs program in Adams County, Iowa, pursuant to Iowa Code Chapter 35B. (as may be amended hereafter)

7.02 CATEGORIES. There shall be two (2) categories of veterans assistance in Adams County, Iowa. They are:

- A. Emergency assistance for veterans.
- B. Assistance with applying for state and federal veteran programs.

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

A. "Commission" a County Commission of Veterans Affairs as defined in Section 35B.3 of the Iowa Code. (as may be amended hereafter)

B. "Director" a person employed by the Commission as Executive Director with authority as set forth in Chapter 35B.6 of the Iowa Code (as may be amended hereafter)and as delegated by the Commission.

C. "Veteran" means a legal resident of Adams County as defined by Iowa Code Chapter 35.1, 2.a (as may be amended hereafter)

D. "Emergency Assistance" means food, shelter, transportation, emergency telephone

service, fuel, lights, water and medical attention. Food and personal hygiene does not include cigarettes, alcoholic beverages, laundry soap, household cleansers, and other items of non-food nature. "Assistance" also includes provisions of any of the above items of assistance by the Commission through the offering of residence through a contract provider with Adams County. "Assistance" shall also include the burial of indigent veterans, whether resident in this county or not, in an amount to be established by the Board of Supervisors. Burial assistance is mandatory upon the County for all indigent veterans.

All other emergency assistance is optional and shall be granted on a non-discriminatory basis by joint decision of the Commission and Board of Supervisors.

The Director, in determining assistance, shall attempt to direct all applicants to all other available sources of assistance.

E. "Net Worth" includes income or monies from any source, savings, and other deposits, stocks, bonds, real estate (other than homestead), and the value of other real and personal property. Subject to certain exclusions as set forth herein.

F. "Family Unit" means the individual veteran applying and the veteran's indigent spouse, minor children not over eighteen (18) years of age, and "Helpless child" as commonly understood by the department of Veterans Affairs 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 indigent surviving spouse who has not remarried, including minor children of the deceased veteran not over eighteen (18) years of age and "Helpless child" as commonly understood by the department of Veterans Affairs who are dependent upon the surviving spouse for food, care and shelter and who reside with the surviving spouse as a family unit member.

G. "Liquid Assets" means those assets that can readily be converted to cash and shall include, but not be limited to cash, stocks, bonds, securities, notes or insurance.

7.04 APPLICATION REQUIREMENTS. In applying for benefits, the veteran must submit to the Commission with the application, the following:

A. DD Form 214 or Other documents as furnished by the National Archives- "Reporting of Separation from the Armed Forces" discharge must be recorded in the County Recorder's Office when the veteran is requesting benefits.

- B. Certificate of Marriage, if applicable; or documentation of common law marriage.
- C. Child or Children's' birth certificate(s), if applicable, and for those under eighteen years of age.
- D. Social Security Card.
- E. Death Certificate.
- F. Valid Iowa Driver's license or Iowa D.O.T. issued Photo I.D.

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/her last three years Federal and State 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 of any minor children claimed as the veteran's.

7.05 FORM OF ASSISTANCE. The assistance shall be purchased directly from the supplier for the applicant or the family unit. It may be for one or more of the items of assistance that can be provided.

7.06 ELIGIBILITY OF VETERANS. With the exception of the burial of indigent veterans, assistance is optional and shall be granted on a non-discriminatory basis, utilizing the Income limits in the most current version of "Adams County Commission of Veteran Affairs Emergency Assistance Policy & Guidelines" approved by joint decision of the Commission and Board of Supervisors.

7.07 LEVEL OF BENEFITS: The maximum level of benefits which may be provided for each item of assistance for each veteran or that veteran's family unit shall be:

- A. Food: the Veteran Commission can provide relief—Up to a maximum established jointly by the Commission and Board of Supervisors.
- B. Shelter: The reasonable rental value with a maximum established jointly by the Commission and Board of Supervisors. Rent will only be paid to the landlord. Payments will not be paid to a sub renter or relative. Rent will not be paid in advance. House payments will not be paid

as it creates an estate.

C. Heat, Light, and Water: The amount needed to provide these services and supplies with a maximum amount established jointly by the Commission and the Board of Supervisors.

D. Medical Attention: The reasonable value of medical care, dental services, and prescriptions which are actually needed as shown by a statement from a physician, dentist, or optician, if these services are not available from other sources, including other veteran facilities. With a maximum amount established jointly by the Commission and the Board of Supervisors.

E. Transportation Expenses: The cost of gasoline, as needed to obtain other benefits or seek employment, provided that proof of application for benefits or employment is provided to the Commission. Eligible applicants requesting travel assistance to the VA Medical Center for admission or outpatient visit may be authorized transportation assistance from a contracted provider at an annual maximum, established jointly by the Commission and Board of Supervisors.

F. Emergency Telephone Service: If a veteran lives in a rural area and the nearest neighbor is too distant to reach in event of 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 amounts of all the items of assistance needed, at any one time, shall be determined by a joint decision of the Commission and the Board of Supervisors.

7.08 REQUIREMENTS FOR RECEIVING ASSISTANCE BY A VETERAN.

All adult members of a veteran's household who are medically able to work and are not needed in the home to care for minor children, shall immediately register for employment with Iowa Work Force and otherwise actively seek employment (except those deemed unemployable by the Veteran's Administration or Social Security Administration).

All adult members of a veteran's household shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of Iowa Work Force. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the veteran from receiving current benefits. All adult members of a veteran's household may be required to provide reasonable proof that employment is being actively sought.

7.09 ASSISTANCE OF EXTENDED NATURE. It is contemplated that items of assistance to be provided to needy veterans or their family unit will not, during any one consecutive twelve (12) month period of time, exceed six(6)months, from the date of the application. Or exceed the maximum annual amount established jointly by the Commission and the Board of Supervisors. If assistance is approved, applicants must wait a period of Three Hundred Sixty Five (365) days from the date of final Termination Notice to be re-approved. If it appears that items of assistance are needed beyond (6) months period, or in excess of the maximum annual amount the decision to provide assistance will be made at the joint option of the Veterans Commission and the Board of Supervisors whether it will be better for the family unit of needy veterans to continue to receive additional items of assistance on a monthly basis.

7.10 APPLICATION FOR ASSISTANCE. Applications for assistance shall be submitted by veterans to the Commission at the Veterans Commission Office in Corning, Iowa, during usual business hours upon forms provided by the Commission. If, because of undue hardship, a veteran cannot come to the

Commission Office, 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 sources, the Commission shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and to pursue such application with due diligence as a condition to be eligible for further assistance under this ordinance. If requested, the veteran applying shall provide the Commission with a verified statement of net worth, Federal and State income tax return for the past three(3)years, medical reports, medical authorization, and anything else requested by the Commission that bears upon the veterans eligibility and need for assistance. The Commission may also require that the applicants 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 and the amount of assistance requested. These may 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 verify the applicant's eligibility and the amount of assistance allowed. The applicant's file and the findings of the Commission shall be made available to the applicant, upon request, or to the applicant's legal representative by written authorization.

7.11 INITIAL DETERMINATION.

- A. The Director 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 Director 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 date and time of when the Commission will make a full

determination of assistance.

- B. If the Director cannot make the initial determination within three (3) working days, the Director 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 Director's written decision showing the reasons why such determination could not be made.
- C. If an applicant has been previously found eligible, the Director need not, however can request a new application and 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 Director may issue vouchers, authorize a supplier or vendor to furnish any item of relief for the benefit of the applicant and the amount allowed for such assistance, prior to the next Commission meeting, all assistance pre-approved by the Director, will count towards the annual total assistance dollar amount and has no bearing on the Commission's final decision to grant assistance.
- D. The Commission shall make the final decision and notify the veteran's family pertaining to burial assistance. All other final decisions for assistance shall be made by a joint decision of the Commission and the Board of Supervisors. Such decision shall be made at the first possible meeting of the Board of Supervisors after proper notice of such hearing. Said hearing shall be conducted in closed session pursuant to Section 35B.12 of the Iowa Code as may be amended hereafter. The Commission shall inform the veterans, in writing, of the final joint decision reached under the application.

7.12 APPEAL.

- A. Every applicant, whether assistance is denied in whole or in part, shall be informed in writing of the Commission's decision and 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. 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 representative, upon written authorization, shall be granted access by the Commission to his or her case file if requested.

- C. If the Director made the decision from which the appeal is taken, the appeal shall be heard before the Commission at its next regular monthly meeting provided that the appeal shall not be heard earlier than five(5)days after appeal has been taken

Any appeal taken before the Commission at a regular special meeting shall be closed pursuant to Iowa Code Section 21.5(1)(a)(as may be amended hereafter), because the identity and particulars of the case are confidential under Iowa Code Section 35B as may be amended hereafter.

- D. 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 appeal, it shall be to the Board of Supervisors' agenda in accordance with Iowa Code Chapter 21.5 for the next regular Board meeting, provided that such appeal shall not be heard earlier than five (5) days after appeal is taken. Any appeal before the board shall be closed pursuant to Iowa Code Section 21.5 (as may be amended hereafter) because the identity and particulars of the case are confidential under the Iowa Code Section 35B (as may be amended hereafter). The Board will provide the appellant with a copy of Iowa Code 21.5(1).

7.13 APPEAL HEARING.

- A. Applicant's appeal shall be heard De novo (tried anew) 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 testimony, offering documentary evidence and reasonable cross the Commission or Board shall keep detailed minutes of all examination of other witnesses, if present. The technical rules of evidence shall not apply. The Commission or Board may question the applicant. On an appeal before the Board, discussions, persons present and action occurring at a closed session and shall also tape record all of the closed sessions pursuant to Chapter 21.5 of the Code of Iowa. 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 made 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, 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.

7.14 OTHER DUTIES OF THE COUNTY COMMISSION. The County Commission in charged with securing the information requested by the Commission of Veterans Affairs concerning the burial record of every person having a military service record burial in the County. Such information shall be furnished pursuant to Section 35B.19 of the Iowa Code as may be amended hereafter. Upon the employment of an executive director, the executive director shall

complete a course of certification training provided by the Iowa Department of Veterans affairs pursuant to section 35A.5. If an executive director fails to obtain certification within one year of being employed, the executive director shall be removed from office. To maintain certification, the executive director, or employee shall satisfy the continuing education requirements established by the National Association of County Veteran Service Officers. Failure of an executive director to maintain certification shall be cause for removal from office. The expenses of training the executive director or employee shall be paid from the appropriation authorized in the Iowa Code, section 35B.14. The duties of the executive director, and employees shall include all of the following:

- A. Inform members of the armed forces, veterans, and their dependents of all federal, state, and local laws enacted for their benefit.

- B. Assist all residents of the state who served in the armed forces of the United States and their relatives, beneficiaries, and dependents in receiving from the United States and this state any and all compensation, pensions, hospitalization, insurance, education, employment pay and gratuities, loan guarantees, or any other aid or benefit to which they may be entitled under any law. The County Commission is also charged with any remaining mandatory duties placed upon it as defined in Chapter 35B of the Iowa Code as may be amended hereafter.

7.15 **REVIEW OF THE COMMISSION AND BOARD OF SUPERVISORS.** In the event the Commission, in reviewing the actions of the Director, or the Board of Supervisors, 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. The 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.

7.16 **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.