

ORDINANCE NO. 1840

The Board of Supervisors of the County of Amador ordains as follows:

SECTION 1. Chapter 2.86 of the Amador County Code relating to the General Assistance Program shall be deleted and the following revised Chapter 2.86 shall be adopted and substituted in place of the deleted chapter:

GENERAL ASSISTANCE PROGRAM*

Sections:

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- 2.86.020 Definitions.
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- 2.86.040 Purpose and principals.
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- 2.86.085 Proration of Lump Sum Income
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- 2.86.520 Impartial hearing officer.
- 2.86.530 Hearing--Hearing rights.
- 2.86.540 Informality, evidence, appearance and counsel.
- 2.86.550 Hearing decision.
- 2.86.560 Hearing--Finality--Effect of nonappearance--Recoupment.

* Prior ordinance history: Ord. 1550

2.86.010 Authority and mandate.

A. This program is established pursuant to Chapter 1, Part 5 of the Welfare and Institutions Code of the state of California commencing with Section 17000.

B. Any amendments to the above authority, adopted subsequent to the effective date of this chapter, shall not invalidate any provisions of this chapter; provided, however, that any amendments to the Welfare and Institutions Code that may be inconsistent with this chapter shall govern.

C. The provisions of this chapter shall govern in relation to all other ordinances of the county and rules and regulations pursuant thereto. In the event of any inconsistency or conflict between the provisions of the rules and regulations adopted pursuant hereto, the most specific shall prevail.

2.86.020 Definitions.

For the purposes of this chapter:

“Applicant” means a person who is in the process of applying for benefits under the general assistance program.

“CalWorks” means California Work Opportunity and Responsibility to Kids as defined in Welfare and Institutions Code Section 112100, et seq.

“Decrease” means any reduction in a recipient’s current cash grant amount, in-kind payments or vouchers.

“Department” means the department of social services of the county.

“Director” means the director of the department of social services of the county.

“Discontinuance” means the termination of a person’s entitlement to aid.

“EDD” means the State Employment Development Department.

“May” means the provision is permissive.

“MIA” means medically indigent adult or medically needy individual as defined in Welfare and Institutions Code Section 14005.7.

“MIC” means medically indigent children as defined in Welfare and Institutions Code Section 14005.4.

“Recipient” means a person who is receiving general assistance.

“Recoupment” means the collection of past overpayments under general assistance.

“Shall” means the provision is mandatory.

“Skimming” means electronic theft occurs when a recipient (or authorized representative) has not lost physical possession of their EBT card and money is stolen from their EBT account electronically.

“SSI/SSP” means State Supplementary Program for Aged, Blind and Disabled as defined in Welfare and Institutions Code Section 12000, et seq.

“Unemployable” means that the applicant or recipient is unable to engage in work due to a physical or mental condition.

“Withholding” means the retention of aid payments or a portion thereof during a period of noncompliance with this chapter or applicable regulations.

2.86.030 Usage of pronoun.

The use of the masculine pronoun shall refer to male or female.

2.86.040 Purposes and principals.

A. This chapter is enacted to establish rules and requirements for the administration of aid to the indigent and dependent poor of the county, and to adopt standards and conditions for such aid.

B. 1. The purpose of general assistance is to provide financial or in-kind assistance and other services to indigent residents of the county who are unable to support themselves and have exhausted their own means of support, have no relatives who provide support and are not residents of any institution. General assistance is intended to encourage persons aided to:

- a. Find employment, if employable;
- b. Receive support from other sources; and
- c. Reduce or eliminate the conditions that have led to indigence and dependency.

2. Similarly, the responsibilities of the recipients under this program shall include the following:

- a. Employable recipients are required to seek employment, to participate in department-approved job counseling, vocational rehabilitation, and drug or alcohol treatment programs provided that said drug or alcohol programs are open and available to the recipient; and to perform such work assignments as are made available through the department.
- b. Unemployable recipients are required to seek other means of support, where available, including, but not limited to, support available under state and federal programs such as SSI/SSP, and seek treatment where available to alleviate those conditions leading to their dependency.

C. Assistance is to be administered in a manner which is consistent with, and will help achieve, basic general assistance program purposes and which respects individual privacy and personal dignity. The following policies and principles govern the public social services:

1. General assistance is to be administered promptly and humanely, without discrimination on account of race, sex, sexual orientation, religion, political affiliation or handicap.
2. General assistance is to be so administered as to encourage self-respect, self-reliance and the desire to be a good citizen, useful to society.

3. General assistance is to be administered with courtesy, consideration and respect and without attempting to elicit any unnecessary information.
4. Duties should be performed in such a manner as to secure for every applicant or recipient the amount of aid to which he or she is entitled under the law.
5. Duties should be performed in a manner that assists all employable recipients in seeking employment and all recipients in obtaining other appropriate public benefits.
6. There is to be no question, inquiry or recommendation relating to the political or religious opinions or affiliations of any applicant or recipient.
7. General assistance is to be administered in the most cost-effective manner possible.
8. All general assistance records maintained by the department shall be confidential pursuant to Welfare and Institutions Code Section 17006.

2.86.050 Policy and administration.

- A. The board of supervisors has authority for establishing the policies under which the general assistance program is administered, and any change or exceptions, except as otherwise provided, may be made only upon its authorization.
- B. The department of social services shall administer all public aid and relief in the county to indigent persons of the county. The aid and relief shall be administered in accordance with standards of aid and care for such persons as adopted herein by the board of supervisors. The director of the department of social services shall establish rules and regulations for the proper administration of the general assistance program. This chapter, and the regulations promulgated thereunder are to be construed fairly and equitably.
- C. In actual emergencies, the director of the department of social services may make exceptions to policies pending action by the board of supervisors. Such action shall be reported to the board of supervisors within ten working days.

2.86.060 Severability.

- A. If any article, section, subsection, paragraph, sentence, clause or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, such decision shall not affect the validity of the effectiveness of the remaining portions of this chapter or any part thereof. The board of supervisors declares that it would have passed each article, section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences or clauses be declared unconstitutional or invalid or ineffective.
- B. If the application of any provision or provisions of this chapter to any person, class of persons, property or circumstances is found to be unconstitutional or invalid or ineffective in whole or in part by any court of competent jurisdiction, or other competent agency, the effect of such decision shall be limited to the person, class of persons, property or circumstance immediately involved in the controversy, and the application of any such provision to other persons, properties and circumstances shall not be affected.
- C. This section shall apply to this chapter as it now exists and as it may exist in the future, including all modification thereof and additions and amendments thereto.

2.86.070 Eligibility for aid--Indigent adult defined.

Aid shall be granted under the provisions of this chapter, subject to regulations contained in the this ordinance codified in this chapter and the department, to persons eighteen (18) years of age or over who are not otherwise a part of an eligible family in receipt of, or eligible to, federal or state public assistance programs/benefits. Persons currently ineligible for these programs due to the fact that they are "spending down" their income and/or resources for a defined period of time will be considered ineligible for general assistance during the same period of time.

Applicants and recipients, who are likely eligible for disability benefits and are experiencing homelessness or are at risk of homelessness shall be referred to the Housing and Disability Advocacy Program (HDAP) for housing support and disability benefit application assistance, as long as the program is available in Amador County.

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2.86.071 Citizenship and alienage.

One must be either a United States citizen or an alien lawfully admitted to the United States and entitled to remain indefinitely to be eligible for general assistance. No aid shall be paid until such status has been verified.

2.86.080 Proration of salary of full-time certified employees of school district, universities, community colleges over a twelve-month period.

The salary of full-time certified employee of a school district, private school, community college or university shall be prorated over a twelve-month period for the purpose of determining eligibility for aid under this chapter, unless such employment has been terminated at the time the application for general assistance is filed.

2.86.085 Proration of lump sum income.

Any income that is anticipated or received by a general assistance applicant or recipient which is nonrecurring in regard to amount or source shall be prorated by using the general assistance need standard to project the number of months the applicant and/or recipient is ineligible for general assistance due to the receipt of the lump sum. If there is a remainder from this division, the remainder shall be counted as income in the month following the end of the period of ineligibility. If the general assistance applicant and/or recipient reapplies before the number of months of ineligibility has expired, documentation of how the money was spent will be required and reasonable and necessary expenses for food, clothing, shelter, transportation, medical expenses, legal fees and employment enhancement will be allowed.

2.86.090 Proration of income over contract period.

The income of any person under a contract of employment on an annual basis who works and receives income from such contract in fewer than twelve months, but more than eight months, shall be prorated over the period of the contract for the purposes of this chapter.

2.86.100 Proprietor of business--Ineligible.

Proprietors of businesses who employ other workers are ineligible for aid under this chapter.

2.86.110 Proration of income of self-employed and freelance workers over a twelve-month period.

The income of any self-employed person or freelance worker shall be prorated over a twelve-month period for the purpose of determining eligibility for aid under this chapter; except that the applicant may produce evidence to demonstrate that such proration does not accurately reflect his or her financial status at the time the application for general assistance is filed.

2.86.120 Rebuttable presumption of ineligibility Eligibility--Students.

Status as a student shall create a rebuttable presumption that such a person is unavailable for, or unable to accept, offers of employment. The presumption may be rebutted by satisfactory evidence being presented to the department of social services of the student's opportunity and intent to seek employment on a full-time basis. The department may make an exception in this regard for persons enrolled in a vocational rehabilitation or job-training program approved by the department. (Ord. 1550(part), 2002). Full-time students may be eligible to general assistance as an employable applicant provided they are available for, and able to, accept offers of employment.

2.86.130 Ineligibility--Current income or expenses.

Paid income or expenses during a current month of application which exceed the monthly grant amount on a prorated basis shall create a rebuttable presumption that the applicant is ineligible for aid.

2.86.140 Labor dispute--Effect of.

Unemployment due to a bona fide strike, lockout or other labor dispute shall cause an otherwise eligible applicant to be deemed ineligible for aid.

2.86.150 Residency requirement.

Residence in the county is a requirement of eligibility for general assistance. Residence in the county is established by continuous physical presence for a minimum of fifteen days prior to the date of application, and intent to reside in the county which is satisfactorily substantiated by the applicant. No aid shall be paid until such status has been verified. Inmates of penal institutions and in-patients of medical institutions or rehabilitation facilities shall not be

eligible for general assistance. However, those who resided in Amador County prior to their incarceration are considered residents at the time of release.

2.86.160 Allowable real property.

The applicant shall have no equity in real property, other than his or her personal residence, greater than the amount of the monthly grant provided, however, that the department may grant aid to an otherwise eligible applicant or recipient for a period not to exceed two months while the applicant or recipient attempts, in good faith, to sell, finance or refinance real property owned by the applicant or recipient; and provided further, that the applicant or recipient executes documents approved by the director promising to repay all aid provided by the department from the proceeds of such sale, financing or refinancing including but not limited to, a security instrument(s) encumbering the real property as security for repayment of aid. If the recipient has been unable to sell, finance or refinance his or her real property within two months, said failure shall create a rebuttable presumption that the recipient has not made a good-faith attempt to sell, finance or refinance said property, thereby rendering him or her ineligible for further aid.

2.86.161 Rental allowance for personal residence.

An applicant or recipient's personal residence shall not be considered a resource available to the applicant or recipient for eligibility purposes so long as the applicant/recipient does not derive income from said residence; provided, however, that the part of the grant generally allowed by the department to provide funds for rental housing shall be used by applicant/recipient with a personal residence only for the making of payments on debt secured by the applicant/recipient's personal residence so that the applicant/recipient shall have a place of residence, and for no other purpose. If there is no debt secured by the personal residence, the applicant/recipient shall have the rental allowance deducted from the grant. If the payments on the debt are less than the rental allowance, the grant shall be reduced by the difference between the payment and the rental allowance.

2.86.170 Allowable personal property.

The following personal property shall not be considered in computing a recipient's grant levels:

- A. Personal property actually occupied and used as the personal residence of the applicant, including, but not limited to, a mobile home, motor home or motor trailer, or vehicle so occupied and used as a residence;
- B. An automobile having a fair market value of not more than four thousand six hundred and fifty dollars;
- C. Personal effects, exclusive of jewelry, heirlooms, and works of art, to the extent that the aggregate equity of the applicant in such jewelry, heirlooms and works of art does not exceed two thousand five hundred dollars;
- D. Household furnishing, appliances, provisions and wearing apparel, to the extent that the same would be exempt from execution under the criteria set forth in Code of Civil Procedure Section 704.020, or any applicable successor statute;
- E. Tools, implements, instruments, materials and other personal property used in the applicant's trade or profession, to the extent the same would be exempt from execution under the criteria set forth in Code of Civil Procedure Section 704.060 or any applicable successor statute;
- F. Life insurance policies, to the extent the same would be exempt from execution under the criteria set forth in Code of Civil Procedure Section 704.100 or any applicable successor statute;
- G. A cemetery plot for the applicant and the spouse of the applicant, if any, to the extent the same would be exempt from execution under the criteria set forth in Code of Civil Procedure Section 705.300 or any applicable successor statute;
- H. Funds in a retirement system, whether public or private, to the extent the same would be exempt from execution under the criteria set forth in Code of Civil Procedure Sections 704.100 and 704.113, or any applicable successor statutes;
- I. Relocation benefits received for displacement from a dwelling, to the extent that the same would be exempt from execution under the criteria set forth in Code of

Civil Procedure Section 704.180 or any applicable successor statute;

J. Cash or cash deposits in amounts of one hundred dollars or less; and

K. Other personal property (other than cash or deposits of cash) of a nature not described in this section, not exceeding five hundred dollars in aggregate value.

2.86.180 Exempt income or resources.

For the purposes of this chapter:

A. Personal property, income or resources shall not include income from relocation payments to families or individuals receiving aid under this chapter being displaced by a redevelopment agency.

B. Retirement benefits may be retained upon determination by the director or his/her designee that the applicant or recipient will be re-employed in the near future, and that such employment is contingent upon the retirement fund not being withdrawn.

C. CalWORKs or SSI/SSP benefits and resources of a member of the general assistance family shall not be considered as income or resources available to the applicant or recipient.

D. An applicant or recipient's food stamp CalFresh benefits shall not be considered as income or resources available to the applicant or recipient.

2.86.190 Reimbursement agreement.

Each applicant or recipient shall sign an agreement to reimburse the county for all aid and grants expended on his/her behalf from after-acquired property and/or income.

Each applicant or recipient with an application pending for SSI/SSP, SSD, or Veterans disability shall be required to sign an Authorization for Reimbursement for Interim Assistance Initial Claim or Posteligibility Case form (SSP 14) while the SSI/SSP, SSD, or Veterans Disability application is pending.

2.86.195 Allowance of representation fee.

A. The claim of the county for reimbursement of aid provided under this chapter shall be offset as provided in this section in cases where:

1. The recipient is represented by an attorney at law or other authorized representative in connection with a denial of, or termination of, Supplemental Security Income benefits with state supplementation under the provisions of Title XVI of the Federal Social Security Act and Chapter 3 (commencing with Section 12000) of Part 3; and

2. The county receives the recipient's initial payment of these benefits pursuant to an interim assistance reimbursement authorized by Section 1631(g) of the Federal Social Security Act.

B. The amount of offset reducing the county claim in these instances shall be paid to the representative by the county as a representation fee. The representation fee paid pursuant to this section shall not be recoverable from the recipient or the recipient's estate.

C. The representation fee shall be a fixed percentage of the interim assistance reimbursement received by the county equal to the lesser of:

1. Twenty-five (25) percent; or

2. The percentage obtained by dividing any representation fee to be paid by the recipient as authorized under federal law by the net benefits paid to the recipient by the County after interim assistance reimbursement and multiplying the quotient by one hundred (100).

D. For purposes of this section, an “authorized representative” shall mean an individual who has met the requirements set forth in Title XVI of the Federal Social Security Act and regulations promulgated thereunder.

2.86.200 Identification.

A. Each applicant shall present proof of identity. Proof of identity may consist of either a current:

1. California Department of Motor Vehicles Drivers License; or
2. California Department of Motor Vehicles Identification Card.

B. The department may grant a thirty (30) day extension of time for obtaining proof of identity to an applicant whose identification has been lost or stolen. Emergency aid may be granted to the applicant during said extension.

C. If the applicant has produced written verification that he/she has attempted to obtain proof of identity within the allotted time frame, and proof that such identification has not been received, aid will be continued up to an additional forty-five (45) days pending said receipt.

2.86.210 Computation and payment of aid grants or amounts payable.

A. For each eligible individual or for each eligible family of two or more persons who qualify for aid under the general assistance program, the basic monthly grant levels are listed below:

GENERAL ASSISTANCE GRANT AMOUNTS:

Single Individual	\$309.00 \$331
Families (# of persons in the Unit):	
2 Persons	505.00 541
3 Persons	628.00 670
4 Persons	747.00 799
5 Persons	850.00 909
6 Persons	954.00 1021
7 Persons	1047.00 1120
8 Persons	1142.00 1222
9 Persons	1234.00 1321
10 Persons	1325.00 1418

For purposes of this section, a family is defined as a group of persons, living together, who are connected by marriage or the first degree of blood relationship. A person 18 years or older who lives with their parent(s) and younger sibling(s) who receive a CalWORKs grant, may be eligible to General Assistance as an individual. However, the total amount of general assistance paid, when combined with the household’s CalWORKs grant, cannot exceed the CalWORKs Maximum Aid Payment (MAP) level for their total household size. The total amount of general assistance paid, when combined with CalWORKs, cannot exceed the CalWORKs payment level.

Example:

3 family members on CalWORKS + 18 year old GA applicant = GA household of 4
Family receives MAP for CalWORKs household of 3 at \$670 per month.
Family MAP for CalWORKs household of 4 is \$799 per month.
Maximum benefit allowable to GA applicant is \$129 per month.

B. With respect to each employable recipient, aid shall be granted after completion of five (5) verifiable job applications per week, while applying for and receiving general assistance,

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With respect to each employable recipient, aid shall be granted after ten (10) verifiable job applications are submitted every two weeks (10 business days), and/or verified participation in a department-approved job counseling program, vocational rehabilitation program, work assignment program or alcohol or drug treatment program. Aid shall be continued conditional upon the monthly completion of twenty (20) verifiable job applications per month. Persons assigned to a Probation's or Sheriffs Department Work Program shall not be considered eligible for cash assistance for the duration of the assignment. Aid may be withheld, reduced or denied or discontinued for failure to meet these requirements. No person who has violated a condition of probation or parole, or person who is fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony, shall be eligible to GA (W&I Code Sec. 17016).

C. With respect to each recipient who is not employable, continuing aid shall be conditioned upon application for and pursuit of SSI/SSP benefits, if the recipient is eligible therefore, and/or participation in a department-approved rehabilitation program. Aid may be withheld, reduced denied or discontinued for failure to meet these requirements without good cause.

D. The monthly amount of aid for which a recipient is eligible, computed as provided in Section 2.86.215, shall be the general assistance grant amount, less adjustments for total income and resources, as said term is defined in Section 2.86.215, prorated within the month of application as of the application date.

E. To the extent that eligibility is denied or discontinued due to the availability of nonexempt property, the applicant or recipient may submit evidence to the department to demonstrate that such assets have been exhausted or have no value.

F. No voucher or warrant shall be issued for less than five (5) dollars.

G. A recipient shall be required to submit a revised statement of facts if his or her circumstances existing at the time of the original application subsequently changes.

H. The board of supervisors may annually adjust the general assistance grant benefit amounts.

2.86.215 Budgeting methods.

A. The budgeting methods specified in this section shall be used to determine the adjustments to be made to the grant levels for eligible applicants/recipients based on total income of the applicant/recipient during a given month. For purposes of this chapter, the term, "total income," means the sum of actual income received by the applicant/recipient, plus in-kind income, as described in Section 2.86.220.

B. Initial Aid Payments--Prospective Budgeting. For the first two months of grant payments under this chapter, or for the first two (2) months of grant payments following a break in aid for one month or more (other than a suspension of aid), an adjustment to the grant payments shall be made based upon a reasonable estimate, made by the department, of the total income expected to be available to the applicant during each of these two months. Such estimate shall be based upon the department's knowledge of past and current total income, plus reasonable expectation of future total income.

C. Continuing Aid--Retrospective Budgeting. For aid payments for the third and continuing payment months, or for the month following a suspension of aid payments due to non-eligibility of or fraud on the part of the applicant/recipient, or following a break in aid of less than a calendar month, an adjustment to the grant payments shall be made based upon the total income available to the applicant during the second month prior to the payment month. For example, for computation of aid payable during the calendar month of March, the total income available to the recipient during the calendar month of January would be considered in making an adjustment to the grant payable in March. Total income shall be determined by reference to the monthly eligibility report provided by the recipient.

D. Aided recipients shall be required to submit to the department, no later than the fifth day eleventh (11th) day of each month, a completed monthly eligibility report, to be executed under penalty of perjury, detailing the total income available to the recipient during the last preceding month. If such report is not received by the department on or before the eleventh day of the month, timely, the department shall send to the recipient a standard notice of discontinuance

of aid; said notice to be sent not later than ten (10) calendar days prior to the end of the report month. Said notice shall include an advisement to the recipient of his/her right to a hearing before the director or his/her representative to determine whether the recipient had good cause for failing to timely submit a report of total income. If the director finds that the recipient did not have good cause for failing to make a timely report, aid shall be discontinued as of the next month following the month in which the failure to make the requisite report occurred. with adequate 10 day notice.

2.86.220 In-kind income.

A. In-kind income is any benefit received other than cash, and may be earned or contributed. Only those items, which are considered to be general assistance needs items, shall be taken into consideration when determining the benefit amount available to the recipient.

B. If the in-kind income meets a need item, the recipient’s grant level shall be reduced by the value of the item as set forth in the table below:

Number in the family budget unit	Housing	Utilities	FOOD
1	\$182.00	\$40.00	\$105.00
2	<u>121.00</u>	23.00	113.00
3	88.00	16.00	96.00
4	70.00	13.00	89.00
5	56.00	10.00	86.00
6	47.00	9.00	83.00
7	40.00	7.00	79.00
8	35.00	6.00	76.00
9	31.00	6.00	74.00
10 or More	22.00	5.00	72.00

C. If the applicant/recipient disagrees with the value of the in-kind income arrived at by the department, he/she may submit evidence of the actual value of the items.

D. The in-kind income shall also apply to those recipients who at the time of application do not live in a common household or share housing, utilities, and/or food with the other person(s).

2.86.225 Shared housing.

A. A common household is a group of individuals who live together and/or customarily purchase food and prepare meals together for home consumption.

B. Persons residing in a common household shall have their grant amount determined in the same manner as a family group. Each person’s grant shall reflect an equal share of the grant allowance according to the size of the household.

C. Applicants/recipients may submit evidence to demonstrate that they do not live in a common household in that they do not share housing, utilities and/or food with the other person(s).

D. Persons residing in a shared housing situation shall not receive the grant allowance(s) for housing as set forth in the “In-kind Income” table.

2.86.230 Alternative payment methods--Direct payment to room and board facilities.

In addition to the emergency aid provisions of this chapter, payment for room, food expenses or both, up to the maximum general assistance grant amount may, at the recipient’s option, or when deemed expedient, cost effective and/or appropriate by the director, be paid directly to any board and/or care facility should the recipient/applicant choose to reside, take his/her meals or have full room and board privileges at such facilities. The director may initiate (Ordinance No. 1840) (07/11/2023)

such a program or payment arrangement, on either a pilot or continuing basis, by putting into effect the appropriate procedures.

2.86.240 Basic needs--Personal needs.

Personal needs are provide for in the general assistance grant level(s). The department may, at the initial interview, or upon request and review, provide and applicant/recipient with a special allowance for personal needs under "special circumstances." Said allowances(s) shall be provided at the discretion of the director.

2.86.250 Special allowance--Transportation out of the county.

The department may provide transportation including, but not limited to, maintenance en route to a place out of the county where the applicant/recipient will be cared for, or where the applicant/recipient maintains or intends to maintain his/her legal residence, provided the applicant/recipient, except for fully meeting the residency requirement, is otherwise eligible for general assistance and voluntarily enters into a signed agreement regarding such transportation with the county. The agreement shall contain a repayment provision permitting recoupment of the amount expended in providing such transportation. The recoupment shall be made at a rate not to exceed ten (10) percent of each grant amount should the person who was provided transportation thereafter be again provided general assistance in the county.

Transportation under this section shall be provided by the least expensive means available as determined on an individual basis.

2.86.260 Continuing eligibility.

A. Persons who meet the requirements for eligibility for general assistance are entitled to payments of aid pursuant to this chapter. Recipients are required to comply with all the applicable provisions of this chapter, and any regulations/policies promulgated thereunder

B. No withholding, decrease or discontinuance of aid shall occur unless the persons to be affected has been advised of the possibility of such action(s) by means of a "notice of proposed action" pursuant to Section 2.86.480, and has been afforded the opportunity for a hearing to dispute said proposed action(s).

C. Should an applicant and/or recipient fail to attend any day of scheduled work assignment program without an excuse presented to the department within three (3) days or, subject to the discretion of the director, within fifteen (15) days, the aid or application for aid shall be discontinued or denied, provided that the applicant/recipient shall have an opportunity to contest the basis for such discontinuance/denial at a hearing. If an applicant and/or recipient fails, within his/her reporting period, to complete the job searches and/or attendance or participation in department-approved job counseling programs, vocational rehabilitation programs or drug or alcohol treatment programs (if open and available to the applicant/recipient during a payment period) without good cause, or if the required job searches fail to contain essential information for verification or prove to be unverifiable, aid shall be discontinued or denied, provided that the applicant and/or recipient shall have an opportunity to contest the basis for such discontinuance or denial at a hearing.

D. There shall be a current (within 12 months) medical report signed by a medical doctor (MD or DO) on file for all unemployable recipients. The department will provide a medical exam if the applicant and/or recipient is unable to afford such an exam.

2.86.270 Failure to satisfy requirements for eligibility.

A. Recipients and/or applicants who fail to comply with the applicable provisions of this chapter, and any regulations/policies promulgated thereunder, may have their aid denied, withheld, decreased or discontinued as set forth in department regulations/policies. If aid is denied or discontinued for such reason(s), the recipient and/or applicant shall be ineligible to reapply for aid for the following time frames from the effective date of said denial/discontinuance, and until his/her eligibility is again established:

- | | | |
|----|----------------------------------|-----------|
| 1. | First occurrence | = 30 days |
| 2. | Second occurrence | = 60 days |
| 3. | Third and subsequent occurrences | = 90 days |

B. In cases where fraud on the part of the applicant/recipient is the reason for denial or discontinuance of aid, and where the applicant/recipient's guilt is established by conviction in a criminal prosecution for fraud, he/she shall be ineligible to reapply for aid for ninety (90) days from the date of conviction in the case of a first conviction, or for one (1) year, thereafter, in the case of a second or subsequent conviction. If an appeal is filed in a timely manner, the date shall begin when the conviction becomes final.

C. Applicants/recipients who were previously in receipt of general assistance benefits from another county and have had a sanction period applied against them in that county, shall continue to receive that same sanction against their potential aid payments in Amador County until the sanction period expires.

D. Applicants/Recipients must not be eligible for any other cash program.

1. Adult recipients of the CalWorks Program who reach the sixty-month lifetime limit may be eligible for general assistance only when all children in the household are eighteen years of age or older pursuant to AB 1542 SEC. 179. Section 17021(a).

2. Must not be an individual who is receiving aid under the CalWorks Program on behalf of an eligible child, and has been found to be either ineligible for aid, or whose needs are not otherwise taken into account in determining the amount of aid to the family pursuant to Section 11450 due to the imposition of a sanction or penalty.

2.86.280 Classification as employable or unemployable.

A. Recipients shall be classified as either employable or unemployable. There shall be a rebuttable presumption that applicants/recipients are employable if denied SSI/SSP as a result of the SSI/SSP administrative hearing decision, or if the applicant/recipient has repeatedly failed to pursue his/her SSI/SSP application.

Note: Applicant/recipient may submit a current medical report signed by a medical doctor as proof of their continued unemployable status after an ALJ denial.

B. Employable applicants and/or recipients who have been offered job training shall receive general assistance for no more than three cumulative months in any twelve month (12) period. General assistance received in other counties shall be included in the three (3) month maximum. (WIC 17001.5.a.4). Additionally, they shall:

1. Have registered for employment with the State of California, Employment Development Department (EDD) within ten (10) days of applying for general assistance;

2. Keep such registration(s) current;

3. Be available for employment;

4. Accept available employment unless refusal is based upon "good cause" as defined by the Employment Development Department (EDD);

5. Submit twenty verifiable five (5) job searches per week for each month Submit ten (10) job searches every two weeks (10 business days) he/she is in receipt of general assistance;

6. Cooperate with and carry out any specific job counseling, job training, vocational rehabilitation or drug or alcohol treatment plans (if open and available) recommended by the department, the California State Department of Rehabilitation or others, and approved by department of social services; and

7. Perform such work assignments as are made available by the department of social services.

C. If an applicant is unable to register with the Employment Development Department (EDD) within the time frame specified, the department may make reasonable attempts to assist him/her in registering.

D. Unemployable applicants and/or recipients shall:

1. Submit a medical or psychological evaluation, signed by a medical doctor (MD or DO) within ten (10) days of the claim of disability. If such evaluation(s) cannot be made within the stated time frame, and the applicant/recipient can show good cause for this non-receipt, the time frame may be extended up to an additional thirty (30) days.
2. Enter into and cooperate in appropriate treatment and therapy programs designed to reduce, eliminate or compensate for the disabling condition(s);
3. Apply for SSI/SSP if a disabling condition is likely to exist for a year or longer; authorize the department of social services' reimbursement of general assistance from retroactive SSI/SSP benefits; pursue and comply with the procedures under the SSI/SSP Program for successful qualification under such benefit program(s);

E. Employable and unemployable applicants and/or recipients are required to apply for and pursue a claim for any other appropriate benefit program available to the applicant/recipient, and pursue and comply with the procedures for successful qualification under such benefit program.

2.86.290 Termination of employment.

An applicant who has terminated employment without good cause within thirty days (30) of the submission of an application for aid may be denied assistance. If an applicant is denied aid on this basis, said applicant may request a fair hearing. A determination will then be made as to whether or not good cause existed for the applicant(s) decision to terminate his/her employment.

2.86.300 Aid payments.

A. Emergency assistance of up to two (2) weeks may be granted to applicants with apparent eligibility. This aid may be provided in the form of in kind aid. During this period of emergency assistance, the department will investigate the facts material to the determination of eligibility for the general assistance program. If good cause exists, the investigation may be extended an additional two (2) weeks for its completion.

Note:

- In-kind aid may consist of voucher for gas, hotel stay, transportation, etc.
- Two week payment amount determined by proration of 14 days in application month.

B. Normal Payment Periods. The normal payment period shall be the first (1st) of each month.

2.86.310 Aid payments in general.

General assistance aid payments may be provided in the form of in-kind benefits, in-kind orders, vouchers, EBT issuance, checks and warrants.

2.86.320 All payments, warrants and checks.

All recipients, unless otherwise specified in this chapter, shall be granted assistance through warrants or checks.

2.86.330 Aid payments--In-kinds aid.

Assistance in the form of in-kind benefits, in-kind orders, vouchers or emergency warrants issued at the general assistance office shall be used for:

- A. Emergency assistance.
- B. Other short-term causes:
 1. Eligible persons awaiting transportation arrangements, provided that aid shall not exceed one week;
 2. Eligible persons awaiting admission into a hospital or institution; and
 3. Recipients who will receive salary or wages, child support or other income in an amount less than the maximum monthly grant amount.
- C. Persons who have demonstrated inability to handle cash payments for necessities of life.

D. Other eligible persons when the director determines that in-kind aid is more expedient, cost-effective and appropriate.

2.86.340 Aid payments--To whom paid and delivery of.

A. Aid payments may be mailed directly to the recipient or substitute payee approved by the director, or the department may require that aid payments be picked up at a designated location. Aid payments shall not be mailed to a post office box if residential delivery is available, to mail receiving agency or to an address outside of the county except upon approval of the director.

B. Aid payments may be made payable only to the recipient or his/her substitute payee and the recipient jointly.

C. No aid shall be paid or delivered unless the recipient is physically present and residing in the county except upon approval of the director.

2.86.350 Aid payments--Initial payment.

The initial payment made to a recipient/applicant shall be in the form of in-kind benefits, in-kind orders, vouchers, EBT issuance, checks or warrants.

2.86.360 Administrative discontinuance or denial.

Aid shall be discontinued or denied under any of the following circumstances:

A. The recipient abandons his/her residence in the county;

B. Department mail addressed to the recipient at the address provided is returned to the department marked "Undeliverable" at such address;

C. The recipient's whereabouts are unknown to the department;

D. The recipient becomes ineligible for aid;

E. The recipient requests that aid be discontinued or voluntarily withdraws his/her application;

F. The recipient dies;

G. The recipient fails to keep his/her interview appointment with the department;

H. The recipient fails to comply with any of the eligibility requirements of this chapter.

2.86.370 Aid payments--Changes in general assistance grants.

A. Changes in the grant shall be made when a recipient of general assistance becomes eligible for aid in a different amount because of altered circumstances.

B. A change in aid shall be made effective with the next regular pay date following knowledge by the worker of circumstances warranting said changes.

2.86.380 Aid payments--Lost, forged or stolen warrants.

If a warrant has been cashed and the money lost or stolen, no replacement of the warrant or issuance of orders shall be permitted. If benefits are skimmed off of an Electronic Benefits Transfer (EBT) card, the benefits will be reissued after the recipient completes the EBT 2259 Report of Electronic Theft of Cash Aid form and verifies that he/she has filed a report with law enforcement. Prior to benefit reissuance, the assigned worker will review the benefit issuance history in the CalSAWs automated case management system with a supervisor. Supervisor approval is required for all reissuances. Skimming claims will only be reissued once in a 36-month period.

2.86.400 Fair administration--Disclosures--Overpayment.

The department shall administer this program fairly to the end that all eligible persons who apply for assistance shall receive aid promptly within forty-five (45) days of application, with due consideration for the needs of the applicants/recipients and the safeguard of public funds.

A. Any applicant for or recipient of aid under this chapter shall be informed as to the provisions of eligibility and his/her responsibility for reporting facts material to a correct determination of eligibility, continuing eligibility and grant.

B. Any applicant for or recipient or payee of, aid under this chapter shall be responsible for reporting accurately and completely all facts required of him/her pursuant to subsection (A) of this section, and for reporting promptly any changes of those facts.

C. Any person who makes full and complete disclosure of those facts as explained to him/her pursuant to subsection (A) of this section is entitled to rely upon the aid granted as being accurate, and the warrant he/she receives as correctly reflecting the grant and award except as provided in subsections (D) and (E) of this section.

D. Overpayment(s) due to administrative error, misrepresentation of information required by this chapter, or negligent failure to report facts may be adjusted over a period of time following discovery of said overpayment until total recoupment occurs. Overpayment adjustment(s) shall be at the rate of ten (10) per cent of the monthly general assistance grant paid to the recipient.

E. Overpayment(s) due to willful failure to report as required, or due to fraud shall result in immediate discontinuance of aid if the person is otherwise ineligible for general assistance. If the recipient continues to meet all of the general assistance eligibility criteria, said overpayment(s) shall be recouped at no less than ten (10) percent of the monthly general assistance grant, nor more than twenty (20) percent, based upon the individual circumstances as subject to the fair hearing procedures in Section 2.86.470.

2.86.430 Records--Maintenance of.

The department shall maintain a case record for every recipient and/or applicant. For those applicants whose request(s) for assistance were denied, such case records shall include the applicant's name and address plus the reason(s) for the denial.

2.86.440 Records--Confidentiality.

All general assistance records shall be confidential, and shall not be opened to examination or inspection except by the grand jury of the county, or by a board or an officer of the state or county charged with the administration, supervision or direction of the general assistance program, or upon written waiver by the applicant or recipient.

2.86.450 Records--Destruction of.

Except as otherwise provided, all inactive case records that are over three (3) years old may be destroyed. All records pertaining to denial of initial eligibility may be destroyed after three (3) years.

2.86.460 Fraud in obtaining aid.

Whenever any person has, by means of false statements or representation, or by impersonation or other fraudulent device obtained aid under this chapter, the matter shall be referred to the district attorney's office for appropriate action.

2.86.470 Hearing--Opportunity for.

An applicant for or recipient of general assistance dissatisfied with any action(s) of the department relating to withholding, denial, discontinuance and/or recoupment of overpayment(s) of aid shall be accorded a fair hearing upon filing a timely request with the department.

2.86.480 Notice of proposed action.

A. The department shall issue a notice of proposed action whenever it intends to withhold, decrease or impose a denial, discontinuance and/or recoupment of overpayment of aid. In all cases except where an initial denial is involved, this notice shall be personally delivered or mailed to the applicant and/or recipient at least ten (10) calendar days prior to the effective date of the proposed action, with the exception of all reasons listed in Section 2.86.360 (A),(C),(E) and (F).

1. In the event that aid is being discontinued for any reason, the department shall hold the case open until after the notice period has ended.

2. The department, after giving a notice of proposed action, may hold and not mail or otherwise give out a warrant for the grant which would otherwise be sent during the notice period for any reason set forth in Section 2.86.360, unless a request for fair hearing has been timely filed on or before the date of the proposed action, and the recipient has adequately explained to the department that the reason(s) for holding the warrant is not valid.

B. In the case of a notice mailed at least ten calendar days prior to the effective date of the proposed action, there shall be a rebuttable presumption that the notice was timely given.

C. The notice of proposed action shall include all alleged acts in the record known to the department at the time the action is proposed. The notice shall describe, with reasonable particularity, the act or acts which form the basis for the proposed action. It shall also cite those provisions of this chapter, or the regulations/policies promulgated thereunder, which are relied upon by the department to support its proposed action(s). (Ord. 1550(part), 2002).

2.86.490 Request for hearing.

A claimant or an authorized representative may request a fair hearing. This request may be made in written form, or by filling out a request for fair hearing form, located on the back of each Notice of Proposed Action. available at the department of social services' office, or orally, as specified by the director in department regulations. It shall be made within seven (7) calendar days of the date of hand-delivery, or ten (10) calendar days from the date of mailing of the notice of proposed action. If no request for a hearing is either delivered to the department of social services, or postmarked within that period, no hearing shall be granted except in cases of certified illness, hospitalization, incarceration or other good cause satisfactorily shown to the director.

2.86.500 Aid paid pending.

If a claimant, except in the case of an initial denial of aid, or an authorized representative makes a timely request for a hearing, and for aid paid pending, aid shall be continued pending the department's receipt of the hearing decision. A decision shall be deemed to have been received by the recipient when either it is hand-delivered to the recipient, or three days after the decision has been mailed. (Ord. 1550(part), 2002).

2.86.510 Hearing--Notice of hearing--When held.

A. After a hearing has been requested, a time shall be established, and shall be at the department of social services, unless changed at the discretion of the director. Timely notice shall be given the applicant/recipient indicating the day, date, time and place of the hearing. The applicant/recipient shall also be notified of his/her right to be represented by counsel, to call witnesses and present evidence on his/her behalf, to review the department's position paper prior to the hearing.

B. Where an applicant for general assistance is denied aid, a hearing shall be calendared within seven (7) days from receipt of the request.

C. All hearings shall be held within fifteen (15) calendar days of the request.

2.86.520 Impartial hearing officer.

The director shall designate as an impartial hearing officer a person who is not involved in the administration of the general assistance program, but who may be a department employee.

2.86.530 Hearing--Hearing rights.

The applicant or recipient shall be advised in the notice of proposed action of said applicant's/recipient's rights to counsel or other representation, to review pertinent records and regulations at least five (5) working days prior to the hearing, to present testimony and documentary evidence, to cross-examine all witnesses, to have the proceedings tape-recorded and to provided a translator for the hearing if the recipient has a language problem.

2.86.540 Informality, evidence, appearance and counsel.

The hearing shall be conducted in an impartial and informal manner. All evidence shall be submitted under oath or affirmation. The hearing officer is not bound by the rules of evidence or procedures applicable to judicial proceedings. The applicant/recipient shall attend the hearing in person, and may be represented by counsel or by a representative.

2.86.550 Hearing decision.

The hearing officer shall:

(Ordinance No. 1840)

(07/11/2023)

A. Render a written decision within seven (7) calendar days of the hearing decision indicating factual findings and grounds for the decision. Such decision shall be based solely upon evidence presented at the hearing, and specifically state the facts upon which it was based, the authority relief upon and other reason(s) for the decision.

B. Render the decision to the applicant/recipient, where possible, immediately upon conclusion of the hearing, and furnish him/her a copy at that time. The decision must set forth with reasonable particularity the basis for said decision.

C. Mail the decision to the applicant/recipient if an immediate decision cannot be rendered.

2.86.560 Hearing--Finality--Effect of nonappearance--Recoupment.

A. The results of all hearings are considered final, and there is no further right of administrative appeal.

B. When neither the applicant/recipient nor the authorized representative appears for the scheduled hearing, it is presumed that the applicant/recipient ceases to contest the decision. The withholding, decrease, denial, discontinuance and/or recoupment of overpayments of aid will, therefore, be affected. The applicant or recipient may, for good cause shown, make a written request or oral request as specified the director's regulations, for a second hearing within fifteen days of the scheduled date for the first hearing. Such hearing must specify the good cause for nonattendance at the first hearing. This provision is satisfied by evidence of any of the following:

1. Verified hospitalization;
2. Verified illness;
3. Incarceration; or
4. Other good cause satisfactorily shown to the director.

No aid shall be paid pending the second hearing.

C. A claimant whose challenge of a department decision is denied after a fair hearing shall be subject to recoupment of all aid paid pending the fair hearing.

SECTION 2. This ordinance or a summary thereof shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty (30) days after the date hereof.

The foregoing Ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 11th day of July, 2023, by the following vote:

AYES: Jeffrey Brown, Brian Oneto, Patrick Crew, Frank U. Axe, Richard Forster

NOES: None

ABSENT: None



Jeffrey Brown, Chairman, Board of Supervisors

ATTEST:
JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California



Deputy