



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Salinas, seconded by Supervisor Armenta, and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 12-239 to:

- a. Approve modification of terms for the General Assistance Program in regards to cooperation with the County SSI Advocacy Program;
- b. Replace reference for Social Services with Social and Employment Services;
- c. Change time period for filing formal appeals;
- d. Change CalWORKs time limits; and
- e. Remove reference to Natividad Medical Center

PASSED AND ADOPTED on this 28th day of August 2012, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on August 28, 2012.

Dated: August 30, 2012
File Number: RES 12-0075

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock

Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 12-239

A Resolution of the Board of Supervisors of Monterey)
County Amending the terms for the General Assistance)
Program effective July 1, 2012 to clarify language in)
regards to cooperation with the County SSI Advocacy)
Program, replace reference for Social Services with Social)
and Employment Services, and change period for filing)
formal appeals.....)

WHEREAS, Division 9, Part 5, (Commencing with Section 17000) of the Welfare and Institutions Code of the State of California requires that the Board of Supervisors establish standards and policies for the relief and support of indigent and dependent residents of Monterey County; and

WHEREAS, the existing standards and policies established by this Board are in need of revision;

NOW, THEREFORE, BE IT RESOLVED:

- I. That this Boards resolution number 03-155, adopted May 6, 2003, is hereby rescinded effective July 1, 2012.
- II. That, effective July 1, 2012, the care and support of indigent and dependent residents of Monterey County shall be governed by the standards, policies, and procedures set forth in the following sections, which this board believes and declares, are adopted in accordance with provisions of Division 9, Part 5, of the Welfare and Institutions Code.
- III. That these standards and policies shall be known collectively, as the General Assistance (GA) Program.
- IV. That the Director of Social and Employment Services shall perform the necessary administrative, investigative, supervisory, and other duties and functions of the program as specified in Section 17006 of the Welfare and Institutions Code.
- V. That the Director of Social and Employment Services shall cooperate with established private charitable and community organizations in planning and caring for dependent County residents.

VI. General Provisions

- A. The aid and care governed by the provisions of this resolution shall not be construed as to apply to medical care, burials, or grave maintenance, which are provided for elsewhere.
- B. Names, addresses, and all other information concerning the circumstances of any individual for whom or by whom information is obtained is confidential and shall be safeguarded. No disclosure of any information held by a representative, agency, or employee of the County in the course of discharging his or her duties shall be made, directly, or indirectly, other than in the administration of the program, or as provided by State law.
- C. All otherwise eligible persons entitled to receive aid and benefits without regard to race, color, religion, political affiliation, national origin, martial status, or sex.
- D. An applicant for or recipient of County aid, whose aid the Department of Social and Employment Services proposed to, or does, reduce, suspend, or terminate, may appeal a denial of such aid, or any reduction of the amount thereof, in the following manner and subject to the following provisions:
 - 1. First, to the worker's supervisor, and if the appellant is dissatisfied with the decision of the unit supervisor, he/she may then appeal to the Department's Program Manager or designee. Each such appeal shall be oral and informal, and the respective decision of such review person shall be rendered as promptly as possible.
 - 2. Second, if the appellant is dissatisfied with the decision of the Department's said supervisor, he/she may file a formal appeal, in writing, to the County Director of Social and Employment Services, within thirty (30) days after the decision of said supervisor. The Director, or his/her designee, shall hold a hearing thereon within ten (10) days. After the conclusion of such hearing, the Director or his/her designee, shall prepare written finding of fact and conclusions of law, which shall constitute his/her decision on such appeal. A copy of such decision shall promptly be mailed or other wise delivered to the appellant.
 - 3. If the appeal to the Director involves the suspension, reduction, or termination of County aid, as distinct from an original application of aid, the original amount of such aid shall be restored to the appellant pending the disposition of his/her appeal

if it was suspended, reduced, or terminated, and the appeal involves an issue of judgment as opposed to fact or law.

E. Recovery of Assistance:

1. The County shall have all the powers now or hereafter granted to counties by state law to obtain reimbursement for aid given pursuant to this resolution, in addition to the powers specifically mentioned herein.
2. County aid shall not be granted to any person unless the person and any spouse executes, in person or by a duly authorized representative, an agreement to reimburse the County for the amount of value of all aid that may be granted. This agreement shall include the following.
 - a) The recipient and any spouse shall promise to repay the County as soon as they are able, and shall begin making payments to the County as soon as they have assets and/or income in excess of what is needed to provide for their living expenses. The amount of each such payment will be the maximum amount possible, after payment of the necessary living expenses, or a lesser amount if the Director of Social and Employment Services so agrees.
 - b) The recipient and any spouse shall grant to the County a lien on all of their joint and separate property, both real and personal, including the presently owned and after-acquired property, to secure payment of any and all aid that may be granted to such recipient, provided however, that a lien will not be taken on property that is exempt by law from such lien. In addition, they shall, at the request of the County at any time, execute in the presence of a notary or otherwise any further documents necessary to establish, perfect or clarify the existence of any lien on any property, whether such property is owned at the time the agreement is signed or acquired afterward.
 - c) The recipient and any spouse shall each waive any statute of limitations on the County's right to enforce the agreement or to foreclose on any lien granted in or pursuant to the agreement.

- d) Upon discontinuance of the case, the recipient and any spouse shall notify the County whenever either of them obtains employment, receives or acquires any assets and/or income that are more than enough to provide for the necessary living expenses. The Director may specify reporting requirements that are less stringent than this, if the Director deems such changes appropriate.
 - e) Any lien required of the recipient and his/her spouse may be in the form of a standard deed of trust or in such other forms as the Director may approve.
 - f) The agreement shall be binding upon successors, heirs, executors, personal representatives, and assignees of the recipient and spouse.
3. The Director of Social and Employment Services may waive all or any part of the requirements on item 2 in individual cases if the Director finds that such requirements would be incapable of being put into practice.
4. The County will comply with all limitations on the enforcement of liens and the collection of reimbursement for County aid that are now or may be hereafter established by State Law. See Welfare and Institutions Code (W&I), Sections 17111, 17300, 17401, and 17409.
5. Whenever a recipient or spouse holds an interest in property as a joint tenant, as a life tenant, or in any other form of co-ownership that terminates upon the death of such recipient or spouse or upon any other contingency, and the County desires to take a lien on such property to secure payment of the recipient's or spouse's obligation to the County, the County may require that the other joint or co-owners consent to the lien, or that the recipient obtain an interest in the property as a tenant in common, as a condition of granting aid.
6. In order to protect the County's lien against any contingency that might otherwise terminate or defeat the lien or diminish its value, the County may require that the recipient or spouse assign to the County and/or its Director of Social and Employment Services or any other appropriate County official, through the granting of an irrevocable power of attorney or otherwise, (a) the right to sever any joint tenancy or other joint or co-ownership interest, (b) the right to create a tenancy in

common or other joint or co-ownership interest, (c) the right to enter into agreements with other co-owners of the property and other holders of liens or encumbrances on the property to preserve the County's lien and encumbrances on the property or to change any priorities among the various liens and encumbrances on the property, (d) the right to commence or defend litigation to protect the County's liens, including but not limited to partition actions and quiet title actions, and (e) the right to take any other action that the County reasonably concludes is necessary to protect its lien.

7. Pre-Lien Enforcement Hearing:

- a) Before the County enforces any lien granted to it to secure reimbursement of General Assistance, the person whose property is subject to the lien (*the "contestant"*) shall have a right to a hearing, as provided in this paragraph.
- b) The contestant may request a hearing at any time before the property subject to the lien is taken or sold by the County pursuant to the lien, in order to contest the amount of money the lien secures or to raise any defenses that may be available. At the hearing, the contestant may present evidence either on his/her own behalf or through or with the assistance of an attorney or other representative.
- c) In order to request a hearing, the contestant must file a written request for hearing with the County Administrative Officer (CAO). The CAO or his/her designee shall set the matter for hearing within ten (10) working days after the request is received by the CAO's office and shall immediately notify the contestant by mail of the date selected. The hearing shall not be held later than twenty (20) working days from the receipt of the request for hearing, unless the contestant consents to a later date.
- d) The CAO or his/her designee shall act as hearing officer. At the conclusion of the hearing, the hearing officer shall prepare a summary record of the proceedings and recommend findings, conclusions, and a decision. Copies of the record and proposed findings, conclusions, and decision shall be filed with the Clerk of the Board of Supervisors.

- e) Within thirty (30) days after the record and recommended findings, conclusions, and decisions are filed with the Board of Supervisors, the Board shall review the record and either accept or reject the recommended findings, conclusions, and decision. The Board shall affirm, modify, or reverse the decision. If the Board modifies or reverses the decision, it shall make its own independent findings, conclusions, and decision relating to the case.
- f) The decision of the Board shall be final. If the contestant disagrees with the decision, he/she may file an action in court to challenge it.

F. The Director of Social and Employment Services is Authorized to:

1. Establish and carry out a work experience program pursuant to Section 17200 of the W&I Code and require that indigents work as a condition of relief (except in the case of an application for emergency aid). Work performed by a recipient under this program shall be considered a reimbursement of the amount granted at the value of the current Federal or State minimum wage, whichever is higher.
2. Establish work search and frequency of work registration requirements for employable recipients as conditions warrant.

G. Aid Shall be Given through either County Warrant, Direct Deposit, or Vendor Payment(s). Vendor Payments may be used when:

1. It is determined that reasonable grounds exist for believing that the applicant/recipient will not apply money from aid (General Assistance) exclusively toward the purchase of the necessities of life.
2. Where the applicant has only recently arrived in the County and no substantial evidence indicates that the applicant will become a permanent resident of the County.
3. Where it is determined that the applicant is in immediate need of the necessities of life.

H. Medical Examinations:

1. Medical examinations, when required by these standards and policies, shall be performed by qualified personnel designated by the County Director of Social and Employment Services, unless there is good cause to require or permit such examination elsewhere.

VII. Eligibility Requirements per Person:

To be eligible for aid, every person shall meet all of the following requirements and restrictions:

- A. Residence - Eligible individuals must be residents of Monterey County. No durational period of residence in the County is required. A person establishes residence in the County by physical presence for purposes that are not temporary in nature. Residence, once established, continues until the person leaves the County and establishes residence elsewhere.
- B. Citizenship and Alienage - Eligible individual must be a Monterey County resident who is either:
 1. A citizen of the United States (U.S.) (as defined for eligibility determination purposes to include persons who, though not U.S. citizens, are nationals of the U.S. by reason of birth in certain unincorporated U.S. Territories such as American Samoa or the American Virgin Islands), or
 2. An alien who is admitted for permanent residence, or
 3. An alien who is permanently residing in the U.S. as a conditional entrant (refugee) pursuant to Section 203(a) (7) of the Immigration and Nationality Act.
- C. Employment and Training – Eligible Individuals Must Cooperate with General Assistance Employment and Training Program Established Pursuant to W&I Code Section 17200, Unless Otherwise Granted Good Cause or Exempted from Participation.
 1. Refusal, without good cause, to register for and accept employment or manpower services under this section is cause for discontinuance or denial of General Assistance eligibility. Good cause includes, but is not limited to, physical or mental illness, disability, injury or advanced age sixty-five (65) or older, pregnancy, or required in-home care for children under the age of six (6).

2. Refusal to work, as a condition of aid, in a work experience program established under this section is cause for discontinuance. Persons incapacitated by disability, age (65 years or older), illness or accident, may be exempted from this requirement. Additionally, persons exempt from work registration under paragraph 1 above may also be exempted from this requirement.
 3. Exemptions from participation may be granted for participation in training programs and/or community supervised programs, including but not limited to, on the job training and/or schooling.
- D. Utilization of Other Resources – General Assistance is a Support of Last Resort and Eligible Individuals are Required to Pursue Other Means of Support.
1. Take all action necessary to obtain other available income, including, but not limited to: State and Federal Public Assistance, a relative's offer or contribution of support, benefits available to veterans of military service, Social Security (SSA/SSI), or Unemployment Insurance Benefits (UIB).
 2. No person shall be eligible for GA if such a person would be eligible for another State or Federal public assistance entitlement program including, but not limited to, CalWORKs, Social Security (SSA/SSI), Cash Assistance Program for Immigrants (CAPI), CalFresh, or Veterans Benefits, but is made ineligible for other such program(s) because the person's conduct violates conditions of eligibility for such other program, or that otherwise removes the person from eligibility for such other program. Any person who is ineligible for a Federal or State cash aid program, due to a sanction, shall be ineligible for GA for the length of the sanction.
 3. It is required that any applicant/recipient receiving an exemption from the GA Employment and Training Program due to a verified disability, cooperate with the County's SSI Advocacy Program in the attempt to acquire SSI disability payments.
 4. Any person who is ineligible for a Federal or State cash aid program due to an expiration of time limits shall be

ineligible for GA until all of the children of the individual on whose behalf aid was received, whether or not currently living in the home with the individual, reach eighteen (18) years of age, or older.

5. If, when owed a legal support by another, does not unreasonably neglect or refuse to enforce, or permit the enforcement of such a duty of support.
- E. Non-Residency in Drug/Alcohol Mental Health Treatment Facility – Residents in a drug and/or alcohol and/or mental health residential treatment facility which is a community care facility that requires a license under Chapter 3 (commencing with Section 1500) of Division 2 of the State of California are not eligible for GA.
- F. Medical Examination and Treatment - Each applicant for and recipient of GA shall, when requested by the Director of Social and Employment Services or designee, submit to a medical examination in order to evaluate any medical condition that might impair the examinee's ability to work. The examination shall include any diagnostic testing deemed necessary by the physician and approved by the Director. If the examining physician concludes that: (1) the applicant or recipient suffers from a medical condition that impairs the person's ability to work and, (2) if the condition were properly treated, the person's ability to work would be restored, then the Director or designee may require that the applicant or recipient receive such treatment, as a condition of initial or continuing GA eligibility.
1. The cost of such treatment or examination shall be borne by the County, unless a third party payment source is available. If the applicant or recipient fails to submit to the examination, or if the applicant or recipient is found to require medical treatment and fails to participate fully in the medical treatment program, then GA may be denied or terminated until such time as the applicant or recipient complies with these requirements or participates in the work program.
 2. If the examining physician from Natividad Medical Center (NMC) concludes that the indigent inpatient suffers from a medical condition that requires Board and Care (B&C) placement upon their release from NMC; the maximum B&C payment level established by (a) the Federal Government for Supplemental Security (SSI) (b) the State Government for Supplemental Security Program (SSP); and (c) the Board of Supervisors will be paid if all other GA eligibility criteria are met. The cost of such treatment shall be borne by the County, unless a third party payment source is available.

VIII. Eligibility Requirements per Household

To be eligible for aid at least one member of every household shall meet the following requirements and restrictions:

A. Property Limits

1. Be the legal or equitable owner of real or personal property, not excluded in this resolution, having a combined net market value of \$1,000 or less. The following types of property shall be exempt for purposes of determining said limit.
 - a) Real or personal property used as a home.
 - b) Household furniture and appliances.
 - c) Clothing.
 - d) Tools and vehicle necessary for the individual's trade.
 - e) Equity in a motor vehicle of \$500 or less.
 - f) A burial plot, vault, or crypt, for use by the applicant or recipient.
2. Use the real property of the applicant's or recipient's household to realize income commensurate with its value or to meet the applicant's or recipient's shelter need. ("Commensurate" is defined as net income of at least 6% per year of the market value of the property.) If the above use of the property is not practical, steps leading toward the sale of property will meet the utilization requirement.
3. Own \$100 or less in liquid resources. This includes cash on hand or in savings and checking accounts and other financial instruments including but not limited to securities, stocks, bonds, mutual fund shares, cash surrender value of insurance policies, promissory notes, mortgages, and deeds of trust.

B. Income

1. Have money/income, from all sources, which is less than the basic standard of assistance established by the Board of Supervisors.
2. Receive support, other than money, from others, the immediate cash value of which, by itself or when added to his/her money/income, does not exceed the standard of assistance as adopted by the Board of Supervisors.
3. The following income shall be exempt from consideration in determining the amount of entitlement:

- a) Income provided in-kind to meet need items other than shelter, utilities, food, clothing, transportation, household operations, and personal needs from any source.
- b) Income in-kind from tax-exempt charitable organizations.

IX. Aid Payment Standards and Procedures

The Standards of Assistance for the GA program shall be set and may be adjusted annually pursuant to W&I Code, Section 17000.5.

A. General Assistance (Regular)

1. The amount of monthly payment for an eligible person residing in his/her own home shall be determined as follows:

- a) Determine the combined total anticipated expenses for shelter, utilities, transportation, food and personal needs; however, under no circumstances shall this amount exceed the maximum standard of assistance as adopted by the Board of Supervisors.
- b) Determine the net non-exempt income anticipated to be available to the applicant/recipient.
- c) Subtract the net non-exempt income from the amount determined in (a) above. The difference, if any, shall be the amount of aid a person or family is entitled.

2. The amount of monthly payment for an eligible person in a board and care home, nursing home, or similar facility, shall be the amount negotiated with the facility, less the amount of the recipient's net non-exempt income from other sources for that month, subject to the pertinent maximum payment levels established by an appropriate rate-setting body, including: Federal Government for Supplemental Social Security Income (SSI), the State Government for Supplemental Security Program (SSP), and the Board of Supervisors.

3. The amount of assistance paid to a student attending high school who has been excluded from the CalWORKs grant, due to the requirement to graduate

prior to the 19th birthday, will be the same rate as in the CalWORKs case.

4. Overpayments of aid shall be adjusted by reducing the amount of a recipient's grant, if any, to that which he/she might otherwise be eligible during the month(s) following the month of discovery of the overpayment. Restitution of any unadjusted amounts shall be demanded of the recipient.
5. Underpayments shall be adjusted no later than the month following the month of discovery of underpayment.
6. The amount of payment for a partial month of aid shall be prorated.
7. The amount of aid for a single adult GA recipient who shares housing expenses with others shall be the lesser of the actual expenses, or the payment standard reduced by 15% if expenses are shared with one person, 20% if shared with two people, and 25% if expenses are shared with three or more people.

B. General Assistance (Temporary)

1. Aid to persons who are not Monterey County residents shall only be given pending the return of such persons to the State or County of their residence, and, in any event, for a period of not more than fifteen (15) days, and in an amount not to exceed one hundred dollars (\$100) per person.
2. The eligibility of non-residents shall be determined by the same standards as are prescribed in this resolution for County aid to its residents, except that residence in the County is not required.
3. The County may incur all reasonable and necessary expenses in transporting eligible non-residents to their places of residence if no other funds are available for such purpose.
4. Employable single persons and couples without children are not eligible for GA Temporary.

5. Eligibility for GA Temporary aid shall be determined by the same standards as are prescribed in this resolution, except that (a) residence in this County is not required, (b) eligibility requirements may be waived by the Director of Social and Employment Services or his/her designee, and (c) the Director of Social and Employment Services or his/her designee may authorize an amount of aid in excess of the \$100 maximum, not to exceed the regular payment standard in extenuating circumstances.

C. Emergency Aid Payments

1. Except for prohibitions and limitations listed below, emergency aid may be granted for the limited relief of a financial crisis related to the urgent needs of an individual(s) for food, shelter, clothing, utilities, transportation, employment, health or safety in an amount not to exceed seventy-five (\$75.00) dollars
2. Such emergency aid is non-continuing and on a one time basis when income is, in fact, not immediately available for the relief of urgent needs.
3. Such emergency aid may not be used to (a) augment need items covered by State or Federally shared programs, (b) cover poor money management, or (c) augment regular GA allowances.
4. Eligibility for Emergency Aid shall be determined by the same standards as are prescribed in this resolution, except that (a) residence in this County is not required, (b) eligibility requirements may be waived by the Director of Social and Employment Services or his/her designee and may authorize an amount of aid in excess of the seventy-five (\$75.00) dollars maximum, not to exceed the regular payment standard in extenuating circumstances.

**GENERAL ASSISTANCE PROGRAM
STANDARDS OF ASSISTANCE**

Number of Persons	Maximum Payment
1	\$302
2	\$493
3	\$611
4	\$728
5	\$829
6	\$931
7	\$1023
8	\$1114
9	\$1204
10 or more	\$1293

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Armenta, and carried this 28th day of August 2012, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on August 29, 2012.

Dated: August 30, 2012
File Number: RES 12-0075

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy