



Monterey County Board of Supervisors

Board Order

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

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

Adopted Resolution 17-233 to:

- a. Authorize the adoption of a policy for the relief and support of indigent and dependent residents of Monterey County (Attachment A);
- b. Provide the Department of Social Services and County Administrative Office with direction on strategies for financing the estimated \$776,143 increased costs of the modified General Assistance Program policy; and
- c. Direct the Department of Social Services and the County Administrative Office to return to your Board with final financing recommendations by September 26, 2017.

PASSED AND ADOPTED this 18th day of July 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams

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 80 for the meeting July 18, 2017.

Dated: July 18, 2017

File ID: RES 17-133

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. 17-233

Authorizing the adoption of a policy for the)
relief and support of indigent and dependent)
residents of Monterey County.....)

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, it is necessary and appropriate for the Board of Supervisors to consider and update the current established standards and policies for that purpose; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Supervisors of the County of Monterey as follows:

1. The above recitals are true and correct.
2. The policy set forth in Attachment A, incorporated herein by reference, is hereby established.

PASSED AND ADOPTED upon motion of Supervisor Alejo, seconded by Supervisor Parker and carried this 18th day of July 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams
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 80 for the meeting on July 18, 2017.

Dated: July 18, 2017
File Number: RES 17-133

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

By Denise Hancock
Deputy

ATTACHMENT A

Monterey County Policy regarding the Care and Support of Indigent and Dependent Residents of Monterey County

Effective immediately, 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 are adopted in accordance with provisions of Division 9, Part 5, of the Welfare and Institutions Code.

I. GENERAL PROVISIONS

- A. These standards and policies shall be known collectively, as the General Assistance (GA) Program.
- B. The Director of Social Services shall perform the necessary administrative, investigative, supervisory, and other duties and functions of the program as specified in Section 17000 - 17409 of the Welfare and Institutions Code.
- C. The Director of Social Services shall cooperate with established private charitable and community organizations in planning and caring for dependent County residents.
- D. The Director of Social Services is authorized to: 1) establish and carry out a work experience program pursuant to Section 17200 of the Welfare & Institutions Code and require that GA recipients work as a condition of eligibility for GA regular aid; and 2) establish work search and frequency of work registration requirements for employable recipients as conditions warrant.
- E. The Welfare & Institutions Code allocates authority to the Board of Supervisors to set the General Assistance maximum grant amount so long as it meets the minimum baseline grant level prescribed in regulations. Therefore, the Board of Supervisors has the authority to increase the grant in any amount up to the minimum level for Monterey County.

II. GENERAL ASSISTANCE PROGRAM

- A. The General Assistance program is by nature a residual assistance program for those persons who are ineligible for aid under any federal or state program which is designed to meet all of the applicant/recipient's needs. It is in large part an emergency assistance program to be used when other resources are not available or cannot be developed to meet the needs of the applicant(s).
- B. Any person who believes they are eligible for General Assistance or emergency aid has the right to apply and shall be allowed to complete an

application and provide all necessary documents required in the application process or in the determination of continuing eligibility.

- C. The aid and care governed by the provisions of this resolution shall not be construed as to apply to burials, grave maintenance, or medical care (except as provided for herein).
- D. 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.
- E. All otherwise eligible persons are entitled to receive aid and benefits through the GA program without regard to race, color, religion, political affiliation, national origin, marital status, or sex.
- F. Eligibility Requirements per Person

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

1. 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.
2. Citizenship and Alienage: Eligible individual must be a Monterey County resident who is either:
 - a. 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
 - b. An alien who is admitted for legal permanent residence, or
 - c. 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.
3. Employment and Training: Eligible individuals must cooperate with the GA Work Experience Program established pursuant to W&I Code Section 17200, unless otherwise granted good cause or exempted from participation. Work performed by a recipient under this program shall be considered a reimbursement of the amount granted at the

value of the current locally applicable state minimum wage.

- a. Refusal, without good cause, to register for and accept employment 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, age (65 years or older), or pregnancy.
- b. Refusal to participate in job search or a work experience program established under this section is cause for discontinuance of aid. Persons incapacitated by physical or mental illness, disability, injury, age (65 years or older), or pregnancy, may be exempted from this requirement.
- c. Exemptions for participation in the GA Work Experience Program for reasons of physical or mental illness, disability, injury, age (65 years or older), or pregnancy require a Medical Examination as provided for herein.
- d. 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.

III. UTILIZATION OF OTHER RESOURCES

The GA program is a support of last resort and eligible individuals are required to pursue other means of support. These requirements include:

A. Eligibility:

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. Participate in the County's SSI Advocacy Program for all applicants/recipients receiving an exemption from the GA Work Experience Program due to a verified disability is required. The County's SSI Advocacy Program works with the applicant/recipient to acquire SSI disability payments.

B. Ineligibility:

1. No person shall be eligible for aid under the GA program 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), 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.

2. 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. Exceptions may be made for assistance under the GA Emergency Program.
3. Any person who is ineligible for Federal or State cash aid through the CalWORKs program due to an expiration of time limits is ineligible for the GA program. This ineligibility shall continue 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.
4. Any person is ineligible for GA program aid when they unreasonably neglect, refuse to enforce, or refuse to permit the enforcement of collection when owed a legal support by another (i.e. child support or spousal support).
5. 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 ineligible for the GA program.

IV. MEDICAL EXAMINATION AND TREATMENT

- A. Each applicant for and recipient of GA shall, when requested by the Director of Social Services or designee, submit to a medical examination (applicant/recipient may go to their own qualified physician or a county designated physician) 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.
- B. 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.
- C. The cost of such treatment or examination shall be borne by the County, unless a third-party payment source is available.
- D. 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.

V. ELIGIBILITY REQUIREMENTS PER INDIVIDUAL

A. Property Limits:

Be the legal or equitable owner of real or personal property, not excluded in this resolution, having a combined net market value of \$2,250 or less. The following types of property shall be exempt for purposes of determining said limit.

1. Real or personal property used as a home.
2. Household furniture and appliances.
3. Clothing.
4. Tools and vehicle necessary for the individual's trade.
5. Equity in a motor vehicle of \$2,250 or less.
6. A burial plot, vault, or crypt, for use by the applicant or recipient
7. Own \$340 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 Limits:

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 basic standard of assistance established 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.

VI. AID DISBURSEMENT

A. Aid Shall be Given through either County Warrant, Vendor Payment(s), vouchers, or other automated payments that may become available in the future. 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. It is determined that the applicant has resided in the County for less than 15 calendar days and there is no substantial evidence to indicate that the applicant will become a permanent resident of the County.

3. It is determined that the applicant is in immediate need of the necessities of life which can be more effectively provided for through vendor payment or other means.

VII. AID PAYMENT STANDARDS AND PROCEDURES

The Standards of Assistance for the GA program shall be set and may be adjusted pursuant to W&I Code, Section 17000.5. These Standards of Assistance establish maximum budgeting standards for housing and other necessary expenses.

A. General Assistance – Regular

1. The amount of monthly payment for an eligible person shall be determined as follows:
 - a. Determine the net non-exempt income anticipated to be available to the applicant/recipient.
 - b. Subtract the net non-exempt income from the maximum available GA benefit. The difference, if any, shall be the amount of aid a person is entitled.
2. The amount of payment for a partial month of aid shall be prorated based on the potential beginning date of aid, in a 30-day calendar month.

B. General Assistance – CalWORKs Excluded Student

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.

C. General Assistance – Board and Care

1. If an examining physician from Natividad Medical Center (NMC) concludes that an indigent inpatient suffers from a medical condition that requires Board and Care (B&C) placement upon their release from NMC or if a Department of Social Services Adult Protective Services worker has a case plan to protect a vulnerable adult client, the GA Board and Care program may be authorized if all other GA eligibility criteria are met.
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: Supplemental Social Security Income/Supplemental Security Program (SSI).

D. General Assistance –Temporary

1. Aid to persons who are not Monterey County residents shall only be given aid 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 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.
3. 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 Services or their designee, and (c) the Director of Social Services or their designee may authorize an amount of aid in excess of the \$100 maximum, not to exceed the regular payment standard in extenuating circumstances.

E. General Assistance - Emergency Services

1. Motel Vouchers

- a. GA Emergency Services may be used to support the immediate shelter needs of vulnerable individuals and families referred by social workers from the Department of Social Services Child Welfare program and Adult Protective Services program or to provide shelter in inclement weather when other emergency shelter resources are not immediately available.
- b. Inclement weather is defined as cold and wet weather with temperatures under 45 degrees Fahrenheit and rain either the day/night before or forecast for that day/night or a forecast of rain.
- c. The Department of Social Services shall establish a list of approved motels that will accept GA motel vouchers and are authorized to participate in the GA Emergency Services program.

F. Emergency Cash Assistance

1. Except for prohibitions and limitations listed below, emergency cash assistance 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 one-hundred (\$100.00) 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 Cash Assistance 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 Services or his/her designee and may authorize an amount of aid in excess of the one-hundred (\$100.00) dollars maximum, not to exceed the regular payment standard in extenuating circumstances.

G. Overpayments and Underpayments

1. An overpayment exists when a recipient receives more than they are entitled to receive. Overpayments of aid shall be adjusted by reducing the amount of a recipient's grant (but shall not exceed 10% of the recipient's grant), 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.
2. An underpayment exists when a recipient receives less than they are entitled to receive. Underpayments shall be adjusted no later than the month following the month of discovery of underpayment.

VIII. GENERAL ASSISTANCE PROGRAM STANDARDS OF ASSISTANCE

Standard of Assistance:

Monthly Payment

\$340

IX. APPEAL PROCESS FOR REDUCTION, SUSPENSION, DENIAL OR TERMINATION OF GENERAL ASSISTANCE

An applicant for, or recipient of, the GA program, whose aid the Department of Social Services reduces, terminates, or denies may appeal such action in the following manner and subject to the following provisions:

- A. A written Notice of Action will be sent to the applicant/recipient of any action that affects their eligibility, duration of benefits, including denials, termination of benefits or benefit levels. The 'effective date' will be listed in the Notice of Action.
- B. A request for a conference with representatives of the County Department of Social Services GA Program may be requested and scheduled in order to discuss any Notice of Action. This initial conference can resolve issues without the need for a formal appeal. Scheduling and attending a conference does not affect the right to a formal appeal. If the applicant/recipient is able to show that the action is incorrect or is able to

establish good cause for a failure, the action shall be rescinded within three (3) business/working days.

- C. A Notice of Action decision may also be formally appealed directly to the Department of Social Services, if the claimant is dissatisfied with the decision on the Notice of Action. Once an appeal has been filed and the hearing granted, the applicant/recipient is referred to as the 'claimant.' A request for an appeal must be made in writing, or the back of the Notice of Action can be completed and returned within thirty (30) calendar days after the effective date listed on the Notice of Action.
- D. A request for an appeal hearing (or any portion of the request) may be denied in writing by sending a letter to the claimant, when one of the following exists: The issue is not within the jurisdiction of the Department of Social Services appeals process; The request for hearing is filed beyond the 30 calendar day time limit (with no good cause found); The appeals hearing officer determines at the hearing that the claimant or authorized representative is unwilling to present the case; The appeals hearing officer determines that the identical facts have been the subject of a previous hearing involving the claimant, within the previous twelve months; The requestor of the hearing does not have standing to request the hearing; The claimant abandons the hearing by failing to confirm or appear at the hearing without good cause.
- E. If an appeal is granted, a hearing will be scheduled in front of a hearing officer and the claimant may present written evidence or witness testimony on their behalf. The claimant may have someone represent them at the hearing, if that person is identified on the written request for an appeal. A decision will not be made at the appeal hearing. The appeal hearing officer will mail the decision within thirty (30) calendar days after the appeal hearing.
- F. If the claimant disagrees with the decision of the hearing officer, the claimant may file a written request for review by the Director of the Department of Social Services or their designee. The Director or their designee will review the decision and case file and make a final decision.

X. AID PAID PENDING

When a recipient files an appeal prior to the effective date of the county's proposed action, aid shall be continued in the original amount the recipient would have been paid prior to discontinuance or reduction. Recipients who file an appeal and receive aid paid pending must continue to comply with all GA eligibility and program requirements, including participation in Job Search/Work Experience Program pending the appeal decision. Any aid paid pending becomes part of the repayable GA amount. Aid paid pending shall not be paid or shall cease if: The appeal is withdrawn or abandoned; The appeal is denied or dismissed; The appeal hearing officer determines that the issue is one of law or regulation or change in law or regulation and not of incorrect application of the law or regulation; The claimant, without good cause, requests that the hearing be

postponed; The appeal is rescheduled after the claimant and/or authorized representative fail to appear without good cause; A final decision has been adopted; Negative action unrelated to the hearing issues is proposed after an appeal has been filed and the claimant does not file a timely appeal on the new issue; The eligibility renewal period expires.

XI. RECOVERY OF ASSISTANCE

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.

- A. GA program 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:
- 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 pursuant to the agreement.
- D. 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.
- E. The agreement shall be binding upon successors, heirs, executors, personal representatives, and assignees of the recipient and spouse.
- F. The Director of Social Services may waive all or any part of the requirements specified herein for individual cases, if the Director finds that such requirements would be incapable of being put into practice.
- G. The County will comply with all limitations on the enforcement of liens and the collection of reimbursement for GA program aid that are now or may be hereafter established by State Law and/or the Welfare and Institutions Code (W&I).

XII. PRE-LIEN ENFORCEMENT HEARING

- A. Before the County enforces any lien granted to it to secure reimbursement of GA program aid, 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.