

**RESOLUTION NO. 47-15**

**APPROVING IOWA OFFSET PROGRAM APPEAL PROCESS**

**WHEREAS**, the City of Laurens participates in the Iowa Offset Program as provided for within Chapter 8A of the Iowa Code, and

**WHEREAS**, the Iowa Offset Program provides a means for the City to collect debts due the City by way of capturing moneys due a debtor from the State of Iowa, and


**WHEREAS**, debtors are provided an opportunity to appeal the offset of their funds to the City, and while the City has an unwritten appeal process in place it would be beneficial and appropriate for the City Council to approve a written policy in that regard, and

**WHEREAS**, a written policy has been prepared and is attached hereto and incorporated within this Resolution by this reference as if same had been set forth fully verbatim herein, and

**WHEREAS**, the City Council of the City of Laurens, Iowa, finds that the Iowa Offset Appeals Process policy sets forth a fair policy in accordance with Iowa Code 8A.504 and 11 Iowa Administrative Code (IAC) 40.4 and should, therefore, be approved.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Laurens, Iowa, that the attached Iowa Offset Appeal Process policy is approved.

**PASSED AND APPROVED** this 5<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
Rich Newgard, Mayor Pro-Tem

Attest:

  
\_\_\_\_\_  
Barbara Smith, City Clerk

**City of Laurens  
Iowa Offset Program Appeal Process**

**PURPOSE:**

The purpose of this Policy is to establish procedures to be employed during the appeal of a proposed offset of an individual or entity indebted to the City under the Iowa Offset Program.

**SCOPE:**

This Policy shall apply in all situations where an individual or entity wishes to appeal the offset, by the City, of moneys owed the individual by the State of Iowa that have been held up for payment by the State of Iowa Offset Program pursuant to Chapter 8A of the Iowa Code.

**PROCEDURE:**

Upon the receipt of Notice by the City, from the State Offset Program, of a “hit”, meaning that funds are owed by the State of Iowa to a person or entity whose name was submitted to the State by the City of Laurens as owing money to the City, the City shall:

1. Notify the person/entity in writing at their last known address of the “hit” and of their right to request an appeal with the City of Laurens.
2. In the event written notice of appeal is received the following appeal/hearing process will be followed:
  - a. The Appeal shall be heard by the City within fourteen (14) days of the receipt of the written appeal.
  - b. An attempt will be made to work with the appellant to schedule the appeal hearing on a date and time that will work for them, however, all hearings will be held between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.
  - c. In the event that the appeal involves a City utility related billing, the appeal shall be heard by the City Manager, Deputy City Clerk, and the Utility Billing Clerk. After their consideration of the testimony and/or evidence presented by the appellant a decision shall be made within three (3) days with written notice of the decision being sent to the appellant by regular mail.
  - d. In the event that the appeal involves any other City related billing or debt, the appeal shall be heard by the City Manager, Deputy City Clerk, and the Public Works Director. After their consideration of the testimony and/or evidence presented by the appellant a decision shall be made within three (3) days with written notice of the decision being sent to the appellant by regular mail.

**This Policy was reviewed and approved by the City Council on the 5<sup>th</sup> day of  
October, 2015 by Resolution 47-15 to take effect immediately.**