

## ORDINANCE NO. 2024-12

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EAGLE GROVE, IOWA, BY ADDING A NEW SECTION AUTHORIZING USE OF THE STATE INCOME SETOFF PROGRAM

BE IT ENACTED by the City Council of the City of Eagle Grove, Iowa:

**SECTION 1. NEW SECTION.** The Code of Ordinances of the City of Eagle Grove, Iowa, is amended by adding a new Section 7.09, entitled SETOFF PROGRAM PROVISIONS, which is hereby adopted to read as follows:

**7.09 SETOFF PROGRAM PROVISIONS.** This section shall establish policies and procedures for the City pursuant to Section 421.65 of the *Code of Iowa*, to allow the City to utilize and invoke the setoff program provisions of the State for collection of debts owed to the City and for which the City has provided the obligor with an opportunity to contest.

1. Definitions. The following terms are defined for use in this section:

A. "Department" means the Iowa Department of Revenue.

B. "Obligor" means a person, not including a public agency, who has been determined to owe a qualifying debt.

C. "Public agency" means a board, commission, department, including the Department of Revenue, or other administrative office or unit of the State or any other State entity reported in the Iowa Annual Comprehensive Financial Report, or a political subdivision of the State, or an office or unit of a political subdivision. Public agency does include the Clerk of the District Court as it relates to the collection of a qualifying debt. Public agency does not include the general assembly or Office of the Governor.

D. "Public payment" means any claim a public agency owes to an obligor.

E. "Qualifying debt" means any of the following:

(1) Any debt, which is assigned to the Department of Health and Human Services, or which is owed to the Department of Health and Human Services for unpaid premiums under Section 249A.3(2)(a)(1) of the *Code of Iowa*, or which child support services is otherwise attempting to collect, or which foster care services of the Department of Health and Human Services is attempting to collect on behalf of a child receiving foster care provided by the Department of Health and Human Services.

(2) Any debt which is in the form of a liquidated sum due, owing, and payable to the Clerk of the District Court.

(3) Any liquidated sum certain, owing and payable to a public agency, with respect to which the public agency has provided the obligor an opportunity to protest or challenge the sum in a manner in compliance with applicable law and due process, and which has been determined as owing through the challenge or protest, or for which the time period provided by the public agency to challenge, or protest has expired.

2. Memorandum of Understanding. The City shall enter into a memorandum of understanding with the Department which shall outline the program guidelines for use of the State Setoff Program.

3. Qualifying Debt. The Clerk shall only certify to the Department qualifying debt as approved by the Department through the completion of a qualifying debt questionnaire and for which the City has provided appropriate documentation showing the City's legal authority for charging, implementing a fine or fee for violation of, or imposing costs related to the abatement of certain conditions when appropriate legal authority exists to the City. The qualifying debt questionnaire may be updated from time to time as required by the City to add or remove qualifying debt or as needed by the Department.

4. Due Process. Prior to submission of a debt to the Department the City shall provide the obligor due process as outlined in this section prior to the submission of a debt:

A. With respect to the qualifying debt, the City shall provide the obligor with 15 days' advance written notice to the obligor's last-known address. Such notice shall provide the obligor with a minimum period of 15 days in which they may file an appeal in writing to the Clerk.

B. Upon receipt of a written request for an appeal on a debt to be submitted to the Setoff Program the Clerk shall schedule a hearing with the Council for the next regularly scheduled meeting and notify the obligor of the hearing date and time at least five days in advance of the hearing.

C. At the time and date of the hearing, the Council shall hear any evidence brought forth by the obligor and shall examine the City's file regarding the matter. The Council shall make a ruling upon a majority vote of the members in attendance.

D. If the qualifying debt is upheld by the Council and the debt has not yet been paid by the obligor, the Clerk may certify the delinquency to the Department pursuant to the Section 421.65 of the *Code of Iowa* and the memorandum of understanding between the City and the Department.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the 5<sup>th</sup> day of August, 2024, and approved this 5<sup>th</sup> day of August, 2024.

Mark Boyd  
Mayor

ATTEST:

Byya Davis  
City Clerk

First Reading: August 5, 2024

Second Reading: Waived

Third Reading: Waived

2024-12

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the 20<sup>th</sup> day of August, 2024.

[Signature]  
City Clerk

**AFFIDAVIT OF PUBLICATION**

State of Texas, County of Bexar, ss:

Hayden Lipsky, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Eagle Grove Eagle, a newspaper printed and published in the City of Eagle Grove, County of Wright, State of Iowa, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

**PUBLICATION DATES:**

Aug. 22, 2024

**NOTICE ID:** v8HnEUCgbvenCFw4wd19

**NOTICE NAME:** Ordinance No. 2024-12

**Publication Fee:** 53.45

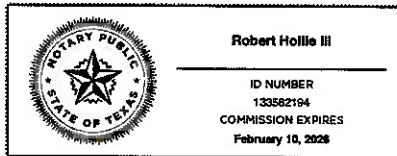
The annexed Ordinance No. 2024-12 notice was published in said paper once each week for 1 consecutive weeks.

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

(Signed) Hayden Lipsky

**VERIFICATION**

State of Texas  
County of Bexar



Subscribed in my presence and sworn to before me on this: 08/23/2024

Notary Public  
Electronically signed and notarized online using the Proof platform.

SUMMARY OF ORDINANCE NO. 2024-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EAGLE GROVE, IOWA, BY , BY ADDING A NEW SECTION AUTHORIZING USE OF THE STATE INCOME SETOFF PROGRAM. On August 05, 2024, the City Council of Eagle Grove, Iowa passed an ordinance, and a summary is as follows: SECTION 1. NEW SECTION. The Code of Ordinances of the City of Eagle Grove, Iowa, is amended by adding a new Section 7.09, entitled SETOFF PROGRAM PROVISIONS, which is hereby adopted to read as follows: 7.09 SETOFF PROGRAM PROVISIONS. This section shall establish policies and procedures for the City pursuant to Section 421.65 of the Code of Iowa, to allow the City to utilize and invoke the setoff program provisions of the State for collection of debts owed to the City and for which the City has provided the obligor with an opportunity to contest. 1. Definitions. The terms are defined for use in this section: 2. Memorandum of Understanding. The City shall enter into a memorandum of understanding with the Department which shall outline the program guidelines for use of the State Setoff Program. 3. Qualifying Debt. The Clerk shall only certify to the Department qualifying debt as approved by the Department through the completion of a qualifying debt questionnaire and for which the City has provided appropriate documentation showing the City's legal authority for charging, implementing a fine or fee for violation of, or imposing costs related to the abatement of certain conditions when appropriate legal authority exists to the City. The qualifying debt questionnaire may be updated from time to time as required by the City to add or remove qualifying debt or as needed by the Department. 4. Due Process. Prior to submission of a debt to the Department the City shall provide the obligor due process as outlined in this section prior to the submission of a debt: A. With respect to the qualifying debt, the City shall provide the obligor with 15 days' advance written notice to the obligor's last-known address. Such notice shall provide the obligor with a minimum period of 15 days in which they may file an appeal in writing to the Clerk. B. Upon receipt of a written request for an appeal on a debt to be submitted to the Setoff Program the Clerk shall schedule a hearing with the Council for the next regularly scheduled meeting and notify the obligor of the hearing date and time at least five days in advance of the hearing. C. At the time and date of the hearing, the Council shall hear any evidence brought forth by the obligor and shall examine the City's file regarding the matter. The Council shall make a ruling upon a majority vote of the members in attendance. D. If the qualifying debt is upheld by the Council and the debt has not yet been paid by the obligor, the Clerk may certify the delinquency to the Department pursuant to the Section 421.65 of the Code of Iowa and the memorandum of understanding between the City and the Department. SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.  
By Order of the City Council, Bryce Davis, City Clerk  
Published in the Eagle Grove Eagle on August 22, 2024