

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: Sheriff's Department *[Signature]* SHERIFF

BOARD AGENDA # *B-10(a)

Urgent Routine

AGENDA DATE March 25, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on April 22, 2008, at 9:15 a.m. to Introduce and Waive the First Reading of an Ordinance to Amend the Indigent Cremation/Burial Fees to Cover Basic Costs Of Cremation and/or Burial in the Sheriff's Department Coroner's Division

STAFF RECOMMENDATIONS:

Set a public hearing on April 22, 2008, at 9:15 a.m. to introduce and waive the first reading of an ordinance to amend the Indigent Cremation/Burial Fees to cover basic costs of cremation and/or burial in the Sheriff's Department Coroner's Division.

FISCAL IMPACT:

In Fiscal Year 2006-2007 the Coroner's Division processed 55 indigent cases at a contracted fee of \$560 with Ceres Cemetery and Eaton Family Funeral & Cremation Service, for a total cost of \$30,800 (55 x \$560 = \$30,800). The current fee that is allowable for this service is \$133.50. Using the current rate of \$133.50 that is charged for indigent cases, the revenue for the year was \$7,342.50, which is a deficit of \$23,457.50 to the General Fund. In the last six months the number of indigent cases has been reduced to only 10 cases at a cost of \$5,600. The Coroner's Division has adopted criteria to determine indigence, which has reduced the demand for the program. To date, only one family has paid the \$133.50 fee.

BOARD ACTION AS FOLLOWS:

No. 2008-208

On motion of Supervisor Grover, Seconded by Supervisor DeMartini and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

[Signature: Christine Ferraro]

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-G-7

Approval to Set a Public Hearing on April 22, 2008, at 9:15 a.m. to Introduce and Waive the First Reading of an Ordinance to Amend the Indigent Cremation/Burial Fees to Cover Basic Costs Of Cremation and/or Burial in the Sheriff's Department Coroner's Division

DISCUSSION:

For well over 10 years the Sheriff's Department Coroner's Division contracted with Lakewood Funeral Home to provide indigent burial/cremation services at a cost of \$133.50. This was an extremely competitive rate that Lakewood was contractually obligated to honor, even though their cost to provide the basic service was higher.

In May 2007 the Coroner's Division was notified of the sale of Lakewood to another mortuary provider, which released Lakewood from the contracted rate. The new mortuary company gave notice that the rates were going to increase to \$595.00

At that time the Coroner's Division began researching other contracts to provide indigent burial cremation services. Currently the Coroner is contracting with Ceres Cemetery for \$220.50 and with Eaton's Funeral Home for \$339.50 overall cost of \$560.00.

The Coroner's Division attempted to recover the increased cost for services, but the Auditor-Controller advised that the only fee they could recognize was the original \$133.50. The Sheriff's Department reviewed all of their records and could not find any formal adoption of Indigent Cremation/Burial Fees for the Coroner.

Due to the low fee, local hospitals were routinely referring families to the Coroner's Division for burial services. This caused a record number of 79 cases in 2007, more than quadrupling the usual indigent caseload. The larger number of cases inundated Lakewood Funeral Home and the Coroner's Division staff. It is anticipated that the Coroner will receive fewer indigent referrals from local hospitals in the future because of newly-adopted requirements for indigent services, including the criteria used by the Health Services Agency to determine indigent status. If a family is determined to be indigent the remains are interred in a public cemetery and the family pays nothing. If the family is determined not to be indigent they will pay \$560.00, plus the \$175.00 transfer fee adopted by the Board on April 24, 2007 in order to recover the remains. The purpose is to capture the costs of doing business while providing indigent services for those truly qualifying for the program.

The Coroner's Division proposes the following fee structure:

	Current	Proposed
Indigent Removal:	Deputy Coroners	Funeral Home
Indigent Paperwork:	Deputy Coroners	Deputy Coroners
Coroner Cost:	\$133.50	\$560.00
Transfer:	\$ 0.00	\$175.00
Family Cost:	\$133.50	\$735.00
Ashes back to Family:	Returned to family if Coroner cost is paid	Returned to family if Coroner cost is paid

A survey was conducted of Coroner's fees for counties similar to Stanislaus as detailed in the following chart:

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2008 Indigent Program	Fresno Pop: 891,756	Kern Pop: 780,117	Monterey Pop: 410,206	Sacramento Pop: 1,374,724	San Joaquin Pop: 673,170	Solano Pop: 411,680	Sonoma Pop: 466,891	Ventura Pop: 799,720
Indigent Removal	Contract Service	Contract Service	Contract Service	Contract Service	Contract Service	Contract Service	Contract Service	Contract Service
Indigent Paperwork	Coroner	Coroner/ Public Administrator	Coroner	Coroner	Coroner	Coroner	Coroner	Public Administrator
Coroner Cost	270.33	265.00	205.00	707.00	480.00	595.00	580.00	437.50 - 687.50
Cremation	700.00	225.00	205.00	307.00	480.00	495.00	included	225.00
Transfer	100.00	75.00-125.00	165.00	400.00	90.00	100.00	included	212.50
Other	Death Certificate - 12.00	40.00	0.00	0.00	0.00	0.00	0.00	Grave - 250.00
Family Cost	812.50	225.00	0.00	707.00	Varied	0.00	0.00	437.50
Ashes back to Family	Returned to family if Coroner cost is 0paid.	Returned to family if cremation cost is paid.	Returned to family at no cost.	Not returned unless family not originally known; Coroner cost to be paid.	Returned to family if storage and urn cost is paid.	Returned to family at no cost.	Not returned unless arranged through Funeral Home.	If placed in grave - No, otherwise yes if Coroner cost is paid.

AUTHORITY:

Section 7104.1 of the Health and Safety Code is the authority for the Coroner to recover internment expenses:

“If, within 30 days after the coroner notifies or diligently attempts to notify the person responsible for the internment of a decedent’s remains, which are in the possession of the - coroner, the person fails, refuses, or neglects to inter the remains, the coroner may inter the remains. **The coroner may recover any expenses of the internment from the responsible person.**”

PUBLIC HEARING:

Pursuant to Government code section 54985, the County is required to hold a scheduled public hearing prior to levying a new fee or increasing an existing fee.

POLICY ISSUES:

An ordinance of the Board of Supervisor’s is required to increase or establish fees. The Board

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must decide the potential impacts on the community and whether the request will assist the Sheriff's Department in meeting the Board's priority of ensuring a safe community and efficient government operations.

STAFFING IMPACT:

There is no staffing impact associated with this item.

ORDINANCE NO. C.S. _____

AN ORDINANCE TO AMEND THE INDIGENT CORONER'S FEE ORDINANCE

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Section 4.20.010 of the Stanislaus County code is amended to read as follows:

“Pursuant to Sections 27472 and 54985 of the Government Code the fee to be charged and collected by the coroner of the county, or by his or her designee, for removing the body of a deceased person and maintaining custody of the body of such deceased person which the coroner has taken custody of pursuant to law, shall be: one hundred seventy-five dollars. Provided however, no fees shall be imposed: (1) Upon a person who seeks to obtain recovery of the remains of the deceased if that person can establish indigency pursuant to the applicable provisions of the Welfare and Institutions Code; or (2) In cases in which the body is that of a child not more than fourteen years of age; or (3) In cases in which the coroner ascribes the death to the criminal act of another, unless the coroner has reasonable grounds to believe that the deceased person was involved in any criminal activity which contributed to his or her own death.”

Section 2. Section 4.20.020 is added to the Stanislaus County Code to read as follows:

“Pursuant to Sections 7104 and 7104.1 of the Health and Safety Code, when no provision is made by a decedent, or where the decedent's estate is insufficient to provide for internment and the duty of internment does not devolve upon any other

person residing in the state or if such other person cannot, after reasonable diligence be found within the state, the person who has custody of the remains may require the coroner of the county where the decedent resided at the time of death to take possession of the remains and the coroner shall inter the remains in the manner provided for the internment of indigent dead. If the deceased person is an indigent, the cost associated with disposition of the remains shall be borne by the county exercising jurisdiction over the remains. Provided, however, that if within thirty (30) days after the coroner notifies or diligently attempts to notify the person responsible for the internment of a decedent's remains, which remains are in the possession of the coroner, and that responsible person fails, refuses, or neglects to receive and inter the remains, the coroner may inter the remains and may recover any expenses of the internment from said responsible person."

Section 3. This ordinance shall be published once before the expiration of fifteen (15) days after passage of this ordinance, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California, and the ordinance shall take effect thirty (30) days from and after the date of its passage.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus,

State of California, and the ____ day of _____ 2008, by the following called
vote.

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

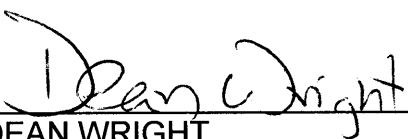
Tom Mayfield, Chairman of the
Board of Supervisors of the County of
Stanislaus, State of California

ATTEST:

CHRISTINE FERRARO TALLMAN
CLERK OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

By _____
Deputy

APPROVED AS TO FORM:
Michael H. Krausnick
County Counsel

By  _____
DEAN WRIGHT
DEPUTY COUNTY COUNSEL

Approval to Set a Public Hearing on April 22, 2008, at 9:15 a.m. to Introduce and Waive the First Reading of an Ordinance to Amend the Indigent Cremation/Burial Fees to Cover Basic Costs Of Cremation and/or Burial in the Sheriff's Department Coroner's Division

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on April 22, 2008 at 9:15 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Board of Supervisors Chambers, Lower Level, 1010 10th Street, Modesto, California, to consider approval to Introduce and Waive the First Reading of an Ordinance to Amend the Indigent Cremation/Burial Fees to Cover Basic Costs of Cremation and/or Burial in the Sheriff's Department Coroner's Division.

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinance will be available for review on March 25, 2007, in the Clerk of the Board Office, 1010 10th Street, Suite 4700, Modesto, CA. For further information, contact Gina Leguria, Stanislaus County Sheriff's Department at (209) 567-4466 or at 250 E. Hackett Road, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the above noticed time and place, interested persons will be given an opportunity to be heard. Interested persons may also submit written comments or materials to Stanislaus County regarding the proposed increase in fee. If a challenge is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors.

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on April 22, 2008, at 9:15 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider:

- A. Approval to Introduce and Waive the First Reading of an Ordinance to Amend the Indigent Cremation/Burial Fees to Cover Basic Costs of Cremation and/or Burial in the Sheriff's Department Coroner's Division (for further information, contact the Gina Leguria, Stanislaus County Sheriff's Department at (209) 567-4466 or at 250 E. Hackett Road, Modesto, CA)
- B. Approval to Introduce and Waive the First Reading of an Ordinance Establishing A New Fee for the Social Security Number Truncation Program in the Clerk-Recorder 's Department (for further information, contact the Clerk-Recorder's Office at (209) 525-5211 or at 1021 I Street, Modesto, CA)
- C. Approval to Introduce and Waive the First Reading of an Ordinance Establishing Fees for the Stanislaus County Assessment Appeals Board (for further information, contact the Clerk of the Board Office at (209) 525-4494 or at 1010 10th Street, Suite 6700, Modesto, CA)
- D. Approval to Introduce and Waive the First Reading of an Ordinance Establishing New Fees and Amending Existing Fees for the Department of Environmental Resources (for further information, contact Denise Wood at (209) 525-6700, erweb@envres.org, or at 3800 Cornucopia Way, Suite C, Modesto, CA)

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinances and Fee Schedules will be available for review on April 11, 2008, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.


NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 25, 2008

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:


Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident
Of the County aforesaid; I am over the age of
Eighteen years, and not a party to or interested
In the above entitle matter. I am a printer and
Principal clerk of the publisher
of **THE MODESTO BEE**, printed in the City
of **MODESTO**, County of **STANISLAUS**,
State of California, daily, for which said
newspaper has been adjudged a newspaper of
general circulation by the Superior Court of the
County of **STANISLAUS**, State of California,
Under the date of **February 25, 1951, Action
No. 46453**; that the notice of which the annexed is
a printed copy, has been published in each issue
there of on the following dates, to wit:

APRIL 11, 17, 2008

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at
MODESTO, California on

APRIL 17, 2008


(Signature)

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A. Approval to Introduce and Waive the First
Reading of an Ordinance to Amend the Indigent
Cremation/Burial Fees to Cover Basic Costs of Cre-
mation and/or Burial in the Sheriff's Department
Coroner's Division (for further information, contact
the Gina Leguria, Stanislaus County Sheriff's De-
partment at (209) 567-4466 or at 250 E. Hockett
Road, Modesto, CA)

B. Approval to Introduce and Waive the First
Reading of an Ordinance Establishing A New Fee
for the Social Security Number Truncation Program
in the Clerk-Recorder's Department (for further
information, contact the Clerk-Recorder's Office at
(209) 525-5211 or at 1021 I Street, Modesto, CA)

C. Approval to Introduce and Waive the First
Reading of an Ordinance Establishing Fees for the
Stanislaus County Assessment Appeals Board (for
further information, contact the Clerk of the Board
Office at (209) 525-4494 or at 1010 10th Street, Suite
6700, Modesto, CA)

D. Approval to Introduce and Waive the First
Reading of an Ordinance Establishing New Fees
and Amending Existing Fees for the Department of
Environmental Resources (for further information,
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Carnucopia Way, Suite C, Modesto, CA)

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someone else raised at the public hearing described
in this notice, or in written correspondence deliv-
ered to the Board of Supervisors.

BY ORDER OF THE BOARD OF SUPERVISORS
DATED: March 25, 2008
ATTEST: CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors of the County of
Stanislaus, State of California.
BY: Elizabeth A. King, Assistant Clerk
APRIL 11, 17, 2008

ORA-55-6-11
ORA-55-6-8
ORA-55-6-7