

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: Sheriff's Department

BOARD AGENDA # 9:15 a.m. (a)

Urgent

Routine

AGENDA DATE April 22, 2008

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Public Hearing to Consider the Introduction and Waiving the First Reading of an Ordinance to Amend the Indigent Cremation/Burial Fees in the Sheriff's Department, Coroner's Division, to Cover Basic Costs of Cremation and/or Burial

STAFF RECOMMENDATIONS:

Approve the introduction and waive the first reading of an ordinance to amend the Indigent Cremation/Burial Fees in the Sheriff's Department, Coroner Division, to cover basic costs of cremation and/or burial

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. 2008-292

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith 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) X Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Introduced and waived the first reading of Ordinance C.S. 1034

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-G-7

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 |

Public Hearing to Consider the Introduction and Waiving the First Reading of an Ordinance to Amend the Indigent Cremation/Burial Fees in the Sheriff's Department, Coroner's Division, to Cover Basic Costs of Cremation and/or Burial
Page 3 of 4

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

| 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 paid. | 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 interment expenses:

“If, within 30 days after the coroner notifies or diligently attempts to notify the person responsible for the interment 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 interment 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.

Public Hearing to Consider the Introduction and Waiving the First Reading of an Ordinance to Amend the Indigent Cremation/Burial Fees in the Sheriff's Department, Coroner's Division, to Cover Basic Costs of Cremation and/or Burial
Page 4 of 4

POLICY ISSUES:

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