



**Health & Human Services  
Agency  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

CONNIE CONWAY  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** December 9, 2008

Public Hearing Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>			
CONTACT PERSON: Jason Britt    PHONE: 737-4660			

**SUBJECT:** Rescission of Resolution No. 93-0796 and adoption of new resolution regarding the Indigent Burial Policy.

**REQUEST(S):**  
That the Board of Supervisors:

1. Rescind Resolution No. 93-0796.
2. Ratify and adopt a resolution to update the Indigent Burial Policy, including the increase of payment to funeral homes for cremation and burial from \$400 to \$700.

**SUMMARY:**  
The Tulare County General Assistance Program is responsible for paying local funeral homes for the cremation of a deceased indigent. The current rate of \$400 was adopted in 1993. Since the adoption of this rate, there have been no increases in this payment amount to cover increased costs incurred by the funeral homes for cremations. A recent survey of local funeral homes shows cremation costs in Tulare County range from \$795 to \$2,200 depending on the service provider. Tulare County Health and Human Services Agency (HHSA) proposes raising the payment amount to \$700.

**FISCAL IMPACT/FINANCING:**  
Currently HHSA pays for an average of 100 cremations per year. Increasing our rate to \$700 will cost an additional \$30,000 per year. This increase in cost is

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included in the Fiscal Year 2008/2009 budget. This is a net County cost.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic plan includes the Economic Well-Being initiative to promote and provide a business-friendly, can-do service ethic. This resolution increases the ability to fulfill this obligation.

**ALTERNATIVES:**

The Board could choose to not approve this resolution, but this is not recommended because the benefits to providing these services lie in accordance with the Strategic Plan for Tulare County.

**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

None

**ADMINISTRATIVE SIGN-OFF:**

  
\_\_\_\_\_  
Donnie Griffin  
Director Human Services

Cc: Auditor/Controller  
County Counsel  
County Administrative Office (3)

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**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

5 **IN THE MATTER OF:** )  
6 Rescission of Resolution No. 93-0796 ) **RESOLUTION NO.** \_\_\_\_\_  
7 and adoption of new resolution ) **AGREEMENT NO.** \_\_\_\_\_  
8 regarding the Indigent Burial Policy. )

9  
10 **WHEREAS**, pursuant to Welfare and Institutions Code Section 17009, the  
11 County may provide for the cremation of those persons lawfully residing within the  
12 County who die without funds, and may provide for the maintenance of the graves of  
13 such dead; and

14 **WHEREAS**, in recognition of this need, the Board, by Resolution 93-0796 and  
15 subsequent amendments has previously established a policy for eligibility regarding  
16 indigent burial and the standards for said indigent burials, and

17 **WHEREAS**, it is therefore necessary to rescind Resolution 93-0796;

18 **NOW THEREFORE, BE IT RESOLVED**, the following is hereby adopted  
19 effective December 1, 2008 as the Tulare County Indigent Burial Policy;

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21 **I. APPLICATIONS**

- 22 1. Applicants for an indigent burial shall be advised that cremation is the only  
23 method of burial provided by the County.  
24 2. Applications may be made by family members or other concerned individuals  
25 when the family does not accept the responsibility. In their absence, the  
26 responsibility to make burial arrangements becomes that of the Tulare County  
27 Coroner's Office.  
28 3. Upon receipt of an application for Tulare County to pay the cost of cremation,  
a determination of eligibility will be made by the Department.

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## II. SURVIVOR LIABILITY

The duty and the liability for payment of cremation costs are as follows:

1. The surviving spouse.
2. The surviving child or children of the decedent.
3. The surviving parent or parents of the decedent.
4. The Public Administrator when the decedent has sufficient assets.
5. The Veterans Administration when the decedent is a Veteran.

## III. ELIGIBILITY CRITERION

### 1. Residency:

- a. Decedent is a resident of Tulare County; or
- b. Decedent is a resident of Tulare County who died while temporarily in another county and for which no person will assume responsibility for burial and Tulare County will pay for the Indigent Burial in that county; or
- c. Decedent is a transient who died in Tulare County and for which no person will assume responsibility for burial.

### 2. Resources:

- a. The resources of the decedent, surviving spouse, surviving adult children or surviving parent(s) of minor or adult children will be evaluated to determine if eligible for a County burial by cremation.
- b. If resources are in excess of the dollar amount adopted by the Board the County will pay for a cremation, the application will be denied.
- c. Resources are defined as cash on hand, cash surrender value in insurance, stocks, bonds, or other readily tangible assets.
- d. A family unit may retain up to \$250 per individual in the family unit which is reserved for burial in the form of either an irrevocable trust or term insurance and if there are no other tangible assets that have been provided for burial.

### 3. Income:

- a. The income of the deceased, surviving spouse surviving adult children or surviving parent(s) of minor or adult children will be evaluated to determine if there is eligibility for a County cremation.

- 1 b. If the income of any individual family unit exceeds 100% of the Federal  
2 Poverty (FPL), as published in the Federal Register there is no eligibility, the  
3 application shall be denied by the Department.

4 IV. INTERMENT PROCESS

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6 When applications have been approved by the Department for County payment,  
7 the approval for interment of the cremains will be to the cemetery in the following  
8 order:

- 9 1. Indigent Cemetery located in Traver, CA.  
10 2. Cemetery District wherein the decedent has a burial plot in Tulare County.

11 V. COUNTY CEMETERY

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13 The Indigent Cemetery at Traver is to be used for all indigent burials.

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15 VI. SPECIAL REQUIREMENTS

- 16  
17 1. Cremated remains of all veterans shall be transferred to the responsibility of  
18 the Veterans Service Office for transfer to the nearest National Cemetery.  
19 2. Native Americans may have their cremains buried in a sacred Tribal Burial  
20 Ground of their Ancestry.  
21 3. The County Coroner's Office is instructed to exercise their authority to  
22 authorize a cremation in the absence of a family member or due to  
23 uncooperative family member(s). (Health and Safety Code Sections 71-04  
24 and 71-05)

25 VII. CEMETERY EXPENSES

26 The County will pay the cost of necessary cemetery expenses for the disposition  
27 of cremains not to exceed the rates established by each District Board of  
28 Directors wherein the decedent has a burial plot.

1 VIII. CREMATORY SERVICES COUNTY WIDE

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3 Crematory services are available in Visalia, Porterville, Lindsay, Tulare  
4 and Dinuba. The County will pay for such services upon approval of the  
5 application by the department.

- 6 1. The rates of payment for such services effective December 1, 2008  
7 shall be \$700.00.  
8 2. The maximum payment includes the costs for the following services:  
9 a. Removal of Body.  
10 b. Preservation of the body by refrigeration.  
11 c. Transportation and payment to the crematory.

12 IX. Cremains

13 Indigent cremains will remain in the possession of the County  
14 Coroner's Office.

- 15 1. Family member(s) or other concerned individuals, when the family does  
16 not accept responsibility, can take possession of the cremains. They will  
17 be asked to reimburse the County for all incurred costs.  
18 2. County will intern the cremains at the indigent Cemetery in Traver  
19 when cremains are not claimed.  
20 3. Cremains can be claimed after interment only if claimant pays for the  
21 opening and closing of the grave.

22 X. REIMBURSEMENT OF COUNTY FUNDS

23 In cases wherein the County makes payment for the cremation, the  
24 County will file with any other agency and/or person for reimbursement of  
25 the County monies whenever appropriate.

- 26 1. The estate of the decedent.  
27 2. Veterans Administration when the decedent was a veteran.  
28 3. Public Administrator's Office when the decedent had resources.  
4. If Public Guardian is the Conservator of the estate.  
5. Victim of Violent Crime Program.

1 Responsible parties will be advised of the availability of Social Security  
2 Death Benefits. They will be advised that an application for such benefits  
3 must be made and the proceeds made available to the County as  
4 reimbursement for the cremation costs paid by the County.

5 XI. INFORMING NOTICE

6 An Informing Notice will be made available to all applicants of General  
7 Relief Indigent Burial benefits. Such Notice shall advise the applicant of  
8 what the Indigent Burial benefit provides and what it does not provide.  
9 This Information Notice will also be provided to the local mortuaries by  
10 certified mail to help them in providing information to potential applicants  
11 for assistance in the Indigent Burial Program.

12 XII. CONSTRUCTION

13 None of the foregoing statements of policy shall be interpreted in such a  
14 manner that they are in conflict with any section of the Welfare and  
15 Institutions Code governing the indigent law of the State and other laws of  
16 the State and County.  
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1 **BE IT FUTHER RESOLVED**, that Tulare County Health and Human Services Agency,  
2 referred to as "HHSa", is hereby directed to administer said policy which shall include  
3 the responsibility to accept applications, to determine eligibility and, where appropriate,  
4 to authorize payment for the cremation and burial of a deceased indigent.

5 UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
6 SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
7 BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
8 \_\_\_\_\_, BY THE FOLLOWING VOTE:

9 AYES:  
10 NOES:  
11 ABSTAIN:  
12 ABSENT:

13 ATTEST: JEAN ROUSSEAU  
14 COUNTY ADMINISTRATIVE OFFICER  
15 CLERK, BOARD OF SUPERVISORS

16 BY: \_\_\_\_\_  
17 Deputy Clerk

18 \* \* \* \* \*

- 19
- 20 1. Rescinded Resolution No. 93-0796.
  - 21 2. Ratified and adopted a resolution to update the Indigent Burial Policy, including  
22 the increase of payment to funeral homes for cremation and burial from \$400 to  
23 \$700.  
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