

RESOLUTION NO. 2012-66
CREMATION OR BURIAL OF INDIGENT COUNTY RESIDENTS

WHEREAS, the Kootenai County Board of Commissioners desires to adopt uniform procedures for the cremation or burial of indigent County residents;

NOW, THEREFORE, BE IT RESOLVED by the Kootenai County Board of Commissioners that the following procedures shall be in effect from the date of this Resolution until further resolution of this Board:

A. DEFINITIONS.

1. Except as otherwise provided below, the definitions contained in Idaho Code § 31-3403 are hereby adopted and incorporated into this Resolution by reference herein.
2. “Board” shall mean the Board of County Commissioners of Kootenai County, Idaho.
3. “Family members” shall be defined to include the surviving spouse, mother, father, stepmother, stepfather, brother(s), sister(s), stepbrother(s), stepsister(s), adult children and adult stepchildren of the decedent.
4. “Funeral Home” shall mean any provider of cremation or burial services for decedents who were indigent Kootenai County residents at the time of death.
5. “Next of kin” shall be defined as the person(s) with the authority to control the disposition of the remains of a decedent as provided in Idaho Code § 54-1142.

B. REQUIREMENTS FOR ASSISTANCE.

1. A written application for assistance with expenses associated with cremation or burial services shall be filed in the Kootenai County Assistance Office on a form approved by the Board before such services are rendered.
2. The Board will only consider applications for assistance with payment of cremation or burial services for decedents who have been determined to have been a resident of Kootenai County and indigent at the time of death by Kootenai County Assistance pursuant to a properly filed application.
3. A claim for payment shall only be allowed after the Board has approved the application for assistance in accordance with Title 31, Chapter 34, Idaho Code.

C. RESTRICTIONS AND CONDITIONS.

1. Whenever payment for the cremation or burial of an indigent decedent has been authorized by the County as provided herein, no additional funds may be used to pay any costs associated with such cremation or burial except as provided herein.

2. All remaining personal funds belonging to decedents who were nursing home residents prior to death shall be remitted to the Funeral Home and applied to the cost of the cremation or burial.
3. Proceeds from the sale of any real property, personal property or any other assets of the decedent's estate must be used to reimburse the County for any assistance provided.
4. Services and merchandise included in the County cremation or burial plan shall not be upgraded, regardless of the ability of others to pay for them. The provision of incidentals by family or friends is permitted so long as the total amount provided does not exceed \$150.00.
5. The County maintains the right to seek reimbursement from family members and the decedent's estate if at any time the County determines that they, or any of them, may be able to reimburse any portion of the assistance granted.
6. Funeral Homes shall be responsible for the following:
 - a. Referring next of kin and/or other family members to the Kootenai County Assistance office, 451 N. Government Way, Coeur d'Alene, Idaho, to apply for County cremation or burial whenever a claim of inability to make financial arrangements is made.
 - b. A detailed explanation of the provisions and restrictions associated with a cremation or burial paid for by the County.
 - c. Receiving authorization from Kootenai County, prior to disposition, of payment for the services to be provided. Kootenai County shall not be responsible for payment of the costs of cremation or burial services that have not previously been authorized.
 - d. Coordinating efforts with the Kootenai County Coroner and Kootenai County Assistance to secure all necessary information, including information regarding the indigency of the decedent and all living family members, whenever the identity of the decedent is unknown or next of kin cannot be located.
 - e. Ensuring that all County cremations and burials are equal in quality of material and professional services.
 - f. Billing Kootenai County for the costs of the cremation or burial services provided in accordance with the authorized payment amounts set forth below.
7. The County will not assume the cost of transportation of the body of the decedent to or from any location outside Kootenai County.
8. The bodies of those indigent decedents for whom Kootenai County has responsibility may be disposed of by cremation or burial upon agreement of the Funeral Home and the next of kin or other family members.

9. As used in this chapter, “cremation services” shall not be deemed to include the interment of cremated remains in a tomb, vault, crypt, or mausoleum, nor the conducting of memorial or funeral services at Kootenai County expense.

D. DISPOSITION BY CREMATION.

Direct Cremation Without Viewing or Attended Rites or Services: \$700.00

Payment will be authorized for the following Funeral Home services:

- Transfer of the remains from the place of death to the Funeral Home within Kootenai County.
- Refrigeration of the decedent until cremation can take place within a reasonable period of time.
- Basic services of the funeral director and staff, including arrangement conference, and necessary paperwork, including death certificate and cremation authorization.
- Alternative cardboard cremation container for placing deceased in the crematory, and a minimum metal or plastic receiving urn.
- Use of the Crematory Retort for cremation and the processing and packaging of the cremated remains.

Personal family funds up to \$1,000.00 including insurance proceeds, social security death benefits and veteran's allowances may be used to pay the Funeral Home their charges for a viewing, or a memorial service, or upgrading the urn. Any services or upgrades beyond the \$1,000.00 limit would require the County to be reimbursed before such services or upgrades are furnished. Minimum incidentals including clergy honorarium, flowers, newspaper obituaries and certified copies of the death certificate in a total amount not to exceed \$150.00 may provide by family or friends. After one (1) year the family may provide a grave or niche marker.

E. DISPOSITION BY BURIAL.

Direct Burial Without Viewing or Attended Rites or Services: \$700.00

Payment will be authorized for the following Funeral Home services:

- Transfer of the remains from the place of death to the Funeral Home within Kootenai County.
- Refrigeration of the decedent until burial can take place within a reasonable period of time.
- Basic services of the funeral director and staff, including arrangement conference, and necessary paperwork, including death certificate and burial permit.
- A minimum cardboard or wood casket suitable for transportation and burial.

- Transportation to the place of burial within Kootenai County.

Personal family funds up to \$1,000.00 including insurance proceeds, social security death benefits and veteran's allowances may be used to pay the Funeral Home their charges for a viewing or a graveside service, or upgrading the casket. Any services or upgrades beyond the \$1,000.00 limit would require the County to be reimbursed before such services or upgrades are furnished. Minimum incidentals, including clergy honorarium, flowers, newspaper obituaries and certified copies of the death certificate in a total amount not to exceed \$150.00 may be provided by family or friends. After one (1) year, the family may provided a grave maker.

F. GENERAL PROVISIONS

1. The County will not provide assistance with the following incidentals:
 - a. clergy honorarium,
 - b. flowers,
 - c. burial clothing,
 - d. memorial book,
 - e. memorial folders,
 - f. thank you cards,
 - g. newspaper notice fees,
 - h. death certificate fees, or
 - i. other printed material.

Minimum incidentals may be provided by family or friends as set forth above.

2. In order to ensure minimum cost to Kootenai County, providers of cremation or burial services shall not provide the services described above to any individual, agency or other entity at a cost that is less than those stated above unless it also agrees to provide all future equivalent County indigent cremations or burials at the lesser cost.
3. Any deviation from the terms set forth in this Resolution shall automatically void any previous authorization for County payment of a cremation or burial.
4. The terms of this Resolution shall supersede, replace and repeal the terms of any prior ordinance or resolution in conflict herewith. Resolution 2004-34, adopted May 4, 2004, is specifically repealed.
5. The terms of this Resolution shall be applied in a manner that does not substantially burden the free exercise of religion in violation of the First Amendment to the United States Constitution, Article I, § 4 of the Idaho Constitution or Chapter 4 of Title 73, Idaho Code.

Upon a motion to adopt the text for the foregoing Resolution made by Commissioner _____, seconded by Commissioner _____, the following votes were recorded:

Commissioner Nelson:
Commissioner Green:
Chairman Tondee:

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho, on the 26th day of June 2012.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

**ATTEST:
CLIFFORD T. HAYES, CLERK**

W. Todd Tondee, Chairman

By: _____
Deputy Clerk

Daniel H. Green, Commissioner

Jai K. Nelson, Commissioner

c: Clerk, County Assistance