



OFFICE OF COUNTY COUNSEL
INTER-DEPARTMENT MEMORANDUM

TO: Dustin Bailey, Contracts and Procurements
FROM: Judith M. Kerr, Deputy County Counsel *JMK*
DATE: December 6, 2007
RE: Washoe County Agreement #611-S0710

The contract is approved as to legal form and the following information is provided in regard to some of the non-standard contract provisions for your consideration.

Written reports on "all autopsy and medical (external) examination cases conducted for El Dorado County will be completed in a timely manner..." It appears that other types of examinations such as those specifically excluded in the fees provision are not part of the services provided under the terms of this contract. Fees for autopsies and medical examinations do not include rates for "x-ray examinations, anthropology examinations, dental examinations, toxicology studies, other laboratory tests (i.e. metabolic tests, fluid chemistry studies, bacterial and viral cultures, subspecialty pathology examinations (i.e. neuropathology), transportation of decedents or legal consultation and testimony by the medical examiner in civil or criminal proceedings." As a result, these services are not covered by the agreement and another contract will be required if these services are necessary.

The contract contains a mutual indemnity provision.

The Records and Confidentiality provision does not address how records and documents will be returned to El Dorado County. In order to ensure security and confidentiality we recommend that protocols for the delivery of documents and records be addressed.

The laws of the State of Nevada and venue are in Nevada County and will control in any potential litigation.

JMK:kg
s:administration/contracts and procurements/washoecoroner2007