



Board Agenda Item 33

DATE: December 3, 2024

TO: Board of Supervisors

SUBMITTED BY: John Zanoni, Sheriff-Coroner-Public Administrator
Lisa A. Smittcamp, District Attorney

SUBJECT: Second Amendment to Master Agreement for Coroner Services

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a Second Amendment to Master Agreement No. 24-014 adding Dr. Cho Lwin, M.D. to the Agreement and increasing the Agreement maximum by \$125,000 to a total of \$2,625,000, with no change to the term of January 9, 2024 through January 8, 2029.

There is no additional Net County Cost associated with the recommended action. The Master Agreement, approved by your Board on January 9, 2024, engages certified Forensic Pathologists to provide Postmortem Autopsies and External Examinations for the Sheriff's Office and District Attorney's Office for case review, research, and other preparations for trial, and pretrial conferences with attorneys on cases that require testimony, as requested from the County. The First Amendment to Master Agreement No. 24-014 approved Kelly Kobylanski, DO, to be added to the Master Agreement, increased the Agreement compensation amount, and reduced the insurance requirements if a Contractor has no employees. Approval of the recommended action will amend the Master Agreement further to add Dr. Cho Lwin and increase the Agreement maximum compensation by \$125,000 to a total of \$2,625,000. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, Dr. Lwin will not be added to the agreement, causing a delay in Final Forensic Neuropathologic Diagnosis, helpful to Autopsy Forensic Pathologist Cause of Death and Manner of Death determinations, as well as Neuropathology Consultations, which are helpful to Autopsy Forensic Pathologists in court testimony.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The recommended action will increase the maximum compensation by \$125,000 to a total of \$2,625,000 to cover the remaining agreement term. There are currently no pending invoices. Sufficient appropriations and estimated revenues for the additional costs are included in the Sheriff-Coroner-Public Administrator's FY 2024-25 Adopted Budget for Org 3111 and will be included in future budget requests.

DISCUSSION:

On January 9, 2024, your Board approved the Master Agreement for Postmortem Autopsies and External Examinations for the Sheriff's Office and District Attorney's Office for case review, research, and other preparations for trial, and pretrial conferences with attorneys on cases that require testimony. On May 7,

2024, your Board approved First Amendment to the Master Agreement, which added Kelly Kobylanski, DO, to the Master Agreement, increased the Agreement compensation amount, and reduced the insurance requirements if a Contractor has no employees. The Sheriff's Office and District Attorney's Office now return to your Board to request approval to add Dr. Cho Lwin, MD to the Master Agreement, and increase the maximum by \$125,000 to a total of \$2,625,000.

Approval of the recommended action will amend the Master Agreement to now include four Forensic Pathologists as follows:

1. Thomas L. Bennett, MD
2. Dr. Christopher Bradley Happy
3. Kelly Kobylanski, DO
4. Cho Lwin, MD

The Sheriff's Office utilizes the Forensic Pathologists for Postmortem Autopsies and External Examinations, and the District Attorney's Office utilizes the Forensic Pathologists for case review, research, and other preparations for trial, and pretrial conferences with attorneys on cases that require testimony.

Dr. Cho Lwin, M.D is a Forensic Pathologist and a Forensic Neuropathology Consultant. Forensic Neuropathology Service includes examination of the brain, cutting and submitting sections for slides, review of brain slides, producing a "Final Forensic Neuropathologic Diagnosis", helpful to Autopsy Forensic Pathologist's Cause of Death and Manner of Death in officer-involved restrained sudden deaths, prison/in-custody deaths, homicidal versus fall blunt force head traumas, abusive brain injuries in babies, and congenital and natural brain diseases. Under the recommended second amendment, Dr. Lwin will provide his opinion for difficult cases, and provide neuropathology consultations for autopsy forensic pathologists and court testimony.

REFERENCE MATERIAL:

BAI #24, May 7, 2024
BAI #24, January 9, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Second Amendment to Master Agreement for Coroner Services

CAO ANALYST:

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