



24-5344

DATE: April 16, 2024 (Item No. {{item.number}})

TO: Board of Supervisors

FROM: James R. Williams, County Executive

SUBJECT: Executive Leadership Salary Ordinance Amendment for the Office of the Medical Examiner-Coroner

RECOMMENDED ACTION

Introduce and preliminarily adopt Executive Leadership Salary Ordinance No. NS-20.23.10, an Ordinance amending Santa Clara County Executive Leadership Salary Ordinance No. NS-20.23 relating to compensation of employees adding Footnote No. 10 relating to forensic anthropology duties in the Office of the Medical Examiner-Coroner.

FISCAL IMPLICATIONS

There is no new impact to the General Fund as a result of this action. The cost of implementing this new Footnote is up to \$7,500 annually. The Department will utilize existing appropriations to offset this cost

REASONS FOR RECOMMENDATION AND BACKGROUND

To comply with federal mandates relating to Native American remains under the Native American Graves Protection and Repatriation Act (NAGPRA) and to assist with the State-mandated analysis of forensically significant remains, Medical Examiner-Coroner (ME-C) has retained the services of a volunteer forensic anthropologist for many years. Recently, this volunteer informed the ME-C that they will no longer be available to assist with these cases. Forensic anthropology is a very specialized field, and there are no other qualified board-certified forensic anthropologists available on a volunteer basis in the immediate area.

Given the history of Santa Clara County, the ME-C routinely receives questioned skeletal remains that, upon further analysis, are determined to be Native American in origin. These analyses must be completed by a qualified forensic anthropologist to confirm their status so that remains can be returned to the appropriate tribe for final disposition, pursuant to NAGPRA. The ME-C also frequently receives skeletal remains that are deemed forensically significant and require additional specialized analysis as part of our State mandated service of medicolegal death investigation. These cases include skeletonized and/or unidentified remains, as well as remains exhibiting complex skeletal trauma. These analyses must be completed by a qualified forensic anthropologist. Fortunately, the ME-C currently has an

executive leadership employee who is a forensic anthropologist board-certified by the American Board of Forensic Anthropology and could perform this role for the County.

The recommended action would add a footnote to the Executive Leadership Salary Ordinance to authorize a \$75 per hour differential for the performance of the required forensic anthropology duties, for every hour assigned such duties by the Chief Medical Examiner-Coroner, when in possession of current and/or valid American Board of Forensic Anthropology License/Certification. The recommended differential is reflective of current market comparisons, and other market driven factors.

There is a potential for cost offset with the provision of allowing consultation of anthropologist professional services to surrounding counties. Previously, the volunteer anthropologist on staff had been providing professional consultation on average of two hours per case for up to 10 cases per year. In review of the consultation revenue estimates, we can reasonably predict a revenue offset of around \$1,500 at a minimum caseload of 10 cases per year and up to \$7,500 at a maximum caseload of 50 cases per year. A few of our neighboring counties, including San Benito County with which the County has a contract, indicate they will continue to source through our Medical Examiner-Coroner's Office when needed allowing for cost offset and possible revenue benefit.

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

CONSEQUENCES OF NEGATIVE ACTION

The County would not have a Board-Certified forensic anthropologist readily available to take federally mandated cases involving Native American remains.

STEPS FOLLOWING APPROVAL

The Clerk of the Board of Supervisors is requested to send notifications of completed processing to Employee Services Agency, Executive Services: Patricia Carrillo, Quynh Truong, and Felicia Sanchez and ESA Agenda Coordinators: Staci Bjerk, Jennifer Paredes-Fricano, and Zullay Rodriguez, Employee Services Agency, Human Resources Department.

ATTACHMENTS:

- Executive Ordinance NS 20 23 10