

**EXECUTIVE SESSION MINUTES
REGULAR MEETING NOVEMBER 8, 2010**

MOTION made at 8:08 p.m. by Freeholder Zeoli go into Executive Session for one item dealing with the contract relating to the Medical Examiner's Office, seconded by Freeholder Crabb and passed unanimously.

Those present: Freeholder Crabb; Freeholder Space; Freeholder Zellman; Freeholder Zeoli; Freeholder Director Parrott; John Eskilson, County Administrator; Dennis McConnell, County Counsel; and Elaine Morgan, Clerk

Medical Examiner's Office

Mr. McConnell, County Counsel, said in the Medical Examiner's Office, the County has a malpractice policy that the County buys for Dr. Kumral; that has expired and it costs about \$15,000.00; right now he (Dr. Kumral) doesn't want to do any views that he does because he is not covered; it wouldn't be worthwhile for the County to spend this \$15,000.00 because it wouldn't get that much back after canceling it as of January 1, 2011; there is a remedy for this situation and that is if the County indemnifies him, which means if he gets sued the County would defend him; he (Mr. McConnell) highly doubts the County would have any suit based on a view that Dr. Kumral does; he doesn't do the autopsies; Dr. Shaikh does the autopsies.

Freeholder Zeoli said he feels it may be worthwhile to pay the \$15,000.00 and asked what the statute of limitations is for someone to sue the County; Mr. McConnell said it would be two (2) years, but he (Dr. Kumral) has never been sued and he (Mr. McConnell) can't see how you can be sued by doing a view; there was a short discussion.

Freeholder Zellman feels that people will be looking at the County more closely now and would be looking for everything. There was a short discussion.

Freeholder Crabb asked in the scope of potential lawsuits that could come in this genre, what is the slice that the County would be exposed to? Mr. McConnell said about 1% out of 100; Freeholder Crabb said then he would vote for not making the expenditure.

Freeholder Parrott said that he agreed 100% with Mr. McConnell, but in this day and age there is a new world and that is what worries him; if 1% could happen, it will happen to this Board and then they will criticize the County for not having the insurance; there was a short discussion.

The majority of the Board thought the County should not expose itself like this.

Mr. McConnell said there may be another answer; he said the County has Dr. Shaikh, who does our views and our autopsies; we pay him \$500.00 per view; maybe the County could have him do all the views and not have Dr. Kumral do them; everyone agreed that was a good idea.

MOTION made at 8:15 p.m. by Freeholder Crabb to come out of Executive Session, seconded by Freeholder Zeoli and passed unanimously.

Elaine A. Morgan, Clerk

DATED: NOVEMBER 8, 2010