



Agenda Date: 3/6/2007
Agenda Placement: 6I

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Britt Ferguson for Nancy Watt - County Executive Officer
County Executive Office
REPORT BY: Karen Gratton, Senior Management Analyst , 259-8748
SUBJECT: Agreement with Betsy Strauss

RECOMMENDATION

County Executive Officer requests approval of and authorization for the Chair to sign the following agreements with Betsy Strauss for the term February 22, 2007 through February 22, 2008:

1. Agreement for a maximum of \$30,000 for investigative and neutral fact finding in employment matters; and
2. Business Associate Agreement setting forth the terms and conditions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule.

EXECUTIVE SUMMARY

Periodically, the County must conduct fact-finding to address employment complaints and concerns of employee misconduct. These services can be obtained from a firm specializing in such investigations including the proposed contractor, Betsy Strauss. Staff has familiarity with the contractor and has found her previous work to be exemplary. The suggested contractor will be only one of a number of contractors on retainer with the County.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Funding will be provided by the department(s) included in each specific investigation.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	From time to time the County receives employment complaints or concerns of employee misconduct. The County is obligated to investigate these

	complaints and concerns. It is prudent to have an agreement in place to utilize the services of an outside investigator if such occasion arises.
Is the general fund affected?	Yes
Future fiscal impact:	The agreement expires in February 2008 which affects Fiscal Year 2007/2008. However, it is likely that such an agreement will remain in place for future years. Funding sources will depend on each department included in a specific investigation.
Consequences if not approved:	If the proposed agreement is not approved, another firm would likely be chosen or investigations would be conducted in-house creating workload issues.
Additional Information:	

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Periodically, the County receives employment complaints and concerns of employee misconduct. These complaints require investigative and neutral fact-finding services. Betsy Strauss, Esq. has significant experience in these specialized services. Under the proposed agreement the contractor will conduct investigations under the direction of County Counsel. As part of any investigation, the contractor will interview witnesses, gather documentation and provide the County with findings of fact. The contractor will act as an objective and neutral fact finder and provide the County with a written report of its findings for each investigation. The contractor will maintain the confidentiality, pursuant to the attorney-client and attorney work products privileges of all such materials.

The requested actions also include approval of Business Associate Agreement setting forth the Health Insurance Portability and Accountability Act of 1996 (HIPAA) regulations to which the contractor is subject. This agreement provides the County with assurances that the contractor will comply with any and all HIPAA requirements.

In the future, it is anticipated that the County will use other firms to provide these services as well, with the specific firm selected for each case based on availability and the case's circumstances.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Karen Gratton