



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Mary Ann Mason, Chief Assistant County Counsel  
Date: May 11, 2021

Subject: CONTRACT FOR COURT APPOINTED EXPERT

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Administrator, or designee, to execute a service agreement with Dr. Bruce Philip Barnett, under which the County is obligated to pay the reasonable fees and expenses of Dr. Barnett in his capacity as a court-appointed expert in the subject matter of medical care, in accordance with a consent decree filed October 1, 2020, in the case of *Gabriel Young, et al. v. County of Contra Costa*, U.S. District Court for the Northern District of California, Case No. 20-06848 NC, and approved by the Court on February 28, 2021.

**FISCAL IMPACT:**

Costs will be paid out of the County Administrator's Office budget. On April 19, 2021, the Court in *Gabriel Young, et al. v. County of Contra Costa* appointed Dr. Barnett to be the Court expert on medical care, with financial responsibility for the cost of his services assigned to the County. While there is no payment limit, the estimated cost may reach \$400,000, depending on the duration of the consent decree, which could be three to five years, or more. (100% General Fund)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **05/11/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 11, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Wendy Mascitto, Deputy

Contact: Kate Andrus,  
925-655-2245

cc:

## BACKGROUND:

The County is the defendant in *Gabriel Young, et al. v. County of Contra Costa*, U.S. District Court, Northern District of California, Case No. 20-06848 NC, which is a class action that alleges the County failed to provide minimally adequate medical and mental health care to the people incarcerated in its jails. The County denies the allegations. In March 2017, the parties entered into a structured negotiation agreement as an alternative to imminent litigation. The parties agreed to work toward a settlement to address the conditions of confinement in the County's jails. As part of the settlement agreement, the County is subject to a consent decree that the Court approved on February 28, 2021. In a further order of the court on April 19, 2021, the Court appointed Dr. Barnett to be the Court expert on medical care, with the County obligated to pay his costs and expenses.

The consent decree is a court order. Under the consent decree, the County is bound to pay for the services of Dr. Barnett for the purposes set forth in the consent decree. The consent decree does not include a payment limit or a maximum term. It is expected that the cost of Dr. Barnett's services could reach \$400,000 over three to five years, or possibly more.

## CONSEQUENCE OF NEGATIVE ACTION:

If the County fails to pay for the services of Dr. Barnett for the purposes set forth in the consent decree, the County is susceptible to sanctions by the Court.