



August 3, 2026

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Ms. Margaret Olaiya
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70 West Hedding Street
San Jose, CA 95110

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Request for Clarification of Pleading and Notice of Incomplete Test Claim

CARE Act County Legal Counsel, 25-TC-02

Statutes 2022, Chapter 319 (SB 1338); Statutes 2023, Chapter 283 (SB 35);
Statutes 2023, Chapter 640 (SB 42); Statutes 2024, Chapter 647 (SB 1400);
Statutes 2024, Chapter 646 (SB 1323); Statutes 2025, Chapter 528 (SB 27);
Welf. & Inst. Code, § 5977(b)(4); (b)(7)(A); (c)(2); Welf. & Inst. Code, §
5977.1(a)(1); (a)(4); (c)(3)(A); (d)(2), (3), (5); Welf. & Inst. Code, § 5977.2(a)(1);
Welf. & Inst. Code, § 5977.3(a)(1); Welf. & Inst. Code, § 5977.4(d); Welf. & Inst.
Code, § 5978.1(c)
County of Santa Clara, Claimant

Dear Mr. Narayan and Ms. Olaiya:

On February 9, 2026, the County of Santa Clara (claimant) filed the above-captioned Test Claim. Upon review, Commission on State Mandates (Commission) staff found the Test Claim to be complete. On March 10, 2026, Commission staff issued the Notice of Complete Test Claim on the above-captioned matter.¹

Request for Clarification of Pleading and Notice of Incomplete Test Claim

Commission staff is beginning to review and analyze the County's Test Claim and requests clarification of the test claim pleading. The Test Claim form, pdf pages 14-15 and 16-17 of the Narrative, and the Declaration of Hillary Kerrigan (pdf pages 409-410) limit the County's pleading to Welfare and Institutions Code sections 5977(b)(4), (b)(7)(A), (c)(2); 5977.1(a)(1), (a)(4), (c)(3)(A), (d)(2), (3), (5); 5977.2(a)(1); 5977.3(a)(1); 5977.4(d); and 5978.1(c) as added or amended by the following statutes:

Statute 2022, chapter 319—Senate Bill No. 1338

Statute 2023, chapter 283—Senate Bill No. 35

Statute 2023, chapter 640—Senate Bill No. 42

Statute 2024, chapter 647—Senate Bill No. 1400

Statute 2024, chapter 346—Senate Bill No. 1323

Statute 2025, chapter 528—Senate Bill No. 27

¹ Test Claim, page 2 (Test Claim Form).

Page 14 of the Narrative states: “This test claim argues that **at least**” these code sections as “added or amended by the CARE Act require local governments to incur costs for legal activities mandated by the State.” In addition, pdf page 10 states “County counsel must provide advice and representation to County agencies **throughout the process.**” This language suggests that the County is pleading more than what is identified above and seeks reimbursement for all of its county counsel billable hours spent on the CARE Act process for each case.

The Narrative, on pdf pages 11, 12, and 14 also identifies other code sections that are not listed in the caption above. For example, the Narrative states: “The agency must provide *notice* of the initial hearing as described above. (Welf. & Inst. Code, §§ 5973(a)(3)(A)(iv).)” We believe the correct citation is to Welfare and Institutions Code section 5977(a)(3)(A)(iv), since section 5973 does not address notice.

Similarly, Welfare and Institutions Code section 5977.1(a)(2)(A) is cited on page 12 to support the statement: “Whenever there are follow-up hearings, counsel represents and assists the county behavioral health agency,” but this citation is not identified as imposing reimbursable state-mandated costs.

In addition, Welfare and Institutions Code section 5977.3(a)(2), which has not been identified in the list above, but is discussed on page 14, addresses a one-year status conference and states: “At an evidentiary hearing, the respondent shall be permitted to respond to the report submitted by the county behavioral health agency and to the county behavioral health agency’s testimony. The respondent shall be permitted to introduce their own information and recommendations.”

Government Code section 17553(b) requires a test claim to identify “the specific sections of statutes.” Thus, if the County is requesting reimbursement for **all** of its county counsel billable hours spent throughout the CARE Act process for each case, then I suggest that the Test Claim clearly state that, identify all activities and costs alleged to impose the state-mandated program, and plead Welfare and Institutions Code sections 5970-5987 (which are the specific sections of the following statutes and chapters that make up the CARE Act), as added and amended by Statutes 2022, chapter 319; Statute 2023, chapter 283; Statute 2023, chapter 640; Statute 2024, chapter 647; Statute 2024, chapter 346; and Statute 2025, chapter 528. If, however, the County intends to limit its Test Claim just to the code sections and subdivisions listed in the caption, please provide that clarification.

Retaining Your Original Filing Date

Because of the inconsistencies described above, further clarification is needed to deem this Test Claim complete. To retain the original filing date of February 9, 2026, please file your revised Test Claim within 30 days of the date of this letter by **Wednesday, September 2, 2026**. If a complete test claim is not received within 30 calendar days from the date of this letter, the executive director may disallow the original test claim filing date. (Cal. Code Regs., tit. 2, § 1183.1(f).)

As provided in the Commission’s regulations, a real party in interest may appeal to the Commission for review of the actions and decisions of the executive director. Please refer to California Code of Regulations, title 2, section 1181.1(c).

You are advised that the revised Test Claim is required to be filed on a form prescribed by the Commission and shall be digitally signed, using the digital signature technology and authentication process contained within the Commission forms. Refer to <https://www.csm.ca.gov/dropbox.shtml> on the Commission's website for electronic filing instructions. (Cal. Code Regs., tit. 2, § 1181.3(c)(2).) If e-filing would cause the filer undue hardship or significant prejudice, filing may occur by first class mail, overnight delivery or personal service only upon approval of a written request to the executive director. (Cal. Code Regs., tit. 2, § 1181.3(c)(3).)

Very truly yours,



Juliana F. Gmur
Executive Director

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On August 3, 2026, I served the:

- **Current Mailing List dated July 29, 2026**
- **Request for Clarification of Pleading and Notice of Incomplete Test Claim issued August 3, 2026**

CARE Act County Legal Counsel, 25-TC-02

Statutes 2022, Chapter 319 (SB 1338); Statutes 2023, Chapter 283 (SB 35);
Statutes 2023, Chapter 640 (SB 42); Statutes 2024, Chapter 647 (SB 1400);
Statutes 2024, Chapter 646 (SB 1323); Statutes 2025, Chapter 528 (SB 27);
Welf. & Inst. Code, § 5977(b)(4); (b)(7)(A); (c)(2); Welf. & Inst. Code, §
5977.1(a)(1); (a)(4); (c)(3)(A); (d)(2), (3), (5); Welf. & Inst. Code, § 5977.2(a)(1);
Welf. & Inst. Code, § 5977.3(a)(1); Welf. & Inst. Code, § 5977.4(d); Welf. & Inst.
Code, § 5978.1(c)
County of Santa Clara, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 3, 2026 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/29/26

Claim Number: 25-TC-02

Matter: CARE Act County Legal Counsel

Claimant: County of Santa Clara

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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