

County of Monterey



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April 8, 2026

Commission on State Mandates
980 9th Street, Suite 300
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COMMENT OF THE COUNTY OF MONTEREY IN SUPPORT OF SANTA CLARA COUNTY'S TEST CLAIM 25-TC-02 CARE Act County Legal Counsel

To the Commission on State Mandates:

Pursuant to Cal. Code Regs., tit. 2 §§ 1183.2 et seq., County of Monterey respectfully submits this written comment regarding the above-referenced Test Claim. County of Monterey has reviewed the County of Santa Clara's Test Claim and agrees with and adopts all legal analysis set forth therein concerning the existence of a reimbursable state mandate under Article XIII B, section 6 of the California Constitution. The only part of the claim that the County of Monterey might disagree with the County of Santa Clara on is that their estimated statewide costs of \$6,864,404 for fiscal year 25-26 for legal counsel services are too low.

County of Monterey has incurred similar mandated costs related to the implementation of the Community Assistance, Recovery, and Empowerment (CARE) Act. The total cost for the assigned Deputy County Counsel advising on the CARE Act since it passed through April 6, 2026 is \$209,156. (See Declaration of McDonald, p. 3.) The monthly County Counsel costs in March 2026 were approximately \$28,000 – 30,000 and these costs are expected to continue at this pace or increase as caseloads in County of Monterey increase. (*Ibid.*) These costs include attorney time spent preparing for and appearing at hearings; advising the Behavioral Health Services Department; reviewing and preparing reports, records, and evidence; and performing all other mandated legal functions. These costs also include legal secretary time to prepare and handle all aspects related to notice and e-filing documents related to CARE.

Based on current caseloads, Deputy County Counsel expended 64.2 hours in the month of March 2026 on CARE Act tasks. (*Ibid.*) This is more than double the amount of time compared to the 30.5 hours per month that Santa Clara estimated counties would expend on CARE tasks each month (Compare Declaration of McDonald, p. 3 with Test Claim 25-TC-02, Declaration of Rajiv Narayan, p. 2 and Exhibit A attached to same). This demonstrates that Santa Clara's estimated \$6,864,404 estimate for statewide costs

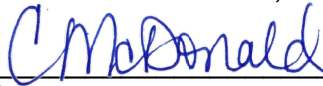
is likely too low.

County of Monterey concurs with the County of Santa Clara's test claim that the CARE Act imposes new programs and higher levels of service on counties. The mandated legal counsel activities are compelled, necessary, and non-discretionary. The County of Monterey also agrees that no applicable exception under Government Code section 17556 or Article XIII B applies. Finally, existing reimbursement mechanisms are insufficient and do not cover actual legal counsel costs.

For these reasons, the County of Monterey respectfully requests that the Commission on State Mandates find that the State must compensate the County for the legal costs they incur in complying with the CARE Act Mandates.

Respectfully submitted,
Sincerely,

SUSAN K. BLITCH, County Counsel

By: 
Christi McDonald, Deputy County Counsel

DECLARATION OF CHRISTI McDONALD

I, Christi McDonald, declare as follows:

1. I am a Deputy County Counsel IV with the Office of the County Counsel for the County of Monterey. I am authorized and competent to make this declaration. The facts set forth herein are based on my personal knowledge, except where stated on information and belief, and as to those matters, I believe them to be true.
2. In my capacity as Deputy County Counsel IV, I provide ongoing legal advice, support, and representation to the County of Monterey regarding the County's responsibilities under the Community Assistance, Recovery, and Empowerment (CARE) Act. I have been in this role since the passage of the CARE Act.
3. The tasks that I personally handle on behalf of Behavioral Health related to the CARE Act process include the following:
 - a. Representation of Behavioral Health during all hearings required by the CARE Act, including calling witnesses necessary to support the evidentiary burden at the various evidentiary hearings (i.e. merits, clinical evaluation, 11th month review) required under the CARE Act.
 - b. Determining and guiding staff on the next procedural steps for each case and maintaining the master calendar overview for all cases with all upcoming hearings, reports required, and statutory deadlines for filing and service.
 - c. Advising and training staff on statutory obligations related to the CARE Act, including creating workflows and overview of the statutory scheme, notice and service requirements, content required in reports, Behavioral Health's obligations under CARE Agreements and CARE Plans.
 - d. Drafting templates for all reports for various steps of the CARE Act process and advising Behavioral Health on any legal or factual issues of any reports drafted by Behavioral Health staff on a case by case basis.
 - e. Preparing all legal documents for the CARE process, including proposed orders, all notices of hearing and proofs of service.
 - f. Participation in meetings required to support the work required by the CARE Act, including preparing for court and witness preparation for evidentiary hearings.

- g. Providing legal analysis regarding case specific factual circumstances across a broad spectrum of legal issues, including but not limited to the intersection with CARE and the criminal courts, placement of registered sex offenders, Veteran's benefits, LPS Conservatorship and level of care issues, etc...
 - h. Personally serving Respondent with legal notices for the next hearing, as needed, in court.
 - i. Ensuring that all legal notices and proofs of service are correctly prepared, served, and efiled with the Court on a timely basis.
 - j. Appearing in criminal court as needed for justice involved CARE Respondents.
4. I also handle any CARE Act work that comes from other county departments, such as drafting and filing the CARE Petitions requested by the Public Guardian or our county hospital.
5. In addition to my direct work on CARE, I also supervise the legal work of my secretary, and I personally review all the documents that she prepares for efilings related to CARE cases. The legal secretary is responsible for making sure that the legal files are maintained and prepares the calendar for court to ensure that legal notices were given as required by law and proper documentation of that is filed with the court.
6. Under my direction, my secretary has efiled nearly 800 separate legal documents with the court for CARE Act cases since December 2024. This is not work that was previously required to be completed by Behavioral Health or County Counsel.
7. The legal notice and proof of service required by the CARE Act is extremely procedurally intensive because every document must be personally served on the Respondent. This means that there are proofs of service by mail for all other parties to the action and then there are proofs of personal service for all documents served on Respondent for every document. This creates lots of procedurally persnickety deadlines and lots of documents that need to be created, printed, mailed, served and efiled for every single step of the process. By way of example, the first CARE case filed in Monterey County in December 2024 has a total of 71 legal documents in its filed as of the date of this declaration. Of those 71 documents, 41 of those documents are notices of hearing or proofs of personal service related to numerous hearings.

8. These tasks are required for Monterey County to comply with the CARE Act and are not discretionary. None of the above described work was work that I performed prior to the passing of the CARE Act.
9. It is the policy of my office that attorneys must track their time in a minimum increment of one-tenth of an hour. As such, I have diligently tracked all of my time working on CARE Act specific work since the law was passed. As of April 6, 2026, based on the customary hourly rate charged by County Counsel, the County of Monterey has incurred a total of \$209,156 in costs associated with my work performing the legally compelled functions required by the CARE Act's implementation and operation.
10. The amount of time that I am expending on CARE Act tasks has been increasing substantially as the caseloads in Monterey are increasing. For example, for the month of March 2026, I expended a total of 64.2 hours on CARE related work, for a total cost of \$21,828. This work included, but not limited to:
 - a. Attending 11 CARE hearings
 - b. Processing 7 new CARE petitions
 - c. Preparing, reviewing, and approving 95 legal documents for efilings and service related to active CARE Act cases
11. I anticipate that my CARE Act workload will continue at this pace or increase as our caseloads increase. The current hourly rate of a County of Monterey Deputy County Counsel is \$340 per hour.
12. The legal secretary assigned to support the CARE Act assignment expends approximately 50-60% of her time working on CARE related tasks. The annual cost of a Legal Secretary III to the County of Monterey is \$163,906, so the monthly cost to the County of Monterey for legal secretary support for CARE is between \$6,829.42 to \$8,195.30 per month.
13. Monterey County has incurred mandated costs related to these activities and it is anticipated that the monthly cost for County Counsel support for CARE will continue to be approximately \$28,000 to \$30,000 per month or higher as caseloads expand.
14. The statements of cost included herein are based on County records maintained in the ordinary course of business, including timekeeping data, payroll records, and documentation of attorney activities performed under the CARE Act.

15. The actual and estimated cost to the County General Fund of implementing the CARE Act provisions exceed \$1,000.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, based on my personal knowledge or on information and belief, and that this declaration was executed on April 8, 2026, in Salinas, California.



Christi McDonald

Deputy County Counsel IV

Office of the County Counsel, County of Monterey

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 April 10, 2026, I served the:

- **Current Mailing List dated April 9, 2026**
- **Notice of Approval of Extension Request dated April 10, 2026**
- **Comment of the County of San Mateo in Support of County of Santa Clara's Test Claim filed April 9, 2026**
- **County of Solano's Written Comments on Test Claim 25-TC-02 CARE Act County Legal Counsel Filed by County of Santa Clara (February 9, 2026) Notice of Complete Test Claim Issued March 10, 2026 filed April 9, 2026**
- **Comment of the County of Monterey in Support of Santa Clara County's Test Claim 25-TC-02 CARE Act County Legal Counsel filed April 8, 2026**
- **Finance's Request for Extension: Test Claim 25-TC-02, CARE Act County Legal Counsel filed April 8, 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 April 10, 2026 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/9/26

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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