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**CYNTHIA GORDON FOREMAN**  
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April 9, 2026



Commission on State Mandates  
980 9th Street, Suite 300  
Sacramento, CA 95814

Re: 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

To the Commission on State Mandates:

Pursuant to Cal. Code Regs., tit. 2 §§ 1183.2 et seq., County of Solano respectfully submits this written comment regarding the above-referenced Test Claim. County of Solano has reviewed the County of Santa Clara's Test Claim and agrees with and adopts and incorporates by reference 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 as to which the County of Solano respectfully differs is Santa Clara's estimated statewide costs of \$6,864,404 for fiscal year 25-26 for legal counsel services, which appear to be understated.

County of Solano has incurred similar mandated costs related to the implementation of the Community Assistance, Recovery, and Empowerment (CARE) Act. Since its development and initial implementation in 2024 and continuing through the establishment and operation of CARE Act Court, the County has experienced steadily increasing legal costs associated with these mandated activities.

Average monthly County Counsel costs for 2024 were approximately **\$29,350.00**.

Average monthly County Counsel costs for 2025 were approximately **\$73,953.75**

County Counsel expects that the number of hours in 2026 will increase due to the increasing case load caused by the expansion of the law and regulations. These increases reflect expanded statutory and regulatory requirements and rising caseloads, which in turn increase demands on both Behavioral Health Services and County Counsel resources.

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 filing documents related to CARE.

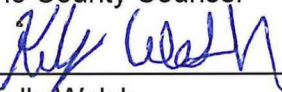
Based on current caseloads, the number of Deputy County Counsel hours devoted to CARE Act responsibilities has more than doubled, as reflected in the Declaration of Kelly Welsh, Deputy County Counsel. (Compare Declaration of Welsh, p. 3 with Test Claim 25-TC-02, Declaration of Rajiv Narayan, p. 2 and Exhibit A thereto.) These data demonstrate that Santa Clara's estimated statewide cost of \$6,864,404 is likely understated and does not fully capture the scope and growth of required legal services across counties.

County of Solano 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 Solano 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 Solano respectfully requests that the Commission on State Mandates find that the State must reimburse counties for the legal costs they incur in complying with CARE Act requirements.

Sincerely,

Carrie Blacklock  
Solano County Counsel

By:   
\_\_\_\_\_  
Kelly Welsh  
Deputy County Counsel

## DECLARATION OF KELLY WELSH

I, Kelly Welsh, declare as follows:

1. I am a Deputy County Counsel IV with the Office of the County Counsel for the County of Solano. 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 Solano 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, 11<sup>th</sup> 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

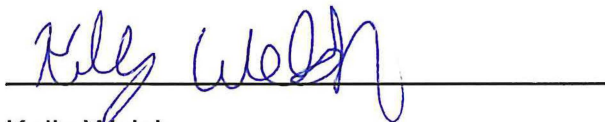
intersection with CARE and the criminal courts, placement of registered sex offenders, Veteran's benefits, LPS Conservatorship and level of care issues, etc...

- 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 filed 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 work of my legal secretary, and I personally review all the documents that are prepared for filing 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 are given as required by law and proper documentation of that is filed with the court.
  6. 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 respondents. 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 respondents for every document. This creates many procedural deadlines and many documents that must be created, printed, mailed, served and filed for every single step of the process.
  8. These tasks are required for Solano 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 our office that attorneys must track their time in a minimum increment of 0.25 hours 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 8, 2026, based on the customary hourly rate charged by County Counsel, the

County of Solano has incurred a total of approximately \$103,303.75 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 Solano are increasing.
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 Solano Deputy County Counsel is \$230 to \$245 per hour depending on the fiscal year in which the activity occurred.
12. Solano 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 higher as caseloads expand.
13. 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.
14. 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 9, 2026, in Fairfield, California.



Kelly Welsh  
Deputy County Counsel IV  
Office of the County Counsel, County of Solano

## 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**

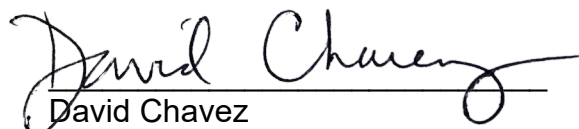
*CARE Act County Legal Counsel, 25-TC-02*

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.



David Chavez  
Commission on State Mandates  
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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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