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COUNTY ATTORNEY

JOHN D. NIBBELIN

COMMENT OF THE COUNTY OF SAN MATEO IN SUPPORT OF COUNTY OF SANTA CLARA'S TEST CLAIM

Community Assistance, Recovery, and Empowerment (CARE) Act

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 San Mateo respectfully submits this written comment regarding the above-referenced Test Claim. County of San Mateo 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.

County of San Mateo concurs with the County of Santa Clara's test claim that the CARE Act mandates legal counsel activities on behalf of the behavioral health agencies. The expenditures incurred by the counties in carrying out these obligations constitute reimbursable "costs mandated by the state" within the meaning of Article XIII B, Section 6 of the California Constitution. (Gov. Code, § 17514.)

Although the CARE Act imposes numerous new duties on counties across a range of functions, this comment focuses specifically on those obligations assigned to counsel for county behavioral health agencies in connection with mandated court

proceedings and related legal functions — obligations that are substantial, ongoing, and entirely without precedent.

The undersigned serves as Lead Deputy County Attorney for the County of San Mateo, providing legal counsel to the County's behavioral health agency, Behavioral Health and Recovery Services (BHRS). In that capacity, counsel advises and represents BHRS in connection with its statutory obligations, including those imposed by the CARE Act.

I. Mandated Legal Obligations of County Behavioral Health Counsel

As counsel to BHRS, the undersigned is responsible for overseeing, advising on, and representing the agency in its implementation of the CARE Act. At a minimum, the Act requires counsel to perform the following functions:

- Assist in preparing the required petition when a treatment facility refers an individual to the county behavioral health agency and the agency determines the individual is eligible for the CARE process. (Declaration of Gina Beltramo (“Beltramo Decl.”) ¶ 3; Welf. & Inst. Code, § 5978.1, subd. (c).)
- Appear on behalf of the county behavioral health agency at the initial hearing. (Beltramo Decl. ¶ 3; Welf. & Inst. Code, § 5977, subd. (b)(4).)
- Prepare for and present expert testimony at the merits hearing, including reviewing expert reports, advising the agency regarding evidentiary standards, qualifying experts, conducting examinations, presenting additional evidence, and providing legal counsel throughout the proceeding. (Beltramo Decl. ¶ 3; Welf. & Inst. Code, § 5977, subd. (b)(7)(A).)
- Represent the county behavioral health agency at case management hearings, present evidence as necessary, and provide ongoing legal advice. (Beltramo Decl. ¶ 3; Welf. & Inst. Code, § 5977, subd. (c)(2); § 5977.1, subd. (a)(1).)
- Appear at additional progress hearings conducted throughout the duration of the CARE agreement. (Beltramo Decl. ¶ 3; Welf. & Inst. Code, § 5977.1, subd. (a)(4).)
- Advise the county behavioral health agency in the development of the CARE plan. (Beltramo Decl. ¶ 3; Welf. & Inst. Code, § 5977.1, subd. (c)(3)(A).)

- Provide legal counsel to the county behavioral health agency regarding court orders issued to facilitate a respondent's access to components of the CARE plan. (Beltramo Decl. ¶ 3; Welf. & Inst. Code, § 5977.1, subs. (d)(2), (3), (5).)
- Represent the county behavioral health agency at status review hearings, including the one-year review and any additional hearings ordered by the court, and advise the agency in preparing reports for submission to the court. (Beltramo Decl. ¶ 3; Welf. & Inst. Code, §§ 5977.2, subd. (a)(1), 5977.3, subd. (a)(1).)
- Advise the county behavioral health agency regarding patient confidentiality and notice obligations. (Beltramo Decl. ¶ 3; Welf. & Inst. Code, § 5977.4, subd. (d).)
- Engage in meet-and-confer efforts with respondents' counsel, court administration, state officials, and first responders. (Beltramo Decl. ¶ 7.)

II. The Burden Imposed Is Substantial and Unprecedented

Prior to the Act's enactment, counsel for county behavioral health agencies performed none of these functions — the CARE process simply did not exist. (Beltramo Decl. ¶ 4.) The additional burden imposed by the Act is both concrete and enduring. Approximately 12.5 percent of counsel's workweek is now devoted exclusively to legal services related to CARE Act implementation — time that did not exist prior to the Act and that reflects a meaningful, ongoing expansion of required duties. (Beltramo Decl. ¶ 7.)

III. Costs Incurred and Projected

During fiscal year 2024–2025, County of San Mateo incurred approximately \$47,676.00 in legal costs associated with implementing the CARE Act mandates. (Declaration of Heather Hardy ("Hardy Decl.") ¶ 7.) These costs reflect time spent providing legal advice to the behavioral health agency, preparing for and attending court hearings, and engaging in required coordination with other participants in the CARE legal process. (Beltramo Decl. ¶¶ 3, 5.)

The County estimates that it will incur an additional \$65,152.50 in costs to comply with the CARE Act mandates during fiscal year 2025–2026. (Hardy Decl. ¶ 8.) Of that total, \$49,852.50 reflects actual costs incurred through March 2026, with \$15,300.00 projected for the remainder of the fiscal year. (*Ibid.*) This projection was derived through a three-step methodology: (1) calculating the average monthly

hours expended by counsel on mandated CARE Act activities across fiscal years 2024–2025 and 2025–2026; (2) determining the average monthly cost based on counsel’s hourly rate; and (3) applying that average monthly cost to the remaining months in fiscal year 2025–2026. (Hardy Decl. ¶¶ 4, 5.)

IV. Conclusion

For the foregoing reasons, County of San Mateo respectfully urges the Commission to approve County of Santa Clara’s test claim and recognize the legal costs incurred in implementing the CARE Act as reimbursable state-mandated costs. The obligations imposed on county counsel in connection with CARE Act proceedings are substantial, ongoing, and entirely new — they did not exist prior to the Act’s enactment and cannot be absorbed without meaningful impact on county resources. County of San Mateo’s experience confirms that these costs are real, measurable, and continuing to grow. Reimbursement is not only warranted under Government Code section 17514, but essential to ensuring that counties can fulfill their statutory obligations without bearing an unfair and uncompensated financial burden.

Very truly yours,

JOHN D. NIBBELIN, COUNTY
ATTORNEY

By: 
Gina J. Beltramo, Lead Deputy

JDN:GJB/al

I, Gina Beltramo, declare as follows:

1. I am a Lead Deputy County Attorney IV with the County Attorney's Office for the County of San Mateo ("County"). 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 role as Lead Deputy County Attorney, I represent and advise the Behavioral Health and Recovery Services Department ("BHRS") of the County. As relevant to the adjoining comment, I represent and advise BHRS on matters involving the Community Assistance, Recovery, and Empowerment (CARE) Act.
3. The CARE Act imposes a variety of mandates on BHRS which require the representation and advice of counsel. In particular, I perform the following legal services in connection with the CARE Act:
 - a. Attend the initial hearing in order to represent BHRS in a forum where its rights and obligations will be determined by the court.
 - b. Prepare expert testimony for merits hearings by reviewing expert reports and providing advice to the agency about the evidentiary standard; present evidence at the merits hearing by qualifying experts, conducting examinations, and presenting additional material; and provide counsel to the agency during the merits hearing.
 - c. Advise BHRS and negotiate with respondent's counsel as they develop a CARE agreement.
 - d. Represent BHRS at case management hearings, present evidence as needed, and advise BHRS.
 - e. Represent BHRS at additional progress hearings held during the duration of the CARE agreement.
 - f. Advise BHRS as it prepares a CARE plan.
 - g. Advise BHRS whenever the court issues orders to support the respondent in accessing elements of the CARE plan.
 - h. Advise, as needed, BHRS about its expert report and to represent BHRS at hearings.
 - i. Advise BHRS regarding patient confidentiality and notice requirements.

- j. Assist BHRS in applying its expertise to the requirements of the law, and where the individual is eligible for CARE, counsel may be required to develop the petition so that it is legally sufficient.
4. The aforementioned activities constitutes a new program or higher level of service for the County. Prior to the adoption of the CARE Act, counsel to county behavioral health agencies did not perform any of the aforementioned tasks, as the CARE process did not exist.
5. As counsel, I also meet and confer with various partners to the CARE process, including respondents' counsel, court administration, State officials, first responders, and the District Attorney's office.
6. The County Attorney's Office first provided BHRS legal counsel pursuant to the aforementioned statutes on July 1, 2024, when I first advised BHRS in connection with a CARE petition.
7. Approximately 12.5 percent of my workweek is now devoted to providing legal services related to the implementation of the CARE Act—time that did not exist prior to the Act and that reflects a meaningful and ongoing expansion of required duties.
8. 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, and that this verification was executed in San Mateo, California on April 9, 2026.



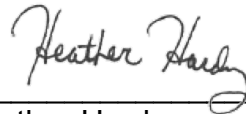
Gina Beltramo

I, Heather Hardy, declare as follows:

1. I have personal knowledge of the facts in this Declaration and the attached exhibit, as well as the information presented in the comment, and if called to testify to the statements made herein, I could and would do so competently.
2. This Declaration provides detailed information about the costs associated with complying with the CARE Act provisions noted in the adjoining comment. The underlying data that is used to determine these costs come from San Mateo County Attorney's Office (CAO) legal case management system, which tracks attorney hours.
3. CAO calculates hourly attorney wage rates annually using payroll costs, expenses, services and supplies, and overhead costs. Both of these figures, meaning attorney hours and billing rates, are approved by CAO management.
4. CAO calculates the actual cost associated with complying with the mandated CARE Act provisions in three steps:
 - a. First, CAO determines the hourly rate of the attorneys. This is the hourly rate for the attorneys who counsel BHRS.
 - b. Second, CAO determines the number of hours these attorneys spend providing legal services to BHRS for the mandated activities.
 - c. Third, by multiplying the hourly rate against the number of hours billed each month, I find the total monthly cost of CAO providing legal services pursuant to the CARE Act mandates.
5. CAO calculates the estimated costs associated with complying with the mandated CARE Act provisions in three steps:
 - a. First, CAO identifies the average number of hours spent per month by counsel for BHRS on the mandated activities between fiscal years 2024-2025 and 2025-2026.
 - b. Second, CAO identifies the average cost per month by multiplying the average number of hours per month by the hourly rate of counsel in fiscal year 2025-2026.
 - c. Third, CAO multiplies the average monthly cost of counsel by the number months remaining in fiscal year 2025-2026.
6. A true and correct copy of the figures and calculations used to make the following statements is attached as Exhibit A.

7. In Fiscal Year 2024-2025, the actual costs arising from the County's implementation of the CARE Act mandated activities totaled approximately \$47,676.00. During this period, County Attorney billed an actual 205.5 hours for these activities, which were multiplied by an hourly rate of \$232.00.
8. In Fiscal Year 2025-2026, the costs of implementing the CARE Act mandates are estimated to reach approximately \$65,152.50. For FY 25/26, the hourly rate of attorneys was determined to be \$255.00. During this period, the County incurred an actual \$49,852.50 for 195.5 hours billed between July 2025 and March 30, 2026, and it expects to incur an additional \$15,300.00 through the end of FY 2026, from April 2026 through June 2026.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this verification was executed in Redwood City, California on April 9, 2026.



Heather Hardy

EXHIBIT A

Exhibit A

San Mateo County Attorney's Office CARE ACT Mandate Costs FY 2025 – FY 2026

Fiscal Year	CAO Rate	Calendar Year	Month	Legal Services Hours Billed	County Costs				
FY 2025	\$232	2024	August	8.3	\$1,925.60	Actual Costs			
			September	9.5	\$2,204.00				
			October	20.0	\$4,640.00				
			November	14.4	\$3,340.80				
			December	20.0	\$4,640.00				
		FY 2026	\$255	2025	January		22.5	\$5,220.00	
					February		20.5	\$4,756.00	
					March		17.3	\$4,013.60	
					April		25.6	\$5,939.20	
					May		24.7	\$5,730.40	
FY 2026	\$255			2025	June		22.7	\$5,266.40	
					July		26.0	\$6,630.00	
					August		20.7	\$5,278.50	
					September		20.7	\$5,278.50	
					October		10.5	\$2,677.50	
		FY 2026	\$255	2025	November	32.4	\$8,262.00		
					December	17.6	\$4,488.00		
					2026	January	21.2	\$5,406.00	Estimated Costs
						February	23.3	\$5,941.50	
						March	23.1	\$5,890.50	
April	20.0			\$5,100.00					
May	20.0			\$5,100.00					
FY 2026	\$255			2026	June	20.0	\$5,100.00		

	County Costs	Legal Services Hours Billed
FY 2025 Actual	\$47,676.00	205.5
FY 2026 Actual	\$49,852.50	195.5
Total of Actuals	\$97,528.50	401.0
FY 2026 Estimated	\$15,300.00	60.0
FY 2025 and FY 2026 Actuals + FY 2026 Estimated	\$112,828.50	461.0

	Figure	Calculation	Explanation
Avg. Hours Per Month	20.0	401.0 / 20	Total Actual Hours / Total Actual Months
Avg. Cost Per Month	\$5,100.00	20.0 x \$255	Avg. Hours Per Month X FY 2026 Hourly Rate
FY 2026 Estimated Cost	\$15,300.00	\$5,100.00 x 3	Avg. Cost Per Month X Remaining FY 2026 Months

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**

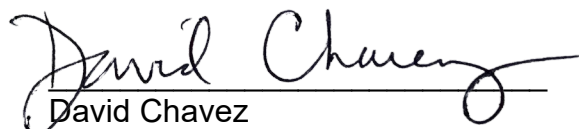
CARE Act County Legal Counsel, 25-TC-02

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
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

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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