

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

December 16, 2025

FROM

**GEORGINA YOSHIOKA, Director, Department of Behavioral Health
THOMAS W. SONE, Public Defender**

SUBJECT

Letter of Understanding between the Superior Court of California, County of San Bernardino and Various County Departments for Participation in the Community Assistance, Recovery, and Empowerment Act Subgroup

RECOMMENDATION(S)

Approve the Letter of Understanding (**Agreement No. 25-1147**), including non-standard terms, between the Superior Court of California and the Department of Behavioral Health, Department of Aging and Adult Services - Public Guardian, Public Defender's Office, and County Counsel, for participation in the Community Assistance, Recovery, and Empowerment Act Subgroup, in an amount not to exceed \$889,031, for the period of February 7, 2024 through January 31, 2029.

(Presenter: Marina Espinosa, Assistant Director, 252-5142)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

This item does not impact Discretionary General Funding (Net County Cost). The amount of \$889,031 will be funded by the Department of Health Care Services Community Assistance, Recovery, and Empowerment (CARE) Act Subgroup startup funds. Adequate appropriation and revenue have been included in the Department of Behavioral Health's (DBH) 2025-26 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

DBH is responsible for providing mental health and substance use disorder (SUD) services to San Bernardino County (County) residents experiencing severe mental illnesses and/or SUD. The County Departments of DBH, Aging and Adult Services - Public Guardian, Public Defender's Office, and County Counsel, in collaboration with the Superior Court of California (Superior Court), collectively form the CARE Act Subgroup.

On September 14, 2022, Senate Bill 1338 was approved, enacting the CARE Act and placing the County in Cohort II. It created a process in California's civil courts to provide early action, behavioral health services, support, and accountability for both individuals with untreated

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schizophrenia spectrum and psychotic disorders. The County has since been providing CARE Act services as of December 1, 2024.

On September 6, 2022, Assembly Bill 179 appropriated \$57,000,000 in funding to the California Department of Health Care Services (DHCS) for the planning and implementation of the CARE Act. Of the \$57,000,000, \$31,000,000 total was made available for the counties in Cohort II. Of this amount, DHCS allocated \$889,031 to the County.

The recommended Letter of Understanding (LOU) will provide the County with resources to ensure all implementation claims are accurately processed, thereby facilitating the CARE Act Subgroup's main goal of ensuring appropriate care to individuals within the county experiencing or at risk of homelessness and involved in the criminal justice or civil court system are properly administered.

The LOU contains terms that differ from the standard County contract and omits certain County standard contract terms. The non-standard and missing terms include the following:

1. The LOU does not require the Superior Court to indemnify the County.
 - The County standard contract indemnity provision requires the contractor to indemnify, defend, and hold the County harmless from third party claims arising out of the acts, errors or omissions of any person.
 - Potential Impact: The County does not have the protection of an indemnification clause if there is any dispute arising from the LOU.
2. The LOU does not require the Superior Court to meet the County's insurance standards as required pursuant to County Policies 11-05, 11-07, and 11-07SP.
 - County policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
 - Potential Impact: The County does not have the protection of insurance should there be claims arising under this LOU.
3. The LOU allows each County department or the Superior Court to terminate their participation in the LOU with a minimum of 60 days' written notice.
 - The County standard contract gives the County the right to terminate the contract with a 30-day written notice of termination.
 - Potential Impact: If a party desires to terminate their participation in the LOU they must wait 60 days after providing written notice of the termination.

DBH recommends approval of this item, with these non-standard terms in order to continue its planning and implementation processes including but not limited to developing policies and procedures, funding information technology infrastructure costs, updating electronic medical record systems, and tracking client cases. The implementation cost allocation also allows for the transfer and training of additional staff members to implement CARE Act policies.

DBH is requesting retroactive approval of the recommended LOU for the partnering agencies to participate in the CARE Act Subgroup. In February 2024, the State of California (State) announced funds would be available starting February 7, 2024, at which time DBH began

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development of the LOU. This agreement allows DBH to reimburse partnering agencies using the implementation funds provided by the State for the CARE program. These agencies have been sending claim forms to DBH as outlined in the agreement; retroactive approval will allow DBH to process these claims for reimbursement. This item is being presented at the first available date following the required operational, administrative, and legal reviews for presentation to the Board of Supervisors.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Behavioral Health (Diana Barajas, Acting Administrative Supervisor I, 388-0899) on November 11, 2025; County Counsel (Dawn Martin and Jacqueline Carey-Wilson, Deputies County Counsel; Bonnie Uphold, Supervising Deputy County Counsel, and Julie Surber, Principal Assistant County Counsel 387-5455) on November 13, 2025; Risk Management (Stephanie Pacheco, Staff Analyst II, 386-9039) on November 19, 2025; Aging and Adult Services – Public Guardian (Sharon Nevins, Director, 891-3917) on November 18, 2025; Public Defender (Thomas Sone, Public Defender, 382-3940) on November 13, 2025; San Bernardino Superior Court (Sara Menor, Director of Operations, 363-4602) on December 1, 2025; and County Finance and Administration (Paul Garcia, Administrative Analyst, 388-0332) on November 26, 2025.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Jesse Armendarez
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Curt Hagman, Joe Baca, Jr.
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: December 16, 2025



cc: DBH - Alfaro w/agree
Contractor - c/o DBH w/agree
File - w/agree
MBA 01/8/2026