

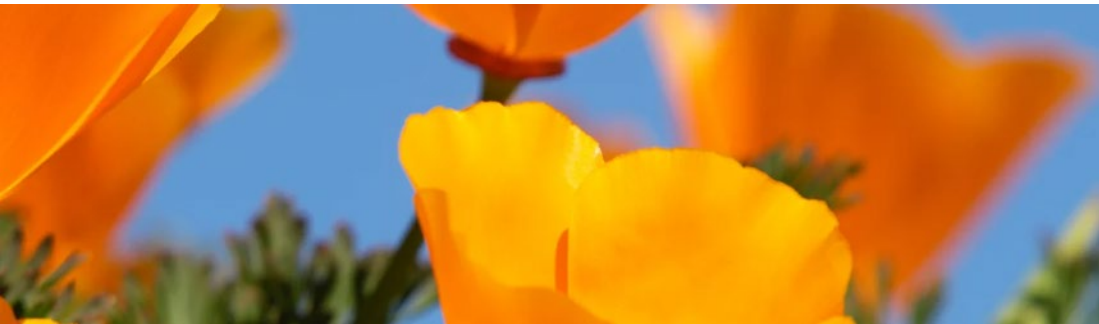


Consent Process for Commission Contracts

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November 20, 2025

Establishing a consent process for the Commission



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Overview of the Welfare and Institution Code

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Overview of the Commission's Rules of Procedures

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Overview of the Commission's current consent process

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Objectives of the newly developed consent process for the Commission



Rules Overview

Welfare and Institutions Code 5845 (E)

“ The Executive Director will be responsible for management over the administrative, fiscal, and program performance of the commission. The Executive Director shall be selected by the commission. The commission may delegate to the Executive Director any power, duty, purpose, function, or jurisdiction that the commission may lawfully delegate, **including the authority to enter into and sign contracts on behalf of the commission.** ”

Commission's Rules of Procedure

EXECUTIVE DIRECTOR (ROP, PAGE 8)

“ 2.4 Contract Authority - Pursuant to the MHSOAC Resolution adopted on March 24, 2011, the Executive Director has the authority to take all actions necessary to **enter into contracts on the Commission's behalf in the amount of \$100,000 or less** and to enter into Interagency Agreements in the amount of \$200,000 or less. ”

The [Commission's Rules of Procedure](#) are available on its website under the Meetings menu.

Commission's Rules of Procedure

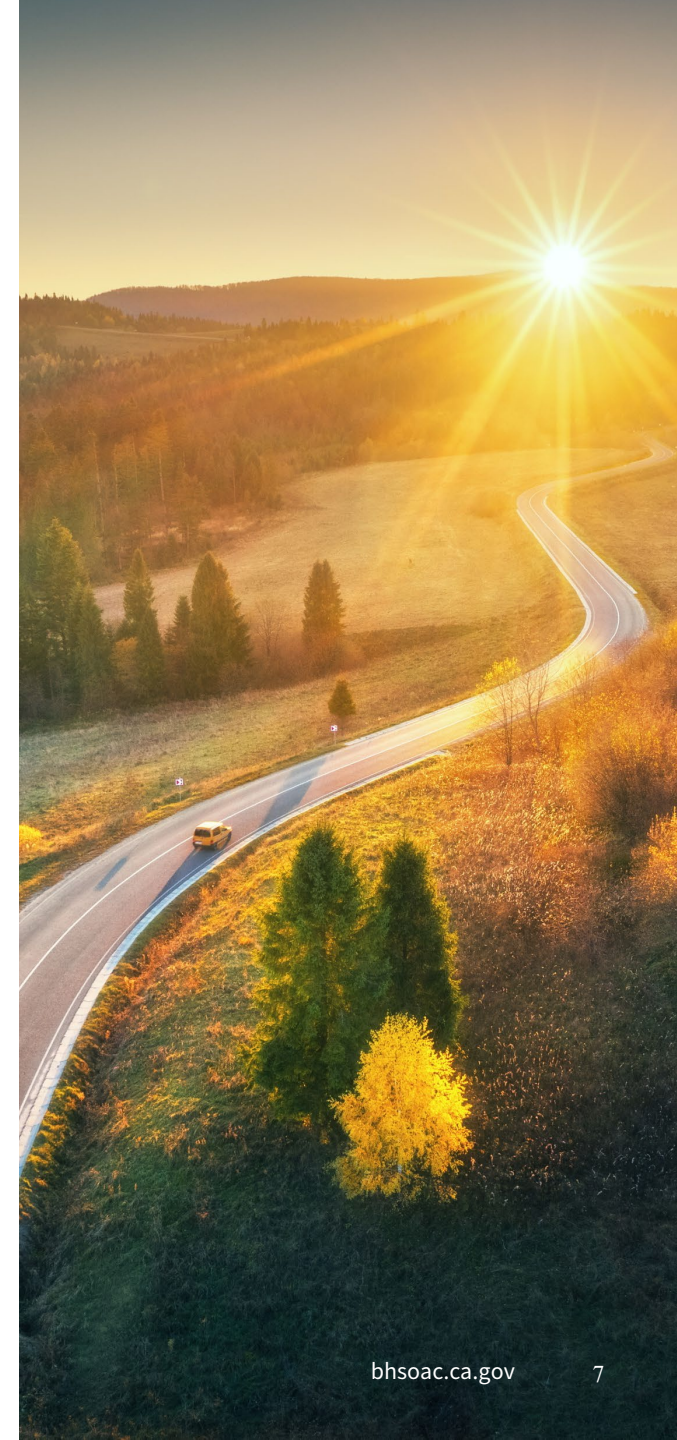
COMMISSION MEETINGS (ROP, PAGE 10)

“ 4.4 B Agenda Items - Action **items that are non-controversial or pro forma may be placed on the consent calendar.** All items on the consent calendar are voted upon as one unit. [...] At the meeting any Commissioner may ask that a matter be removed from the consent agenda. [...] If a matter is removed from the consent agenda it may be discussed at the same meeting or at a different Commission meeting as deemed appropriate by the Commission. There shall be no discussion or presentation made concerning items that remain on the consent agenda.

”

Commission's Rules of Procedure

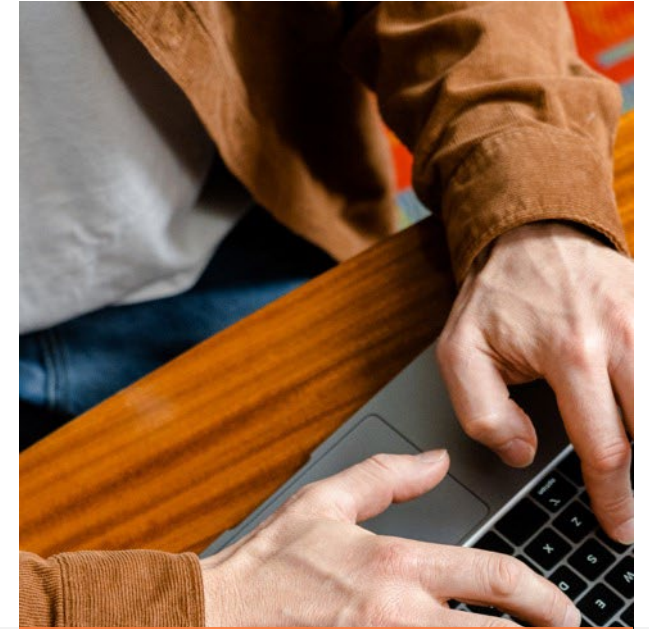
- Staff prepares briefing materials on each agenda item and provides Commissioners with those materials in advance of the meeting.
- These materials provide Commissioners with:
 - A detailed description of a proposed course of action
 - Background information
 - Fiscal impact
 - The pros and cons of taking the action
 - Similar information for alternative actions.



Contracts approved by Executive Director

Per the Rules of Procedure, contracts approved by the Executive Director's authority, will not be on consent.

A report of all contracts approved by the Executive Director will be provided during announcements at all committee and Commission meetings.





New process

Purpose of the proposed process

OBJECTIVE

This process establishes criteria and procedures for placing contracts on the full Commission's consent agenda when such contracts have been previously reviewed and recommended concurrently by the Budget and Fiscal Advisory Committee and the Legislative and External Affairs Advisory Committee, or the Program Advisory Committee.

REFERENCES

The Commission's Rules of Procedure and the Bagley-Keene Open Meeting Act, Government Code Section 11120 *et. seq.*

Consent calendar eligibility criteria

A contract must meet all of the following:

1. Committee review requirements
2. Committee recommendation consistency
3. Substantive requirements
4. Procedural requirements

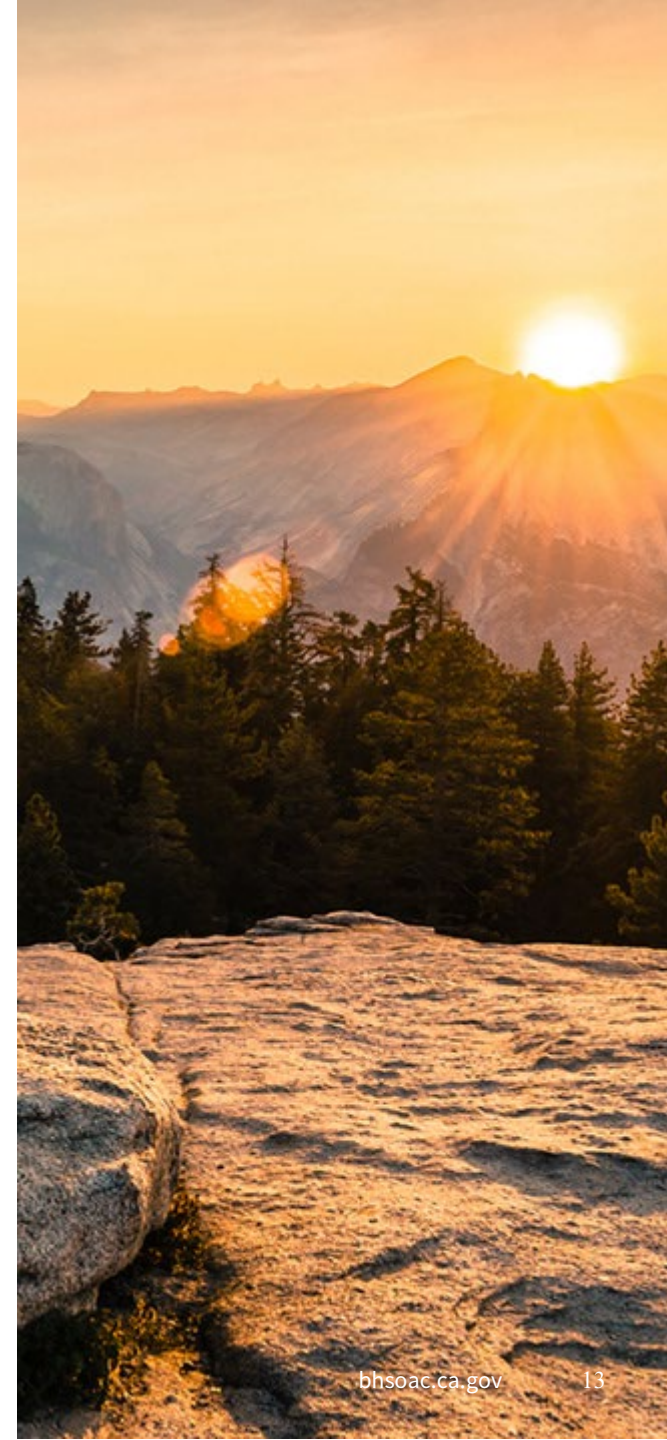
Committee review requirements

- Contract was formally presented to and substantively reviewed by the Budget and Fiscal Advisory Committee.
- Contract was formally presented to and substantively reviewed by the Legislative and External Affairs Advisory Committee OR the Program Advisory Committee.
- The Budget and Fiscal Advisory Committees and either the Legislative and External Affairs Advisory Committee OR the Program Advisory Committee voted to recommend the contract for Commission approval.
- Committee reviews occurred at properly noticed public meetings with opportunity for public comment.



Committee recommendation consistency

- The advisory committees recommended approval without material modifications to contract terms.
- No significant concerns or reservations were expressed by committee members that remain unresolved.
- Committee recommendations are consistent with each other and with staff recommendations.
- Any committee-requested modifications have been incorporated into the final contract.



Substantive and procedural requirements

SUBSTANTIVE

- Contract funding has been confirmed by the Budget and Fiscal Advisory Committee as available within approved budgets.
- Contract scope and objectives have been confirmed by the Program Advisory Committee and the Legislative and External Affairs Advisory Committee as aligned with Commission priorities.
- No material changes to contract terms have occurred since committee reviews.

PROCEDURAL

- Contract complies with all applicable state procurement requirements.
- Legal counsel has approved the contract as to form.
- No legal, ethical, or conflict of interest issues remain unresolved.

Contracts excluded from consent agenda

The following contracts SHALL NOT be placed on the consent agenda under this procedure, regardless of committee recommendations:

- Either committee recommended approval contingent upon material modifications.
- Committee votes were not unanimous (unless dissenting votes were based solely on timing or procedural concerns).
- Have generated significant public opposition or controversy since committee review.
- Involving new or experimental programs not previously approved by the Commission.
- Establishing precedents for new categories of Commission expenditures.
- Multi-party contracts or joint powers agreements.
- Material information has changed since committee review.
- Involving potential litigation or settlement of disputes.

Committee coordination requirements

CONCURRENT REVIEW PROCESS

- Staff shall coordinate with advisory committees to schedule reviews in logical concurrence based on contract timeline and committee meeting schedules.
- The committee reviewing second shall be provided with the recommendations from the first committee's review.
- Staff shall ensure consistency in information presented to the Commission advisory committees.

DOCUMENTATION STANDARDS

Each committee review shall include:

- Comprehensive staff presentation covering contract scope, terms, fiscal impact, and policy implications.
- Written staff report with committee-specific analysis.
- Public comment opportunity following Bagley-Keene Open Meetings Act public participation procedures.
- Formal committee action with recorded vote and recommendations.

What happens if a contract doesn't qualify for consent?

- Contract will be agendized for full Commission discussion
- Staff will document and share:
 - Dissenting committee views
 - Unresolved concerns
 - Public opposition, if any



Staff procedures

ELIGIBILITY DETERMINATION

Staff shall verify compliance with all eligibility criteria before recommending consent agenda placement and shall document:

- Dates and outcomes of Commission advisory committee reviews.
- Consistency of committee recommendations.
- Resolution of any committee concerns or requested modifications.
- Confirmation that no material changes have occurred since committee reviews.

COMMISSION PACKET MATERIALS

For each committee-reviewed consent agenda contract, staff shall provide:

- Executive summary noting Commission advisory committee recommendations and vote tallies.
- Confirmation that all committee-requested modifications have been incorporated.

Commission meeting procedures

CONSENT AGENDA PRESENTATION

- Committee-reviewed contracts shall be clearly identified as having received Commission advisory committee recommendation.
- Chair shall summarize the committee review process and outcomes before calling for removal requests.
- Any Commissioner may request removal for individual consideration, consistent with Commission bylaws.

Commission meeting procedures

COMMISSIONER REMOVAL RIGHTS

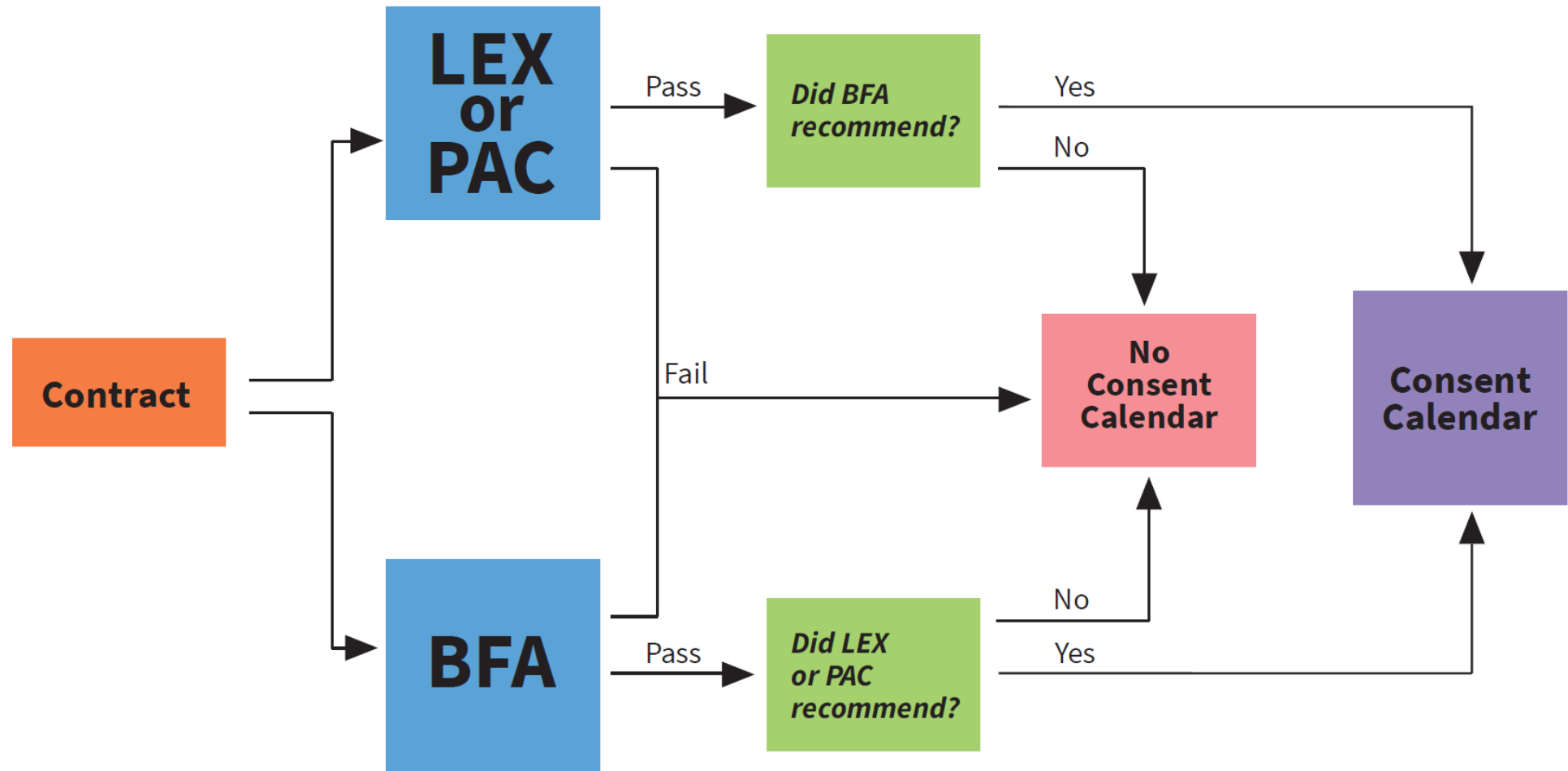
- Commissioners may request removal of items for any reason, including desire for additional deliberation despite committee recommendations.
- Removed items shall be scheduled for individual consideration at the same meeting if time permits, or the next regular meeting.
- Removal requests require no justification and shall be honored without discussion.

Commission meeting procedures

PUBLIC PARTICIPATION

- Members of the public have the opportunity to provide input during the committee review process. This is a built-in feature of the committee's structure.
- Public comment on committee-reviewed consent agenda items shall be taken in accordance with Bagley-Keene Act requirements.
- Staff shall note during public comment that items have previously received public input during committee reviews.

Process summary



Motion

That the Commission adopt the proposed procedure permitting contracts previously recommended for approval by the BFA Committee and the LEX Advisory Committee or the PAC to be placed on the consent agenda for full Commission meetings.

