



Legal 101: The Laws You Need to Know

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Today we will cover

- What the Legal Counsel does
- The Commission's Rules of Procedure
- Three important laws:
 - Bagley-Keene Open Meeting Act
 - Fair Political Practices Commission (FPPC): The Political Reform Act Conflict of Interest Laws
 - California Public Records Act





CBH's Legal Counsel

Who is Legal? What does Legal do?

SANDRA GALLARDO – CHIEF COUNSEL

Legal is the **Commission**'s attorney.

- Represent the **Commission's interests**
- Advise **you** when you are doing **work for and on behalf of the Commission**
- Make sure we are complying with the various laws

Issues include:

- Conflict of interest questions
- Meeting requirement questions
- Contract negotiation/drafting
- Public Records Act requests
- All legal matters

When in doubt – **call, text, or email!**



CBH's Bylaws (Rules of Procedure)

Rules of Procedure: “Bylaws”

- Governs how the Commission operates
- Can be amended with **2/3 Commission vote**
- Quick reference on lots of topics
- Provides “rules” on:
 - Chair duties
 - Vice Chair duties
 - Chair elections
 - Executive Director role
 - Meeting structure
 - Delegated authority
 - Conflict of interest
 - Committee structure

Rules of Procedure: “Bylaws” – Rule 1.10

Commission Reorientation

- KEY QUESTION: **Which “hat” are you wearing?**
- You can share your own opinions as long as you’re speaking for yourself, not for the Commission.
- If you’re asked to speak for the Commission, you must say only what the Commission has officially decided/voted.
- You’re speaking for the Commission if you say you are invited and are attending as a Commissioner, if the Commission asked you to, or if the Commission is paying for you to attend.
- During Commission meetings, you can still share your personal view if it relates to what the group is talking about.



Bagley-Keene Open Meeting Act

Requirements



Publicly posted Notice of Agenda

10 calendar days in advance



Open to the public in ADA space

- All meetings are open to the public with limited exceptions for Closed Session
- No required registration/signing in



Public comment

- Required for each agenda item
- “General” Public Comment for ***items not on the agenda***
- Cannot respond to general public comments

Quorum

QUORUM: “MAJORITY OF STATE BODY”

- A **majority** is **more than 50%** of the Commissioners
- $27 \div 2 = 13.5$; thus, a majority = **14 Commissioners**
- This is the minimum number of Commissioners required to hold a meeting
- Therefore, 14 CBH Commissioners are required **in-person** at CBH publicly-noticed sites



Sample Agenda

“Information” = No vote

“Action” = Vote

Quorum is always needed, which means 14 Commissioners must be present to keep meetings running.

Main purposes:

- Transparency
- Public notice

Meeting Agenda

Opening Business and Administrative Items

- 9:00 a.m. **1. Call to Order and Roll Call – Information**
Roll call will be taken.
- 9:05 a.m. **2. Announcements and Caring Moment – Information**
Chair Rowlett will share updates and announcements, followed by a Commissioner-led caring moment to center us on our purpose.
- 9:20 a.m. **3. Executive Director’s Update – Information**
Executive Director Brenda Grealish will provide brief operational and strategic updates.
- 9:35 a.m. **4. General Public Comment – Information**
This time is reserved for public comments on items not on the agenda.
- 9:45 a.m. **5. Meeting Minutes – Action**
January 22, 2026, and January 23, 2026, meeting minutes will be reviewed and considered for approval.
- 9:50 a.m. **6. Consent Calendar – Action**
- Innovation Extension Funding Request: Kern County – Early Psychosis Learning Healthcare Network up to \$4,900,000.
 - Intent to Award: Transition Age Youth Advocacy Contract – \$670,000 per year for three years.

Meetings

“MEETING” DEFINITION

When a majority (more than 50%) of the Commissioners **meet to hear, discuss, or deliberate** any item that is **within the scope of the Commission.**

“SERIAL” MEETINGS ARE NOT ALLOWED

Example: Commissioner A emails or calls Commissioner B; Commissioner B emails or calls Commissioner C; Commissioner C emails or calls Commissioner D and so forth.

- This ensures that all decisions and discussions occur publicly, so that all interested stakeholders have opportunity to comment and hear.
- Intermediaries (non Commissioners) are also not allowed to do this.
- Hub and spoke: “REPLY ALL” emails can cause problems



Conflict of Interest: The Political Reform Act

What is the Political Reform Act?

- Administered by the Fair Political Practices Commission (FPPC)
- Purpose: To ensure public officials perform their duties impartially and free from bias

“ A public official at any level of state or local government shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest.

- Government Code § 87100

”

Conflict of Interest Code: CBH – Disclosure Categories

Disclosure Category 1

- Report any financial ties (investments, paid work/roles, gifts/loans/travel) with organizations **that provide behavioral health or SUD services related to the Commission's work.**

Disclosure Category 2

- Report any financial ties (investments, paid work/roles, gifts/loans/travel) with organizations **that do business with the Commission** (e.g., evaluators, meeting/event vendors, training/consulting/community engagement vendors).

Form 700

FORM 700 DISCLOSURE REQUIRED

- Yearly electronic filing – easy to amend!
- Within 30 days of appointment
- Disclose related economic interests
- Disclose gifts received in the past calendar year
- Filed within 30 days of resuming and leaving office

What to report

- **Your employer/consulting relationship**, if they are eligible for Commission grant funding or funding your Commission role may impact
- Any **board positions** related to the behavioral health field- even if unpaid (check “No Income-Board Position Only” if unpaid)
- **All income/gifts from sources** that operate programs or provide services related to the Commission's responsibilities

Reporting must include programs offering behavioral health services and substance use disorder treatment under the Behavioral Health Services Act and California's behavioral health system.

Recusal

COMMISSIONERS MUST PUBLICLY RECUSE IF THERE IS A CONFLICT OF INTEREST

Recusal procedure:

1. Announce that you are recusing yourself from the current agenda item.
2. Identify the financial interest requiring recusal.
3. Leave the room during any discussion/vote.
4. Do not participate in discussions or decision making about the agenda item.

NOTE! You have a laminated guide with these procedures spelled out.

Gifts

There are limits on **gifts** and prohibits honoraria payments, and imposes limits and other restrictions on the receipt of travel payments and personal loans.

- **2025** – \$630 cap (non-lobbyist)
- **2026** – \$630 cap (non-lobbyist)

Lobbyist gift limit is \$10/month (\$120/year max).

There are exceptions – **please contact Legal with questions!!**

Handy reference chart

Question	From a Regular Person/Company (Non-Lobbyist)	From a Lobbyist or Lobbying Firm
How much per year?	\$630 per person per year (<i>adjusts every 2 years</i>)	\$10 per month = \$120 per year
What happens if you get more?	Must report it on Form 700 AND cannot keep it if over limit	Almost nothing is allowed – the limit is very tiny
Examples of gifts	Free meals, tickets, travel, hotel stays	Even a cup of coffee could count!
Do you have to report it?	Yes – gifts \$50 or more must be listed on Form 700	Yes – everything must be tracked
Can you just give it back?	Yes! Return it within 30 days and you are OK	Yes – return it and you are generally safe
What if you forget?	Could be an FPPC violation – possible fine	Could be a bigger violation – lobbyist rules are very strict

Commission Form to Address Conflict of Interest

WAIVER OF ELIGIBILITY TO APPLY FOR FUNDING

The Commission has created a **Waiver of Eligibility to Apply** form for a Commissioner choosing to voluntarily participate in any capacity in the development, formulation, review, evaluation, or decision-making process related to a specific solicitation.



Examples of Participation in a Solicitation

WAIVER OF ELIGIBILITY TO APPLY FOR FUNDING

- Participating in or planning or attending **site visits** that inform procurements/grants
- Participating in or planning or attending **focus groups** that inform procurements/grants
- **Consulting** in any aspect of the procurements/grants
- Includes participation in the development of the outline
- **Participating in any vote** that designates funding for procurements/grants

**BASICALLY, ANY INVOLVEMENT IN THE PROCUREMENT/GRANT
WILL REQUIRE A WAIVER FROM FUNDING**

CBH Staff Roles and Responsibilities

WAIVER OF ELIGIBILITY TO APPLY FOR FUNDING

- If a Commissioner expresses interest in a procurement/grant (at any stage of its development), CBH staff have been trained to:
 - Ensure the Commissioner is aware of the eligibility risk if they participate in any aspect of the solicitation.
 - Not share information regarding any aspect of a procurements/grant, including information during the development stage, without first ensuring the Commissioner(s) have reviewed and filled out the Waiver of Eligibility form.
 - Contact Legal for the Waiver of Eligibility form.
 - File all completed Waiver of Eligibility forms with Legal.

Resources and assistance

Fair Political Practices Commission (FPPC):

- Advice Hotline: 1-866-ASK-FPPC
(1-866-275-3772)
- Email: advice@fppc.ca.gov
- Website: www.fppc.ca.gov

Your Agency's Legal Counsel: Sandra Gallardo

- Available for confidential consultations
- Can provide advice on specific situations
- Should be consulted before taking action when conflicts arise
- Represent the Commission



California Public Records Act

California Public Records Act (CPRA)

GRANTS PUBLIC ACCESS TO STATE AND LOCAL GOVERNMENT RECORDS

- All government “records” are disclosable unless specifically made exempt
- What are public records?
 - “Any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.”
 - The definition is broad and includes emails, texts, memorandums, etc.

CPRA requests

- Response time
 - All PRA requests must be answered within 10 calendar days
 - Can request 14-calendar day extension – total 24 calendar days
- Presumption
 - Favors disclosure. Presumption to disclose.
 - “Front Page of the L.A. Times” Rule

The Commission has received multiple significant PRAs that included Commissioner emails and travel.

Email records

GRANTS PUBLIC ACCESS TO STATE AND LOCAL GOVERNMENT RECORDS

- Emails: If using personal or work email to communicate Commission business, please always copy a **Commission staff member** so that it is compliant with the CPRA
- CBH IT can provide you with a Commission-only email account so that you do not use your work/personal email





Important note about public perception

Think about OPTICS and public perception

Public perception is key to building trust.

Resources

- Bagley-Keene Open Meeting Act:
<https://oag.ca.gov/system/files/media/bk-open-meeting-act-guide-2024.pdf>
- California Public Records Act:
<https://www.cacities.org/UploadedFiles/LeagueInternet/62/62f84af4-13c5-4667-8a29-261907aea6d6.pdf>



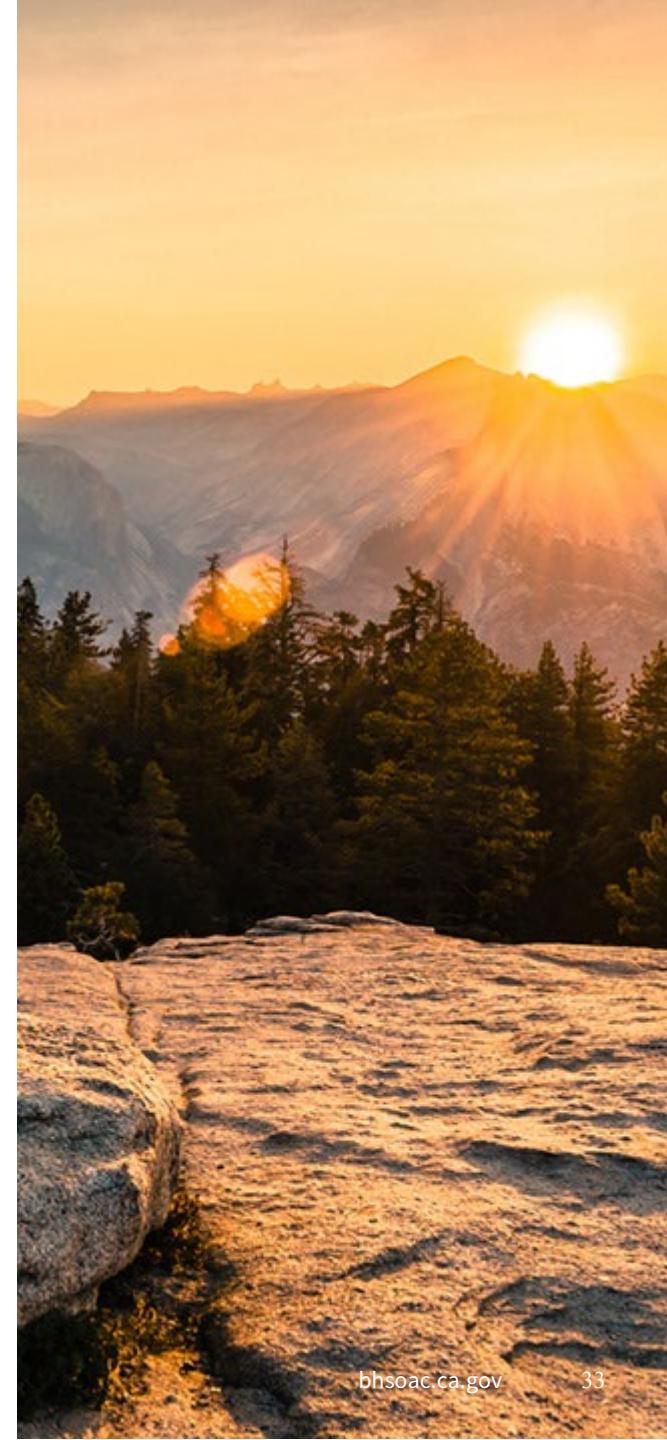


CBH Parliamentary Resource

Registered Parliamentarian

TAMI DUNNING

- Will provide personal, 1:1 training for any Commissioner
- Not an attorney – but knows the rules
- Can request multiple sessions for any questions:
 - Robert's Rules of Order
 - Bagley Keene Open Meetings Act
 - Political Reform Act
 - Public Records Act



Recap of available support

- Annual legal training
- CBH Waiver of Eligibility Form – CBH staff have been trained
- Parliamentarian Support – available now
- Annual Conflict of Interest training through California Department of Justice
- Upcoming learning management system (LMS) – will have training available 24/7 soon!
- CBH Counsel 1:1 consultations – call or text me anytime!

KEY TAKE-AWAY

CONNECT WITH ME!

Sandra Gallardo

Chief Counsel

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