

September 1, 2021 (Agenda)

Local Agency Formation Commission  
105 East Anapamu Street  
Santa Barbara CA 93101

## **Consider Changes in the Commissioner Handbook Rules and Regulations**

Dear Members of the Commission

### RECOMMENDATION

- 1) It is recommended that the Commission consider amendments to Commissioner Handbook as follows:
  - a) Section 3, Role of the Commissioner, Sub-Section F “Ethics Training”;
  - b) Section 6, Rules and Procedures, Sub-Section C “Agendas” adding request by Commissioners during future agenda items subject to Commission vote
  - c) Section 8, Conflict of Interest, add introduction regarding “Political Reform Act” adding designated position of “Commission Clerk/Analyst”; and
  - d) Section 13, Employee Handbook, Section 5.1 (C)(2) “Employee code of conduct” revising “Administrative Code” with “Commissioner Handbook”.
  - e) Find that the proposed actions are not a "project" under California Environmental Quality Act Guidelines §15378(b)(5) in that they are organizational or administrative activities of the government that will not result in direct or indirect physical changes to the environment.

### DISCUSSION

At our June 2, 2022 meeting, the Commission approved an Organizational Chart and changes to Job Descriptions that added the Clerk/Analyst position. Additional changes were approved to the Employee Handbook Section 13 to accommodate Executive Officer to hire employees. These changes were made; however, additional revisions are necessary for consistency throughout the Commissioner Handbook reflected in Conflict-of-Interest Policy Section 8 to add Clerk/Analyst position to persons occupying

the designated position. In addition, staff felt the addition of an introduction to the section stating the Political Reform Act code was useful.

A minor clean up item regarding Section 13 Employee handbook is requested to clarify the Administrative Code is the Commissioner Handbook in its entirety.

While updating and transitioning the LAFCO Website additional policies and enhancements were considered helpful to add to the Commission Handbook regarding ethics training and code of ethics and values for LAFCO employees. These additions promote the highest standards of personal and professional conduct. Section 3 Role of the Commissioner sub-section F reflects these additions.

Section 6 Rules and Procedures is being requested to add policies for when/how Agendas are prepared and future items are requested by the Commission.

Much of the proposed revisions are clean-up language or minor technical changes that do not substantially change the LAFCO's policies. The Commission should consider these changes and if more discussion is necessary staff would return at a future meeting to present any changes and/or additions based on Commission direction.

Each Section are included as **Attachments A-D**. Review of other policy revisions concerning other section could be brought back at a future meeting.

#### Attachments

Attachment A - Section 3, Role of the Commissioner, Sub-Section F "Ethics Training"

Attachment B - Section 6, Rules and Procedures, Sub-Section C "Agendas"

Attachment C - Section 8, Conflict of Interest, add introduction regarding "Political Reform Act" adding designated position of "Commission Clerk/Analyst"

Attachment D - Section 13, Employee Handbook, Section 5.1 (C)(2) "Employee code of conduct"

Please contact the LAFCO office if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Prater", with a horizontal line extending to the right.

Mike Prater  
Executive Officer

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Government Code Section 56325.1 states that while serving on the Commission all members shall exercise their independent judgment on behalf of the interests of residents, property owners and the public as a whole. Members appointed by local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority.

Commissioners should rely upon their expertise and experience while on LAFCO and exercise responsibility through a countywide, LAFCO perspective in making decisions.

D. Independence

LAFCO is established as an independent commission. It is not a part of the County government nor are its decisions appealable to local agencies.

Each Commissioner is independent in weighing and reviewing information and making a determination based upon the particular matter under review and in consideration of LAFCO's underlying purposes.

E. LAFCO Operations

The Commission is responsible for establishing policies and objectives and adopting an annual budget which is adequate and appropriate to achieve LAFCO's legal and programmatic responsibilities.

It is the responsibility of Commission to appoint an Executive Officer to fulfill LAFCO's managerial and staff needs and who will ensure required information is presented to support the decisions which are made and who will administer the LAFCO operation efficiently and effectively.

F. Ethics Training

Each member of the Commission, ~~and the~~ Executive Officer, and staff shall comply with the statutory requirement that local agency officials receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years. Public officials assuming office are to receive required training no later than a year after the first day of service.

County, city or district members of LAFCO may submit a certificate of compliance that has been submitted to his or her respective public entity.

Goals of the Code of Ethics & Values:

To make our agency a better LAFCO, built on mutual respect and trust.

To promote and maintain the highest standards of personal and professional conduct among all involved in government.

This policy applies to all employees, interns and volunteers of LAFCO, herein called officials for the purposes of this policy.

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The proper operation of democratic government requires that decision-makers be independent, impartial and accountable to the people they serve. The Commission has adopted this Code of Ethics & Values to promote and maintain the highest standards of personal and professional conduct in LAFCO's government.

All LAFCO employees, interns, and volunteers and others who participate in the LAFCO's government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice its core values in their work. Because we seek public confidence in the LAFCO's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

*Adopted July 7, 1994*  
*Revised October 6, 1994*  
*Revised May 8, 2003*  
*Revised June 7, 2012*  
*Revised September 1, 2022*

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## RULES AND PROCEDURES

### A. Authority

These rules are adopted pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act (Government Code Section 56000 et seq.) and apply to the Santa Barbara Local Agency Formation Commission and to all proceedings conducted before that Commission.

### B. Officers

Selection of Officers -- The members of the Commission shall elect a Chair and Vice Chair at the first meeting of the Commission of each year or as soon thereafter as practicable. The Chair and Vice Chair shall serve for one-year terms, It is intended and presumed that the Vice Chair will be appointed by the Commission as the Chair at the end of the term. Officers shall be selected from the categories of members in the following order: Public, County, Special District and City.

Chair -- The Chair shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by State law and by these rules. The Chair shall preserve order and decorum and decide all questions or order, subject to the action of a majority of the Commission.

Vice Chair -- In the event that the Chair is absent or for any reason unable to act, the Vice Chair shall act as Chair and exercise all the powers and duties of the Chair.

Chair Pro Tem -- In the event both the Chair and Vice Chair are absent or for any reason unable to act, the members of the Commission present shall select one of the members to act as Chair Pro Tem, said selection to be entered into the minutes.

The Chair Pro Tem shall have all of the powers and duties of the Chair while the Chair and Vice Chair are absent or for any reason unable to act.

### C. Agendas

The Executive Officer, in cooperation with the Chair, shall prepare an agenda for each Regular and Special meeting of the Commission in accordance with the Ralph M. Brown Act, Government Code Section 54950 et seq. The regular agenda

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allows requests by Commissioners at a hearing for future agenda items, subject to Commission concurrence.

Pursuant to Government Code § 54954.3, any member of the public may request during the public comment period that a matter within LAFCO's subject matter jurisdiction be placed on a future agenda. No action shall be taken on a matter not on the agenda except as provided by Section 54954(a)(3), including members of the Commission or staff may briefly respond to statements made or questions posed, ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities.

CD. Meetings

Date of Regular Meetings -- The regular meetings of the Commission shall be held the first Thursday of each month commencing at 1:00 p.m.

Location of Regular Meetings – The Commission shall adopt a schedule of regular meetings each year. Regular meetings will normally be held on the first Thursday of each month at 1:00 pm. In the months of January, March, May, July, September and November, the hearing shall normally be held at the Board of Supervisors Hearing Room, 105 East Anapamu Street, Santa Barbara, California. Regular meetings in the months of February, April, June, August, October and December shall normally be held at the County Hearing Room, Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria, California.

Special Meetings -- Special meetings may be called by the Chair or a majority of the members of the Commission in a manner provided by State law. The notice shall be provided 24 hours in advance of the meeting to all of the Commission members and to all media outlets who have requested notification and shall be posted. The order calling the special meeting shall specify the time and place of the meeting and the business to be transacted at such meeting and no other business shall be considered. Where the notice of the special meeting is given by the Executive Officer, the notice shall specify that the meeting is being called by either the Chair or a majority of the members of the Commission.

Major Hearings -- Where possible, meetings regarding major or significant agenda items, especially those which will require lengthy or multiple hearings, should be held in proximity to the affected project area. The determination of what constitutes

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Commission, may continue to provide confidential attorney-client legal advice on the merits of adjudicative matters to members of the Commission.

Section 2. All Attorneys. Pursuant to Rule 3.5(b) of California's Rules of Professional Conduct for lawyers which became effective on November 1, 2018, and in addition to the local rule at Section 1, above, all lawyers may continue to communicate with members of the Commission on the merits of adjudicative matters and those communications will be subject to *ex parte* disclosure by the member.

Section 3. Gifts. Pursuant to Rule 3.5(a) of California's Rules of Professional Conduct for lawyers which became effective on November 1, 2018, any gifts from lawyers to members of the Commissions and/or to LAFCO employees, shall be regulated by the Political Reform Act, Government Code § 81000 *et seq.*

I. Amendment

Except as amended herein, all other provisions of the Santa Barbara LAFCO Commissioner Handbook remain unchanged and shall continue in full force and effect.

*Adopted July 7, 1994*  
*Revised October 4, 2001*  
*Revised May 8, 2003*  
*Revised September 4, 2003*  
*Revised November 2, 2006*  
*Revised February 7, 2008*  
*Revised July 3, 2009*  
*Revised March 5, 2009*  
*Revised January 7, 2010*  
*Revised April 3, 2014*  
*Revised April 1, 2021*  
*Revised May 6, 2021*  
*Revised September 1, 2022*

## CONFLICT OF INTEREST CODE

- A. The Political Reform Act, Government Code Sections 81,000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes.
- B. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices to conform to amendments to the Political Reform Act after public notice and hearing.
- C. The provisions Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference, and along with the attached Appendix "A" in which officials and employees are designated and Appendix B which sets forth disclosure categories, constitute the Conflict of Interest Code of the Santa Barbara Local Agency Formation Commission.
- D. Pursuant to Section 4 of the standard Code, designated officers and employees shall file statements of economic interest with the Executive Officer. Upon receipt of the statements filed, a copy shall be retained and the original shall be forwarded to the Elections Division of the Santa Barbara County Clerk-Recorder.

*Adopted April 7, 1994*  
*Revised September 2, 2021*  
*Revised September 1, 2022*



APPENDIX A

Persons occupying the following positions are designated employees and must disclose financial interests in those categories described in Appendix B which are listed opposite their respective designated positions.

| <u>Designated Positions</u>                              | <u>Disclosure Categories</u> |
|--|------------------------------|
| Commissioners and Alternate Commissioners <sup>(1)</sup> | 1,2,3,4                      |
| Executive Officer  | 1,2,3,4                      |
| Legal Counsel  | 1,2,3,4                      |
| <u>Commission Clerk/Analyst</u>                          | <u>1,2,3,4</u>               |
| Consultants/New Positions                                | 1,2,3,4                      |

1. Pursuant to Government Code section 87200, members of the board of supervisors and members of city councils of cities file statements of disclosure pursuant to the state code. These positions are listed here for informational purposes.
2. The disclosure by consultants and new positions is subject to the following limitation: The LAFCO Executive Officer may determine in writing that a particular consultant or new position is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

## CATEGORIES OF DISCLOSURE

Officers and employees shall report investments, interest in real property, income, and any business entity in which the person is an owner, director, officer, partner, trustee, employee, or holds any position of management which materially by any decision made or participated in by an officer or employee by virtue of his or her position with the Commission.

### Category 1

Interests in real property which is located in whole or in part within the jurisdiction of Santa Barbara County, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

### Category 2

Business positions or investments in or income from persons or business entities engaged in the appraisal, acquisition, or disposal of real property within the jurisdiction of the Commission.

### Category 3

Business positions or investments in business entities and income from any source or sources of income if the business entities or the source of sources of income are of the type which, within the previous two years, have provided or contracted to provide, or in the future with reasonable foreseeability, might provide or contract to provide services, supplies, materials, machinery or equipment to or for the use of the Commission.

### Category 4

Business positions or investments in business entities and income from any source or sources of income, if the business entities or source or sources of income are of the type which are subject to the regulation or supervision of the Commission and the designated officer or employee's duties involve the supervision or regulation (including, but not limited to, the issuance or granting or franchise, building permits or other use or business permits or any other land use control or regulation) of that type of business entity or source of income.

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3. Integrity and Public Interest

Employees are to promote confidence in the integrity of LAFCO and always act in the public interest and not in their private interest.

4. Responsible Service

Employees are to provide relevant and responsible service to the public and other employees, providing necessary and appropriate assistance.

They should provide information promptly and in an appropriate format that is easy for the recipient to understand. The information should be clear, accurate and complete.

5. Economy and Efficiency

Employees should keep up to date with advances and changes in their area of expertise and look for ways to improve performance and achieve high standards of work.

They shall use their authority, available resources and information only for the work-related purpose intended.

C. Guide to Ethical Decision Making

To assist in fostering a climate of ethical awareness, conduct and decision making at LAFCO, employees may find it useful to refer to or consider, either by themselves or in conjunction with their peers, supervisor or Executive Officer the following five points:

1. Is the decision or conduct lawful?
2. Is the decision or conduct consistent with the LAFCO ~~Administrative Code~~ Commissioner Handbook and LAFCO's goals and Code of Conduct?
3. What will the outcome be for the employee, other employees, LAFCO, and others?
4. Do these outcomes raise a conflict of interest or lead to private gain at LAFCO's expense?
5. Can the decision or conduct be justified in terms of public interest and would it withstand public scrutiny?

D. Acceptance of Gifts or Benefits

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Insurance policies and extras should be turned down at the rental counter.

However, pre-paying for gas should be accepted.

Tolls are reimbursable.

If a booking is made or changed without manager approval, the employee will be responsible for the resultant difference in cost.

In case of accident, employees should contact 911, the group insurance provider and management, in that order.

F. Travel Documentation

Employees traveling domestically must check that their government-issued photo I.D. is current, the costs of which are not reimbursable.

Proper insurance identification cards and valid driver's license shall be carried at all times.

Please retain receipts for all documentation expenses.

## **PART 7 – MISCELLANEOUS REIMBURSEABLE EXPENSES**

### **7.1 REIMBURSEABLE EXPENSES**

A. Overview

The intent of this policy is to provide a reasonable list of reimbursable expenses for all LAFCO employees

LAFCO shall reimburse Executive Office for expenses incurred in performing services as set forth in Exhibit A of his/her contract. Expenses not explicitly set forth in Exhibit A shall not be reimbursed without the prior written consent of LAFCO Chair. Expenses will be reimbursed only if incurred during the contract period.

B. Eligible Employees

All Employees are eligible for mileage at the standard Santa Barbara County rate, calculated from employee home work place, postage and express mail, printing and copying, travel as outlined above, and healthcare in lieu of LAFCO medical coverage.

*Adopted June 3, 2021*

*Revised June 2, 2022*

*Revised September 1, 2022*

**ATTACHMENT D**