

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

Appendix X

Code of Ethics

The legislative intent for LAFCO is contained in Government Code Section 56300:

It is the intent of the Legislature that each commission establish policies and exercise its powers pursuant to this part in a manner that encourages and provides planned, well-ordered efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns.

LAFCO is an independent commission and is not a part of or subordinate to the County, any city or any special district. Each Commissioner is independent in weighing and reviewing information and making determinations based upon the particular matter under review and in consideration of LAFCO's underlying purposes, as provided by the law:

56325.1. While serving on the commission, all commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of this division. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority. This section does not require the abstention of any member on any matter, nor does it create a right of action in any person.

LAFCO's composition is a balanced membership consisting of City, County, Public, and Special District members. The mixed membership ensures that various backgrounds and perspectives are reflected on the Commission.

As they carry out their LAFCO responsibilities, Commission members rely on the expertise and experiences they have gained while serving on their appointing agencies. However, members will base their decisions on the policies and requirements of LAFCO law and the best interests of all the citizens.

The members of the Commission include both regular and alternate members. All members, both regular and alternate, should attend all meetings, and all members voting are responsible for participating in discussions of issues and in facilitating the work of the commission.

Rules of conduct have been adopted by the Commission in order to conduct its business in a productive, thoughtful manner. Participants in LAFCO proceedings are encouraged to be courteous and respectful. LAFCO expects to hear differing opinions and points of view during the course of its deliberations

Interruptions and discourteous comments will not be tolerated by the Commission.

Additionally, Commissioners agree to actively listen to each other, to voice their opinions, and to be respectful of staff, the public, and fellow commission members. Commissioners further agree to focus discussion on issues (as opposed to personalities), and to conclude issues in a timely manner. Each member accepts responsibility to stay focused on issues germane to the topic.

Signature

Date

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1.8 RESPONSIBILITIES OF COMMISSIONERS

1.8.1 Each member of the El Dorado LAFCO has a duty to:

- 1.8.1.1 Diligently prepare for meetings by understanding the background, purpose, and arguments for and against items of business before a meeting.
- 1.8.1.2 Seek background information about agenda items and operational matters by contacting the LAFCO's Executive Officer prior to the Board Meeting.
- 1.8.1.3 Respect confidences and information designated as "confidential." Do not disclose information received during a Closed Session of the LAFCO Board held pursuant to state law.
- 1.8.1.4 Treat everyone with respect by actively listening to other viewpoints, and not interrupting, ignoring, or belittling the contributions of others. Members of the Commission will use professional language.
- 1.8.1.5 State views briefly and clearly during LAFCO Board and Committee meetings. Refrain from discussing non-agenda items.
- 1.8.1.6 Refrain from abusive conduct, personal charges, or verbal attacks upon the character, motives, ethics, morals, or comments of other Commissioners, staff, or the public.
- 1.8.1.7 Make impartial decisions in the best interest of the public, free of narrow political interest, financial, and other personal interests that impair independence of judgment or action, and are consistent with, but not limited to, the requirements of the Political Reform Act and other state and local laws.
- 1.8.1.8 Recognize and accept legitimate differences of opinion. Act with integrity in accepting, supporting, and defending LAFCO. Once the Commission takes action, all Commissioners should respect the decision of LAFCO and not create barriers to the implementation of said action. The dissenting Commissioner(s) should acknowledge the decision of the Board and current position of LAFCO.
- 1.8.1.9 Provide fair and equal treatment of all persons and matters coming before the Commission.

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1.8.2 Rules of Conduct in Office

- 1.8.2.1 Each member of the El Dorado Local Agency Formation Commission has a duty to:
 - 1.8.2.1.1 Support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; bear true faith and allegiance to the Constitutions of the United States and the State of California; and well and faithfully discharge the duties of the office.
 - 1.8.2.1.2 Commissioners will strive to work in cooperation with other public officials unless prohibited from so doing by law or officially-recognized confidentiality of their work.
 - 1.8.2.1.3 Abide by and defend all applicable laws and policies, especially the political campaign, lobbying, and conflict of interest laws enforced by the Fair Political Practices Commission, state laws, and the El Dorado LAFCO's Policies and Guidelines.
 - 1.8.2.1.4 Safeguard LAFCO's ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising objectivity, independence, and honesty.
 - 1.8.2.1.5 Carefully consider if exceeding or appearing to exceed authority of office for personal or financial gain. When in doubt, avoid actions that create, in the mind of a reasonable observer, the appearance of impropriety, ethical lapses, legal violations, or actions inconsistent with this Policy.
 - 1.8.2.1.6 Refrain from making unauthorized commitments or promises of any kind purporting to bind LAFCO.
 - 1.8.2.1.7 Refrain from using status as a public office holder to influence the outcome of a community meeting. When attending as a citizen, indicate when expressing personal opinions, and refer questions related to LAFCO policies to LAFCO's Executive Officer.

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- 1.8.2.1.8 Utilize LAFCO resources, including but not limited to, equipment, supplies, staff time, telephones, computers, and fax machines in a manner consistent with LAFCO policies and state laws.
- 1.8.2.1.9 Correspondence paid for with public funds or on agency stationery must relate to bona fide LAFCO business and must not purport to advance or advocate a policy not previously approved by the Commission as a whole. No individual Commissioner shall create or transmit any LAFCO correspondence without authorization from LAFCO to serve as spokesperson for this purpose. When otherwise signing correspondence using their title as Commissioner and presenting their individual opinions and positions, Commissioners shall explicitly state they do not represent LAFCO and will not allow the inference that they do. The following disclaimer shall be used on personal communication: *"This correspondence and any documents attached hereto, reflects the individual opinions and positions of the above-named Director and does not represent the opinions or positions of LAFCO's Board of Directors or LAFCO. Pursuant to Section 1.8.1-1.8.1.9 of the LAFCO Policies and Guidelines, individual Commissioners, except as otherwise authorized by LAFCO, shall have no power to act for LAFCO or its Commissioners."*

1.8.3 Violation of Code of Conduct and Decorum Policy

- 1.8.3.1 Presiding Officer. The presiding officer shall request that a person who is breaching the rules of decorum be orderly and comply with this Policy. After receiving a warning from the presiding officer, the presiding officer may agendize an item for the next LAFCO meeting to discuss the conduct and have the Commission determine if the conduct is in violation of this Policy. If a super-majority of the Commission determines the conduct was in violation of this Policy, the Commission's super-majority may impose any of the following remedial actions:
 - (a) Issue a letter of warning from the Commission;
 - (b) Adopt a resolution expressing disapproval of the conduct of the Commissioner and censure by the Commission;
 - (c) Remove the Commissioner from their position on any LAFCO committees;

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- (d) Deny or reduce payment of stipend and/or expense reimbursement for meetings of outside organizations, if applicable; or
- (e) Deny or reduce payment of stipend and/or expense reimbursement for the LAFCO meetings at which the violations(s) occurred.

1.8.3.2 **Motion to Enforce**. If the presiding officer of the Commission fails to enforce the rules set forth above, any Commissioner may move to require the presiding officer to do so, and an affirmative vote of a super-majority of the Commission shall require him or her to do so. If the presiding officer of the Commission fails to carry out the will of a super-majority of the Commission, the super-majority may designate another member of the Commission to act as presiding officer for the limited purpose of enforcing any rule of this Policy it wishes be enforced.