

IN THE LOCAL AGENCY FORMATION COMMISSION

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, December 18, 2025

RESOLUTION NO. 2025-XX

UPDATE OF THE SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION'S CONFLICT OF INTEREST CODE

WHEREAS, Government Code Section §87300 requires each local public agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act (Government Code Section §81000 et seq.); and

WHEREAS, the Board of Supervisors is designated as the “code reviewing body” for all local agencies, except cities, whose boundaries are located wholly within the county; and

WHEREAS, pursuant to Government Code Section §87306.5, the Clerk of the Board of Supervisors of the County of San Luis Obispo, as the local code administrator, directed those local agencies that have adopted a conflict of interest code to review their codes to determine whether any changes to their codes are necessary due to changed circumstances; and

WHEREAS, the Political Reform Act requires local agencies to submit to the code reviewing body a report identifying changes in its code that are necessitated by changed circumstances, such as the addition of new positions, or the deletion of positions that have become obsolete; and

WHEREAS, minor changes need to be made to LAFCO's Conflict of Interest Code; and

WHEREAS, the Commission has duly considered the proposed amendments to the Conflict of Interest Code;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Local Agency Formation Commission that:

1. The Amended Conflict of Interest Code attached hereto as Exhibit A supersedes the Conflict of Interest Code last amended on January 16, 2025.
2. The list of designated LAFCO positions and applicable disclosure categories attached as Appendix A & B is hereby adopted as the appendix of designated positions and disclosure categories to accompany section 18730.
3. Designated employees and officers shall file statements of economic interest (FPPC Form 700) with the Clerk of the Board of Supervisors, who will make the statements available for public inspection and copying.
4. This conflict of interest code shall not take effect until the San Luis Obispo County Board of Supervisors approves it in its capacity as code reviewing body under the Political Reform Act. The Commission Clerk is hereby authorized and directed to submit a

certified copy of this resolution with appendices to the Board of Supervisors and request approval of the Conflict of Interest Code.

5. After approval by the San Luis Obispo County Board of Supervisors, the attached Exhibit A together with Appendices A & B, shall constitute the Conflict of Interest Code of the San Luis Obispo Local Agency Formation Commission.

Upon a motion by _____, seconded by Commissioner _____, and on the following roll call vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted.

_____, Chair _____ Date
Local Agency Formation Commission

ATTEST:

Rob Fitzroy Date
LAFCO Executive Officer

APPROVED AS TO FORM AND LEGAL EFFECT:

Holly Whatley Date
LAFCO Legal Counsel

Exhibit 1

SAN LUIS OBISPO

LOCAL AGENCY FORMATION COMMISSION

CONFLICT OF INTEREST CODE AND FINANCIAL DISCLOSURE REQUIREMENTS

A. Incorporation by Reference of FPPC Model Code

The Political Reform Act, codified at Government Code Section §81000 et. seq., requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission (FPPC) has adopted a regulation, 2 California Code of Regulations §18730, which contains the terms of a standard conflict of interest code. ("Model Code".) This Model Code may be adopted by local agencies and incorporated by reference as the agency's conflict of interest code, together with appendices setting forth the designated positions and relevant disclosure categories applicable to each position. The Model Code may be amended from time to time by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act.

The terms of 2 California Code of Regulations §18730 and any amendments to it, duly adopted by the FPPC, are hereby incorporated by reference.

Pursuant to section 2 of the Model Code, Appendix B attached hereto sets forth LAFCO's Designated Position List. Those persons holding positions listed in Appendix B must file statements of economic interest (Form 700) with the Executive Officer of the Commission, setting forth financial interests in the disclosure categories identified therein and more fully defined in Appendix A, attached hereto.

B. Disqualification and Disclosure

The provisions of Article 2.5 of Chapter 4 of Title 9 of the Government Code are applicable to LAFCO. LAFCO officers must not accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before LAFCO and for three months following the date a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Government Code Section §87100 (of the Political Reform Act). This prohibition applies regardless of whether the officer accepts, solicits, or directs the contribution for himself or herself, on behalf of any other officer, on behalf of any candidate for office, or on behalf of any committee. (Government Code Section §84308, subd. (b).)

Prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before the Commission, each commissioner or alternate commissioner, as the case may be, who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant to a LAFCO proceeding shall disclose that fact on the record of the proceeding.

LAFCO members are disqualified and are not able to participate in any proceeding involving an “entitlement for use” (within the meaning of Government Code Section §84308, subd. (a)(5)) if, within the 12 months preceding the LAFCO decision, the Commissioner received \$250 or more in campaign contributions from the applicant, an agent of the applicant or any financially interested person who actively supports or opposes the LAFCO decision on the matter.¹

¹This requirement is based on Government Code section 87100, which provides: Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer of an agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

APPENDIX A

Disclosure Categories

- 1) All sources of income, including gifts;
- 2) Interests in real property located in whole or in part within, or not more than one-half mile outside, the boundaries of San Luis Obispo County (does not include the principal place of residence); and
- 3) Investments and business positions in business entities located in or doing business in San Luis Obispo County and engaged in:
 - a. The acquisition, sale, lease, or development of real property;
 - b. Providing insurance brokerage or consulting services; or
 - c. Providing services of the type which have, in the past two years, or which with reasonable foreseeability, may be used in the next one-year period by the filer's division within the office.

Appendix B

Designations Position List

<u>Designated Position</u>	<u>Disclosure Category Numbers</u>
LAFCO Executive Officer	1, 2, 3
LAFCO Deputy Executive Officer	1, 2, 3
LAFCO Legal Counsel	1, 2, 3
LAFCO Commissioners & Alternate Commissioners ⁱ	1, 2, 3
LAFCO Analyst	1, 2, 3a, 3c
LAFCO Senior Analyst	1, 2, 3a, 3c
Consultants ⁱⁱ	1, 2, 3

ⁱ Board of Supervisors who are designated as governing board members of LAFCO report pursuant to Government Code section 87200. Alternate Commissioners for the Board of Supervisors members on the LAFCO governing board report pursuant to this code.

ⁱⁱ The disclosure by consultants is subject to the following limitation: The LAFCO Executive Officer may determine in writing that a particular consultant, including a consultant filling a position designated above 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 consultant's duties and, based upon that description, a statement of the extent of disclosure requirements, if any. 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.