

POLICY REVIEW AND COMPLIANCE REVIEW MEMORANDUM

To: Mark E. Bannon, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
Re: A19-003 – Town of Lantana Ethics Policy Review and Training Compliance

- **Background**

The Code of Ethics (Code) states in part under Section 2-446(a) that the county or municipal administrator shall establish by policy a mandatory training schedule for all employees and elected or appointed officials, which shall include mandatory periodic follow-up sessions. Section 2-446(b) states in part that the COE shall develop and deliver training programs and ensure that the training is delivered in a timely manner.

- **Objectives and Scope**

The objectives are:

- To provide assurance that the agency has a training policy.
- To provide assurance that the training policy includes enough specific information to officials and employees that they can determine clear parameters, including initial training with deadline and grace period defined, and retraining cycle timeline with deadlines and grace periods defined.
- To provide reasonable assurance the agency is requiring its officials and employees to comply with the training policy.

The scope of this review focused on the policy and acknowledgement forms for officials and employees within the Town of Lantana (Town). The delivery method of the ethics training and internal tracking method of compliance were not part of the scope.

- **Approach and Methodology**

I sent an email to Nicole Dritz, who the Town Clerk requesting a list of the officials and employees as well as their training acknowledgement forms. As the City is not a large municipality, Ms. Dritz was able to email all the requested information on February 24, 2019, which alleviated an on-site review.

- **Findings**

The training policy for the Town was issued and became effective on December 2, 2012, and the most recent revision occurred on December 19, 2017. The policy requires the completion and submission of a training acknowledgement form to the Town Clerk subsequent to completion of training.

The policy requires that all employees and non-elected officials undergo initial training and read the Code within the first 30 days of employment or appointment. Elected officials must undergo initial training and read the Code within the first 30 days of taking office. The training policy also requires that employees and officials reread the Code and participate in mandatory follow-up training every four years. The deadline date is December 1 with a 60-day grace period, which means anyone who takes the training from October 1 through January 31 will be considered in compliance with the Town policy.

Although the policy has a deadline date and grace period, it does not have a designated cycle year. I spoke with Ms. Dritz regarding the cycle period, and she explained that someone in human resources has a chart listing all of the employees and their training date. Each month, the calendar is reviewed, and employees and department directors are notified by email who needs to take the training.

At the time of the review, the Town consisted of 5 elected officials, 111 employees, and 4 advisory boards with 21 appointed officials. It should be noted that while all of the employees have taken training, there were 70 employees and 6 advisory board members who participated in training outside the window of time designated by the town policy. Additionally, there were 2 advisory board members who have not participated in training since 2014. Lastly, there is 1 advisory board member who has not participated in training.

Although state law requires that elected officials undergo four (4) hours of ethics training each year, that ethics training does not necessarily contain training provided by the Palm Beach County Commission on Ethics for the Palm Beach County Code. Furthermore, Town policy requires participation in county ethics training every four (4) years. However, Town elected officials are elected for three-year terms on a staggering basis.

- **Recommendations**

According to the Palm Beach County Code of Ethics §2-446(a), *Officials and employees shall be informed of their ethical responsibilities at the start of their public service, and shall receive updates and training materials on ethics issues throughout the span of their public service... The county administrator or municipal administrator as applicable shall establish by policy a mandatory training schedule for all officials and employees, which shall include mandatory periodic follow-up sessions.* In accordance with these mandates, the COE recommends incorporating the following language into a separate Ethics Training Policy and Procedure.

After reviewing the policy and completing the compliance review, implementing the following three (3) recommendations should provide clarification regarding the training cycle and deadlines. The tracking process would also be easier to maintain.

1. The follow-up training for employees should add the year the training cycle began to the language so that everyone will know when the training cycle is expected to begin. For example, the follow-up language for employees could be added to paragraph 3 under the Training section as follows: **“All employees who take ethics training and read the Code of Ethics between October 1-January 31 during the cycle year will be considered trained and in compliance with this policy. The cycle year began in 2018.”**
2. It is recommended that the language in the policy regarding mandatory follow-up training for officials be removed from the follow-up language for employees and instead be included in the language regarding initial training. For example, the initial training for officials could be changed to include the mandatory follow-up language to read: **“Officials (elected and appointed) must participate in training within thirty (30) days of taking office upon election, reelection, appointment or reappointment.”**
3. Finally, we request that the Town remove the Compliance Review section of the Town Policy. During the COE's initial compliance reviews in 2012, a grace period of up to 45 days was allowed to cure any deficiencies in required ethics training. The allowances were given because the ordinance was new. However, since this process is now in its ninth year, the 45-day grace period is no longer applicable and training deficiencies will be noted in the compliance review reports after COE staff have conducted the ethics training compliance review.

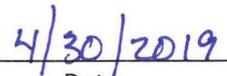
- **Conclusions**

The results of the review found that the employees and elected officials for the Town of Lantana are technically not in compliance their policy because they took ethics training outside of the window of time listed in the policy. With that said, all of the employees and elected officials have participated in training. However, there are two advisory board members who have not participated in training since 2014, and one advisory board member who has not participated in training. Therefore, the Town of Lantana is not in full compliance with the ethics training requirement. Further, the review identified three (3) areas of the policy that should be updated so that the requirements are clear.

Submitted by:

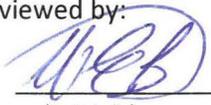


Gina A. Levesque, Intake and Compliance Manager
Palm Beach County Commission on Ethics

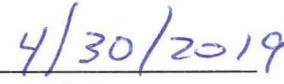


Date

Reviewed by:



(Initials)



Date