

PALM BEACH COUNTY COMMISSION ON ETHICS  
POLICY REVIEW AND  
COMPLIANCE REVIEW MEMORANDUM

To: Mark E. Bannon, Executive Director  
From: Gina A. Levesque, Intake and Compliance Manager  
Re: A19-007 – Town of Gulf Stream Ethics Policy Review and Training Compliance

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- **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 Gulf Stream (Town). The delivery method of the ethics training and internal tracking method of compliance were not part of the scope.

- **Approach and Methodology**

I called and spoke with, then sent a follow-up email to, Rita Taylor, who is the Town Clerk requesting the following information:

1. A list of all employees and their date of employment as well as proof of training;
2. A list of all advisory boards naming each board member including latest appointment date, term date, and proof of training; and
3. The elected officials names, date of taking office with the term dates, and proof of training for the Palm Beach County Code of Ethics. The State ethics training is something different and not applicable for our purposes.

As the Town is not a large municipality, I informed Ms. Taylor that the information could be provided by email if it was available electronically.

Pursuant to my request, I corresponded with Executive Administrative Assistant Reneé Rowan Basel during the next few months, which alleviated an on-site review.

- **Findings**

The training policy for the Town was issued and became effective on March 15, 2013. The policy requires the completion and submission of a Training Acknowledgement Form to the Town Clerk subsequent to completion of ethics training.

The policy requires that all employees and appointed officials undergo initial training and read the Code within 60 days of employment or appointment. Elected officials must undergo initial training and read the Code within 60 days of

taking office. The training policy also requires that employees and officials reread the Code and participate in mandatory follow-up training every three years.

The policy does not include a training deadline date for the three (3) year cycle nor does it include a grace period. Although I do not know how the training was tracked, I was provided a copy of a spreadsheet containing four sections of names/information. The first section listed the employees, the second section contained a list of police department personnel, the third section contained the elected officials, and the fourth section contained the appointed officials.

The sections listing employees and police department personnel were divided into four columns containing the name and title, the hire date, the date of last ethics training, and the next ethics training due date. The sections listing elected and appointed officials contained four columns containing the name and title, the date of last ethics training, the next ethics training due date, and their term dates listing only the year.

Considering there was no deadline date or grace period provided, the hire date was useful. However, as the term dates were only listed by year, I had no idea what date the officials took office or were appointed. Moreover, regardless of when the official was appointed or took office, the date of their last training was between two and thirty-two days after the initial request for training documentation which was on June 11, 2019.

At the time of the review, the Town consisted of 5 elected officials, 20 employees, and 1 advisory board with 7 appointed officials. It should be noted that while all of the employees have taken training, there were 3 employees who participated in training outside the window of time designated by town policy. Additionally, as no information was provided as to the date each official took office, I was unable to determine if they were in compliance with the initial designated training period. 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 three years, and Town elected officials are elected for three-year terms on a staggering basis.

Although the Town does not have a significant number of individuals to track for training purposes and while the internal tracking method of compliance is not being reviewed, the Town is currently basing the three-year retraining requirement on the last date the individual participated in training. However, provided my understanding of the tracking method is correct, and based on the limited timeline of training provided, the method appears to be flawed because it does not allow the review to determine whether or not employees are in compliance with Town policy. Additionally, pursuant to the evidence that all of the officials took training between two and thirty-two days after the request for proof of training, which was June 11, 2019, there is an appearance that there is nobody assigned to track training for the officials.

- **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 be more specific so that everyone will have a better understanding of what is expected. For example, the follow-up language for employees could be as follows: **“After initial**

training, periodic mandatory follow-up training is required for all employees every three (3) years during the training cycle. The three-year training cycle is effective October 1, 2020, and there will be a 60-day grace period. Therefore, all employees who take ethics training and read the Code of Ethics between August 1 and November 30 during the cycle year will be considered trained and in compliance with this policy."

2. It is recommended that the language in the policy regarding mandatory follow-up training for officials be separated 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 sixty (60) days of taking office upon election, reelection, appointment or reappointment."**
3. Finally, we request that the Town remove Item 5 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 seventh year, the 45-day grace period is no longer applicable and training deficiencies will be noted in the compliance review reports after the ethics training compliance review has been conducted by COE staff.

- **Conclusions**

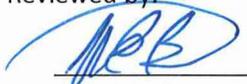
The results of the review found that the employees and elected officials for the Town of Gulf Stream are technically not in compliance with their policy because three employees took ethics training outside the initial 60-day window after employment time listed in the policy. With that said, all of the employees and elected officials have participated in training. However, one advisory board member has not participated in training. Therefore, the Town of Gulf Stream 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:

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

9/24/2019  
Date

Reviewed by:

  
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(Initials)

9/25/2019  
Date