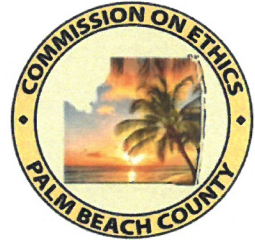


POLICY REVIEW AND COMPLIANCE MEMORANDUM



Honesty - Integrity - Character

To: Mark E. Bannon, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
A18-003 – Town of Loxahatchee Groves
Re: Ethics Policy Review and Training Compliance

- **Background**

The Palm Beach County 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 county has a training policy.
- To provide assurance that the training policy includes enough specific information for officials and employees to determine clear parameters, including initial training and retraining deadlines and grace period definitions.
- To provide reasonable assurance the county is requiring its officials and employees to comply with the training policy.

The scope of this review focused on the policy and proof of training for the Town of Loxahatchee Groves (Town) employees and officials. The delivery method of the ethics training and internal tracking method of compliance was not part of the scope.

- **Approach and Methodology**

The approach included a request to meet with the Town Clerk Virginia Williams to review a list of all officials and employees and proof of ethics training by said officials and employees. Ms. Williams provided five lists with the names and election/appointment dates for all officials for the Town on August 22, 2018. Then she provided copies of training forms on September 17, 2018. When asked about employees, Ms. Williams said that the Town is being managed by a management company and therefore has no employees. However, as the Town Manager, Mr. Underwood is performing a government function and therefore under the jurisdiction of the Commission on Ethics and subject to the Code. Additionally, Virginia Williams acting as Town Clerk also performs a government function and therefore under the jurisdiction of the Commission on Ethics and subject to the Code.

- **Findings**

The training policy for the Town was issued and became effective on March 13, 2013. The policy requires that employees and officials undergo training and read the Code within 30-days of employment or appointment. Further, they are to complete and submit a training acknowledgement form to the Town Clerk subsequent to reading the Code and completing the training. The training policy also requires rereading the Code and mandatory follow-up training every two (2) years for all officials and employees. There is no differentiation between employees and officials for the 2-year mandatory follow-up training. Additionally, the policy does not include a training deadline date or a grace period for the 2-year cycle.

At the time of the review, there were two employees of the Town, which are the Town Manager and the Town Clerk. There were also five (5) elected officials and nineteen (19) appointed officials. The elected officials are elected on a

staggered basis. Two (2) officials were elected in 2016, one (1) official elected in 2017, and two (2) elected in 2018. 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 Commission on Ethics for the Palm Beach County Code. Three (3) of the elected officials have taken the training pursuant to their policy. However, one (1) elected official took the training six (6) months after taking office, and one (1) elected official either has not taken the training or has not turned in the acknowledgement form.

After reviewing the advisory board lists, it would appear that members of all of the boards are appointed yearly. There were no acknowledgement forms on file for any of the members of the Planning and Zoning Board or the Roadway, Equestrian Trails and Greenway Advisory Committee; there were only (2) forms on file for the Unified Land Development Code Review Committee; one on file for the Finance Advisory & Audit Committee; and only two on file for the Town Council Members. All of information gathered indicates only three (3) of the twenty-five (25) officials have been trained, and both "employees" took the training.

- **Recommendations**

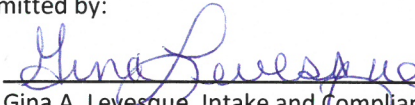
After reviewing the policy and completing the compliance review, implementing the following two (2) recommendations should provide clarification regarding the training cycle and deadlines. The tracking process would also be easier to maintain.

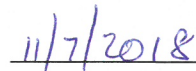
1. The follow-up training for employees should be more specific so that everyone will have a better understanding of what is expected. For example, the follow-up language for employees could be as follows: **"After initial training, periodic mandatory follow-up training is required for all employees every two (2) years during the training cycle. The two-year training cycle is effective October 1, 2019, 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 thirty (30) days of taking office upon election, reelection, appointment or reappointment."**

- **Conclusions**

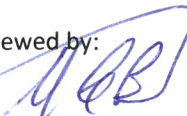
The results of the review found that the Town of Loxahatchee Groves is not in full compliance with the Palm Beach County Code of Ethics training policy requirement for all of its employees and officials. Further, the review identified two (2) areas of the policy that should be updated for practicality and so that the requirements are clear.

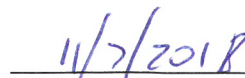
Submitted by:


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


Date

Reviewed by:


(Initials)


Date