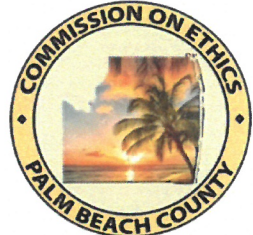


POLICY REVIEW AND COMPLIANCE MEMORANDUM



Honesty - Integrity - Character

To: Mark E. Bannon, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
A18-004 – Town of Palm Beach Shores
Re: Ethics Training Compliance and Policy Review

- **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 agency 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 agency is requiring its officials and employees to comply with the training policy.

The scope of this review focused on the policy and proof of ethics training for Town of Palm Beach Shores (Town) employees and officials. The delivery method of the training and internal tracking method of compliance were not part of the scope.

- **Approach and Methodology**

Evyonne Browning, Town Clerk, is responsible for tracking and maintaining all information for employees and officials. Ms. Browning provided a list of all officials and employees including their election/appointment and hire dates on October 1, 2018.

- **Findings**

The training policy for the Town requires the completion and submission of a training acknowledgement form to the Town Clerk subsequent to completion of training.

The policy requires that officials and employees undergo initial training and read the Code within 60 days of appointment, employment, or taking office for elected officials. The training policy also requires rereading the Code and mandatory follow-up training every two years for all officials and employees. There is no differentiation between employees and elected officials for the 2-year mandatory follow-up training.

The policy does not include a training deadline date for the 2-year cycle nor does it include a grace period. However, the Town's most recent training took place toward the end of August 2018. Therefore, the next two-year cycle will be in 2020. As the last training took place toward the end of August, the Town could use a deadline date of September 1 and a 90-day grace period, specifically listing June 1 – November 30 as the training compliance timeframe for each training cycle period.

At the time of the review, the Town consisted of 5 elected officials, 7 appointed officials, and 32 employees. Of the 32 employees, 31 were trained. Of the 5 elected officials, there were 3 elected on March 26, 2018. One of those commissioners has not taken the required ethics training. The other two took ethics training on June 26, 2018 and September 11, 2018 respectively. One of the five was elected on March 28, 2017, but did not take training until June 26, 2018. Lastly, there was one official elected on August 21, 2017, who did not take training until August 24, 2018.

Therefore, none of the elected officials are in compliance with their policy. Of the 7 appointed officials, there was one vacancy due to a resignation, and one member who took the training within 60-days of appointment. The other 5 members did not take the training within 60-days of appointment.

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 two (2) years. However, because Town officials are elected on a rotating basis, there is no election every third year, which creates an arduous task for tracking purposes.

- **Recommendations**

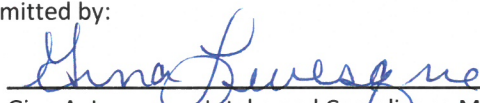
After reviewing the policy and completing the compliance review, implementing the following three (3) recommendations should provide clarification regarding the training cycle and deadlines. The tracking process would also be easier to maintain.

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: **"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 September 1, 2020, and there will be a 90-day grace period. Therefore, all employees who take ethics training and read the Code of Ethics between June 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 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 ninety (90) 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 eighth 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**

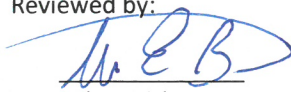
The results of the review found that the Town of Palm Beach Shores is not in full compliance with the Palm Beach County Code of Ethics training policy requirement for all of its employees and officials. Further, the review identified three (3) areas of the policy that should be updated for practicality and so that the requirements are clear.

Submitted by:


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

11/29/2018
Date

Reviewed by:


(Initials)

11/29/2018
Date