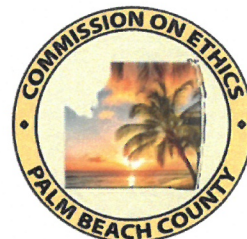


POLICY REVIEW AND COMPLIANCE MEMORANDUM



Honesty - Integrity - Character

To: Mark E. Bannon, Executive Director
From: Anthony C. Bennett, Chief Investigator
A18-007 – Town of Juno Beach
Re: Ethics Policy Review and Training Compliance

- **Background**

As of June 1, 2011, all municipalities within Palm Beach County are under the jurisdiction of the Palm Beach County Commission on Ethics and subject to the Code of Ethics (the Code). Pursuant to Section 2-446(a) of the Code, each municipal administrator is required to establish, by policy, a mandatory training schedule for all employees and elected/appointed officials to participate in refresher training on their ethical responsibilities as prescribed by the code.

The Commission on Ethics is required to develop and deliver training programs and to coordinate and cooperate with the municipalities to ensure effective and meaningful training of elected/appointed officials and employees. For verification, each municipality should maintain a training acknowledgment form for each full-time employee and elected/appointed official.

- **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 training for the Town of Juno Beach (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**

Town Clerk Caitlin Copeland is responsible for tracking and maintaining all information for employees and officials. Ms. Copeland provided a list of all officials and employees including their election/appointment and hire dates on October 9, 2018.

On Tuesday, October 9, 2018, I reviewed the Town's ethics training policy and initiated a compliance review. At the time of the review, the Town had 52 employees and 3 boards with 22 officials. All of the Town's 52 Town employees and 21 of 22 elected or appointed officials were trained. However, 4 of the board members who took training, took it after 60-days of taking office.

Ms. Copeland stated the Town has not been able to make contact with the Landmarks Advisory Committee Member who has not taken the training since her appointment on June 26, 2018 despite the numerous calls and texts that were made. Ms. Copeland also said the Town is presently weighing their options regarding that committee member.

- **Findings**

The training policy for the Town was issued and became effective on October 12, 2012. The policy requires that employees and officials undergo training and read the Code within 60-days of employment, appointment, or taking

office for elected officials. Further, after completing training and having read the Code, all officials and employees are to complete and submit a training acknowledgement form to the Town Clerk or other designated department. After initial training, all employees and officials are to participate in retraining every two years. There is no differentiation between employees and elected officials for the two-year mandatory follow-up training.

Although the policy does not include a training deadline date or a grace period for the two-year cycle, in an e-mail response from the Town Clerk in 2014, May is being used as the deadline month with a 60-day grace period.

State law requires that elected officials undergo four (4) hours of ethics training each year. However, that ethics training does not necessarily contain training provided by the Commission on Ethics for the Palm Beach County Code. As the council members are elected for a 3-year term, there is an election yearly, which makes biennial training is difficult to track.

- **Recommendations**

After reviewing the policy and completing the compliance review, implementing the following four (4) recommendations should provide clarification regarding the training cycle and deadlines and make the tracking process 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. The tracking will also be less arduous and easier to maintain. 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 May 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 March 1 and June 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. Although number 4. of the procedure specifically states all employees, elected and appointed officials shall complete an approved acknowledgement form, I was provided copies of spreadsheets with the dates of training manually entered. While that practice is acceptable, the language in the policy should be changed to reflect the method used to track compliance.
4. Finally, we request that the Town remove Item 6. 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 has conducted the ethics training compliance review.

- **Conclusions**

The results of the review found that the Town of Juno Beach is in full compliance with the ethics training requirement for its employees. However, the Town is not in full compliance with the ethics training requirement for its officials. Further, the review identified four areas of the policy that should be updated.


Submitted by:



Anthony C. Bennett, Chief Investigator
Palm Beach County Commission on Ethics

11/30/2018
Date

Reviewed by:



(Initials)

11/30/2018
Date