

POLICY REVIEW AND COMPLIANCE MEMORANDUM



To: Christie Kelley, Executive Director
From: Abigail Irizarry, Investigator
Re: A22-019 – City of West Palm Beach (Appointed Officials) - Ethics Policy Review and Training Compliance

- **Background**

The Palm Beach County Code of Ethics states in part, under Section 2-446(a), that Palm Beach County and each municipality within Palm Beach County Commission on Ethics (COE) jurisdiction is required to maintain, by policy, a mandatory training schedule for all employees and elected/appointed officials. Additionally, each municipality also has the responsibility of overseeing participation of their own employees and elected/appointed official's Ethics Training Acknowledgment Form and ethics refresher training.

The COE is required to develop and deliver training programs. Furthermore, the COE coordinates and cooperates with the municipalities to ensure training of appointed officials.

The COE last audited the City of West Palm Beach (City) appointed officials on November 17, 2017.

- **Objectives and Scope**

Objectives include:

- Ensuring the agency has an ethics training policy.
- Ensuring the ethics training policy appropriately conveys information to officials and employees so clear parameters are determined, including initial training (with a defined deadline and grace period) and retraining cycle timeline (with a defined deadline and grace period).
- Ensuring the agency is requiring its officials and employees to comply with the training policy.

The scope for this memorandum included a review of all appointed officials required to submit an Ethics Training Acknowledgement Form. Internal tracking and delivery method of ethics training compliance were not part of the scope.

- **Approach and Methodology**

On Monday, December 5, 2022, on behalf of the COE, I initiated a compliance review of the City appointed officials for ethics training compliance. In order to complete this task, I emailed City Talent Development Officer Mike Russell to request the ethics training records. According to the City Training Policy, appointed official's records are copied and stored in the Mayor's Office.

On Monday, December 19, 2022, Office of the City Attorney Legal Assistant Rismerling Gomez forwarded the ethics training records for the City's appointed officials.

The City's last Administrative Policy and Procedure, which was effective October 9, 2020, states all non-elected appointed officials must take the initial Code of Ethics training within 30 days of appointment. Additionally, mandatory follow-up training is required of all appointed officials every two (2) years by September 30 thereafter. All City appointed officials must read the Palm Beach County Code of Ethics.

- **Findings**

At the time of this report, the City had 30 boards and committees with 194 appointed positions. Upon review of the records, 80 of the 194 have completed ethics training within the past two (2) years. Therefore, the City appointed officials have not completed their training in the proper timeframe and as a result, they are not in compliance with their City policy.

- **Recommendations**

After reviewing the City's policy, the following recommendation should be implemented to provide clarification regarding the training cycle and deadlines.

1. The follow-up training for employees and elected/appointed officials should have a specific timeframe to complete ethics refresher training. For example, the suggested follow-up language for employees and elected/appointed officials could be changed to read as follows: **"After initial training, periodic mandatory follow-up ethics refresher training is required for all employees and elected/appointed officials every two (2) years during the training cycle. The two-year ethics refresher training cycle is effective January 1, 2023, and all employees who take ethics refresher training and read the Code of Ethics between January 1 – March 1, 2023 will be considered trained and in compliance with this policy."**

- **Conclusion**

The City of West Palm Beach is not in compliance with the ethics training requirement for its appointed officials.

Submitted by:




Abigail Irizarry, Investigator
PB County Commission on Ethics

12/23/2022

Date

Reviewed by:



(Initials)

12/23/2022

Date