

POLICY REVIEW AND COMPLIANCE MEMORANDUM



Honesty - Integrity - Character

To: Mark E. Bannon, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
Re: A16-010 – Delray Beach Ethics Policy Review and Training Compliance Appointed Officials

- **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/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 municipality 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 appointed officials within the City of Delray Beach (City). The delivery method of the ethics training and internal tracking method of compliance was not part of the scope. It should be noted that a separate review will be completed regarding employees and elected officials.

- **Approach and Methodology**

The approach included an on-site review of a proof of training and a request for a list of the appointed officials. A review of the training policy, a review of appointed officials, and a review of all signed training receipts on file was performed.

- **Findings**

The training policy for the City was issued and became effective on August 2, 2012. The policy requires the completion and submission of a training acknowledgement form to the Human Resources Department subsequent to completion of training.

The policy provides procedures for employees and “elected officials” in number 1. However, the term “officials” in number 3, could refer to elected or appointed officials. Therefore, the policy is unclear as to whom it is referring.

I was given a copy of a printout containing the names of the boards and the individuals appointed to the boards. However, when I requested a list containing the appointment and term dates, the clerk representative was unsure when she would be able to provide the document.

At the time of the compliance review, the City consisted of 128 people appointed to one of nineteen (19) boards. Of the 128 individual appointees, there were 21 signed training acknowledgements for board members. However,

as I do not have the appointment or term dates for the boards or its members, I cannot make a determination as to whether or not the training is up-to-date.

Nevertheless, even without the appointment dates, the City of Delray Beach Advisory Board members are not in compliance with the training policy.

Furthermore, City policy states in item 5 that the Human Resources Department is designated to coordinate all mandated training and compliance audits with the COE. However, when I contacted the City to arrange the on-site review, all arrangements were made through the City Attorney's Office. Additionally, prior to issuing this report, I contacted someone in the Clerk's office for the appointment and term dates of the appointed officials but she was unable to provide that data.

- **Recommendations**

Complete policy recommendations were submitted to the City with A16-009. However, two (2) additional recommendations are suggested regarding advisory boards.

1. The contact and review for this training cycle was made through the County Attorney's Office. Concluding the review, the City Attorney referred me to the Human Resources Department for future requests. However, as all of the board members maintain contact with the City Clerk, it is recommended that all training acknowledgements for appointed officials be maintained by the Clerk.
2. Furthermore, for practicality purposes, it is recommended that all appointed officials be required to take training within 30 days of appointment or reappointment and submit an acknowledgement form to the City Clerk within the same timeframe.

- **Conclusions**

The Advisory Boards for the City of Delray Beach are not in compliance with the ethics training requirement.

Further, two (2) additional policy change recommendations are being submitted to the City for review. The recommendations are being made for practicality purposes and so that the requirements are clear.

Submitted by:



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

9.22.2016
Date