

POLICY REVIEW AND COMPLIANCE REVIEW MEMORANDUM

To: Mark E. Bannon, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
Re: A19-006 – Town of Palm Beach Ethics Policy Review and Training Compliance
(Elected and 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 elected and appointed officials (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 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 agency is requiring its officials to comply with the training policy.

The scope of this review focused on the policy and acknowledgement forms for officials within the Town of Palm Beach (Town). A separate review was conducted for Town employees. The delivery method of the ethics training and internal tracking method of compliance were not part of the scope.

- **Approach and Methodology**

I sent an email to Kathleen Dominguez, who the Town Clerk requesting time to perform an on-sight review of a list of the elected and appointed officials including their term dates as well as their training acknowledgement forms. I met with Ms. Dominguez on May 7 to perform the review. At that time, I was provided lists of each board with each official's name, appointment or election date, and term date. I was also provided with file folders for each board containing ethics training acknowledgement forms.

The Town Clerk provided the policy for officials. The policy is titled "Ethics Training Acknowledgment Forms for Board/Commission/Committee Members and Mayor and Town Council Members". The policy requires a letter from the Council President to be sent to each newly appointed official informing him or her of the requirement to watch the "video" and submit the completed acknowledgment form. However, it is ambiguous as to who is responsible for sending the letter. Furthermore, the only reference to a deadline date is the following sentence: "Allow two months for receipt of the completed and signed acknowledgement form." There is no information as to when the two-month time period begins.

Additionally, if an appointed official does not return an acknowledgment form "after two months", someone (who is not named within the policy), is supposed to send an e-mail to the board/commission/committee staff person with a copy to the department director. Then, the staff person is supposed to contact the appointed official to remind him or her to watch the "video" and submit the form.

The only information about elected officials in the policy indicates that the Mayor and Town Council Members are notified of the ethics-training requirement and acknowledgment form during their orientation with the Town Manager's Executive Assistant.

There is no information in the policy regarding a deadline for the elected officials to take initial training, and no information regarding retraining for any of the elected or appointed officials. While completing the review, I observed notations on the top of several of the forms indicating the form expired two-years after it was signed. When I asked the Town Clerk what that meant or where that information came from, she thought the person who was in charge of maintaining and tracking all the ethics training forms was under the impression that the training was only good for two years.

I explained that she, as Town Clerk, held that responsibility. I further explained that if the Town policy for employees was the basis for the two-year schedule, that policy was changed in 2016 to a three-year retraining schedule. She informed me that maintaining and tracking of the forms for elected and appointed officials did not become her responsibility until a couple of months ago. Before that time, the responsibility resided with someone in the Town Manager's Office.

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 three (3) years. However, Town elected officials are elected for three-year terms on a staggering basis, which creates difficulty with tracking if the elections are not on the same timeframe as the training cycle.

- **Findings**

At the time of the review, the Town consisted of 6 elected officials and 6 advisory boards with 91 appointed officials. Of the 97 officials, 26 were not in compliance with the training requirement, including two elected officials. (73% in compliance).

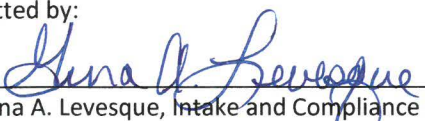
- **Recommendations**

After reviewing the policy and completing the compliance review and in accordance with the mandates set forth in Section 2-446(a) of the Palm Beach County Code of Ethics, the COE recommends implementing language in the attached recommended policy into a separate Ethics Training Policy and Procedure for elected and appointed officials. If implemented, clarification regarding the training cycle and deadlines will be provided. Additionally, the tracking process will be easier to maintain and the Town has recourse for appointed officials who do not participate in training or retraining.

- **Conclusions**

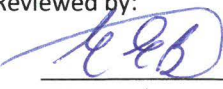
The results of the review found that elected and appointed officials for the Town of Palm Beach are not in compliance with a training policy. Further, the review noted that there is no real policy for elected and appointed officials. Therefore, an independent policy should be implemented so that the requirements are clear.

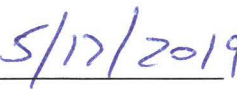
Submitted by:


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


Date

Reviewed by:


(Initials)


Date

ETHICS TRAINING POLICY AND PROCEDURE FOR ELECTED AND APPOINTED OFFICIALS

According to the Palm Beach County Code of Ethics §2-446(a), *Officials shall be informed of their ethical responsibilities at the start of their public service, and shall receive updates and training materials on ethics issues throughout the span of their public service... The town manager shall establish by policy a mandatory training schedule for all officials, which shall include mandatory periodic follow-up sessions.* This policy and procedure shall become effective on _____, 2019.

- POLICY

1. The Town Clerk or designee is appointed to coordinate Code of Ethics training and compliance reviews with the COE regarding elected and appointed officials.
2. In addition to any ethics training requirements mandated by state law, elected officials must complete training¹ required by the Palm Beach County Code of Ethics for each term served no later than sixty (60) days after taking office.
3. All appointed officials must complete ethics training² required by the Palm Beach County Code of Ethics within sixty (60) days of appointment or reappointment. Appointed officials who serve an indefinite term must complete ethics training every three (3) years within sixty (60) days of the anniversary date of the initial appointment. If any appointed official is shown not to be in compliance with this requirement, the appointed official will be recommended for removal from their respective Board.
4. After completing the initial Code of Ethics training, all elected and appointed officials shall complete and submit an approved training acknowledgment form. The form is acknowledging attendance at a live COE training or viewing the appropriate web-video or approved DVD. The form is available on the COE website at <http://www.palmbeachcountyethics.com/forms.htm> and must be signed by the official and submitted to the Clerk for inclusion in the board file.

- PROCEDURE

1. When an appointment or reappointment is made to a Town board/commission/committee, the Council President shall send an appointment letter to the appointed official informing the appointed official that they must complete ethics training³ and submit the completed acknowledgment form to the Town Clerk for

¹ The training may be in the form of attending live training presented by COE staff, viewing a video of training streamed through the COE website or YouTube or viewing a DVD video of training presented by COE staff.

² *Ibid.*

³ *Ibid.*

inclusion in the board file within sixty (60) days of appointment or reappointment. (See highlighted section in attached sample)

2. The Town Clerk shall maintain a file for every board/commission/committee and the Mayor and Town Council. The acknowledgment forms shall be filed in the appropriate file.
3. If an appointed official's form has not been received after thirty (30) days, the Town Clerk shall send an e-mail to the board/commission/committee Staff Liaison with a copy to the Department Director notifying which official(s) have not completed ethics training or submitted an acknowledgment form.
4. The Staff Liaison shall contact the appointed official to remind them of the sixty (60) day deadline to complete ethics training⁴ and submit the completed acknowledgment form to the Town Clerk. The Staff Liaison shall also inform the appointed official if they do not comply with the requirement by the deadline, removal from their respective board will be recommended to the Mayor and Town Council for consideration.
5. The Town Manager's Executive Assistant shall notify each elected official upon election or reelection to complete ethics training⁵ and submit the completed acknowledgment form to the Town Clerk.
6. If an elected official's form has not been received after thirty (30) days of election or reelection, the Town Clerk shall send an e-mail to the Town Manager's Executive Assistant with a copy to the Town Manager that the elected official has thirty (30) days remaining to complete the requirement. The Executive Assistant is responsible for reminding the elected official of the deadline to comply with the policy.

Daniel Clark, Town Manager

(Date)

⁴ *Ibid.*

⁵ *Ibid.*