

CITY OF GERALD

106 E. Fitzgerald
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CITIZEN COMPLAINT/RESOLUTION PROCEDURES

The purpose of this policy is to provide guidance to the City Council, Mayor, City staff and citizens of Gerald for filing, investigating, and researching complaints. Also, to establish a formal procedure affording public officials and city staff an opportunity to remedy or determine a resolution to the matter, if and when applicable.

The City of Gerald is committed to maintaining quality of services; professionalism; integrity; teamwork; diversity; empowerment; and improve relationships between City employees, City Council members, Mayor and the citizens. The Gerald City Council is very concerned about those items that might impact the citizens of our community. It is the policy of the City of Gerald to seriously consider matters which are brought to our attention or lodged by citizens. When appropriate, effective action will be taken to address and correct the complaint.

Definition of a Complaint

It is important to recognize the difference between a complaint and a suggestion, observation, question, neighbor dispute, or simply a call pointing out a hazard or safety issue. The elected official or staff member fielding the complaint will need to determine whether or not a complaint exists. Examples of complaints include:

- 1) Infraction Complaint
 - A citizen's complaint against a fellow citizen because he or she feels a city ordinance is being violated.
- 2) Non-Infraction Complaint
 - A complaint against the City as the result of a policy or ordinance deemed unfair.
 - A complaint against the City because of what a citizen feels is inaction or an inappropriate response to a situation.
- 3) Misconduct Complaint
 - A complaint filled out by a citizen against a city employee or an elected official.
 - A complaint filled out by a city employee against another employee, a citizen or an elected official.

Who Can File a Complaint?

Any citizen or employee of the City of Gerald can file a complaint against another citizen, the City, a City employee or an elected official.

Filing a Complaint

Once the elected official or staff member determines that there is a complaint, it is necessary for the complainant to fill out a **Complaint Form**.

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Complaints will be unsubstantiated if a formal complaint form is not completed and signed. Unsubstantiated complaints will warrant no action by the Mayor, Council or staff.

The form must include a description of the complaint and be signed and dated by the individual filing the complaint. The City Clerk, Deputy City Clerk, a Council Member, or Mayor must also sign and date the complaint form. The person following up on the complaint and the date of follow up should also be included.

A copy of the completed complaint form will be mailed to the complainant and copies will be made for the City Council for their information. The original completed complaint form will be filed at City Hall.

Responding to a Complaint

All complaint forms filled out will be turned over to the City Clerk who will determine the validity of the complaint. Once determined, the City Clerk or his designee will communicate to the complainant, in a timely manner, the course of action. Matters not found to be valid will be dismissed without action. Complainants will be notified of the City's decision not to pursue a complaint and the reason.

1) Infractions Complaint

- For complaints involving municipal infractions, the Mayor and Chief of Police will review the complaint and complaint form. Complaints will be investigated for validity and resolution.
- If found valid:
 1. And this is the first complaint received, an abatement notice will be delivered or sent to the offender specifying the complaint and action required to be in compliance with the ordinances of the City of Gerald. Notices will also include a reasonable time frame for abatement. The notice should cite the Ordinance and consequences.
 2. In the event that the abatement has not occurred in the time frame allowed or in the event of a second complaint, after the first abatement period has expired, a first offense citation will be issued. The appropriate municipal infraction citations will be issued for each occurrence thereafter.
 3. Should citations be issued, the recipient must come to City Hall to pay fines associated with Municipal Infraction citations, or pay the Buchanan County Treasurer's office in the case of fines that have been certified as liens against property.
 4. Should the recipient dispute any portion of the citation and refuse payment, the citation will be forwarded to the appropriate court for action.
 5. In all cases referred to the appropriate court, the property owner will be required to pay the court costs incurred by the city if the property owner is found to be in violation or if the property owner abates the nuisance before the court hearing and the hearing is canceled at the request of the City Attorney.

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- **Non-Infractions Complaint**

- Steps will be taken on non-violation issues to be resolved by the appropriate body. Example, matters involving street repairs will be reviewed by the City Clerk and Public Works Director.
- The matter will be directed to the City Council in the event that simple resolution is not possible and the Council will be kept apprised of issues in progress.

- **Misconduct Complaint**

- If the complaint is about a specific employee, the complaint will first be forwarded to the City Clerk and the employee's direct supervisor. If the complaint is about a department head, the complaint will be forwarded to the City Clerk.
 1. The City Clerk will make the determination as to how the complaint handling will proceed.
 2. If legal counsel is required, the City Clerk, will consult the City Attorney.
 3. If a closed session is required, the Mayor may call a special meeting with the City Council upon written request of the employee.
 4. If disciplinary action is required, the disciplinary procedures laid out in the Employee Handbook will be followed.
- If the complaint is about an Elected Official, the complaint will be forwarded to the City Clerk who will determine how to proceed. If legal counsel is required, the City Clerk will contact the City Attorney.

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CITIZEN COMPLAINT FORM

Please complete the following information so that the City can investigate your complaint. Please print clearly.

Date _____

Name _____

Address _____
Street Address/P.O. Box City State Zip Code

Phone Number _____
Home # Cell #

If requested will you attend a City Council meeting to explain your complaint? Yes No

Nature of Complaint: (include the date, time, place, and facts of your complaint)

Explain how you feel the complaint should be resolved:

Would you like to opt out of making this complaint an open public record? Yes No
(If you check Yes it is very possible that the City will not take any action on your complaint.)

Should a citation be issued, you may be required to testify to the above complaint in a Court of Law. Do you agree to testify? Yes No
(If you check No it is very possible that the City will not be able to take action on your complaint.)

(Print Name)

Date

Signature

All complaints must be signed and dated to be considered valid.

City Hall Office Use Only

Received by: _____ Date _____

Copies to: _____ Date _____

City Clerk's Signature _____ Date _____