

Subject: Citizen Complaint Policy
Resolution Number: 2019-26

Approved By: City Council
Effective Date: 04/19/2019

PURPOSE

The purpose of this policy is to provide guidance to City staff, the Mayor, City Council, and the citizens of Garnavillo for filing and processing complaints

SCOPE

This policy is applicable to all citizen complaints filed in the City of Garnavillo. Complaints may consist of violations against the City Code of Ordinances, services provided by the City, or any other complaints a resident believes the City should become aware of or involved in.

POLICY AND PROCEDURE

Background

The City strives to maintain quality services and good public relations with the citizens of the community and visitors. It is the policy of the City to receive, investigate and resolve complaints in a timely manner to the greatest extent possible.

Policy

It is the policy of the City to require a written complaint. Citizens may file a complaint at City Hall, or via City Administrator e-mail, garnavillo@gmail.com, filled out on a citizen complaint form, with necessary contact information of the complainant consisting of: name, address, telephone number, and a detailed description of the complaint. If additional information is needed, it is important for City staff to be able to contact the complainant. Anonymous complaints will not be processed.

The City will also process and investigate specific complaints from non-Garnavillo residents that pertain to the Garnavillo Community Center, the Garnavillo Library and the Garnavillo City Park.

Once a complaint has been filed at City Hall, the complaint will be thoroughly investigated. A determination will be made as to whether a complaint is founded or not. If said complaint is determined to be founded the City will follow through with the appropriate action.

Due to the varying nature and complexity of complaints, a set time frame for resolution cannot be provided in all cases. However, the City shall notify the complainant that their complaint has been received within two (2) working days. The City shall provide periodic updates to the complainant as to the progress or action until a resolution is finalized. Once a resolution is finalized, a closing statement to the complainant will be made, if a verbal communication from the City is made it will be followed up via email

or hardcopy mail.

Please note that certain matters discovered as a result of an investigation may be considered to be confidential under the Code of Iowa, and therefore some information may be withheld for this reason only. Complainant name and address will be kept confidential and not released pursuant to Iowa Code Section 22.7(18), unless the complainant consents to the release, or release of identity is required to pursue legal action in the courts. Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the complainant or enabling others to ascertain the identity of that person.

Appeal Process

A person who is not satisfied with the response of the City official responding to the complaint may request further review of the matter by the City Council. This request for review must be made by filing a written request with the City Clerk no later than 20 days after the response in question. Hearing on the request for review will be made at the next regular meeting of the City Council.

If said complaint is specifically against a policy or procedure of the City of Garnavillo and the citizen feels that an action has been taken that is outside the City or State Code a citizen has the following recourse.

1. Citizen feels that a concern has not been properly addressed and makes a formal complaint with the City. (City requires this complaint in writing) The citizen should exhaust all efforts with the City, to come up with a resolution.
2. If the citizen is not satisfied with the results of the appeal process or if no reply to a complaint is obtained then the citizen may contact the State Ombudsman office with their formal complaint.
3. The Ombudsman's office will then contact the City to gather additional facts. They will only make this contact if they feel the claim warrants follow up actions.
4. City personnel would then contact the City Attorney for representation in the matter being addressed.
5. City Attorney would address the Ombudsman's office and work with them in determining if something was done incorrectly, if there is a procedural change required, etc.
6. The City Attorney after speaking with the Ombudsman office would give a follow up letter or email to the citizen, copying City staff. The letter will outline that either the Ombudsman's office dropped the complaint or gave the City further instruction.

Complainant Name: _____

Address: _____

Phone: _____ E-mail: _____

Iowa Code 22.7

18. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government **could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination.** As used in this subsection, "persons outside of government" does not include persons or employees of persons who are communicating with respect to a consulting or contractual relationship with a government body or who are communicating with a government body with whom an arrangement for compensation exists.

Notwithstanding this provision:

1. The communication is a public record to the extent that the person outside of government making that communication consents to its treatment as a public record.
2. Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.
3. Information contained in the communication is a public record to the extent that it indicated the date, time, specific location, and immediate facts and circumstances surrounding the occurrence of a crime or other illegal act, except to the extent that its disclosure would plainly and seriously jeopardize a continuing investigation or pose a clear and present danger to the safety of any person. In any action challenging the failure of the lawful custodian to disclose any particular information of the kind enumerated in this paragraph, the burden of proof is on the lawful custodian to demonstrate that the disclosure of that information would jeopardize such an investigation or would pose such a clear and present danger.

Anne E.H. Loomis, Attorney at Law

Address of Complaint: _____

Nature of Complaint: _____

Should a citation be issued, will you be willing to testify to the above complaint in a Court of Law? _____

Signature _____

Form must be signed and dated to be considered valid.

For Staff Use Only

Date Received: _____ By: _____