**“Country Town with a Country Heart”** **CITIZEN COMPLAINT/ RESOLUTION PROCEDURES**

The purpose of this policy is to provide guidance to the City Council, Mayor, City Staff, and citizens of McCallsburg 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 McCallsburg 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 McCallsburg City Council is very concerned about those items that might impact the citizens of our community. It is the policy of the City of McCallsburg 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 exits. Examples of complaints include:

1. Nuisance Complaint

* A citizen’s complaint against the fellow citizen because he or she feels a city ordinance is being violated or there is a nuisance.

1. Non-Infraction Complaint

* A complaint against the City as the result of a policy or ordinances deemed unfair.
* A complaint against the City because of what a citizen feels is inaction or an inappropriate response to a situation.

1. 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 McCallsburg 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**.

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, Mayor, or Council Member 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 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 Complaint**

All complaint forms filled out will be turned over to the City Council who will determine the validity of the complaint. Once determined, the City Council 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, City Council, and City Attorney 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 McCallsburg. Notices will also include a reasonable time frame for abatement. The notice should cite the Ordinance and consequences.
2. In the event of 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 the City Hall to pay fines associated with Municipal Infraction citations or pay the Story 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.
6. **Non-Infractions Complaint**

* Steps will be taken on non-violation issues like for example matters involving street repairs will be reviewed by the Mayor and City Maintenance Worker.
* 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.

1. **Misconduct Complaint**

* If the complaint is about a specific employee, the complaint will first be forwarded to the Mayor and City Council. If the complaint is about the Mayor, the complaint will be forwarded to the City Council. If the complaint is about an individual Council Member or the Council itself the complaint will be forwarded to the Mayor and City Attorney.

1. The Mayor or Council will make the determination as to how the complaint handling will proceed.
2. If legal counsel is required, the Mayor and/or the Council will consult with the City Attorney.
3. If a closed session is required, the Mayor and/ or the Council may call a special meeting upon written request of the person the complaint is about.
4. If disciplinary action is required, the disciplinary procedures laid out in the Employee Handbook and Council Code of Conduct and Code of Ethics will be followed.

**CITIZEN COMPLAINT FORM**

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

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ P O Box #\_\_\_\_\_\_\_\_\_

Home Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cell Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**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) (Please add extra paper if need more space)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**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**

**For Office Use Only**

Complaint No: \_\_\_\_\_\_\_\_\_\_\_\_

Received by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Referred To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CITIZEN COMPLAINT INVESTIGATION FOLLOW-UP

Employee/Department Handling Investigation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Is Complaint Valid: Yes\_\_\_\_ No \_\_\_\_\_\_\_ Legal Advice Needed\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Remarks: \_ **Other:**

Photographs Taken

Prior Complaints on Record

Other \_ \_\_

**Action(s) Taken**

Letter to Violator Municipal Infraction Filed Abatement Proceeding Started Mediation Recommend No Action Taken Nuisance Abatement Timeline: Complaint Received \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 1st Letter Mailed \_ \_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Hearing Requested\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 10 Day Follow-up from date of letter \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Nuisance Abated\_\_\_\_\_\_\_\_\_\_\_ Nuisance not Abated\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2nd Notice to Abate Mailed \_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Hearing Requested\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 10 Day Follow-up from date of letter\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Nuisance Abated\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Nuisance Not Abated\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Sent to City Attorney for municipal infraction/ Prosecution \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Comments:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Follow up with Citizen: Yes\_\_\_\_ No \_\_\_\_\_\_\_ Method of Follow-up:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_