

## **City of Memphis, Michigan Complaint Policy**

The purpose of this policy is to provide guidance to the city council, mayor, city staff and citizens of Memphis for processing and filing complaints. The City strives to maintain quality of services, improve relationships between City employees, City Council members, Mayor and the citizens. It is the policy of the City to accept, investigate, and resolve complaints. 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) **Infractions Complaint**

A citizen's complaint against a fellow citizen because he or she feels a city ordinance is being violated.

2) **Non-Infractions 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 (See Whistle Blower policy).

### **Who Can File a Complaint?**

Any citizen of the city, property owner, business owner, or employee of the City of Memphis can file a complaint against another citizen, the City, a City employee or an elected official. (In the case of the City employee being a direct supervisor, see the City's Whistle Blower policy).

### **Filing a Complaint**

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

Complaints will be unsubstantiated if a formal complaint form is not completely filled out 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, a councilperson, 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.

**City of Memphis – City Offices**

35095 Potter Street  
Memphis, MI 48041  
Phone: (810) 392-2385  
Fax: (810) 392-3625

**Responding to a Complaint**

All complaint forms filled out will be turned over to the proper department head and city council committee chairperson who will determine the validity of the complaint. Once determined, the proper staff member or council committee chairperson 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 Police Committee Chairperson and Chief of Police will review the complaint and complaint form. Complaints will be investigated for validity and resolution.

If found valid:

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 Memphis. Notices will also include a reasonable time frame for abatement. The notice should cite the ordinance and consequences.

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 infraction citations will be issued for each occurrence thereafter.

Should citations be issued, the recipient must go to appropriate County Court indicated on the citation to pay fines associated with infraction citations, or pay the County Treasurer's Office in the case of fines that have been certified as liens against property.

Should the recipient dispute any portion of the citation and refuse payment, the citation will be forwarded to the appropriate court for action.

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.

## 2) 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 DPW Committee Chairperson and the head of Public Works.

The matter will be directed to the entire DPW Committee and on to the City Council in the event that simple resolution is not possible and the Council will be kept apprised of issues in progress.

## 3) Misconduct Complaint

If the complaint is about a specific employee, the complaint will first be forwarded to the Mayor and the employee's direct supervisor. If the complaint is about a department head, the complaint will be forwarded to the Mayor.

The mayor will make the determination as to how the complaint handling will proceed.

If legal counsel is required, the Mayor will consult the City Attorney.

If a closed session is required, the Mayor may call a special meeting with Council upon request of the employee.

If disciplinary action is required, the disciplinary procedures laid out in the employee handbook will be followed.

If the complaint is about a Council Member, the complaint will be forwarded to the Mayor who will determine how to proceed. If legal counsel is required, the Mayor will contact the City Attorney.

If the complaint is about the Mayor, the complaint will be forwarded to the Mayor Pro-tem who will determine how to proceed. If legal counsel is required, the Mayor Pro-tem will contact the City Attorney.

If the complaint is filed by an employee against a supervisor, employees have protection under the City's "Whistle Blower" policy.

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**COMPLAINT FORM**

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

Date:					
Name:					
Address:					
City		State		Zip	
Are you a citizen of Memphis?		Are you a property Owner?			
Do you own a business in town?		Are you a City Employee?			
If requested will you attend a City Council meeting to explain your complaint?					
Nature of Complaint: (include the date, time, place, and facts of your complaint)					
Explain how you feel the complaint should be resolved:					
Should a citation be issued, you may be required to testify to the above complaint in a Court of Law. Do you agree to so testify? Yes ___ No ___ (If you check No it is very possible that the City will not take any action on your complaint.)					
Signature:				Date:	
All complaints must be signed and dated to be considered valid					
<b>City Hall Office Use Only</b>					
Received By:				Date:	
Copied To:				Date:	
Follow Up Completed by:				Date:	
Mayor reviewed/filed:				Date:	