



City of Apalachicola
CDBG-DR Program
Citizen Complaints Policy
November 23, 2020

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I Overview

The City of Apalachicola (City), as grantee, has developed a Citizen Participation Plan in compliance with 24 C.F.R. § 91,115 and applicable U.S. Department of Housing and Urban Development (HUD) alternative requirements as published in Federal Register Notices for Community Development Block Grant - Disaster Recovery (CDBG-DR), which supersede/waive and replace certain requirements with respect to citizen participation. These alternative requirements can be found in the Federal Register Notices listed below, and in any additional notices as applicable:

CDBG-DR

- Federal Register Notices Vol. 83, No. 28 (Friday, February 9, 2018), 83 FR 5844; and
- Federal Register Notice Vol. 83, No.157 (Tuesday, August 14, 2018), 83 FR 40314.

As per 24 C.F.R. § 91.115(h), and as part of addressing The long-term recovery needs of the City of Apalachicola, citizen complaints on any issues related to the general administration of CDBG-DR funds are welcomed throughout the duration of the grants. The City of Apalachicola aims to provide an opportunity to address all complaints received. This is an essential responsibility for the City as it establishes the importance of an open communication regarding citizens' concerns, about CDBG-DR programs.

The City of Apalachicola is committed to ensuring that citizens with disabilities have effective means to communicate with the City and that the City effectively communicates with citizens with disabilities regarding their policies and procedures. The City will make information available in alternate formats, as needed and upon request, to ensure adequate communication to persons with disabilities.

II Scope

This policy applies to all City of Apalachicola CDGB-DR complaints received regarding program administration, management, and/or operation procedures. This policy does not apply to anonymous complaints nor CDBG-DR program decision reconsiderations. Any complaint received regarding matters specifically covered in other standalone documents, will be addressed or referred accordingly. See Responsibilities subsection on Reporting and Referrals below.

III Purpose

This Policy outlines the responsibility of the City of Apalachicola to ensure that all complaints are dealt with promptly and consistently and at a minimum, to provide a timely, substantive written response to every written complaint, within fifteen (15) working days, where practicable, as a CDBG-DR grant recipient. 24 C.F.R. § 91.115(h). Therefore, this policy is intended to serve as guidance for the responsible, efficient, and transparent oversight of citizen complaints through the implementation of a structure that properly organizes policy and systems necessary to uphold the responsibility of the City. As well,

this policy serves to encourage individuals to express their complaints on any issues related to the general administration of CDBG-DR funds, for these to be addressed and, where appropriate, acted upon.

IV Definitions/Acronyms

Action Plan – A comprehensive description of projects, including activities, accomplishments, sources of funds, and users of funding.

AFWAM Policy – Anti-fraud, Waste, Abuse, or Mismanagement Policy.

Anonymous Complaints – Complaints with insufficient data and/or submitted by a third party with no standing in the matter being submitted, which do need not be accepted nor reviewed.

CDBG DR – Community Development Block Grant - Disaster Recovery.

Complainant – Any natural or legal person and/or authorized representative of such person who submits a complaint. Also known as the "aggrieved person" or the individual who is subject to the situation that is the basis for the complaint.

Complaint – A formal statement of grievance submitted in writing, which will be documented, processed, filed, and answered as per 24 CFR § 91.115(h).

Confidentiality – The protection of personal or sensitive information, as defined in the personally identifiable Information, Confidentiality, and Nondisclosure Policy.

HUD - Refers to the United States Department of Housing and Urban Development.

OIG – Office of the Inspector General,

PII Policy - Personally Identifiable Information, Confidentiality; and Nondisclosure Policy.

POC – Point of Contact

Programmatic Area – Area/Department/Division of the City of Apalachicola responsible for implementing CDBG-DR funded programs and activities that will assist and support citizens' complaints responses, as well as gather relevant information and documentation.

Recordkeeping Policy – Record Keeping, Management and Accessibility Policy (RKMA Policy)

V Policy

The federal statute that governs CDBG-DR programs requires for local governments, as part of its citizen's participation, to provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within fifteen (15) working days where practicable. 24 CFR § 91.115(h). Federal Register Vol. 83 No. 28 (February 9, 2018), 83 FR 5844 introduces

citizen participation waiver (which include the aforementioned statute) and alternative requirements; it, however, keeps the fifteen (15) days language that the grantee will provide a timely written response to every citizen complaint. The response must be provided within fifteen (15) working days of the receipt of the complaint. 83 FR 5844.

Individuals have the right to offer their views and positions at any moment during the development and implementation of the CDBG-DR programs. The City of Apalachicola implements this Policy to address complaints received in a prompt, responsible, and confidential manner. The complainant's identity and circumstances will be held in confidence, unless prior written authorization is granted. The City will treat citizens in a fair and courteous manner when responding a complaint. The aim of this policy is to address such issues in a manner that is both sensitive of the complainant's needs and is fully compatible with applicable Federal and local laws, regulations, codes, and ordinances.

The City's non-discrimination policy extends to the intake and handling of complaints. The City does not discriminate based on race, color, religious beliefs, political beliefs, trade union affiliation, sex, sexual orientation, gender, disability, familial status, marital status, national origin, or any other unjustifiable factor, for example: language difficulties, age, pregnancy, etc.

No person shall intimidate, threaten, coerce, or discriminate against any other person because they have made a complaint, testified, assisted, and/or participated in any matter, in an investigation, proceeding, or hearing related to a complaint.

VI Complaints

During the course of the CDBG-DR programs, it is possible that citizens may wish to present a complaint through a written statement of grievance. The City of Apalachicola will accept complaints related to any issue related to the general administration of the Program. A complaint can be filed by any person and/or authorized representative of such person.

A. Complaint Formalities In order for a complaint to be processed and reviewed by the CDBG-DR Complaint, it requires the following formalities:

1. Needs to be in writing.
2. Complainant's full name.
3. Complainant's Contact information and preferred method of notification for communications regarding complaint (telephone; physical, postal, and Email addresses).
4. Nature of complaint (CDBG-DR Program/Other, please specify).
5. Summary of complaint and desired remedy requested.
6. Previously contacted individuals concerning complaint (CDBG-DR Program personnel/Project Manager/City Staff/and/or other individual, if applicable).
7. Any supporting evidence.

Requirements 1-5 are mandatory. The complaint should be filed by the complainant, or by an authorized representative. Any individual filing a complaint on behalf of an individual or entity, shall present proper documentation confirming they have the authority to represent the complainant.

In order to ensure adequate communication with and from persons with disabilities, a complainant may request an alternate format, as needed. One of these may be to allow that a complaint be received verbally. CDBG-DR personnel or other related CDBG DR parties receiving said complaint must assure compliance with all the requirements as described above.

B. Complaint Submittal Citizens who wish to submit a complaint related to on any issues related to the general administration of CDBG-DR funds may do so in writing through any of the following methods:

1. via email at: complaints@cityofapalachicola.com
2. in writing to: City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
Attn: COMPLAINTS

Complaint forms are available at www.cityofapalachicola.com

If the complainant is unable to submit a complaint in writing (this could be due to a disability and/or other special circumstance), the complaint should be formalized as a written complaint through an interview process. If requested, the complaint may be submitted verbally
via: Telephone: 1-850.653.9319 request COMPLAINT

3. in person at: City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320

Call 850.653.9319 to schedule an appointment.

C. Complaints received by other parties including Subrecipients, Contractors, HUD, other agencies, and other CDBG-DR divisions or areas should be immediately notified to City of Apalachicola - COMPLAINTS via email or regular mail at the addresses mentioned above. Complaints will be evaluated by the City of Apalachicola upon receipt and handled appropriately.

D. Complaints without standing or data Complaints with insufficient data or submitted by a third party with no standing in the matter being submitted will not be accepted or reviewed. Anonymous complaints will not be addressed.

VII Responsibilities

The City of Apalachicola has designated the appropriate and practicable steps to address complaints from citizens. Upon the receipt of a complaint, the City will work to provide a timely, substantive written response within the established time period of fifteen (15) working days, as per 24 CFR § 91.115(h).

A. Complaint Review - In those cases that the City deems it necessary, it will follow up with any of the involved parties to obtain any additional information and/or evidence needed to responsibly answer the complaint. Delays in providing the additional information and/or evidence requested may result in an answer to a complaint after the fifteen (15) working-day period.

B. Reporting and Referrals - Depending on the type of complaint filed and the requested remedy, the City may follow different approaches to produce a timely and substantive written response. On a case-by-case basis, any complaint could be referred to the corresponding program head or division for consideration when reviewing the complaint, as applicable, as to provide applicable data for the response. Examples of these referrals may be:

1. Complaints pertaining to personnel may be referred to City of Apalachicola / Human Resources Division with copy to City Disaster Recovery Manager.
2. Complaints pertaining to procurement may be referred to the Procurement Division with copy to City Disaster Recovery Manager.
3. Complaints pertaining to a Program Applicant may be referred to the specific Program with copy to City Disaster Recovery Manager.
4. Complaints pertaining to a Fraud, Waste, Abuse, or Mismanagement matter, shall follow the AFWAM Policy. However, if these are received by the COMPLAINTS, these will be immediately referred to the CDBG-DR Internal Audit Office or the Office of Inspector General.
5. Complaints pertaining to a Conflict of interest matter, shall follow the Conflict of interest and Standards of Conduct Policy. However, if these are received by the CDBG-DR Legal Division, these will be dealt by the policies and procedures that the CDBG-DR Legal Division has implemented for such matters.
6. Complaints pertaining to any Fair Housing Act Matter, shall follow the Fair Housing and Equal Opportunity (FHEO) Policy. However, if these are received by the City, these will be referred to HUD FHEO within two (2) business days.

7. Complaints that are sufficient in and of themselves to warrant a monitoring to investigate further, will be referred to the CBDG-DR Monitoring Division and copy the Disaster Recovery Manager.

C. Records - The CBDG-DR Legal Division keeps and maintains a log of complaints received and answered. All complaints received will be documented, processed, and filed in compliance with the Recordkeeping Policy.to

D - Protective Measures - Whistleblower protections prohibiting private entities and government officials from "harassing, discriminating, firing, threatening, or suspending any benefit, right or protection" to anyone who has provided information, cooperated, or has acted as a witness in any investigation leading to any complaint, accusation, conviction, civil, or administrative action, related to the illegal use or misappropriation of public funds or other acts of corruption. Whistleblowers can claim civil damages for violations to the retaliation prohibitions set forth. Furthermore, it recognizes the right of whistleblowers to request and receive free legal advice and/or representation by the Florida Department of Economic Opportunity necessary to initiate or participate in any civil, criminal, or administrative proceeding arising under the Code.

The Whistleblower Protection Enhancement Act of 2012 protects federal employees who disclose evidence of waste, fraud, or abuse. These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

In addition, as part of the National Defense Authorization Act of 2013, under 41 U.S.C. § 4712, it is illegal for an employee of a federal contractor, subcontractor, grantee, subgrantee, or personal services contractor to be discharged, demoted, or otherwise discriminated against as a reprisal for making a protected whistleblower disclosure. To be protected under 41 U.S.C. § 4712, a disclosure must be made (among others) to a management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.