

**BOROUGH OF MACUNGIE
COUNCIL POLICY**

SUBJECT: Citizen Complaint Investigation - Elected Officials
POLICY NO.: 0006
EFFECTIVE DATE: July 5, 2011

Background:

The Borough strives to maintain quality of services, improve relationships between Council members, the Mayor and the citizens. It is the policy of the Borough to accept, investigate, and resolve citizen complaints. When appropriate, effective action will be taken to address and correct the complaint.

Purpose:

The purpose of this Policy is to establish the procedure used to investigate allegations/complaints against elected officials. It supports the Borough's Policy to document thorough and objective investigations and provide timely disposition of all complaints or allegations.

Scope:

This Policy establishes the procedure by which the Borough investigates allegations/complaints against the Mayor and members of Borough Council. This policy applies to all complaints received by the Borough from members of the public.

Policy:

It shall be the policy of the Borough of Macungie that all complaints and allegations against elected officials shall be investigated in accordance with this policy.

A. Complaints/Allegations

1. All complaints/allegations shall be received and recorded in accordance with Macungie Borough Policy.
2. The Borough Manager, within seven (7) working days of receipt of a complaint, shall send a letter to the complainant acknowledging receipt of the complaint, stating that the complaint will be investigated and that the investigator may contact the complainant in the near future.
3. The Borough Manager shall forward a copy of the complaint to Borough Council.
4. A thorough and objective investigation of any complaint or any allegation shall be initiated. The type of complaint/allegation shall determine the nature and complexity of the investigation.

5. Borough Manager and/or members of Borough Council shall meet with the complainant to discuss the complaint/allegations.
6. The Borough Manager and/or members of Borough Council shall meet with the elected official who is the subject of the complaint to discuss the complaint/allegations and receive their input.
7. The Borough Manager shall document the facts of the investigation.
8. If legal counsel is required, Borough Council shall notify the Solicitor.
9. Upon completion of the investigation, a letter approved by Borough Council and signed by the Council President will be sent to the complainant informing him/her that an investigation was conducted as per Borough policies and that the matter was handled appropriately.
11. If the investigation concludes that the conduct of the elected official was improper, Borough Council shall cite the rule, regulation or order which was violated, if applicable. The investigator shall note any mitigating circumstances surrounding the situation, such as unclear or poorly drafted policy, inadequate training or lack of proper supervision.
12. The investigation shall be performed in a prudent manner.

B. Responsibilities of Elected Officials

The official against whom the complaint/allegation has been filed shall not interfere with the investigation in any manner whatsoever or attempt to persuade the complainant or any witnesses who have been contacted during the investigation in an effort to alter the information provided to the investigator. The official may be ordered by the investigator not to have contact with any witnesses until the Borough has obtained further information from that complainant and any witnesses.

C. Disposition of Complaint/Allegations

1. Based on the facts of the investigation, Borough Council shall make a final disposition and/or recommendation on the matter. The final disposition shall be noted by using one of the following classifications:
 - a. Sustained: Investigation indicates that all or parts of the alleged acts of misconduct were committed by the official.
 - b. Not Sustained: Investigation disclosed insufficient evidence to clearly prove or disprove the allegations contained in the complaint.
 - c. Exonerated: Investigation discloses that the alleged act(s) occurred but the actions of the official were justified, legal and proper.

- d. Unfounded: Investigation indicates the alleged acts did not occur or, were not committed by an official of this Borough.
 - e. Policy Failure: The alleged act occurred or is true, and although the action of the official was consistent with Borough policy, the complainant suffered harm. After this determination is made, corrective action will be taken, i.e. modify policy, training, etc.
2. The Borough Manager shall maintain a record of all complaints against Borough officials in a secure area.
 3. Borough Council shall receive a copy of all complaints and the final disposition upon completion of investigation.

History:

Adopted: July 5, 2011