



CITY OF GRAND RAPIDS

ADMINISTRATIVE POLICY

NUMBER: 02-01	DATE: 05/14/02
REVISIONS:	
ISSUED BY: City Manager	SIGNED: <i>160007-160000</i>

SUBJECT: INVESTIGATIONS BY REGULATORY AGENCIES

PURPOSE: To establish procedures for responding to investigations by State and Federal regulatory agencies.

POLICY:

A. STATEMENT OF MISSION

It is the goal of the City of Grand Rapids to, at all times, conduct its business in a safe, efficient and lawful manner for the protection of the citizens, employees, environment and capital assets of the City. It is recognized that it is the obligation of the State and Federal regulatory agencies to monitor the actions of the City as it relates to this goal and, where provided by law or regulation, to inform the City, and its officers and employees when practices, procedures or operations result in conditions which may violate health, safety, environmental or other regulations of the State or Federal Governments. This Policy establishes procedures for responding to regulatory investigations abating the actions or conditions cited, paying administrative fines or assessment imposed, and keeping centralized records of all enforcement action.

B. NOTICES OF REGULATORY INVESTIGATIONS AND/OR VIOLATION CITATIONS

1. Any officer or employee of the City who receives notification from a regulatory agency of an on-site investigation to be conducted at a City facility or project site, or a citation issued against the City or any of its departments, officers, employees or project sites, shall immediately note such notification or citation, the date and time received, place his or her name under such date and time, and immediately transmit or deliver the same to the Risk Management Office. If written notice is not received, the Risk Manager, the officer or employee's immediate supervisor,

and Department Director shall be notified at the first available opportunity of such an on-site visit or investigations.

2. Notices of such investigations or citations shall then be immediately transmitted or delivered by the Risk Manager, or his or her designee, and to each of the following:
 - a) The City Manager
 - b) The Deputy or Assistant City Manager responsible for the administration of the Department or Project involved in the regulatory action.
 - c) The affected Department Director.
 - d) Any contractor or other agent with supervisory responsibility over a City project site.
 - e) The City Attorney.

C. RESPONSE TO REGULATORY ACTIONS

1. The Risk Manager and/or the Department Director shall coordinate, facilitate, and participate in the investigation conducted by agents of any regulatory agency during on-site visits. As soon as possible thereafter, the Risk Manager and the Department Director shall provide the City Manager with a report on any such on-site visits or investigations.
2. Upon receipt of a violation notice, the Risk Manager shall direct an independent investigation into the alleged violation, using the resources of the affected Department and such other resources as may be appropriate.
3. Upon completion of the internal investigation, the affected Department and/or the Risk Manager shall forward the Internal Investigative Report to the City Manager, along with recommendations for any remedial action, training or additional equipment or facilities necessary to abate the problem, if any, and recommendations as to disposition of any administrative fine or assessment which may have been levied against the City. Copies of such report and recommendation shall also be provided to the Deputy or Assistant City Manager responsible for the department involved, and, in the case of the Police and Fire Departments, to the Chief of the affected department.
4. Upon receipt and review of the Internal Investigative Report and Recommendation, the City Manager shall have the authority to authorize the payment of any administrative fine or assessment or take such other course of action in response to the violation notice as the City Manager deems in the best interests of the City.

- a) Upon receipt of a written authorization from the City Manager to pay an administrative fine or assessment, the City Comptroller shall promptly pay the same.
- b) Administrative fines or assessments paid pursuant to this Policy shall be charged to the budget of the affected Department, unless otherwise directed by the City Manager.
- c) The City Manager shall direct the Department Director to take such remedial action to abate the condition, practice or procedure which led to the alleged violation as may be necessary and appropriate under the circumstances. Within 60 days of receiving such directive, the Department Director shall report to the City Manager on the status of such remedial action or training, with copies to the Risk Manager. Upon receipt of this report, the City Manager may direct additional remedial or other action as is deemed necessary or advisable.
- d.) The Risk Manager shall keep files and records of all investigations conducted and responses made pursuant to this Policy.

D. NAMED OFFICERS AND EMPLOYEES

Where any City officer or employee is assigned responsibility or authority by this Policy, the authority or responsibility so assigned may be exercised or fulfilled by the named officer's or employee's deputy, assistant or other appropriate subordinate if the named officer or employee is unavailable or unable to act in a specific situation.