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**COMMUNITY DEVELOPMENT****MEMORANDUM**

Planning,  
Zoning,  
Building Safety,  
Construction Inspection Services,  
Public Health,  
Housing Inspections,  
Code Enforcement

**To:** Mayor and City Council Members

**Cc:** Gregg Mandsager, City Administrator  
Steve Boka, Community Development Director

**From:** Adam Thompson, Planning & Community Development Coordinator

**Date:** December 5, 2013

**Re:** Resolution Prohibiting the use of Excessive Force, establishing an Equal Opportunity Policy, and Code of Conduct Policy for The City of Muscatine's CDBG Downtown Revitalization Project.

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**INTRODUCTION:** The City of Muscatine has been conditionally awarded \$500,000 in CDBG Downtown Revitalization grant funds. To comply with Federal and State regulations for administration of federal grant funds a Prohibition of the use of Excessive Force resolution and a Code of Conduct Policy and Equal Opportunity Policy must be adopted by resolution.

**BACKGROUND:** City staff will administer the grant. Responsibilities include but are not limited to design consultant selection, construction contractor selection, financial accounting, communicating with state and federal agencies and property & business owners involved in the project.

In order to comply with Section 519 of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 and other applicable federal and state regulations for administering federal grant funds a Prohibition of the use of Excessive Force Policy shall be adopted by resolution. The resolution prohibits any law enforcement agency operating within the project area from using excessive force against any individuals engaged in nonviolent civil rights demonstrations.

In order to comply with 24 CFR; Part 85 (85.36(b.)(3)) and other applicable federal and state regulations for administering federal grant funds a Code of Conduct Policy shall be adopted by resolution. The policy restricts participation by city employees or representatives of the city who have a conflict of interest, real or apparent, in the selection, award, or administration of a contract supported by federal grant funds. A Code of Conduct policy ensures the efficient, fair, and professional administration of CDBG Downtown Revitalization grant funds in compliance with federal and state standards, regulations, and laws.

In order to comply with federal and state regulations for administering federal grant funds an Equal Opportunity Policy shall be adopted by resolution. The policy provides equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for

**"I remember Muscatine for its sunsets. I have never seen any  
on either side of the ocean that equaled them" — Mark Twain**

advancement for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship, or sexual orientation.

**RECOMMENDATION/RATIONALE:** The CDBG project has been discussed with the City Council. It is recommended that the City Council approve the resolution prohibiting the use of excessive force and establishing an equal opportunity policy and code of conduct policy, as attached hereto.

**BACKUP INFORMATION:**

1. **Prohibition of the use of Excessive Force, Code of Conduct Policy and Equal Opportunity Policy Resolution**
2. **Code of Conduct Policy**
3. **Equal Opportunity Policy**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION PROHIBITING THE USE OF EXCESSIVE FORCE AND  
ESTABLISHING AN EQUAL OPPORTUNITY POLICY AND CODE OF CONDUCT  
POLICY FOR THE CITY OF MUSCATINE'S CDBG DOWNTOWN REVITALIZATION  
PROJECT, IOWA**

**WHEREAS**, The City of Muscatine has received federal funding through the Community Development Block Grant (CDBG) program; and,

**WHEREAS**, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

**WHEREAS**, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

**WHEREAS**, The City of Muscatine endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy;

**WHEREAS**, requires that all CDBG recipients adopt and enforce an equal opportunity policy,

**WHEREAS**, the policy provides equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

**WHEREAS**, requires that all CDBG recipients adopt and enforce a code of conduct policy,

**WHEREAS**, in compliance with 24 CFR; Part 85 (85.36(b).(3)), no officer, employee, or agent of the City of Muscatine shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of Muscatine hereby prohibits any law enforcement agency, acting within 100 feet the CDBG Downtown Revitalization project area, from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, the City of Muscatine agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. The City of Muscatine further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that the City of Muscatine has not complied with this policy to file a complaint.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of Muscatine,  
adopts the Equal Opportunity Policy, attached as Exhibit A

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of Muscatine,  
adopts the Code of Conduct Policy, attached as Exhibit B

**PASSED, APPROVED AND ADOPTED** this 5<sup>th</sup> day of December 2013.

**BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA**

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**DeWayne M. Hopkins, Mayor**

**Attest:**

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**Gregg Mandsager, City Clerk**

## **Exhibit A**

### **Equal Opportunity Policy**

It is the policy of the City of Muscatine to provide equal opportunity to all employees, applicants and program beneficiaries involved in the CDBG Downtown Revitalization project; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

The Mayor has ultimate responsibility for the overall administration of the affirmative action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the Mayor responsibility. The Mayor will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The right of appeal and recourse is guaranteed by the City of Muscatine. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administer within the CDBG Downtown Revitalization project by the City of Muscatine because of race, creed, color, religion, sex, national origin, age, disability, political affiliation, sexual orientation, or citizenship has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by The City of Muscatine Human Resources Department who can be contacted at (563)264-1550.

This Equal Opportunity Policy of the City of Muscatine shall be posted in conspicuous places within the facility, distributed to all employees, contractors and to the persons of all advisory and policy-making groups.

## **Exhibit B**

### **Code of Conduct Policy**

#### **PURPOSE**

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 24 CFR; Part 85 (85.36(b.)(3)) and other applicable federal and state standards, regulations, and laws.

#### **APPLICATION**

This Code of Conduct applies to all officers, employees, or agents of The City of Muscatine engaged in the award or administration of contracts supported by federal grant funds.

#### **REQUIREMENTS**

No officer, employee, or agent of The City of Muscatine shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. An organization which employs, or is about to employ any of the above; has a financial or other interest in the firm selected for award.

The City of Muscatine's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

#### **REMEDIES**

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City of Muscatine's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.