

**RESOLUTION NO. 2023-10**

**A RESOLUTION OF THE CITY COUNCIL OF CITY OF AVON PARK, FLORIDA  
ADOPTING POLICIES AND PROCEDURES RELATING TO ENSURING THE  
CITY'S DETECTION AND PREVENTION OF FRAUD, WASTE AND ABUSE  
FOR USE IN ADMINISTERING COMMUNITY DEVELOPMENT BLOCK  
GRANTS; PROVIDING DEFINITIONS; DEFINING AN ACTION PLAN; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of City of Avon Park desires to establish policies and procedures regarding the detection and prevention of fraud, waste and abuse under the City's Community Development Block Grants (CDBG), and

**WHEREAS**, the City Council of City of Avon Park recognizes the need to adopt policies and procedures for the detection and prevention of fraud, waste and abuse under the Community Development Block Grant to ensure compliance and adherence to requirements and standards set for by the United States Department of Housing and Urban Development (HUD), the Florida Department of Economic Opportunity (DEO), Federal Regulations, State Statutes, and Rules.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of City of Avon Park:

Section 1. The City Council hereby adopts policies and procedures for the detection and prevention of fraud, waste and abuse under the Community Development Block Grant, a copy of which is attached and incorporated herein as Exhibit "A"

Section 2. All conflicting purchasing policies are superseded by this policy.

Section 3. All resolutions or part of resolutions in conflict herewith are hereby repealed.

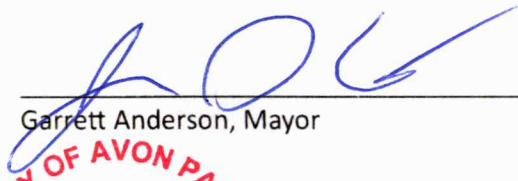
Section 4. This resolution shall take effect upon adoption.

After Motion to approve by Deputy Mayor Barnard with Second by Council member McGuire, the vote on the Resolution was as follows:


PASSED AND DULY ADOPTED this 26<sup>th</sup> day of June, 2023

	Yes	No	Abstain	Absent
Mayor Anderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Barnard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Mercure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Taylor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CITY COUNCIL OF  
CITY OF AVON PARK, FLORIDA

  
Garrett Anderson, Mayor

ATTEST:

  
Christian Hardman, City Clerk



Approved by the City Council Of City of Avon Park at a meeting held on

This 26<sup>th</sup> day of June, 2023

Under agenda item No. D-11

**EXHIBIT "A"**

**ANTI FRAUD, WASTE AND ABUSE POLICY**

**CDBG**  
**Anti-Fraud, Waste,**  
**and Abuse Policy**



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## **Anti-Fraud, Waste, and Abuse (AFWA)**

City of Avon Park is the Sub-recipient of Community Development Block Grant funds from the Florida Department of Economic Development (DEO) and the United States Department of Housing and Urban Development (HUD). These CDBG funds will be utilized to support long-term disaster recovery needs for housing, infrastructure, economic development and health and safety in Florida affected communities. As a steward of public funds, the City is actively working to combat fraud, waste and abuse in its programs.

This policy is directed specifically to the Community Development Block Grant programs and is intended to establish procedures and processes that will aid in the detection and prevention of fraud, waste, and abuse in the CDBG programs.

This policy applies to all City employees, providers, vendors, contractors, consultants, partners, citizens, applicants, external departments and agencies doing business with the City, as well as, beneficiaries and others associated with, working for, accessing, or attempting to access benefits under the CDBG programs.

### **Scope**

**Fraud** is the intentional (willful or purposeful) deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him/herself or some other person. There are many forms of fraud.

**Waste** includes over-utilizing City services, supplies or equipment, or causing unnecessary costs through carelessness or inefficiency.

**Abuse** includes activities that result in unnecessary costs to the City. Note that this is financial abuse, not physical or emotional abuse of a person. Physical and emotional abuse of a person should be reported to the police.

Examples of fraud include, but are not limited to, misrepresentation of:

- Income (Unreported or under-reported)
- Household composition
- Financial resources (transferred or hidden resources)
- Residency
- Citizenship status

Other types of fraud include, but are not limited to:

- Using another person's identification
- Forging signatures or documents

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### **CDBG**



- Concealing access to duplicate funding
- Misrepresenting a medical condition to obtain additional benefit
- Misusing funds (diverting them for an unintended use)

Other actions constituting fraud, waste and abuse include, but are not limited to:

- Any dishonest or fraudulent act
- Misappropriation of funds, supplies or assets
- Impropriety in handling or reporting money or financial transactions
- Profiting as a result of insider knowledge
- Unauthorized disclosure of confidential or private information
- Accepting or seeking anything of material value from contractors, vendors or any person that seeks a beneficial decision, contract, or action from the City
- Accepting or seeking anything of material value from contractors, vendors or any person that is providing services for CDBG activities
- Unnecessary cost or expenditures
- Diversion of program resources

### **AFWA Complaint Process**

The City's constituents, employees and contractors may report suspected fraud, waste, or abuse by contacting the appropriate DEO CDBG program managers. The County shall reply to any written complaint within 15 days of receipt of the complaint.

All suspected cases of fraud will be taken seriously, and complaints will be reported to the appropriate DEO Compliance and Reporting Manager and DEO's Office of the Inspector General at [OIG@deo.myflorida.com](mailto:OIG@deo.myflorida.com). If DEO's OIG determines that it is appropriate, it will coordinate its investigation with agencies such as the Florida Office of the Inspector General, the Florida Office of the Attorney General, or the Florida Department of Business and Professional Regulation.

All substantiated cases of fraud, waste, or abuse of government funds will be forwarded to the United States Department of Housing and Urban Development (HUD), Office of Inspector General (OIG) Fraud Hotline (phone: 1-800-347-3735 or email: [hotline@hudoig.gov](mailto:hotline@hudoig.gov)) and DEO's HUD Community Planning and Development (CPD) Representative.

### **Fraud, Waste, and Abuse Prevention Measures**

The City's governing body is responsible for ensuring that the City's CDBG programs comply with all federal and state regulations as well as recommending improvements that enhance programmatic efficiency, effectiveness, and documented results. Below are the main critical responsibilities for preventative measures:

- Ensure ongoing compliance with federal, state, and local regulations through review of the policies and procedures, project and beneficiary eligibility and award determinations, and program activity files.
- Conduct regular internal self-monitoring of the City's CDBG programs and report results to City Manager.
- Identify and assist with investigations of potential fraud, referring cases to DEO's CDBG team and DEO's OIG as appropriate.

- Oversee and coordinate all reporting for DEO's CDBG programs, including state and federal reporting requirements, data analysis, and providing data for DEO leadership.
- Provide technical assistance to program areas regarding compliance issues and questions, as well as monitoring findings.

### **Confidentiality**

Complainants reporting fraud, waste and misuse of federal resources, or other program irregularities may remain anonymous. All information received about suspected fraud, waste and abuse will be treated confidentially. Furthermore, all investigative materials developed, and interviews conducted to substantiate the allegations of fraud, waste or abuse will be treated confidentially.

Information will only be disclosed on a need-to-know basis to appropriate law enforcement authorities. No information about the status of an investigation will be shared outside of the City's CDBG Program Manager, DEO's Constituent Services Manager, DEO's Policy Manager, DEO's Compliance and Reporting Manager, and DEO's CDBG Program Director and authorized DEO staff members, except with the State or HUD OIG upon conclusion of the investigation or with law enforcement or legal counsel, in the event legal action should be needed.

### **Whistle-blower's Act of 1986**

The City understands that confidentiality is important to avoid retaliation against reporting individuals. Florida's Whistle-blower's Act prevents agencies or independent contractors from taking retaliatory action against an employee who reports to a person or agency designated by the statute (see next paragraph below) violations of law on the part of a public employer or independent contractor [as defined in Section 112.3187(3)(d), Florida Statutes], that create a substantial and specific danger to the public's health, safety or welfare. It also prevents agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or neglect of duty on the part of an agency, public officer, or employee.

Violations of this act should be reported in accordance with Section 112.3187, Florida Statutes. Any employee who has a complaint should immediately contact the DEO Department head, DEO Office of the Inspector General, the Governor's Office of the Chief Inspector General, the Florida Commission on Human Relations, or the state's whistle-blower's hotline at (800) 543- 5353. [Section 112.3187, Florida Statutes]

### **Cooperation with Official Department Investigations**

The City's employees are required to maintain high standards of honesty, integrity, and impartiality and to place the interests of the public ahead of personal interests. When allegations of violations of these standards are received, full and accurate information must be obtained so management may respond appropriately. Toward this end, employees of the City must cooperate with DEO program staff and the duly appointed investigators from DEO's Office of Inspector General to uncover the facts surrounding possible violations in an official investigation.



Failure to comply as specified above without a valid mitigating reason, such as exercising a right protected by federal or state law, will constitute a violation of this policy and subject the City to appropriate disciplinary action up to and including dismissal of employees of the City.