RESOLUTION NO. 2026-17

A RESOLUTION ADOPTING A CITIZEN COMPLAINT POLICY AND STANDARD COMPLAINT FORM; ESTABLISHING PROCEDURES FOR THE SUBMISSION, REVIEW, AND DISPOSITION OF COMPLAINTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Gresham, Nebraska (the "Village"), regularly receives complaints and concerns from residents and members of the public regarding Village services, property conditions, ordinance compliance, and other matters; and

WHEREAS, complaints are currently received in varying forms and through varying channels, including verbal communications to individual Trustees and staff, and many are presented directly to the Board of Trustees (the "Board") without prior review; and

WHEREAS, a substantial portion of the complaints received concern routine operational matters that fall within existing ordinances, policies, and the administrative authority of Village staff and officers, and do not require deliberation or action by the Board; and

WHEREAS, the Village also receives complaints that repeat or are substantially similar to matters previously reviewed and resolved, and the review of such complaints consumes Board meeting time and staff resources without producing any new information or result; and

WHEREAS, the Board further finds that communications concerning applications, permits, and hearings pending before the Board or other Village bodies must be handled within those proceedings to preserve their fairness and the rights of the parties; and

WHEREAS, the Board finds that a uniform written procedure for the submission, logging, review, and disposition of complaints will promote consistent and even-handed treatment of all complaints, improve the timeliness of administrative resolution, ensure that conditions presenting a hazard are addressed promptly, create a reliable record of complaints received and their disposition, and preserve Board meeting time for matters requiring Board action; and

WHEREAS, the Board intends that this policy be applied uniformly to all complainants without regard to the identity of the complainant or the viewpoint expressed, and that nothing in this policy restrict the right of any person to address the Board during public comment as provided by the Open Meetings Act, Neb. Rev. Stat. § 84-1412, and the Board's rules of procedure, or otherwise to petition the Village; and

WHEREAS, the Board has authority to establish administrative policies governing the conduct of Village business and the procedures of the Board, and finds that adoption of this policy is in the best interest of the Village and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GRESHAM, NEBRASKA:

Section 1. The Citizen Complaint Policy attached as Exhibit A is hereby adopted as the policy of the Village and is incorporated herein by this reference.

Section 2. The Citizen Complaint Form attached as Exhibit B is hereby approved as the standard complaint form of the Village. The Village Clerk is authorized to make the form available at the Village office, on the Village website, and by mail or email upon request, and to make non-substantive formatting changes to the form as needed.

Section 3. The policy shall apply to all complaints received on or after the effective date of this Resolution. Complaints received before the effective date and not yet resolved may be processed under this policy at the discretion of the Village Clerk, in consultation with the Chairperson.

Section 4. All prior policies, practices, or resolutions of the Village in conflict with this Resolution are superseded to the extent of the conflict.

Section 5. This Resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED this 10th day of November, 2026.

VILLAGE OF GRESHAM, NEBRASKA

Chairperson, Board of Trustees

VILLAGE OF GRESHAM SEAL GRESHAM, NEBRASKA

ATTEST:

Michelle Lowther, Village Clerk
(SEAL)

EXHIBIT A

VILLAGE OF GRESHAM
CITIZEN COMPLAINT POLICY

1. Purpose. This policy establishes a uniform procedure for the submission, logging, review, and disposition of complaints received by the Village of Gresham (the "Village"). Its purposes are to ensure that complaints are handled consistently and at the appropriate level of authority, to resolve routine matters administratively without the need for Board action, to ensure that hazardous conditions are addressed promptly, to maintain an accurate record of complaints and their disposition, and to reserve the time of the Board of Trustees (the "Board") for matters that require Board deliberation or action.

2. Definitions. As used in this policy:

(a) "Complaint" means a written statement, submitted on the Village Complaint Form, reporting a condition, concern, or alleged violation of Village ordinance or policy, or objecting to an act or omission of the Village or its officers, employees, or contractors.

(b) "Administrative Matter" means a Complaint that concerns a routine operational matter, a condition addressed by an existing ordinance, policy, or enforcement procedure, or a matter within the existing authority of Village staff, officers, or contractors, and that does not require the adoption of new policy, the expenditure of funds not previously authorized, or other action reserved to the Board by law.

(c) "Repetitive Complaint" means a Complaint that concerns the same or a substantially similar subject matter, property, condition, person, or act as (1) a Complaint previously reviewed and closed under this policy, or (2) a pending Complaint, enforcement action, prosecution, or litigation.

(d) "New and Material Facts" means facts not previously presented to or known by the Village that would reasonably be expected to change the prior disposition, including a new occurrence of a condition or violation after the date of the prior disposition. Allegations, arguments, or opinions previously presented, and a restatement of a prior Complaint in different terms, are not New and Material Facts.

(e) "Clerk" means the Village Clerk or the Clerk's designee. "Chairperson" means the Chairperson of the Board or, in the Chairperson's absence or disqualification, the Trustee acting as chairperson.

3. Matters Not Governed by this Policy. The following are not Complaints under this policy and shall be handled as indicated:

(a) **Routine service requests.** Routine requests for Village service, such as a streetlight outage, a water or sewer service issue, or a street maintenance request, may be made directly to the Village office by telephone, in person, or by email, and will be handled by staff in the ordinary course without a Complaint Form.

(b) **Emergencies, crimes, and threats.** Emergencies, threats to persons or property, and crimes in progress must be reported by calling 911. Other suspected criminal activity should be reported to the York County Sheriff's Office. Any communication received by the Village that contains a threat of violence will be referred to the York County Sheriff's Office. The Complaint Form is not monitored on an emergency basis.

(c) **Tort and damage claims.** A claim for money damages against the Village must be filed in the manner required by the Political Subdivisions Tort Claims Act, Neb. Rev. Stat. § 13-901 et seq. A Complaint submitted under this policy is not, and shall not be construed as, a claim, notice of claim, or demand under that Act or any other law.

(d) **Public records requests.** Requests to inspect or obtain copies of public records are governed by Neb. Rev. Stat. § 84-712 et seq. and shall be directed to the Clerk as the Village's records custodian.

(e) **Employee matters.** Grievances, complaints, and reports by Village employees concerning their own employment are governed by the Village personnel policies.

(f) **Pending applications and hearings.** A communication concerning an application, permit, license, appeal, or hearing pending before the Board, the Planning Commission, or the Board of Adjustment shall be placed in the file for that matter, shall be made available to the applicant and other parties as appropriate, and shall be considered, if at all, only as part of that proceeding. Trustees and members of those bodies shall not receive or consider such communications outside the proceeding.

(g) **Comments on Village policy.** Comments, opinions, or objections concerning Village policies, ordinances, budgets, rates, fees, or prior actions of the Board that do not report a specific condition or alleged violation are not Complaints. Such comments may be presented during public comment at a Board meeting or delivered in writing to the Clerk, who shall provide written comments to the Trustees for their information. Written comments will not be placed on a Board agenda unless requested under Section 8(a).

(h) **Matters outside Village jurisdiction.** Matters within the jurisdiction of York County, the State of Nebraska, a public power district, or another entity will be referred to that entity when practical, and are otherwise closed.

4. **Submission of Complaints.** Complaints shall be submitted as follows:

(a) A Complaint shall be submitted on the Village Complaint Form, completed and signed by the complainant, and delivered to the Clerk in person or by mail at the Village office, 310 Elm Street, Gresham, Nebraska 68367, or by email to clerk@greshamne.gov. A Complaint Form submitted by email may bear the complainant's electronic or typed signature. Complaints submitted to individual Trustees, officers, or employees, by social media, or by text message are not received under this policy.

(b) Each Complaint Form shall address a single subject or property. Multiple subjects shall be submitted on separate forms.

(c) The complainant shall provide the complainant's name and contact information. The Clerk may decline to process an unsigned, anonymous, or incomplete Complaint Form. Nothing in this subsection limits the authority of the Village to act on its own initiative on any information that comes to its attention, regardless of source, including any report of a hazardous condition.

(d) A verbal complaint received by the Clerk or Village staff may be reduced to writing by staff, or the person may be directed to complete the Complaint Form. The Village has no obligation to act on a verbal complaint.

(e) A Trustee, officer, or employee who is contacted by a member of the public with a complaint should direct the person to the Complaint Form and the Clerk. Individual Trustees have no authority to act on behalf of the Village outside a duly convened meeting of the Board and should not independently investigate, promise action on, or discuss among a quorum of Trustees outside a public meeting any Complaint.

(f) This policy applies to Complaints submitted by Trustees, officers, and employees of the Village in their individual capacities. It does not limit the authority of Village officers or employees to identify and address conditions or violations in the performance of their duties.

5. Receipt and Logging. Upon receipt of a Complaint, the Clerk shall date-stamp the Complaint Form, assign it a complaint number, and enter it in a complaint log. The log shall record, at a minimum, the complaint number, date received, complainant, subject or property, reviewing level, any referral and its date, disposition, any prior Complaint or pending matter relied on in closing a Repetitive Complaint, and date closed. The log shall be maintained by the Clerk as a record of the Village.

6. Level One — Clerk Review. The Clerk shall review each Complaint within a reasonable time after receipt and shall take one of the following actions:

(a) If the Complaint is an Administrative Matter, refer it to the appropriate Village employee, officer, contractor, or enforcement official for handling in accordance with existing ordinances, policies, and procedures, and close the Complaint upon referral or completion;

(b) If the Complaint is a Repetitive Complaint, close it in accordance with Section 10;

(c) If the Complaint concerns a matter described in Section 3, refer, file, or close it as provided in that Section;

(d) If the Complaint concerns a matter in active enforcement, prosecution, or litigation, forward a copy to the Village Attorney and close the Complaint; or

(e) If the Complaint cannot be resolved under subsections (a) through (d), or the Clerk is uncertain of its proper disposition, forward it to the Chairperson for Level Two review.

Notwithstanding any other provision of this policy, a Complaint reporting a condition on Village property, streets, alleys, sidewalks, or right-of-way that may present a hazard to persons or property shall be referred promptly to the appropriate Village staff or contractor and reported to the Chairperson, whether or not the Complaint is a Repetitive Complaint.

Referral of a Complaint to an existing enforcement procedure does not dispense with any notice, hearing, or Board action required by that procedure. A matter requiring Board action under an existing ordinance shall be presented to the Board through that procedure.

7. Level Two — Chairperson Review. The Chairperson shall review each Complaint forwarded under Section 6 and shall take one of the following actions:

(a) Resolve the Complaint administratively, to the extent the matter is within the existing authority of the Chairperson or Village staff, and direct the Clerk to close the Complaint;

(b) Close the Complaint upon a determination that no action is warranted, or that the Complaint is a Repetitive Complaint;

(c) Refer the Complaint to the Village Attorney, Village Engineer, or other appropriate professional for review and recommendation; or

(d) Place the Complaint on the agenda of a regular or special meeting of the Board for Level Three review.

8. Level Three — Board Review. Board review is governed by the following:

(a) A Complaint shall be placed on the Board agenda only (1) upon referral by the Chairperson under Section 7(d); (2) upon written request delivered to the Clerk by two or more Trustees; or (3) as provided in Section 9. The Complaint shall be placed on the agenda of the next regular meeting for which notice has not yet been given, and shall be listed as "Discussion/action regarding Complaint No. ____," followed by its general subject, in a manner sufficient to give reasonable notice of the matter to be considered as required by Neb. Rev. Stat. § 84-1411.

(b) The Board may take any action within its lawful authority, including taking no action, directing staff, referring the matter for professional review, directing enforcement, or determining that the Complaint is unfounded.

(c) Placement of a Complaint on the agenda does not entitle the complainant to present evidence, examine witnesses, or receive a hearing. The complainant may address the Board during the public comment portion of the meeting, subject to the Board's rules governing public comment.

(d) A Complaint concerning the conduct, competence, or performance of a Village employee or officer may be considered in closed session only as permitted by Neb. Rev. Stat. § 84-1410, including where necessary to prevent needless injury to the reputation of a person who has not requested a public hearing. Any action shall be taken in open session.

(e) The Board's determination on a Complaint is final for purposes of this policy.

9. Conflicts of Interest. In addition to any requirement of state law:

(a) A Complaint concerning the conduct of the Clerk shall be logged and forwarded directly to the Chairperson for Level Two review. The Clerk shall not otherwise participate in its review.

(b) A Complaint concerning the conduct of the Chairperson shall be logged and placed directly on the Board agenda for Level Three review.

(c) A Trustee who is the subject of a Complaint shall not participate in its review or in the Board's consideration of it, other than to respond if requested.

(d) A Trustee, officer, or employee who submitted a Complaint, or who has a personal or financial interest in its subject, shall not participate in its review or disposition.

10. Repetitive Complaints. Repetitive Complaints shall be handled as follows:

(a) The Clerk or Chairperson may close a Repetitive Complaint without further review unless it presents New and Material Facts.

(b) A Repetitive Complaint closed under this Section shall be noted in the complaint log with reference to the prior Complaint, enforcement action, or proceeding on which the closure is based. A Repetitive Complaint shall not be forwarded to the Chairperson or placed on the Board agenda solely because it has been resubmitted.

(c) A Repetitive Complaint that presents New and Material Facts shall be processed under Section 6, and review shall be limited to the New and Material Facts.

(d) The Clerk may consolidate multiple pending Complaints concerning the same subject matter for review and disposition.

(e) This Section does not apply to the referral of hazardous conditions required by Section 6.

11. No Duty to Respond or Act; No Appeal. The Village is not required to acknowledge receipt of a Complaint, provide the complainant with a response, status update, or explanation, report the outcome of any review, or take any particular action on a Complaint. The decision whether, when, and how to investigate a Complaint or enforce any ordinance is within the discretion of the Village, and the Village may allocate its enforcement resources as it determines appropriate. There is no right of appeal from any disposition under this

policy. A complainant who disagrees with a disposition may address the Board during public comment.

12. Communications with Complainants. Communications with complainants are governed by the following:

(a) The Village may contact a complainant to obtain additional information. A complainant may be asked to provide a written statement or to testify in any resulting enforcement action or prosecution.

(b) Any communication with a complainant is at the discretion of the Village. A communication in one matter does not create an obligation to communicate in that matter or any other.

(c) A complainant does not act on behalf of the Village and is not authorized to enter private property, contact property owners, or take any other action on behalf of the Village. The Village does not request or authorize any person to enter private property to obtain information for a Complaint.

(d) Inquiries concerning a matter in active enforcement, prosecution, or litigation shall be referred to the Village Attorney.

13. No Rights Created. This policy is an internal administrative procedure for the management of Village business. It does not create any right, entitlement, cause of action, or standard of care in favor of any complainant or other person, and does not waive any immunity or defense available to the Village or its officers and employees. The failure of the Village to follow any provision of this policy shall not invalidate any action of the Village or give rise to any claim.

14. Public Comment and Petition Not Restricted. Nothing in this policy restricts the right of any person to attend Board meetings, to address the Board during public comment as provided by Neb. Rev. Stat. § 84-1412 and the Board's rules, or otherwise to petition the Village. Members of the public are advised that, under the Open Meetings Act, the Board may not take action on a matter that is not on the posted agenda, and that matters raised during public comment will ordinarily be referred to the Clerk for handling under this policy.

15. Public Records. Complaint Forms, the complaint log, and related documents are records of the Village subject to Neb. Rev. Stat. § 84-712 et seq. The Village may withhold records, including the identity of a complainant, only to the extent permitted by law, and any decision to withhold a category of records shall be applied uniformly.

16. Retention. Complaint Forms and the complaint log shall be retained in accordance with the records retention and disposition schedule applicable to the Village under the Records Management Act, Neb. Rev. Stat. § 84-1201 et seq.

17. Uniform Application. This policy shall be applied uniformly to all Complaints and complainants without regard to the identity of the complainant, the complainant's relationship to the Village, the viewpoint expressed in the Complaint, or, except as provided in Section 10, the number of Complaints the complainant has previously submitted.

18. Administration and Amendment. The Clerk may maintain the complaint log in paper or electronic form and may adopt internal procedures to implement this policy consistent with its terms. This policy may be amended by resolution of the Board

EXHIBIT B

VILLAGE OF GRESHAM, NEBRASKA
CITIZEN COMPLAINT FORM

Return to: Village Clerk, 310 Elm Street, Gresham, NE 68367 | clerk@greshamne.gov

For emergencies or crimes in progress, call 911. This form is not monitored on an emergency basis. Routine service requests (streetlights, water or sewer service, street maintenance) may be made directly to the Village office without this form. Use one form per subject. Do not enter private property or confront others to gather information. Incomplete or unsigned forms may not be processed.

1. Complainant Information

Name:	Date:
Mailing Address:	
Phone:	Email:

2. Subject of Complaint

Address or location of concern:
Category (check one): [ ] Streets / alleys / sidewalks [ ] Water / sewer / utilities [ ] Nuisance / weeds / junk / vehicles [ ] Animals [ ] Zoning / building / permits [ ] Village employee or official [ ] Other: _____
Date(s) and time(s) observed:
Does this relate to a permit, application, or hearing now pending before the Village? [ ] Yes [ ] No [ ] Unsure

3. Description

Describe the condition or concern in specific, factual terms (what, where, when, and who, if known). Attach additional pages or photographs if needed.

4. Prior Reports

Have you previously reported this matter to the Village? [ ] No [ ] Yes
If yes, approximate date(s) and complaint number(s), if known: _____
If yes, describe any new facts or new occurrences since your last report:

5. Requested Action (optional)

6. Acknowledgment and Signature

By signing below, I acknowledge and understand that:

(a) The Village will review this complaint under its Citizen Complaint Policy, but is not required to respond to me, provide updates, report the outcome, or take any particular action.

(b) A complaint that repeats a matter already reviewed or pending may be closed without further review unless it presents new and material facts.

(c) This form does not entitle me to a hearing, and there is no appeal from the Village's disposition. I may address the Village Board during public comment.

(d) This form and any attachments are public records and may be disclosed as required by Nebraska law.

(e) This form is not a claim for damages against the Village under the Political Subdivisions Tort Claims Act.

(f) The Village may contact me for more information, and I may be asked to give a written statement or testify if enforcement results.

(g) I do not act on behalf of the Village and am not authorized to enter private property or take any action for the Village.

I certify that the information provided is true and accurate to the best of my knowledge.

Signature: _____ Date: _____

(A typed name is acceptable for forms submitted by email.)

FOR VILLAGE USE ONLY

Complaint No.:	Date Received:	Received By:
Related/Prior Complaint No. or Pending Matter:		
Review Level: [ ] Clerk [ ] Chairperson [ ] Board		
Disposition: [ ] Administrative referral to: _____ [ ] Hazard referral (§ 6) [ ] Repetitive—closed (§ 10) [ ] Pending proceeding file (§ 3(f)) [ ] Attorney (§ 6(d)) [ ] Outside jurisdiction—referred to: _____ [ ] No action warranted [ ] Board action		
Date Closed:	Initials:	Conflict (§ 9): [ ] N/A [ ] Yes
Notes:		