



**CITY OF BROKEN BOW
CITY COUNCIL AGENDA
September 13, 2022, Commencing Immediately
Upon Adjournment of the Budget Hearing
Municipal Auditorium
314 South 10th Avenue, Broken Bow NE**

Meeting Procedure

The Public may address specific agenda items at the pleasure of the Mayor. Please come to the podium, state your name and address, and limit your remarks to five minutes or less. Out of respect to City employees, we request that any complaints or criticisms of employees not be aired in a public meeting. Concerns about employees should be brought to the attention of the City Administrator or Mayor. An individual in violation will be declared out of order. Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items.

A. Call to Order

B. Open Meetings Act: A current copy of the Open Meetings Act is available and is posted for review by all citizens.

C. Roll Call

D. Pledge of Allegiance

E. Consent Agenda: Council will have consideration of approving the consent agenda items for September 13, 2022, which will include the following:

- a. Approval of Minutes of August 23, 2022, Council Meeting
- b. Approval of Bills as Posted
- c. Approval of Broken Bow Volunteer Ambulance Service Roster

F. Other Communications:

- a. Andy Holland - EMT

G. New Business:

- a. **Public Hearing, Ordinance 1262, 2022-2023 Annual Appropriation Bill** – Council will have consideration of opening a public hearing regarding Ordinance 1262, 2022-2023 Annual Appropriation Bill.
- b. **Waive Three Reading of Ordinance 1262** – Council will have consideration of waiving the three readings of Ordinance 1262.
- c. **Ordinance 1262, 2022-2023 Annual Appropriation Bill** – Council will have consideration of approving Ordinance 1262, 2022-2023 Annual Appropriation Bill.



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- d. Resolution 2022-11, Additional 1% Increase to the Restricted Funds** – Council will have consideration of approving the 1% increase to the Restricted Funds.
- e. Public Hearing, To Set Final Property Tax Request for 2022-2023** – Council will have consideration of opening a public hearing to set the Final Tax Request for 2022-2023 for the City of Broken Bow.
- f. Resolution 2022-12, Setting Final Property Tax Request for 2022-2023** – Council will have consideration of approving Resolution 2022-12, Setting the Final Property Tax Request for 2022-2023.
- g. Public Hearing, Ordinance 1263, 2022-2023 Wage Ordinance** – Council will have consideration of opening a public hearing regarding Ordinance 1263, 2022-2023 Wage Ordinance.
- h. Waive Three Reading of Ordinance 1263** – Council will have consideration of waiving the three readings of Ordinance 1263.
- i. Ordinance 1263, 2022-2023 Wage Ordinance** – Council will have consideration of approving Ordinance 1263, 2022-2023 Wage Ordinance.
- j. Public Hearing, Ordinance 1264, Well Head Protection Plan** – Council will have consideration of opening a public hearing regarding Ordinance 1264, Well Head Protection Plan for the City of Broken Bow, Nebraska.
- k. Waive Three Reading of Ordinance 1264** – Council will have consideration of waiving the three readings of Ordinance 1264.
- l. Ordinance 1264, Well Head Protection Plan** – Council will have consideration of approving Ordinance 1264, Well Head Protection Plan for the City of Broken Bow, Nebraska.
- m. Resolution 2022-13, Handi Bus Drug and Alcohol Testing Policy** – Council will have consideration of approving Resolution 2022-13, City of Broken Bow Handi Bus Drug and Alcohol Testing Policy.
- n. Resolution 2022-14, Sale of Surplus Property** – Council will have consideration of approving Resolution 2022-14, Sale of Surplus Property.



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H. Adjournment

***The Next City Council Meeting Will Be On Tuesday, September 27, 2022
@ 6:00 pm in the Broken Bow Municipal Auditorium***

Upcoming Events:

- ❖ ***September 26th – Board of Public Works @ 12:30 pm in the City Council Chambers***
- ❖ ***September 27th – City Council Meeting @ 6:00 pm in the Broken Bow Municipal Auditorium***
- ❖ ***October 10th – City Offices CLOSED in observance of Columbus Day***

The Council will review the above matters and take such action as they deem appropriate. The Council may enter into closed session to discuss any matter on this agenda when it is determined by the Council that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of any individual and if such individual has not requested a public meeting, or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.

**Broken Bow City Council
Meeting Minutes
August 23, 2022**

The Broken Bow City Council met in regular session on Tuesday, August 23, 2022, in the Broken Bow Municipal Auditorium. Notice of the meeting was given in advance thereof as required by publication in the Custer County Chief on August 18, 2022. Availability of the agenda and related materials was communicated in the advanced notice to the Mayor and all members of the Council, as well as, shared with various media outlets. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Rod Sonnichsen called the meeting to order at 6:00 P.M., with the following Council members present: David Schmidt, Larry Miller, Chris Myers, and David Baltz. Absent: None. Mayor Sonnichsen announced the availability of the open meetings law, followed by reciting of the Pledge of Allegiance.

Moved by Schmidt, seconded by Miller to approve the consent agenda for August 23, 2022. Said motion includes approval of the Minutes of the August 9, 2022, Council Meeting, approval of the Minutes of the August 17, 2022, Budget Workshop, Bills as Posted, June Treasurer's Report, and July Treasurer's Report. Roll Call vote: Voting aye: Schmidt, Miller, Myers, and Baltz. Nays: None. Motion carried.

ARSL, \$175.00; Aflac, \$245.24; \$70.02; \$489.24; Beaver Bearing Co Albion, \$243.39; Bohlmann Inc, \$90.95; Bound Tree Medical, \$505.75; Carquest of Broken Bow, \$217.17; Century Link, \$874.91; Choice Paint & Supply, \$128.73; City Flex Benefit Plan, \$110.00; City of Broken Bow Health Insurance, \$2,506.75; City of Broken Bow Pension Fund, \$1,667.21; \$7,991.24; \$467.19; Colonial Insurance, \$441.37; \$118.72; Country Woman, \$31.98; Custer County Chief, \$434.78; Deterdings, \$11.69; Discover, \$26.72; Dollar General-Regions 410526, \$46.89; Duda Plumbing, \$142.00; EFTPS Online Payment, \$2,432.06; \$6,240.74; \$10,399.60; Eakes Office Products, \$15.99; Family Handyman, \$20.00; Family Heritage, \$25.50; Frontier Family Pharmacy, \$308.57; Garrett Tires & Treads, \$22.65; Gateway Motors Inc, \$305.19; General Traffic Controls, \$47.80; Great Plains Communications, \$37.12; Heartland Clerk's Association, \$20.00; Holmes Plumbing & Heating, \$330.57; Ingram Library Services, \$1,618.34; JP Cooke, \$81.95; Jessica LeAnn Knoell, \$400.00; John Deere Financial, \$14,730.88; Kandi Peters, \$5.29; Kirkpatrick Cleaning Solutions, \$36.00; Marten Heating & Air, \$597.62; Matheson Tri-Gas Inc, \$41.84; Med Tech Resource, \$133.05; Megan Svoboda, \$693.85; NSA/POAN Conference, \$260.00; Nebraska Dept of Agriculture, \$175.00; Northern Tool & Equipment, \$42.79; OBrien's Hardware, \$94.90; Over Drive, \$1,000.00; Paulsen Inc., \$194.18; Pavement Repair & Supplies, \$3,375.00; Presto X Company, \$61.02; Ranchland Ford, \$61.97; Reams Sprinkler Supply, \$1,924.87; S&L Sanitary Service, \$49.30; Sandhills Custom Creations, \$130.91; Sandry Fire Supply LLC, \$7,933.50; Schaper and White Law Firm, \$2,294.10; Seidel Contracting, \$200.00; Southeast Library System, \$210.00; State Income Tax WH NE Online Payment, \$3,019.97; Steve Scott, \$82.21; Straight-Line Striping Inc, \$1,735.00; Sublime Artistry,

\$540.00; TX Child Support SDU, \$69.23; Tamara Johnson, \$40.00; This Old House, \$25.00; Trotter Fertilizer, \$19.83; Trotter Service, \$1,501.73; Van Diest Supply Co, \$8,930.50; Vanity Fair, \$34.95; Verizon Wireless, \$314.93; Weathercraft, \$77.05; Wenquist Inc., \$409.03; Woods & Aitken LLP, \$64.00; Bi-Weekly Payroll, \$62,876.96; Total: \$153,329.48.

Moved by Schmidt, seconded by Myers, to approve Resolution 2022-10, Authorizing the Signing for the Municipal Annual Certification of Program Compliance to Nebraska Board of Public Roads Classifications and Standards 2022. Roll Call vote: Voting aye: Schmidt, Myers, Baltz, and Miller. Nays: None. Motion carried.

Moved by Myers, seconded by Baltz, to adjourn the City Council Meeting at 6:02 pm. Roll Call vote: Voting aye: Myers, Baltz, Miller, and Schmidt. Nays: None. Motion carried.

Rod Sonnichsen, Mayor

ATTEST:

Kandi K. Peters, City Clerk

City of Broken Bow

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>					<u>Description</u>			<u>Debit</u>	<u>Credit</u>
AKRS EQUIPMENT										
32861	9/13/2022	9/13/2022		205.18						Posted
	08-3349.00			painter filter				19.35		0.00
	08-3310.00			frontier mower				88.05		0.00
	09-3310.00			1600				97.78		0.00
								205.18		0.00
ATCO										
32866	9/13/2022	9/13/2022		144.62						Posted
	08-3410.00			gloves				144.62		0.00
Aflac										
32841	8/31/2022	8/31/2022		245.24						Posted
	01-1501.00			PRE TAX AFLAC				245.24		0.00
32842	8/31/2022	8/31/2022		70.02						Posted
	01-1501.00			AFLAC POST TAX				70.02		0.00
Ameritas Life Insurance Corp										
32882	9/13/2022	9/13/2022		125.06						Posted
	01-3223.20			service fee for corrections				125.06		0.00
Barco										
32874	9/13/2022	9/13/2022		135.52						Posted
	08-3347.00			wet paint signs				135.52		0.00
Beaver Bearing Co Albion										
32873	9/13/2022	9/13/2022		220.52						Posted
	08-3310.00			loadstar seal, compressor, hose for graph				212.69		0.00
	09-3310.00			belt for mower				7.83		0.00
								220.52		0.00
Black Hills Energy										
32890	9/13/2022	9/13/2022		140.26						Posted
	04-3220.00			Utilities-Gas				91.34		0.00
	02-3220.00			Utilities-Gas				48.92		0.00
								140.26		0.00
Bound Tree Medical										
32908	9/13/2022	9/13/2022		234.35						Posted
	05-3338.00			EMS Supplies				234.35		0.00
Broken Bow Airport Authority										
32886	9/13/2022	9/13/2022		1,083.33						Posted
	01-3409.00			Monthly Payment				1,083.33		0.00
Broken Bow Chamber of Commerce										
32906	9/13/2022	9/13/2022		1,310.00						Posted
	05-3334.00			ambulance incentive				1,310.00		0.00
Broken Bow Municipal Utilities										
32901	9/13/2022	9/13/2022		12,085.22						Posted
	01-3213.00			General - Radio/Weather Station Tower				35.27		0.00
	02-3220.00			Pub Bldg - Utilities/Trash				1,069.71		0.00
	04-3220.00			Police - Utilities/Trash Removal				615.55		0.00
	04-3315.00			Police -Dog Pound Utilities				68.16		0.00
	07-3220.00			Library - Utilities/Trash Removal				1,138.38		0.00
	08-3220.00			Street - Utilities/Trash				560.94		0.00
	08-3422.01			Street - Street Lights				2,797.15		0.00
	09-3220.00			Parks - Utilities/Trash Removal				240.39		0.00
	09-3220.00			Parks - Shop Utilities/Trash Removal				2,731.96		0.00
	10-3220.00			Swim Pool - Utilities/Trash Removal				2,764.61		0.00
	11-3220.00			Tree Dump - Utilities				63.10		0.00
								12,085.22		0.00
Broken Bow Rural Fire Board										
32838	9/13/2022	9/13/2022		97,537.77						Ck# 1088 Printed
	12-4200.10			Fire Station Loan Payment				97,537.77		0.00
Capital One										

Accounts Payable Detail Listing

City of Broken Bow

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>			<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
Capital One (continued)										
32893	9/13/2022	9/13/2022			364.68					Posted
	04-3223.00					halloween candy giveaway			111.36	0.00
	04-3205.00					CPR 405 407			130.00	0.00
	04-3205.00					parking and hotel 401			123.32	0.00
									<u>364.68</u>	<u>0.00</u>
Card Services										
32905	9/13/2022	9/13/2022			4,839.52					Posted
	08-3310.00					parts for pump			375.01	0.00
	09-3310.00					office supplies			317.46	0.00
	09-3222.00					office supplies			10.70	0.00
	09-3339.00					parts			54.81	0.00
	10-3410.00					pool supplies			29.53	0.00
	10-3359.00					red cross training			80.00	0.00
	12-4200.11					car strobes			200.14	0.00
	02-3223.00					thermostat			181.44	0.00
	02-3311.00					paint			568.48	0.00
	02-3311.00					office signs			24.15	0.00
	09-3339.00					pump and parts			566.24	0.00
	01-3212.00					shirts and logos			240.57	0.00
	02-3311.00					paint roller, hangers hooks, tape, switch pl.			96.69	0.00
	02-3410.00					chairs and blinds			901.30	0.00
	01-3206.00					flood plain association dues			35.00	0.00
	01-3206.00					league conference clerk			1,158.00	0.00
									<u>4,839.52</u>	<u>0.00</u>
Carquest of Broken Bow										
32869	9/13/2022	9/13/2022			660.92					Posted
	08-3349.00					painter			45.39	0.00
	08-3310.00					sterling truck and loadstar			615.53	0.00
									<u>660.92</u>	<u>0.00</u>
Century Link										
32900	9/13/2022	9/13/2022			795.00					Posted
	08-3221.00					Street - Basic & Long Distance			47.11	0.00
	04-3221.00					Police - Basic & Long Distance			285.82	0.00
	10-3221.00					Swim Pool - Basic & Credit Card			150.75	0.00
	09-3221.00					Park - Basic & Long Distance			47.12	0.00
	03-3221.00					Handi Bus - Basic & Long Distance			80.38	0.00
	01-3221.00					General -Basic & Long Distance Office			183.82	0.00
									<u>795.00</u>	<u>0.00</u>
City Flex Benefit Plan										
32843	8/31/2022	8/31/2022			110.00					Posted
	01-1501.00					SELECT FLEX-UNREIMBURSED M/D/V			110.00	0.00
City of Broken Bow - Health Insurance										
32852	8/31/2022	8/31/2022			2,506.75					Posted
	01-1501.00					HEALTH INSURANCE			2,506.75	0.00
City of Broken Bow Pension Fund										
32844	8/31/2022	8/31/2022			1,667.21					Posted
	01-1513.00					RETIREMENT LOAN PAYMENT			1,667.21	0.00
32845	8/31/2022	8/31/2022			7,823.16					Posted
	01-1502.00					414H RETIREMENT			7,823.16	0.00
32846	8/31/2022	8/31/2022			465.61					Posted
	01-1502.00					457 RETIREMENT			465.61	0.00
Cole Electric Company										
32864	9/13/2022	9/13/2022			347.24					Posted
	09-3339.00					electrical repairs RV Park			347.24	0.00
Colonial Insurance										
32839	8/31/2022	8/31/2022			409.23					Posted
	01-1501.00					COLONIAL LIFE PRE TAX			409.23	0.00
32840	8/31/2022	8/31/2022			118.72					Posted
	01-1501.00					COLONIAL LIFE POST TAX			118.72	0.00

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	Consolidated Management Co. (continued)									
32895	9/13/2022	9/13/2022		63.60						Posted
	04-3205.00			403 training					63.60	0.00
	Custer County Hiway Dept.									
32872	9/13/2022	9/13/2022		359.70						Posted
	08-3345.00			3 yards cold mix					359.70	0.00
	Custer County Treasurer									
32885	9/13/2022	9/13/2022		12,916.67						Posted
	01-3217.00			Communications Interlocal Payment					12,916.67	0.00
	Custer Public Power									
32891	9/13/2022	9/13/2022		57.27						Posted
	11-3220.00			CD Cell Power					57.27	0.00
	Danko Emergency Equipment Co									
32876	9/13/2022	9/13/2022		117.99						Posted
	05-3410.00			ems safety vests and shipping					117.99	0.00
	Deterdings									
32856	9/13/2022	9/13/2022		3,017.95						Posted
	10-3432.00			pool chemical					17.99	0.00
	10-3310.00			Chlorinator					2,999.96	0.00
									<u>3,017.95</u>	<u>0.00</u>
	EFTPS Online Payment									
32848	8/31/2022	8/31/2022		2,337.60						Posted
	01-1500.00			MEDICARE					2,337.60	0.00
32849	8/31/2022	8/31/2022		6,485.65						Posted
	01-1500.00			FEDERAL MARRIED					2,955.39	0.00
	01-1500.00			FEDERAL SINGLE					2,521.71	0.00
	01-1500.00			Federal Head of Household					219.06	0.00
	01-1500.00			2020 Federal Single					225.65	0.00
	01-1500.00			2020 Federal Married					563.84	0.00
									<u>6,485.65</u>	<u>0.00</u>
32850	8/31/2022	8/31/2022		9,995.34						Posted
	01-1500.00			SOCIAL SECURITY					9,995.34	0.00
	EZ IT Solutions									
32854	9/13/2022	9/13/2022		1,860.00						Posted
	01-3438.00			IT Services					310.00	0.00
	05-3438.00			IT Services					155.00	0.00
	06-3438.00			IT Services					155.00	0.00
	07-3438.00			IT Services					310.00	0.00
	08-3438.00			IT Services					465.00	0.00
	09-3438.00			IT Services					465.00	0.00
									<u>1,860.00</u>	<u>0.00</u>
	Eakes Office Products									
32855	9/13/2022	9/13/2022		4,499.34						Posted
	01-3212.00			city of b bow pens					1,335.60	0.00
	01-3216.00			copier lease					187.07	0.00
	02-3311.00			fire proof file cabinet					2,674.00	0.00
	02-3223.00			flashdrives, envelopes, binder clips, paper					187.69	0.00
	02-3310.00			CA door sign					34.99	0.00
	05-3223.00			paper					40.00	0.00
	06-3223.00			paper					39.99	0.00
									<u>4,499.34</u>	<u>0.00</u>
	Family Heritage									
32847	8/31/2022	8/31/2022		25.50						Posted
	01-1501.00			FAMILY HERITAGE					25.50	0.00
	Farritor Auto Parts									
32871	9/13/2022	9/13/2022		225.00						Posted
	08-3310.00			PTO pump for 71 loadstar					225.00	0.00
	Frontier Family Pharmacy									
32877	9/13/2022	9/13/2022		35.78						Posted
	05-3338.00			glucose tubes					35.78	0.00

Accounts Payable Detail Listing

City of Broken Bow

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	<u>Account#</u>					<u>Description</u>			<u>Debit</u>	<u>Credit</u>
	Garrett Tires & Treads (continued)									
32865	9/13/2022	9/13/2022			53.30					Posted
	09-3310.00					Tire Service			53.30	0.00
	Gary's Super Foods									
32909	9/13/2022	9/13/2022			138.75					Posted
	05-3223.01					Cleaning Supplies			80.15	0.00
	06-3223.00					Cleaning Supplies			58.60	0.00
									138.75	0.00
	Gateway Motors Inc									
32878	9/13/2022	9/13/2022			89.55					Posted
	04-3225.00					2015 impala oil change			89.55	0.00
	Great Plains Communications									
32860	9/13/2022	9/13/2022			311.71					Posted
	08-3221.00					Internet			35.48	0.00
	09-3221.00					Internet			35.47	0.00
	02-3310.00					phone maintenance			240.76	0.00
									311.71	0.00
	Grocery Kart									
32881	9/13/2022	9/13/2022			1,289.47					Posted
	10-2428.00					pool concessions			1,289.47	0.00
	Holmes Plumbing & Heating									
32857	9/13/2022	9/13/2022			295.47					Posted
	09-3339.00					Sprinklers			295.47	0.00
	Hometown Leasing									
32887	9/13/2022	9/13/2022			159.18					Posted
	04-3216.00					Copier Lease			92.66	0.00
	07-3216.00					Copier Lease			66.52	0.00
									159.18	0.00
	JEO									
32880	9/13/2022	9/13/2022			203,602.17					Posted
	12-4200.00					Memorial Drive Paving and Storm Sewer Ir			192,003.67	0.00
	12-4200.00					engineering fees			11,598.50	0.00
									203,602.17	0.00
	Jessica LeAnn Knoell									
32898	9/13/2022	9/13/2022			450.00					Posted
	02-3419.01					cleaning service			450.00	0.00
	John Deere Financial									
32859	9/13/2022	9/13/2022			218.68					Posted
	09-3410.00					mower lease			218.68	0.00
	Kirkpatrick Cleaning Solutions									
32862	9/13/2022	9/13/2022			1,533.45					Posted
	09-3339.00					parks cleaning supplies			766.73	0.00
	10-3339.00					pool cleaning supplies			766.72	0.00
									1,533.45	0.00
	Lawson Products									
32867	9/13/2022	9/13/2022			335.97					Posted
	08-3310.00					bolts and screws			335.97	0.00
	League of NE Municipalities									
32889	9/13/2022	9/13/2022			9,080.00					Posted
	01-3206.00					annual dues			9,080.00	0.00
	Mead Lumber									
32875	9/13/2022	9/13/2022			34.99					Posted
	05-3410.00					4 tier shelf			34.99	0.00
	Mid Plains Community College									
32907	9/13/2022	9/13/2022			390.00					Posted
	05-3313.00					CPR Class			390.00	0.00
	NDEE - Fiscal Services									
32903	9/13/2022	9/13/2022			750.00					Posted
	11-3222.00					Annual Operating Fee			750.00	0.00

City of Broken Bow

Vendor Name									
Pay#	Post Date	Due Date	Amount	Invoice	Date	PO#	Date	Status	
	Account#	Work Order	Description	Debit	Credit				
Nebraska Law Enforcement Training Center (continued)									
32896	9/13/2022	9/13/2022	266.00					Posted	
	04-3205.00		403 training	266.00					0.00
Paper Tiger Shredding									
32899	9/13/2022	9/13/2022	40.00					Posted	
	01-3222.00		paper shredding	40.00					0.00
Paulsen Inc.									
32858	9/13/2022	9/13/2022	30,000.00					Posted	
	08-3425.00		Concrete	30,000.00					0.00
Quill Corporation									
32894	9/13/2022	9/13/2022	114.94					Posted	
	04-3413.00		scanner 401	114.94					0.00
RT Ace									
32904	9/13/2022	9/13/2022	1,229.82					Posted	
	05-3310.00		wd 40 connectors	19.98					0.00
	06-3223.00		round up	33.98					0.00
	02-3311.00		wall plates for office	66.90					0.00
	08-3310.00		pull rope/vacuum filter	28.67					0.00
	09-3339.00		supplies for grounds	1,080.29					0.00
				1,229.82					0.00
Reams Sprinkler Supply									
32863	9/13/2022	9/13/2022	397.91					Posted	
	09-3339.00		sprinkler repair	397.91					0.00
S&L Sanitary Service									
32892	9/13/2022	9/13/2022	54.30					Posted	
	09-3219.00		trash around the square	54.30					0.00
Sara J. Hulinsky									
32883	9/13/2022	9/13/2022	837.00					Posted	
	07-3419.01		cleaning service	837.00					0.00
Site One Landscape Supply									
32868	9/13/2022	9/13/2022	949.24					Posted	
	09-3339.00		Chemicals	949.24					0.00
State Income Tax WH NE Online Payment									
32851	8/31/2022	8/31/2022	3,051.70					Posted	
	01-1500.00		STATE MARRIED	1,710.41					0.00
	01-1500.00		STATE SINGLE	1,341.29					0.00
				3,051.70					0.00
TX Child Support SDU									
32853	8/31/2022	8/31/2022	69.23					Posted	
	01-1503.00		CHILD SUPPORT-TX	69.23					0.00
Tracker Systems									
32897	9/13/2022	9/13/2022	16.99					Posted	
	03-3438.00		tracking system	16.99					0.00
Trotter Tire Service									
32884	9/13/2022	9/13/2022	8,584.00					Posted	
	08-3310.00		loader tires	8,584.00					0.00
Universal Insurance									
32902	9/13/2022	9/13/2022	2,056.00					Posted	
	02-3438.00		cyper liability	2,056.00					0.00
Verizon Wireless									
32879	9/13/2022	9/13/2022	280.07					Posted	
	04-3221.00		Police Internet for lpad	280.07					0.00
Wenquist Inc.									
32870	9/13/2022	9/13/2022	1,465.80					Posted	
	08-3349.00		painter	94.96					0.00
	11-3222.00		crawler	107.40					0.00
	08-3310.00		71 loadstar and shop	1,182.97					0.00
	09-3310.00		service pickup	76.97					0.00
	06-3310.00		screws for license plate holder	3.50					0.00
				1,465.80					0.00

Accounts Payable Detail Listing

City of Broken Bow

Vend# Vendor Name

<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
<u>Account#</u>	<u>Work Order</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>				

443,788.21	71 Non-voided payables listed.
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Report Setup

AP - Accounts Payable Listing : Vendor Name

Filter Options

Starting: 8/24/2022

Ending: 9/13/2022

Banks: All

Payable Status: Posted, Printed, ACH, Recorded, Voided

All Vendors Selected

Bi Weekly Payroll- \$58,600.90

Check Approval List - GL Account

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City of Broken Bow

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<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
General				
Aflac		PRE TAX AFLAC	Health/Life/Acc Insuranc	245.24
Aflac		AFLAC POST TAX	Health/Life/Acc Insuranc	70.02
Ameritas Life Insurance Corp		service fee	Filing Fees	125.06
Broken Bow Airport Authority		monthly payment	Airport Payment	1,083.33
Broken Bow Municipal Utilities			Weather Station Expens	35.27
Card Services		Supplies	Association Dues	35.00
Card Services		Supplies	Association Dues	1,158.00
Card Services		Supplies	City Promotions	240.57
Century Link			Telephone/Internet	183.82
City Flex Benefit Plan		SELECT FLEX-UNREIMBURSED M/D/V	Health/Life/Acc Insuranc	110.00
City of Broken Bow - Health Insurance		HEALTH INS	Health/Life/Acc Insuranc	2,506.75
City of Broken Bow Pension Fund		414H RETIREMENT	Pension	7,823.16
City of Broken Bow Pension Fund		457 RETIREMENT	Pension	465.61
City of Broken Bow Pension Fund		RETIREMENT LOAN PAYMENT	Loan Payment	1,667.21
Colonial Insurance		COLONIAL LIFE PRE TAX	Health/Life/Acc Insuranc	409.23
Colonial Insurance		COLONIAL LIFE POST TAX	Health/Life/Acc Insuranc	118.72
Custer County Treasurer		communications interlocal	Radio Communications	12,916.67
EFTPS Online Payment		MEDICARE	Payroll Taxes	2,337.60
EFTPS Online Payment		FEDERAL	Payroll Taxes	2,955.39
EFTPS Online Payment		FEDERAL	Payroll Taxes	2,521.71
EFTPS Online Payment		FEDERAL	Payroll Taxes	219.06
EFTPS Online Payment		FEDERAL	Payroll Taxes	225.65
EFTPS Online Payment		FEDERAL	Payroll Taxes	563.84
EFTPS Online Payment		FICA	Payroll Taxes	9,995.34
EZ IT Solutions		IT Services	IT Expense	310.00
Eakes Office Products		Office Supplies	City Promotions	1,335.60
Eakes Office Products		Office Supplies	Copier Maint/Expense	187.07
Family Heritage		FAMILY HERITAGE	Health/Life/Acc Insuranc	25.50
League of NE Municipalities		annual dues	Association Dues	9,080.00
Paper Tiger Shredding		paper shredding	Miscellaneous Expense	40.00
State Income Tax WH NE Online Paymer		STATE	Payroll Taxes	1,710.41
State Income Tax WH NE Online Paymer		STATE	Payroll Taxes	1,341.29
TX Child Support SDU		CHILD SUPPORT-TX	Child Support	69.23
			Total General	\$62,111.35
Municipal Building				
Black Hills Energy		utilities gas	Utilities	48.92
Broken Bow Municipal Utilities			Utilities	1,069.71
Card Services		Supplies	Supplies & Postage	181.44
Card Services		Supplies	Maintenance & Repair B	568.48
Card Services		Supplies	Maintenance & Repair B	24.15
Card Services		Supplies	Maintenance & Repair B	96.69
Card Services		Supplies	Equipment Purchases	901.30
Eakes Office Products		Office Supplies	Supplies & Postage	187.69
Eakes Office Products		Office Supplies	Maint/Repair Equipment	34.99
Eakes Office Products		Office Supplies	Maintenance & Repair B	2,674.00
Great Plains Communications		internet for RV Park and phone maintenanc	Maint/Repair Equipment	240.76
Jessica LeAnn Knoell		cleaning service	Contracted Services	450.00
RT Ace		Supplies	Maintenance & Repair B	66.90
Universal Insurance		cyper liability	IT Expense	2,056.00
			Total Municipal Building	\$8,601.03
Handi Bus				
Century Link			Telephone/Internet	80.38
Tracker Systems		tracking system	IT Expense	16.99
			Total Handi Bus	\$97.37
Police				

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City of Broken Bow

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<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
Police				
Black Hills Energy		utilities gas	Utilities	91.34
Broken Bow Municipal Utilities			Utilities	615.55
Broken Bow Municipal Utilities			Dog Care	68.16
Capital One		supplies	Training & Meeting Expe	130.00
Capital One		supplies	Training & Meeting Expe	123.32
Capital One		supplies	Supplies & Postage	111.36
Century Link			Telephone/Internet	285.82
Consolidated Management Co.		403 training	Training & Meeting Expe	63.60
Gateway Motors Inc		2015 impala oil change	Gas and Oil	89.55
Hometown Leasing		copier lease	Copier Maint/Expense	92.66
Nebraska Law Enforcement Training Cer		403 training	Training & Meeting Expe	266.00
Quill Corporation		scanner 401	Radios	114.94
Verizon Wireless		telephone	Telephone/Internet	280.07
			Total Police	\$2,332.37
Rescue Unit				
Bound Tree Medical		EMS Supplies	Ambulance Supplies	234.35
Broken Bow Chamber of Commerce		ambulance incentive	Ambulance Driver Incen	1,310.00
Danko Emergency Equipment Co		ems safety vests	Equipment Purchases	117.99
EZ IT Solutions		IT Services	IT Expense	155.00
Eakes Office Products		Office Supplies	Supplies & Postage	40.00
Frontier Family Pharmacy		glucose tubes	Ambulance Supplies	35.78
Gary's Super Foods		Supplies	Building Cleaning Suppli	80.15
Mead Lumber		4 tier shelf	Equipment Purchases	34.99
Mid Plains Community College		CPR Class	Training	390.00
RT Ace		Supplies	Maint/Repair Equipment	19.98
			Total Rescue Unit	\$2,418.24
Fire				
EZ IT Solutions		IT Services	IT Expense	155.00
Eakes Office Products		Office Supplies	Supplies & Postage	39.99
Gary's Super Foods		Supplies	Supplies & Postage	58.60
RT Ace		Supplies	Supplies & Postage	33.98
Wenquist Inc.		repairs and supplies	Maint/Repair Equipment	3.50
			Total Fire	\$291.07
Library				
Broken Bow Municipal Utilities			Utilities	1,138.38
EZ IT Solutions		IT Services	IT Expense	310.00
Hometown Leasing		copier lease	Copier Maint/Expense	66.52
Sara J. Hulinsky		cleaning service	Contracted Services	837.00
			Total Library	\$2,351.90
Street				
AKRS EQUIPMENT		Painter and mower	Maint/Repair Equipment	88.05
AKRS EQUIPMENT		Painter and mower	Pavement Marking	19.35
ATCO		gloves	Equipment Purchases	144.62
Barco		wet paint signs	Street Signs	135.52
Beaver Bearing Co Albion		equipment repair	Maint/Repair Equipment	212.69
Broken Bow Municipal Utilities			Utilities	560.94
Broken Bow Municipal Utilities			Street Lighting	2,797.15
Card Services		Supplies	Maint/Repair Equipment	375.01
Carquest of Broken Bow		Painter, sterling truck, 71 loadster	Maint/Repair Equipment	615.53
Carquest of Broken Bow		Painter, sterling truck, 71 loadster	Pavement Marking	45.39
Century Link			Telephone/Internet	47.11
Custer County Hiway Dept.		3 yards cold mix	Road Materials	359.70
EZ IT Solutions		IT Services	IT Expense	465.00
Farritor Auto Parts		PTO Pump	Maint/Repair Equipment	225.00
Great Plains Communications		internet for RV Park and phone maintenanc	Telephone/Internet	35.48
Lawson Products		bolts and screws	Maint/Repair Equipment	335.97
Paulsen Inc.		Concrete	Street Construction	30,000.00
RT Ace		Supplies	Maint/Repair Equipment	28.67
Trotter Tire Service		loader tires	Maint/Repair Equipment	8,584.00
Wenquist Inc.		repairs and supplies	Maint/Repair Equipment	1,182.97
Wenquist Inc.		repairs and supplies	Pavement Marking	94.96
			Total Street	\$46,353.11
Park				

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City of Broken Bow

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<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
Park				
AKRS EQUIPMENT		Painter and mower	Maint/Repair Equipment	97.78
Beaver Bearing Co Albion		equipment repair	Maint/Repair Equipment	7.83
Broken Bow Municipal Utilities			Utilities	240.39
Broken Bow Municipal Utilities			Utilities	2,731.96
Card Services	Supplies		Miscellaneous Expense	10.70
Card Services	Supplies		Maint/Repair Equipment	317.46
Card Services	Supplies		Maintenance/Repair Grc	54.81
Card Services	Supplies		Maintenance/Repair Grc	566.24
Century Link			Telephone/Internet	47.12
Cole Electric Company		electrical repairs RV Park	Maintenance/Repair Grc	347.24
EZ IT Solutions		IT Services	IT Expense	465.00
Garrett Tires & Treads		Tire Service	Maint/Repair Equipment	53.30
Great Plains Communications		internet for RV Park and phone maintenanc	Telephone/Internet	35.47
Holmes Plumbing & Heating		Sprinklers	Maintenance/Repair Grc	295.47
John Deere Financial		Mower Lease	Equipment Purchases	218.68
Kirkpatrick Cleaning Solutions		pool and parks cleaning supplies	Maintenance/Repair Grc	766.73
RT Ace		Supplies	Maintenance/Repair Grc	1,080.29
Reams Sprinkler Supply		sprinkler repair	Maintenance/Repair Grc	397.91
S&L Sanitary Service			Trash Removal	54.30
Site One Landscape Supply		Chemicals	Maintenance/Repair Grc	949.24
Wenquist Inc.		repairs and supplies	Maint/Repair Equipment	76.97
			Total Park	\$8,814.89
Swimming Pool				
Broken Bow Municipal Utilities			Utilities	2,764.61
Card Services	Supplies		Red Cross Training	80.00
Card Services	Supplies		Equipment Purchases	29.53
Century Link			Telephone/Internet	150.75
Deterdings		Pool supplies	Maint/Repair Equipment	2,999.96
Deterdings		Pool supplies	Pool Chemicals	17.99
Grocery Kart		pool concessions	Concessions	1,289.47
Kirkpatrick Cleaning Solutions		pool and parks cleaning supplies	Maintenance/Repair Grc	766.72
			Total Swimming Pool	\$8,099.03
Sanitation				
Broken Bow Municipal Utilities			Utilities	63.10
Custer Public Power		CD Cell Power	Utilities	57.27
NDEE - Fiscal Services		Annual Operating Fee	Miscellaneous Expense	750.00
Wenquist Inc.		repairs and supplies	Miscellaneous Expense	107.40
			Total Sanitation	\$977.77
ST Infra/Capital				
Broken Bow Rural Fire Board		Fire Station Loan Payment	Fire Station Payment	97,537.77
Card Services		Supplies	ARPA	200.14
JEO		Memorial Drive Project and engineering fee	Sales Tax Infra Projects	192,003.67
JEO		Memorial Drive Project and engineering fee	Sales Tax Infra Projects	11,598.50
			Total ST Infra/Capital	\$301,340.08
				\$443,788.21

Report Selection: Check Approval List - GL Account
 Date Range Selection: GL Posting Date
 Starting Date: 8/24/2022
 Ending Date: 9/13/2022

Bi Weekly Payroll: \$58,600.90

Return to Agenda



Broken Bow Ambulance Service

1848 South G Street, Broken Bow, NE 68822

Phone: 308-872-1253 □ Fax: 308-767-2651

Andy Holland, Emergency Service Director

David Baltz, EMS Chief

Official Roster

Effective on September 13, 2022

1. Doyle Woods	EMT
2. Londa Woods	EMT
3. Rick Larson	EMT
4. Andrew C Holland	EMT
5. Bobbie Summerford	EMT
6. Lawrence Stump	EMT
7. Kacey Finney	EMT
8. Chandra Bitterman	EMT
9. Jacob Karmazin	EMT
10. Brandi Hulburt	EMT
11. Rebeka Anderson	EMR
12. Dennis Schiller	EMT
13. David Baltz	EMT
14. Ahren Finney	Non-Healthcare
15. Cody Neville	Non-Healthcare
16. Joanna Keyser	EMT
17. Mishele Wooters	EMT
18. Wade Williams	EMT
19. Kelvin Kreitman	EMT
20. Lance Oatman	EMT
21. Josh Lorenz	Registered Nurse

**CITY OF BROKEN BOW
ORDINANCE NO. 1262**

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2022, through September 30, 2023. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Broken Bow. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Custer County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Passed and approved this 13th day of September 2022.

Rod Sonnichsen, Mayor

ATTEST:

Kandi K. Peters, City Clerk

RESOLUTION NO. 2022-11
RESOLUTION APPROVING 1% INCREASE TO RESTRICTED FUNDS

A RESOLUTION OF THE CITY OF BROKEN BOW TO APPROVE AN ADDITIONAL ONE PERCENT (1%) INCREASE IN RESTRICTED FUNDS.

WHEREAS, Nebraska Revised Statute 13-519.02 provides that a governmental unit may exceed its restricted funds limit for a fiscal year by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA, that:

1. An additional one percent (1%) increase in restricted funds for the 2022-2023 budget is approved.

Passed and approved this day of 13th day of September 2022.

Rod Sonnichsen, Mayor

ATTEST:

Kandi K. Peters, City Clerk

RESOLUTION 2022-12
RESOLUTION SETTING THE PROPERTY TAX REQUEST

WHEREAS Nebraska Revised Statute 77-1632 and 77-133 provides that the Governing Body of the City of Broken Bow passes by a majority vote a resolution or ordinance setting the tax request; and

WHEREAS a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the Governing Body of the City of Broken Bow, resolves that:

1. The 2022-2023 property tax request be set at:

a. General Fund	\$1,093,577.02
b. Bond Fund	<u>\$ 289,519.00</u>
Total	\$1,383,096.02
2. The total assessed value of property differs from last year's total assessed value by 2%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property would be 0.584005 per \$100 of assessed value.
4. The City of Broken Bow proposes to adopt a property tax request that will cause its tax rate to be 0.595685 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of City of Broken Bow will increase last year's budget by 9.75%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2022.

Motion by _____, seconded by _____ to adopt Resolution 2022-12.

Ayes: _____. Nays: _____.

PASSED AND APPROVED this 13th day of September 2022.

Rod Sonnichsen, Mayor

ATTEST:

Kandi K. Peters, City Clerk

ORDINANCE NO. 1263

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA, AMENDING THE SALARIES OF OFFICERS AND EMPLOYEES; PAY PLAN FOR ALL CLASSIFACATIONS WITHIN THE CITY; AND MONTHLY SALARY OR HOURLY WAGE RANGES FOR EACH INDIVIDUAL CLASSIFACATION.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA THAT the following salaries of officers and employees, pay plan for all classifications within the city, and monthly salary or hourly wage ranges for each individual classification be established:

2022-2023 Pay Scale Table

IBEW Employees	Union Contract
Sanitation Employees	\$9 - \$15 per hour
Pool Manager	\$12 - \$20 per hour
Pool Assistant Manager	\$9 - \$18 per hour
Lifeguards	\$9 - \$15 per hour
Seasonal Employees	\$9 - \$15 per hour
Police Secretary	\$14.15 - \$20.77 per hour
Police Officers	\$21.99 - \$28.15 per hour
Police Sergeant	\$25.36 - \$32.31 per hour
City Attorney	\$200 per hour
City Administrator	\$5,667 – \$10,000 per month
City Clerk	\$4,579 - \$7,020 per month
Deputy Clerk	\$3,500 – \$6,500 per month
Treasurer	\$3,346 - \$6,000 per month
Utility Clerk	\$2,657 - \$5,000 per month
Police Chief	\$5,030 - \$7,560 per month
Police Captain	\$4,770 - \$6,535 per month
Water/Sewer Superintendent	\$5,210 - \$6,858 per month
Overseer of Streets & Parks	\$4,132 – \$7,520 per month
Electric Superintendent	\$5,210 - \$7,000 per month
Library Director	\$ 3,413 - \$5,275 per month
Emergency Services Director	\$2,500 - \$ 3,651 per month
Mayor per Ordinance 1260	\$7,500 per year
Council per Ordinance 1260	\$3,500 per year

This ordinance shall repeal all ordinances, resolutions, and parts or portions thereof, which conflict herewith. This ordinance shall be published as required by law and shall become effective October 1st, 2022.

Passed and adopted this 13th day of September 2022

Rod Sonnichsen, Mayor

ATTEST:

Kandi K. Peters, City Clerk

**CITY OF BROKEN BOW
ORDINANCE NO. 1264**

AN ORDINANCE FOR THE CITY OF BROKEN BOW, NEBRASKA TO ADOPT THE WELLHEAD PROTECTION PLAN FOR THE CITY OF BROKEN BOW, NEBRASKA, AS PREPARED BY JEO CONSULTING GROUP, INC. FOR THE CITY OF BROKEN BOW, NEBRASKA; TO PROVIDE FOR THE REPEAL OF ORDINANCES INCONSISTENT HERewith; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

Section 1. Definitions. Wellhead Protection Area means the surface and subsurface area surrounding a public water supply well or wellfield, supplying a public water supply system, through which contaminants are reasonably likely to move toward and reach such water well or well field.

Section 2. The City Council designated a Wellhead Protection Area for the purpose of protecting the public water supply system as referred to in Ordinance No. 1215 on October 22, 2019.

Section 3. That the Wellhead Protection Plan for the City of Broken Bow, Nebraska, dated May 2022, prepared by JEO Consulting Group, Inc. for the City of Broken Bow, approved by the Broken Bow City Council, is hereby adopted as the Wellhead Protection Plan for the City of Broken Bow, Nebraska.

Section 4. That a copy of the Wellhead Protection Plan and a map of the Wellhead Protection Area for the City of Broken Bow, Nebraska are on file and shall be kept in the office of the City Clerk.

Section 5. That all Ordinances previously adopted by the City Council of the City of Broken Bow, Nebraska, which are inconsistent and in conflict herewith this Ordinance are hereby repealed and without further force of effect.

Section 6. That this ordinance shall be in full force and take effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 13th DAY OF SEPTEMBER 2022.

Rod Sonnichsen, Mayor

ATTEST:

Kandi Peters, City Clerk

RESOLUTION 2022-13

CITY OF BROKEN BOW HANDI BUS DRUG AND ALCOHOL TESTING POLICY

WHEREAS, The City of Broken Bow Handi Bus provides public transit and paratransit services for the residents of Custer County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to;

WHEREAS, Promote the health and safety of employees and the general public. In keeping with this mission, the City of Broken Bow Handi Bus declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees;

WHEREAS, Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up;

WHEREAS, A drug test can be performed any time a covered employee is on duty. A reasonable suspicion or random alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under the City of Broken Bow Handi Bus authority, a non-DOT alcohol test can be performed any time a covered employee is on duty;

WHEREAS, All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with the City of Broken Bow Handi Bus. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

WHEREAS, The City Broken Bow Council is authorizing the Mayor to sign the City of Broken Bow Handi Bus Drug and Alcohol Testing Policy.

Resolved this 13th day of September 2022.

Rod Sonnichsen, Mayor

ATTEST:

Kandi K. Peters, City Clerk

**CITY OF BROKEN BOW HANDI BUS
DRUG AND ALCOHOL TESTING POLICY
ADOPTED AS OF SEPTEMBER 13, 2022**

A. PURPOSE

- 1) The City of Broken Bow Handi Bus provides public transit and paratransit services for the residents of Custer County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to
- 2) promote the health and safety of employees and the general public. In keeping with this mission, the City of Broken Bow Handi Bus declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 3) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 4) Any provisions set forth in this policy that are included under the sole authority of the City of Broken Bow Handi Bus and are not provided under the authority of the above-named Federal regulations are underlined. Tests conducted under the sole authority of City of Broken Bow Handi Bus will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue

service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above-mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL or receive remuneration for service in excess of actual expense.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies.
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation, or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing; It is taken as a sample representing the whole specimen.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

DOT, The Department, DOT Agency: These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Evidentiary Breath Testing Device (EBT): A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug, or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative test result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited drug: Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed, or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

E. PROHIBITED SUBSTANCES

- 1) Prohibited substances addressed by this policy include the following.
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal

prescription has been written for the substance. This includes, but is not limited to marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a City of Broken Bow Handi Bus supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.

- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
 - a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
 - i. The employee's alcohol concentration measures less than 0.02; or
 - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) The City of Broken Bow Handi Bus, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all City of Broken Bow Handi Bus employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the workplace including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the City of Broken Bow Handi Bus management of any criminal drug statute conviction for a violation occurring in the workplace within five days after

such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

H. TESTING REQUIREMENTS

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion or random alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under the City of Broken Bow Handi Bus authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.
- 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with the City of Broken Bow Handi Bus. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

I. DRUG TESTING PROCEDURES

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and

validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the City of Broken Bow Handi Bus. If a legitimate explanation is found, the MRO will report the test result as negative.
- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. The City of Broken Bow Handi Bus will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however the City of Broken Bow Handi Bus will seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able

to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.

- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so, requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.

8) Observed collections

- a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
 - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the City of Broken Bow Handi Bus that there was not an adequate medical explanation for the result.
 - ii. The MRO reports to the City of Broken Bow Handi Bus that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
 - iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
 - iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen.
 - v. The temperature on the original specimen was out of range.
 - vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
 - vii. All follow-up-tests; or

viii. All return-to-duty tests

J. ALCOHOL TESTING PROCEDURES

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the workday whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) The City of Broken Bow Handi Bus affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
 - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
 - b. An employee shall not be placed, transferred, or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
 - c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded, and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
 - d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
 - e. If a pre-employment test is canceled, the City of Broken Bow Handi Bus will require the applicant to take and pass another pre-employment drug test.
 - f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-

employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.

- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide the City of Broken Bow Handi Bus with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. The City of Broken Bow Handi Bus is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide the City of Broken Bow Handi Bus proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- 1) All the City of Broken Bow Handi Bus FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under the City of Broken Bow Handi Bus authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

- 2) The City of Broken Bow Handi Bus shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the City of Broken Bow Handi Bus.
- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. The City of Broken Bow Handi Bus shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the City of Broken Bow Handi Bus. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

M. POST-ACCIDENT TESTING

- 1) FATAL ACCIDENTS – A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

2) NON-FATAL ACCIDENTS - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:

- a. The accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident.
- b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, and the covered employee may have contributed to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that the City of Broken Bow Handi Bus is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), the City of Broken Bow Handi Bus may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Employees who may be covered under company authority will be selected from a pool of non-DOT-covered employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under the City of Broken Bow Handi Bus authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under the City of Broken Bow Handi Bus's authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty.

Testing can occur during the beginning, middle, or end of an employee's shift.

- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY TESTING

The City of Broken Bow Handi Bus will terminate the employment of any employee that tests positive or refuses a test as specified in section Q of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test, a Return-to-Duty drug test is required, and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety.

P. FOLLOW-UP TESTING

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion, and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not

constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and will be terminated.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal includes the following circumstances:
 - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
 - b. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
 - c. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
 - d. In the case of a directly observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
 - e. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
 - f. Fail or decline to take a second test as directed by the collector or the employer for drug testing.
 - g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
 - h. Fail to cooperate with any part of the testing process.
 - i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly observed test.
 - j. Possess or wear a prosthetic or other device used to tamper with the collection process.

- k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
- l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- m. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

- 4) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder or the workday whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.
- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
 - a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return-to-work agreement.
 - b. Failure to execute or remain compliant with the return-to-work agreement shall result in termination from the City of Broken Bow Handi Bus employment.
 - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of the City of Broken Bow Handi Bus and will be performed using non-DOT testing forms.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return-to-work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
 - d. A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.

- e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
 - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with the City of Broken Bow Handi Bus.
 - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

S. PROPER APPLICATION OF THE POLICY

The City of Broken Bow Handi Bus is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

- 1) Drug/alcohol testing records shall be maintained by the City of Broken Bow Handi Bus Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.

- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need-to-know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over the City of Broken Bow Handi Bus or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the City of Broken Bow on September 13, 2022.

Rod Sonnichsen, Mayor

ATTEST:

Kandi K. Peters, City Clerk

Attachment A

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
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Attachment B Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

The City of Broken Bow Handi Bus Drug and Alcohol Program Manager

Name:

Title:

Address:

Telephone Number:

Medical Review Officer

Name:

Title:

Address:

Telephone Number:

Substance Abuse Professional

Name:

Title:

Address:

Telephone Number:

HHS Certified Laboratory Primary Specimen

Name:

Address:

Telephone Number:

HHS Certified Laboratory Split Specimen

Name:

Address:

Telephone Number:

**CITY OF BROKEN BOW
RESOLUTION 2022-14**

Councilmember _____ introduced a resolution granting the sale of personal property and setting the value at less than \$5,000.00.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

Section 1. The Mayor and Council find and determine that personal property owned by the City of Broken Bow is deemed surplus property and said property shall be sold to the general public on September 24th, 2022, Located at 116 South B. A listing of said personal property is made a part of this resolution:

- Miscellaneous Sized Bicycles
- Miscellaneous Computer(s), Printer(s), and Typewriter(s)
- Miscellaneous Office Furniture, Desk(s), Chair(s), Table(s)
- Miscellaneous Holiday Decorations
- Other Miscellaneous Items

Section 2. Notice of the sale of said property shall be posted within the City as required by law.

Section 3. Councilmember _____ seconded the motion. Upon roll call vote the following was:

Ayes: _____

Nays: _____

Motion carried.

Dated this 13th day of September 2022.

Rod Sonnichsen, Mayor

ATTEST:

Kandi K. Peters, City Clerk