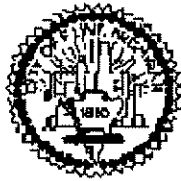


City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - Final

Wednesday, October 20, 2021

5:00 PM

ELECTRONIC PUBLIC MEETING

GOVERNMENTAL OPERATIONS COMMITTEE

*Eva L. Worthing, Chairperson, Ward 9
Maurice D. Davis, Vice Chairperson, Ward 2*

*Eric Mays, Ward 1
Kate Fields, Ward 4
Herbert J. Winfrey, Ward 6*

*Santino J. Guerra, Ward 3
Jerri Winfrey-Carter, Ward 5
Monica Galloway, Ward 7*

Allan Griggs, Ward 8

Inez M. Brown, City Clerk

Davina Donahue, Deputy City Clerk

SPECIAL PUBLIC NOTICE -- ELECTRONIC PUBLIC MEETING

PUBLIC NOTICE FLINT CITY COUNCIL ELECTRONIC PUBLIC MEETING

On Friday, October 5, 2020, the Michigan Supreme Court (MSC) issued an order declaring that the Emergency Powers of Governor (EPG) Act as an unconstitutional delegation of legislative authority, which was the primary authority relied on by Governor Whitmer for her COVID-19 related executive orders. Subsequently, Governor Whitmer requested that the MSC clarify that their order does not go into effect until October 30, 2020. On Monday October 12, 2020, the Michigan Supreme Court rejected Governor Whitmer's request to delay the effect of its decision to strike down the EPG. On, Tuesday, October 13, 2020, Senate Bill 1108 passed, amending the Open Meetings Act to allow municipalities to hold electronic meetings. On Friday, October 16, 2020, Governor Whitmer signed into law Senate Bill 1108 amending the Open Meetings Act. Subsequently, on December 22, 2020, Public Act 267 of 1976 was amended through Senate Bill 1246 extending the electronic meetings with no reason through March 31, 2021. The act also allows that after March 31, 2021, electronic meetings may be held if a local state of emergency was declared. On March 23, 2020, the Flint City Council extended Mayor Neeley's declaration of emergency indefinitely due to the COVID-19 pandemic. Therefore, this meeting will be held electronically.

Pursuant to Act 267 of the Public Acts of 1976 Open Meetings Act as amended, notice is hereby given that the Flint City Council will conduct four (4) regularly scheduled committee meetings, to be held as follows:

Flint City Council Committee Meetings (Finance, Governmental Operations, Legislative and Grants) Wednesday, October 20, 2021, at 5 p.m.

1. The public and media may listen to the meeting online by live stream at <https://www.youtube.com/c/FlintCityCouncilMeetings> or through Start Meeting by dialing (617) 944-8177. (If unable to get through, please dial (206) 451-6011.)
 2. In order to speak during the PUBLIC SPEAKING PERIOD of each meeting by telephone, participants will also call (617) 944-8177. (If unable to get through, please dial (206) 451-6011):
 - a. All callers will be queued and muted until the Public Speaking portion of each agenda;
 - b. Public speakers will be unmuted in order and asked if they wish to address the City Council ON ANY SUBJECT;
 - c. Public speakers should state and spell their name for the record and will be allowed two (2) minutes for public speaking during each meeting;
 - d. The speaker will be returned to mute after the 2 minutes have expired;
 - e. After the telephonic public speakers for each committee meeting are completed, emailed public comments will be read by the City Clerk. All emailed public comments will be timed for 2 minutes;
 - f. Per Rules Governing Meetings of the Council (Rule 7.1 VII), there will only be one speaking opportunity per speaker per meeting. Consequently, public participants who call in and speak during the public speaking period of the meetings WILL NOT have any written comments as submitted read by the City Clerk.
 3. The public may send public comments by email to CouncilPublicComment@cityofflint.com no later than 10 minutes prior to the meeting start time of 5 p.m.
 4. Persons with disabilities may participate in the meeting by the above-mentioned means or by emailing a request for an accommodation to CouncilPublicComment@cityofflint.com, with the subject line Request for Accommodation, or by contacting the City Clerk at (810) 766-7418 to request accommodation - including, but not limited to, interpreters.
- If there are any questions concerning this notice, please direct them to City Council office at (810) 766-7418.

ROLL CALL

MEMBER REMOTE ANNOUNCEMENT

Pursuant to the newly revised Open Meetings Act, each Council member shall state that they are attending the meeting remotely and shall state where he or she is physically located (county or city and state).

MEMBER CONTACT INFORMATION

Eric Mays - (810) 922-4860; Maurice Davis - mdavis@cityofflint.com; Santino Guerra - sguerra@cityofflint.com; Kate Fields - kfields@cityofflint.com; Jerri Winfrey-Carter - jwinfrey-carter@cityofflint.com; Herbert Winfrey - (810) 691-7463; Monica Galloway - mgalloway@cityofflint.com; Allan Griggs - agriggs@cityofflint.com; Eva Worthing - eworthing@cityofflint.com.

PROCEDURES ON CONDUCTING ELECTRONIC MEETINGS

All boards and commissions must adhere to all laws established under the Michigan Compiled Laws and in accordance with the revisions to the Open Meetings Act adopted in Senate Bill 1246, as passed on December 17, 2020, and signed into law on December 22, 2020, and subsequent amendments that may be adopted.

READING OF DISORDERLY PERSONS CITY CODE SUBSECTION

Section 31-10, Disorderly Conduct, Assault and Battery, and Disorderly Persons, and will be subject to arrest for a misdemeanor. Any person who prevents the peaceful and orderly conduct of any meeting will be given one warning. If they persist in disrupting the meeting, that individual will be subject to arrest. Violators shall be removed from meetings.

PUBLIC SPEAKING

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), two (2) minutes per speaker. Only one speaking opportunity per speaker.

COUNCIL RESPONSE

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), Councilpersons may respond to any public speaker, but only one response and only when all public speakers have been heard. Individual council response is limited to two minutes.

SPECIAL ORDERS

210411 Special Order/Flooding/Riverdale Road

A Special Order as requested by Councilperson Galloway regarding the persistent flooding on Riverdale Road.

210515 Special Order/Gun Violence/Police Chief Terence Green

A Special Order as requested by Councilperson Galloway to discuss gun violence with Police Chief Terence Green.

210516 Special Order/Address/Councilperson Mays

A Special Order as requested by Councilperson Worthing to discuss the address of Councilperson Mays as his primary residence is "being foreclosed (on) and boarded up."

RESOLUTIONS

210520 Recognition/Honorary Street Sign/Black Avenue Between Maines Street and Industrial Avenue/Greater Galilee Baptist Church Avenue

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things to recognize Greater Galilee Baptist Church with an honorary street sign designation on a one-block portion of Black Avenue between Maines Street and Industrial Avenue.

APPOINTMENTS

210398 Mayoral Appointment/Chief Financial Officer/Robert Widigan

Resolution resolving that the Flint City Council approves the recommendation by Mayor Sheldon Neeley to appoint Robert Widigan as Chief Financial Officer [at an hourly compensation rate of \$64.90 per hour (\$135,000.00 annually).] [General Fund Salary and Wages Acct. No. 101-191.100-703.000 = \$91,967.90 and LCSM-17-FRTA = \$43,032.10.] [NOTE: The difference in compensation between the Interim Chief Financial Officer and Chief Financial Officer is retroactive to August 16, 2021.]

OUTSTANDING DISCUSSION ITEMS

210099 Discussion Item/Community Updates/City of Flint Web Site

A discussion item as requested by Councilperson Mays to discuss what constitutes a community update on the City of Flint's Web site. [Referral Action Date: 2/22/2021 @ City Council Electronic Public Meeting.]

210100 Discussion Item/Multi-Member Bodies

A discussion item as requested by Councilperson Mays to discuss multi-member bodies. [Referral Action Date: 2/22/2021 @ City Council Electronic Public Meeting.]

210114 Discussion Item/Eighteen (18) Properties in the City of Flint Pilot Program

A Discussion Item as requested by Councilperson Mays to review the 18 properties City Council retained from the Genesee County Land Bank, including a history of

the finances for Jefferson School. [Referral Action Date: 2/17/2020 @ Electronic Governmental Operations Committee Meeting.]

210116 Discussion Item/Job Requirements/Salaries

A Discussion Item as requested by Councilperson Galloway to talk about job requirements and salaries for appointees. [Referral Action Date: 2/22/2020 @ Electronic City Council Meeting.]

210118 Discussion Item/Snow Plowing Strategy

A Discussion Item as requested by Councilperson Winfrey-Carter to talk about the city's snow plowing strategy with Transportation Director John Daly. [Referral Action Date: 2/22/2020 @ Electronic City Council Meeting.]

210205 Discussion Item/Names of Those Driving City-Owned Vehicles

Referral by Councilperson Mays to ADMIN/FLEET, re: He would like the names of employees/appointees driving city-owned vehicles. [Referral Action Date: 4/14/2021 @ City Council Electronic Public Meeting.]

210208 Referral/Conversion to LED Lights

Referral as requested by Councilperson Fields to ADMINISTRATION: re, She asks that the administration look into large-scale conversion to LED lights. [Referral Action Date: 4/22/2021 @ City Council Governmental Operations Committee Electronic Public Meeting.]

210210 Referral/Monthly Reports/Drinking Water Quality

Referral by Councilperson Griggs to PUBLIC HEALTH ADVISOR, re: He would like for the city's Public Health Advisor to provide monthly drinking water quality reports. [Referral Action Date: 4/22/2021 @ City Council Grants Committee Electronic Public Meeting.]

ADJOURNMENT



RESOLUTION NO.: 210520

PRESENTED: OCT 20 2021

ADOPTED: _____

**RESOLUTION APPROVING A HONORARY STREET SIGN ON BLACK AVENUE
BETWEEN MAINES STREET AND INDUSTRIAL AVENUE FOR GREATER GALILEE
BAPTIST CHURCH AVENUE**

BY THE CITY ADMINISTRATOR:

WHEREAS, The City of Flint adopted an honorary street sign policy; and

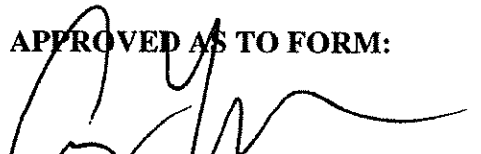
WHEREAS, Greater Galilee Baptist Church has made a significant contribution to the City of Flint through civic, cultural, historic, and humanitarian efforts; and

WHEREAS, the Honorary Street Sign Policy allows for the councilmember of the affected ward to introduce two honorary street titles per 4-year term in office; and

WHEREAS, an application has been made by Pastor Andre Williams with an honorary street sign on a one block portion of Black Avenue between Maines and Industrial:

IT IS RESOLVED that the appropriate City officials are authorized to do all things to recognize Greater Galilee Baptist Church with an honorary street sign designation on a one-block portion of Black Avenue between Maines Street and Industrial Avenue.

APPROVED AS TO FORM:



Angela Wheeler
Chief Legal Officer

ADMINISTRATION:



Clyde Edwards
City Administration

CITY COUNCIL:

Kate Fields
City Council President



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: 10/15/2021

BID/PROPOSAL# n/a

AGENDA ITEM TITLE: RESOLUTION AUTHORIZING AN HONORARY STREET SIGN ON BLACK AVENUE BETWEEN MAINES STREET AND INDUSTRIAL AVENUE FOR GREATER GALILEE BAPTIST CHURCH AVENUE

PREPARED BY Suzanne Wilcox, Director of Planning and Development (Please type Name, Department, Phone Number)

VENDOR NAME: n/a

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The City of Flint has adopted an honorary street sign policy that allows for the councilmember who represents the affected ward to introduce two honorary street titles per 4-year term in office. Councilman Santino Guerra would like to use one of his authorized titles to honor Greater Galilee Baptist Church, who has made a significant contribution to the City of Flint through civic, cultural, historic, and humanitarian efforts. An application has been made to designate a portion of Black Avenue between Maines Street and Industrial Avenue for Greater Galilee Baptist Church Avenue.

FINANCIAL IMPLICATIONS: No financial implications

BUDGETED EXPENDITURE? YES [] NO [X] IF NO, PLEASE EXPLAIN: n/a

Table with 5 columns: Dept., Name of Account, Account Number, Grant Code, Amount. Includes a row for FY19/20 GRAND TOTAL.

PRE-ENCUMBERED? YES [] NO [X] REQUISITION NO: 2021

ACCOUNTING APPROVAL: n/a Date: _____

FINANCE APPROVAL: n/a Date: _____



CITY OF FLINT

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO

(If yes, please indicate how many years for the contract) YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: *(This will depend on the term of the bid proposal)*

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS *(i.e., collective bargaining)*: none

STAFF RECOMMENDATION: *(PLEASE SELECT)*: **APPROVED** **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: Suzanne Wilcox, Director, Dept. of Planning and Development
(PLEASE TYPE NAME, TITLE)



210398

RESOLUTION NO.: _____

PRESENTED: AUG 18 2021

ADOPTED: _____

RESOLUTION APPROVING THE APPOINTMENT OF ROBERT WIDIGAN AS CHIEF FINANCIAL OFFICER

BY THE MAYOR:


Pursuant to Flint City Charter Section 4-203(D), the Mayor of the City of Flint hereby appoints Robert Widigan as the Chief Financial Officer.

WHEREAS, the Chief Financial Officer shall be paid a salary based on an annual compensation rate of One-Hundred and Thirty-Five Thousand Dollars (\$135,000.00/\$64.90 hourly rate) (\$91,967.90) paid from account 101-191.100-703.000 Wages and Salaries and (\$43,032.10) paid from 296-172.100-703.000 (LCSM-17-FRTA), with the difference in compensation between the Interim Chief Financial Officer and Chief Financial Officer retroactive to August 16, 2021. The terms of appointment and resume are attached.

WHEREAS, Mayor Sheldon Neeley recommends that Robert Widigan be appointed as the Chief Financial Officer.

NOW THEREFORE BE IT RESOLVED that the Flint City Council approves the recommendation by Mayor Sheldon Neeley to appoint Robert Widigan as the Chief Financial Officer.

APPROVED AS TO FORM:



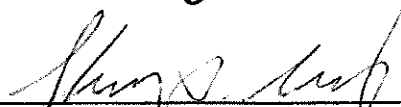
Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:


Shelbi Frayer (Aug 5, 2021 10:04 EDT)

Shelbi Frayer, Chief Financial Officer

FOR THE CITY OF FLINT:



Sheldon A. Neeley, Mayor

APPROVED BY CITY COUNCIL:

Kate Fields, City Council President



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: 8.3.2021

BID/PROPOSAL# N/A

AGENDA ITEM TITLE: Resolution Approving Robert Widigan Appointment to Chief Financial Officer

PREPARED BY
City of Flint Legal Department

VENDOR NAME: N/A

BACKGROUND/SUMMARY OF PROPOSED ACTION:

Resolution authorizing the appointment of Robert Widigan as Chief Financial Officer. Mr. Widigan will be paid a salary based on an annual compensation rate of One-Hundred and Thirty-Five Thousand Dollars (\$135,000.00/\$64.90 hourly rate) and paid from account 101-191.100-703.000

FINANCIAL IMPLICATIONS: Payment shall be drawn from appropriated funds in and line item 101-191.100-703.000 (\$91,967.90) Wages and Salaries and account 296-172.100-703.000 (LCSM-17-FRTA) (\$43,032.10)

BUDGETED EXPENDITURE? YES [X] NO [] IF NO, PLEASE EXPLAIN:

WILL YOUR DEPARTMENT NEED A CONTRACT? YES [] NO [X]

STAFF RECOMMENDATION: (PLEASE SELECT): [X] APPROVED [] NOT APPROVED

DEPARTMENT HEAD SIGNATURE: [Handwritten Signature] (PLEASE TYPE NAME, TITLE)

ROBERT J.F. WIDIGAN

310 N. Cedar St., Apt. 411 | Lansing, MI 48912 | 810.569.8296

rwidigan@gmail.com | www.robertwidigan.com

Experienced professional with a proven track record of success working in local and state government. I am looking for the opportunity to build lasting relationships and help the City of Flint move forward towards further success. Over the past 12 years, my work in local and state government has resulted in a deep understanding of the critical financial and operational issues facing local governments and how communities work and interact with each other.

SUMMARY OF PROFESSIONAL EXPERIENCE

- » Manages the fiscal operations of the City of Lansing including accounting, purchasing, budget preparation and monitoring, investment and debt management, reporting and audit compliance, financial projections and analysis, fringe benefits, and retirement funds
- » Serves as the City of Lansing's chief spokesperson regarding City finances and City policy to the City Council and other local community officials
- » Prepare financial forecasts, budgetary assessments, and fiscal policy recommendations
- » Oversees the financial management and planning and acts as the Mayor's representative in various arenas for the City
- » Develops or acquires financial systems for the City to ensure that fiscal management of the City's resources is accomplished in the most cost-effective, efficient manner, consistent with legal and regulating requirements
- » Seasoned municipal administrative professional, experienced in tasks necessary for local governments, served as the chief executive for Shelby, MI
- » Extensive experience working in local, regional, and state government with a focus on administrative, communications, community outreach, municipal finance, and operational functions
- » Oversaw day to day operations of local government
- » Experience leading 15 plus individuals
- » Experience building diverse and sustainable communities throughout Michigan
- » Development of public policies and local ordinances
- » Review and evaluate complex municipal government budgets, cash flows, and other financial reports
- » Recommends alternative strategies and financial and operational structuring to maximize allocated budget resources for municipal government
- » Formally responsible for analyzing trends, compiling local government data, and preparing reports for long-range strategic planning and recommendations for state support directly to local governments at the Michigan Department of Treasury (Treasury)
- » Experience managing multiple complex projects from conception to completion
- » Ability to adapt to diverse and ever-changing work conditions
- » Excellent team player and ability to work independently
- » Served as the communications and social media liaison for the Bureau of Local Government and School Services within Treasury where I developed and maintained daily social content strategies, promoting statewide Treasury news
- » Experience fostering strong community relations

WORK EXPERIENCE

Finance Director , City of Lansing, Ingham County, MI	Aug. 2020 – Present
Village Manager , Village of Shelby, Oceana County, MI	June 2018 – Aug. 2020
Departmental Analyst , Bureau of Local Government and School Services, Michigan Department of Treasury	June 2014 – June 2018
Co-Chair , Clayton Township Planning Commission, Charter Township of Clayton	May 2015 – June 2018
Treasurer , Genesee County Planning Commission Metropolitan Alliance, Charter Township of Clayton	Jan. 2013 – June 2018
» Jan. 2013 to Mar. 2017 served as Trustee; part-time	
President and Police Commissioner , Village of Lennon, Lennon, Michigan	Sep. 2009 – Feb. 2017
» Sep. 2009 to Nov. 2016 served as Councilman for the Village	
Intern , Office of Fiscal Responsibility, Michigan Department of Treasury	Jan. 2014 – May 2014

VOLUNTEER EXPERIENCE

Shelby Optimist Club Member , Optimist International	Nov. 2018 – Present
Vice-President , Oceana County Economic Alliance, 501(c)(3)	Jan. 2019 – Aug. 2020
Shelby Rotary Club Member , Rotary International	July 2018 – Aug. 2020
Founding Member , Shelby Roars, Shelby, Michigan	Aug. 2018 – Aug. 2020

EDUCATION

Bachelor of Business Administration (BBA) , University of Michigan – Flint, School of Management	Feb. 2012 – May 2014
» Concentration in Accounting , GPA of 3.19	
» Beta Alpha Psi , International Honor Organization for Financial Information Students and Professionals	
Business Transfer , Mott Community College, Flint, Michigan	Sept. 2008 - Apr. 2012

HARD SKILLS

- » BS&A and OneSolution
- » Budget Development and Implementation
- » Budgetary Assessments
- » Community Marketing
- » Economic Development
- » Fiscal policy recommendations
- » Microsoft Office Suites and Google Apps
- » Policy and Ordinance Development
- » Project Management

SOFT SKILLS

- » Adaptable
- » Attention to Detail
- » Collaboration
- » Community Outreach and Communication
- » Effective Communication
- » Problem Solving
- » Punctuality
- » Self-Management
- » Time Management

ROBERT WIDIGAN TERMS OF APPOINTMENT

The Mayor of the City of Flint hereby appoints **Robert Widigan** as Chief Financial Officer in accordance with the provisions of Flint City Charter §§4-203(D) & 1-501.

1. **Scope of Services:** Under the general supervision of the Mayor and City Administrator, the Chief Financial Officer duties shall include those enumerated for the Chief Financial Officer in the Flint City Code of Ordinances, Chapter 2, Article XV, Department of Finance, the Chief Financial Officer Job Description and other duties that shall from time-to-time be required, in the absolute discretion of the Mayor, or his designee and; she shall be subject to all work rules and policies established by the City of Flint.

2. **Term of Appointment:** This appointment shall commence on April 15, 2021, 2021 and shall continue at the will of the Mayor.

3. **Compensation:** The Chief Financial Officer shall be paid a salary based on an annual compensation rate of One-Hundred and Forty-Eight Thousand Dollars (\$135,000.00/\$64.90 hourly rate). This salary shall be payable in regular timely installments, in the same manner as other employees of the City of Flint are paid. Such earnings shall be paid from account 101-191.100-703.000 (\$91,967.90), Wages & Salaries and account 296-172.100-703.000 (LCSM-17-FRTA) (\$43,032.10) with the difference in compensation between the Interim Chief Financial Officer and Chief Financial Officer made retroactive to August 16, 2021. The funding from the Mott Capacity Grant is contingent upon the availability of the funding. In the event, that the funding from the Mott Capacity Grant is no longer available, the salary will be reduced to \$91,967.10 unless other funding sources subsequently supplement the \$43,032.10.

4. **Benefits:** The Chief Financial Officer will be provided with fringe equal to those now or hereinafter provided for an exempt employee allocated above Level 23 including, but not limited to health care coverage, dental insurance, life insurance, personal time off, holiday pay, etc.; but expressly excluding membership in the Civil Service System. However, the Chief Financial Officer shall be eligible to participate in the City of Flint Hybrid Pension Plan as provided to other appointed officials, which may change from time-to-time. The Chief Financial Officer shall be 100% vested at all times, with respect to his own contributions.

For the purposes of providing to the Chief Financial Officer the above compensation and fringe benefits, the City of Flint shall place the Chief Financial Officer on the City's regular payroll so that all of said compensation and fringe benefits shall be provided to the Chief Financial Officer in the same manner as other employees of the City of Flint.

5. **Indemnification and Insurance:** The City of Flint shall indemnify and provide appropriate insurance coverage for the Chief Financial Officer for any attorney's fees, reasonable costs, and damage awards incurred by the Chief Financial Officer as a result of any malpractice action brought against him by any person as a result of his performance of duties pursuant to his Appointment. To the fullest extent permitted by law, the City of Flint shall defend, pay on behalf of, indemnify and hold harmless the Chief Financial Officer against any and all claims, demands, suits, or losses, including, but not limited to, civil rights actions, and providing for all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from the Chief Financial Officer by reason of any injuries or damages including losses

that may arise as a result of his acts, omissions, faults or negligence in connection with the performance of the terms of his appointment. The City of Flint shall provide appropriate insurance coverage, although, the full indemnification of the Chief Financial Officer as articulated above shall not be in any way limited by the insurance coverage chosen by the City of Flint.

6. **Termination:** The City may terminate, without cause, this Agreement (and the resultant employment relationship) with the Chief Financial Officer before the expiration set forth herein. In the event that this Agreement is terminated without Good Cause, the Chief Financial Officer shall be entitled to accrued PTO.

The City may terminate, for Good Cause, this Agreement (and the resultant employment relationship) with the Chief Financial Officer before the expiration set forth herein. In the event that this Agreement is terminated with Good Cause, the Chief Financial Officer shall be entitled to accrued PTO.

The Chief Financial Officer may voluntarily terminate this Agreement before the expiration of the term set forth herein by providing fourteen (14) days advanced written notice, unless agreed upon otherwise by the Parties. In the event that this Agreement is terminated pursuant to this subsection, the Chief Financial Officer shall be entitled to accrued PTO.

“GOOD CAUSE”. For purposes of this Agreement the term "good cause" is defined as sole proven acts or omissions as follows:

A. Any willful, knowing, grossly negligent, or negligent breach, disregard or habitual neglect of any provision of this Agreement, or any willful, knowing, grossly negligent, or negligent breach, disregard or habitual neglect of any duty or obligation required to be performed by the Chief Financial Officer under this Agreement or applicable law.

B. Any misconduct of the Chief Financial Officer involving an act of moral turpitude, criminal illegality (excepting minor traffic violations), or habitual violations of the traffic laws, whether or not related to the Chief Financial Officer's official duties hereunder.

C. Any willful, knowing, grossly negligent, or negligent misapplication or misuse, direct or indirect, by the Chief Financial Officer, of public or other funds or other property, real, personal, or mixed, owned by or entrusted to the City, any agency or corporation thereof, or the Chief Financial Officer in his official capacity.

7. **Waiver of Claims:** Appointee agrees, in consideration for accepting payment pursuant to this Agreement, that Appointee will not file a lawsuit or claim of any type in any forum against the City for actions arising in any way related to employment by the City, and that if Appointee does, the lawsuit or claim will be immediately dismissed; and, notwithstanding the fact that the terms of this Agreement shall otherwise remain in full force and effect, Appointee will return to the City all of the consideration received from the City as a result of this Agreement, and Appointee will pay to the City all of the costs, expenses, and attorney fees incurred by the City in defending against such a lawsuit or claim. However, nothing in this

Agreement shall prevent Appointee from filing suit to challenge this Agreement or to enforce the terms of this Agreement.

8. **Whole Agreement:** Any additions, deletions or modifications to these terms of appointment must be in writing and signed by both parties. This document, consisting of three (3) pages in its entirety, embodies the entire agreement between the parties hereto.

Dated this _____ day of August 2021.

APPOINTEE:

Robert Widigan

FOR THE CITY:

APPROVED AS TO FORM:

Sheldon A. Neeley, Mayor

Angela Wheeler, Chief Legal Officer

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