

This is undoubtedly not an easy time for the City of Florence, it's Citizens, the City Staff, and all who were affected by the former City Manager. However, those of us who hold this City close to our hearts are working to make sure the City of Florence remains a wonderful place to live, work, visit, and enjoy.

In an effort to provide some answers to questions that have been asked of the City, we, the City Council would like to provide the following response to the letter from the Concerned Citizens of Florence:

- 1. It is our understanding that the current lawsuit or claim against the city and Mr. Patterson is the (sic) at least the third such infraction? Please verify the dates and settlements of all of the infractions regarding Mr. Patterson and the City.**

That understanding is incorrect. The City settled one prior lawsuit/claim involving Mr. Patterson on November 13, 2019. The City paid \$1,000.00 in the form of a deductible, and the City's insurance carrier paid a settlement in the amount of \$54,290.85. That is the only claim/lawsuit that has involved the former City Manager and the City.

- 2. We know that two previous claims before the latest incident where covered and paid out by CIRSA? How much where the payouts and what was the deductible that the city had to pay?**

See response to 1, above.

- 3. We understand the City switched its Insurance to Travelers are they (sic) going to pay out the current claims against the city for this new incidence (sic) or will the city have to cover these costs, and if so what is the estimated amount if currently known?**

The City has filed a claim with its insurance carrier regarding the current pending litigation. That claim is working through the process.

- 4. Since there have been multiple infractions regarding Mr. Patterson will this raise the cost of our insurance and if so how much more will it cost the city of Florence each year?**

The City Council decided to use CIRSA for its insurance needs beginning January 1, 2022. Since the former City Manager is no longer a City employee, the cost of the insurance coverage premium is not affected by the former City Manager.

- 5. We would like a timeline provided that outlines the following:**
- a. List of Council members that did the original background check on Mr. Patterson and a list of those that voted in favor of hiring him, and those that voted against.**

Councilor Enslow, Councilor Giebler, Councilor Pittingsrud, Councilor Baker, Councilor Martinez, Councilor Prickett, Mayor Hinkle. The process was started November of 2011. Mr. Patterson was selected December 5, 2011 with Giebler, Pittingrud, Baker, Martinez and Prickett voting ayes, Enslow abstaining and Mayor Hinkle voting nay.

- b. A list of Council members that voted to keep Mr. Patterson on after his first infraction, and a list that voted against**

No such vote was necessary, nor taken. After an independent investigation into the alleged conduct, a reasonable decision of corrective action was made by the City Council based upon advice from an attorney specializing in employment law. Nevertheless, based upon the allegations, it appears as though the former City Manager's actions continued in a covert and hidden manner.

However, due to reporting from two department heads directly to the City Council, in an effort to take a firm and clear position against this sort of behavior, on August 31, 2021, the City Council unanimously voted to terminate the former City Manager.

- c. A list of Council members that voted in favor to keep Mr. Patterson on after his second infraction and a list that voted against.**

Again, no such vote was taken. As noted in 1, above, there was one prior suit involving the former City Manager that was settled in November of 2019.

- d. The Current number of claimants filing against the City and Mr Patterson in this most recent case that led to his firing.**

Currently, there are three plaintiffs. Out of respect for the privacy of the claimants, and pursuant to state law, the names of those plaintiffs are not for the City to disclose.

- 6. Did Mr. Patterson have any Pre-Negotiated Severance Packages? Did the city have a clause that negated that package if his dismissal was for an Un-ethical (sic) infraction? If not why not especially given the previous two lawsuits against him and the city?**

Yes, on November 4, 2019, by way of the 13th amendment to Mr. Patterson's Employment agreement, originally dated December 19, 2011 the City agreed to provide the former City Manager with "a 6 (six) month severance package". It should be noted that the definition of what the "severance package" would include was not defined. Said package was not offered as the former City Manager was terminated for cause.

- 7. In addition to Mr. Patterson's salary did he have any additional perks such as Free Water, Housing Allowance, Car Allowance, etc. bonus structures that would be considered "outside" a normal City Manager Package?**

While it is not clear what you mean by "normal City Manager Package" – as those vary greatly throughout the state – in addition to his salary, mileage reimbursement, and other work-related travel expenses, the former City Manager received "additional compensation of up to \$2,500.00 of a credit toward water used at his residence". This type of "in kind" compensation is not atypical. He also received an additional 6% match to his retirement.

- 8. What are the total costs to date in dealing with suits against the City because of Mr Patterson, Including but not limited to Deductibles paid out to the Insurance Companies, Increase in our premiums due to Mr. Patterson, Legal fees spent defending the City due to Mr Patterson's infractions?**

See response to 1, above. The total costs expended by the City was \$1,000.00 by way of deductible. Attorneys' fees spent on this were paid by the City's insurance carrier.

- 9. Is the City Aware of any embezzlement of funds regarding Mr. Patterson? Or any other former city employees that interacted with Mr. Patterson.**

No. The City is audited annually and no embezzlement of funds have been found during any of these audits.

- 10. In the previous cases against the City were any GAG orders enforced against the Victims at the request of Mr. Patterson in order for them to receive a settlement from the city?**

No.

The City does not notify “potential victims” as this is something done by the Courts on the criminal side of things based upon evidence obtained by the prosecution or otherwise.

Many want to know why the former City Manager remained after the 2019 incident. While it is easy to look through the lens of hindsight and say that the actions of the former City Manager were obvious, in actuality, the former City Manager’s acts were deceptive, concealed, and often occurred after normal business hours. Although the City Council hires, fires and directs the City Manager, the Council only meets with the City Manager twice a month. The remainder of the time, the City Manager operates as the Chief Executive Officer of the City without direct, daily supervision.

Nevertheless, this City Council, along with the remaining City Staff, stand steadfastly committed to ensuring that the City of Florence thrives and flourishes for all to enjoy.