

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 60-97

**A RESOLUTION
ACKNOWLEDGING DEFENSE OF POLICE EMPLOYEES IN
CIVIL ACTION NO. 95 CV 420**

Recitals:

A District Court action has been filed alleging violation of civil rights and other misconduct by then Police Chief Darold Sloan and City police officers. The lawsuit alleges misconduct by Grand Junction officers who responded to a New Years party after having received information from a County Sheriff's Deputy that one of the party goers may be in need of emergency assistance. The lawsuit alleges that present and former City's officers were guilty of misconduct so egregious that punitive damages are owed. The City knows that the Grand Junction Police Department has a superior training program and adequately supervises its employees. The City believes its officers acted reasonably and appropriately.

Under the provisions of the Colorado Governmental Immunity Act, specifically section 24-10-118, C.R.S., the City Council may, if it determines by resolution adopted at an open public meeting that it is in the public interest to do so, defend a public employee against a claim for punitive damages or pay or settle any punitive damage claim against a public employee.

Both because the City Council finds that the police officers and the Police Chief were acting appropriately and within the scope of their employment, and also because to do otherwise would send a wrong message to the employees of the City (it could suggest that the City was unwilling to "stand behind them" when such employees were being sued for the lawful performance of their duties,) the City Council adopts this resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

The City Council hereby finds and determines at an open public meeting that it is in the public interest to defend the City employees (past and current) against claims for punitive damages which are awarded because of willful, wanton or criminal conduct or to pay or to settle any such punitive damage claims against said City employees subject; however, to the following: in the event that the Court awards punitive damages after trial as to one or more individual officers, the City Council reserves the right to then determine whether or not to pay any such punitive damages award as to any one or more individuals.

PASSED and ADOPTED this 17th day of September, 1997.

/s/ Janet Terry
President of the Council

ATTEST:

/s/ Stephanie Nye
City Clerk