

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 71-98

**A RESOLUTION
ACKNOWLEDGING DEFENSE OF A POLICE EMPLOYEE IN
FEDERAL DISTRICT COURT FOR THE DISTRICT OF COLORADO
CIVIL ACTION NO. 98-S-624**

Recitals:

A federal district court action has been filed alleging violation of civil rights and other misconduct by Sergeant Brian Franklin, along with various other persons. The lawsuit alleges misconduct by Sergeant Franklin who investigated and allegedly improperly authorized the arrest of the plaintiff, Lawrence Michael Trenkle. The lawsuit alleges that the City and Sergeant Franklin violated the civil rights of the plaintiff and committed various torts. The City has investigated the allegations and examined City policies and has concluded that neither the City nor Sergeant Franklin have acted improperly.

Under the provisions of the Colorado Governmental Immunity Act, specifically § 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.

Because the City Council finds that Sergeant Franklin acted appropriately and within the scope of his employment, and also because to do otherwise would send a wrong message to the employees of the City in that it could suggest that the City was unwilling to “stand behind them” when such employees are 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 Sergeant Brian Franklin in federal civil action No. 98-S-624, District of Colorado, Lawrence Michael Trenkle v. Cassandra Lynn Harroun, Brian Franklin, and the Police Department of the City of Grand Junction, and others, against any 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 as to Sergeant Franklin's conduct, the City Council reserves the right to then determine whether or not to pay any such punitive damages award as to the actions, or failure to act, of Sergeant Franklin.

PASSED and ADOPTED this 18th day of November, 1998.

/s/ Janet L. Terry
President of the Council

ATTEST:

/s/ Christine English
Acting City Clerk