

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 14-00

**ACKNOWLEDGING DEFENSE OF OFFICER JOHN KIESLER IN
CIVIL ACTION NO. 99 CV 510**

RECITALS:

A State District Court action has been filed alleging violation of a citizen's civil rights and other misconduct by an employee of the City of Grand Junction's Police Department, John Kiesler. The factual basis of the lawsuit involves alleged misconduct by Officer Kiesler in enforcing registration provisions of Colorado law.

Under the provisions of the Colorado Governmental Immunity Act, specifically section 24-10-118, 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. Although it is unclear that the plaintiff is asserting a punitive damage claim, it may be that his complaint could be construed to assert such a claim.

Because the City Council finds that the police officer was acting 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 (that the City may be 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 Officer Kiesler against claims for punitive damages or to pay or to settle any punitive damage claims against him arising out of Case 99 CV 510.

PASSED and **ADOPTED** this 19th day of January, 2000.

/s/ Gene Kinsey
President of the Council

ATTEST:

/s/ Theresa F. Martinez
Deputy City Clerk