

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 73-00

**ACKNOWLEDGING DEFENSE OF OFFICER GERALDINE EARTHMAN IN
CIVIL ACTION NO. 00 S 5236**

RECITALS:

A Small Claims Court action has been filed alleging violation of a citizen's rights by an employee of the City of Grand Junction's Police Department, Geraldine Earthman. The factual basis of the lawsuit involves alleged misconduct by Officer Earthman in arresting a person for a restraining order violation.

Under the provisions of the Colorado Governmental Immunity Act, specifically sections 24-10-110 and 24-10-118, the City has certain indemnification obligations and it 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 punitive damages claim or pay or settle any punitive damage claim against a public employee. Although it is unclear exactly the claim that the plaintiff is asserting, it may be that his complaint could be construed to assert such a punitive damage claim.

Because the City Council finds that the police officer was acting appropriately and within the scope of her 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 Earthman against claims for damages in accordance with 24-10-110 C.R.S. and/or to pay or to settle any punitive damage claims in accordance with 24-10-118 C.R.S. arising out of case 00 S 5236.

PASSED and **ADOPTED** this 19th day of July 2000.

/s/ Gene Kinsey
President of the Council

ATTEST:

/s/ Stephanie Nye

City Clerk