

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 67-03

**A RESOLUTION ACKNOWLEDGING DEFENSE OF STANLEY ANCELL,
ROBERT M. CULVER, MARTYN E. CURRIE, JOHN C. JACKSON, ROBERT
RUSSELL
AND JULIA STOGSDILL IN
CIVIL ACTION NO. 03 B 1181**

RECITALS:

A Federal District Court action has been filed by Robert and Maria Thorpe alleging that current and former employees of the Grand Junction Police Department, Stan Ancell, Robert Culver, Martyn Currie, John Jackson, Robert Russell and Julia Stogsdill violated their rights. The lawsuit alleges misconduct by these officers in obtaining a search warrant, subsequently searching premises and seizing property and in arresting and requesting prosecution of the Plaintiffs. The lawsuit alleges that Marty Currie, when he was police chief failed to adequately supervise and train the officers and therefore condoned illegal, unconstitutional behavior. The lawsuit states compensatory and punitive damage claims against the City, Mesa County and individual current and former police officers. The City denies the allegations.

Under the provisions of the Colorado Governmental Immunity Act, specifically sections 24-10-110 and 24-10-118 C.R.S., 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 unlikely that a punitive damage claim would be sustained, it is right and proper to pass this resolution defending the current and former City officers.

Because the City Council finds that the Grand Junction Police Department officers 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, that the City may be unwilling to stand behind them when such employees are 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 Stanley Ancell, Robert Culver, Martyn Currie, John Jackson, Robert Russell and Julia Stogsdill 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 03 B 1181.

PASSED and **ADOPTED** this 16th day of July 2003.

/s/ Jim Spehar
Jim Spehar
President of the Council

ATTEST:

/s/ Stephanie Tuin
Stephanie Tuin
City Clerk