

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 31-05

A RESOLUTION ACKNOWLEDGING DEFENSE OF OFFICER WILLIAM BAKER
IN COUNTY COURT ACTION NO. 05-C-235

RECITALS:

An action has been filed in County Court alleging use of excessive force by an employee of the City of Grand Junction Police Department. The factual basis of the lawsuit involves alleged misconduct by a City employee in investigating and affecting an arrest.

Under the provisions of the Colorado Governmental Immunity Act, specifically section 24-10-118(5), 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 public employees against a claim for punitive damages or pay or settle any punitive damage claim against a public employee. The plaintiff in the case is asserting a punitive damage claim.

Because the City Council finds, subject to further review, 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 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 Officer Baker against claims for punitive damages and/or to pay or to settle any punitive damage claims against him arising out of case 05-C-235.

PASSED and ADOPTED this 16th day of February, 2005.

/s/ Bruce Hill

Bruce Hill

President of the Council

ATTEST:

/s/ Stephanie Tuin

Stephanie Tuin

City Clerk