

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 32-05

A RESOLUTION ACKNOWLEDGING DEFENSE OF OFFICERS ERIC JANUSZ, RYAN PIOTROWSKI, JEREMIAH BOIES, DOUG NORCROSS AND POLICE CHIEF GREG MORRISON AND FIREFIGHTERS BRANT BUTNER, DOUG WALSH AND FIRE CHIEF RICK BEATY IN UNITED STATES DISTRICT COURT ACTION NO. 04-F-2548

RECITALS:

An action has been filed in Federal District Court alleging violation of a citizen's civil rights and other misconduct by employees of the City of Grand Junction Police and Fire Departments. The factual basis of the lawsuit involves alleged misconduct by City employees in investigating and affecting an arrest and in the delivery of emergency medical services.

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, although it is not clear if the assertion is made against all employees that were on the call.

Because the City Council finds, subject to further review, that the police officers and firefighters 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 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 Officers Janusz, Piotrowski, Boies and Chief Morrison and firefighters Butner, Walsh and Chief Beaty against claims for punitive damages or to pay or to settle any punitive damage claims against him arising out of case 04-F-2548.

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

ATTEST:

/s/ Bruce Hill

Bruce Hill

President of the Council

/s/ Stephanie Tuin

Stephanie Tuin

City Clerk