

**CITY OF GRAND JUNCTION, COLORADO  
RESOLUTION NO. 18-11**

**A RESOLUTION ACKNOWLEDGING THE DEFENSE OF WILLIAM BAKER, JOHN  
CAMPER, RICK DYER, WILLIAM GARDNER, AND JOHN ZEN IN  
CIVIL ACTION NO. 10CV01719 MSK KLM**

**RECITALS:**

A Federal District Court action has been filed by Misti Lee Schneider alleging that current and former employees of the Grand Junction Police Department, William "Bill" Baker, John Camper, Rick Dyer, William "Bill" Gardner and John Zen violated her 14<sup>th</sup> Amendment rights as protected by 42 U.S.C. § 1983. The City has answered the lawsuit and the discovery phase of the litigation is underway. The Plaintiff claims that the City did not properly hire, train, discipline and/or supervise former police officer Glenn Coyne.

On February 25, 2011 the Plaintiff filed a motion to amend her lawsuit to state punitive damage claims against Baker, Camper, Dyer, Gardner and Zen. The essence of such claims is that the Plaintiff now asserts that Baker, Camper, Dyer, Gardner and Zen purposely (willfully and wantonly) acted to harm the Plaintiff. In her amended complaint the Plaintiff has stated no new facts or allegations but instead has alleged the claims made against the City are now additionally made against these current and former Police Department employees.

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 public employees against punitive damage claims or pay or settle any punitive damage claim against a public employee. It is the purpose of this Resolution to acknowledge the defense of each person named herein below.

Although it is not believed that punitive damage claims will be sustained against these employees and former Chief Gardner, it is right and proper to pass this resolution defending them from the personal claims and liability. In support of the adoption of the resolution the City Council does hereby consider the following information to be relevant, appropriate and determinative.

The Defense of William Baker

The lawsuit alleges that Bill Baker, as a Patrol Sergeant, failed to adequately supervise Glenn Coyne when he was a police officer. Sergeant Baker has given 13 years of superb service to the Grand Junction Police Department. The Plaintiff has sued for compensatory and punitive damages. By stating punitive damage claims the Plaintiff seeks financial recovery personally from Sergeant Baker. Sergeant Baker denies all of the allegations made against him.

The City has no basis to conclude that Sergeant Baker acted willfully and wantonly. He should not have to withstand the claims made against him without protection of the City.

#### The Defense of John Camper

The lawsuit alleges that John Camper, as police chief, failed to adequately supervise Coyne when he was a police officer. Chief Camper began his service to the City as an interim chief approximately 2 weeks before the Plaintiff claims to have been injured by Coyne. The Plaintiff has sued for compensatory and punitive damages. By stating punitive damage claims the Plaintiff seeks financial recovery personally from Chief Camper. Chief Camper denies all of the allegations made against him.

The City has no basis to conclude that Chief Camper acted willfully and wantonly. He should not have to withstand the claims made against him without protection of the City.

#### The Defense of Rick Dyer

The lawsuit alleges that Rick Dyer, as the Professional Standards Administrator for the Police Department failed to use appropriate hiring practices regarding the hiring of Glenn Coyne and that he failed to adequately investigate a complaint made against Coyne. Professional Standards Administrator (PSA) Dyer has given 18 years of excellent service to the Grand Junction Police Department. The Plaintiff has sued for compensatory and punitive damages. By stating punitive damage claims the Plaintiff seeks financial recovery personally PSA Dyer. PSA Dyer denies the allegations.

The City has no basis to conclude that PSA Dyer acted willfully and wantonly. He should not have to withstand the claims made against him without protection of the City.

#### The Defense of William Gardner

The lawsuit alleges that Bill Gardner, when he was police chief failed to adequately investigate and/or discipline Glenn Coyne when he was a police officer and therefore condoned illegal, unconstitutional behavior toward the Plaintiff. Gardner retired from the Grand Junction Police Department approximately three weeks before the Plaintiff claims to have been injured by Coyne. The Plaintiff has sued for compensatory and punitive damages. By stating punitive damage claims the Plaintiff seeks financial recovery personally from the Former Chief. Former Chief Gardner denies all the allegations made against him.

The City has no basis to conclude that Former Chief Gardner acted willfully and wantonly in this matter and accordingly that he should not have to withstand the claims made against him without protection of the City.

The Defense of John Zen

The lawsuit alleges that John Zen, as Deputy Police Chief of Operations, failed to properly investigate and/or discipline Glenn Coyne when he was a police officer and therefore condoned illegal, unconstitutional behavior toward the Plaintiff. Deputy Chief Zen has an exemplary 30 year history with the Grand Junction Police Department. The Plaintiff has sued for compensatory and punitive damages. By stating punitive damage claims the Plaintiff seeks financial recovery personally from Deputy Chief Zen. Deputy Chief Zen denies all of the allegations made against him.

The City has no basis to conclude that Deputy Chief Zen acted willfully and wantonly. He should not have to withstand the claims made against him without protection of the City.

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:**

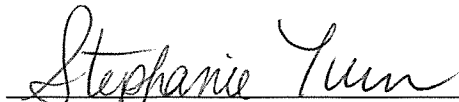
The City Council hereby finds and determines at an open public meeting that it is in the public interest to defend William Gardner, John Camper, John Zen, William Baker and Rick Dyer against claims for damages in accordance with 24-10-110 C.R.S. and/or to pay or to settle any punitive damage claims in accordance with 24-10-118 C.R.S. arising out of case 10CV01719.

PASSED and ADOPTED this 18<sup>th</sup> day of April 2011.



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President of the Council

ATTEST:



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City Clerk