

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 58 -17

ACKNOWLEDGING DEFENSE OF CORPORAL TYLER SIMONSON IN CIVIL ACTION NO. 17 cv 01942

RECITALS:

A Federal District Court action has been filed alleging violation of a citizen's rights by an employee of the Grand Junction Police Department, Tyler Simonson. The lawsuit alleges misconduct by Corporal Simonson in controlling and arresting a person reported to have assaulted an emergency medical services provider and allegedly obstructed and resisted officers as the suspect was being placed into custody.

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. The claims that the plaintiff are asserting include "reckless and/or callous indifference" as a punitive damage claim.

Because the City Council believes 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 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 Corporal Simonson against claims for damages in accordance with C.R.S. §24-10-110 C.R.S. and/or to pay or to settle any punitive damage claims in accordance with C.R.S §24-10-118 C.R.S. arising out of case 17 cv 01942.

PASSED and ADOPTED this 4<sup>th</sup> day of October 2017.



J. Merrick Taggart

President of the Council

ATTEST:



Wanda Winkelmann

City Clerk

