

1 BY AUTHORITY

2 RESOLUTION NO. CR14-0965  
3 SERIES OF 2014

COMMITTEE OF REFERENCE  
Safety & Well-being

4 **A RESOLUTION**

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6 **Authorizing the payment of any judgment entered for punitive damages against**  
7 **city employees Jason Valdez, Robert Martinez and Robert Motyka in Case No.**  
8 **11-cv-00102-MSK-KLM, in the United States District Court for the District of**  
9 **Colorado**

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12 **WHEREAS**, § 1.1.7 of the Denver Charter provides that, in any suit or action brought  
13 against a city employee arising out of an act or omission of the employee occurring during the  
14 employee's course and scope of employment, the defense of such suit shall be governed by the  
15 Colorado Governmental Immunity Act; and

16  
17 **WHEREAS**, pursuant to the terms of the Colorado Governmental Immunity Act (specifically  
18 C.R.S. § 24-10-118(5)), the City and County of Denver through its governing body may authorize  
19 the payment or settlement of any punitive damage award against a public employee if it  
20 determines by resolution adopted at an open public meeting that it is in the public interest to do so;  
21 and

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23 **WHEREAS**, in Case No. 11-cv-00102-MSK-KLM, a jury awarded punitive damages against  
24 Jason Valdez, Robert Martinez and Robert Motyka, all of whom are employed by the city in the  
25 Denver Police Department.

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27 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF**  
28 **DENVER:**

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30 **Section 1.** That the Council of the City and County of Denver hereby declares pursuant to  
31 C.R.S. § 24-10-118(5) that it is in the public interest for the City and County of Denver to pay any  
32 award of punitive damages assessed against Jason Valdez, Robert Martinez, and Robert Motyka  
33 in Case No. 11-cv-00102-MSK-KLM, and authorizes the payment by the city of any such damages,  
34 subject to final disposition of any post-trial motions, appeal or settlement in the case.

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1           **Section 2.** The authorization for payment of punitive damages as set forth herein shall also  
2 be subject to a subsequent appropriation of monies by the Council sufficient to make the payment,  
3 when the total amount of punitive damages is finally determined upon the disposition of any post-  
4 trial motions, appeals, or settlement.

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7 COMMITTEE APPROVAL DATE: N/A  
8 MAYOR-COUNCIL DATE: November 3, 2014

9 PASSED BY THE  
10 COUNCIL \_\_\_\_\_, 2014

11 \_\_\_\_\_ - PRESIDENT

12 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
13 EX-OFFICIO CLERK OF THE  
14 CITY AND COUNTY OF DENVER

15  
16 PREPARED BY: Wendy J. Shea, Assistant City Attorney – October 28, 2014

17 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of  
18 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
19 resolution. The proposed resolution **is not** submitted to the City Council for approval pursuant to §  
20 3.2.6 of the Charter.

21  
22 D. Scott Martinez, City Attorney

23 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney

24 DATE: \_\_\_\_\_, 2014