

1 BY AUTHORITY

2 RESOLUTION NO. CR15-0936
3 SERIES OF 2015

COMMITTEE OF REFERENCE
Safety & Well-being

4 **A RESOLUTION**

5
6 **Authorizing the payment of any judgment entered for punitive damages against**
7 **city employee Kyllion Chafin in Case No. 13-cv-01761-CMA-MJW, in the United**
8 **States District Court for the District of Colorado.**
9

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

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

21 **WHEREAS**, in Case No. 13-cv-01761-CMA-MJW, a jury awarded punitive damages
22 against Kyllion Chafin who is employed by the city in the Denver Police Department.
23

24 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF**
25 **DENVER:**
26

27 **Section 1.** That the Council of the City and County of Denver hereby declares pursuant to
28 C.R.S. § 24-10-118(5) that it is in the public interest for the City and County of Denver to pay any
29 award of punitive damages assessed against Kyllion Chafin, in Case No. 13-cv-01761-CMA-MJW,
30 and authorizes the payment by the city of any such damages, subject to final disposition of any
31 post-trial motions, appeal or settlement in the case.
32

33 **Section 2.** The authorization for payment of punitive damages as set forth herein shall also
34 be subject to a subsequent appropriation of monies by the Council sufficient to make the payment,

1 when the total amount of punitive damages is finally determined upon the disposition of any post-
2 trial motions, appeals, or settlement.

3
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5 COMMITTEE APPROVAL DATE: N/A
6 MAYOR-COUNCIL DATE: November 24, 2015

7 PASSED BY THE
8 COUNCIL _____, 2015
9 _____ - PRESIDENT

10 ATTEST: _____ - CLERK AND RECORDER,
11 EX-OFFICIO CLERK OF THE
12 CITY AND COUNTY OF DENVER
13

14 PREPARED BY: Wendy J. Shea, Assistant City Attorney – November 24, 2015

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

19
20 D. Scott Martinez, City Attorney
21 BY: _____, _____ City Attorney
22 DATE: _____, 2015