

1 BY AUTHORITY

2 RESOLUTION NO. CR14-0964
3 SERIES OF 2014

COMMITTEE OF REFERENCE
Safety & Well-being

4 **A RESOLUTION**

5
6 **Authorizing the payment of any judgment entered for punitive damages against**
7 **city employees Faun Gomez, James Grimes, Kyle Sharp, Kenneth Robinette,**
8 **and Carrie Rodriguez in Case No. 11-cv-00645-RBJ, in the United States District**
9 **Court for the District of 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

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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

22
23 **WHEREAS**, in Case No. 11-cv-000645-RBJ, a jury awarded punitive damages against
24 Faun Gomez, James Grimes, Kyle Sharp, Kenneth Robinette, and Carrie Rodriguez, all of whom
25 are or were employed by the city in the Denver Sheriff 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 Faun Gomez, James Grimes, Kyle Sharp, Kenneth
33 Robinette, and Carrie Rodriguez, in Case No. 11-cv-00645-RBJ, and authorizes the payment by
34 the city of any such damages, subject to final disposition of any post-trial motions, appeal or
35 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

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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