

RESOLUTION REGARDING DEFENSE AND INDEMNIFICATION OF MICHAEL MCINTOSH AS A DEFENDANT PURSUANT TO C.R.S. § 24-10-101, ET SEQ.

WHEREAS, Adams County is a public entity pursuant to the Colorado Governmental Immunity Act; and,

WHEREAS, Adams County is obligated to bear the cost of the defense of its elected officials and employees and pay all judgments entered against its elected officials and employees pursuant to the Colorado Governmental Immunity Act so long as they acted within the course and scope of their employment and their acts were not willful and wanton; and,

WHEREAS, in Resolution 2016-436, the Board of County Commissioners of Adams County agreed to indemnify the other Defendants previously named in this matter.

WHEREAS, Michael McIntosh has been sued in the matter of Alexander Garcia v. Adams County, Colorado, Michael McIntosh, Phil Waken, Christopher Long, Scott Dow, Cooper Cramble, Cynthia Hill, Kyle Swing, Matthew Marquez, And Robert Hannah in the U.S. District Court, Case Number 16-cv-01977; said Defendant, being an elected official of Adams County at the time of the incident described in the Amended Complaint; and,

WHEREAS, initial investigation has revealed to the satisfaction of the Board of County Commissioners and the determination has been made that the Defendant appears to have acted within the course and scope of his employment and his actions do not appear to be willful and wanton; and,

WHEREAS, pursuant to C.R.S. §§ 24-10-110, 24-10-113 and 24-10-118(5) Adams County hereby determines that it is in the public interest to bear the cost of defense for the Defendant against all asserted claims for compensatory and punitive damages which may be pled and to pay or settle any such compensatory and punitive damage claims against said Defendant; and,

WHEREAS, in exchange for such defense, the Defendant is required to cooperate fully in the defense of this matter, including but not limited to, assisting in the discovery process, participating in mediation, facilitation, or other measures deemed appropriate by the Board of County Commissioners, and Defendant acknowledges that Adams County may settle on behalf of the Defendant any or all asserted claims, including those for personal liability and punitive damages.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Adams, State of Colorado, that Adams County shall bear the cost of defense for Michael McIntosh against all asserted claims for compensatory and punitive damages which may be pled and to pay or settle any such compensatory and punitive damage claims against said Defendant in the matter of Alexander Garcia v. Adams County, Colorado, Michael McIntosh, Phil Waken, Christopher Long, Scott Dow, Cooper Cramblet, Cynthia Hill, Kyle Swing, Matthew Marquez, And Robert Hannah.

IT IS FURTHER RESOLVED that the Adams County Attorney is directed to enter her appearance as counsel for Defendant and to defend this matter.