

RESOLUTION REGARDING DEFENSE AND INDEMNIFICATION OF CURTIS GARTH AND LANCE KESTEL AS DEFENDANTS 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, Curtis Garth and Lance Kestel have been sued in the matter of Timothy James Hayenga v. Adams County Sheriff C. Garth and Adams County Sheriff L. Kestel in the U.S. District Court, Case Number 18-cv-02038-KLM; said Defendants, being employees of Adams County at the time of the incident described in the Complaint; and,

WHEREAS, initial investigation has revealed to the satisfaction of the Board of County Commissioners and the determination has been made that the Defendants appear to have acted within the course and scope of their employment and their 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 Defendants 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 Defendants; and,

WHEREAS, in exchange for such defense, the Defendants are 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 Defendants acknowledge that Adams County may settle on behalf of the Defendants 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 Curtis Garth and Lance Kestel 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 Defendants in the matter of Timothy James Hayenga v. Adams County Sheriff C. Garth and Adams County Sheriff L. Kestel.

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