



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: February 26, 2019
SUBJECT: Resolution Regarding Defense and Indemnification of Curtis Garth and Lance Kestel as Defendants Pursuant to C.R.S. § 24-10-101, et seq., 18-cv-02038-KLM
FROM: Heidi Miller, County Attorney and Kerri Booth, Assistant County Attorney
AGENCY/DEPARTMENT: County Attorney's Office
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Adopt the Resolution Regarding Defense and Indemnification of Curtis Garth and Lance Kestel as Defendants Pursuant to C.R.S. § 24-10-101, et seq.

BACKGROUND:

The Board of County Commissioners formally indemnifies employees named in civil lawsuits. Adams County Sheriff's Deputies Curtis Garth and Lance Kestel were named as defendants in a civil action filed in Federal District Court. The lawsuit alleges that the Plaintiff, Timothy Hayenga, who is an inmate in Colorado Department of Corrections custody, suffered damages as a result alleged excessive force used during his arrest.

The County Attorney's Office has reviewed the facts of this lawsuit and it has determined that the Deputies Garth and Kestel were acting within the course and scope of their employment at all times relevant to this lawsuit. Therefore, the County Attorney's Office is recommending that Curtis Garth and Lance Kestel be indemnified for any potential damages that might arise out of this litigation.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Sheriff's Office

ATTACHED DOCUMENTS:

RESOLUTION REGARDING DEFENSE AND INDEMNIFICATION OF CURTIS GARTH AND LANCE KESTEL AS DEFENDANTS PURSUANT TO C.R.S. § 24-10-101, ET SEQ.

FISCAL IMPACT:

Please check if there is no fiscal impact ☒. If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

New FTEs requested: ☐ YES ☐ NO

Future Amendment Needed: ☐ YES ☐ NO

Additional Note:

Potential fiscal impact is unknown. If litigation results in settlement or judgment against the County or its employees/elected officials, there would be a fiscal impact. The potential amount of that impact is impossible to estimate at this time.