



## PUBLIC HEARING AGENDA ITEM

<b>DATE OF PUBLIC HEARING:</b> April 27, 2021
<b>SUBJECT:</b> Resolution Regarding Defense and Indemnification of Brandon Neel as a Defendant Pursuant to C.R.S. § 24-10-101, et seq., 21-cv-788-RM
<b>FROM:</b> Heidi Miller, County Attorney, County Attorney and Kerri Booth, Assistant County Attorney
<b>AGENCY/DEPARTMENT:</b> County Attorney's Office
<b>HEARD AT STUDY SESSION ON</b> N/A
<b>AUTHORIZATION TO MOVE FORWARD:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
<b>RECOMMENDED ACTION:</b> That the Board of County Commissioners Adopt the Resolution Regarding Defense and Indemnification of Brandon Neel as a Defendant Pursuant to C.R.S. § 24-10-101, et seq.

### **BACKGROUND:**

The Board of County Commissioners formally indemnifies employees and elected officials who are named in civil lawsuits. This lawsuit is brought by Vincent Gonzales who claims his Constitutional Rights were violated by Deputy Brandon Neel, who allegedly used excessive force on Mr. Gonzales during an alleged wrongful arrest that occurred at Mr. Gonzales' home. Mr. Gonzales also claims to have suffered physical injuries as a result of the alleged force.

The County Attorney's Office has reviewed the facts of this lawsuit and it has been determined that Brandon Neel was acting within the course and scope of his employment at all relevant times relevant to this lawsuit. Therefore, the County Attorney's Office is recommending that Brandon Neel be indemnified for any potential damages that might arise out of this litigation.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

### **ATTACHED DOCUMENTS:**

RESOLUTION REGARDING DEFENSE AND INDEMNIFICATION OF BRANDON NEEL AS A DEFENDANT 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:			
<b>Total Revenues:</b>			

	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:			
<b>Total Expenditures:</b>			

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.