

RESOLUTION NO. 20-

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

**RESOLUTION ESTABLISHING A COMMITTEE TO  
DETERMINE INDEMNIFICATION OF SWORN EMPLOYEES OF  
THE EL PASO COUNTY SHERIFF'S OFFICE IN CERTAIN CIVIL ACTIONS**

WHEREAS, pursuant to C.R.S. §§ 30-11-103 and 30-11-107(e), the Board of County Commissioners of El Paso County, Colorado ("Board" or "County"), has the legislative authority to manage the business and concerns of the County to ensure the welfare and interests of the County and its inhabitants; and

WHEREAS, pursuant to C.R.S. § 24-10-115 and Resolution No. 77-282, Budget-13, the County established a self-insurance fund to protect El Paso County and its employees from claims brought forth pursuant to the Colorado Governmental Immunity Act or claims arising under federal law; and

WHEREAS, on June 19, 2020, the Governor signed into law SB20-217, entitled "Enhance Law Enforcement Integrity" (the "Act"); and

WHEREAS, the Act allows a person who has a constitutional right secured by the bill of rights of the Colorado constitution that is infringed upon by a peace officer to bring a civil action for the violation against that peace officer; and

WHEREAS, the Act requires a political subdivision of the state to indemnify its employees for such a claim unless the peace officer's employer determines the officer did not act upon a good faith and reasonable belief that the action was lawful, at which point the peace officer is personally liable for five percent of the judgment or \$25,000, whichever is less; and

WHEREAS, pursuant to C.R.S. § 30-10-506, the El Paso County Sheriff has the exclusive control and authority over the terms and conditions of employment for his sworn employees, including the ability to hire and fire those employees, it is the County that indemnifies those employees and the El Paso County Sheriff's office ("EPSO") against liability claims; and

WHEREAS, EPSO and the County believe that a determination that an employee did not act in good faith, resulting in indemnification being denied, must be made in a fair, objective, and reasonable manner; and

WHEREAS, for that reason, EPSO and the County further believe that a committee ("Indemnification Committee") should be established to review the actions and claims at issue, evaluate the good faith and reasonable belief aspects of the employee's actions, and make the decision concerning indemnification; and

WHEREAS, to ensure both independence and fairness, EPSO and the County believe the Indemnification Committee shall be comprised of the following: 1) a County

Commissioner selected by the Board, 2) the Sheriff, or their designee, 3) a representative from the County Administrator's Office selected by the County Administrator, 4) a representative from the County Attorney's Office selected by the County Attorney, 5) two representatives from Human Resources selected by the Executive Director – Human Resources & Risk Management (one of whom may be a representative from the County's self-insurance excess carrier).

NOW, THEREFORE, BE IT RESOLVED, the Board of County Commissioners hereby approves the establishment of the Indemnification Committee as described above, and authorizes the Committee to promulgate rules and procedures by which it will govern itself to accomplish its purpose.

BE IT FURTHER RESOLVED, that the Chair, duly elected and qualified member of the Board of County Commissioners, or the Vice Chair, duly elected and qualified member, be and is hereby appointed and authorized to execute any necessary documents on behalf of the Board in order to complete implementation of the policy described herein.

DONE THIS 7<sup>th</sup> day of July, 2020 at Colorado Springs, Colorado.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: \_\_\_\_\_  
Chuck Broerman  
County Clerk and Recorder

By: \_\_\_\_\_  
Mark Waller, Chair