

COTTONWOOD HEIGHTS

RESOLUTION No. 2022-63

A RESOLUTION ACCEPTING REQUESTS FOR DEFENSE AND INDEMNIFICATION

WHEREAS, Cottonwood Heights Police Department officers Daniel Bartlett and Kelly Taylor and City manager Tim Tingey (those three individuals being, collectively, the “Employees”) have been named as additional co-defendants in a lawsuit styled “*Natalie C. Bruce, Plaintiff, vs. Ernest Robert Russo, Jr., Daniel Bartlett, Kelly Taylor, Blaine Tim Tingey & Cottonwood Heights, a City, Defendants*” that is pending as case no. (a) 200903436 in the Third District Court of Salt Lake County, Utah, and/or (b) 2:22-cv-671-DBP in the United States District Court for the District of Utah (including any successor action or any removal or appeal of such case to another court, called herein the “*Lawsuit*”); and

WHEREAS, UTAH CODE ANN. §63G-7-902, a portion of the Governmental Immunity Act of Utah (the “*Act*”), provides that a governmental entity shall defend any action brought against its employees arising from an act or omission occurring (a) during the performance of the employee’s duties; (b) within the scope of the employee’s employment; or (c) under color of authority; and

WHEREAS, each of the Employees has filed a written request for defense and indemnification (the “*Requests*”) with the City concerning the Lawsuit pursuant to UTAH CODE ANN. §63G-7-902(2); and

WHEREAS, the Council met in regular session on 6 December 2022 to consider, among other things, granting the Requests; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to grant the Requests and, by so doing, to agree to defend the Lawsuit and indemnify each of the Employees from and against any judgment, compromise or settlement of claim based on the acts and conduct specified in the Lawsuit, but only to the extent that such acts and conduct occurred (a) during the performance of each such Employee’s duties; (b) within the scope of each such Employee’s employment; or (c) under color of authority, with a reservation of rights by the City as provided in UTAH CODE ANN. §63G-7-902(6);

NOW, THEREFORE, BE IT RESOLVED by the Cottonwood Heights city council that the City hereby grants the Requests and hereby agrees to defend the Lawsuit and indemnify each of the Employees from and against any judgment, compromise or settlement of claim based on the acts or conduct specified in the Lawsuit, but only to the extent that such acts and conduct occurred (a) during the performance of each such Employee’s duties; (b) within the scope of each such Employee’s employment; or (c) under color of authority, with a reservation of rights by the City as provided in UTAH CODE ANN. §63G-7-902(6).

This Resolution, assigned no. 2022-63, shall take effect immediately upon passage.

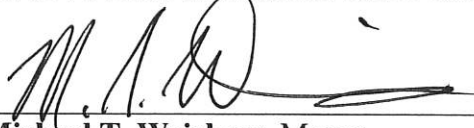
PASSED AND APPROVED effective 6 December 2022.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: 

Paula Melgar, Recorder

By: 

Michael T. Weichers, Mayor



VOTING:

Michael T. Weichers

Yea ☒ Nay ☐

Douglas Peterson

Yea ☒ Nay ☐

J. Scott Bracken

Yea ☒ Nay ☐

Shawn E. Newell

Yea ☒ Nay ☐

Ellen Birrell

Yea ☒ Nay ☐

DEPOSITED in the office of the City Recorder this 6th day of December 2022.

RECORDED this 6 day of December 2022.