

**RESOLUTION NO.** \_\_\_\_\_ It was *moved* by Commissioner \_\_\_\_\_ and duly seconded by Commissioner \_\_\_\_\_ to adopt the following Resolution:

WHEREAS, Arapahoe County is generally obligated under the terms of the Colorado Governmental Immunity Act to bear the costs of the defense of its employees incurred in lawsuits brought against them for injuries they are alleged to have caused within the course and scope of their employment, and indemnify them with respect to money judgments and settlements that might result from such suits so long as their conduct was not willful or wanton; and

WHEREAS, Arapahoe County is also responsible for fully indemnifying its peace officers pursuant to C.R.S. § 13-21-131(4) for alleged violations of the state constitution so long as its officers were acting in good faith and with a reasonable belief that their actions were lawful; and

WHEREAS, it is common for plaintiffs, without a factual basis to do so, to allege that government officials and employees acted outside the scope and course of their employment, or acted willfully and wantonly, or in bad faith; or in a specific employment capacity not applicable to the employee; and

WHEREAS, a lawsuit titled *Cleveland Flood III v. Samantha Kellogg, et al.*; Civil No. 2025CV32465, was recently commenced in Arapahoe County District Court against an Arapahoe County Sheriff's Office employee for conduct undertaken by her during the course and scope of her official duties and employment; and

WHEREAS, allegations in the lawsuit claim the employee was working as a "peace officer" at the time of the incident, but the County disputes those allegations;

WHEREAS, it appears from the information presently available that the claim(s) asserted against the employee did not arise from wanton or willful conduct and that her actions were taken in good faith with a reasonable belief that her actions were lawful; and

WHEREAS, the Board hereby determines that it is in the public interest for Arapahoe County to bear the cost of defending the Sheriff's Office employee named in the above-noted suit and to pay or settle such claims on her behalf, subject to the terms and conditions contained in the Colorado Governmental Immunity Act and C.R.S. § 13-21-131(4), if applicable.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for the County of Arapahoe, State of Colorado, that the cost of providing a legal defense for Arapahoe County employee Samatha Kellogg in the matter of *Cleveland Flood III v. Samantha Kellogg, et al.*; Civil No. 2025CV32465, pending in the Arapahoe County District Court, shall be borne by Arapahoe County and that such representation shall be provided by the Arapahoe County Attorney's Office.

BE IT FUTHER RESOLVED that, to the extent it is relevant and applicable, Arapahoe County finds that Samanta Kellogg was acting in good faith and with a reasonable belief that her actions were lawful.

BE IT FURTHER RESOLVED that Arapahoe County shall, subject to the terms, conditions, and limitations contained in the Colorado Governmental Immunity Act and C.R.S. § 13-21-131(4), to the extent applicable, indemnify Samantha Kellogg from any judgment, inclusive of punitive damages, or a settlement that may enter against her in the above-noted litigation, and that the claims asserted against her may be compromised, settled, and disposed of by Arapahoe County as it may deem appropriate, necessary, or convenient.

The vote was:

Commissioner Baker, \_\_\_\_; Commissioner Campbell, \_\_\_\_; Commissioner Fields, \_\_\_\_; Commissioner Summey, \_\_\_\_; and Commissioner Warren-Gully, \_\_\_\_.

The Chair declared the resolution adopted and so ordered.