# COTTONWOOD HEIGHTS

## RESOLUTION NO. 2020-25

## A RESOLUTION ACCEPTING A REQUEST FOR INDEMNIFICATION

**WHEREAS**, Natalie C. Bruce ("*CM Bruce*"), individually and in her capacity as a member of the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*"), has been served as a co-defendant in an action styled *Ernest Robert Russo, Jr. vs. Cottonwood Heights, a City, Natalie C. Bruce, an individual, and John Doe Employees/Agents 1-10* that currently is pending as case no. 200903436 in the Third District Court of Salt Lake County, Utah (including any removal or appeal of such case to another court, 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**, CM Bruce has filed a request for indemnification (the "*Request*") with the City as required by UTAH CODE ANN. §63G-7-902(2); and

**WHEREAS**, the Council met in regular session on 2 June 2020 to consider, among other things, granting the Request; 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 Request and, by so doing, to agree to defend and indemnify CM Bruce for 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 CM Bruce's duties; (b) within the scope of CM Bruce'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 Request and hereby agrees to defend and indemnify CM Bruce for 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 CM Bruce's duties; (b) within the scope of CM Bruce'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. 2020-25, shall take effect immediately upon passage.

**PASSED AND APPROVED** effective 2 June 2020.

**ATTEST:**

By: _____
**Paula Melgar**, Recorder

**COTTONWOOD HEIGHTS CITY COUNCIL**

By _____
**Michael J. Peterson**, Mayor

**VOTING**:

| | | |
|---|---|---|
| | Michael J. Peterson | Yea ✓ Nay ___ |
| | Douglas Peterson | Yea ✓ Nay ___ |
| | J. Scott Bracken | Yea ✓ Nay ___ |
| | Tali C. Bruce | Yea ✓ Nay ___ |
| Excused | Christine Watson Mikell | Yea ___ Nay ___ |

**DEPOSITED** in the office of the City Recorder this 2nd day of June 2020.

**RECORDED** this 3 day of June 2020.