



judgment and attorney fees entered against him in his individual capacity as a result of the above referenced lawsuit;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for the County of Elbert, Colorado, as follows:

(1) That the Board of County Commissioners, based upon all evidence and information available to it at this time, has determined it is in the public interest to indemnify Commissioner Larry Ross from any judgment entered against him in his individual capacity in the above captioned lawsuit. Elbert County's insurance coverage for any act for which indemnification is provided by this Resolution shall be primary.

(2) The purpose of this resolution is to protect elected representatives of Elbert County against personal liability for their actions taken in good faith on behalf of Elbert County. It is the intent of Elbert County that this Resolution be liberally construed in favor of the protection of its elected officials named in the Radeker litigation. By adoption of this Resolution, Elbert County does not waive its rights to claim sovereign immunity as a defense in the above-captioned lawsuit.

(3) If any provision of this Resolution is found to be invalid by any court of competent jurisdiction, said findings shall not affect the validity of the remainder of the Resolution.

(4) All indemnification described in this Resolution shall be effective immediately and shall be valid during the current fiscal and calendar year, and shall be considered automatically renewed on January 1<sup>st</sup> of each year thereafter unless repealed by resolution of the Board of County Commissioners within sixty days prior to the renewal date.

APPROVED AND ADOPTED this 27<sup>th</sup> day of January, 2016.

Upon a Motion duly made and seconded, the foregoing resolution was adopted by the following vote:

RECUSED AYE  
LARRY ROSS, CHAIRMAN

Kelly Dore AYE  
KELLY DORE, VICE-CHAIR

Robert Rowland AYE  
ROBERT ROWLAND, COMMISSIONER

ATTEST: DALLAS SCHROEDER  
COUNTY CLERK

BY: Dallas Schroeder  
DEPUTY, CLERK TO THE BOARD

