



DATE: August 28, 2019
TO: Richard Skorman, City Council President
FROM: Wynetta Massey, City Attorney
RE: September 9, 2019, Executive Session Agenda

Please schedule the following legal matter for **Open Executive Session:**

Delbert Sgaggio v. Bret Poole et al., Case No. 19-cv-01975-PAB-KMT, United States District Court, District of Colorado

The Civil Action Investigation Committee met on August 23, 2019, and has recommended that the City represent the Officers as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. The Officers were acting in the course and scope of their employment and not in a willful and wanton manner. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.

Wynetta Massey
City Attorney

C: John W. Suthers, Mayor
Jeff H. Greene, Chief of Staff
Denny Nester, City Auditor
Sarah B. Johnson, City Clerk
Emily Evans, City Council Administrator
Tom Florczak, Deputy City Attorney