



Legislation Text

File #: 22-786, **Version:** 1

Consideration of an employee request for the cost of defense and/or fine pursuant to City Code Section 1.4.301

(Administrative)

Presenter:

Wynetta Massey, City Attorney
Erik Lamphere, Division Chief - Litigation/Employment

Summary:

Pursuant to City Code Section 1.4.301, an employee of the City has requested that the City bear the cost of defense and/or fine for the employee in an ongoing criminal matter. City Council must make three findings in order to determine if the City should bear the cost of defense of the employee. If the criminal action results in final conviction of the employee, the employee shall reimburse the City.

Background:

See attached memo.

Previous Council Action:

N/A

Financial Implications:

If the City Council votes to pay the costs of defense and/or fine, the City will incur the expense of defending the employee. The employee shall reimburse the City upon final conviction.

City Council Appointed Board/Commission/Committee Recommendation:

Pursuant to City Code Section 1.4.301.B, a committee consisting of the City Attorney, the Risk Manager and the Fire Chief investigated the charge. The committee recommended that the City deny the request to pay the cost of defending the employee.

Stakeholder Process:

N/A

Alternatives:

Move to approve the request that the City bear the cost of defense and/or fine for Wesley Cosgrove in the matter of People of the State of Colorado v. Wesley Cosgrove, based upon the finding that the request meets the determinations required by City Code Section 1.4.301.A, subject to the following conditions:

1. The employee shall reimburse the City for costs and expenses upon final conviction, including a plea of guilty, plea pursuant to North Carolina v. Alford, or plea of nolo contendere.

2. The employee shall enter into an agreement with the City setting forth the terms of the employee's obligations to repay the City in the event of a final conviction and any other terms deemed necessary by the Mayor or his designee.

Proposed Motion:

Move to deny the request that the City bear the cost of defense and/or fine for Wesley Cosgrove in the matter of People of the State of Colorado v. Wesley Cosgrove, based upon the finding that the request does not meet the determinations required by City Code Section 1.4.301.A.

N/A