

COTTONWOOD HEIGHTS

RESOLUTION NO. 2015-32

A RESOLUTION ACCEPTING  
REQUESTS FOR INDEMNIFICATION

**WHEREAS**, Kelvyn H. Cullimore, Jr. (“*Mayor Cullimore*”), the mayor of the city of Cottonwood Heights (the “*City*”), and James Woods (“*Officer Woods*”), a sworn officer of the Cottonwood Heights Police Department, were served (in their individual and official capacities) as defendants in an action styled Marlon Jones vs. James Woods, Kelvyn Cullimore, Cottonwood Heights, and John and Jane Does 1-10 that currently is pending as case no. 2:15-cv-00278 in the United States District Court for the District of Utah (the “*Lawsuit*”); and

**WHEREAS**, Mayor Cullimore and Officer Woods each have filed a request for indemnification (the “*Requests*”) with the City as required by UTAH CODE ANN. §63G-7-902, a portion of the Governmental Immunity Act of Utah (the “*Act*”); and

**WHEREAS**, the city council (the “*Council*”) of the City met in regular session on 26 May 2015 to consider, among other things, granting the Requests; 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 Requests and, by so doing, to agree to defend and indemnify Mayor Cullimore and Officer Woods for all judgments, compromise or settlement of claim based on the acts or conduct specified in the Lawsuit, on the terms and conditions of the Act;

**NOW, THEREFORE, BE IT RESOLVED** by the Cottonwood Heights city council that the City hereby grants the Requests and hereby agrees to defend and indemnify Mayor Cullimore and Officer Woods for all judgments, compromise or settlement of claim based on acts or conduct of Mayor Cullimore or Officer Woods, as applicable, specified in the Lawsuit, on the terms and conditions of the Act.

This Resolution, assigned no. 2015-32, shall take effect immediately upon passage.

**PASSED AND APPROVED** effective 26 May 2015.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: Kory Solerio  
Kory Solerio, Recorder

By: Kelvyn H. Cullimore, Jr.  
Kelvyn H. Cullimore, Jr., Mayor



VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael. J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the office of the City Recorder this 26<sup>th</sup> day of May 2015.

**RECORDED** this 26 day of May 2015.