

Bond Case Briefs

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County of Jefferson v. Stickle

Supreme Court of Colorado - February 5, 2024 - P.3d - 2024 WL 413484 - 2024 CO 7

Pedestrian brought premises liability action against county arising out of injuries she sustained when she fell in a public parking structure maintained by the county. County filed motion to dismiss for lack of subject matter jurisdiction, alleging immunity under the Colorado Governmental Immunity Act (CGIA).

Following an evidentiary hearing, the District Court denied the county's motion to dismiss. County appealed, and the Court of Appeals affirmed. County petitioned for certiorari review, which was granted.

The Supreme Court held that:

- As a matter of first impression, parking structure where pedestrian fell was a "building" under the CGIA, and
- Optical illusion created by parking structure's surface coloring resulted at least in part from maintenance of the facility, and thus CGIA waived immunity.

Parking structure where pedestrian fell was a "building" within waiver provision of the Colorado Governmental Immunity Act (CGIA), where structure was a permanent two-level structure made of concrete and masonry materials, lower level was not entirely enclosed but had a knee-high wall surrounding it with support columns at regular intervals, and while building did not have heating, ventilation, or air conditioning, it had electricity, lighting, and a fire suppression system.

Optical illusion created by parking structure's surface coloring resulted at least in part from maintenance of the facility and was not solely a design decision, and thus Colorado Governmental Immunity Act (CGIA) waived immunity for accident in which pedestrian fell in garage allegedly due to illusion that caused walkway and parking surface to appear as a single flat surface; even if resurfacing both walkway and parking surface with the same materials was a design decision, the decision was part of a broader maintenance process.