



City of Oregon City

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Staff Report

File Number: 17-124

Agenda Date: 2/15/2017

Status: Agenda Ready

To: City Commission

Agenda #: 7b.

From: Tony Konkol

File Type: Resolution

SUBJECT:

Resolution No.17-06: Recommending the Restoring of Recreational Immunity Rights

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission approve proposed Resolution No. 17-06, recommending that the 2017 Oregon Legislative Assembly restore recreational immunity to landowners and their officers, employees, agents and volunteers.

BACKGROUND:

For twenty years the Public Use of Lands Act was broadly interpreted to provide Oregon landowners and their employees and volunteers immunity from civil liability in the event a person is injured on their property provided that they were recreating and that the property owner did not charge a fee for access to their land. However, the Oregon Supreme Court has ruled that the employees or other agents of the landowner may be liable if a person is injured as a result of their actions. For public agencies that are required to indemnify and defend their employees against such claims, recreational immunity has been stripped away. Without effective recreational immunity, Oregon City will expose itself to unwarranted risks when providing recreational opportunities in the community. Oregon's recreational opportunities are utilized to a high degree by its citizens, contribute to quality of life and should not be compromised by the possibility of such lawsuits. Proposed Resolution 17-06 would demonstrate the City Commission's support for the 2017 Oregon Legislative Assembly to restore the civil immunity landowners and their employees had against tort actions for injuries sustained while recreating prior to the Oregon Supreme Court ruling. The City Commission previously identified restoring recreational immunity as a legislative priority for 2017.