

RESOLUTION NO. 2621

A RESOLUTION LIMITING CITY LIABILITY FROM CLAIMS OF PERSONAL INJURY OR PROPERTY DAMAGE ARISING FROM PUBLIC USE OF CITY PROPERTY FOR RECREATIONAL AND OTHER PURPOSES.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. That the Oregon Public Use of Lands Act passed in 1995 with a goal of encouraging public and private owners of land to make their land available to the public for recreational purposes free of charge.
2. That the Oregon Revised Statutes (ORS) 105.668 has provided that landowners, both public and private, who made their land available without charge for recreational use by the public were not liable if a person was injured while using the land for recreational and other purposes.
3. That at the recommendation of the City's insurer, City-County Insurance Services (CIS), the City has sought to avail itself of the liability protections afforded by ORS 105.672 to 105.696 which is collectively referred to as the "recreational immunity law", through the adoption of Resolution No. 1960 on September 9, 2008.
4. That the "recreational immunity law", ORS 105.672 to 105.696 has been modified by the Legislature numerous times including an important change through the 2024 session Senate Bill 1576 which became effective March 27, 2024.
5. That SB 1576 (2024) provides for cities to opt into the reestablished liability protections of recreational immunity which were seriously undermined by a recent Oregon Court of Appeals ruling.
6. That the City desires to continue to permit the public recreational use of City property while maintaining the liability protections afforded by the recreational immunity law.
7. That a resolution is necessary to implement the immunity protections provided through SB 1576 (2024), which will serve a valuable, necessary and authorized public purpose, and that doing so is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. The City hereby opts into the immunity from liability for personal injury or property damage resulting from the use of trails or structures in a public easement or in an unimproved right of way provided by ORS 105.668.

Section 2. The City hereby adopts to maximum extent allowed by ORS 105.672 to 105.696 and Sections 5 and 6 of the 2024 Act Senate Bill 1576, immunity from liability for personal injury or property damage resulting from the use by the public of any City property or easement, either improved or unimproved.

Section 3. The City Manager Ray Young, and Risk Manager and Finance Director Erich Mueller, (each a "City Official") are designated, or a designee of the City Official, to act on behalf of the City, and without further action by the City Council, are hereby authorized, empowered and directed to take any and all other required and necessary actions to implement the intent of this resolution.

Section 4. Further, as applicable, to comply with State statutes, administrative rules or local ordinances, and to act in the best interest of the City, and without further action by the City Council, the City Officials are hereby authorized, directed, and responsible for fulfilling the ministerial, intergovernmental, technical, compliance, procedural or promotional functions as required for the effective administration and implementation of this resolution, and to take any other action as may be advisable, convenient, necessary, or appropriate, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 5. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the intent of this resolution and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 6. This Resolution shall take effect immediately upon adoption.

YEAS: 6

NAYS: 0

ABSTAINED: 0



Randy Lauer, Mayor

Date: April 10, 2024



Sarah Skroch, City Recorder

Adopted: April 9, 2024