

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck, ICMA-CM

April 5, 2017

Senator Floyd Prozanski
Senate Committee on Judiciary
900 Court Street NE, Salem, OR 97301

Re: Support SB 327

Dear Chair Prozanski and members of the committee,

The City of Happy Valley respectfully supports SB 327 to restore recreational immunity to the employees, officers and agents who operate, maintain and repair recreational facilities on behalf of the City. This technical clarification remedies a recent Supreme Court decision resulting in many unanticipated consequences.

For twenty years, the Public Use of Lands Act was broadly interpreted to apply recreational immunity both to landowners and their employees and agents, such as volunteers. In *Johnson v. Gibson*, the Oregon Supreme Court determined that a public landowner's recreational immunity does not extend to its employees for actions taken within the scope of their employment. The City, however, remains ethically and legally required to indemnify employees conducting business on its behalf. As such, appellants may indirectly sue the City through its employees, effectively terminating recreational immunity in its entirety. To mitigate this liability, Happy Valley expects to pay substantively higher insurance premiums.

Happy Valley owns nearly 100 acres of park lands, and the local parks district owns an additional 40 acres within the City. Our parks are one of the most popular destinations in town; they add to our quality of life and should not be compromised by the possibility of lawsuits. Consistent with the investments our community has made into a thriving park system and the Legislative Assembly's original intent, I urge your support and DO-PASS recommendation for SB 327.

Sincerely,

A handwritten signature in black ink that reads 'Lori DeRemer'. The signature is written in a cursive style and is positioned above the printed name and title.

Lori DeRemer
Mayor

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Preserving and enhancing the safety, livability and character of our community