



PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

May 9, 2017

Representative Jeff Barker, Chair
House Judiciary Committee
900 Court Street NE, HR 343
Salem, OR 97301

Dear Chair Barker and Members of the Committee:

The City of Portland urges your support for SB 327. The bill restores recreational immunity for a landowner's officers, employees, agents and volunteers, operating in the scope of their employment or duties, from claims arising out of the public's free recreational use of a landowner's property.

The City of Portland Bureau of Parks & Recreation (PP&R) owns and maintains 144 developed park and 7,921 acres of natural areas for the community's free access. Our parks, playgrounds and recreational areas are important resources to the people of Portland and visitors who love and use them. Safety is our top priority at PP&R and we continuously work to monitor and improve how we plan, develop and maintain our parks for their safe use by members of the community.

The immunity granted to the City of Portland under the Public Use of Lands Act allows the City to make available free parks and recreation opportunities that otherwise might be risk-prohibitive. The recent *Johnson v. Gibson* Oregon Supreme Court decision held that employees do not share that immunity. This conclusion undermines the immunity because, under the Tort Claims Act, the City is required to defend and indemnify its employees, and thus becomes vicariously responsible for claims. Additionally, PP&R has more than 200 Friends and Partner groups who contribute over 400,000 volunteer hours to stewarding our park lands—completing essential work that otherwise would not be done with the current limited public resources. Without this legislative fix, liability would also transfer to individual volunteers, therefore deeply damaging our volunteer programs.

Administration
1120 S.W. 5th Ave., Suite 1302
Portland, OR 97204
Tel: (503) 823-7529 Fax: (503) 823-6007

www.PortlandParks.org
Amanda Fritz, Commissioner
Mike Abbaté, Director



Sustaining a healthy park and recreation system to make Portland a great place to live, work and play.

I urge your support for SB 327, restoring the utility of the immunity in the Public Lands Act and preserving recreational opportunities for members of the public.

Thank you again for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Abbate". The signature is written in a cursive, slightly slanted style.

Mike Abbate
Portland Parks & Recreation Director