CITY OF DUNES CITY  
LANE COUNTY, OREGON  

RESOLUTION SERIES 2017, NO. 5 (2-21-2017)  

A RESOLUTION OF THE CITY OF DUNES CITY  
RECOMMENDING RESTORING RECREATIONAL IMMUNITY RIGHTS  

WHEREAS, in 1995, the Legislative Assembly declared it to be the public policy of the  
State of Oregon to encourage landowners to make their land available to the public for  
recreational purposes by limiting their liability toward persons entering thereon for such  
purposes, and;  

WHEREAS, recreation purposes includes, but are not limited to, outdoor activities such  
as hunting, fishing, swimming, boating, camping, picnicking, hiking, nature study,  
outdoor educational activities, water sports, winter sports, viewing or enjoying historical,  
archaeological, scenic or scientific sites or volunteering for any public purpose project,  
including the above aforementioned activities, as well as: gardening, woodcutting and  
for the harvest of special forest products, and;  

WHEREAS, the Public Use of Lands Act has increased the availability of land for free  
recreation by citizens and visitors alike by limiting liability to cities, counties, park  
districts, irrigation districts, schools and private landowners, including property-owner  
associations, farmers and timber companies that, by virtue of this act, allow members of  
the public to use or traverse their lands at no charge for recreation purposes, and;  

WHEREAS, for twenty years, the Public Use of Lands Act has been broadly interpreted to  
extend this immunity from liability to apply not only to landowners but also to the  
landowner’s employees agents, and volunteers, and;  

WHEREAS, in Johnson v. Gibson, the Oregon Supreme Court held that when the  
Legislature passed the Public Use of Lands Act, it intended to immunize only the  
landowner, otherwise the Legislative Assembly would have included employees, agents  
and volunteers in the Act, and;  

WHEREAS, this ruling effectively undermines a landowner’s recreational immunity from  
tort liability under the Act because public employers are statutorily required to  
represent and indemnify their employees and most, if not all, landowners who allow  
access to their lands free of charge will ultimately be responsible for the negligence of  
their employees that results in injury to a member of the public or property, and;  

WHEREAS, landowners will likely face substantially increased insurance premiums for  
this new risk exposure and/or have to close their property or amenities to Oregonians  
trying to recreate due to the result of this decision.
NOW, THEREFORE, let it be known that the City Council of Dunes City supports legislation in the 2017 Oregon Legislative Assembly promulgated to restore recreational immunity to landowners and their officers, employees, agents or volunteers who are acting within the scope of their employment or duties so to allow Oregonians to access their lands for recreational use and enjoyment.

ADOPTED BY THE DUNES CITY COUNCIL THIS 21st DAY OF FEBRUARY, 2017.

Ayes: 4  Nays: 0  Abstain: 0  Absent: 2  Vacant: 0

[Signature]
Sheldon Meyer, Council President

Attest:

[Signature]
Jamie Mills, City Administrator