

RESOLUTION NO. 2016-17-4
A RESOLUTION OF THE PORT OF HOOD RIVER

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, recreations 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 Port of Hood River 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 Board of Directors of the **Port of Hood River** on **January 24, 2017**.



Brian Shortt, President

Attest:

Absent

Fred Duckwall, Vice President



Jon Davies, Secretary

Absent

Rich McBride, Treasurer



Hoby Streich, Commissioner

House Bill 2483

Sponsored by Representative BENTZ (at the request of Bruno Jagelski) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Extends recreational immunity to employees and agents of owner of land when acting within scope of duties.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to recreational immunity; amending ORS 105.672; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 105.672 is amended to read:

5 105.672. As used in ORS 105.672 to 105.696:

6 (1) "Charge":

7 (a) Means the admission price or fee requested or expected by an owner in return for granting
8 permission for a person to enter or go upon the owner's land.

9 (b) Does not mean any amount received from a public body in return for granting permission for
10 the public to enter or go upon the owner's land.

11 (c) Does not include the fee for a winter recreation parking permit or any other parking fee of
12 \$15 or less per day.

13 (2) "Harvest" has that meaning given in ORS 164.813.

14 (3) "Land" includes all real property, whether publicly or privately owned.

15 (4) "Owner" means:

16 (a) The possessor of any interest in any land, [*such as*] **including but not limited to** the holder
17 of [*a fee*] **any legal or equitable** title, a tenant, a lessee, an occupant, the holder of an easement,
18 the holder of a right of way or a person in possession of the land; **and**

19 (b) **An officer, employee, volunteer or agent of a person described in paragraph (a) of this**
20 **subsection, while acting within the scope of assigned duties.**

21 (5) "Recreational purposes" includes, but is not limited to, outdoor activities such as hunting,
22 fishing, swimming, boating, camping, picnicking, hiking, nature study, outdoor educational activities,
23 waterskiing, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites
24 or volunteering for any public purpose project.

25 (6) "Special forest products" has that meaning given in ORS 164.813.

26 (7) "Woodcutting" means the cutting or removal of wood from land by an individual who has
27 obtained permission from the owner of the land to cut or remove wood.

28 **SECTION 2. This 2017 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
30 **on its passage.**

31

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in boldfaced type.

Restore Recreational Immunity

CALL TO ACTION



In the July/August 2016 issue of *News and Risk Management Review*, we brought you information about a recent Oregon Supreme Court case (*Johnson v. Gibson*) that has threatened recreational immunity. Recreational immunity, derived from the Public Use of Lands Act, extends immunity from liability to landowners who make their lands available to the public free of charge. It was designed to protect landowners, both public and private, from liability should a person become injured while using the land for recreational purposes.

The Oregon Supreme Court ruled that when the Legislature passed the Public Use of Lands Act, it only immunized the actual landowner and did not extend the immunity to employees, agents, and volunteers who act on behalf of the landowners.

What SDAO is Doing

SDAO is a member of a coalition of public and private property owners who worked on a legislative proposal that has been introduced for the upcoming Legislative Session and will amend the Public Use of Lands Act.

How You Can Help

We urge your board of directors to review the sample resolution we have developed <http://ref.sdao.com/landuse/resolution.docx> and consider its adoption. After the resolution has been adopted, we would simply ask that you speak with your legislators explaining the need for fixing this decision and share the adopted resolution with them. Doing so will strengthen our voice on this important issue. If you need assistance locating your legislators, please visit www.oregonlegislature.gov/findyourlegislator/leg-districts.html.

This ruling has a significant effect on special districts. Since public employers are statutorily required to represent and indemnify their employees, agents, and volunteers, it exposes them to an increased risk of liability. It means recreational immunity no longer exists for a district when an employee, board member, or other public official is named on a lawsuit which alleges damages resulting from a recreational activity.

Every member of SDAO provides valuable services to the people of Oregon. Our success directly affects individuals throughout the state. Together we must find a way to create a safe environment for the public while protecting the dollars that taxpayers have entrusted us with.

Frequently Asked Questions

What is recreational immunity?

It is derived from the Public Use of Lands Act that was enacted by the Legislative Assembly in 1995. The driving policy behind this act was to provide more recreational opportunities to the citizens and visitors of Oregon. In order to accomplish this goal the Act extends immunity from liability to landowners, both public and private, who make their lands available to the public free of charge in the event a person is injured while using the land for recreational purposes.

What are recreational purposes?

According to the Public Use of Lands Act, recreational purposes “include, but are not limited to, outdoor activities such as hunting, fishing, swimming, boating, camping, picnicking, hiking, nature study, outdoor educational activities, water skiing, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites or volunteering for any public purpose project, gardening, woodcutting and for the harvest of special forest products.”

What has been the outcome of the Act?

The Public Use of Lands Act has increased the availability of land for free recreation by limiting liability to cities, counties, parks, schools and a wide range of private owners, including farmers and timber companies that allow hunters, anglers, hikers, mountain bikers and other members of the public to use or traverse their lands at no charge.

What types of property does this decision impact?

This decision impacts all public and private lands in Oregon that are available to the public free of charge to recreate on. This includes areas like state forests/parks, county parks, open space, playgrounds, recreational facilities, irrigation district easements, public docks, gifted or undeveloped property used for hiking, biking, hunting etc., lakes/reservoirs used for boating and swimming, as well as farms, ranches and private forest lands.

Why is a legislative fix needed?

For more than twenty years the Public Lands Use Act had been broadly interpreted. However, a 2016 Oregon Supreme Court decision, *Johnson v. Gibson*, undermined the immunity by ruling that when the Legislature passed the Public Lands Act it only immunized the actual landowner and did not extend the immunity to employees, agents, volunteers and the like who act on behalf of the landowners.

What has been the result of this decision?

This ruling effectively undermines a public land-owners recreational immunity from tort liability under the Act because public employers are statutorily required to represent and indemnify their employees, agents and volunteers who are acting within the course and scope of their duties. Second, it exposes private land owners to similar liability because they will likely be ultimately found responsible for their employees' negligence.

What are the consequences of not amending the Act?

As a result of this ruling both public and private landowners will likely face substantially increased insurance premiums for this new risk exposure, thereby forcing them to reduce recreational opportunities or services or to limit access or entirely close their property to recreational use.

What about the Constitutional Remedies Clause?

Article 1, section 10 of the Oregon Constitution provides that “every man shall have remedy by due course of law for injury done him in his person, property, or reputation.”

Fixing recreational immunity for public and private property owners will also require modifying a landowner's duty of care toward members of the public who use land for recreational purposes. Specifically, the legislation will expressly state the landowner's duties owed to members of the public in order to satisfy the remedies clause and ensure that the immunity is not illusory.

How will the bill clarify the duties owed to the public?

The bill clarifies that a landowner does not owe a duty to inspect and maintain the land in a safe condition for entry or use by the public for recreational purposes. Therefore, the landowner does not extend any assurance that the land is safe for any purpose and does not assume responsibility or incur liability for injury, death or loss to any person or property.

Will the public still be able to sue landowners?

Yes. Landowners, both public and private, will still be liable for intentional acts.

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater, and punitive damages;

(b) At the request of any party, the action shall be tried to a jury;

(c) Upon appeal of any judgment finding a violation, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1); and

(d) Any attorney fee agreement shall be subject to approval by the court.

(4) In any action under subsection (1) of this section alleging a violation of ORS 652.355 or 653.060, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater.

(5) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574, 659A.203 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$250, whichever is greater.

(6) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092, the court may award, in addition to the relief authorized under subsection (1) of this section, a civil penalty in the amount of \$720.

(7) Any individual against whom any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action against the operator or manager of the place, the employee or person acting on behalf of the place or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an action under this subsection:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory and punitive damages;

(b) The operator or manager of the place of public accommodation, the employee or person acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all damages awarded in the action;

(c) At the request of any party, the action shall be tried to a jury;

(d) The court shall award reasonable attorney fees to a prevailing plaintiff;

(e) The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails only if the court determines that the plaintiff had no objectively reasonable basis for as-

serting a claim or no reasonable basis for appealing an adverse decision of a trial court; and

(f) Upon any appeal of a judgment under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1).

(8) When the commissioner or the Attorney General has reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the rights protected by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner or the Attorney General may file a civil action on behalf of the aggrieved persons in the same manner as a person or group of persons may file a civil action under this section. In a civil action filed under this subsection, the court may assess against the respondent, in addition to the relief authorized under subsections (1) and (3) of this section, a civil penalty:

(a) In an amount not exceeding \$50,000 for a first violation; and

(b) In an amount not exceeding \$100,000 for any subsequent violation.

(9) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to the commissioner if the commissioner prevails in the action. The court may award reasonable attorney fees and expert witness fees incurred by a defendant that prevails in the action if the court determines that the commissioner had no objectively reasonable basis for asserting the claim or for appealing an adverse decision of the trial court.

(10) In an action under subsection (1) or (8) of this section alleging a violation of ORS 659A.145 or 659A.421 or discrimination under federal housing law:

(a) "Aggrieved person" includes a person who believes that the person:

(A) Has been injured by an unlawful practice or discriminatory housing practice; or

(B) Will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

(b) An aggrieved person in regard to issues to be determined in an action may intervene as of right in the action. The Attorney General may intervene in the action if the Attorney General certifies that the case is of general public importance. The court may allow an intervenor prevailing party costs and reasonable attorney fees at trial and on appeal.

Approved by the Governor March 29, 2016
Filed in the office of Secretary of State March 29, 2016
Effective date January 1, 2017

(3) **“Information” includes public and private records, documents and electronically stored data.**

(4) **“Knowledge” means actual knowledge.**

(5) **“Nonprofit organization” or “nonprofit” means an organization or group of organizations that:**

(a) **Receives public funds by way of grant or contract; and**

(b) **Is exempt from income tax under section 501(c)(3) of the Internal Revenue Code.**

[3] (6) **“Public employer” means:**

(a) **The state or any agency of or political subdivision in the state; [and]**

(b) **Any person authorized to act on behalf of the state, or any agency of or political subdivision in the state, with respect to control, management or supervision of any employee; or[.]**

(c) **An employer who employs an employee described in subsection (2)(a) to (e) of this section.**

SECTION 4. ORS 659A.203 is amended to read:

659A.203. (1) Subject to ORS 659A.206, except as provided in ORS 659A.200 to 659A.224, it is an unlawful employment practice for any public or nonprofit employer to:

(a) Prohibit any employee from discussing, [*in response to an official request,*] either specifically or generally with any member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district, the activities of:

(A) The state or any agency of or political subdivision in the state; or

(B) Any person authorized to act on behalf of the state or any agency of or political subdivision in the state.

(b) Prohibit any employee from disclosing, or take or threaten to take disciplinary action against an employee for the disclosure of any information that the employee reasonably believes is evidence of:

(A) A violation of any federal, [or] state or local law, rule or regulation by the [*state, agency or political subdivision*] **public or nonprofit employer;**

(B) Mismanagement, gross waste of funds or abuse of authority or substantial and specific danger to public health and safety resulting from action of the [*state, agency or political subdivision*] **public or nonprofit employer;** or

(C) Subject to ORS 659A.212 (2), the fact that a person receiving services, benefits or assistance from the state or agency or subdivision, is subject to a felony or misdemeanor warrant for arrest issued by this state, any other state, the federal government, or any territory, commonwealth or governmental instrumentality of the United States.

(c) Require any employee to give notice prior to making any disclosure or engaging in discussion de-

scribed in this section, except as allowed in ORS 659A.206 (1).

(d) Discourage, restrain, dissuade, coerce, prevent or otherwise interfere with disclosure or discussions described in this section.

(2) [No] A public or nonprofit employer [*shall*] may not invoke or impose any disciplinary action against an employee for employee activity described in subsection (1) of this section or ORS 659A.212.

(3) **The remedies provided by this section are in addition to any remedy provided to an employee under ORS 659A.199 or other remedy that may be available to an employee for the conduct alleged as a violation of this section.**

(4) **A violation of this section is a Class A misdemeanor.**

SECTION 5. ORS 659A.885 is amended to read:

659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in subsection (2) of this section may file a civil action in circuit court. In any action under this subsection, the court may order injunctive relief and any other equitable relief that may be appropriate, including but not limited to reinstatement or the hiring of employees with or without back pay. A court may order back pay in an action under this subsection only for the two-year period immediately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-year period immediately preceding the filing of the action. In any action under this subsection, the court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Except as provided in subsection (3) of this section:

(a) The judge shall determine the facts in an action under this subsection; and

(b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (3).

(2) An action may be brought under subsection (1) of this section alleging a violation of ORS 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 475B.233, 476.574, 652.355, 653.060, 653.601 to 653.661, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.355, [or] 659A.421, [or ORS] 653.547 [*and*] or 653.549.

(3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, **659A.203**, 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, [or] 659A.421, [or ORS] 653.547 [*and*] or 653.549:

CHAPTER 73

AN ACT

HB 4067

Relating to employee whistleblowers; creating new provisions; and amending ORS 659A.200, 659A.203 and 659A.885.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 659A.200 to 659A.224.

SECTION 2. (1) An employee's good faith and objectively reasonable belief of a violation of federal, state or local law, rule or regulation by the employer shall be an affirmative defense to a civil or criminal charge related to the disclosure by the employee of lawfully accessed information related to the violation, including information that is exempt from disclosure as provided in ORS 192.501 to 192.505 or by employer policy, if the information is provided to:

- (a) A state or federal regulatory agency;
- (b) A law enforcement agency;
- (c) A manager employed by the public or nonprofit employer of the employee; or
- (d) An attorney licensed to practice law in this state if a confidential communication is made in connection with the alleged violation described in this section and in furtherance of the rendition of professional legal services to the employee that are subject to ORS 40.225.

(2) An employee may not assert the affirmative defense described under subsection (1) of this section if the information described in subsection (1) of this section:

- (a) Is disclosed or redisclosed by the employee or at the employee's direction to a party other than the parties listed in subsection (1) of this section;
- (b) Is stated in a commercial exclusive negotiating agreement with a public or nonprofit employer, provided that the agreement is not related to the employee's employment with the employer; or
- (c) Is stated in a commercial nondisclosure agreement with a public or nonprofit employer, provided that the agreement is not related to the employee's employment with the employer.

(3) The affirmative defense described in subsection (1) of this section is available to an employee who discloses information related to an alleged violation by a coworker or supervisor described in subsection (1) of this section if the disclosure relates to the course and scope of employment of the coworker or supervisor.

(4) The affirmative defense described in subsection (1) of this section may not be asserted by an employee who is an attorney or by an employee who is not an attorney but who is employed, retained, supervised or directed by an

attorney if the information disclosed pursuant to subsection (1) of this section is related to the representation of a client.

(5) This section and ORS 659A.203, including disclosures under subsection (1) of this section, are subject to the rules of professional conduct established pursuant to ORS 9.490.

(6) Public and nonprofit employers shall establish and implement a policy regarding employees who invoke their rights under this section or ORS 659A.203. The policy shall delineate all rights and remedies provided to employees under this section and ORS 659A.203. The employer shall deliver a written or electronic copy of the policy to each employee.

(7) Subject to the rules of professional conduct established pursuant to ORS 9.490, a public employee who is an attorney may report to the Attorney General the employee's knowledge of a violation of federal, state or local law, rule or regulation by the public employer.

(8) Disclosure of information pursuant to subsection (1) of this section does not waive attorney-client privilege or affect the applicability of any exemption from disclosure of a public record under ORS 192.501 to 192.505.

(9) Notwithstanding subsection (1) of this section, information protected from disclosure under federal law, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191), may be disclosed only in accordance with federal law.

SECTION 3. ORS 659A.200 is amended to read: 659A.200. As used in ORS 659A.200 to 659A.224:

(1) "Disciplinary action" includes but is not limited to any discrimination, dismissal, demotion, transfer, reassignment, supervisory reprimand, warning of possible dismissal or withholding of work, whether or not the action affects or will affect employee compensation.

(2) "Employee" means a person:

- (a) Employed by or under contract with the state or any agency of or political subdivision in the state;
- (b) Employed by or under contract with any person authorized to act on behalf of the state, or agency of the state or subdivision in the state, with respect to control, management or supervision of any employee;

(c) Employed by the public corporation created under ORS 656.751;

(d) Employed by a contractor who performs services for the state, agency or subdivision, other than employees of a contractor under contract to construct a public improvement; *[and]*

(e) Employed by or under contract with any person authorized by contract to act on behalf of the state, agency or subdivision[.];

(f) Employed by a nonprofit organization; or

(g) Serving as a member of a board of directors of a nonprofit organization who is not otherwise considered an employee.



EXHIBIT A

Oregon Whistleblower Protections Policy

Purpose

To provide and reporting procedures should a District employee become aware of improper government action in accordance with Oregon Revised Statute 659A.200 to 659A.224.

- I. The Port encourages any employee with knowledge of or concern of an illegal or dishonest fraudulent Port activity to report it to the Executive Director or designee. The employee may also provide the information to another Port manager, a state or federal regulatory agency, a law enforcement agency or an attorney licensed to practice law in Oregon if a confidential communication is made in connection with the alleged violation. Attorneys employed by the Port may report violations of law to the Attorney General, subject to rules of professional conduct. All such issues will be investigated in a timely manner to determine fault and institute any appropriate corrective measures. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. For any employee wishing more information, further details can be obtained from the Executive Director.
- II. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to corrective action up to and including termination.
- III. Whistleblower protections are provided to maintain confidentiality and to prevent retaliation. While identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their due course, the privacy of the individual making the report will be protected as much as possible. The Port will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Executive Director or designee immediately. The right of a whistle blower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.
- IV. All reports of illegal and dishonest activities will be promptly submitted to the Executive Director or designee who is responsible for investigating and coordinating corrective action.

PORT OF HOOD RIVER

Resolution No. 2016-17-3

RESOLUTION ADOPTING OREGON WHISTLEBLOWER PROTECTIONS

WHEREAS the Port of Hood River Commission and staff are committed to practice the highest lawful and ethical standards; and

WHEREAS the State of Oregon legislature passed House Bill 4067 to protect employees who act on good faith and objectively reasonable belief to report a violation of federal, state, or local law, rule, or regulation by their employer; and

WHEREAS House Bill 4067 requires all public employers to establish and implement a whistleblower policy by January 1, 2017 that delineates all rights and remedies provided to employees and employers;

THEREFORE, BE IT RESOLVED that the Port of Hood River Board of Commissioners hereby adopts the Oregon Whistleblower Protections Policy attached as Exhibit A as the Port of Hood River Whistleblower Protections Policy.

ADOPTED by the Port of Hood River Board of Commissioners on this 1st day of November, 2016.



Brian Shortt, President



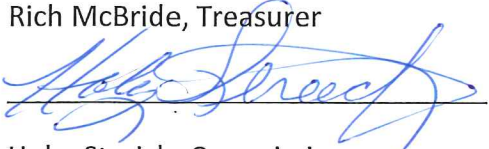
Fred Duckwall, Vice President

(Absent)

Jon Davies, Secretary



Rich McBride, Treasurer



Hoby Streich, Commissioner