

RESOLUTION NO. 2162

A RESOLUTION RECOGNIZING THE BUDGET COMMITTEE'S DELIBERATION, RESOURCE ALLOCATION AND POLICY DECISIONS RELATING TO LIGHTING UPGRADES AT SANDY PALISADES PARK AND KIKU PARK

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Budget Committee, pursuant to ORS Chapter 294, has both responsibility and authority to make resource allocation decisions.
2. Public comment was received by the Budget Committee at their meeting of May 2, 2012, from several citizens advocating for additional expenditures as well as for reducing expenditures. Citizens advocated competing priorities for expenditures for economic development spending, for and against utility rate increases, and for limiting the overall expenditure of scarce resources.
3. The Budget Committee discussed at length the merits of the proposed expenditures and undertook strategic choices to allocate limited resources, considering the relevant social, political, economic and safety considerations.
4. After considering many competing choices for limited available budget resources the Budget Committee exercised its judgment that the proposed expenditure to upgrade lighting at the City parks of Kiku and Sandy Palisades totaling \$37,500 was not of sufficient priority to warrant approval in the 2012-2013 fiscal year.
5. The Oregon Tort Claims Act (ORS Chapter 30) allows public agencies to be subject to potential liability subject to ORS 30.265(6)(c) which provides that public agencies, their officials and employees are immune from tort liability for *"any claim based upon the performance of or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused."*

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

Section 1. The Budget Committee by State statute has both the responsibility and authority to make resource allocation decisions.

Section 2. The Budget Committee discussed at length the merits of various proposed expenditures, and undertook strategic choices among competing alternatives which is the hallmark of the exercise of discretionary immunity.

Section 3. The decision not allocate resources for the upgrade of lighting in Sandy Palisades Park and Kiku Park was a policy choice that, in the judgment of the Budget Committee, was in the best interest of the City, and therefore, a discretionary act in accordance with ORS 30.265(6)(c).


Section 4. This resolution is effective immediately upon its adoption.

YEAS: 7
NAYS: 0
ABSTAINED: 0



Mayor Jim Kight

Date June 13, 2012



Debbie Stickney, City Recorder
Adopted: June 12, 2012