

CHARTER

CITY of COLUMBIA CITY

OREGON

CHAPTER X

MISCELLANEOUS PROVISIONS

CHAPTER 41. DEBT LIMIT. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$75,000.00; nor its bonded indebtedness, \$50,000.00 at any one time. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

SECTION 42. TORTS. Subject to the limitations of this section, the city shall be liable for its torts and those of its officers, employees and agents acting within the scope of their employment or duties, whether arising out of a governmental or proprietary function. This section shall not apply to: (a) any claim for injury to or death of any person or injury to property resulting from an act or omission of an officer, employee or agent of the city when such officer, employee or agent is immune from liability; (b) any claim for injury to or death of any person covered by Workmen's Compensation Law; (c) any claim in connection with the assessment and collection of taxes; (d) 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; (e) any claim which is limited or barred by the provisions of any statute of the state of Oregon. Neither the city nor its officers, employees and agents acting within the scope of their employment or duties are liable for injury or damage: (a) arising out of riot, civil commotion or mob action or out of any act or omission in connection with the prevention of any of the foregoing; (b) because of an act done or omitted under apparent authority of a law, resolution, rule or regulation which is unconstitutional, invalid or inapplicable, except to the extent that they would have been liable had the law, resolution or regulation been constitutional, valid and applicable, unless such act was done or omitted in bad faith or with malice. Liability of the city on claims within the scope of this section shall not exceed: (a) \$25,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence; (b) \$50,000 to any claimant for all other claims arising out of a single accident or occurrence; (c) \$300,000 for any number of claims arising out of a single accident or occurrence. No award for damages on any such claims shall include punitive damages. Limitation imposed by this section on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort. Every person who claims damages from the city for or on account of any loss or injury within the scope of this section shall cause to be presented to the city within 180 days after the alleged loss or injury a written notice stating the time, place and circumstances thereof and the amount of compensation or other relief demanded. No action shall be maintained unless such notice has been given and unless the action is commenced within two years after the date of such accident or occurrence.

SECTION 43. EXISTING ORDINANCES CONTINUED. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

SECTION 44. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed except the provisions relating to annexation of territory to the city.

SECTION 45. TIME OF EFFECT OF CHARTER. This charter shall take effect January 1, 1973.