



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Resolution Supporting AB1296 Making Skateboarding a Hazardous Recreational Activity

**MEETING DATE:** April 16, 1997

**SUBMITTED BY:** City Attorney

**RECOMMENDED ACTION:** That the City Council adopt the Resolution Supporting AB1296 making skateboarding a hazardous recreational activity.

**BACKGROUND INFORMATION:** AB1296 has been introduced in this year's legislative session by Assembly Member Morrow. He is joined in that introduction by Assembly Members Mazzoni and Strom-Martin. Senator Mike Thompson has as well been placed on the bill as a co-author.

The purpose of the bill is to add skateboarding to Government Code §831.7. That particular Government Code Section sets out various activities which have been designated as hazardous recreational activities. By classifying skateboarding as a hazardous recreational activity under that Government Code Section, the City gains a high degree of protection from damages or injuries suffered while participating in such an activity on publicly owned property. Other activities currently included as hazardous recreational activities are for example water skiing, whitewater rafting, surfing, trampolining, bicycle racing or jumping, mountain bicycling, cross country and downhill skiing.

Attached to this memorandum you will find an accident history for the skateboard park. A review of that accident history clearly supports that skateboarding is an activity which should be considered a hazardous recreational activity. If you choose to adopt the resolution indicating support for AB1296, copies of the resolution will be sent to the Senate Judiciary Committee as well as members of the Assembly Judiciary Committee. It should be pointed out that a similar bill received substantial bipartisan support last year and met with a great deal of success in the Assembly. However, the bill that was presented last year did not make its way out of the Senate Judiciary Committee. A copy of your support resolution would as well be sent to Senator Johnston and Assembly Member Bowler. Additionally, the City is in receipt of a Notice of Cancellation/Non-Renewal of the insurance policy for the Skate Park effective July 1, 1997. The current carrier no longer provides this coverage.

**FUNDING:** Not applicable.

  
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RANDALL A. HAYS, City Attorney

APPROVED: \_\_\_\_\_

H. D. FLYNN  
City Manager

**SKATE PARK  
REPORTED ACCIDENT HISTORY**

3/16/96	Keith Tankersly	Broken Arm
3/29/96	Brandon Steed	Injured Arm
4/17/96	John Coughran	Broken Wrist
5/31/96	Gabe Subry	Lacerations to Hands, Arms & Wrists
7/19/96	Jeff Grady	Cut Chin
8/9/96	Nick Parrish	Sprained Ankle
8/17/96	Chance Dunstan	Chipped Elbow
8/17/96	Dustin Dais	Sprained Wrist
8/22/96	Brandon Hutton	Sprained Wrist
8/24/96	Kevin Berry	Lacerations on Leg
8/29/96	Jeffery Machado	Broken Leg
11/9/96	Terry Blehm	Broken Leg
11/21/96	Mako Urabe	Broken Ankle
12/6/96	Nick Parrish	Pulled Ligaments
12/7/96	Brandon Dreher	Bruised Knee
1/9/97	Justin Rabara	Neck Pain
1/25/97	Billy Hutchings	Sprained Wrist
2/8/97	Craig Wilson	Sprained Wrist
3/8/97	Scott Johnson	Possible Chipped Collar Bone
3/28/97	Chris Brunkhorst	Broken Ankle

RESOLUTION NO. 97-47

A RESOLUTION OF THE LODI CITY COUNCIL  
EXPRESSING ITS SUPPORT FOR AB1296 DEFINING  
SKATEBOARDING AS A HAZARDOUS RECREATIONAL ACTIVITY

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WHEREAS, § 831.7 of the California Government Code defines certain recreational activities as hazardous recreational activities; and

WHEREAS, said section provides that neither public entities nor public employees are liable to any person who participates or engages in a hazardous recreational activity on publicly owned property; and

WHEREAS, skateboarding creates a substantial risk of injury to a person who participates in such activity.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby expresses its support for AB1296 introduced in the 1997-98 regular session of the California Legislature, which adds skateboarding to California Government Code §831.7, thereby defining skateboarding as a hazardous recreational activity.

Dated: April 16, 1997

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I hereby certify that Resolution No. 97-47 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 16, 1997 by the following vote:

- AYES: Council Members -
- NOES: Council Members -
- ABSENT: Council Members -
- ABSTAIN: Council Members -

JENNIFER M. PERRIN  
City Clerk