

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - ALASKA

Lane v. City & Borough of Juneau

Supreme Court of Alaska - April 27, 2018 - P.3d - 2018 WL 1977730

Campground resident, who was shot and severely injured at campground, brought action against city, which operated the campground, alleging that city created unreasonable risk of violence at the campground, failed to protect resident from that risk, was negligent in hiring and supervising campground's caretaker, and that city was vicariously liable for caretaker's negligent conduct.

The Superior Court granted summary judgment in favor of city. Resident appealed.

The Supreme Court of Alaska held that:

- Municipality does not automatically share the protection of its employees' personal immunity, abrogating *Pauley v. Anchorage School District*, 31 P.3d 1284, and *Mills v. Hankla*, 297 P.3d 158;
- City employee's decision to allow minor alcohol consumption so long as it did not cause problems at campground was planning decision for which the city was immune;
- Resident's negligent supervision claim, alleging that city employee's explanation of alcohol policy to caretaker was inconsistent, concerned operational matter, rather than planning decision, and thus, city was not immune from the claim;
- City's decision not to employ private security for campground was planning decision for which the city was immune; and
- Genuine issues of material fact existed as to whether caretaker was acting within the scope of his employment with the city when he failed to disperse drinking party at which resident was shot, precluding summary judgment as to resident's vicarious liability claim.