

Please return to:

Executive Assistant
Kennewick Irrigation District
2015 South Ely Street
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KENNEWICK IRRIGATION DISTRICT RESOLUTION 2019-38

ACKNOWLEDGING PUBLIC LAW 116-9 TITLE VIII LIABILITY PROVISIONS

A Resolution for the Purpose of Acknowledging the Liability Provisions of Title VIII of Public Law 116-9.

WHEREAS, Title VIII of Public Law 116-9 establishes a program for the Secretary of the Department of Interior, acting through the Commissioner of the Bureau of Reclamation (Reclamation), to facilitate the transfer of non-Federal ownership of Reclamation facilities; and

WHEREAS, Section 8005 of Title VIII of Public Law 116-9 addresses liability with respect to the transfer of title, stating:

(a) **IN GENERAL.** —Effective on the date of conveyance of any eligible facility under this subtitle, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the eligible facility, other than damages caused by acts of negligence committed by the United States or by agents or employees of the United States prior to the date of the conveyance.

(b) **EFFECT.** — Nothing in this section increases the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

and;

WHEREAS, Kennewick Irrigation District (KID) is undertaking a transfer of title of certain facilities owned by Reclamation, but maintained and operated by the KID, from Reclamation to the KID, pursuant to the requirements set forth in Title VIII of Public Law 116-9.

NOW, THEREFORE, BE IT RESOLVED the Board of Directors acknowledges the provisions set forth in Section 8005 of Title VIII of Public Law 116-9 apply to the facilities that will be transferred to KID by Reclamation pursuant to Title VIII of Public Law 116-9.

Resolution 2019-38 is hereby adopted by the Board of Directors of Kennewick Irrigation District, Benton County, Washington, at a regular open public meeting thereof this 19th day of November, 2019.



Dean Dennis, President



Gene Huffman, Vice President



Kirk Rathbun, Director

By telephone

David McKenzie, Director



Raman Venkata, Director