

CALL TO ORDER

At 2:00 PM, President Bailey called the February 1, 2021 Special Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that President Bailey, Vice President Teals, Director Selmann and Director Foster were present via telephone and Legal Counsel, Brian Iller. Director Dexter and General Manager Chris Overland were present at the MLIRD board room. The record indicates that this meeting was recorded. The Pledge of Allegiance was then recited.

DISCUSSION OF AGENDA ITEM(S)

President Bailey called on the board members and anyone attending via-telephone to discuss agenda items, and nothing was brought forward. Director Dexter made a motion to approve the agenda. Director Selmann seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION

The Board went into Executive Session at 2:05 PM. To discuss with legal counsel pending litigation as potential litigation, with pending litigation with MLIRD vs. Pheasant and the Hansen vs. MLIRD matters. With the potential litigation being in the form of the legal risks for the proposed action of current practice that is authorized by RCW 42.30.110(1)(i)(iii).

The expected time was 1 hour, and the Board was to return at approximately 3:05 PM. Possible action may be taken after Executive Session.

The Board entered back into Regular Session at approximately 3:05 PM.

President Bailey made a statement to the board.

Municipal Districts are formed by the people. Choices are made at formation to provide for continuation of the purposes, intents, and benefits of inclusion in the District. One of the choices is continued participation. Change of property ownership does not give new owners the right to opt-out, of part or all, of the responsibilities, nor to change the rules (RCWs) of participation. We don't know all of the original intent of forming this District, but it has worked for almost 90 years, with a major addition in 1962. The voting process was established in a time when our society was primarily agrarian around Moses Lake. Husbands and wives worked together so that the family could succeed and survive. Since this is a Community Property State, the original formers may have felt that both husband and wife were entitled to a vote as electors. At the same time, rather than discriminating against partnerships and corporations, they were allowed two votes as well. Realistically, it may not be unreasonable to change to one vote instead of two per parcel, but two votes still give individual equal rights to married persons. Probably, many owners were residents of the District. However, the rules were made for nonresidents, whether they lived 1 or 100 or a thousand miles away.

In 1962, a community businessman, leader, and Board member of MLID was able to convince the community and the State Legislature to add additional responsibility to MLID. This man was Clint Connelly, the RCW 87.84. That puts us in a unique position with the responsibility for the "REHABILITATION" of Moses Lake. Maybe it's time to think about who that benefits and who should be financially responsible.

Senator Frank "Tub" Hansen, a local farmer, cattleman, landowner, and a community leader known for his spirited leadership attuned to private

property rights, water rights, the right to farm, and plain common sense, lived on the lakeshore and supported Moses Lake and Rehabilitation District and our work. By the way he regularly fished on Moses Lake.

Perhaps with the changes in our local culture and society, it is time to look at some updates. Voting age residents are not all property owners, but perhaps are entitled to vote as they may certainly contribute indirectly to the assessment paid by the property owners. Maybe any property using water from the lake needs to be charged for the use in addition to the assessment for Rehabilitation. Property owners should still be entitled to vote.

Rehabilitation of this lake contributes to the continuing success and prosperity of our community, which is far larger than the City of Moses Lake. Perhaps it is time to “assess or charge” those using the water for irrigation under RCW 87.03, as well as assess everyone in the area under RCW 87.84. Rehabilitation is the major portion of our work and is where the major portion of our spending, and by far the greatest need. I suggest that we take our time in coming up with revisions that benefit the majority and cause the least inconvenience to everyone. I don’t believe that this can be rushed.

As your President, we need to decide together what issues we tackle today, what issues we continue to tackle over the next period of time rather it’s a week, or until the next meeting or end of the legislative season or until next year.

ACTION ITEMS

Director Foster stated that given the current status where the MLIRD ex-officio Treasurer has expressed unwillingness to send the 2021 assessment bills out to ratepayer residents on behalf of MLIRD, Director Foster made a motion to forgo any assessments under both RCW 87.84 and 87.03 for the year 2021. Director Foster then amended his motion to charge a zero rate assessment for 2021. President Bailey seconded the motion. After board discussion took place. Director Foster withdrew his motion until Tuesday, 2/9/21 at the Regular board meeting. President Bailey withdrew his second to the motion as well.

ADJOURNMENT

President Bailey thanked the board for their participation.

The meeting was adjourned at 3:30 PM.

Bill Bailey, President

Richard Teals, Vice President

Kris Dexter, Director

Kaj Selmann, Director

Jeff Foster, Director

By: _____
Secretary to the Board of Directors