

## **CALL TO ORDER**

At 7:00 PM, Vice President Teals called the October 13, 2020 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that Vice President Teals, Director Dexter, Director Foster, and Director Selmann were present. General Manager Chris Overland and Legal Counsel Brian Iller was also present. President Bailey attended via-telephone for the first half of the meeting and then joined in person for the remainder. The record indicates that this meeting was recorded. The Pledge of Allegiance was then recited.

## **DISCUSSION OF AGENDA ITEM(S)**

Vice President Teals called on the board members and the audience for discussion on any agenda items, and nothing was brought forward.

## **DISCUSSION OF NON-AGENDA ITEM(S)**

Vice President Teals called on the board members and the audience for discussion on any non-agenda items, and nothing was brought forward.

## **APPROVAL OF THE AGENDA**

Vice President Teals called on the board members to approve the agenda. Director Foster made a motion to approve the agenda. Director Dexter seconded the motion. The motion carried unanimously.

## **APPROVAL OF CONSENT AGENDA**

Vice President Teals called on the Board of Directors to approve the consent agenda. The consent agenda consisted of the meeting minutes from 09/08/2020 Regular Meeting, the Bills/Checks (#17746-#17785), and Voucher #1000229 totaling in \$74,982.30. Director Selmann made a motion to approve the consent agenda. Director Dexter seconded the motion. The motion carried unanimously. President Bailey abstained from voting on anything related to Basin Property Management, Inc.

## **PRESENTATIONS**

Chris Newhouse – J.R. Newhouse & Company, PLLP

Chris Newhouse presented the 2019 Financial Statement to the MLIRD Board of Directors. Mr. Newhouse briefly discussed the notes and MLIRD's fixed asset listing. The Board of Directors thanked him for taking the time to present the 2019 Financial Statement. Director Foster made a motion to accept the 2019 Financial Statement. President Bailey seconded the motion. The motion carried unanimously.

## **MLIRD STAFF REPORTS**

General Manager Chris Overland reported the following:

- Lake elevation was at 1046.73 as of October 13, 2020.
- Pump Station is shut down for the year
- Fountain has been removed from the lake
- Harvesters have been put away for the season
- Connelly Park will close for the year on October 31, 2020
- Moses Lake North Dam gates will open on November 2, 2020

- General Manager and Secretary to the Board, Chris Overland, submitted the draft Assessment Roll & Schedule of Rates to the Board of Directors. MLIRD staff will schedule three advertisements for the Equalization Hearing. The draft Assessment Roll reflects 2020 data from Grant County. The Board of Directors will meet as a Board of Equalization and hear objections to the draft Assessment Roll and Schedule of Rates during a Special Meeting on November 10, 2020 at 6:45 PM. The Assessment Roll & Schedule of Rates is set in the advertisement at \$1.00 per \$1,000 of total assessed value. The Board may decide to lower the rate during the Equalization Hearing. Legal Counsel Brian Iller restated that General Manager Chris Overland has said that Grant County has not yet updated its records to reflect the value that will be used in the 2021 Assessment Roll. Legal Counsel Brian Iller wants to make sure the Board understands that the draft Assessment Roll & Schedule of Rates will be \$1.00 per \$1,000 of total assessed value on 2020 values and not 2021 values. The Board discussed if there was a certain date that Grant County had to get the 2021 values finalized. Legal Counsel Brian Iller stated that he wants the record to be clear that the advertisement notice states “based on the best information currently available to MLIRD” and “The total proposed rate is \$1.00 per thousand dollars of 2021 Total Assessed Valuation for properties in the District...” He stated the legal notice is making it clear that MLIRD will be applying the 2021 total assessed values. Director Foster mentioned that with MLIRD staying with the Grant County data, if someone comes to the Equalization Hearing and contests their assessed value, the Board will be able to state that the assessed value MLIRD uses is what the Grant County Assessor uses.
- President Bailey asked General Manager Chris Overland what the check to Gray & Osborne was for. General Manager Chris Overland stated Peter Burgoon is still working on the W-20 and the possible line from Round Lake. Director Foster stated he thought the Board had discussed putting Peter Burgoon’s research on hold and having no more consultants on the Moses Lake Watershed Council projects for the time being. President Bailey agreed and stated he thought that was discussed as well. Director Selmann said he understood that President Bailey wanted to check out the feasibility of bringing the water pipelined from Brooks Lake. Director Selmann said he and Peter Burgoon were making sure they did due diligence on figuring out what the projection of the Round Lake project would look like, as with the W-20 project. Director Selmann stated Peter Burgoon had provided a report on their findings for both of the suggested projects. General Manager Chris Overland asked if he should cancel Peter Burgoon’s involvement in an upcoming meeting. President Bailey stated he believes so and thinks if the MLIRD has been provided with a draft report, that it is probably sufficient enough for the time being. General Manager Chris Overland mentioned that he believes MLIRD is close to knowing if the North End Dilution projects will be viable or not. Director Selmann stated the expenses paid to Peter Burgoon are for working on getting rough cost projections for various approaches and maps/drawings of different routes for a pipeline. Director Selmann wants the District to do diligence on all options to have more information when meeting with irrigation districts and the USBR. Director Selmann stated he received the draft of the rough cost estimates for a pumping station from Round Lake to the fish hatchery and rough cost estimates for a 2-mile extension from the W-20 down into the north end of the lake. Director Selmann stated a lot of Peter Burgoon’s time was spent researching the Round Lake option. Director Selmann went with Peter Burgoon to Round Lake to make sure there was power at different locations and understanding where water is available. He stated a lot of work has gone into seeing if there is a feasible way to

make the Round Lake project work. Director Selmann mentioned if the Directors have concerns about what is being spent on researching these projects, then it should be discussed. He believes there is still information that needs to be collected from the irrigation districts. Once everything has been gathered, Director Selmann feels an intelligent proposal could be made to the USBR and the irrigation districts, and then discussions could occur.

- Director Position #2 will be open for election this year. If more than one Petition of Nomination is received no later than 5:00 PM on Monday, November 2, 2020 at the MLIRD Office, staff will post a Notice of Election in three public locations. MLIRD Staff has made contact with persons willing to work as the Election Board. The Board discussed whether or not MLIRD Staff should publish a Press Release to let the public know of the open MLIRD Director position. Legal Counsel Brian Iller stated there is nothing in the RCW's stating the requirement to publish a notice for the open Director position; however, MLIRD is free to go above and beyond the statutory requirements such as publishing a press release, posting public places, adding a posting to the website, etc. Director Foster feels it would be neglectful if MLIRD did not notify the public. Director Dexter stated that election notices are generally in public forum newspaper and feel it is common courtesy to let the public know. Discussion on when Petition of Nomination forms are available then took place. Legal Counsel Brian Iller stated there is no statute that states MLIRD cannot provide the Petition of Nomination forms before October 16, 2020. Petition of Nomination forms should be available anytime. Legal Counsel Brian Iller stated the only statute requirement for the Petition of Nomination forms is that it is filed by the first Monday in November by 5:00 PM. Vice President Teals said he believes transparency is important, and even though it is not in the statute, he would like to see a press release on the website and feels that would be sufficient. The MLIRD website is available to anyone, and anyone interested will seek it out. Director Foster made a motion to publish a notice every year in May, June, or July if there is a Director position open to give a ratepayer of the District time to think about serving before Petition of Nominations are due. Legal Counsel Brian Iller stated a paragraph could be added to Resolution 2020-02 that says the District shall maintain a link on the website for elections that advises the public that Petition of Nominations are open every year if someone is interested in being on the MLIRD Board, Petition of Nomination forms are available at the MLIRD office and on the website and must be submitted to the MLIRD office by 5:00 PM on the first Monday in November each year. President Bailey likes the idea of the forms being available on the website; however, he feels MLIRD should still publish a press release this year. Places for the press release mentioned were Columbia Basin Herald, Grant County Journal, and radio stations. Legal Counsel Brian Iller asked that MLIRD Staff to keep track of every place the press release is sent to in case someone challenges the notice. The Board agreed to have MLIRD staff issue a press release, add information to the website regarding elections, and post the press release in multiple places. The Board also decided to add a paragraph to Resolution 2020-02 Policies and Procedures that address notices of vacancies.

## **EXECUTIVE SESSION**

The Board went into Executive Session at 8:15 PM to discuss with legal counsel potential litigation in the form of risks of a proposed action as authorized by RCW 42.30.110 (1)(i)(iii). Possible action may be taken after Executive Session but is not expected. The expected time was 30 minutes, and the Board was to return approximately at 8:45 PM.

At 8:45 PM, President Bailey extended Executive Session 15 minutes. The Board was to return to Regular Session at approximately 9:00 PM.

The Board entered back into Regular Session at 9:00 PM.

**RESOLUTIONS**

Director Foster made a motion to approve Resolution 2020-02 with the addition of notice requirements for vacancies permanently to the website, and by press release to local media and posting the press release in at least three public places by July 1 each year, changing of the word secrecy to privacy on page 9 subsection 8, to modify the common agreement to vote ballots for marital community form to include the representation of one spouse for the common agreement and add the following language that is included in the common agreement to vote ballots for legal entity and joint ownership form to be acceptable for the District to accept one spouse signature representing they have the right to vote for the marital community. Vice President Teals seconded the motion. The motion carried unanimously.

**WORKSHOP/DIRECTOR QUESTIONS and/or COMMENTS**

Discussion was then had on if additional notice or postings should occur this year because there are only two weeks before Petition of Nominations is due. President Bailey stated he likes the idea of posting signs at various locations. Director Foster stated MLIRD could offer the common agreement forms on the website for anyone that would like to fill them out ahead of time. Director Selmann expressed concern about looking at new ownership that recently took place and might not be updated on any records. Legal Counsel Brian Iller stated he is going over a previous form the District used, making adjustments, and that person will be able to sign the form and still vote by provisional ballot. Discussion took place on what the signs should say. The Directors decided the signs should read “Voting has changed, MLIRD.ORG” Legal Counsel Brian Iller stated a provisional ballot would allow someone that comes in without a signed common agreement to submit a provisional ballot and provide the common agreement form before the canvassing of the election. Discussion was then held on how the voting rights have changed, how many ballots each ownership gets, and where the signs should be placed.

**ADJOURNMENT**

The meeting was adjourned at 9:18 PM.

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Bill Bailey, President

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Richard Teals, Vice President

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Kris Dexter, Director

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Kaj Selmann, Director

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Jeff Foster, Director

By: \_\_\_\_\_  
Secretary to the Board of Directors