

CALL TO ORDER

At 6:45 PM, President Bailey called the November 10, 2020 Special Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that President Bailey, Vice President Teals, Director Dexter, Director Selmann, and Director Foster were present. Legal Counsel Brian Iller and General Manager Chris Overland was also present. 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 for discussion on any agenda items, and nothing was brought forward. For the record, it was stated that no one showed up in person or via-telephone to discuss agenda item number 7 - ACTION ITEMS for the purpose of equalizing the 2021 Assessment Roll and Schedule of Rates.

ACTION ITEMS

Legal Counsel Brian Iller stated MLIRD Staff received a letter from the City of Moses Lake Finance Director addressed to the Grant County Treasurer protesting the MLIRD assessments. MLIRD Staff Beth Yonko stated she received an email on November 10, 2020 at approximately 5:45 PM with the letter attached from Debbie Burke, the City Clerk with the City of Moses Lake. The email stated the letter attached relates to agenda item number 7 for the 6:45 PM Special Meeting. Legal Counsel Brian Iller stated he would like to have an Executive Session to discuss the letter from the City of Moses Lake. The letter states that the City of Moses Lake is paying the MLIRD assessments under protest. Legal Counsel Brian Iller stated the email would be a submission related to the equalization of the Assessment Roll and Schedule of Rates. However, he also stated if you read the letter attached in the email, it is a protest of any assessments, not a request for equalization.

Director Foster stated the purpose of this Special Meeting is for equalization of the 2021 Assessment Roll and Schedule of Rates meaning ratepayers can come and state they don't agree with MLIRD's valuation and assessment of their property and ask MLIRD to reconsider. Director Foster stated he does not see any of that discussed in the City of Moses Lake's letter. Legal Counsel Brian Iller stated there is no definition of equalization that he is aware of in the irrigation districts statutes, and there is no case that interrupts it as well. Legal Counsel Brian Iller believes that in the case of equalizing, the Board could consider the letter; however, it is not what he would consider a typical equalization request. Legal Counsel Brian Iller's interpretation of the meaning of equalization is the same as Director Foster's and believes the City of Moses Lake's letter is a demand that MLIRD does not assess them at all. Director Foster believes the City of Moses Lake's letter is more of a statement of protest that they are paying their assessment under protest and that is it. Legal Counsel Brian Iller agreed and said a protest is different from equalization and that the Board could go into Executive Session now and discuss the matter or the Board could combine both Executive Sessions for the Special Meeting and the Regular Meeting. Director Foster stated the letter is simply a notice stating the City of Moses Lake has protested the MLIRD assessments to the Grant County Treasurer and is not asking MLIRD to do anything. Legal Counsel Brian Iller stated the letter states it is a protest, however, the email says different. Director Foster stated the way protests had been handled in the past was they go to the Grant County Treasurer to pay their assessment and they protest it along with other

steps they have to do as well. Legal Counsel Brian Iller stated there is a whole statutory scheme if you don't want to pay your taxes; you have to protest and file. He also said if the letter came in without the email saying they wanted it on the record for the special meeting at 6:45 PM, MLIRD should treat it just like any other protest. However, they did ask that it be made part of the record.

The City of Moses Lake's protest letter is dated for September 30, 2020 and was addressed and sent to the Grant County Treasurer's office. Director Foster asked if the Grant County Treasurer's office is supposed to send MLIRD copies of any protests received when payment is made. Legal Counsel Brian Iller stated the County is supposed to. He also stated another thing needing to be discussed in Executive Session as it relates to the Board of Equalization of the Special Meeting is the email letter that he received Friday afternoon, November 6, 2020 from Kevin McCrae, the Deputy Prosecuting Attorney with the Grant County Prosecutor's Office. President Bailey made a motion to suspend the Special Meeting for the purpose of equalizing the 2021 Assessment Roll and Schedule of Rates and continue it after the Regular Meeting is over and also to combine both the Special Meeting and Regular Meeting Executive Sessions during the Regular Meeting. Director Selmann seconded the motion. The motion carried unanimously.

****President Bailey suspended the Special Meeting–Board of Equalization****

****President Bailey reopened the Special Meeting–Board of Equalization****

Director Foster made a motion to equalize the property valuation that was originally published at approximately \$2,161,045,000 to coincide with the new data MLIRD has, the valuation of the parcels within the District boundaries to approximately \$2,263,099,000. Legal Counsel Brian Iller stated Director Foster's motion made sense; however, he felt the Secretary to the District should tell the Board in an open public meeting where the numbers came from, why they are different and talk about the notices published. General Manager and Secretary to the Board Chris Overland announced that MLIRD Staff prepared the 2021 Draft Assessment Roll as part of the equalization process using data from 2020. On October 16, 2020, the 2021 data became available, and MLIRD Staff used the newest data to create a new 2021 Assessment Roll. President Bailey wanted it on record that October 16, 2020 was after the last regular board meeting. Director Selmann stated General Manager and Secretary to the Board Chris Overland is presenting the Board with the Draft Assessment Roll that was published and then gave the Board the option to change it to the current updated data if the Board chooses to. Director Foster restated his motion to adjust the assessed valuation from \$2,161,045,000 to \$2,263,099,000 for the 2021 Assessment Roll. Vice President Teals seconded the motion. President Bailey stated it has been moved and seconded to equalize the assessed values from \$2,161,045,000 to \$2,263,099,000. Legal Counsel Brian Iller stated the Board had received a letter from the County which characterizes a unique reading of the equalization statutes and the rate statutes. He would like to emphasize that MLIRD is continuing to do a rate assessment in 2021. The decision that was issued by the Superior Court has been appealed, and there has been a notice from MLIRD's trial counsel that MLIRD is not going to issue a supersedeas bond; under the laws, MLIRD doesn't have to; therefore, that judgment is not enforceable by the trial court against MLIRD for 2021. Legal Counsel Brian Iller stated the same rate methodology is being used. Grant County's current concerns are the notice that was sent out states it is based on 2020 assessed values and that the board stated in the notice the plan would be to apply the 2021 assessed values. Legal Counsel Brian Iller stated this is what the motion the Board is making would do. The purpose of providing notice is, so ratepayers will know how much their taxes will likely be, and if they are unhappy about how much their assessment will likely be, they can come in, object, and ask the

Board to adjust their assessed values. Legal Counsel Brian Iller stated typically; an Equalization Board does not address the rate being applied by the taxing or assessing authority. An Equalization Board addresses what the assessed values are or should be, and in this case, there has been an issue raised by the County as for the notice in which assessed values would be used. Legal Counsel Brian Iller believes Director Foster's motion makes it clear, if accepted, that the Board will be applying the 2021 assessed valuation when it applies its rates, whatever those rates end up being upon final action by the Board. President Bailey stated for the record; no person appeared neither in person nor by telephone to object to their assessed valuation. Legal Counsel Brian Iller asked MLIRD Staff other than the City of Moses Lake and Grant County if there was anyone that came into the office to look at the 2021 Draft Assessment Roll. MLIRD Staff replied no. Legal Counsel Brian Iller asked MLIRD Staff if any letter, emails, or other written form of communication was received by anyone at MLIRD asking about the 2021 Draft Assessment Roll. MLIRD Staff replied no. Legal Counsel Brian Iller also asked MLIRD Staff if any communication was received from anyone other than the City of Moses Lake and Grant County objecting to the assessed valuations MLIRD was proposing to use. MLIRD Staff replied no. Legal Counsel Brian Iller stated he believed this had been the case every year of no individual persons showing up to object to what the Board has proposed to do. Director Selmann asked if using the 2021 County data makes the Grant County Treasurer's job easier to apply the rate. Legal Counsel Brian Iller stated he assumed so because he would not have to apply a different rate just for MLIRD. The motion carried unanimously.

ADJOURNMENT

The meeting was adjourned at 8:37 PM.

Bill Bailey, President

Richard Teals, Vice President

Kris Dexter, Director

Kaj Selmann, Director

Jeff Foster, Director

By: _____
Secretary to the Board of Directors