

CALL TO ORDER

At 7:00 PM, President Bailey called the September 13, 2022 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that President Bailey, Vice President Teals, Director Dexter, and Director Foster were present. Director Selmann and Legal Counsel Brian Iller attended via telephone. The record indicates that this meeting was recorded. The Pledge of Allegiance was then recited.

DISCUSSION OF AGENDA ITEM(S)

President Bailey called for discussion on any agenda items, and nothing was brought forward.

DISCUSSION OF NON-AGENDA ITEM(S)

President Bailey called for discussion on any non-agenda items, and nothing was brought forward.

APPROVAL OF THE AGENDA

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

APPROVAL OF CONSENT AGENDA

President Bailey called on the board members to approve the consent agenda. The consent agenda consisted of the meeting minutes from the 08/09/2022 Regular Meeting, the Bills/Checks (#18507-#18537), and Voucher #1000252, totaling \$52,941.96. Director Foster made a motion to approve the consent agenda. Vice President Teals seconded the motion. The motion carried unanimously. President Bailey abstained from voting on anything related to Basin Property Management, Inc.

PUBLIC HEARINGS

Public Hearing – Petition to Exclude Land from the Moses Lake Irrigation and Rehabilitation District

President Bailey asked if there was anyone in the boardroom that was going to testify in the public hearing to please stand and raise their right hand. He then read, “Do you hereby swear or affirm under penalty perjury under the laws of the State of Washington that the testimony you give is truthful and accurate to the best of your knowledge and belief?” President Bailey stated, for the record, that no one in the boardroom had been sworn in, and no one was present to testify. The public hearing is for the Petition to Exclude Land from the Moses Lake Irrigation and Rehabilitation District (MLIRD) for a parcel owned by Black Horse Properties, LLC. President Bailey asked the board members if they had any questions before the public hearing was opened. No board members came forward with any questions. President Bailey then opened the public hearing. President Bailey asked the board members and the audience if there was anyone wishing to address the Petition to Exclude Land from the Moses Lake Irrigation and Rehabilitation District to please come forward and make their comments. He asked again if anyone in the room wished to comment to please come forward. The record shows no one came forward to comment regarding the Petition to Exclude Land from the

Moses Lake Irrigation and Rehabilitation District. President Bailey then closed the public hearing.

President Bailey stated he is against excluding property from the District. He said the Petitioner knew the Moses Lake Irrigation and Rehabilitation District had an assessment when they purchased the property and that it benefits the District to have all properties in the District; excluding one parcel would possibly damage the District. President Bailey stated his understanding was that should the Board of Directors grant the petition, the property would be excluded; however, should the Board of Directors deny the petition, the next step to address for the Petitioner would be to sue in court. Legal Counsel Brian Iller stated there is a provision, and there are no bonds. Under RCW 87.03.675, the petitioner "May order an election to be held to determine whether an order shall be made excluding said land from the District." If the Board concludes that it is simply in the best interest of the District, then RCW 87.03.665 quotes, "The Board of Directors, if they deem it not for the best interest of the District, that the lands, mentioned in the petition, should be excluded from said District, shall order that said petition be denied." "But if they deem it for the best interests of the District, that the lands, may be excluded from the District, and if no person interested in the District shows cause, in writing, why the petition should not be granted, then the Board may order that the lands mentioned in the petition be excluded from the District." Legal Counsel Brian Iller stated if the Board wanted to go into Executive Session, he could go into more details.

Director Selmann stated he does not see anything in the petition that addresses the interest of the District. If that is the basis on which the Board is making the decision, Black Horse Properties, LLC did not even address that in their petition.

President Bailey feels it is in the best interest of the petition to keep all properties currently included in the District to stay included in the District. He stated he thinks the Board should attach findings when the Board makes the decision. The findings should include that it is in the District's best interest to keep all property currently in the Moses Lake Irrigation and Rehabilitation District, included in the District. Another would be that the Petitioner purchased the property knowing the parcel was a part of MLIRD and would be assessed and has not questioned the assessment. Also, there are benefits to all properties included in the District, for the property, and the community, such as rehabilitation and enhancement of the lake and the business it creates in the community. MLIRD also received no written comment, nor did anyone appear at the public hearing to testify on this petition.

Director Foster made a motion to deny the Petition for exclusion of said property listed in the Petition as part of the Moses Lake Irrigation and Rehabilitation District. Vice President Teals seconded the motion.

Legal Counsel Brian Iller also stated it would be worth mentioning that having the land in the District entitles the land to share in the District's water right, whether the land is taking advantage of that now or years later. There are many mechanisms by which properties can take advantage of the water right alone or jointly with other properties to reduce the cost of doing so and benefit the land by not using potable water to water their lawns.

Director Selmann stated the other aspect is that MLIRD is also a rehabilitation district, and the Petitioner addresses nothing about why they should be excluded from that position either.

Director Foster asked if the approval or denial of a petition requires findings of reasons. Legal Counsel Brian Iller stated the RCW's do not

require findings to be made. President Bailey said a few basic findings that cannot be argued with should be enough.

Director Dexter stated each individual person might not need or want irrigation water; however, as a community, it is very valuable and necessary in a desert area to develop irrigation water. Therefore, if one parcel is to drop out, it would affect the whole community.

President Bailey stated the motion on the table is to deny the Petition to Exclude Land from the Moses Lake Irrigation and Rehabilitation District presented by Black Horse Properties, LLC. The motion carried unanimously.

MLIRD STAFF REPORTS

- Lake elevation on September 13, 2022 was 1046.74.
- Rocky Coulee Wasteway flows year to date is approximately 178,680 AF. The Rocky Coulee Wasteway feed started again on September 1, 2022.
- The 2022 “State of Our Lake” Community Meeting will be held on September 20, 2022 at 6:30 PM at the Moses Lake City Hall.
- The Director positions that will be up for Election this year are Position #1 – Mr. Richard Teals and Position #4 – Mr. Jeff Foster. The postings will be in three public places and on the MLIRD website on October 21, 2022. Petition of Nominations will be available on October 21, 2022 at the Moses Lake Irrigation and Rehabilitation District office, 932 E Wheeler Road. Completed petitions must be returned to the MLIRD office no later than November 7, 2022 at 5:00 PM.
- Connelly Park closes on October 31, 2022.
- Other upcoming business includes the 2023 Assessment Roll and the 2023 Budget.

WORKSHOP/DIRECTOR QUESTIONS and/or COMMENTS

President Bailey stated he scheduled a Special Board Meeting on September 21, 2022 at 4:00 PM. The agenda will include two items, the legislative request, and the Jerney Nolan request.

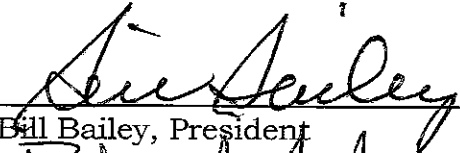
Discussion on the 2022 “State of Our Lake” Community Meeting then took place. President Bailey will be presenting for MLIRD at the meeting.

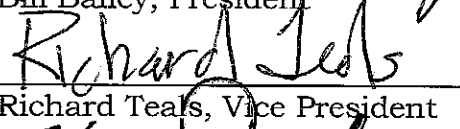
Vice President Teals asked for an update on the Moses Lake Watershed Council. Director Foster stated there is discussion for links to websites that people from all over the world can visit and see the lakes' current condition. Director Foster brought up the idea to the Moses Lake Watershed Council to develop a phone application with the same information.

Vice President Teals also mentioned that he spoke with the homeowner, Michael Logan, who lives in the Hirai Horn area, regarding the removal of the reeds. Vice President Teals explained that MLIRD does not have the authority to help with the reeds on the shoreline and that he should contact the Moses Lake Watershed Council because they will have someone with that expertise to be able to tell him what he can and cannot do.

ADJOURNMENT

The meeting was adjourned at 7:38 PM.


Bill Bailey, President


Richard Teals, Vice President


Kris Dexter, Director


Kaj Selmann, Director


Jeff Foster, Director

By: _____
Secretary to the Board of Directors