

Moses Lake Irrigation and Rehabilitation District  
Special Board Meeting  
September 21, 2022

### **CALL TO ORDER**

At 4:00 PM, President Bailey called the September 21, 2022 Special Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that President Bailey, Vice President Teals, Director Foster, and Director Dexter 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.

### **APPROVAL OF THE AGENDA**

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

### **EXECUTIVE SESSION**

The Board went into Executive Session at 4:02 PM to discuss with legal counsel threatened legal action regarding employment, legal risks of a proposed action or current practice related to assessments and easement requests as authorized by RCW 42.30.110 (1)(i)(iii). Possible action may be taken after Executive Session. The expected time was 30 minutes, and the Board was to return approximately at 4:32 PM.

President Bailey extended Executive Session 20 minutes. The Board was to return to Regular Session at approximately 4:52 PM.

President Bailey extended Executive Session 20 minutes. The Board was to return to Regular Session at approximately 5:12 PM.

The Board entered back into Regular Session at 5:12 PM.

### **ACTION ITEMS**

President Bailey stated the first action item is response to threatened legal action regarding employment. Legal Counsel Brian Iller stated he does not believe the former employee can legitimately claim that he did not understand that sick leave was included in his paid time off required by the collective bargaining agreement. However, he stated there have been a few issues in which the former employees attorney has arose which are sufficient to recommend that the Board offer \$3,000 in settlement of all claims without an additional liability to avoid litigation over the claims even though he believes the District would be successful. Director Foster made a motion to offer \$3,000 in settlement of all claims to the former MLIRD employee. Vice President Teals seconded the motion. The motion carried unanimously.

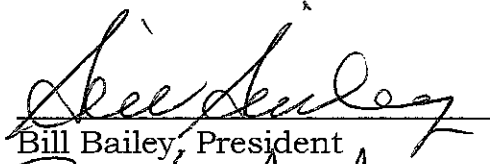
The next item discussed was direction for assessments and legislative affairs. Director Foster would like Legal Counsel Brian Iller to fine tune RCW 87.84. Legal Counsel Brian Iller stated his plan would be to make adjustments to the proposed amendments that MLIRD proposed to the legislators last year and then submit the new changes to the legislators this year. These changes would only affect RCW 87.84 and not RCW 87.03. If any other entity other than MLIRD proposes modifications to RCW 87.03, the Board then could decide if it wants to make it's own proposal on how to clarify RCW 87.03 to address some of the arguments that have been raised by the opposing party in the assessment litigation. Legal Counsel Brian Iller will work on an attorney/client confidential draft for the changes to RCW 87.84 to the Board on any significant changes.

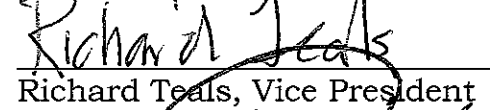
Director Foster stated if it does arise for the Board to make changes to RCW 87.03, he would at a minimum like to add "lands and improvements" that MLIRD would be assessing on.

The next item discussed was the easement request. President Bailey asked the Board to make a motion to appoint a committee to make a recommendation to the Board on which direction the Board should go with the easement request. Vice President Teals made a motion for President Bailey and Director Selmann to form a committee to propose a policy for potential disposition of MLIRD's properties. Director Foster seconded the motion. The motion carried unanimously.

#### **ADJOURNMENT**

The meeting was adjourned at 5:27 PM.

  
Bill Bailey, President

  
Richard Teals, Vice President

  
Kris Dexter, Director

  
Kaj Selmann, Director

  
Jeff Foster, Director

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