

### **CALL TO ORDER**

At 5:00 PM, President Bailey called the October 19, 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, Director Dexter, and Legal Counsel Brian Iller were present. 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. Director Dexter seconded the motion. The motion carried unanimously.

### **EXECUTIVE SESSION**

The Board went into Executive Session at 5:05 PM to discuss with legal counsel pending litigation and potential litigation in the form of the risks of a proposed action and/or current practice 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 5:35 PM.

President Bailey extended Executive Session by 30 minutes. The Board was to return to Regular Session at approximately 6:05 PM.

President Bailey extended Executive Session by 20 minutes. The Board was to return to Regular Session at approximately 6:25 PM.

The Board entered back into Regular Session at 6:25 PM.

### **ACTION ITEMS**

President Bailey stated the first action item is the discussion of the 2023 assessments. President Bailey said the Board knows what MLIRD has in the bank and should keep the reserves at a reasonable number. Part of the historical reason for maintaining the cash reserves is the two dams MLIRD is responsible for; the Moses Lake North Dam and the Drumheller Dam. President Bailey feels if there is ever a failure of a dam or work that needs to be done on the dams, MLIRD needs to have the money to fix it. President Bailey stated he is uncomfortable with continuing not to assess and suggests the Board consider a \$0.25 assessment under RCW Ch. 87.84.

Legal Counsel Brian Iller stated the Board is expressly authorized by RCW 87.84.070 to assess up to \$0.25 per \$1,000 of total assessed value without an election.

Vice President Teals made a motion for MLIRD to assess \$0.25 on RCW Ch. 87.84 for the 2023 year. Director Dexter seconded the motion.

Vice President Teals stated that MLIRD is stretched for funds that are making the ability to do work that has been done in the past impaired and MLIRD needs the funds to carry on the goals and mission of MLIRD. President Bailey agreed and thinks it is particularly important to concentrate on the rehabilitation of the lake and continue with the weed program. Director Dexter believes it is a good idea to assess the \$0.25 this

coming year because he wants to keep the District strong and continue to fulfill taking care of the weeds and the clarity of the lake.

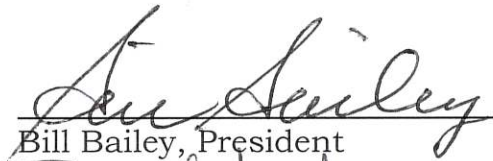
Legal Counsel Brian Iller stated it is worth noting, given the Court of Appeals decision, the work the Board is talking about continuing is authorized under RCW Ch. 87.84 and the same work (weed control and water clarity) is also authorized under RCW Ch. 87.03. To Legal Counsel Brian Iller's knowledge, every irrigation district in Washington engages in weed control, algae control, dredging of sediments, etc. However, these activities are authorized under RCW Ch. 87.84, and MLIRD would be authorized to spend RCW Ch. 87.84 funds for those activities.

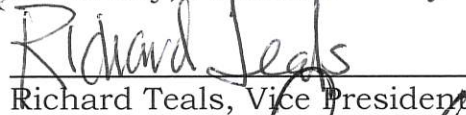
President Bailey called for a vote on the motion. The motion carried unanimously.

Legal Counsel Brian Iller asked Interim Manager Beth Yonko to send him a copy of the last assessment letter sent to Grant County. He will revise the letter with the appropriate language and prepare a paragraph to use when ratepayers call asking questions regarding the assessment for 2023.

### **ADJOURNMENT**

The meeting was adjourned at 6:31 PM.

  
Bill Bailey, President

  
Richard Teals, Vice President

  
Kris Dexter, Director

\_\_\_\_\_  
Kaj Selmann, Director

  
Jeff Foster, Director

By:   
Secretary to the Board of Directors