

### **CALL TO ORDER**

At 6:45 PM, President Bailey called the November 8, 2022 Special 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. 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. Vice President Teals made a motion to approve the agenda. Director Foster seconded the motion. The motion carried unanimously.

### **EXECUTIVE SESSION**

The Board went into Executive Session at 6:49 PM to discuss with legal counsel 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 10 minutes, and the Board was to return approximately at 6:59 PM.

President Bailey extended Executive Session by 5 minutes. The Board was to return to Regular Session at approximately 7:04 PM.

The Board entered back into Regular Session at 7:04 PM.

### **ACTION ITEMS**

Director Foster stated in light of recent discoveries regarding MLIRD assessments under the current findings of the court of appeals, he made a motion for Moses Lake Irrigation and Rehabilitation District not to assess for the year 2023. Vice President Teals seconded the motion.

Director Foster stated his reason for the motion is that the Board just learned the interpretation is for assessing on land only and that, based on the best calculations, the assessment total for 2023 would be approximately \$145,000. Therefore, he feels the Board would be better off with a legislative fix proposed to Olympia and start clean in 2024 with language that the Board knows will be acceptable in the courts and would be much easier to explain to the MLIRD ratepayers.

Director Dexter stated that even though the assessments will be low, it would still cover the amount needed for weed control in the lake for next year and does not see any reason not to assess.

Vice President Teals stated he has always been proactive in the District's work, which is important for the community. He believes that MLIRD has ample funds to continue doing the work MLIRD has been doing in the past, such as weed treatments, with the amount of funds available. Therefore, Vice President Teals stated he supports the motion for MLIRD not to assess 2023.

Director Foster stated MLIRD has spent approximately \$692,000, including the 2022 Weed Treatment monies. If you add what is forecasted for November and December, the approximate total for the year will be \$860,000. Therefore, if MLIRD sticks to a similar budget as was used for

2022, MLIRD will have approximately two years' worth of funds in the account.

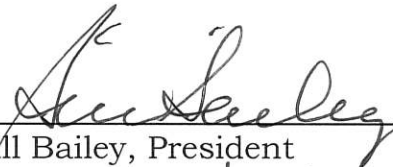
President Bailey stated he agrees with Vice President Teals. MLIRD is in a position where it has to take a hard look at what it does and how it is done.

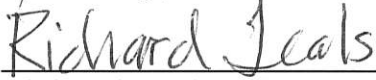
Director Dexter also mentioned MLIRD is being audited by the State to make sure MLIRD spends funds appropriately and that MLIRD has a reserve. MLIRD has two Dams to maintain. To have no reserves does not make sense to Director Dexter.

President Bailey called for a vote on the motion for MLIRD not to assess for the year 2023. The motion carried with Director Dexter in opposition.

**ADJOURNMENT**

The meeting was adjourned at 7:13 PM.

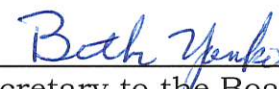
  
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Bill Bailey, President

  
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Richard Teals, Vice President

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Kris Dexter, Director

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Chuck Perry, Director

  
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Jeff Foster, Director

By:   
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Secretary to the Board of Directors