

### **CALL TO ORDER**

At 7:00 PM, Vice President Teals called the December 13, 2022 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that Vice President Teals, Director Perry, and Director Foster were present. Director Dexter 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)**

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

### **DISCUSSION OF NON-AGENDA ITEM(S)**

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

### **APPROVAL OF THE AGENDA**

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

### **APPROVAL OF CONSENT AGENDA**

Vice President Teals called on the board members to approve the consent agenda. The consent agenda consisted of the meeting minutes from the 11/08/2022 Special Meeting, 11/08/2022 Regular Meeting, 11/09/2022 Special Meeting, and 11/09/2022 Special Meeting, the Bills/Checks (#18596-#18630), and Voucher #1000255 totaling \$141,531.68. Director Foster made a motion to approve the consent agenda. Director Perry seconded the motion. The motion carried unanimously.

### **PRESENTATIONS/SCHEDULED GUESTS**

Kaj Selmann reported on his meetings with the Grant County Treasurer Darryl Pheasant and Mick Hansen. The current legislative draft was discussed at these meetings, and their feedback was provided. Kaj Selmann stated President Bailey recently spoke with WA State Representative Tom Dent, who said the current legislative draft wasn't too far along as the legislators were concerned and that it would not hurt to have all options available just in case anything goes awry with the legislators. Kaj Selmann wanted the Board to have all the information available to make timely decisions about how they wanted to move forward. Discussion in the meeting with Kaj Selmann and Darryl Pheasant consisted of the current legislative proposal and the logistical issues that would make Darryl Pheasant's job as MLIRD's Treasurer easier and more seamless. Some of the feedback that Darryl Pheasant gave was that he believed MLIRD's "Special Assessment" would be deemed a "tax," that MLIRD can request a transfer of funds between accounts, and a problem with the interest and penalty clauses on unpaid balances given the recent change to a certain RCW. Kaj Selmann also discussed the difference between an assessment and a tax and proven assessment methods. Director Dexter asked what Kaj Selmann thought MLIRD's proposed legislation should say. Kaj Selmann said he thought it would be best for MLIRD to propose adopting the model that the Mosquito District uses. This would allow MLIRD to assess based on land type and density and

assess the benefits to each parcel instead of trying to use the ad valorem method or the total land and improvements method and applying a basic rate to each. Kaj Selmann feels this would look and act more like a tax than an assessment. If MLIRD can avoid the question of whether it is a tax or an assessment by using and adopting a proven assessment methodology, it will save problems in the future and also gives the rehabilitation portion of funding a lot more flexibility. Kaj Selmann also suggested another potential change with RCW 87.84.060. He also mentioned policies under RCW 87.84.080 and RCW 87.84.090 give the Board the authority to create rules and regulations and assign misdemeanor offenses punishable by fines up to \$500 and up to 6 months in jail. Kaj Selmann stated there are many landowners using lake water who are not authorized to use it. Kaj Selmann stated the Moses Lake Watershed Council will be conducting a shoreline survey. He spoke with who will be conducting the survey, and they stated they could let MLIRD know which parcels are pumping irrigation water from the lake in areas that should not be.

### **EXECUTIVE SESSION**

The Board went into Executive Session at 7:45 PM to discuss with legal counsel threatened litigation as authorized by RCW 42.30.110 (1)(i)(i). Possible action may be taken after Executive Session. The expected time was 10 minutes, and the Board was to return approximately at 7:55 PM.

The Board entered back into Regular Session at 7:55 PM.

### **WORKSHOP/DIRECTOR QUESTIONS and/or COMMENTS**

Vice President Teals stated Director Dexter would like to have a discussion regarding a new Manager for MLIRD put on January 2023 Regular Board meetings agenda. Director Dexter also stated normal practice before hiring a consultant/contractor, a resume is received and asked if MLIRD had received one from Kaj Selmann. He also felt that MLIRD should ask other consultants/contractors for their resumes so the Board could choose who it chooses to do the work. Vice President Teals stated there would be a meeting in December where he could voice his opinion. However, he also stated that the MLIRD Board has already agreed to give Kaj Selmann the responsibility for the work. Director Perry stated usually when a public entity hires a consultant/contractor, it goes out for bid unless it is under a certain dollar amount. Director Perry believes that after reading Kaj Selmann's latest report, he has confidence that Kaj Selmann is the right person for the job without seeing a resume from him. Director Dexter also stated MLIRD has the authority to assess for \$0.25, which would bring in approximately \$145,000. If MLIRD would have assessed for each year it hasn't so far, it would have brought in approximately \$435,000. Director Dexter realizes MLIRD has already voted not to assess for 2023. However, it is something he would like the Board to think about as opposed to the legislative fix. He stated there are other options, such as having an election for the stakeholders to allow MLIRD to assess a \$1.00 per thousand without having to go to the legislative way.

### **ADJOURNMENT**

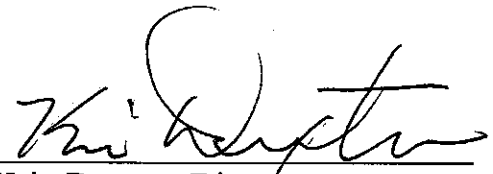
The meeting was adjourned at 8:01 PM.

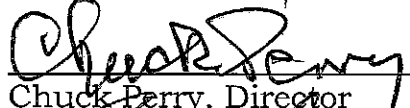
Absent

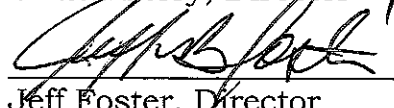
Bill Bailey, President

Richard Teals

Richard Teals, Vice President

  
Kris Dexter, Director

  
Chuck Perry, Director

  
Jeff Foster, Director

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