

**CALL TO ORDER**

At 7:00 PM, President Bailey called the September 12, 2023 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows President Bailey, Director Foster, Director Perry, Director Dexter, and Legal Counsel Brian Iller were present. 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 there were multiple ratepayers wanting to discuss the draft assessment methodology.

**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. Director Foster made a motion to approve the agenda. Director Perry 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 08/08/23 Regular Meeting and the 08/14/23, 08/21/23, and 08/29/23 Special Board Meetings, the Bills/Checks (#18900-#18944), and Voucher #1000264, totaling \$88,696.77. Director Foster made a motion to approve the consent agenda. Director Perry seconded the motion. The motion carried unanimously.

**PUBLIC COMMENT ON DRAFT ASSESSMENT METHODOLOGY**

President Bailey stated the Board will listen to public comments regarding the draft assessment methodology and answer any questions the best they can. He said MLIRD's geospatial consultant, Neal Welbourne with Welbourne Geographical Services is also available on the phone to help answer any questions as well. He asked that each person wanting to speak to state their name and address for the record.

Legal Counsel Brian Iller gave a statement regarding some of the background history on the prior and current assessment methodology. He stated the assessment methodology is a combination of a lot of hard work and is in response to the court decision who deemed that the prior method of assessment was not authorized by statute. He believed not a single current sitting Board member was on the MLIRD Board at the time when the prior method of assessment was adopted. The prior method of assessment was adopted in the 1960's and was carried on the same way through all the years despite some statutory changes. The prior method of assessment was based on \$1.00 or less per thousand of the total assessed value of the properties in the District. Depending on the approved budget for the year, the assessment would be \$0.65, \$0.75, \$0.85, or \$1.00 per thousand of total assessed value of the property. The prior assessment method was challenged by a former MLIRD Board member, Mick Hansen, and the Grant County Treasurer, Darryl Pheasant. Litigation took

approximately two to three years and afterwards went to the Court of Appeals. The end result was that the Court of Appeals said the MLIRD Board could not assess using the prior method anymore. During all that time, from 2021 to 2023, the MLIRD Board did not assess and thankfully was able to rely on the reserves saved up. In response to the Court of Appeals decision, the Legislature passed a modification to RCW 87.84.070 that provides a new method for the Board of Directors to assess for the rehabilitation activities. The new method requires that the Board classifies properties based on the benefit to the property. In order to classify the properties, the Board considered many alternatives and based on discussions with the MLIRD geospatial consultant, Neal Welbourne with Welbourne Geographical Services, the point system was created and was the draft assessment methodology that was presented at the August 29, 2023 Special Board meeting presentation.

The prior assessment methodology was adopted long ago before any of the current sitting Board of Directors and Legal Counsel Brian Iller were ever involved with the District. The current Board of Directors are doing their best to apply the Court of Appeals decision in a way that is fair and ethical for everyone. Each property in the Moses Lake Irrigation & Rehabilitation District is assigned points that reflect the benefits each property receives from the rehabilitation activities of the District. The more points the property has, the higher the rehabilitation assessment will be. MLIRD is a dual-purpose organization, an irrigation district and a rehabilitation district. Part of what the Court of Appeals decided was that even the irrigation district assessments were not following the proper procedures. The irrigation assessment will be based on water usage or immediate adjacent availability to the lake water. If the parcel is waterfront property, it will be assessed for having access to irrigation water. The rehabilitation assessment falls under the recreational opportunities afforded by the District including Connelly Park, treatment of algae, removal of weeds, dredging of sediments, and lake and shoreline improvement activities, etc. There is a lot of information and studies available that discuss those types of activities that benefit all properties, especially waterfront properties. Examples of that are a cleaner, weed controlled, less algae filled lake that brings more out of town people, more recreational opportunities, and higher property values for waterfront and non-waterfront properties. When the District was formed in the 1920's, property owners asked that their property be included into the District, an election was held and after the vote to create the District, those properties were presumed to benefit by the existence and activities of the District. Similarly, in 1963, the Legislature, at the behest of long time Moses Lake resident, Tub Hansen, passed the Irrigation and Rehabilitation statute and that provided for the additional rehabilitation and recreational activities. This change was not just imposed onto each individual property in Moses Lake. An election was had, and the predecessors who owned land in Moses Lake at that point in time voted to convert the irrigation district into an irrigation and rehabilitation district. As of 1963, when that decision was made by the property owners at that time, it is presumed that those properties receive benefit from being in the MLIRD.

This methodology was designed to classify properties by benefits. Every property in the District receives one point. Legal Counsel Brian Iller stated he did not believe there was any doubt in anyone's mind that waterfront properties receive more benefit from the lake than non-waterfront properties. Every property in the District was scored by the point system and the total points were tallied. Each properties individual scored points are then divided by the total points of all the properties in the District and will equal to the properties share of the MLIRD rehabilitation assessment. That share is applied to the budget that the Board approves each year for the rehabilitation efforts. There is a cap of how much can be assessed in the rehabilitation statute that was revised this year which states *"The district budget for rehabilitation purposes shall not exceed an amount equal to \$1 per \$1,000 of*

*the assessed aggregate valuation of all property within the district unless authorized to exceed that amount by the electors of the district by a majority of those voting on the proposition at such time as may be fixed by the board of directors..."* There is not unlimited authority for the Board to spend any amount of money for the rehabilitation budget. If the Board wanted to spend more than the \$1 per thousand of the assessed aggregate value, an election would have to be held for all the property owners in the District to vote on the matter.

The floor was opened for audience members to ask questions or comment on the draft assessment methodology.

An audience member asked how much the \$1 per thousand of assessed aggregate valuation of all the properties within the District was today. Legal Counsel Brian Iller stated the last time the District assessed under the \$1.00 per thousand basis, the budget was around \$1,500,000 - \$2,000,000 which would mean the total assessed aggregate valuation would be approximately \$1.5 billion - \$2 billion.

An audience member asked since the Health District just gave notice that the lake is unsafe for pets, unsafe for swimming, unsafe to fish in, the weeds are out of control, and the dredging that took place isn't even accessible by boat, when is the rehabilitation portion going to start. President Bailey stated up until the last five to six years, Moses Lake was never tested for toxic algae. Record sediment studies that took place in the 1960's show that the toxic algae has always been in Moses Lake. Toxic algae is a problem in almost every lake and some rivers all over the country. MLIRD has reduced the amount of weed control efforts the last three years due to the fact that the Board decided to not assess MLIRD ratepayers until there was clarity on how the District would assess. The weed control program normally takes place in June and only treats what the Board has available in that year's budget. Director Foster stated the point of the dredging project was not to make the areas dredged more accessible for boating. Engineers advised MLIRD to make three settling ponds for the water that comes in for the sediment to settle in, that way the sediment won't keep coming under the bridge and going further up the lake. Then, once the ponds were created, every few years the settling ponds could be cleaned out.

An audience member stated he spoke with the USBR and they said MLIRD didn't want to pay for Columbia River water (CRW) coming through Moses Lake so the USBR cut the volume of CRW coming through Moses Lake. President Bailey stated the bulk of the CRW comes down the Rocky Coulee Wasteway and goes out into Crab Creek. He said he lived on the lake in the 1970's, the first year the water came through Moses Lake, and the lake cleared up and weeds started growing. He also stated what the audience member heard from the USBR was incorrect information and he would be interested to know who he spoke with. MLIRD has offered to pay for CRW to come through Moses Lake. The CRW that comes through Moses Lake from the USBR is destined for the South District. Moses Lake and Lind Coulee are ways to get water into O'Sullivan and from there, it flows down to the South District. The demand for water in the South District dictates how much CRW comes through Moses Lake. Legal Counsel Brian Iller stated the USBR runs water for Bureau purposes and MLIRD is not a Bureau District. MLIRD has no control over the Bureau and has no right to tell the Bureau how to operate. Director Foster noted that conversations and cooperations with the USBR have gotten a lot better over the years and they do recognize that when there is the opportunity for them to run more CRW through Moses Lake, they do.

An audience member stated he realizes the flows through Moses Lake are essential to keeping Moses Lake cleaner, how can we communicate and influence the USBR to get more flows. Director Foster stated MLIRD communicates and meets with the Bureau bi-yearly. President Bailey said the Columbia Basin Project was created for agriculture and Moses Lake

wasn't able to take advantage of the CRW until the late 1970's. In some years, the demand in the South District is two to three times the actual volume of the lake but does not reach all the way back to Rocky Ford Creek. Rocky Ford Creek is a set of springs and a fish hatchery 4-5 miles up the creek. Almost 50% of the Phosphorus, which is the reason for all the algae in the lake, comes in from Rocky Ford Creek. Up by Round Lake, is a place called Adrian's Sink, where the water goes underground and comes back up at Rocky Ford Springs. When the water is underground, it picks up a phenomenal amount of Phosphorus. Rocky Ford Creek runs reasonably constant, but the volume is much less than the amount that comes down Crab Creek from the Rocky Coulee Wasteway when the USBR starts running water through. The CRW comes down through most of the lake and back up to approximately Connelly Park during the April-June flows. There have been years when there was less than 100,000-acre feet of CRW and some years where it has reached around 300,000-acre feet of CRW.

An audience member asked if there was any accountability for the USBR for the Phosphorus issues they are creating. He also asked if MLIRD is working towards accountability for how the lake looks. Legal Counsel Brian Iller stated that the MLIRD ratepayers, as voters, control the Board and can decide how much more money to spend. He stated if the MLIRD ratepayers are not satisfied with the results from the level of spending, they can decide to spend more money such as a whole lake treatment. Director Foster said the easiest way to help everyone understand why it is so difficult is that MLIRD is just one of multiple agencies that has an interest in Moses Lake. MLIRD is the smallest agency in terms of DOE, EPA, WDFW, and USBR who are federal and state agencies. MLIRD is also a member of the Moses Lake Watershed Council that consists of the City of Moses Lake, Columbia Basin Conservation District, Grant County Health District, USBR, Grant County Tourism, DOE, WDFW, and more that is helping to identify efforts to improve the water quality of Moses Lake. President Bailey stated the 2024 draft Rehabilitation Budget is set for \$1.5 million as of right now. However, the Board of Directors need to look over the draft and decide how much the Board wants to spend this next year on weed treatments, and so forth. He also said the Columbia Basin Conservation District has a \$3.1 million grant to treat the Phosphorus using lanthanum bentonite clay or a similar product in the Rocky Ford Arm. These are short-term fixes. Another product that helps trap Phosphorus is called Alum. The aluminum sulfate attracts the Phosphorus and sinks to the bottom of the lake creating a floc that seals it. Eventually, the product wears out and another treatment is needed. MLIRD communicates with the USBR and has had positive discussions about extra CRW through Moses Lake and the current USBR manager has said when they can feed more CRW, they will. President Bailey stated one way to make a difference would be to talk to the federal legislators and senators and ask that the use of CRW be changed so lake water can be used for municipal use. The lake water was set up for agricultural use and as a result, not everyone can take part in using it such as the City of Moses Lake for municipal purposes. MLIRD is working with the City of Moses Lake officials to try and help alleviate the problem with the water right that MLIRD has.

Legal Counsel Brian Iller said every property owner in the MLIRD has a right to privately condemn a right of way or easement to irrigate from the lake. Any property owners that are not on the lake can get together with their neighbors and condemn an easement and put a pump in to take your proportionate share of the District's water right. President Bailey made a comment that a project the USBR started pursuing was called the W-20 Alternative Feed which would bring water from the West canal, come under the highway just South of Ephrata, and come back over into the Northend of the lake. When the USBR did the study for the project, it was going to cost approximately \$20 million. Another alternative option could be putting a pipeline in from the bifurcation plant and pump water to the Rocky Ford Arm. All these alternative options cost millions of dollars.

An audience member asked if the District had a \$5-10 million budget, where would the District put that money. President Bailey stated if the District had a \$10 million budget he personally would listen to the University of WA Professor, Dr. Gene Welch, who has studied Moses Lake since the 1960's, and believes in the proven science behind applying Alum throughout the entire lake, split into a two-year program for a total of a \$20 million project. The Board could then decide if they wanted to dredge certain areas where the high levels of Phosphorus are in the sediment.

One audience member asked why to invest so much money on a project such as the lanthanum bentonite clay or Alum if those treatments will only last a certain number of years, and not try a fix the problem of the high Phosphorus levels before it enters the lake. President Bailey stated MLIRD works with the USBR to encourage them to figure out why the high levels of Phosphorus are coming up at the Troutlodge fishery and Rocky Ford Creek. The majority of the Phosphorus is picked up underground in the Adrians Sink.

Another audience member stated MLIRD doesn't have the influence to keep higher CRW flows, doesn't have the \$20 million to fix any of the solutions suggested, what is MLIRD going to do with the money from the 2024 assessments. President Bailey said MLIRD will continue with multiple rehabilitation activities. One of the responsibilities of the rehabilitation statute is recreation. MLIRD owns and manages Connelly Park. MLIRD will also continue with the Aquatic Weed Treatment Program and mechanical weed harvesting. This year, MLIRD treated approximately 125 acres of aquatic weeds in the lake. In past years, MLIRD has treated approximately 200-300 acres when there was more money allocated to do so in the budget. One thing MLIRD has not done, is eliminate the weed treatments because MLIRD knows how important the treatments are. MLIRD has been operating on approximately 60% of what past budgets were due to not assessing since 2020. Another project MLIRD will continue with is the water quality testing which is important to have and part of which has led to the \$3.1 million grant project in the Rocky Ford Arm that the Columbia Basin Conservation District received for the year 2024.

One audience member asked what benefits ratepayers get from Connelly Park and suggested giving it away or selling it. President Bailey stated the County does not want it and MLIRD cannot sell it due to the terms agreed to when it was first given to MLIRD. Under the terms, MLIRD would have to give it back to the General Service Administration (GSA). Director Foster also mentioned Connelly Park is an asset to the Moses Lake community. Someone asked if MLIRD could charge a fee to use the Park. It was stated that charging a fee could be an option.

One audience member stated he doesn't quite understand the methodology for the assessments. He owns a couple of properties, one that is waterfront and one that is not. If every property not on the waterfront is assessed the same, such as all commercial properties getting 10 points, if his commercial property has one sink, that property is assessed the same as a hotel or another commercial property that has multiple bathrooms, multiple sinks, and multiple kitchens? Or a company such as ProTouch Auto Detailing who uses the lake primarily as a business venture, however, is not on the lake so they do not pay the extra as a lakefront commercial business would. Or if he owned a super small 500 square foot home or one of the houses that is multiple thousands of square feet get the same assessment. Legal Counsel Brian Iller stated the comments and questions were legitimate but wanted to reaffirm that MLIRD does not provide potable drinkable water. It does not matter how many sinks a business or private residence has.

One audience member stated he lives in the Cove West area and asked if everyone in the Cove West area who lives on the lake is in the MLIRD?

One audience member stated he lives in the Cove West area and asked if everyone in the Cove West area who lives on the lake is in the MLIRD? President Bailey stated he thinks part of Cove West and for sure the Laguna area is not all in the District. The gentleman asked if the assessment he voluntarily signed up to pay to MLIRD since he petitioned his property into the District in the Cove West area, does the weed treatment and weed harvesting also provide benefit and service with the assessments he pays to the properties that have not petitioned their land into the District. He stated he is extremely adamant that MLIRD must stop providing benefit to those properties that are not paying assessments. Legal Counsel Brian Iller stated those properties should be in the District paying assessments; however, MLIRD cannot force properties to petition their land into the District. President Bailey stated he is hoping the current water crisis with the City of Moses Lake will help encourage more people to petition their land into the District. Director Foster also mentioned since sending out the letters to the waterfront parcels that are not in the District, MLIRD has received five petitions to join the District.

President Bailey stated there was a Facebook post created that was being circulated to a lot of people that has misinformation on it, one being how much one point is worth. He said once the Board approves the 2024 Rehabilitation Budget, they will know exactly what each point will cost. MLIRD has been working on the point system since March-April of this year. MLIRD started out with looking at more complicated systems and methods that addressed if your property was 500, 1,000, 1,500 feet from a park, and decided it was getting too complicated. A Special Meeting was held on Tuesday, August 29, 2023 at City Hall where Neal Welbourne with Welbourne Geographical Services presented the information. Now, tonight, September 12, the Board would like to hear comments from the public regarding the assessment methodology. The total number of points may vary because if a category of a property changes, the Board decides to change the number of points for a category, or so on which will change the value of what one point is worth.

One audience member asked where MLIRD's budget comes from and if there were any other revenues. President Bailey stated there were no other revenues other than the assessments, interest, and Connelly Park fees if and when MLIRD charges for reservations. Legal Counsel Brian Iller also mentioned the one-time grant MLIRD received that paid for 90% or so for the replacement of the Moses Lake North Dam.

Audience member, Linda Wrynn stated based on the model description, once the number of points each property is responsible for and divide that by total points of all the property in the District, the only other factor is the multiplication times the budget whether it be set at \$1.5 million or \$10 million. The Board stated it can't be set at \$10 million. President Bailey stated \$10 million would be way over what the \$1.00 per thousand of total assessed aggregate valuation of all the properties in the District. Legal Counsel Brian Iller stated the cap was \$1.00 per thousand of total assessed value of the aggregate of land in the District and the Board cannot exceed the cap without an election by the MLIRD ratepayers. Director Foster stated that with his 13 years on the Board, he doesn't think the budget has ever exceeded approximately \$2 million. Neal Welbourne with Welbourne Geographical Services stated the total assessed value of all the properties in the District was currently at approximately \$2.58 billion which would put the cap for the rehabilitation budget at \$2.58 million.

Robin Dukart, 4095 Cove West Drive, stated the lakefront parcels will pay a higher assessment than her parcel would not being on the lake. President Bailey stated she would only pay the rehabilitation assessment since her parcel does not benefit from having access to irrigation. She asked how she would be billed for the assessment. President Bailey stated both assessments will be included on the Grant County Property Tax Statement.

Doug Ashe, 2763 Westshore Drive, stated that it was previously said that the last assessed value was removed because after litigation it was found it wasn't the right way to do it, and asked if the point system has ever been litigated in any other states. Neal Welbourne with Welbourne Geographical Services stated usually 99% of the challenges or litigation is based on the specific budget, not the scoring methodology, because the scoring methodology is weighted based off of parcel size, lakefront access, etc. Legal Counsel Brian Iller stated he does not know whether if the point system has been litigated. The rehabilitation statute was modified to follow the Grant County Mosquito District statute assessment methodology and he is unaware if there was ever a court case on the Mosquito Districts change. However, there was a lot of disputes over the Mosquito District assessment methodology and those disputes were resolved either by settlement or litigation. The Mosquito District assessment model was what Grant County Treasurer, Darryl Pheasant and former MLIRD Director, Mick Hansen were using as the way the MLIRD assessments should have been done which is what the Legislature did.

Roger Grant, 2595 Westshore Drive, asked if the proposed methodology allows business owners and homeowners at high value properties to be paying the same amount of assessments as a lower value property. Legal Counsel Brian Iller stated he was correct and that was one of the criticisms from the prior assessment methodology was the exact opposite, one house is paying more and is not receiving more benefit because the prior assessment methodology was based on the total assessed value of the property. MLIRD is not assessing the house, it is assigning benefits and the benefits from the rehabilitation activities should be same for the land regardless of what type of house is built on it. Mr. Grant asked if the assessment changed if you owned 0.5 acres on the lake versus 20 acres on the lake. The Board agreed and said yes, those properties would have different assessments.

Russ Torrison, 3107 W Lakeside Drive, asked for clarification regarding the point system. He stated if you are on the lakefront and in the District, you receive one point, waterfront residential is an additional five points, and then 0-1 acres is an additional one point. So, if you are in the District and on the lakefront, the least amount of points you will receive is seven points. The Board agreed with Mr. Torrison's statement. Mr. Torrison also brought up that on page 3 there is a 0-1 acre that is \$200. The Board clarified that that \$200 charge was for the irrigation assessment, which is in addition to the seven points for the rehabilitation assessment. President Bailey also clarified if a lakefront parcel is not in the District, it is illegal to use lake water for irrigation.

Clark Schweigert 533 Astor Loop, who owns a couple properties on the lake, stated how he doesn't mind paying taxes and assessments when he is going to see something prosper for the better of the lake and the community. However, referring to the point system, he believes the lakefront properties are not the only ones benefiting from the lake. Every single person who owns land in Moses Lake benefits from the lake, therefore in his opinion, the point system should take into consideration all the businesses prospering within the lake. There are commercial businesses not on the lake, that are using the lake as part of their business and therefore profiting from that. Director Foster stated that based the 60 plus iterations Neal Welbourne with Welbourne Geographical Services has done based on the studies of everything around the nation that he had access to and knows that the point system will be changeable in years to come. President Bailey stated everyone involved is looking at properties every day to make sure it is as correct as it can be. He stated it might not be perfect, but the system is fluid and as issues are brought to the Board, they will be addressed. Mr. Schweigert asked if the properties that are being developed in the Cascade and Mae Valley that are currently in the UGA area, when that area does get

incorporated into the City limits, will that change the District boundaries to include them. Director Foster stated those property owners have to petition their land into the District. Legal Counsel Brian Iller stated the City of Moses Lake could require them as a condition of approval of their subdivision to join the MLIRD; however, MLIRD does not have the authority to force properties to join the District. Legal Counsel Brian Iller stated if the properties are already in the District and the land use changes, such as the property being subdivided, then the new parcels would be scored using the rehabilitation point system. This would change the total number of points in the District and change the amount that one point is worth under this current draft assessment methodology. Director Foster mentioned if a property is in a housing development and is using lake water for irrigation, then each one of those parcels will be charged for the irrigation assessment. President Bailey said that the City of Moses Lake has also started sending MLIRD plat applications for comment and MLIRD has been commenting that the subdivisions need to be set up for future irrigation water delivery. If the City of Moses Lake is able to utilize lake water, every property in the City of Moses Lake will then somehow have to be in District which will make a big difference. Legal Counsel Brian Iller stated he knows there are a lot of conspiracy theories involving anti-government; however, the MLIRD Board of Directors are everyone's neighbors and are providing a public service. Every property owner in the District has a right to run in an election and become a Board of Director themselves. Mr. Schweigert stated in general, everyone respects everyone and understands what the MLIRD Board is doing; however, thinks the way the society has been the last three years with prices, taxes, and assessments going up, everyone wants to know where there money is going and how it is going to be spent. President Bailey stated the Board will be discussing the 2024 budgets at the next Regular Board meeting on October 10, 2023 at 7:00 PM.

An audience member asked if the overall assessment gave MLIRD the ability to spend more money to make the lake better in the long-term. He said he does not believe anyone in the room bought a lakefront house or property in town near the lake expecting not to pay more taxes than the average; however, would like the Board to be reaching for a long-term goal to make the lake better. President Bailey stated there is no way the District could generate enough money from assessments for financing the money to do a complete long-term plan. The alternative would be to apply for a grant like the Columbia Basin Conservation District and Moses Lake Watershed Council did. Director Dexter stated one thing that MLIRD is always doing is weed control. He asked if anyone has kochia, Russian thistle and weeds in their lawn and has a long-term goal for that. Director Dexter said he does, but he knows he must treat the weeds every year and it is the same way with the weeds in the lake. He mentioned that the weeds will never go away completely; however, continuing the aquatic weed treatment program will help keep the weeds at bay for boats. An audience member stated it sounds strange to him that as property taxes and assessments and property values raise, the MLIRD budget can't keep up or get ahead. Director Foster stated no amount of money will make Moses Lake like Lake Chelan and a lot of people expect that. He has lived here since 1982 and Moses Lake was never shut down or closed. An audience member suggested adding an automated system to pay for being able to use the boat launch at Connelly Park. Director Foster agreed that it would generate pennies to what the assessments bring in, however, said it would help.

President Bailey addressed the incorrect Facebook post that had been circulated around. He stated part of the incorrect information on the post was that each point was going to be worth \$129. If the assessment methodology is similar to what was presented at the August 29, 2023 Special Board meeting, with approximately 45,000 total points and a \$1.5 million rehabilitation budget, each point will be approximately \$30-\$35.



Robin Dukart asked how properties such as the new developments near the golf course who she thinks would have an interest in Moses Lake, would become part of the District since they are in the County. President Bailey stated there are properties in the District that are in the City of Moses Lake limits and in the Grant County limits. He stated later in the Board meeting tonight, the Board will review and consider five petitions to include their land into the District. Legal Counsel Brian Iller stated the direct RCW that allows the District to add lands is RCW 87.03 – Adding lands to District. The District has no authority to force people to add their lands to the District. After the Board holds a public hearing to hear any objections to adding the said petitioned lands to the District has ended and there being no objections, the Board will acknowledge the land in the District. If there are objections, there has to be an election where the MLIRD ratepayers can vote whether or not they want the lands included into the District.

Russ Torrison, 3107 W Lakeside Drive, asked for better clarification on the assessment methodology point system if you live on the lake and the property is under one acre; is it six points or seven points? The Board clarified that it would be seven points total, one point for being in the District, five points for being on the lake, and one point for being 0-1 acres.

Scott Emery, 2547 Westshore Drive, questioned the MLIRD boundaries and stated there is a lot of properties that are not in the District boundary who also benefit from the lake and do not have to pay assessments to MLIRD. He believes there has to be a way such as going to the City Council, to get those properties into the District. President Bailey said MLIRD has been in contact with the Port of Moses Lake and Big Bend who both use a lot of water. The Port of Moses Lake is interested in water. The District boundaries do not coincide with the City of Moses Lake boundaries. Part of the City of Moses Lake boundaries are not in the District. President Bailey stated his personal theory is if the District could get into the City water system and provide water to the City of Moses Lake, everyone in the City of Moses Lake would have to be a part of the District and in turn would be closer to sharing the benefit. Legal Counsel Brian Iller stated the City of Moses Lake is a completely separate legal entity from MLIRD and the boundaries have nothing to do with each other. The City of Moses Lake boundaries are set up under the city statutes and the MLIRD boundaries are set up under the irrigation statutes. The reason there are so many small separate areas in the MLIRD boundary is the result of 100 years of lands being added into the District. Legal Counsel Brian Iller stated his long-term solution from his perspective would be to have the Legislature change the statute to say the District can file a petition to add land under certain circumstances because what Mr. Emery stated is right; it is not fair that there are a lot of properties not in the District boundaries that benefit from the lake who do not have to pay MLIRD assessments. Mr. Emery stated there is a benefit for the person across the street who is not in the District and not paying assessments or the person up near Big Bend who is not paying or the big businesses up by Big Bend that is not paying, he thinks the benefit is the town growing bigger because there is a lake here, not just the lakefront parcels in the District. Legal Counsel Brian Iller stated he is in 100% agreement that it is not fair and yes, the parcels outside the MLIRD boundaries do benefit from the MLIRD activities; however, again, MLIRD does not have the authority to assess them.

More discussion was had why there are certain areas in Moses Lake, such as the Panorama area, that are not included in the District and why the District cannot just include them in the MLIRD boundaries. Legal Counsel Brian Iller stated the only authority MLIRD has is for comments on subdivisions and could suggest new subdivisions where irrigation water is available to install an irrigation system to use lake water.

Scott Emery stated he feels that the rehabilitation budget the Board is asking for may not be enough. President Bailey stated MLIRD's manager

passed away 2 years ago, and the Board did not rehire someone because of what it costs. He said MLIRD has had an Interim Manager and he as the Board President has been helping in the office. The Board would like to hire a new General Manager but is really nervous with the money that is available. When a new General Manager is hired, part of his or her responsibility would be looking at grants for the District. One of the benefits MLIRD has is a few of the Legislators, such as Tom Dent is very friendly towards the District and was Chairman of what was called the TMDL (Total Minimum Daily Load of Phosphorus) which has been recognized as one of the main problems in Moses Lake. State Senator Judy Warnick is a businessperson here in Moses Lake, knows everyone and is very familiar with Moses Lake. They are the ones who helped MLIRD get the legislation through and the ones who MLIRD will look to for help in the future. The governor who is pushing a bunch of green businesses to Moses Lake has to be in line to help MLIRD with the Department of Ecology to get water for the community. Scott Emery asked what the budget overview at next months Regular Board meeting might look like. President Bailey stated he has prepared draft budgets that will go to the Directors to review over the next month. The Board will make decisions on the 2024 budgets at the October Regular Board meeting such as how much the Board wants to spend on weed treatments for 2024. Some things in the budgets cannot be changed such as insurance which is approximately \$90,000. President Bailey also stated he was going to suggest the Board start building back up the reserves so that MLIRD has money to do a dredging project again.

Legal Counsel Brian Iller asked Neal Welbourne with Welbourne Geographical Services if he had spoken with the City of Moses Lake regarding the differences between the acres of properties being irrigated. Mr. Welbourne stated when he was in Moses Lake for the presentation, him and Interim Manager, Beth Yonko had a meeting with the City of Moses Lake's geospatial technologist and believes they have built a good working relationship with them to be able to share important data back and forth. He also said he is 99% confident about the parcels on the lake that are being deemed irrigable. The City of Moses Lake also did a three-year study of looking at city water consumption compared to seasonality and the study made it very adamant that property on the lake were not using City water for irrigation during the summer months and their City water consumption increased during the winter months.

## **ACTION ITEMS**

Director Foster asked to reaffirm that at the last Board Meeting, the Board voted to accept the current methodology that has been discussed. Neal Welbourne with Welbourne Geographical Services stated the only item changed was from the commercial and farmland side that there would be a flat point scale and acreage would not be included. Legal Counsel Brian Iller stated the motion made was to accept the recommendation and accepting a recommendation does not mean the Board adopted the methodology.

Director Foster made a motion to adopt the current recommended assessment methodology with the current point system and irrigation charges. Director Perry seconded the motion. Director Dexter asked how a lakefront parcel gets seven points again. President Bailey said all parcels in the District get one point, all lakefront residential parcels get five points, and 0-1 acre parcels gets one point, which when added together, it equals seven points. Director Perry stated that by the public comments made tonight, he did not hear anything that would suggest they truly disagree with the point system, and nobody offered any alternatives. Interim Manager, Beth Yonko stated for the record, the MLIRD office has received no letters or emails with concerns regarding the assessment methodology. The majority of the influx of phone calls that the MLIRD office has received recently were not regarding the new assessment methodology but mostly regarding the confusion on the letters they received in the mail from the end

of July to the middle of August. Director Dexter asked for clarification on the irrigation assessments as he understood each parcel on the waterfront also receiving one point as well. Legal Counsel Brian Iller clarified that the irrigation assessment is not on a point system, it is a flat fee depending on the acreage of the parcel. President Bailey stated 0-1 acre parcels for the irrigation assessment is a flat fee of \$200 for the year 2024. Director Dexter asked if the irrigation assessment is dependent on the water being delivered by MLIRD and whether they use it or not doesn't matter. Legal Counsel Brian Iller stated if the water is available for their use, then that parcel will be assessed whether or not they use it. Neal Welbourne also reiterated that the irrigation assessment was based on acreage, so if the parcel is five acres, they will be charged a flat fee of \$500. Director Dexter asked if there were a lot of objections to the point system or irrigation charges at the August 29, 2023 Special Board Meeting where the assessment methodology was presented to the public. The Board stated there was not, that it was the same type of comments the Board received at tonight's meeting. Director Perry mentioned that the only objection he heard at the August 29, 2023 Special Board Meeting was that the public was not allowed to ask questions. President Bailey called for a vote on the motion. The motion passed three to one with Director Dexter in opposition. Director Dexter stated he is opposed to the motion because he thinks the five points compared to the one point is more than it should be and believes it should be more like three points to the one point.

President Bailey stated the MLIRD office has received five land petitions, Owen Miller – Parcel # 111885139, Dino Cacchiotti – Parcel # 312783000, Sugar Daddy Properties, LLC – Parcel # 161737000, Susan Lamb – Parcel # 161722000, and William & Julie Baxter – Parcel # 120755000. Director Perry made a motion to accept the five land petitions and to start the process. Director Dexter seconded the motion. The motion carried unanimously.

## **MLIRD STAFF REPORTS**


Interim Manager Beth Yonko reported the following:

- Connelly Park received a positive phone call from a park visitor that complimented how nice the park looked this year and has been visiting the park every year for the last four years. He also could not say enough nice things about the temporary Express Employment Park Attendant named Neil.
- The Watershed Council's annual "State of Our Lake" meeting will be held on September 19, 2023, from 6:30 pm to 8:30 pm at the Moses Lake City Hall. Columbia Basin Conservation District, MLIRD, City of Moses Lake, Grant County Health District, USBR, Grant County Tourism, and a citizen representative will be presenting.
- The two letters to the MLIRD property owners and the lakefront property owners not in the Moses Lake Irrigation and Rehabilitation District were sent to A&H Printers with two separate mailing address lists, who printed and mailed the letters out. Unfortunately, between the printing and mailing company, a mistake was made, and the wrong letters were sent to the wrong addresses. This caused a flood of phone calls to the MLIRD office with confused property owners. The corrected letters to the correct addresses were then asked to be mailed out.
- Shane Heston with Trask Insurance informed the office that MLIRD already has liability insurance coverage so adding an area on Marina Drive for a non-powered recreational access would not change any of the insurance rates; however, he recommended MLIRD add proper signage stating to use at their own risk.
- The MLIRD office has received five land petitions.
- President Bailey and Interim Manager, Beth Yonko drafted the 2024 budgets. President Bailey asked that the Board of Directors take the

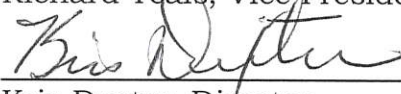
draft 2024 budgets home, look over them and be ready to discuss them at the October 10, 2023, Regular Board meeting. President Bailey stated after the draft budgets was created, 90% was allotted towards rehabilitation and 10% towards irrigation. Legal Counsel Brian Iller stated there are many expenditures in the budgets that can be classified as either rehabilitation or irrigation expenses. The Board has the discretion to classify the expenses either way.

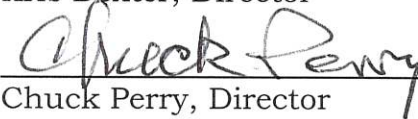
**ADJOURNMENT**

The meeting was adjourned at 9:34 PM.

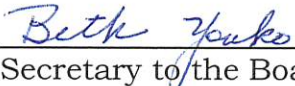
  
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Bill Bailey, President

  
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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