

CALL TO ORDER

At 7:00 PM, President Bailey called the December 12, 2023 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows President Bailey, Director Perry, Director Dexter, Director Ketterer, 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 nothing was brought forward.

DISCUSSION OF NON-AGENDA ITEM(S)

President Bailey called for discussion on any non-agenda items, and Lloyd Petersen asked to discuss some key points he had emailed to the Board on Monday, December 11, 2023.

APPROVAL OF THE AGENDA

President Bailey called on the board members to approve the agenda. Director Ketterer made a motion to approve the agenda. Director Dexter 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 11/13/23 Special Meeting, 11/14/23 Special Meeting, 11/14/23 Regular Meeting, the Bills/Checks (#19016-#19045), and Voucher #1000267, totaling \$140,020.31.

Director Dexter stated that in the 11/14/23 Regular Meeting minutes on the last page, he made a statement and does not believe it is very clear. He asked to restate a portion starting with the word "economically," "The lake benefits the City of Moses Lake and Grant County tremendously. In addition, the Moses Lake community enjoys improved water quality." He asked that the minutes be changed for clarity. President Bailey stated the minutes are based on what the Directors actually say and does not think they can be changed to reflect what Director Dexter wants them to say. Legal Counsel Brian Iller stated that was the general rule applicable to the minutes. President Bailey suggested that Director Dexter make a statement so the clarification is added to the minutes. Director Dexter thought that changes to a grammatical error or enunciation error in minutes could be made which is why he thought it could be done that way.

Director Perry made a motion to approve the consent agenda. Director Ketterer seconded the motion. President Bailey abstained from voting on anything related to Basin Property Management. The motion was carried 3 to 1 with Director Dexter in opposition.

PUBLIC COMMENT

Lloyd Petersen, 1700 W Marina Drive, stated he had emailed questions to the MLIRD office and asked that they were all forwarded to each of the board members.

President Bailey stated the first question on Mr. Petersen's list was "why is the budget not posted on the MLIRD website? President Bailey stated the budget has been provided to MLIRD's IT and website technician who has been asked to add it to the website at his earliest convenience. Mr. Petersen also suggested that it may be helpful to have the last three years' budgets included on the website.

The next question emailed was that he understood that if a property owner did not irrigate from the lake, the property owner would not have to pay the irrigation assessment and wanted to know if that was correct? President Bailey said if the property is on the waterfront, the property owner will pay the irrigation assessment unless the property is undeveloped. Mr. Petersen believes that is unfair and that he should not be penalized for his property that does not use irrigation water.

His next question that was emailed was asking what was the main reason for the increase in the 2024 budget from \$1.5 to \$2 million? President Bailey stated there is two sections in the budget. One is the budget for the rehabilitation portion and the other for the irrigation portion. There is also a total of \$600,000 added to reserves to pay back the money that was borrowed from reserves over the last three years. This money will be used for any future major in-lake projects such as dredging, water quality treatments, etc.

His next question was what Director Ketterer's interest and qualifications for being on the Board and how he was appointed. President Bailey said Mr. Joe Ketterer's qualifications is that he is a MLIRD ratepayer that owns property in the District and was appointed by the Grant County Commissioners when there was a Director that resigned from his position. The Grant County Commissioners solicit applications for people interested and Mr. Joe Ketterer was the one chosen. Director Ketterer told Mr. Petersen he would be happy to talk to him after the meeting and give him a quick bio about himself and stated the reason he found out about the vacant position was through self-research as an interested local citizen.

The next question that was emailed to the Directors was that the current method of notifications for events such as elections does not reach many ratepayers; why did no one run for the two positions available this year? Legal Counsel Brian Iller stated the notification is a publication that the District complies with and happens every year in the newspaper. The events are also posted on the MLIRD website and all of the RCW's that the District follows are posted on the WA legislature website. He also stated there is an expense consideration if the District was to decide to look at other options such as bulk mailings to all of the MLIRD ratepayers. Legal Counsel Brian Iller said it would be hard to speculate why there was not more interest in the open Board positions; however, being a Board member is an investment in time and they are only paid \$90 a meeting. An election is not required unless more than one person files a petition of nomination which did not happen this year. Mr. Petersen stated he feels more people should be involved and mentioned there are other sources of advertisement that is free such as social media, Facebook events, more website exposure, monthly emailed newsletter, etc. to increase the interest of the MLIRD ratepayers. President Bailey stated it is certainly something the Board could discuss and address in the future.

The last question emailed by Mr. Petersen was that other organizations post email contacts of officials for communication and asked why MLIRD does not do that. President Bailey stated the Board has never thought about it and said it was a good idea and will be added to the list to send to MLIRD's IT and website technician to be added to the website.

Mr. Petersen also discussed how he feels the crawdad population has immensely decreased since he purchased his home in the early 2000's and

he believes it is due to the increased weed treatment chemicals that are used each year. He mentioned he isn't bringing this to the Board's attention to stop the weed treatment program; however, he just wants the Board to be aware of what removing all the weeds each year has done to the crawdad and fish population.

MLIRD STAFF REPORTS

Interim Manager Beth Yonko reported the following:

- Lake elevation on December 12, 2023 was 1041.32.
- There will be a Special Board Meeting on Tuesday, January 9, 2024 at 5:30 PM before the Regular Board Meeting. The Special Board Meeting will be for all the Board of Directors to attend a Public Officials Liability training that is hosted by MLIRD's Insurance provider.
- Director Perry ran unopposed for MLIRD Position #2. He will be sworn into office for his 3-year term at the January Regular Board meeting.
- Director Joe Ketterer was appointed by the Grant County Commissioners for the vacant MLIRD Position #4. He will serve for one-year and Position #4 will have one year remaining of the term and will be subject for election in 2024.
- Resolution 2023-005 – Charles and Barbara Hornaday Land Petition was advertised on 11/24, 12/01, and 12/08.
- Communications with the Grant County Assessor and Treasurer's office is still ongoing regarding how the assessment rolls will be submitted.

EXECUTIVE SESSION

The Board went into Executive Session at 7:30 PM to discuss with Legal Counsel potential litigation in the form of the legal risks of a proposed action or current practice as authorized by RCW 42.30.110 (1)(i)(iii). The expected time was 30 minutes, and the Board was to return approximately at 8:00 PM. Legal Counsel Brian Iller indicated that further action is expected after Executive Session.

President Bailey entered back into the boardroom at 8:00 PM to extend Executive Session 10 minutes. The Board was to return to Regular Session at approximately 8:10 PM.

The Board entered back into Regular Session at 8:10 PM.

ACTION ITEMS

Legal Counsel Brian Iller stated in the course of discussions with the City of Moses Lake and MLIRD as far as cooperating for the usage of Moses Lake water for irrigation through the cities system has raised the question as to whether there is additional natural flow in Moses Lake that can be appropriated. The suggestion made at the last meeting on the subject was for MLIRD to have Aspect Consulting who has already been contracted to assist on the matters to be tasked with doing an analysis of the availability of additional natural water out of Moses Lake. The estimated cost of the study was approximately \$50,000. This would cause there to be a need for an extension of the existing contract with Aspect Consulting on the Memorandum of Agreement with MLIRD and City of Moses Lake where MLIRD is sharing the cost 50%/50% with the City of Moses Lake. This would make MLIRD's maximum cost to Aspect Consulting capped at \$100,000. Legal Counsel Brian Iller does not know if it will need the full \$100,000 but the continuation of the existing contract with Aspect Consulting would put a cap of an additional \$50,000 to study the natural flows in Moses Lake.

Director Dexter made a motion for the continuation of the existing contract with Aspect Consulting to study the natural flows coming into Moses Lake that is not to exceed an additional \$50,000. Director Perry seconded the motion. The motion carried unanimously.

President Bailey stated MLIRD has had consultant Kaj Selmann for the last 11 months and has asked him to stop any work until the Board can instruct him on what more MLIRD needs him to do. Kaj Selmann may or may not be available in the future. MLIRD at this point forward should not incur anymore charges from him until he has been instructed on what to consult on.

RESOLUTIONS

Resolution 2023-005 – Land Petition

Director Dexter made a motion to approve Resolution 2023-005 – Land Petition for parcel #161736000 owned by Charles C. and Barbara H. Hornaday. Director Perry seconded the motion. The motion carried unanimously.

WORKSHOP/DIRECTOR QUESTIONS and/or COMMENTS

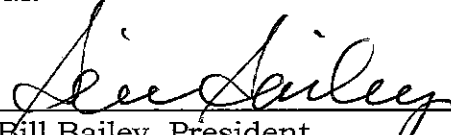
President Bailey reminded the Board of Directors and the audience members of the Special Board meeting next month on Tuesday, January 9, 2024 at 5:30 PM and as always is open to the public and the Regular Board meeting will follow afterwards starting at its regular time of 7:00 PM.

Director Dexter stated for the record, that on page 4 of last month meeting minutes, November 14, 2023, wanted it to be known for clarity that he meant to say “economically the lake benefits the City of Moses Lake and Grant County tremendously. In addition, the Moses Lake community enjoys improved water quality.” Director Dexter also stated in the new RCW for rehabilitation, MLIRD can use property values for determining the benefits. He said it’s probable that it is not allowed to only use property values. However, overall, property values are not just ignored.

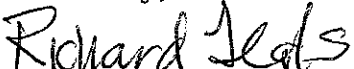
He asked Legal Counsel Brian Iller if property values are used for part of the determination of benefits on lakefront versus non-lakefront properties. Legal Counsel Brian Iller stated if he was going to provide the Board with a legal opinion, he would want to do that in Executive Session. However, he said without providing a legal opinion, the statutory language authorizes the Board to use the assessed value as a factor in classifying the properties to the benefits. Director Dexter mentioned he had just seen a comment in last month’s meeting minutes when he was comparing property values and Director Perry had stated that MLIRD could no longer use property values because the Court of Appeals and the Legislative said it was no longer allowed. Director Dexter just wanted to clarify that the District could use that as a factor in determining the benefits. He understands that it is not exclusive, but it can be used as a component.

ADJOURNMENT

The meeting was adjourned at 8:36 PM.

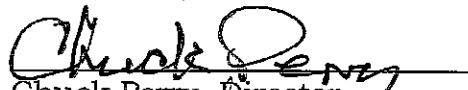


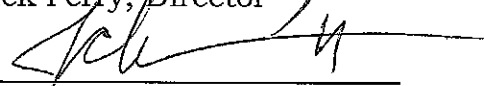
Bill Bailey, President



Richard Teals, Vice President


Kris Dexter, Director


Chuck Perry, Director


Joe Ketterer, Director

By: Beth Youko
Secretary to the Board of Directors