

Moses Lake Irrigation and Rehabilitation District

Regular Board Meeting

July 8, 2014

The Board met for a Regular Board Meeting at 7:00 PM on July 8, 2014.

Chairman Foster conducted the Call to Order, Roll Call, For the Record "Announcement" and the Pledge of Allegiance. Present are Chairman Foster, Directors' Kernan, Covey, Perry, Legal Counsel Brian Iller, Acting Manager Julie Smith and Gail Powell. Vice Chairman Bailey was excused from this meeting. This meeting was not recorded due to difficulty with the recording system.

Discussion of Agenda and Non-Agenda Items

There were no agenda items for discussion. Jeff Powell and Tom Bennett requested time to discuss non-agenda items.

APPROVAL OF AGENDA

Chairman Foster called for a motion to approve the agenda. Director Kernan motioned to approve the agenda as presented and it was seconded by Director Perry. No further discussion and the motion was approved unanimously.

APPROVAL OF CONSENT AGENDA

Director Perry motioned to accept and approve the Minutes of June 4, 2014 (Special Meeting), June 10, 2014 (Special Meeting), June 10, 2014 (Regular Meeting), June 19, (Special Meeting) and June 25, 2014 (Special Meeting), as well as the bills/checks/ and vouchers noted in the agenda. The motion was seconded by Director Kernan. Legal Counsel Iller noted one correction to the June 25, 2014; with that noted, the motion carried.

PRESENTATIONS

Chris Wilson and Ryan Walker presented a slide show of the work completed on the dredge and filtration start-up. Chris shared the hydraulic pump had to be replaced for a cost of \$2900.00. Dredging will ramp up to 10 hours per day 5 days per week.

PUBLIC HEARINGS

No discussion.

BOARD REPORT

Moses Lake North Dam Progress Report -

Chairman Foster reported the District is waiting on the Department of Ecology for finances. Strata is approximately 95% completed with the design and plans. Ryan Walker indicated when the permitting is complete the construction could begin within two weeks. North Central Construction is ready to begin as soon as the plans and permits are finalized. The letter from DOE requested \$1500.00. Julie Smith will follow up on the request.

PUBLIC COMMENTS

Jeff Powell reported the algae is very high and much earlier than in past years. He said that the county and the city all point to MLIRD. He also reported the County has adopted a new taxation charge of \$700.00 per foot up to 150 feet on lake property. The lake is the backbone of our community and with this algae problem it decreases the value of property.

Tom Bennett submitted a picture of his property and reiterated the same issues as presented by Jeff Powell. Further discussion by Board Members and Acting Manager Julie Smith indicated the early hot temperatures will increase the algae and \$200,000 was set aside for treatment.

EXECUTIVE SESSION

The Board adjourned into Executive Session at 7:58 PM. In Executive Session, Chairman Foster indicated the Board would discuss and evaluate the qualifications of an applicant for public employment per RCW 42.30.110(g) and to discuss the legal counsel threatened litigation regarding alleged whistleblower pursuant to RCW 42.30.110(1)(i)(i). The estimated timeframe of the Executive Session will be 30 minutes, returning to regular session at 8:30 PM.

At 8:27 PM Chairman Foster extended the Executive Session until 9:00 PM.

The Board reconvened to Regular Session at 9:00 PM. Legal Counsel Iller noted the Whistlerblower matter. He has been in communication with the claimant's attorney, as well as the insurance company. Unfortunately, the insurance company representative and Mr. Iller have not been able to make contact. There are some deadlines that are running and the claimant's attorney has asked that the District agree to a stay so he is not forced to file an action before the District is able to fully investigate and review the claims of the insurance company.

There are two issues, first a time in which to request administrative hearing on the whistlerblower allegation Mr. Iller recommends the Board move to stay the time in which Curt Carpenter must request an administrative hearing on his whistleblower allegations until MLIRD gives Curt Carpenter written notice that the stay is being terminated. Mr. Iller would suggest 15 days written notice that the stay is being terminated. Director Covey moved that the District move to stay as mentioned by Mr. Iller. Director Perry seconded the motion. No further discussion. The motion carried unanimously.

Mr. Iller's recommendation is a motion to stay the statute of limitations on any wage claims against the until MLIRD until MLIRD gives Mr. Carpenter fifteen days written notice that the stay is being terminated. Director Kernan made a motion as recommended by Mr. Iller. Director Covey seconded the motion. No discussion and the motion carried.

Director Covey has an interested party inquire with regard to the position of Secretary to the Board. With the election coming up shortly the Board must make a decision. Director Covey will make further inquiry and report back to the Board.

Acting Manager Julie Smith asked the Board about the lengthy timeframe in hiring a General Manager. Julie encourages the Board to move forward with something soon as this has been on the agenda for many meetings. Director Covey shared the Board is moving forward and a resolution will be forthcoming soon.

ADJOURNMENT

The meeting was adjourned at 9:07 PM

Jeffrey B. Foster, Chairman

Bill Bailey, Vice Chairman

Ken Kernan, Director

Ronald Covey, Director

Mary Perry, Director

Respectively Submitted

By: _____
Secretary to the Board of Directors

Transcribed by: _____
Gail M. Powell