

Moses Lake Irrigation and Rehabilitation District
Special Meeting
November 3, 2014

Chairman Foster called the Special Meeting of November 3, 2014 of the Moses Lake Irrigation and Rehabilitation District to order at 5:15 PM. Present at the meeting are current sitting directors, Counsel Brian Iller, and General Manager, Chris Overland. The meeting is being recorded for accuracy. The Pledge of Allegiance was recited.

Chairman Foster called for identification of persons wanting to discuss agenda items. No agenda items were brought forward.

APPROVAL OF AGENDA

Chairman Foster called for a motion to approve the agenda. Vice Chairman Bailey moved to approve the agenda and seconded by Director Perry. Motion carries.

Counsel Iller made a suggestion to swear in the newly appointed directors into office before the Executive Session.

Vice Chairman Bailey moved to adjust the agenda to move the presentation of Canfield Insurance Agency prior to the Executive Session. Director Perry seconded the motion. Motion carries.

WELCOME TO THE BOARD

Chairman Foster swore in Kris Dexter and Richard Teals as new directors to the MLIRD pursuant to RCW 87.04.082. Both Kris Dexter and Richard Teals accepted the assignment and signatures were obtained. Chairman Foster congratulated both to the new Board of Directors.

PRESENTATIONS

Bruce Rhyme, Canfield Insurance Agency, came to educate and provide information to the newly appointed Directors on the Public Officials Liability. Canfield Insurance Agency insures MLIRD. If there is potential litigation, the agency becomes involved. MLIRD is a part of CIAW (City Insurance Association of Washington).

The presentation tonight is to discuss the roles and relationships of Board Members that run the District. Liability insurance, Errors & Omissions, is the type of coverage that covers Board Members during MLIRD tenure. A Board Member can be personally sued for decisions made during tenure with MLIRD. Every decisions has a result. Bruce indicated communication is a huge part of participating on the Board for MLIRD. Communicating information is good, however communicating opinions is dangerous, especially when you include everyone on the reply (this creates a quorum). Facebook, text messaging and any e-mails are considered a quorum. Open public meetings are the place to discuss that sort of communication. Always use MLIRD legal counsel if there are questions. Fines can be administered to a Board Member if a member steps outside the Open Public Meetings Act, as well as expenses and attorney fees. Policies and procedures and communications become public record and can be requested under the Public Records Act. Executive Sessions are confidential and the qualifications of topics are defined by RCW. It is a verbal confidential discussion and nothing should be voted upon during this session. Verbal communication of the timing of Executive Session must be given and can be extended if necessary, being specific.

PUBLIC HEARINGS

No public hearings at this meeting.

BOARD REPORT

No report at this meeting.

EXECUTIVE SESSION

The items to be discussed in Executive Session are:

- a. to discuss with legal counsel potential litigation in the form of specifically threatened litigation re: alleged whistleblower/overtime pay as authorized by RCW 42.30.110(1)(i)(i);
- b. to discuss with legal counsel potential litigation in for the form of the legal risks of proposed actions or current practices regarding orientation of new Board members roles, board conduct, attorney-client communications, executive session privileges; the Public Records Act; and the Open Public Meetings Act, all as authorized by RCW 42.30.110(1)(i)(iii). Legal counsel might attend by phone. The executive session may include third party consultants on the above subject matter.
- c. To discuss with legal counsel pending litigation re: Hansen lawsuit as authorized by RCW 42.30.110(1).

The Board went into Executive Session at 6:08 PM with an estimated time to return is 6:45 PM. At 6:45 PM Chairman Foster extended the Executive Session for another 15 minutes; promptly at 7:00 PM.

The Board reconvened into Special Session at 7:02PM for November 3, 2014. There will be not actions taken from the Executive Session. The meeting is adjourned at 7:03 PM.

Jeffrey B. Foster, Chairman

Bill Bailey, Vice Chairman

Mary Perry, Director

Richard Teals, Director

Kris Dexter, Director

Respectively Submitted

By: _____
Secretary to the Board of Directors

Transcribed By: _____
Gail M. Powell