

CALL TO ORDER

At 2:00 PM, President Bailey called the October 22, 2021 Special Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that President Bailey, Vice President Teals, Director Dexter, and Director Foster were present. Legal Counsel Brian Iller and Director Selmann attended via telephone. 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 agenda items and nothing was brought forward.

APPROVAL OF AGENDA

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

EXECUTIVE SESSION

The Board went into Executive Session at 2:05 PM to discuss with legal counsel pending litigation as authorized by RCW 42.30.110 (1) and potential litigation as authorized by RCW 42.30.110 (1)(i)(iii). Possible action may be taken after Executive Session. The expected time was 30 minutes, and the Board was to return approximately at 2:35 PM.

The Board entered back into Regular Session at 2:35 PM.

ACTION ITEMS

Director Foster stated he would like to discuss postponing assessments for the year 2022 until the MLIRD Board has better direction from the appeals court or a legislative fix to help make sense out of Judge Estudillo's ruling in the action with the Grant County Treasurer Darryl Pheasant and MLIRD. President Bailey stated Judge Estudillo has confused the MLIRD Board and in his mind after spending the last two weeks going through the information trying to find a way to realistically and reasonably assess the MLIRD ratepayers, he doesn't see a way. If the MLIRD Board was to attempt assessing for the year 2022 and then be questioned after the fact, it can't be justified at this time. Director Foster made a motion to not assess the MLIRD ratepayers any fees, charges, rates, taxes, or tolls for 2022 and that the MLIRD Board relies on MLIRD Staff to maintain a tight budget and deal with reserves and proceeds from the sale of the MLIRD surplus equipment until there is a legislative fix or an appeals court decision. Director Dexter seconded the motion. Vice President Teals stated he feels this is the right move for MLIRD. Director Dexter feels until the MLIRD Board gets direction from the court of appeals and if the MLIRD Board decides to go for a legislative fix that might be the best option because MLIRD is the only irrigation and rehabilitation district in the State of Washington and that makes this a unique situation. President Bailey stated the bottom line is the original code was created in 1963 and things have changed a lot since then and if nothing else, the use of the language and the interpretation then is considerably different than it is today. As a result, there are different opinions on what MLIRD's current rules are. President Bailey agrees with the motion and thinks MLIRD should hold off on assessments for 2022 and monitor the MLIRD budget and expenses and be prudent with the

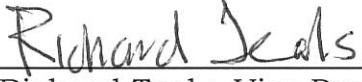
reminder that in the long run, MLIRD is going to be looked upon as being continually careful with the MLIRD ratepayer's money and the MLIRD Board is working in their best interest. The motion carried unanimously.

A draft memorandum of understanding with the City of Moses Lake was then discussed. Legal Counsel Brian Iller stated Director Selmann could share the Draft Memorandum of Understanding with the City of Moses Lake as a preliminary draft that has not been approved by the MLIRD Board and see if they would like to make any changes.

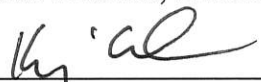
Director Dexter made a motion to direct MLIRD Staff to continue to prepare the 2022 Assessment Roll without any taxes, fees, assessments, or charges so that the MLIRD Board will know more for 2023. Vice President Teals seconded the motion. The motion carried unanimously.

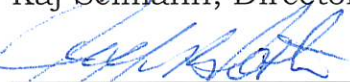
ADJOURNMENT

The meeting was adjourned at 2:45 PM.

Bill Bailey, President


Richard Teals, Vice President

Kris Dexter, Director


Kaj Selmann, Director


Jeff Foster, Director

By: _____
Secretary to the Board of Directors