

MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT

APPROVED: MARCH 6, 2012

MINUTES OF THE REGULAR BOARD MEETING HELD TUESDAY, FEBRUARY 7, 2012 AT THE OFFICES OF THE MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT ("THE DISTRICT")

CALL TO ORDER: The meeting was called to order at 6:05 p.m.

PLEDGE OF ALLEGIANCE: Steve Buck led the Pledge of Allegiance.

ROLL CALL: Present: Chip Sherrill, Clay Vanderslice, Joseph Hancock, John Kai, Perry Muscelli, Jamie Kelley (legal counsel), and Cecily Preusser (Administrative Assistant)

WAIVER MOTION. Motion to waive the reading of full minutes and resolutions presented for approval or adoption.

A motion to waive the full reading of the January 10, 2012 Meeting Minutes was made by Mr. Kai. Mr. Vanderslice seconded the motion. Mr. Muscelli abstained. All were in agreement, motion passed.

1. **REPORTS.**

- A. Review and possible discussion of the Niblack Engineering System Progress Report dated January 9, 2012.

Chairman Sherrill stated that by next month's meeting, the District should be receiving input from all the well meters so a comparison may be made between the numbers reported by the well meters and those reported by the water users.

- B. Review and possible discussion of the MVIDD Financial Report for January 2012.

It was discussed and decided that staff would include an income and expense report in conjunction with the balance sheet and that the budget would be reconciled by next meeting.

- C. Review and possible discussion of the progress report on the MVIDD web page.

Cecily Preusser presented a report on the status of the MVIDD web page, including some of the options discussed at the February 1, 2012 meeting that took place with George Simon, Chip Sherrill and Cecily Preusser. Mr. Sherrill advised that the interim web page would be available for review by

all Board members. George Simon will also be designing a logo for MVIDD. A suggestion was made that instead of using the the Blue Host domain for the website that the Go Daddy domain be used. It was discussed as to what would be placed on the website, mainly, our meeting agendas and minutes as they were approved. Also, it was discussed that the District forms would be placed on the site so they could be downloaded by the public, assuming there are no legal ramifications in doing so. Counsel for the District will look into that particular issue. It was suggested that we take recommendations from users as to what they would like to see on the website. It was also agreed that the District would be listed as the registered owner of the website domain so as to have more control over the website.

- D. Review and possible discussion of the January 24, 2012 letters to water users requesting monthly water reports and crop reports.

Chairman Sherrill stated that it is important that users report their water usage and that agricultural users also submit their crop reports. Chairman Sherrill stated that it was the responsibility of the land owner to be responsible for making sure that water and crop reports were submitted, rather than the tenant. District counsel concurred. District counsel also pointed out that there is the monthly water report and the yearly water order. Water usage reports are to be submitted monthly, by the 5th of each month. Yearly water requests and crop reports are to be submitted in July. The District then submits those reports to the Bureau of Reclamation (“BOR”) so that they can plan water allocations for the year.

- 2. **AGENDA MODIFICATION.** Possible action to withdraw from, or move, any item on the Agenda, including the removal of an item from the consent agenda.

No Discussion or action.

- 3. **CONSENT AGENDA.** *The items listed below will be considered as a group and acted upon by one motion with no separate discussion of said items, unless a Board Member requests an item or items be removed for separate discussion and action.*

- A. Approve the January 10, 2012 Meeting Minutes.

John Kai made a motion to approve the January 10, 2012 Meeting Minutes. Clay Vanderslice seconded the motion. Perry Muscelli abstained. All others were in agreement, motion passed.

- B. Approve Payment of Kelley, Moss & Holden Invoice for December 2011 Legal Services in the amount of \$3,362.50.

- C. Approve Niblack Engineering - Services and Expenses for December 2011 - January 2012 in the amount of \$4,785.87.

- D. Approve J.R. Robinett Invoice dated January 30, 2012 in the amount of \$724.00.
- E. Ratify Payment of Expenses for January 2012.
- F. Possible Action to Approve Items Withdrawn from Consent Agenda.

Mr. Muscelli stated that since he was absent from the last two Board Meetings that he would abstain from the vote. Mr. Kai made a motion that the Consent Agenda be approved in its entirety. Mr. Vanderslice seconded the motion. Mr. Muscelli abstained. All were in favor, motion passed.

4. REGULAR AGENDA.

- A. Discussion and possible action to approve a settlement agreement with Luveda Fincher Family, LLLP, providing for the cancellation of two water entitlement contracts, the issuance of a new water entitlement contract to Luveda Fincher Family, LLLP, and a reservation/set aside agreement for Waterway Holdings.

Mr. Kai made a motion that this matter be tabled for next month's meeting. Mr. Muscelli seconded the motion. All were in agreement, motion passed.

- B. Discussion and possible action to transfer to set aside water allocation for the proposed public park on Boundary Cone Road to the proposed public park between Vanderslice and Aquarius Roads south of Laguna adjacent to River Valley High School, and to allocate 50.0 acre feet to the park.

Chairman Sherrill explained that this would be a transfer of the water allocation from the old proposed park site on Boundary Cone Road to the new proposed park site in the south Valley. The name of the park will remain the same, only the location will be different. Chairman Sherrill stated that there was a \$73,000.00 grant from The Legacy Grant, \$10,000.00 from AYSO, and we are applying for another \$268,000.00 from the Arizona Diamondbacks. We also going to the Arizona Cardinals to try and get some additional funding from them. District counsel asked if the Legacy Grant had a matching requirement, and Chairman Sherrill replied that they did, but we have enough of an offset from what we have done so far that we should be fine as far as the Legacy Grant was concerned. He stated that the Diamondbacks also had a matching requirement, so we will have to facilitate that. Chairman Sherrill stated that it is going to be a very nice park and is coming along well so far.

Mr. Kai made a motion to approve the transfer of the set aside water allocation. Mr. Hancock seconded the motion. All were in favor, motion passed.

- C. **John L. Bacot, Lots 48 and 49, Topock Lake Ranchos, Tract 1037, T17N, R22W, Sec. 17.** Discussion and possible action to approve farm plan and water allocation.

District counsel stated her opinion that Mr. Bacot required another letter, the reason being that the farm plan Mr. Bacot submitted does not specify what he is going to do with the pasture as delineated on his farm plan. Chairman Sherrill stated that he believed Mr. Bacot still had horses on his property. Mark Kelley advised the Board that he did not believe that Mr. Bacot still had animals on the property.

Mr. Kai made a motion that staff be directed to send a letter to Mr. Bacot asking him to specify how many gallons of water were being requested, what kind of agricultural use he intends for the pasture, whether it be for hay or to pasture animals. Mr. Muscelli seconded the motion. All were in favor, motion passed.

- D. Discussion and possible action regarding donation of MVIDD's used computer equipment to the Boys & Girls Club of Bullhead City.

Chairman Sherrill went through the list of used equipment that is currently being considered for donation to the Boys and Girls Club. He stated that the equipment is of no use to the District and that it is toxic and cannot just be dumped, but that it may be that it will be of some use if donated. This is used equipment that has no value. It was discussed that one of the Polaroid 19" televisions would be donated as well. It was discussed that George Simon of the The Computer Shop offered to erase all hard drives to DOD standards free of charge in exchange for the donation.

Mr. Muscelli made a motion that we donate the used equipment to the Boys & Girls Club. Mr. Kai seconded the motion. All were in favor, motion passed.

5. PUBLIC INPUT

Steve Buck addressed the Board with regard to the IGA contract with the City of Bullhead. He stated that it was his understanding that there was to be something on tonight's Agenda, but that the Agreement was going before the Bullhead City Council tonight. Mr. Buck stated that it was his understanding that the Agreement was going into Executive Session with the Bullhead City Council, and once approved by the City it would come to the District Board for approval. There was discussion as to which form of the Agreement was being submitted to the City Council. District counsel stated that she was unsure as to whether or not the Draft Agreement with her recent changes was being submitted. Chairman Sherrill stated that we would wait for word

from Garn Emery, the Bullhead City Attorney because we have had issues with getting approval and then finding out that they really didn't have the approval to give us. We don't want to get into that situation again so let's see what happens at the Council meeting tonight; Ms. Kelley will stay in touch with Garn Emery. There is a meeting of the Council at the end of the month. Let's see if we get on that agenda and if we get approved on that agenda then we can get things moving. Mr. Buck asked if District counsel had approved the Executive Session draft agreement or the drafting session agreement. District counsel responded that she hoped it was the most recent version that was discussed with Garn Emery. District counsel stated that she knew what had been discussed with Mr. Emery and she knew what we had submitted, but she was unsure of which draft was being considered. Mr. Buck asked if it was reasonable for the District to advise him of the Council's decision. Ms. Kelley agreed that was possible.

Mr. Buck also inquired as to whether or not the District was still planning to hire Mark Clark as MVIDD manager. Chairman Sherrill stated that between current staff and District counsel, the District office was running well. It was not that the District was not interested in Mr. Clark, but that it was more money than the District wanted to spend. It had been decided that until staff was able to get the office in shape and up to date. Once the office is completely caught up, the Board will consider whether or not to hire a manager, be in Mark Clark or someone else. Mr. Buck stated that the current office hours worked well for his office. Chairman Sherrill stated that, in this economy, the District was trying to save some money and that the current office hours seemed to be working out.

ADJOURNMENT

Mr. Kai made a motion that the meeting be adjourned. Mr. Muscelli seconded the motion. All were in agreement, the meeting adjourned at 7:00 p.m.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the District. Requests should be made as early as possible to arrange the accommodations.