

MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT

APPROVED: APRIL 3, 2012

MINUTES OF THE REGULAR BOARD MEETING HELD TUESDAY, MARCH 6, 2012 AT THE OFFICES OF THE MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT ("THE DISTRICT")

CALL TO ORDER: The meeting was called to order at 6:06 p.m.

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

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

Not Present: Joe Hancock and John Kai

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 February 7, 2012 Meeting Minutes was made by Mr. Muscelli. Mr. Vanderslice seconded the motion. All were in agreement, motion passed.

1. REPORTS.

A. Review and possible discussion of the February, 2012 System Progress Report submitted by Mark Niblack as follows:

- All sites are operating and reporting.
- Sealed rechargeable batteries, outdoors in this climate will have a shorter lifespan, about 2 years. They are starting to lose their ability to fully recharge. Eight of them had to be replaced in February. Most of the remaining batteries will probably need replacement by the end of the year. I will continue to monitor them and replace the batteries as needed.
- The battery is going out on Well No. 20 (Courtwright North on Evans 1/3 mile), so it may be missing some night data. Mark will try to get over there next week (week of March 5, 2012) to replace.

- Plan is to current-meter remaining sites that have not been verified, and spot-check previously verified sites, once pumping begins more frequently in the spring.

Brief discussion with regard “Municipal” description Mr. Niblack uses in his monthly totals. Staff directed to contact Mr. Niblack and find out what the “Municipal” totals refer to.

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

There was a brief discussion as to the accuracy of the totals listed on the Cash Flow Statement, Budget v. Actual Report and Balance Sheet. Chairman Sherrill stated that staff was currently working with Jim Robinett, accountant for MVIDD, going through the QuickBooks program in order to correct whatever entries may have been inputted incorrectly. When QuickBooks has been updated and corrected, it will be easier to prepare a correct 2012-2013 annual fiscal budget.

- C. Review and possible discussion of redesign of MVIDD web page and a logo for the District. George Simon of The Computer Shop has submitted 30 possible logos to be used by MVIDD on its website for review.

The Board Members first discussed the fact that they did not like any of the logos presented by Mr. Simon. Chairman Sherrill recalled that on the old MVIDD letterhead there was a logo that would probably work for the website. Staff was directed to find that logo and forward it to Mr. Simon. Mr. Simon was present at the meeting and addressed the Board regarding the status of the website.

- D. Review and possible discussion of Department of Water Resources February 2012 Snowpack Report.

Brief discussion regarding the Snowpack Report. No action taken.

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 February 7, 2012 Meeting Minutes.

- B. Approve Payment of Kelley, Moss & Holden Invoice for January 2012 legal services and costs in the amount of \$7,616.00.
- C. Approve Niblack Engineering Invoice No. 8 dated February 20, 2012 in the amount of \$934.28.
- D. Ratify payment of expenses for February 2012.
- E. **Willow Valley Estates 21, Tract 4228 (formerly Willow Valley Estates 20, Tract 4134-C):** Approve request for a one year extension of the preliminary water allocation.
- F. **Westview Estates, Tract 4125:** Approve one year extension of preliminary water allocation and defer payment of the final 1/3 of the allocation.
- G. Possible action to approve items withdrawn from the Consent Agenda.

Mr. Muscelli made a motion to approve the Items A through G of the Consent Agenda. Mr. Vanderslice seconded the motion. 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.

District counsel presented the latest changes to the draft Agreement, which were few and pertained to clarification of the set aside of water and pprs. Mr. Muscelli made a motion to approve the agreement and Mr. Vanderslice seconded the motion. All were in favor, motion passed.

- B. **Desert Lakes Estates Golf Course - Water Rights Transfer:** Discussion and possible action to approve transfer of water amenity water contract identified as Contract No. 2007-03 in the District's registry of contracts, from CNL Eagle Golf SW to Desert Lakes Golf Company, LLC, an Arizona limited liability company, in accordance with MVIDD Resolutions 07-05 and 07-08.

Acre Feet Under Contract	:	320 Acre Feet
Proposed Amount to be Assigned		320 Acre Feet
8% Reduction Pursuant to Res. 07-05:		25.6 Acre Feet
Acre Feet To be Assigned to New Owner:		294.4 Acre Feet
Fees Payable (Res. 07-08) to the District:		\$3,444.00 (\$500.00 transfer fee plus \$10 Per Acre Foot Transferred)

Mr. Muscelli made a motion to approve the water transfer upon payment of fees. Mr. Vanderslice seconded the motion. All were in favor, motion passed.

- C. **Water Conservation Plan/Rebate Plan for Turf Removal.** Discussion and possible action to amend conservation plan to provide for smart landscaping, specifically including a rebate program for turf removal.

Discussion as to the rebate programs used by Southern Nevada Water Authority, California Water Agency Program Overview, and Scottsdale Commercial/Residential Common Areas Turf Removal Rebate. Chairman Sherrill stated that although these were all good plans and rebates for turf removal was a good idea, the District does not have the funds to implement such a plan at this time. No action taken.

- D. **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.

Discussion ensued regarding the February 21, 2012 letter sent by the District to Mr. Bacot requesting that he provide a more specific farm plan, the amount of gallons of water he intends to use, and the fact that he has not yet registered his well with the District. Mr. Vanderslice made a motion directing District counsel to forward a letter to Mr. Bacot demanding compliance with the items requested by the District. Mr. Muscelli seconded the motion. All were in favor, motion passed.

- E. **Failure to Submit Monthly Water Reports to MVIDD.** Discussion and possible action to declare contract holders who have failed to submit monthly water reports in default.

Mr. Muscelli made a motion directing District counsel to send a letter to those water users not in compliance demanding that they submit monthly water reports and advising that failure to do so will be deemed a default of their Water User Contract. Mr. Vanderslice seconded the motion. All were in favor, motion passed.

- F. **Employment of Cecily Preusser.** Discussion and possible action regarding the employment of Cecily Preusser as administrative assistant on a permanent basis.

Mr. Muscelli made a motion that Ms. Preusser be deemed a permanent employee of the District. Mr. Vanderslice seconded. All were in agreement, motion passed.

5. PUBLIC INPUT

Steve Buck addressed the Board with regard to the IGA contract with the City of Bullhead. District counsel stated that Garn Emery was going to present the final draft to the Bullhead City Council for approval. District counsel also stated that the District would not be signing the Agreement until it had been approved and signed by the City Council. District counsel stated that once the Agreement had been fully executed, the next step would be to obtain agreement from amenity and end users. Discussion was had as to whether there should be a special meeting with the amenity and end users or if this matter should be considered in a Regular Meeting. It was decided that this matter would be placed on the Regular Agenda and considered in Regular Meeting, however, the issue most likely will not be on the Agenda until May.

Mr. Buck also requested that he be provided with the Regular Meeting Minutes for September through February. Ms. Preusser advised that she would provide those minutes to Mr. Buck the next day via email.

ADJOURNMENT

Mr. Muscelli made a motion to adjourn the meeting. Mr. Vanderslice seconded the motion. All were in favor, the meeting adjourned at 7:45 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.