

MEETING MINUTES OF PUBLIC MEETING OF THE MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT

Held December 10, 2019

Public Meeting 4:00PM

Mohave Valley Irrigation & Drainage District
1460 E. Commercial Street, Mohave Valley, AZ 86440

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mohave Valley Irrigation and Drainage District and to the general public that the Mohave Valley Irrigation and Drainage District will hold a meeting open to the public on Tuesday, December 10, 2019 at 2:00pm at 1460 E. Commercial Street, Mohave Valley, AZ 86440. As indicated in the agenda, pursuant to A.R.S. § 38-431.03(A) Item 2a, the Mohave Valley Irrigation & Drainage District may vote to go into executive session, which will not be open to the public, to discuss certain matters. The board will reconvene in Open Session beginning at 4:00 pm at the MVIDD district office.

If the public wishes to address the Board regarding Regular Agenda Items, they may fill out the Request to Speak Form located in the back of the room. The form should then be given to the General Manager of the Board prior to the meeting. The time limit rule of 3 minutes maximum will be enforced.

CALL TO ORDER. Chairman, Charles B. Sherrill, Jr., called the meeting to order at 2:15pm.

1. ROLL CALL.

Present: Charles B. Sherrill, Jr., Chairman/Director Division III
Vince Vasquez, Director Division II
Clay Vanderslice, Director at Large
Perry Muscelli, Treasurer/Director at Large
Kerri Hatz, General Manager
Michael J. Pearce, District Counsel

Absent: John Kai, Jr., Director Division I

2. Consideration of Action to go into Executive Session of the Board for the following purposes:

- a. Pursuant to A.R.S. §38-431.03(A)(3)(4) & (7), discussion and consultation with legal counsel of the District in order to consider legal questions on Items 8F and 8G. Perry Muscelli, made a motion to go into executive session, Clay Vanderslice, seconded the motion. All in favor, executive session began at 2:16pm. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

At 4:03pm, Perry Muscelli made a motion to end the executive session, Vince Vasquez, seconded the motion. All in favor, executive session adjourned. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

3. **RECONVENE IN OPEN SESSION.** Open session reconvened at 4:05pm.
4. **PLEDGE OF ALLEGIANCE.** Perry Muscelli led the Pledge of Allegiance.
5. **WAIVER MOTION.** Motion to waive the reading of full minutes and resolutions presented for approval or adoption. Perry Muscelli made a motion to waive the reading of the full minutes and or resolutions presented for approval or adoption, Clay Vanderslice seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
6. **AGENDA MODIFICATION.** Possible action to withdraw from, or move, any item on the Agenda. No Action.
7. **REPORTS.**
 - Water:
 - a. Staff report on District water use. Staff reported the District water use to date ending October 2019.
 - b. Bureau of Reclamation Lower Colorado Water Supply Report. Staff reported the current levels of Lake Mead and Lake Powell as of December 2, 2019.
 - Finances: Staff summarized the financial reports through October of 2019.
 - c. Profit & Loss Budget vs. Actual year to date July 1, 2019 thru October 31, 2019.
 - d. Profit & Loss Statement for October 2019.
 - e. Balance Sheet as of October 31, 2019.
 - Other:
 - f. MVIDD Staff Report. – General information to update the board members. Staff advised the board that January’s regular board meeting will be on the 7th. The District office will be closed Monday, December 23, 2019 through January 2, 2020. The next meeting agenda will be posted Thursday, January 2, 2020. Staffed advised the board that the 2019 Crop Reporting forms will be mailed out in January as well as the Annual Water User’s bills.

8. REGULAR AGENDA

- A. **Approve the November 05, 2019 Regular Meeting Minutes.** Discussion and possible action to approve the Regular Meeting Minutes from last month’s meeting. Vince Vasquez made a motion to approve last month’s regular meeting minutes, Clay Vanderslice seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

- B. Approve the November 05, 2019 Executive Session Minutes.** Discussion and possible action to approve the Executive Session Minutes from last month's meeting. Vince Vasquez made a motion to approve last month's executive session minutes, Clay Vanderslice seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- C. Approve the November 18, 2019 Special Meeting Minutes.** Discussion and possible action to approve the Special Meeting Minutes from last month. Vince Vasquez made a motion to approve last month's special meeting minutes, Clay Vanderslice seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- D. Ratify payment of Expenses for November 2019.** Discussion and possible action to ratify the payment of expenses for last month. Staff reviewed November expenses with the board, there were no questions. Vince Vasquez made a motion to ratify the expenses for November, Clay Vanderslice seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- E. Crossroads RV, LLC; T18N, R21W, Section 05; APN: 225-14-026; Application for Preliminary Water allocation for 40 additional RV Spaces.** Discussion and possible action to approve the application for the preliminary water allocation for 40 RV spaces. Staff explained this RV Park is applying for an expansion of 40 new RV spaces and they do not have a water allocation for this. Crossroads has applied for a preliminary allocation, they have provided all the necessary documents, and they have paid the application fee. Staff is recommending 150 gallons a day per space per year. There are no other commercial buildings or pools in this proposed expansion so approximately 6.72 acre feet of water per year is what is being applied for. Vince Vasquez asked if the RV Park had its own private water system. Mr. Morse with Mohave Engineering said that the client does have their own private water system. Mr. Morse said the existing system will provide water for the expansion. Vince asked if it was a metered system and are they reporting the water usage to the District. Mr. Morse said he does not believe there is a metered system and Kerri replied that there has not been any water reporting to the district. Kerri explained that when the water inventory was done in 2012ish that the RV Park was grandfathered in for the existing spaces and we have accounted for the water in our inventory and the District does not receive monthly water reports from the RV Park. Vince stated that the District is being asked to have better water reporting data and as part of this approval process, the District may require an approved metering system be installed at the well and a monthly water usage report sent from the RV Park to the District. Mr. Pearce stated that this usage is similar to commercial usage and most commercial entities water usage is reported

by the local utility companies and they monitor the water independently. This is an unusual circumstance and he recommends that to move forward with this project that it be in line with the standard utility practices of metering the water use and reporting it to the District and that will be for the entire RV Park now that it will be a comingled system. There was talk back and forth between the board members regarding monthly water reporting. Vince Vasquez made a motion to approve the preliminary water allocation contingent upon a District approved metering device be installed and monthly water reporting be made to the District. Perry Muscelli seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

F. ***Update on EC - ICS Plan of Creation.** Discussion update on the amended EC - ICS Plan of Creation submitted to ADWR and BOR on November 25, 2019. District counsel stated that these documents have been submitted to ADWR and BOR and they are the results of fine tuning of details for the Plan of Creation. This includes Land IQ's cropping analysis, Exhibit 2 is the participating Farm Unit and fields, Exhibit 3 was requested by the BOR and is the breakdown of Priority 1 verses Priority 4 rights of each participating farm units and the fields of participation and there are only a couple of those with Priority 1 rights and Exhibit 4 is the table that was used to calculate the maximum historical agricultural acreage that was planted in the last five years. This has been turned into the representatives for the seven basis states for review and comment, we are still awaiting approval. If approved, we will have to submit an amended water order with the BOR for 2020.

G. ***MVIDD Draft EC-ICS Program Document and EC-ICS Agreement for 2020.** Discussion and possible action to approve the draft EC-ICS Program Document and draft EC-ICS Agreement for participants. Mr. Pearce stated the program document has been reviewed over the last six months and as the Plan of Creation has evolved with more specific detail the program document needed to be changed to reflect that. The contract is just a contract stating you will abide by the terms of Plan of Creation and Program Document and hold the District harmless of any result of the program that is beyond the District's control. There is nothing different in the contract then there is in the program document. The contract is only for one year and the program document is a resolution of the board and can be changed by the board of directors from time to time. Perry Muscelli asked when these will be completed. Mr. Pearce stated the participants will need to pay the District an administrative fee for administering this program and the board needs to decide tonight what those fees will be. The administrative fee will be calculated on the farm unit's conservation yield and due in July and past due in August even though we will not know the final results until May of 2021. Perry Muscelli asked if staff had a recommendation. Kerri stated that with the current

Comprehensive Fee Schedule, the PPR administrative fee is \$1.00 per acre foot and the same administrative fee be similar to that. That is in addition to the yearly fees for the water entitlement for each contract. Vince stated that he thinks the suggestion is good and if the fee needs to be adjusted next year we can increase the fee. Perry Muscelli made a motion to approve the \$1.00 administrative fee and the contract, Vince Vasquez seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

Mr. Pearce stated next is the Program Document and it is ready for adoption and signatures from the board if adopted tonight it is only an internal document. This gives directive to the staff on the obligations of the District and how staff will administer the program. There is no resolution number this is more of a policy statement for this program. The board did not have any questions and Vince Vasquez made a motion to approve the EC-ICS Program Document, Perry Muscelli seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

- 9. CALL TO THE PUBLIC.** *Those wishing to address the Board at the Call to the Public regarding matters not on the Board agenda must fill out and submit to the Administrative Assistant a Call to the Public – Request to Speak Form located in the back of the room prior to the meeting. Action Taken as a result of public comments will be limited to responding to criticism, referral to staff, or placing a matter on a future Agenda. Comments are restricted to items **NOT** on the Regular Agenda, and must relate to matters within the jurisdiction of the Board. No members of the public requested to speak.*

- 10. ADJOURNMENT.** Vince Vasquez made a motion to adjourn, Perry Muscelli seconded the motion. All in favor, meeting adjourned at 4:50pm. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

Agendas are available on our website www.mvidd.net, as well as posted outside the District office bulletin board outside the office door located at 1460 E. Commercial Street, Mohave Valley, AZ 86440. To subscribe to agenda notifications please visit our website.

Pursuant to the Americans with Disabilities Act (ADA), Mohave Valley Irrigation & Drainage District endeavors to ensure the accessibility of all its programs, facilities, and services to all persons with disabilities. For an accommodation please contact the District office at 928-768-3325. Requests should be made 48 hours prior to the meeting to arrange the accommodation.

Items on Agenda marked with an asterisk (*) will be discussed in executive session with District counsel in accordance with A.R.S. § 38-431.03(A)(3)(4) & (7).

Vote Key: A = Abstained; Y = Yes; N = No