

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

Held February 04, 2020

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, February 04, 2020 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 2:12pm.

## 1. ROLL CALL.

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

Absent: None

## 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 9F and 9G. Vince Vasquez, made a motion to go into executive session, Perry Muscelli, seconded the motion. All in favor, executive session began at 2:13pm. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

At 3:45pm Perry Muscelli made a motion to end the executive session, Vince Vasquez seconded the motion. All in favor, executive session adjourned. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

3. **RECONVENE IN OPEN SESSION.** Open session reconvened at 4:00pm.
4. **PLEDGE OF ALLEGIANCE.** Perry Muscelli led the Pledge of Allegiance.
5. **OATH OF OFFICE.** Chairman, Charles B. Sherrill, Jr., to swear in the newly elected members of the board pursuant to the November 12, 2019 election. Vince Vasquez for Division II Director and Perry Muscelli for Director at Large. Chairman, Charles B. Sherrill, Jr., swore in Vince Vasquez for Division II Director. Chairman, Charles B. Sherrill, Jr., swore in Perry Muscelli for Director at Large. Oath of office was signed and notarized for both directors. See exhibit "A".
6. **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 minutes and or resolutions presented for approval or adoption. John Kai, Jr. seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
7. **AGENDA MODIFICATION.** Possible action to withdraw from, or move, any item on the Agenda. No action.
8. **REPORTS.**
  - Water:
    - a. Staff report on District water use. Staff reported the District water use for date ending December 31, 2019.
    - b. Bureau of Reclamation Lower Colorado Water Supply Report. Staff reported the current levels of Lake Mead and Lake Powell as of January 27 and February 3, 2020.
  - Finances: Staff summarized the financial reports through December 31, 2019.
    - c. Profit & Loss Budget vs. Actual year to date July 1, 2019 thru December 31, 2019.
    - d. Profit & Loss Statement for December 2019.
    - e. Balance Sheet as of December 31, 2019.
  - Other:
    - f. MVIDD Staff Report. – General information to update the board members. Staff advised the board that the Law of the Colorado River Conference in Scottsdale is in March. Staff advised the board that all Crop reporting forms have been mailed and are due February 14, 2020. All annual water bills have been mailed as well and are due by March 31, 2020 and lastly, the discharge pipe and flow meters are still being installed

and should be completed by the end of February.

## 9. REGULAR AGENDA

- A. **Election of Officers.** Discussion and possible action to elect officers to the MVIDD Board. The position of Chairman and Treasurer are up for election this year. District counsel advised the board that the election of officers should be in odd numbered years as defined in the District's bylaws. In 2016, staff inadvertently held an election that year and now the election of officers have been held in even years. So the board has a couple of choices, declare a vacancy and appoint officers to the end of the term and hold elections in February 2021 or elect the officers now and it be a one year term instead of two year term and get the election of officers back on track for February of 2021. Vince made a motion to keep "Chip" as chairman and Perry as treasurer to finish out the 2020 term. Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- B. **Approve the December 10, 2019 Regular Session Meeting Minutes.** Discussion and possible action to approve the regular meeting minutes. Vince Vasquez made a motion to approve the December 10, 2019 meeting minutes, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- C. **Approve the December 10, 2019 Executive Session Minutes.** Discussion and possible action to approve the Executive Session meeting minutes. Vince Vasquez made a motion to approve the December 10, 2019 executive session meeting minutes, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- D. **Ratify payment of Expenses for December 2019.** Discussion and possible action to ratify the payment of expenses for December 2019. Staff reviewed the payment of expenses with the board. Perry Muscelli made a motion to ratify the payment of expenses for December 2019, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- E. **Ratify payment of Expenses for January 2020.** Discussion and possible action to ratify the payment of expenses for last month. Staff reviewed the payment of expenses with the board. Vince Vasquez made a motion to ratify the payment of expenses for January 2020, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

F. **\*Gary Baxter; T19N, R22W, Section 27; APN: 227-21-078; 5275 S. Huntington Road, Fort Mohave, AZ; Application for a commercial water allocation.** Discussion and possible action to approve the application for a commercial water allocation for a proposed new storage garage of 3,200 sq. ft. with a bathroom. Staff advised the board that this is an application in an old subdivision that has an existing residential water allocation for 0.34 acre feet of water per year. The zoning has changed to a commercial use for that parcel and a 3,200 foot commercial storage building with a single bathroom is being proposed to be built. Staff recommends doing an administrative update to the water inventory for this parcel from residential to commercial with no additional fees and the 0.34 acre feet of water is enough for this project. “Chip” stated that the standard ADWR recommended water allocation for commercial is 2.25 acre feet per acre and 2.39 acre feet of water is what would be their recommendation for this project. He thinks that is too much water and we need to review these applications on a case by case basis as to not over or under allocate water in this District. Perry Muscelli made a motion to approve the application for the commercial water allocation and not charge any additional fees since there is an allocation already and this is just a change of use. Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

G. **\*Update only on ICS Program.** Discussion and update on the EC-ICS program with the District. “Chip” gave an update of the process the District went through to get the approval with ADWR and BOR. He explained this is voluntary program for fallowing. Flow meters are being installed currently and the farms will be required to control weeds. This is the first step to putting water behind the dam and the District should be commended on the hard work, along with district counsel for their efforts. The hope is that other Districts will participate in the future and help reduce the possible shortages in the future by putting water behind the dam.

**10. 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 signed up to speak.*

**11. ADJOURNMENT.** Perry Muscelli made a motion to adjourn, John Kai, Jr., seconded the motion. All in favor, meeting adjourn at 4:32pm.

Agendas are available on our website [www.mvidd.net](http://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





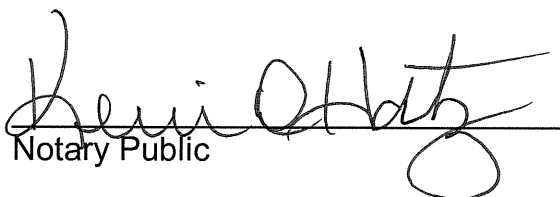
OATH OF OFFICE

STATE OF ARIZONA    )  
                                  ) SS  
COUNTY OF MOHAVE )

I, Vince Vasquez, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona: that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of Director of MOHAVE VALLEY IRRIGATION AND DRAINAGE DISTRICT according to the best of my ability so help me god.

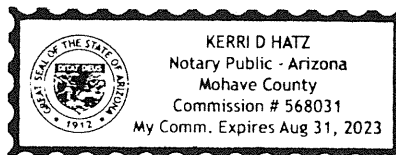
  
\_\_\_\_\_  
Signature of Director

SUBSCRIBED AND SWORN TO before me this 4th day of February, 2020,  
by Vince Vasquez.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

August 31, 2023



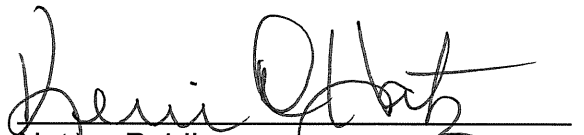
OATH OF OFFICE

STATE OF ARIZONA    )  
                                  ) SS  
COUNTY OF MOHAVE )

I, Perry Muscelli, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona: that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of Director of MOHAVE VALLEY IRRIGATION AND DRAINAGE DISTRICT according to the best of my ability so help me god.

  
\_\_\_\_\_  
Signature of Director

SUBSCRIBED AND SWORN TO before me this 4th day of February, 2020,  
by Perry Muscelli.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

August 31, 2023

