

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

Held March 03, 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, March 03, 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 8F, 8G, and 8H. John Kai, Jr., made a motion to go into executive session, Clay Vanderslice, seconded the motion. All in favor, executive session began at 2:22pm. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

At 3:50pm Perry Muscelli made a motion to end the executive session, John Kai, Jr., seconded the motion. All in favor, executive session adjourned. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

*[The discussions and minutes of the executive session shall be kept confidential. The executive session of the Board is not open to the public.]*

3. **RECONVENE IN OPEN SESSION.** Perry Muscelli made a motion to reconvene in open session, Clay Vanderslice seconded the motion. All in favor, meeting reconvened at 4:04pm. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
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. John Kai, Jr., made a motion to waive the reading of full minutes and resolutions presented for approval or adoption, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
6. **AGENDA MODIFICATION.** Possible action to withdraw from, or move, any item on the Agenda. Chairman, Charles B. Sherrill moved item 8A before the reports to accommodate the representative, Mark Clark, for Patriot Estates needing to leave for a Bullhead City Council meeting.

**Item 8A:** Patriot Estates, Tract 4195C; T19N, R22W, Section 36; APN(s): 226-24-075; Request for Final Water Allocation. Discussion and possible action to approve the request for the final water allocation for 41 lots. Staff reported that QPC, Inc. represents Patriot Estates and has requested the final water allocation for the 41 lots in this subdivision and all fees have been paid for both the preliminary and final water allocation. Mohave County approved at their January 2020 meeting the final plat. Mark Clark added that construction started today as well. Vince Vasquez made a motion to approve the final water allocation, John Kai, Jr. seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

## 7. REPORTS.

### Water:

- a. Staff report on District water use. Staff reported the District water use for date ending January 31, 2020.
- b. Bureau of Reclamation Lower Colorado Water Supply Report and February 2020 update of projected future conditions. Staff reported the current levels of Lake Mead and Lake Powell as of March 3, 2020.

### Finances: Staff summarized the financial reports through January 31, 2020.

- c. Profit & Loss Budget vs. Actual year to date July 1, 2019 thru January 31, 2020.
- d. Profit & Loss Statement for January 2020.
- e. Balance Sheet as of January 31, 2020.

Other:

- f. MVIDD Staff Report. – General information to update the board members. Staff advised the board that the District was sent a USDA 2019 Survey of Irrigation Organizations that is Due March 20<sup>th</sup>. In April, the District will be mailing out water order forms for 2021 to all of the District contract holders. The budget will be started this month and will be on the agenda for April for the first round of review and comments.

**8. REGULAR AGENDA**

- A. **Patriot Estates, Tract 4195C; T19N, R22W, Section 36; APN(s): 226-24-075; Request for Final Water Allocation.** Discussion and possible action to approve the request for the final water allocation for 41 lots. See Above
- B. **Approve the February 04, 2020 Regular Session Meeting Minutes.** Discussion and possible action to approve the regular meeting minutes from last month. John Kai, Jr., made a motion to approve the February 04, 2020 regular session meeting minutes, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- C. **Approve the February 04, 2020 Executive Session Minutes.** Discussion and possible action to approve the Executive Session meeting minutes from last month. Vince Vasquez made a motion to approve the February 04, 2020 executive session meeting minutes, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- D. **Ratify payment of Expenses for February 2020.** Discussion and possible action to ratify the payment of expenses for last month. John Kai, Jr., made a motion to ratify the expenses for February 2020, Perry Muscelli seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- E. **Ratify Engagement of Gammage & Burnham, PLC.** Discussion and possible action to ratify the engagement of Gammage & Burnham, PLC. Staff reported that the engagement of Gammage & Burnham, PLC was signed and sent last month and staff is asking the board to ratify the engagement. Perry Muscelli made a motion to ratify the engagement of Gammage & Burnham, PLC, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

- F. **\*2019 Crop Report.** Discussion and possible action to approve the 2019 Crop Report. Staff reported that all of the crop reports have been received and that if approved today, a cover letter along with this report and the District water usage for 2019 will be mailed to the Bureau of Reclamation. Perry Muscelli made a motion to approve, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- G. **\*Noxious Plants within the District.** Discussion and possible action to adopt rules or proceed under state statute for eradicating noxious plants. This was a discussion item only from Chip Sherrill to let everyone know that the District is working hard on staying proactive to head off any noxious plants on the farm units and stay compliant with the ICS Program. No action taken.
- H. **\*EC-ICS Compliance and Draft Delivery Agreement between the United States and MVIDD.** Discussion and possible action to review District ICS compliance and approve the draft delivery agreement for EC-ICS with Bureau of Reclamation. District counsel, Mr. Pearce, discussed that this item will be a recurring item on the agenda throughout the year. Chip Sherrill updated everyone on the discharge replacement and the flow meter installation program. The District has been compliant with the ICS program to date so far in that all fields proposed for fallowing have been fallowed and metering is on track, although delayed somewhat due to heavy rains. The draft ICS Delivery Contract has been reviewed. The contract doesn't have many terms that are not already in the 2007 guidelines, it basically says you will comply with all of those rules and, if so, can take delivery of ICS. This draft is also out for comment to all of the lower basin states, so it is not ready for final approval tonight. No action taken.
- Mr. Hendrix had a couple of questions and addressed the board. He asked if everyone on the original list is currently enrolled. Chip verified that everyone on the list is enrolled and fallowing at this time. Mr. Hendrix asked if anyone has secured funding. Chip replied no. Mr. Hendrix asked if there has been any move to transfer ICS to Central Arizona. Chip replied no.
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 signed up for the Call to the Public.*

**10. ADJOURNMENT.** Perry Muscelli made a motion to adjourn, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y. Meeting adjourned at 4:30pm.

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