

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

Held June 01, 2021

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, June 01, 2021, at 2:00 pm via Zoom teleconference due to the Pandemic. As indicated in the agenda, pursuant to A.R.S. § 38-431.03(A) Items 2a, 2b and 2c, 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 via Zoom beginning at 4:00 pm.

Topic: MVIDD - Open Session

Time: June 01, 2021, 04:00 PM Arizona

Join Zoom Meeting

<https://us02web.zoom.us/j/83519895031?pwd=MGhkNUFrQ1RlZ3lEbG5MdXdtT29ZZz09>

Meeting ID: 835 1989 5031

Passcode: 298518

CALL TO ORDER. Chairman, Charles B. Sherrill, Jr., called the meeting to order at 2:04 pm.

1. ROLL CALL.

Present: Charles ("Chip") B. Sherrill, Jr., Chairman/Director Division III
Clay Vanderslice, Director at Large
Kerri Hatz, General Manager

Via Zoom: Vince Vasquez, Director Division II
Perry Muscelli, Treasurer/Director at Large
John Kai, Jr., Director Division I
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 to obtain legal advice on any matter listed on the agenda.
- b. *Discussion and consultation with legal counsel regarding the 2022 system conservation with BOR and pilot study program.

- c. *Discussion and consultation with legal counsel regarding commercial water allocations within the District.

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

Perry Muscelli made a motion to go into executive session, John Kai, Jr., seconded the motion. All in favor, motion passed. Executive session began at 2:05 pm. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

Perry Muscelli made a motion to adjourn executive session, Clay Vanderslice seconded the motion. All in favor, executive session adjourned at 4:09 pm. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

3. **RECONVENE IN OPEN SESSION.** Perry Muscelli made a motion to reconvene at 4:18pm, Clay Vanderslice seconded the motion. All in favor, open session reconvened. 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. Perry Muscelli made a motion to waive the reading of the full minutes and or resolutions 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. No action taken.
7. **REPORTS.**

Water: Staff summarized the District water use for the date ending April 30, 2021 and reported on the current Lake Powell and Lake Mead Elevations. Perry Muscelli also reported on the current conditions.

- a. Staff report on District water use.
- b. Bureau of Reclamation Lower Colorado Water Supply Report.

Finances: Staff summarized the financial reports through April 30, 2021.

- c. Profit & Loss Budget vs. Actual year to date July 1, 2020, thru April 30, 2021.
- d. Profit & Loss Statement for April 2021
- e. Balance Sheet as of April 30, 2021.

Other:

- f. MVIDD Staff Report. – General information to update the board

members.

Staff advised that the AZ Water Law Conference in Scottsdale is on August 26 & 27 that is a Thursday and Friday and if any board members wish to participate, they need to let staff know.

Staff advised the board that the District has received the BOR Verification of System Conservation for CY 2020.

8. REGULAR AGENDA

A. Approve the May 04, 2021, Regular Session Meeting Minutes.

Discussion and possible action to approve the regular meeting minutes from last month. Clay Vanderslice made a motion to approve the May 04, 2021, regular meeting minutes, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

B. Approve the May 04, 2021, 2021 Executive Session Meeting Minutes.

Discussion and possible action to approve the executive session meeting minutes from last month. Clay Vanderslice made a motion to approve the May 04, 2021, executive session minutes, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

C. Ratify payment of Expenses for May 2021.

Discussion and possible action to ratify the payment of expenses for last month. Staff reviewed the payment of expenses with the board members. Perry Muscelli made a motion to ratify the payment of expenses for May 2021, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

D. H2Oasis Auto Spa; T17N, R22W, Section 15; 1277 E. Levee Dr., Mohave Valley, AZ; APN(S): 224-30-012C. Application for commercial allocation for a Car Wash Expansion Project.

Discussion and possible action to approve a commercial water allocation. Staff advised that Mohave County Development Services informed the district that the carwash was intending on expanding their wash bays. The district reached out to FMTUA to see current water usage and it is averaging 11-acre feet of water per year at its current capacity. The owners of the car wash were advised by district staff that they would need an additional water allocation for the expansion. The owners advised the board members that they believe there will be only an additional 20% increase of the current water use; they are going to be using water saving nozzles in the expansion area. Perry Muscelli is concerned that more than 20% may be used and asked the owners if they were willing to sign an agreement that when the expansion is complete and we have updated water use

records, that the owners, if need be, came back to the district and apply for any additional usage needs. The owners agreed they would and pay current fees for the additional allocation. Vince Vasquez made a motion to approve a 20% increase, 2.2 acre-feet of water, a signed agreement and payment of current fees and a water use review within the next three (3) years. Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

- E. **Fiscal Year June 2021 – July 2022 Budget.** Discussion and possible action to approve the 2021-2022 fiscal year budget. Staff reviewed the budget changes from last month's meeting with the board. The changes include field maintenance increase from \$8,000 to \$20,000 to allow for additional flow meter replacement or repairs and professional consultants increase from \$20,000 to \$30,000 for possible on call services. Perry Muscelli made a motion to approve the budget, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- F. **Mohave County 2021 Tax Levies and Rates Certification.** Discussion and possible action to approve the 2021 Tax Levies and Rates Certification. Staff reviewed the tax levies and rates certification with the board. The district has not increased the rates in several years, it remains at \$1.50 per acre. Perry Muscelli made a motion to approve the 2021 Tax Levies and Rates Certification, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- G. **July 01, 2021, Comprehensive Fee Schedule and Payment Rules.** Discussion and possible action to approve the 2021 Comprehensive Fee Schedule and Payment Rules. Staff reviewed the Fee Schedule with the board and advised that an item for AG to commercial administrative fee was added. It would be a onetime fee per occurrence to change their AG Entitlement contract if the entitlement holder sold a portion of their entitlement to a developer within district boundaries. Perry Muscelli made a motion to approve the Comprehensive Fee Schedule and Payment Rules, Clay Vanderslice seconded the motion. All in favor, motion passes. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- H. **Call of Election for Division I Director and Director at Large.** Discussion and possible action to approve Resolution 2021-01 Call of Election of Division I Director and Director at Large. The election date is November 9, 2021. Staff advised that John Kai, Jr. is currently the Division I Director and Clay Vanderslice is the Director at Large position up for election in 2021. Perry Muscelli made a motion to approve Resolution 2021-01 for the call of election, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice –

Y; Vasquez – Y; Sherrill – Y.

- I. **HintonBurdick CPA's & Advisors.** Discussion and possible action to approve the engagement letter of HintonBurdick for our fiscal year ending June 30, 2021, financial review. Staff reviewed the engagement letter with the board. Last year the fees paid for services was \$3,500 and the range for 2021 is \$3,500 to \$4,250. Vince Vasquez made a motion to approve the engagement of HintonBurdick for the June 30, 2021, financial review, Perry Muscelli seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- J. **System Conservation with BOR for 2022.** Discussion and possible action to approve participation in SCIA with Bureau of Reclamation for Calendar year 2022. No action was taken. Mr. Pearce updated the board with the latest meetings with the BOR and a letter sent to Mr. Daniel Bunk with the challenges of the acreage and diversion limitations, and we are awaiting a follow up meeting with the BOR regarding that letter. Some board members and farmers have shown interest in participating in 2022, however, the board is not ready to take action until district counsel has met with the BOR.

9. CALL TO THE PUBLIC. *Those wishing to address the Board at the Call to the Public regarding matters not on the Board agenda can request to do so at this time. Due to the Pandemic, meetings are being held via Zoom. 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 addressed the board in call to the public.

Present via zoom: Karen Summit

Present at District office: H2Oasis owners and staff.

10. ADJOURNMENT. Vince Vasquez made a motion to adjourn, Clay Vanderslice seconded the motion. All in favor, meeting adjourned at 5:05pm. Kai – Y; 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: Y = YES; N = NO; A = ABSTAIN