

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

Held August 02, 2022

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, August 02, 2022 at 2:00 pm via Zoom teleconference. As indicated in the agenda, pursuant to A.R.S. § 38-431.03(A) Item 2a, 2b, 8F, and 8G 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 4:00pm.

Topic: MVIDD Open Session

Time: Aug 2, 2022 04:00 PM Arizona

Join Zoom Meeting

<https://us02web.zoom.us/j/83848943194?pwd=R3VpRHF4MzNqUmN3bEVPQINMWkhNUT09>

Meeting ID: 838 4894 3194

Passcode: 015785

CALL TO ORDER. Chairman, Charles B. Sherrill, Jr., called the meeting to order at 2:03pm.

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
John Kai, Jr., Director Division I
Perry Muscelli, Treasurer/Director at Large, Joined 2:12pm
Michael J. Pearce, District Counsel

Absent: None

2. Consideration of Action to go into Executive Session of the Board for the following purposes: Clay Vanderslice made a motion to go into executive session, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y. Perry Muscelli joined the executive session at 2:12pm.

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 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 adjourn the executive session at 3:45pm, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

3. RECONVENE IN OPEN SESSION. Open session reconvened at 4:02pm.

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. Clay Vanderslice made a motion to waive the reading of the full minutes and or resolution 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.

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 June 30, 2022 and reported on current Lake Powell and Lake Mead elevations.

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

Finances: Staff reviewed the finances with the board of directors.

- c. Profit & Loss Budget vs. Actual year to date July 01, 2021, thru June 30, 2022
- d. Profit & Loss Statement for June 2022.
- e. Balance Sheet as of June 30, 2022.

Other: Staff advised the board of Directors:

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

The Agribusiness meeting is Friday, September 16th from 8am-3pm in Tempe.

The Arizona Water Law Conference is next week on Thursday and Friday and John Kai and Vince Vasquez are registered for that event.

CAP's Annual Water Users meeting and a briefing of the Colorado River outlook will be livestreamed on their website on Wednesday, August 24th

from 9am-11am.

8. REGULAR AGENDA

A. Approve the July 05, 2022 Regular Session Meeting Minutes.

Discussion and possible action to approve the regular meeting minutes for last month. Vince Vasquez made a motion to approve the regular session meeting minutes from July 05, 2022, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

B. Approve the July 05, 2022 Executive Session Meeting Minutes.

Discussion and possible action to approve the executive session meeting minutes for last month. Clay Vanderslice made a motion to approve the executive session meeting minutes from July 05, 2022, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

C. Ratify Expenses for July 2022.

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

D. Statement of Cash Receipts and Disbursements for Fiscal Year Ended June 30, 2022.

Discussion and possible action to approve the fiscal yearend financial review from HintonBurdick CPA's & Advisors. Staff reviewed the statement of cash receipts and disbursements with the board of directors. Perry Muscelli made a motion to approve the statement of cash receipts and disbursements, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

E. Resolution 2022-03, A Resolution to Establish a Policy Regarding the Quantity of Allocations.

Discussion and possible action to approve Resolution 2022-03. (Previously reviewed Regular Session June 02, 2022 and Executive Session July 05, 2022) Clay Vanderslice made a motion to approve Resolution 2022-03, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

F. *Westview Estates, T19N, R22W, Section 14; Request to Transfer the Preliminary Water Allocation:

The preliminary allocation is 30.60-acre feet of water. Staff reviewed the requests with the board of directors, each item with discussed separately.

- a. **Transfer a portion of the preliminary water allocation to 5 parcels for Parcel Plat recorded July 8, 2022; APN: 229-12-055.** Discussion and possible action to approve a final water allocation for 5 parcels. Vince Vasquez asked if a demand calculator for this project was submitted with this request and staff advised it had not. Jamie Kelley also confirmed that she had not provided that information. There was discussion regarding the policy change on Resolution 2022-01, adopted on May 3, 2022, which requires a demand calculator be submitted for any transfers of the preliminary allocation to a new development or project. Vince Vasquez made a motion to grant a 60-day extension for Jamie Kelley to submit the necessary documentation for the water demand needs, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
 - b. **A portion of the preliminary allocation to a new unnamed project to be developed on APN: 227-16-031A for 28 residential units.** Discussion and possible action to approve a transfer of preliminary water to this project and the request is for 12 months with a 6-month update requirement. Vince Vasquez asked if a demand calculator for this project was submitted, staff advised it had not. Vince Vasquez made the same motion as on the previous item, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
 - c. **Transfer one residential unit of water to APN: 227-02-094.** Discussion and possible action to approve a final water allocation be transferred to this parcel. Vince Vasquez made the same motion as the previous two items, John Kai, Jr. seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
 - d. **Request to District to Establish an exchange/turn back list.** Discussion and possible action to allow the developer to exchange or turn back water to the District and sell this water to new projects first, with the district charging fees for the transfer of the water and a portion of the fees being refunded to the developer choosing to not move forward with the project as proposed. No action was taken on this item. District counsel, Michael Pearce suggested to the board of directors that we take a look at this request and possibly adopt a policy to establish an exchange/turn back list. This is something the District will take in consideration.
- G. ***2023 System Conservation.** Discussion and possible action regarding system conservation, including participation in the Lower Basin Agricultural Crash Avoidance Group. District counsel, Michael Pearce,

advised the board of directors that he has had correspondence with Wade Noble, regarding the possible support from MVIDD to act in good faith and help support and possibly participate in the Lower Basin Agricultural Crash Avoidance Group to “Save the River”. The plan reduces water orders by one acre foot per acre, it is not a fallowing program, water transfer, or a water sale. It is reducing irrigation water that will result in reduced lower basin crop production and will impact the farming community. To help offset the reduced production, farming will need about \$1500.00 per acre foot. This plan would leave approximately one-million-acre feet annually behind Hoover Dam. Perry Muscelli made a motion to participate in the Lower Basin Agricultural Crash Avoidance Group, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; 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 can request to do so at this time. 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 member of the public addressed the board of directors.

In attendance at MVIDD: Richard Park
In attendance via Zoom: Jamie Kelley, Westview Estates
Sam Elters, Mohave County Manager

- 10. ADJOURNMENT.** Perry Muscelli made a motion to adjourn, Vince Vasquez seconded the motion. All in favor, meeting adjourned at 4:38pm. 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