

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

Held May 02, 2023

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 Monday, May 02, 2023 at 2:00 pm via Zoom Teleconference. As indicated in the agenda, pursuant to A.R.S. § 38-431.03(A) Items 2a, 2b, and 8I through 8M, 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 Teleconference beginning at 4:00pm.

Topic: MVIDD Open Session

Time: May 2, 2023 04:00 PM Arizona

Join Zoom Meeting

<https://us02web.zoom.us/j/84451348919?pwd=bWJ5blljMGs0ZEZkV2ZMSEZ4Z1RQQT09>

Meeting ID: 844 5134 8919

Passcode: 423972

One tap mobile

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**CALL TO ORDER.** Chairman, Charles B. Sherrill, Jr., called the meeting to order at 2:02pm.

## 1. ROLL CALL.

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

Via Zoom: Vince Vasquez, Director Division II  
Perry Muscelli, Treasurer/Director at Large

Absent: None

- 2. Consideration of Action to go into Executive Session of the Board for the following purposes:** Perry Muscelli made a motion to go into executive session, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

- 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 executive session, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez- Y; Sherrill – Y. 3:48 pm.

- 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. Perry Muscelli made a motion to waive the reading of the full 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.

- 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 March 31, 2023 and current levels of both Lake Powell and Lake Mead.

- 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, 2022, thru March 31, 2023
- d. Profit & Loss Statement for March 2023.
- e. Balance Sheet as of March 31, 2023.

Other:

- f. MVIDD Staff Report. – General information to update the board members. Staff advised the Board of Directors:

The June Board Meeting – Call of Election for Division III, which is Chip Sherrill's position.

EC-ICS Admin. Invoices will be mailed by May 15, 2023 and due by July 31, 2023.

2024 Conservation efforts need to be started on for the Plan of Creation.

District is reviewing resumes for the admin position and interviews will start next week.

District office will be closed on Friday, May 12 through Monday May 21, 2023.

SEIS Near Term Virtual Public Meetings start next week and pre-registration is required.

## 8. REGULAR AGENDA

### A. Approve the April 04, 2023 Regular Session Meeting Minutes.

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

### B. Approve the April 04, 2023 Executive Session Meeting Minutes.

Discussion and possible action to approve the executive session meeting minutes for last month. Vince Vasquez made a motion to approve the 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.

**C. Approve the April 24, 2023 Special Executive Session Meeting Minutes.** Discussion and possible action to approve the special executive session meeting minutes for last month. John Kai, Jr., made a motion to approve the special executive session meeting minutes, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

**D. Ratify Expenses for April 2023.** Discussion and possible action to ratify the expenses for last month. John Kai, Jr., made a motion to ratify the expenses for last month, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill

– Y.

**E. Via Dolce Development Tract 4241; T19N, R22W, Section 23; APN(s) 228-02-101, 102, & 105; Request for an Extension of Preliminary Water Allocation for 129 Residential Lots.** Discussion and possible action regarding the extension request for a preliminary water allocation. This request is for 12 months. Phase A is for 62 Lots, the remaining 67 Lots will be for future phases. This is a request for 12 months; the current extension expires May 10, 2023. Staff reviewed the extension request and the forward progress for the project with the board of directors. Perry Muscelli made a motion to approve a one (1) year extension of the preliminary water allocation for 129 lots, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Sherrill – Y. This extension will expire on May 10, 2024.

**F. Melvin Wade III; 2021 E. Everglades Blvd., Fort Mohave; T19N 22W, Section 36; APN(s) 226-24-077. Application to transfer one (1) acre foot of water from AG Entitlement Contract 2009-01C (Green Acres Mohave) to Melvin Wade II for Domestic use.** Discussion and possible action regarding the application to transfer one (1) acre foot of water from AG Entitlement Contract 2009-01C from Green Acres Mohave in section 31 to Melvin Wade III for domestic use for a single-family residence. Staff reviewed the application and site plan with the board of directors. Perry Muscelli abstained from this item. Both Medhi Azarmi and Melvin Wade discussed the plan for the property. Only one acre of the parcel is being developed with a residential home and large garage. It is understood by both the developer and the applicant that at this time only one acre can be developed, and, in the future, the owner will need to acquire additional water for any future development of the parcel. John Kai, Jr., made a motion to approve the transfer, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – A; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

**G. Herb Kai Farm; T17N, R22W, Section 09; APN(s): 224-19-001; Contract 2008-07. Herb Kai Remediation Agreement Contract 2008-07 Currently in Default.** Discussion and possible action regarding Contract 2008-07 and cure of Defaults. Staff updated the board of directors that the defaults of the Remediation Agreement have been completed and the farm unit is properly functioning. Staff recommended the contract be deemed cured of all defaults. John Kai, Jr., abstained from this item. Vince Vasquez made a motion to deem Contract 2008-07 in section 09 cured of the defaults, Perry Muscelli seconded the motion. All in favor, motion passed. Kai – A; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

**H. Request to District to Establish an exchange / turn back list.**

Discussion regarding allowing a 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.

Mr. Pearce, District counsel, discussed the idea of a possible exchange or turn back policy for developers not moving forward on projects that have paid for and received an allocation from the District. This type of policy would not be for open market selling of water but an opportunity for the District to reimburse the developer a portion of monies that have been paid to the District for the water. The District may or may not reallocate any water turned back into the district inventory. This is on the agenda to just keep the idea fresh and to continue to think about it. No action taken.

**I. \*Fiscal Year July 2023 – June 2024 Budget Review.** Discussion only to review and make comments on the next fiscal year budget. (Previously discussed at the April 04, 2023 Regular Meeting) Staff reviewed minor changes to the proposed budget with the board of directors. No action taken.

**J. \*July 01, 2023 Comprehensive Fee Schedule and Payment Rules.**

Discussion only to review and make comments regarding possible updates to the Comprehensive Fee Schedule and Payment Rules. (Previously discussed at the April 04, 2023 Regular Meeting) Staff reviewed minor changes to the proposed Comprehensive Schedule and Payment Rules with the board of directors. No action taken.

**K. \*Mohave County 2023 Tax Levies and Rates Certification.** Discussion only to review and make comments regarding possible updates to the Tax Review and Rates Certification. (Previously discussed at the April 04, 2023 Regular Meeting) Staff reviewed the proposed Tax Levies and Rates Certification with the board of directors. No action taken.

**L. \*2023 System Conservation Agreement.** Discussion and possible action regarding the draft system conservation agreement. (Previously discussed at the April 04, 2023 Regular Meeting) Mr. Pearce, District counsel, reviewed the latest draft SCIA Agreement with the board of directors and the corrections made from the previous version. Perry Muscelli made a motion to approve the draft SCIA Agreement, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y. A second motion was made by Perry Muscelli to cancel the 2023 500 + Plan Agreement, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

**M. \*Reclamation draft Supplemental Environmental Impact Statement (SEIS)** Discussion regarding the draft SEIS released on April 11, 2023. The draft SEIS will be available for public comment for 45 calendar days on Reclamations website. Mr. Pearce, District counsel discussed the draft SEIS from Reclamation and the need for the district to comment on this item after we attend the virtual public meeting this week. At the meeting reclamation will take questions and public comments following the presentation. No action taken.

**N. Mohave County Meeting update.** Discussion only to update the board of directors regarding the meeting held this morning with Mohave County. Chip Sherrill, Kerri Hatz, and Mr. Pearce hosted a meeting at the District office this morning to continue to work with the county. We discussed water allocation concerns and some of the processes the county is implementing with their own staff to help educate both the employees and the public to understand water allocations along the Colorado River. Discussions also included possibly holding a public meeting with realtors and title companies to help educate them on the importance of checking for water allocations prior to listing or selling properties within the district boundaries. The District and Mohave County hope to have another meeting toward the end of the summer.

**9. CALL 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 members of the public addressed the board of directors.*

**10. ADJOURNMENT.** John Kai, Jr., made a motion to adjourn the meeting, Clay Vanderslice seconded the motion. All in favor, motion passed. Meeting adjourned at 5:00pm. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

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 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 the 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**