

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

Held June 06, 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 Tuesday, June 06, 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, 8D, 8G, and 8J, 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: Jun 6, 2023 04:00 PM Arizona

Join Zoom Meeting

<https://us02web.zoom.us/j/87293345775?pwd=cWFaQ2pueFNKNDFLNxowWVNxN0N1QT09>

Meeting ID: 872 9334 5775

Passcode: 149218

One tap mobile

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CALL TO ORDER. Chairman, Charles B. Sherrill, Jr., called the meeting to order at 2:06pm.

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
Michael J. Pearce, District Counsel

Absent: Perry Muscelli, Treasurer/Director at Large

- 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, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – 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.] Clay Vanderslice made a motion to adjourn executive session, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez- Y; Sherrill – Y. 3:03 pm.

- 3. RECONVENE IN OPEN SESSION.** Open Session reconvened at 4:06 pm.
- 4. PLEDGE OF ALLEGIANCE.** Vince Vasquez led the Pledge of Allegiance.
- 5. WAIVER MOTION.** Motion to waive the reading of full minutes and resolutions presented for approval or adoption. Vince Vasquez made a motion to waive the reading of the full minutes and resolutions presented for approval or adoption, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – 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, 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 April 30, 2023
- d. Profit & Loss Statement for April 2023.
- e. Balance Sheet as of April 30, 2023.

Other:

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

members. Staff advised the Board of Directors:
2024 SCIA Plans need to be started for next year.

Water Orders for 2024 are mailed out in July and Due by August 15th.

Utility Customer by Meter Size and Annual CCR Report Request for 2022 will be mailed this month and due by July 15th.

2023 EC-ICS Amin Fee Invoices have been delayed until we have a final executed contract with Reclamation for 2023 System Conservation.

Next board meeting falls on Tuesday, July 4th which is a holiday so the board meeting will be held the following Tuesday, July 11, 2023.

Election Notices will be mailed to all Qualified Electors in Division III and any nominations will be due by July 17, 2023.

8. REGULAR AGENDA

A. Approve the May 02, 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; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

B. Approve the May 02, 2023 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, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

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

D. *Westview Estates, T19N, R22W, Section 14; Transfer Request of Preliminary Water Allocation, previous extensions from October 4, 2022 and January 3, 2023 regular meeting. The preliminary allocation is 30.60-acre feet of water. Discussion and possible action regarding this request. Staff, District Council, and the Board of Directors discussed and approved each item separately.

- a. **Transfer a portion of the preliminary water allocation to 5 parcels for Parcel Plat recorded July 8, 2022; APN: 229-12-055 (Parent Parcel) divided into APN's 229-12-065 (2.375 acres); 229-12-066 (2.248 acres); 229-12-067 (4.637 acres); 229-12-068 (4.637 acres) and 229-12-069 (4.643 acres).** Discussion and possible action to approve a final water allocation of 1.144-acre feet of water (5.72-acre feet total) per parcel and a deed restriction on each parcel. **Vince Vasquez made a motion to approve the final water allocation with a requirement to record the covenant restrictions for each parcel, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.**
- b. **Transfer a portion of the preliminary water allocation to a new project referred to as Joy Lane Twin Homes to be developed on APN: 227-16-031A for 16 residential units on 8 lots and 1 lot for a Retention Basin (6.24-acre feet total) with a 12-month extension.** Discussion and possible action for the transfer and extension. **Clay Vanderslice made a motion to approve the transfer of preliminary water allocation to this project with a one (1) year extension which will expire on June 06, 2024, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.**
- c. **Transfer a portion of the preliminary allocation to a new project referred to as 4-Joy Development for four (4) residential units of water to APN: 227-02-094. Parcel Plat pending recordation (1.96-acre feet total) with a 12-month extension.** Discussion and possible action for the transfer and extension. **Vince Vasquez made a motion to approve the transfer of preliminary water allocation to this project with a one (1) year extension which will expire on June 06, 2024, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.**
- d. **Transfer a portion of the preliminary water allocation to APN: 229-12-075 (2.058 acres) with a deed restriction. (1.03-acre feet total) Discussion and possible action to approve a final water allocation.** Discussion and possible action to approve a final water allocation of 1.03-acre feet and a deed restriction on the parcel. **Vince Vasquez made a motion to approve a final water allocation with a requirement to record the covenant restrictions for this parcel, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.**
- e. **Extension request for the remaining 15.65-acre feet of Preliminary water.** Discussion and possible action to approve extending the extension of time an additional 6 months. **District Counsel, Michael Pearce, suggested to the Board of Directors that they consider a new policy which will allow developers, holding a current preliminary water allocation that is recognized by the District to be in good standing, to be allowed to sell or transfer those allocations to other**

developers or individuals needing a water allocation. This policy would be similar to the policy allowing AG to urban transfers. This new policy could be developed and ready for review at the July 11, 2023 regular board meeting and then possible action on it at the August 1, 2023 regular meeting. Clay Vanderslice made a motion to approve the extension request of the preliminary water allocation for six (6) months which will expire on December 06, 2023, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

E. Call of Election for Division III Director. Discussion and possible action regarding Resolution 2023-02 Call of Election of Division III Director. The election date is November 14, 2023. Staff reviewed Resolution 2023-02 with the Board of Directors. Clay Vanderslice made a motion to approve the Call of Election, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

F. Fiscal Year June 2023- July 2024 Budget. Discussion and possible action to approve the June 2023 – July 2024 Budget. (Previously discussed at the April 04, 2023 & May 02, 2023 Regular Meeting) Staff reviewed the budget with the Board of Directors. Clay Vanderslice made a motion to approve the budget, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

G. *July 01, 2023 Comprehensive Fee Schedule and Payment Rules. Discussion and possible action to approve the July 01, 2023 Comprehensive Fee Schedule and Payment Rules. (Previously discussed at the April 04, 2023 & May 02, 2023 Regular Meeting) Staff reviewed the comprehensive fee schedule with the Board of Directors. Vince Vasquez made a motion to approve the comprehensive fee schedule, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

H. Mohave County 2023 Tax Levies and Rates Certification. Discussion and possible action to approve the 2023 Tax Levies and Rates Certification. (Previously discussed at the April 04, 2023 & May 02, 2023 Regular Meeting) Staff reviewed the tax levies and rates certification with the Board of Directors. Clay Vanderslice made a motion to approve the tax levies and rates certification, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – 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, 2023 financial review. Staff reviewed the engagement letter with the Board of Directors

and advised that we paid \$4,085.91 last year and this year's rates have increased and will be approximately \$4,500 to \$5,250 for this year. Clay Vanderslice made a motion to approve the engagement of HintonBurdick CPA's and Advisors for our financial review, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

J. *2023 System Conservation Agreement. Discussion only. District Counsel, Michael Pearce, advised the Board of Directors that the District has a meeting scheduled with Reclamation on Thursday morning to discuss the delay in receiving 2023 System Conservation Agreement (SCIA).

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. Clay Vanderslice made a motion to adjourn the meeting, Vince Vasquez seconded the motion. All in favor, meeting adjourned at 4:47pm. Kai – 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 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