

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

Held July 11, 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, July 11, 2023 at 2:00 pm via Zoom Teleconference. As indicated on the agenda, pursuant to A.R.S. § 38-431.03(A) Items 2a, 2b, 8H 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: Jul 11, 2023 04:00 PM Arizona

Join Zoom Meeting

<https://us02web.zoom.us/j/87186324101?pwd=N2VuTnU1SU1YeDdiOGV2Z0FFWkZhQT09>

Meeting ID: 871 8632 4101
Passcode: 248595

Find your local number: <https://us02web.zoom.us/u/kdQpZUiYdq>

CALL TO ORDER. Chairman, Charles B. Sherrill, Jr., called the meeting to order at 2:01pm.

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 – joined at 2:24pm
Michael J. Pearce, District Counsel

Absent: John Kai, Jr., Director Division I

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. Vanderslice – Y; Vasquez – Y; Sherrill – Y. Perry Muscelli joined at 2:24pm.

- 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, Clay Vanderslice, seconded the motion. All in favor, motion passed. Muscelli - Y; Vanderslice – Y; Vasquez- Y; Sherrill – Y. 3:38 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 resolutions presented for approval or adoption, Clay Vanderslice seconded the motion. All in favor, motion passed. 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 May 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 May 31, 2023
- d. Profit & Loss Statement for May 2023.
- e. Balance Sheet as of May 31, 2023.

Other:

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

BOR is hosting 3 virtual public meetings/webinars to provide summary information and receive oral comments. Dates are July 17, 2023 , July 18 ,2023 and July 24, 2023 and there are registration links for each date on their website.

The District's Annual Financial Review is scheduled for Wednesday, July 26th at the District office.

Water Order forms for 2024 will be mailed out at the end of July and are due by August 15, 2023.

Office will be closed Friday July 14 – July 23, 2023.

Administrative Assistant will start employment on Monday, July 24, 2023.

Nomination papers for Division III Director are due by July, 17, 2023 however, staff would like them submitted by July 13, 2023 if possible.

8. REGULAR AGENDA

A. Approve the June 06, 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, Vince Vasquez, seconded the motion. All in favor, motion passed. Muscelli – A; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

B. Approve the June 06, 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 meeting minutes, Vince Vasquez, seconded the motion. All in favor, motion passed. Muscelli – A; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

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

D. William and Monica Turner; 2214 E Brittany Lane, FM; T19N, R22W, Section 25; APN: 227-02-125. Request to transfer 0.50-acre feet of water from Suzanne Evans AG Contract 2023-01 in Section 09. Discussion and possible action to approve the AG to domestic use transfer. Staff reviewed the application with the board of directors and advised that 0.46-acre feet will be transferred to the parcel,

and 0.04-acre feet will be retained by the District and this is a final water allocation. Vince Vasquez made a motion to approve the transfer as requested, Clay Vanderslice seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

E. Craig or Stacey Larson; E. Brittany Lane, FM; T19N, R22W, Section 25; APN: 227-02-124. Request to transfer 0.50-acre feet of water from Suzanne Evans AG Contract 2023-01 in Section 09. Discussion and possible action to approve the AG to domestic use transfer. Staff reviewed the application with the board of directors and advised that this is similar to the previously approved transfer and 0.46-acre feet will be transferred to the parcel, and 0.04-acre feet will be retained by the District and this is also a final water allocation. Vince Vasquez made a motion to approve the transfer as requested, Clay Vanderslice seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

F. Jack in the Box #1635; 5214 S. Highway 95, FM; T196N, R22W, Section 26; APN: 227-15-129. Request for final commercial water allocation. Discussion and possible action to approve the final commercial water allocation for this project. Staff advised that this is a final commercial water allocation, all fees have been paid and the Certificate of Occupancy has been received at the District. Jack in the Box is open for business at this time. Vince Vasquez made a motion to approve the final commercial water allocation, Clay Vanderslice seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

G. Fort Mohave Airpark; T19N, R22W, Section 25; APN(s): 227-02-11e, 227-02-122 & 227-02-123. Request for an extension for 77 lots for 26.18-acre feet of water. Discussion and possible action to approve the extension request. The current extension expires this month. An outstanding balance of \$16,478.00 will be due when requesting the final water allocation. Staff advised there has been forward progress on this project and there may be a decrease in lots to 74 according to the approved preliminary plat. Perry Muscelli asked if we should approve the preliminary allocation for 74 lots? Staff and Chip recommended we leave it at the intended 77 lots until the county approves the Final Plat. Staff suggested that once we know the final number of lots, we can adjust the outstanding balance due for the final water allocation. Perry Muscelli made a motion to approve the extension request for 12-months for the preliminary water, Vince Vasquez seconded the motion. All in favor, motion passed. Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

H. *Business Banking Accounts. Discussion and possible action to approve Resolution 2023-04 regarding adding the General Manager as an additional signer to the banking accounts. Chip Sherrill and staff advised that this resolution is no longer needed and that the District has approval from the banking institution to add Kerri Hatz as an authorized signer to the banking accounts. No action taken.

I. *Chase Business Certificates of Deposit (CD) Interest Rates. Discussion and possible action regarding transferring monies from MVIDD Money Market account into a short-term CD. Staff reviewed the current rates with the board of directors and at this time we need more information from the banking institution and we need to review state statutes on how an irrigation district can invest their monies. No action taken.

J. *Resolution 2023-03 Policy and Procedures to transfer Preliminary Water Allocation to Domestic use. Discussion only to review and comment on Resolution 2023-03. District Counsel, Michael Pearce, reviewed the resolution with the board of directors and general public and noted that we have a required 30-day review and comment period for this policy. This will not be on the agenda at the August 1, 2023 regular board meeting due to the 30-day requirement. This will be reviewed and possibly approved at the September 5, 2023 regular board meeting. No action taken.

K. *Application to Transfer Preliminary Water Allocation to Domestic Use. Discussion only to review and comment on the application. District Counsel, Michael Pearce, and staff reviewed the application with the board of directors and general public and noted that this will be approved in conjunction with the previous item. This will not be on the agenda at the August 1, 2023 regular board meeting due to the 30 day requirement. This will be reviewed and possibly approved at the September 5, 2023 regular board meeting. No action taken.

L. *Proposed amendment to AZ State Statute 45-596.01. Discussion and possible action regarding the proposed amendment to A.R.S. § 45-596 and § 596.01. District Counsel, Michael Pearce, discussed the proposed changes with the board of directors and heard comments from Jamie Kelley with Mohave County Water Authority. Mr. Pearce and Jamie Kelley plan to work together to add changes to the proposed language and have this presented in the 2024 Legislative Session. No action taken.

M. *2023 System Conservation Agreement. Discussion update only regarding 2023 System Conservation. Staff advised that the termination letter for the 500+ Plan Program was received today and will be signed by Chip and submitted for

signatures from all stakeholders. Once this is complete, Reclamation will proceed by issuing the 2023 Conservation Agreement with the District. Mr. Pearce also spoke about the fact that the MVIDD board of directors has already approved the final draft of the 2023 LC Conservation agreement. No action taken.

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 4:53pm. 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 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