

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

Held October 18, 2023 (Rescheduled from October 03, 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 Wednesday, October 18, 2023 at 3:00 pm via Microsoft Teams, meeting rescheduled from October 03, 2023 power outage. As indicated on the agenda, pursuant to A.R.S. § 38-431.03(A) Items 2a, 8H, 8K, and 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 Microsoft Teams beginning at 4:00pm.

Microsoft Teams meeting

[Click here to join the meeting](#)

Meeting ID: 242 184 826 104

Passcode: dyY7kA

Or call in (audio only)

[+1 928-377-5844,,620715816#](#) United States, Phoenix

Phone Conference ID: 620 715 816#

CALL TO ORDER. Chairman, Charles B. Sherrill, Jr., called the meeting to order at 3:05 pm.

1. ROLL CALL.

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

Via Teams: 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:** Perry Muscelli made a motion to go into executive session, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – 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.

[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. Kai – Y; Muscelli - Y; Vanderslice – Y; Sherrill – Y. 3:57 pm.

- 3. RECONVENE IN OPEN SESSION.** Open session reconvened at 4:08 pm.

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

Other:

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

8. REGULAR AGENDA

A. Approve the September 05, 2023 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 meeting minutes, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

B. Approve the September 05, 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 meeting minutes, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

C. Approve the September 11, 2023 Special Open Session Meeting Minutes.

Discussion and possible action to approve the special session meeting minutes for last month. Clay Vanderslice made a motion to approve the special 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 September 2023. Discussion and possible action to ratify the expenses for last month. Clay Vanderslice made a motion to ratify the expenses for last month, Perry Muscelli seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill- Y.

E. Santiago Rodeo Villas Development Expansion; T19N, R22W, Section 25; APN(s): 227-02-095 & 227-02-072; Request for extension of the Preliminary Water for 13 New Mobile Home Lots. Discussion and possible action regarding the extension request. Staff reviewed the extension request and forward-moving progress with the Board of Directors. Perry Muscelli made a motion to approve a 12-month extension of the Preliminary Water Allocation, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill- Y.

F. Randy Morton and Diane Gibbs; T17N, R22W, Section 09; APN: 216-11-123; Request to Transfer 4-acre feet of water from Suzanne Evans AG Contract 2023-01. Discussion and possible action regarding the AG to domestic use transfer. Staff reviewed the transfer request with the Board of Directors and recommended approval. There will be a net 3.68-acre feet of water transferred to the land. Perry

Muscelli made a motion to approve, John Kai, Jr., seconded the motion. All in favor motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill- Y.

G. Owen and Jammie Scott; T18N, R22W, Section 14; APN: 225-21-117; Request to Transfer 1-acre foot of water from Green Acres Mohave AG Contract 2009-01C. Discussion and possible action regarding the AG to domestic use transfer. Perry Muscelli recused himself from this item. Staff reviewed the application and transfer request with the Board of Directors. Staff recommended that a covenant limiting the development of the parcel to the 2-acres that are part of the development of the 6.61 acres be recorded with Mohave County. This is consistent with previous transfers to large parcels with smaller amounts of water being acquired. There was discussion between Michael Pearce, District Counsel, and Jammie Scott, the applicant, to ensure that the applicant understood the requirements of the covenant, conditions, and restrictions. Vince Vasquez made a motion to approve the transfer with the condition of the recording of the covenant, conditions, and restrictions on the development limited to 2 acres, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – A; Vanderslice – Y; Vasquez – Y; Sherrill- Y.

H. *Anthony R. Vackar and Cherie E. Vackar, Trustees Contract 2013-02, T18N, R22W, Section 27; APN: 225-26-111; 54-Acre Feet of AG Water. Discussion and possible action regarding Contract 2013-02. Staff advised the Board of Directors that this contract was written as a term contract, which is not consistent with all the agricultural contracts within our District. This contract since 2013 has been considered a permanent agricultural contract and has been treated as such. Staff recommends making this a permanent contract consistent with all agricultural contracts. Perry Muscelli made a motion to approve contract 2013-02 as a permanent contract, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – A; Vanderslice – Y; Vasquez – Y; Sherrill- Y.

I. Powers-Leavitt Insurance Agency, Inc. Discussion and possible action regarding the Insurance Proposal for November 08, 2023 to November 08, 2024. Staff reviewed the insurance proposal with the Board of Directors and the rate increase of \$441 from last year. There was a 7% rate increase along with a 27% increase affecting the pricing. The insurance carrier rate is off field payroll and the total expenditures of our budget. Perry Muscelli made a motion to approve the proposal, John Kai, Jr., seconded the motion. All in favor, motion passed. All in favor, motion passed. Kai – Y; Muscelli – A; Vanderslice – Y; Vasquez – Y; Sherrill- Y.

J. Mohave County Year End June 30, 2023 Annual 48-251 Report. Discussion and possible action regarding the report to Mohave County. Staff reviewed the Annual 48-251 report with the Board of Directors. Perry Muscelli made a motion to approve the report, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – A; Vanderslice – Y; Vasquez – Y; Sherrill- Y.

K. *Copper State Consulting Group. Discussion and possible action regarding engagement of Copper State Consulting Group for the upcoming Legislative Session. Staff reviewed the proposal from Copper State Consulting Group with the Board of Directors. Micheal Pearce, District Counsel, advised that he spoke with Stan Barnes and if this item is approved tonight, the engagement would start November 1, 2023 and run through the end of the Legislative Session which could be June or July or 2024. Clay Vanderslice made a motion to approve the engagement of Copper State Consulting Group, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – A; Vanderslice – Y; Vasquez – Y; Sherrill- Y.

L. 2024 System Conservation Update. Discussion updates only regarding the 2024 Plan of Creation. Staff advised that the fields of interest for 2024 have been submitted to Land IQ for analysis of the CU values and should have something back next week. Staff and Micheal Pearce will begin working on the Plan of Creation for 2024. Mr. Pearce reminded staff that we need to ensure that the CU values are based on the recognition of the original crops being grown prior to the District's participation in the conservation programs.

M. *Determination of Water for New Developments Adequacy under ADWR's Adequate Water Supply Rules. Discussion regarding ADWR's Adequate Water Supply Rules R12-15-717(D)(1), (2), or (3). There was extensive discussion among the Board of Directors, Michael Pearce, and attendees of the meeting regarding ADWR's Adequate Water Supply Rules and the future of development in the state of Arizona. Future developers may have to file an inadequate water supply report going forward if they plan to develop subdivided lands within the District boundaries. There is great concern about the long-term availability of the 4th priority water supply and the Colorado River. There are no other states that have a requirement of a 100-year adequate water supply, except for Arizona. It is the state of Arizona, ADWR, that is requiring the assured and adequate water supply determinations. This is not a District determination. The District has allocated some of its water to the lands that are being developed for permanent service and the District will honor that allocation so long as there is water available.

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.*

Dewey Davide addressed Michael Pearce regarding the availability of water at MVIDD and the future of obtaining water from Agricultural contracts. Mr. Pearce conveyed that the Irrigation District considers the Agricultural entitlement holders water allocations as a permanent entitlement to their lands for farming. Due to the District being fully allocated, the District has made policies to allow for the farmers to transfer their entitlement to urban uses to help foster continued growth and development of our area. The District has also adopted policies to allow transfers of unused domestic allocations within the District. The District cannot just take water away from anyone and give it to someone else, absent prolonged lack of beneficial use by the original holder.

10. ADJOURNMENT. Clay Vanderslice made a motion to adjourn the meeting, Perry Muscelli seconded the motion. All in favor, the meeting adjourned at 5:36pm. 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 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