

VIRGIN VALLEY WATER DISTRICT REGULAR BOARD MEETING  
VIRGIN VALLEY WATER DISTRICT OFFICE  
MAY 5, 2009

Minutes of a Regular Board Meeting of the Virgin Valley Water District Board held on May 5, 2009, at the Virgin Valley Water District Office at 3:00 p.m. Attending were President John Paul, Vice-President Kenyon Leavitt, Secretary-Treasurer Cecil Leavitt, and Board Members Ted Miller and Robert “Bubba” Smith. Also present were Michael Winters General Manager, George Benesch District Counsel, Erik Beyer District Engineer, Michael “Boomer” Johnson Chief Hydrologist and Mary Johnson taking minutes and other interested parties of agenda items.

**President John Paul called the meeting to order at 3:10 p.m.**

**Bubba Smith offered a Prayer and Cecil Leavitt led the pledge.**

**Public Comment** – Sandra Raymaker commented on the workshop to be held and the minutes stating it would be for a “new” operations facility.

Discussion: Board Comments – Bubba commented that he had read an article in the Review Journal regarding SNWA contemplating raising their rates because of less housing and thought it was a good article, but he forgot to bring copies for the other board members. Bubba further stated that Kenyon Leavitt had made a comment in an earlier meeting regarding the District’s lease agreement with Legacy Construction leasing 188 irrigation shares and that agreement coming up August 1, 2009 and that we should communicate with them sooner than later. Ted Miller commented on the District’s income and wondered about having a workshop after this fiscal year end to see if we need to do something else because of the economy and Bubba stated that we should have quarterly updates.

President of Board Comments - None

**CONSENT AGENDA:**

John Paul wanted to pull the minutes, item 2, and also items 5 and 6 to handle separately.

**Bubba Smith made a motion to approve the consent agenda as listed below with items 2, 5 and 6 being pulled and handled separately. Kenyon Leavitt seconded this motion and it was unanimously carried. 5-0**

1. Discussion & Action - Approve Agenda
3. Discussion & Action – Approve Financial Statement for **February 2009**
4. Discussion & Action – Approve Bills Paid - **\$1,275,628.92**

**\*\* End of Consent Agenda\*\***

2. Discussion & Action – Approve Minutes from 4/21/09 Regular Meeting

John Paul requested that the last line in the second paragraph on page 2 where it states “Mike apologized to the Board and the Vets, but thought that John Paul was going to send parameters for a policy, but nothing was ever received,” be stricken or corrected since he didn’t think Mike said that or meant it that way. Mike commented that he did make that statement. John said that if the sentence was not corrected or removed, he wanted a notation that he disagrees with the sentence. George asked for a point of clarification in that it must either be corrected or removed so the minutes could be completed properly.

**John Paul made a motion that the last sentence of paragraph 2 on page 2 of the minutes of the 4/21/09 meeting be stricken. Bubba Smith seconded this motion and it was unanimously carried. 5-0**

John Paul stated that there were other corrections to the minutes, but after reviewing, he stated that they were questions that could be answered when the items were brought up and he requested a motion to approve the minutes.

**Kenyon Leavitt made a motion to approve the minutes from 4/21/09 Regular Meeting as amended. Bubba Smith seconded this motion and it was unanimously carried. 5-0**

5. Discussion & Action – Approve Purchase Orders Over \$2,500

- a. Cordova Construction - \$4,433.00 – Ratify Construction of VVWD Well No. 30 Cement Pad

John Paul began by stating that this item had a cover letter and this would become significant later and that he assumed that the General Manager’s request was to accept Cordova as the winning bid. Mike Winters explained that he had Aaron go out for three (3) bids per NRS as the amount would be under \$10,000 and at least two bids are required. He further stated that the cement must be in place and capable of holding 300,000 lbs.

**Bubba Smith made a motion to approve purchase order to Cordova Construction for the construction of VVWD Well No. 30 cement pad for \$4,433.00. Kenyon Leavitt seconded this motion and it was unanimously carried. 5-0**

6. Discussion & Action – Approve Changing Regularly Scheduled Board Meeting on May 19<sup>th</sup> to May 21<sup>st</sup> Held in Conjunction with Public Budget Hearing Scheduled per NRS

John Paul stated that he noticed there was no back-up material for this item and after this was confirmed he stated he had no further questions on this item.

**Bubba Smith made a motion to approve changing the regularly scheduled board meeting on May 19<sup>th</sup> to May 21<sup>st</sup>, 2009 to be held in conjunction with the Public Budget Hearing scheduled per NRS. Ted Miller seconded this motion and it was unanimously carried. 5-0**

7. Discussion & Possible Action – Consideration to Establish or Amend Existing Policy Regarding the Waiving of All or Any Part of Fees. Consideration of Parameters or Other Requirements Needed in Order to Grant Such Relief and Whether or Not to Allow Any Payments Over a Longer Period of Time

John Paul commented that there was no cover page on item 7. It was explained that there was a memo from Mike to the Board stating “Fee Policy”, but the memo did not have the item number included. Mike stated in his memo that there was actually no written policy stating that the District did not waive fees, but inserted a paragraph from the District’s enabling legislation that states the District sells and distributes water “without preference”. Mike stated that he believes previous boards’ have just followed this statement in that waiving fees could show preferential treatment. John Paul had included a few instances where other organizations had implemented a way to waive and and/or all fees. John Paul further stated that he felt that the District should look at hardship or that they are performing a community service. Bubba read the minutes from the last meeting where he stated that it would be nice to have something from staff to work from or some type of suggestions and felt that staff should have their recommendations. After being asked, Mike stated that the board is set up to set policy and he will follow their directions. Mike stated that there is no written policy and he will do whatever the board wants to do. Bubba stated that the time element was good. Bubba further stated that the public should be able to appeal to the board and we should set parameters to what the public would need to meet before they could appeal to the board. Cecil commented that since he has been on the board that they have not waived fees and that was the policy and suggested that items 7, 8 and 9 should be together.

John Paul suggested for some parameters that the organization requesting a waiver of fees should be a recognized non-profit organization with the State and a bonafide contributor to the community.

Ted Miller questioned if this was just not a one-time deal and how this could affect the policy. George stated that the policy could state that we would address these issues on a case by case basis. Bubba stated that he felt we needed parameters so we wouldn’t have to open up to everyone and that the City has guidelines and parameters that help them make decisions so you are not showing preferential treatment.

**Kenyon Leavitt made a motion that we make a policy for the Virgin Valley Water District that we look at on a case by case basis for waiving fees or extending fees over a period of time for organizations that meet non-profit organization status, that do a service to the community and is recognized as a non-profit organization by the State of Nevada. Cecil Leavitt seconded this motion.**

George questioned if the motion was intended to include waiving any and/or all fees.

**Kenyon Leavitt amended his motion to include any and/or all fees. Cecil seconded the amendment and it was unanimously carried. 5-0**

8. Discussion & Possible Action – Consideration to Waive Any or All VVWD Fees and/or Defer Payment of Fees Over a Period of Time for Mesquite Veterans Center – Requested by the Vietnam Veterans of America, Mesquite Chapter 993, Dale Hoyt

Bubba stated that in our last meeting the General Manager had his recommendation and that was not included in this packet. Mike stated that his recommendation if the Board were to waive any fees would be to waive the Ordinance II fee totaling \$3,300 and the transfer fee of \$100 for a total of \$3,400 being waived and that the veterans would pay the impact fee of \$2,120 and the connection fee of \$250. Kenyon mentioned paying the fees over a period of 10 years with no interest. Mike mentioned that the City of Mesquite requires that the impact fees be paid before they will issue a building permit, but Mike stated he would write a letter to the City with an explanation so this could be an exception. It was discussed a term for payment and the veteran's thought they could handle 24 months.

**Ted Miller made a motion to waive the Ordinance II fee and the transfer fee totaling \$3,400 and that we would take the balance of \$2,370 over a 24 month payout. Cecil Leavitt seconded this motion and it was unanimously carried. 5-0**

9. Discussion & Possible Action – Consideration to Develop and/or Adopt a Policy for the Donation of VVWD Funds as Budgeted Each Fiscal Year

Mike stated that in our budget workshop the board set aside \$5,000 for contributions for the next fiscal year. Mike had included policies from OPD, MVWD and the City of Mesquite. Mike felt that the City's policy was very in depth and that we did not need to go to that extreme. The Overton Power District budgets \$2,500 each year with 5 scholarships going to students in Moapa and 5 scholarships going to students in Mesquite. The Moapa Valley Water District budgets \$1,000 each year with person(s)/organizations coming to the board on a case by case basis and if approved, receiving \$100. The SNWA leaves most of the decision to the General Manager if anything is to be given to anyone or organization. Mike had recommended that since the District had budgeted \$5,000 for this next fiscal year that \$1,000 go to each school (VVHS, Hughes Middle School, VVES and Bowler Elementary) with the District's direction on where the money should go. The remaining \$1,000 would be for individuals who would come before the board on a case by case basis with the board deciding how much to donate.

Bubba stated that he felt that it was a good idea dividing the money between different departments and not just giving the schools a \$1,000 check to do with as they want.

**Bubba made a motion to establish a policy and that from our 2009-2010 budgeted amount of \$5,000 that we give \$1,000 to each of the schools and \$1,000 in the general budget for the VVWD board to dictate as to which club or organization will receive donations and amount to be donated. Bubba further stated that he would be willing to take the responsibility of taking this information to the schools and getting some of those back. Bubba further stated that even though we have had our budget workshop and set aside \$5,000, he felt that with board recommendation, he would bring the organization lists back from the schools and the board would be able to select how that money is to be earmarked for. Included in this motion is that every year at our first budget meeting, the board will adjust the amount that we will contribute to organizations. Kenyon Leavitt seconded this motion.**

Cecil questioned that with \$1,000 going to each school that there was no money going towards scholarships; and it was determined that the board could decide to use the \$1,000 in the general budget for this purpose if they so desired.

**John Paul called for a vote and the motion passed unanimously. 5-0**

#### 10. General Manager's Report

Bubba excused himself at 4:13 having to attend the City Budget meetings.

Mike had not included a written report. Mike stated that he would like to set up a work session on June 2, 2009 at 2:00 regarding an operations facility for the District and if the board would want an action item on that agenda or at the following meeting. Kenyon stated that he would like a week or so in between. Mike further stated that two of the arsenic plants had run their 7 day period and the arsenic level was down to .6. Four of the plants must be on-line by May 31<sup>st</sup> and the last plant by June 30<sup>th</sup>. Mike mentioned that Boomer and he would be in Washington DC for their annual trip next week. Mike also mentioned that he was waiting to hear from ACOE and hopefully they will have amended the grant and the District could receive 6.8 million more dollars. Well No. 31 has been repaired and is back up and running. Mike also stated that he has been working on legal issues regarding the polyethylene pipe failure.

#### 11. Hydrologist's Report

Michael had not included a written report. He informed the board and handed out the ruling that came out the 29<sup>th</sup> of April regarding Tule Desert and receiving an extra 396 acre feet per year in that basin from the State Engineer. In the ruling there is a map from the current EIS to run a pipeline from the Clovers and Eagle Valley to the LCLA that was reviewed. It was also decided to discuss the Legacy Lease Agreement at the first meeting in June. Boomer also stated that the ad for RFP's was out and we would be accepting proposals until the 19<sup>th</sup> of this month for storage.

12. Engineer's Report

Erik had not included a written report nor did he have anything extra to report at this time.

13. Public Comment

Sandra Raymaker commented that she was very pleased with the board establishing the policies.

14. Adjournment

**President John Paul adjourned the meeting at 4:31 p.m.**

(NOTE): The minutes of this meeting have been tape-recorded and will remain on file in the District office for a one-year period for public examination.