**MAGMA FLOOD CONTROL DISTRICT**

**MINUTES OF THE**

**TUESDAY, MARCH 3, 2015 MEETING**

The Public Meeting was called to order at 4:01 p.m. at the Florence Unified School District Anthem K-8 Band Room, 2700 N. Anthem Way, Florence, Arizona. The Meeting was properly posted within the boundaries of the District and a toll free phone number and participant code was provided for individuals residing within and without the District to appear telephonically for the Meeting. The following individuals were present at the meeting. Assistant Board Secretary Larry Pfeiffer, Harold Angle, Phil Hollins and Mr. Smith. Appearing telephonically at the Board Meeting were President Dobson, Board Member Ty LeSueur, Board Member Wayne Dames, General Manager Kent Pace and District Counsel Stephen R. Cooper. General Manager Kent Pace, gave a brief background on the status of the Magma Flood Control District to the public members who were present. For a complete detailed discussion of the history of the Flood Control District see the Minutes of December 3, 2013.

General Manager Pace summarized the Magma Flood Control District dam repairs were approximately 85% complete. Pace also stated the improvements to the remaining dam repairs will have completed plans within three (3) months. General Manager Pace advised the parties the District anticipates the same property tax level for the next 2 to 3 years and once the Dam repairs are completed that the property tax will be reduced to approximately 20% of the current tax rate. This 20% rate would be used to maintain the improvements for the District.

The District Board Meeting was called to order at 4:20 p.m. The following individuals were present at the meeting. Assistant Board Secretary Larry Pfeiffer, Harold Angle, Phil Hollins, and Mr. Smith. Appearing telephonically at the Board Meeting were President Dobson, Board Member Ty LeSueur, Board Member Wayne Dames, General Manager Kent Pace and District Counsel Stephen R. Copper. General Manager Pace noted the General Manager update was provided in the Public Session of the Agenda.

The next item of business was consideration of the approval of the Minutes of the Regular Board and Executive Session Minutes of December 16, 2014. A motion was made by Ty LeSueur and seconded by Wayne Dames to approve the Regular Meeting Minutes. Thereafter, the Minutes were unanimously approved. A motion was then made by Wayne Dames and seconded by Vinson Dobson to approve the Executive Session Minutes. Thereafter, the Executive Session Minutes unanimously were approved.

Due to the fact there were public members present at the Board Meeting President Dobson took Agenda Item 7 out of order which was a discussion for authorization for the General Manager to take all necessary actions to acquire real property needed for the Magma Flood Retarding Structure Rehabilitation Project II. General Manager Pace noted the needed property was in escrow and he required authorization on behalf of the District to close escrow to acquire this real property. General Manager Pace also noted this Agenda Item did provide the ability to authorize eminent domain should the sale not close as planned. Thereafter, a motion was made by Vinson Dobson and it was seconded by Board Member Ty LeSueur to authorize the General Manager to take all actions necessary including the use of eminent domain powers if needed to acquire the real property needed for the Magma Flood Retarding Structure Rehabilitation Project II. Thereafter, this matter was approved unanimously by the Board.

The next item taken out of order was Agenda Item 8 which was discussion for authorization for the General Manager to finalize negotiations and enter into a contract to complete the work known as the Magma Flood Control Retarding Structure Project Phase 2, Location 2-Lower Magma Channel, GPM-1: Channel Clear and Grub Plans for an amount not to exceed $310,000.00 dollars. General Manager Pace noted that recent information involving this matter required further analysis and he therefore recommended the matter be deferred and brought to the Board at a future time. Thereafter, this matter was tabled.

The next item of business was Agenda Item 5 which was an Executive Session for discussion concerning the District’s litigation with FNF Construction, a motion was made by Ty LeSueur to go into Executive Session for a period of thirty (30) minutes with District Staff, legal counsel and special legal counsel. This motion was seconded by Wayne Dames thereafter a motion to go into Executive Session was approved.

The District Board was in Executive Session from approximately 4:35 p.m. until it reconvened into regular session at 5:05 p.m.

The next item of business was Board Member/General Manager reports, there were no reports.

The next item of business was other business that may become before the Board. There was no other business.

Thereafter, a motion was made by Vinson Dobson and seconded by Wayne Dames to adjourn Board Meeting at 5:12 p.m. Thereafter, the Meeting was adjourned.

**RESPECTULLY SUBMITTED** this 6th day of March, 2015.

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**STEPHEN R. COOPER, Attorney for**

**MAGMA FLOOD CONTROL DISTRICT**