

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
TUESDAY, JUNE 14, 2016 MEETING

The Magma Flood Control District called a Special Meeting on June 14, 2016, at 9:04 a.m. at the Florence Unified School District Library Room at 2700 N. Anthem Way, Florence, Arizona. The meeting was properly posted within the boundaries of the District and a phone number of 1-800-920-7487 was provided for individuals residing within and without the District to appear telephonically. The Regular Business Meeting was called to order at 9:04 a.m. by Board President Vinson Dobson. Appearing telephonically were the following Board Members, Vinson Dobson, Tyler LeSueur and James Kenny. Present at the meeting was General Manager Kent Pace, Assistant Board Secretary and Board Treasurer Larry Pfeiffer. Appearing telephonically was District Counsel Stephen R. Cooper. Kevin Harris, counsel for FNF Construction, Inc., was the only member of the public appearing telephonically. There were no members of the public present and further introductions were not necessary.

General Manager Kent Pace noted the contractor (Hunter Contracting) has demobilized from both Location 1 (the Dam) and Location 2 (the Lower Magma Channel) and is working to complete punch-list and other final completion requirements at both locations.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting of March 1, 2016 and the Executive Session Minutes of March 1, 2016. A motion was made by Tyler LeSueur to approve the Minutes individually and it was seconded by James Kenny. Thereafter, the Minutes were individually approved by separate motions for the March 1,

2016 Regular Meeting and the March 1, 2016 Executive Session. These motions were unanimously approved.

The next item of business was an Executive Session. The Executive Session was held from 9:18 a.m. to 9:44 a.m. The Regular Meeting was called back to order at 9:47 am.

The next item of business was discussion and possible authorization to the General Manager to take all administrative and other actions that are reasonable and necessary (including amending previously approved contracts between MFCD and NRCS) to obtain funding from NRCS for the Magma FRS Rehabilitation Projects which include, but are not limited to, the following:

- Ratification of the General Manager's action of signing Amendment No. 2 to the NRCS Agreement No. 68-9457-15-533.
- Authorization for the General Manager to sign Amendment No. 7 to the NRCS Agreement No. 68-9457-09-473.
- Authorization for the General Manager to sign Amendment No. 8 to the NRCS Agreement No. 68-9457-10-492.

A motion was made by Board Member Tyler LeSueur granting the authorization to the General Manager as outlined above including ratifying Amendment #2 and approving the other Amendments (#7 and #8).

The motion was seconded by Board Member James Kenny and was unanimously approved.

The next item of business was direction to the General Manager, Legal Counsel or staff to proceed as directed in Executive Session. A motion was made by Board Member LeSueur to direct staff to proceed as directed in Executive Session. This motion was seconded by Jim Kenny and was thereafter unanimously approved.

The next item of business was discussion and possible approval of a completion

agreement with FNF Construction, Inc. The agreement involves multiple parties including AMEC, Cogitate, and the General Manager. Approval would end all current litigation and settle all claims. Approval of the completion agreement will require including authorization for the General Manager to:

- Take all actions needed to execute the settlement agreement, final change orders and related documents, and
- Take all actions necessary to see that all requirements and obligations within the agreements are fulfilled.

Discussion on this matter noted the settlement was not complete and there will be several drafts of documents exchange prior to completion of any resolution of these matters. A motion was made by Board Member Tyler LeSueur to table this matter pending completion of final agreements. The motion was seconded by Board Member James Kenny and was unanimously approved.

The next item of business was discussion and possible authorization for the General Manager to have authority to take all actions necessary to participate in the Town of Florence annexation of parcels 200-24-009H and 200-24-009E.

A motion was made by Board Member Tyler LeSueur to give the General Manager the authority to use discretion including ceasing MFCD's participation in the annexation actions should concerns outweigh the benefits. The motion was seconded by Board Member James Kenny and was unanimously approved.

The next items of business were Board Members reports and General Manager's reports.
There were no reports.

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

The next item of business was adjournment of the meeting at 10:00 a.m.

RESPECTULLY SUBMITTED this _____ day of June, 2016.

**STEPHEN R. COOPER, Attorney for
MAGMA FLOOD CONTROL DISTRICT**