

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
WEDNESDAY, MARCH 27, 2019 MEETING

The Regular Meeting was called to order by Board President Vinson Dobson at 4:00 p.m. at the Florence Unified School District Anthem K-8 Band Room, 2700 N. Anthem Way Florence, Arizona. Appearing telephonically were District Board President Vinson Dobson, Director Tyler LeSueur and Director James Kenny. Appearing in person were General Manager Kent Pace and District Attorney Stephen R. Cooper. 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 for the Meeting. There were no public members present at the meeting.

ADWR completed the annual inspection of the Magma Flood Retarding Structure (Dam) in January. The District has not received the inspection report. It is anticipated the report will be received in April.

General Manager Kent Pace also gave a brief update on desiccation cracking and erosion issues on the surface of the dam. Having recently attended the annual inspection with ADWR, General Manager Kent Pace stated he was surprised at the continued formation of erosion holes on the Dam. The District has received 4.57" inches of rain during the last 100 days. The General Manager also reported that efforts to perform system wide vegetation control maintenance were on hold because the plants we wish to control are dormant in the winter. Also, the herbicides do not work well during lower winter temperatures.

Toe repairs on North end of the Dam are now approximately fifty (50%) percent complete. General Manager Kent Pace also noted Desert Weed Control will begin spraying weeds and doing vegetation control in coming weeks.

General Manager Kent Pace also provided an update on the status of the NRCS grant application for the Middle Magma Regional Flood Control Project. There is no current public information released on the status of the grant application.

The next item of business was consideration of the approval of the Minutes of the Regular Meeting and Executive Session Meeting of December 12, 2018. A motion was made by Director James Kenny to approve the Regular Meeting Minutes and ratify the actions of the December 12, 2018 Meeting. Director Tyler LeSueur seconded this motion. Thereafter, the Minutes for the Regular Session were approved unanimously. The next item of business was consideration of the approval of the Minutes of the Executive Session Meeting of December 12, 2018. A motion was made by Director James Kenny to approve the Executive Meeting Minutes of the December 12, 2018. Director Tyler LeSueur seconded this motion. Thereafter, the Minutes for the Executive Session were approved unanimously.

The next item of business was to consider ratifying and approving the award of a contract to Rummel Construction, Inc., to perform emergency and heavy equipment services during or after storm events. General Manager Kent Pace noted that this contract was negotiated due to an emergency because our on-call contractor terminated its services agreement with the District. It was also pointed out the District's Emergency Action Plan for flooding required an on-call contractor for dam and spillway repairs for emergency flood events. The scope of work and cost are set forth in the contract. General Manager Pace stated Rummel was selected due to experience with other flood control districts and their ability to immediately respond to an emergency. It was

also noted the contract was part of a publicly bid contract with a governmental entity which competitively bid for these services. A motion was made by Director Tyler LeSueur and was seconded by Director James Kenny to ratify the acting of the General Manager to enter into a contract with Rummel Construction, Inc., to perform as needed emergency services as described within the contract. The motion was thereafter approved unanimously.

The next item of business was approval of all administration actions needed to conduct Board Member Elections for October 2, 2019. General Manager Kent Pace stated the following District Officers were up for election: Tyler LeSueur, a four (4) year term and James Kenny, a four (4) year term.

General Manger Pace stated the election would be conducted pursuant to an Intergovernmental Agreement with the Pinal County Records and Pinal County Elections Department. As part of the election procedure, General Manger Pace presented Resolution No. 2019-3.1 for the Board's consideration which is the call for election on October 2, 2019.

A motion was made by Director Tyler LeSueur to allow the General Manager Kent Pace to take all necessary steps to conduct a District Election for October 2, 2019. As part of this motion the Board moved to approve the Election Intergovernmental Agreement and Resolution No. 2019-3.1. The motion was seconded by Director James Kenny. The motion was thereafter approved unanimously.

A motion was made by Director Tyler LeSueur to go into Executive Session. This motion was seconded by Director James Kenny. This motion was unanimously approved. The Executive Session convened at 4:20 p.m. and adjourned at 4:45 p.m.

The Regular Session was called back to order at 4:45 p.m. A motion was made by Director Tyler LeSueur to direct the General Manager to proceed as directed in Executive Session. The motion was seconded by Director James Kenny and was thereafter unanimously approved.

The next items of business were Board reports. There were no reports presented to the Board.

The next item of business was General Manger Kent Pace reports. There were no other reports presented to the Board.

The next item of business was other business which came before the Board. There were no items of other business.

The next item of business was adjournment of the meeting at 4:47 p.m.

RESPECTFULLY SUBMITTED this _____ day of March, 2019.

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

RESOLUTION NO. 2019-3.1

A RESOLUTION OF THE DISTRICT BOARD OF THE MAGMA FLOOD CONTROL DISTRICT, CALLING A REGULAR ELECTION FOR THE PURPOSE OF ELECTING MEMBERS TO THE BOARD OF DIRECTORS AND ESTABLISHING THE DEADLINES AND PROCEDURES TO BE FOLLOWED FOR THE CONDUCT OF SUCH ELECTION.

WHEREAS, pursuant to ARIZ. REV. STAT. § 48-2681, *et seq.*, the Board of Directors (the “Board”) of the Magma Flood Control District (the “District”) desires to conduct an election for the purpose of electing two directors to serve on the Board; and

WHEREAS, the Board has determined that the aforementioned election must be conducted on October 2, 2019; and

WHEREAS, the Board desires to provide for publication of notice of this Resolution as required by ARIZ. REV. STAT. § 16-227, *et seq.*

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF THE MAGMA FLOOD CONTROL DISTRICT, as follows:

SECTION 1. That the foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. That October 2, 2019, is hereby set as the time for holding the Magma Flood Control District Election for the purpose of electing members to the Board, whose names shall appear on the ballot at the Election. Any candidate receiving a majority of all votes cast at the Election will be declared elected.

SECTION 3. That the last day for filing petitions for nomination for election to the Board shall be July 5, 2019, which petitions shall be filed with the Pinal County Elections Office, located at 168 S. Main Street, Coolidge, Arizona 85128, not later than 5:00 p.m. (local time, Phoenix, Arizona).

SECTION 4. That the last day to register to vote in the Board Member election is September 3, 2019. A person is not entitled to vote at this election unless the person (i) is the owner of real property located within the boundaries of the District on which taxes have been paid as shown by the most recent Pinal County tax roll immediately preceding the date of the election or (ii) is qualified pursuant to ARIZ. REV. STAT. § 48-2816(B).

SECTION 5. That, for the purposes of this election, one polling place may be used:

Anthem K-8 School (Florence Unified School District)
2700 North Anthem Way
Florence, Arizona

SECTION 6. That early voting shall be permitted in connection with the Board election pursuant to ARIZ. REV. STAT. § 16-541, *et seq.* Early ballots may be requested from, and voted early ballots may be mailed to:

Pinal County Elections Department
P. O. Box 2209
Coolidge, Arizona 85128

Requests for Pinal County Election Department to mail out early ballots must be received no later than September 20th, 2019. If returned by mail, early ballots should be mailed back no later than September 25th, 2019 to ensure receipt by Election Day (October 2, 2019). Ballots received by Pinal County Election Department after October 2, 2019 will not be counted.

To vote early in person or to hand deliver a voted ballot, please do so at the following address:

Pinal County Elections Department
168 S. Main Street
Coolidge, Arizona 85128

SECTION 7. That the General Manager or his/her authorized designee is hereby authorized to (i) have ballots printed and to deliver them to the election officials to be furnished to the qualified electors of the District, (ii) enter into contracts with the Pinal County Recorder to obtain precinct registers for the election, if necessary, and the Pinal County Assessor to obtain property ownership information for the election, (iii) enter into an agreement with the Pinal County Elections Department or other such qualified person or entity to conduct the election for the District and (iv) to enter into any other such agreements as deemed necessary and proper by the General Manager for the purposes of conducting the election.

SECTION 8. That the election may be conducted using either electromechanical or electronic vote recording and ballot counting equipment or paper ballots, as shall be determined to be in the best interests of the District by the Pinal County Election officials and the General Manager or his/her authorized designee.

SECTION 9. That the Board hereby authorizes all expenditures as may be necessary to order, notice, hold and administer the election, which expenditures shall be paid from current operating funds.

SECTION 10. That, in order to comply with the Voting Rights Act of 1965, as amended, the ballot, early voting materials and all instructions related thereto pertaining to this election will be translated into Spanish. The officers of the District and Pinal County are further authorized and directed to take all action necessary to comply with the Voting Rights Act of 1965, as amended.

SECTION 11. That the General Manager or his/her authorized designee is authorized and directed to publish notice of the election at least twice in a newspaper of general circulation in the

District not less than one week apart during the six calendar weeks preceding 90 days before the election.

SECTION 12. That the General Manager or his/her authorized designee is authorized to take all necessary action to facilitate the election and to carry out the purpose and intent of this Resolution.

SECTION 13. That all actions of the members of the Board, officers, employees and agents of the District which are in conformity with the purposes and intent of this Resolution, whether heretofore or hereafter taken, shall be and are hereby ratified, confirmed, authorized and approved.

PASSED AND ADOPTED by the Board of Directors of the Magma Flood Control District, March 27, 2019.

FOR THE DISTRICT:

ATTESTED TO:

Vinson Dobson, Board President

Kent Pace, Board Secretary

RESOLUCIÓN NO. 2019-3.1

UNA RESOLUCIÓN DE LA JUNTA DIRECTIVA DEL MAGMA FLOOD CONTROL DISTRICT, QUE CONVOCA UNA ELECCIÓN REGULAR CON EL PROPÓSITO DE ELEGIR MIEMBROS A LA JUNTA DIRECTIVA Y QUE ESTABLECE LOS LÍMITES DE TIEMPO Y LOS PROCEDIMIENTOS QUE SE SEGUIRÁN EN LA ADMINISTRACIÓN DE LA ELECCIÓN.

VISTO QUE, de acuerdo con los Estatutos Revisados de Arizona § 48-2681, y *siguientes*, la Junta Directiva (la "Junta") del Magma Flood Control District (el "Distrito") desea administrar una elección con el propósito de elegir **dos** directores para servir en la Junta; y

VISTO QUE, la Junta ha decidido que la elección anteriormente declarada se celebre el 2 de octubre de 2019; y

VISTO QUE, la Junta desea publicar este aviso de la Resolución como ordenan los Estatutos Revisados de Arizona § 16-227, y *siguientes*.

AHORA, POR CONSIGUIENTE, RESUELVE LA JUNTA DIRECTIVA DEL MAGMA FLOOD CONTROL DISTRICT, como lo que sigue:

SECCIÓN 1. Que las precedentes recitaciones se incorporan como si se presentarán en esto.

SECCIÓN 2. Que por la presente se fija el 2 de octubre de 2019 como la fecha en que celebrar la Elección del Magma Flood Control District con el propósito de elegir miembros a la Junta, cuyos nombres deberán aparecer en la balota de la Elección. Cualquier candidato que reciba una mayoría de todos los votos emitidos en la Elección será declarado elegido.

SECCIÓN 3. Que la última fecha para entablar peticiones de nominación para ser elegidos a la Junta será el 5 de julio de 2019, las peticiones se deberán entablar con la Oficina de Elecciones del Condado Pinal, ubicada al 168 S. Main Street, Coolidge, Arizona 85128, no más tarde que las 5:00 p.m. (hora local, Phoenix, Arizona).

SECCIÓN 4. Que la última fecha para inscribirse para votar en la elección de Miembro de la Junta será el 3 de septiembre de 2019. Una persona no tiene el derecho de votar en esta elección a menos que la persona (i) es dueño de bienes raíces ubicados dentro de los límites del Distrito por cuales se han pagado los impuestos como se muestra en el más reciente registro de contribuyentes del Condado Pinal inmediatamente precediendo la fecha de la elección o (ii) está capacitado de acuerdo con los Estatutos Revisados de Arizona § 48-2816(B).

SECCIÓN 5. Que, para los propósitos de esta elección, un centro electoral se puede usar:

Anthem K-8 School (Florence Unified School District)
2700 North Anthem Way
Florence, Arizona

SECCIÓN 6. Que de acuerdo con los Estatutos Revisados de Arizona § 16-541, y *siguientes*, se permitirá la votación antes de la elección en relación con la elección de la Junta. Se pueden solicitar las balotas de antes de la elección de, y se pueden regresar por correo las balotas de antes de la elección a:

Pinal County Elections Department
P.O. Box 2209
Coolidge, Arizona 85128

Las solicitudes para que el Departamento de Elecciones del Condado de Pinal envíe por correo las boletas temprano deben recibirse no más tarde que el 20 de septiembre de 2019. Si se devuelven por correo, las boletas temprano se deben enviar no más tarde que el 25 de septiembre de 2019 para garantizar su recepción antes del día de las elecciones (2 de octubre 2019). Las boletas recibidas por el Departamento de Elecciones del Condado de Pinal después del 2 de octubre de 2019 no serán contadas.

Para votar antes de la elección en persona o para entregar una balota votada, favor de acudir a la siguiente dirección:

Pinal County Elections Department
168 S. Main Street
Coolidge, Arizona 85128

SECCIÓN 7. Que por la presente se le autoriza al Director General o su persona nombrada autorizada (i) causar que se impriman las balotas y que se les entreguen a los oficiales de la elección que se las proporcionarán a los electores del Distrito, (ii) comprometerse en contratos con la Registradora del Condado Pinal para obtener los registros de votantes de los precintos de la elección, si necesarios, y con el Asesor del Condado Pinal para obtener información de propietarios para la elección, (iii) comprometerse en un contrato con el Departamento de Elecciones del Condado Pinal o cualquier otra persona capacitada o entidad para administrar la elección para el Distrito y (iv) comprometerse en cualesquier otros contratos como se decidan ser necesario y propio por el Director General con los propósitos de administrar la elección.

SECCIÓN 8. Que la elección se puede administrar usando o registración de votos electrónicamente o electro-mecánicamente y equipo para contar balotas o papeletas, como decidan los oficiales de Elecciones del Condado Pinal y el Director General o su persona nombrada autorizada ser en el mejor interés del Distrito.

SECCIÓN 9. Que por la presente la Junta autoriza todos los gastos que sean necesarios para ordenar, dar aviso, celebrar y administrar la elección, dichos gastos se pagarán con los fondos de operación actuales.

SECCIÓN 10. Que, para cumplir con el Acta de Derechos de Votar de 1965, como enmendada, la balota, los materiales de la votación antes de la elección y todas las instrucciones relacionadas a eso en relación con esta elección serán traducidos al Español. Y además se les autoriza y se les ordena a los oficiales del Distrito y al Condado Pinal tomar toda la acción necesaria para cumplir con el Acta de Derechos de Votar de 1965 como enmendada.

SECCIÓN 11. Que se le autoriza y se le ordena al Director General o su persona nombrada autorizada o su persona nombrada autorizada publicar el aviso de la elección a lo menos de dos veces en un periódico de circulación general en el Distrito no menos de entre una semana durante seis semanas del calendario precediendo 90 días antes de la elección.

SECCIÓN 12. Que se le autoriza al Director General o su persona nombrada autorizada tomar todas las medidas necesarias para facilitar la elección y para realizar el propósito e intento de esta Resolución.

SECCIÓN 13. Que todas las acciones de los miembros de la Junta, oficiales, empleados y agentes del Distrito que están en conformidad con los propósitos e intento de esta Resolución, que se han tomado o no hasta ahora o en el futuro, serán y por la presente se ratifican, se comprueban, se autorizan y se aprueban.

APROBADA Y ADOPTADA por la Junta Directiva del Magma Flood Control District, 27 de marzo 2019.

DE PARTE DEL DISTRITO:

CERTIFICA:

Vinson Dobson, Presidente de la Junta

Kent Pace, Secretario de la Junta