

**MAGMA FLOOD CONTROL DISTRICT**  
**MINUTES OF THE**  
**WEDNESDAY, NOVEMBER 6, 2019 MEETING**

The Regular Meeting was called to order by Board President Vinson Dobson at 4:02 p.m. at the Florence Unified School District Anthem K-8, Room B-100, 2700 N. Anthem Way, Florence, Arizona. Appearing telephonically were District Board President Vinson Dobson, Director James Kenny and Director Tyler LeSueur. Also present in person at the Meeting were Kent Pace, General Manager and District Counsel Stephen R. Cooper. The Meeting was properly posted within the boundaries of the District and a phone number of 1-800-829-7603 was provided for individuals residing within and without the District to appear telephonically for the Meeting. There were no public members present and introductions were not necessary.

General Manager Kent Pace gave a brief update on maintenance issues involving desiccation related surface cracking and erosion issues on the dam and the contracts being presented for the District Board's consideration and possible approval. The repairs will be undertaken in a two phased process. Phase 1 was undertaken to identify and to fill holes which appear on the dam with sand. Phase 1 is now completed. The work was done well, and the cost was well under the projected budget. Phase 2 will repair the surface of the dam by using heavy equipment to rip, cross-rip, and recompact the surface of the dam, then adding both rock mulch and hydro seed to mitigate future erosion on the dam.

General Manager Kent Pace also noted the District has not received any update on the NRCS grant funding for the Middle Magma Regional Flood Control Project. If the grant were to

be approved, the funds would be used for historic flood control issues in Middle Magma region. General Manager Pace previously noted that, within the last 3 years, the District had completed rehabilitation projects on the dam and the Upper and Lower Magma channels at a cost in excess of \$25 million (the majority of which came from federal grants). The Middle Magma grant would allow the District to address the only section of the Magma watershed that has never been improved or received federal funding.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting of September 11, 2019 and to ratify the actions of the September 11, 2019 Meeting. A motion was made by Tyler LeSueur to approve the Regular Meeting Minutes and to ratify the actions taken at the September Meeting. James Kenny seconded this motion. Thereafter, the Minutes for the Regular Session were unanimously approved, and the actions taken were ratified.

A motion was then made by Tyler LeSueur to approve the Executive Session Minutes of the September 11, 2019 Meeting. It was seconded by James Kenny and was thereafter approved unanimously.

Director Tyler LeSueur moved to go into Executive Session which was seconded by Director James Kenny. The motion was approved unanimously.

The next item of business was an Executive Session which was conducted from 4:08 p.m. to 4:47 p.m. and thereafter the public meeting was reconvened.

The next item of business was to discuss the possible award of MFCD Contract No. 2019-01 (which is the 2<sup>nd</sup> phase of addressing the desiccation related surface cracking and erosion issues on the dam) to the low bidder, Standard Construction Company Inc., in the initial amount of \$2,172,884.64. A motion was made by Director James Kenny to award MFCD Contract No. 2019-01 to the low bidder, Standard Construction Company Inc., in the initial amount of \$2,172,884.64 and was seconded by Director Tyler LeSueur. The motion was thereafter approved unanimously.

The next item of business was consideration and discussion of a the General Manager's authority to act as the contracting officer, technical liaison, and administrative liaison for the MFRS Erosion Mitigation Project and to take all reasonable and necessary actions to dispose of all contractual and administrative issues arising out of Contract No. 2019-01 with Standard Construction Company Inc. including but not limited to:

- a) the right to execute the contract and issue a notice to proceed to construction, and
- b) the right to approve change orders (as needed) to assure quality construction and completion of the project.

General Manager Pace noted that, the General Manager's authority to act as the contracting officer, technical liaison, and administrative liaison was originally outlined and held by the General Manager in the District's previous projects with NRCS. A motion was made by Director James Kenny and seconded by Director Tyler LeSueur to approve the General Manager's authority to act as the contracting officer, technical liaison, and administrative liaison for the MFRS Erosion Mitigation Project and to take all reasonable and necessary actions to dispose of all contractual and administrative issues arising out of Contract No. 2019-01 with Standard Construction Company Inc. The motion was thereafter unanimously approved.

The next item of business was to discuss a possible authorization for the General Manager to obtain quality assurance and construction management services as he determines are necessary to assure quality construction and completion of Contract 2019-01, MFRS Erosion Mitigation Project. The motion was made by Director Tyler LeSueur and was seconded by Director James Kenny to approve the General Manager's authority to retain and use quality assurance and construction management services as he determines are necessary to assure quality construction and completion of Contract 2019-01, MFRS Erosion Mitigation Project. The motion was thereafter unanimously approved.

The next item of business was consideration, approval and ratification of the General Manager's action to enter into a time and materials contract with ELS Construction, Inc. for services to complete the 1st phase of addressing the desiccation related surface cracking and erosion issues on the dam. General Manager Pace noted the work was performed by a landscaping contractor at an approximate cost of \$26,300.00, the work was done properly and was done at a cost that was significantly lower than budgeted. The motion made by Director Tyler LeSueur and was seconded by Director James Kenny to approve and ratify the contract. The motion was thereafter unanimously approved.

The next item of business was a discussion of possible approval and ratification of:

- 1) all expenditures for the year ended 6/30/19;
- 2) the annual report to Pinal County for the year ended 6/30/19; and
- 3) the audited financial statements for the year ended 6/30/19.

A motion was made by Director Tyler LeSueur and was seconded by Director James Kenny to approve and ratify the above matters. The motion was thereafter unanimously approved.

The next items of business were Board reports. There were no other reports to come before the Board.

The next item of business was General Manger reports. There were no other reports.

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 4:56 p.m.

**RESPECTFULLY SUBMITTED** this \_\_\_\_\_ day of November 2019.

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