

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
THURSDAY, MARCH 19, 2020 MEETING

Due to the impacts of the COVID-19 Pandemic, which have prompted declarations of a public health emergency at both the state and federal levels, the meeting was conducted using measures to protect public health. 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 at the Meeting.

The Regular Meeting was called to order by Board President Vinson Dobson at 4:02 p.m. The Meeting was to be held at the Florence Unified School District Anthem K-8, Room B-100, 2700 N. Anthem Way, Florence, Arizona. Due to the Emergency Declaration in response to the Corona Virus the Florence Unified School District Schools were closed. This meeting was held remotely through technological means, as permitted under Arizona law. Appearing telephonically were District Board President Vinson Dobson, Director Tyler LeSueur, Kent Pace, General Manager, Board Assistant Secretary Larry Pfeifer and District Counsel Stephen R. Cooper. There were no public members appearing telephonically and introductions were not necessary.

General Manager Kent Pace gave a brief update on ongoing dam maintenance issues involving erosion and desiccation related surface cracking issues on the dam. The repairs have been divided into two phases. Phase 1 began in October 2019 to identify and to fill erosion holes on the dam with sand. Phase 1 is completed. On November 16, 2019, the District Board

awarded Standard Construction Company Inc., a contract for Phase 2 repairs in the amount of \$2,172,884.64. Phase 2 repairs consisted of repairing 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 next gave a brief update on the status the grant application for the Regional Flood Control Project. General Manager Pace stated that our grant was tentatively approved approximately 3 weeks ago, and we are working through items necessary to receive the formal approval of the grant. General Manager Pace noted there is an Agenda item to consider and possibly approve the standard agreements to enter in the grant funding with NRCS to complete Phase 1 of the Middle Magma Regional Flood Control Project.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting of January 15, 2020 and to ratify the actions of the January 15, 2020 Meeting. A motion was made by Director Tyler LeSueur to approve the Regular Meeting Minutes and to ratify the actions taken at the November Meeting. Board President Vinson Dobson 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 Director Tyler LeSueur to approve the Executive Session Minutes of the January 15, 2020 Meeting. It was seconded by Board President Vinson Dobson and was thereafter approved unanimously.

Board President Vinson Dobson moved to go into Executive Session which was seconded by Director Tyler LeSueur. The motion was approved unanimously.

The next item of business was an Executive Session which was conducted telephonically from 4:09 p.m. to 4:55 p.m. and thereafter the public meeting was reconvened telephonically.

The next item of business was to discuss the possible authorization of the General Manager to incur and approve and enter into the standard agreements for grant funding with the NRCS to complete Phase 1 of the Middle Magma Regional Flood Control Project.

As stated in prior Meeting Minutes, General Manager Pace explained the Middle Magma Channel is an approximately 8-mile long unimproved drainageway located between the Upper Magma Channel and the Lower Magma Channel. The Middle Magma Channel is the only component of the Magma flood control system from the 1960's watershed workplan which somehow was overlooked and didn't received federal funding and subsequently was neither designed nor constructed. Over time, without this segment of regional flood control infrastructure in place, mistakes were made in the construction of certain residences and infrastructure within or near the Middle Magma Channel alignment that have resulted in the creation of at least 3 well-known legacy flooding areas which (for decades) have constrained the entirety of the Magma system from functioning as originally envisioned.

A motion was made by Director Tyler LeSueur to give authorization for the General Manager to take all actions necessary (as well as to have the needed authority) to enter into the standard agreements with NRCS for a grant to complete Phase 1 of the Middle Magma Regional Flood Control Project. The motion was seconded by President Vinson Dobson and was thereafter approved unanimously.

The next item of business was to discuss the possible authorization of the General Manager to take all actions necessary to negotiate and enter into an intergovernmental agreement with Pinal County and/or the Town of Florence to document their roles and responsibilities as local cost sharing partners in the Middle Magma Regional Flood Control Project.

A motion was made by Director Tyler LeSueur to authorize the General Manager to take all actions necessary (as well as to have the needed authority) to negotiate and enter into an intergovernmental agreement with Pinal County and/or the Town of Florence to document their roles and responsibilities as local cost sharing partners in the Middle Magma Regional Flood Control Project. The motion was seconded by President Vinson Dobson and was thereafter approved unanimously.

The next item of business was to discuss the possible authorization of the General Manager to proceed with and incur costs associated with planning and design activities related to Phase 2 of the Middle Magma Regional Flood Control Project in an amount not to exceed \$400,000. General Manager Pace stated that these costs would not be reimbursable by a Phase 2 grant but may be considered an “in kind cost” of any share required to be contributed by the District if NRCS awards a future Phase 3 grant for construction of the Middle Magma Regional Flood Control Project.

A motion was made by Director Tyler LeSueur to authorize the General Manager to proceed with and incur costs associated with the planning and design activities related to Phase 2 of the Middle Magma Regional Flood Control Project in an amount not to exceed \$400,000. The motion was seconded by President Vinson Dobson and was thereafter approved unanimously.

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 5:00 p.m.

RESPECTFULLY SUBMITTED this _____ day of March, 2020.

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