

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
WEDNESDAY, MAY 20, 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 4:03 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 resulting from 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 James Kenny, 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 and 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. The repairs are estimated to be completed in thirty (30) days. Within recent months, the Contractor has begun asserting damage claims against the District and requests addition compensation. The District respectfully disagrees with the Contractor's assertions and claims.

General Manager Kent Pace next gave a brief update on the status the grant application for the Middle Magma Regional Flood Control Project. General Manager Pace stated that the grant agreement has been signed by the District and the NRCS State Office. It is believed the grant agreement will be finalized once it has been signed by the NRCS Federal Office, which is anticipated to occur within the next few weeks.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting of March 19, 2020 and to ratify the actions of the March 19, 2020 Meeting. A motion was made by Director Tyler LeSueur to approve the Regular Meeting Minutes and to ratify the actions taken at the March Meeting. Board Director 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 Director Tyler LeSueur to approve the Executive Session Minutes of the March 19, 2020 Meeting. It was seconded by Board Director James Kenny 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 4:08 p.m. to 4:51 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 explore requests from utility companies to obtain easements on District lands for the purpose of installing utility lines. No action was taken on this Agenda item.

The next item of business was an update by General Manager Pace on the negotiations of 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. General Manager Pace stated the District will continue 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 next item of business was to discuss the possible approval of Resolution 2020-5.1, a combined resolution for fiscal year 2020 directing the Pinal County Treasurer to invest excess funds of the District, establishing warrant signature authority, establishing authority to transfer funds and providing warrant information to the County Treasurer. General Manager Pace stated that this Resolution is presented annually to the District Board as required by the County Treasurer for pooling District funds with other County governmental entities.

A motion was made by Director Tyler LeSueur to authorize the General Manager Pace to approve Resolution 2020-5.1 to invest District funds with the Pinal County Treasurer. The motion was seconded by Director James Kenny 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 May 2020.

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