

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
MONDAY, AUGUST 3, 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, including technological means, as permitted under Arizona law. 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 4:06 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. Appearing telephonically were District Board President Vinson Dobson, Director James Kenny, Director Tyler LeSueur, Board Assistant Secretary Larry Pfeifer and District Counsel Stephen R. Cooper. Appearing in person was Kent Pace, General Manager. There were no public members appearing in person or 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. On November 16, 2019, the District Board awarded Standard Construction Company Inc., a contract for Phase 2 improvements in the amount of \$2,172,884.64. Phase 2 improvements 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. Currently Standard has approximately 2.5 acres upon which rock mulch placement has not been started. General Manager Kent Pace also stated approximately 28.75 acres were nearing substantial completion and approximately 27 acres were incomplete—needing additional work and remediation efforts. 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 of the grant for the Middle Magma Regional Flood Control Project. General Manager Pace stated that the grant agreement has been signed by both the District and the NRCS, and the District has been allocated \$400,000 dollars for planning purposes.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting Minutes of May 20, 2020 and to ratify the actions of the May 20, 2020 Meeting. A motion was made by Tyler LeSueur to approve the Regular Meeting Minutes and to ratify the actions taken at the Meeting. James Kenny seconded this motion. Thereafter, the Minutes for the Regular Session were approved, and the actions taken were ratified. A motion was then made by Tyler LeSueur to approve the Executive Session Minutes of the May 20, 2020 Meeting. It was seconded by James Kenny and was thereafter approved.

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

The next item of business was an Executive Session which was conducted from 4:15 p.m. to 4:57 p.m. and thereafter the public meeting was reconvened at 5:00 p.m.

The next item of business was an update on the authorization for the General Manger to take all actions needed to negotiate and enter into an Intergovernmental Agreement with Pinal County for cost sharing and responsibilities for the Middle Magma Regional Flood Control Project. General Manager Kent Pace stated discussion are ongoing and he expects an action item to go before the Pinal County Board of Supervisors in September.

The next item of business was discussion of the budget for fiscal year 2020-2021. General Manger Pace noted the proposed budget would be \$2,729,600.05 dollars. MFCD's expenses and distributions would be limited to the actual revenues it received (or the District's actual cash position) as detailed within the proposed budget form. General Manager Kent Pace next gave a brief update of District business and noted:

- The proposed budget will be \$2,729,600.05 dollars for fiscal year 2020-2021.
- The proposed tax rate will be 1.0784% for fiscal year 2020-2021 (which, if passed, means the tax rate would remain unchanged from the prior year).

General Manager Kent Pace noted the proposed budget for fiscal year 2020-2021 allows the District to pursue the planning and design phases of the Middle Magma Regional Flood Control Project. A motion was made by Director Tyler LeSueur and seconded by President Vinson Dobson to approve the budget for fiscal year 2020-2021. Thereafter, this matter was approved with President Vinson Dobson and Director Tyler LeSueur voting affirmative and Director James Kenny not voting on this matter due to momentary technological issues. Director James Kenny subsequently re-conferenced into the Meeting and stated he would have voted in favor of this Agenda item.

The next item of business was discussion of the 2020-2021 tax rate. The Board Members noted the proposed tax rate of 1.0784% is the same tax rate as the two prior tax years. A motion was made by Director Tyler LeSueur and seconded by Director James Kenny to establish a tax rate of 1.0784% which would generate property tax revenues in the District of approximately \$823,007.00 dollars for fiscal year 2020-2021. Thereafter, this matter was unanimously approved.

The next item of business was approval of the future meetings schedule for the District. President Dobson noted meetings that occur on the first Tuesday of the month conflict with other meetings. It was proposed the District hold the following scheduled meetings for FY 2020-2021:

Wednesday, September 9, 2020
Wednesday, December 9, 2020
Wednesday, March 10, 2021
Wednesday, June 9, 2021

It was further noted these meetings would begin at 4:00 p.m. at the Florence Unified School District Anthem K-8 Room B-100 where the District now holds its meetings. A motion was made by Director Tyler LeSueur and seconded by Director James Kenny to approve the meeting dates and thereafter it was approved.

The next items of business were Board reports. There were no 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 5:15 p.m.

RESPECTFULLY SUBMITTED this ____ day of August 2020.

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