

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
WEDNESDAY, OCTOBER 21, 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 the ongoing repairs to the Magma Flood Control Retarding Structure as part of the Erosion Mitigation Project which is intended to address 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 is nearing completion of the Project. Within recent months, subcontractors and suppliers working for the Contractor have begun asserting damage claims against the District due to the Contractor failing to fully compensate them for their work and their materials used in the repairs. Moreover, the Contractor has informally asserted claims for additional compensation from the District. The District respectfully disagrees with the Contractor's assertions and claims.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting held on August 3, 2020 and to ratify the actions of the August 3, 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 August 3, 2020 Meeting. It was seconded by James Kenny and was thereafter approved.

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

The next item of business was an Executive Session which was conducted from 4:14 p.m. to 4:32 p.m. and thereafter the public meeting was reconvened at 4:33 p.m.

The next item of business was an update on the authorization for the General Manager to take all actions needed to negotiate and enter into an Intergovernmental Agreement ("IGA") 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 the IGA to go before the Pinal County Board of Supervisors for approval on October 28, 2020.

The next item of business was discussion and possible approval of the following matters:

- All expenditures for the fiscal year ending June 30, 2020.
- Annual Report submitted to Pinal County for the fiscal year ending June 30, 2020.
- Audited Financial Statements of the District for the fiscal year ending June 30, 2020.

General Manager Kent Pace noted for fiscal year 2019-2020 the District auditors found no accounting irregularities or accounting concerns and the District received a “clean” audit from the auditors.

A motion was made by Director Tyler LeSueur and seconded by President Vinson Dobson to approve the expenditures, Annual Report, and Audited Financial Statements for fiscal year 2019-2020. Thereafter, this matter was approved with President Vinson Dobson, Director Tyler LeSueur and Director James Kenny voting to approve these matters.

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 4:50 p.m.

RESPECTFULLY SUBMITTED this ____ day of October 2020.

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