

**MAGMA FLOOD CONTROL DISTRICT**

**MINUTES OF THE**

**THURSDAY, APRIL 29, 2021 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 by Zoom video and 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 and a passcode of 44317254# was provided for individuals residing within and without the District to appear telephonically at the Meeting. The Agenda and telephonic call-in information were also posted on the District website, at the usual government building notice boards, and at the Florence Unified School District Anthem K-8 School, 2700 N. Anthem Way, Florence, Arizona.

The Regular Meeting was called to order by Board President Vinson Dobson at 4:05 p.m. Appearing by video and telephonically were District Board President Vinson Dobson, Director James Kenny, Director Tyler LeSueur, General Manager Kent Pace, Board Assistant Secretary Larry Pfeifer, and District Counsel Stephen R. Cooper. There were no public members appearing in person or telephonically and introductions were not necessary.

The next item of business was consideration of the approval of the Minutes for both Regular Board Meetings held on December 12, 2020 and February 12, 2021, as well as to ratify the actions of both the December 12, 2020 and the February 12, 2021 Meetings. A motion was made by Director Tyler LeSueur to approve the Regular Meeting Minutes and to ratify the actions

taken at the Meetings. Director James Kenny seconded this motion. Thereafter, this matter was approved with President Vinson Dobson, Director Tyler LeSueur and Director James Kenny voting to approve these matters.

The next item of business was consideration of the approval of the Minutes for both Executive Session Board Meetings held on December 12, 2020 and February 12, 2021, as well as to ratify the actions of both the December 12, 2020 and the February 12, 2021 Meetings. A motion was made by Director Tyler LeSueur to approve the Executive Session Meeting Minutes and to ratify the actions taken at the Meetings. Director James Kenny seconded this motion. Thereafter, this matter was approved with President Vinson Dobson, Director Tyler LeSueur and Director James Kenny voting to approve these matters.

General Manager Kent Pace next gave a brief update on the planning of the Middle Magma Regional Flood Control Project and stated the project is going well and is approximately 50% complete. The District has been meeting with many State and Federal stakeholders who are or may be involved with the project.

General Manager Kent Pace next gave a brief update on 1) the request of the San Carlos Irrigation and Drainage District (SCIDD) regarding the conceptual termination of the Northside Canal into the Lower Magma Channel, and 2) the status of the Magma Flood Retarding Structure (MFRS) Erosion Mitigation Project. These matters involved legal issues and were to be discussed further in Executive Session.

A motion to go into Executive Session was made by Director Tyler LeSueur and seconded by Director James Kenny. The motion to go into Executive Session was approved. The Executive Session which was conducted from 4:08 p.m. to 4:54 p.m. and thereafter the Public Meeting was

reconvened at 4:54 p.m.

The next item of business was approval of all administration actions needed to conduct the Board Member Election on October 6, 2021. General Manager Kent Pace stated the following District Officers were up for election: Vinson Dobson, a four (4) year term.

General Manger Pace stated the election would be conducted pursuant to an Intergovernmental Agreement with the Pinal County Records and Pinal County Elections Department. As part of the election procedure, General Manger Pace presented Resolution No. 2021-4.1 for the Board's consideration which is the call for election on October 6, 2021 and authorization to the General Manager to take all administrative and other actions that are reasonable and necessary which include, but are not limited to, the following:

- A. Authorization for the General Manager to execute an Intergovernmental Agreement for provision of services by the Pinal County Recorder and Elections Department to conduct a District Election.
- B. Resolution No. 2021-4.1 - Call of the MFC D 2021 election for the purpose of electing one board member.
- C. Authorization to the General Manager to take all administrative and other actions that are reasonable and necessary.

A motion was made by Director Tyler LeSueur granting the authorization to the General Manager Kent Pace to execute the Intergovernmental Agreement and to approve Resolution 2021-4.1 including approval to take all necessary actions needed to proceed with and carry-out the intent of the said resolution. The motion was seconded by Director James Kenny and was thereafter unanimously approved.

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 4:55 p.m.

**RESPECTFULLY SUBMITTED** this \_\_\_\_\_ day of April 2021.

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

**RESOLUTION NO. 2021-4.1**

A RESOLUTION OF THE DISTRICT BOARD OF THE MAGMA FLOOD CONTROL DISTRICT, CALLING A REGULAR ELECTION FOR THE PURPOSE OF ELECTING MEMBERS TO THE BOARD OF DIRECTORS AND ESTABLISHING THE DEADLINES AND PROCEDURES TO BE FOLLOWED FOR THE CONDUCT OF SUCH ELECTION.

**WHEREAS**, pursuant to ARIZ. REV. STAT. § 48-2681, *et seq.*, the Board of Directors (the “Board”) of the Magma Flood Control District (the “District”) desires to conduct an election for the purpose of electing one director to serve on the Board; and

**WHEREAS**, the Board has determined that the aforementioned election must be conducted on October 6, 2021; and

**WHEREAS**, the Board desires to provide for publication of notice of this Resolution as required by ARIZ. REV. STAT. § 16-227, *et seq.*

**NOW THEREFORE, BE IT RESOLVED**, BY THE BOARD OF DIRECTORS OF THE MAGMA FLOOD CONTROL DISTRICT, as follows:

SECTION 1. That the foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. That October 6, 2021, is hereby set as the time for holding the Magma Flood Control District Election for the purpose of electing one member to the Board, from the names which shall appear on the ballot at the Election. Any candidate receiving a majority of all votes cast at the Election will be declared elected.

SECTION 3. That the last day for filing petitions for nomination for election to the Board shall be June 8, 2021, which petitions shall be filed with the Pinal County Elections Office, located at 168 S. Main Street, Coolidge, Arizona 85128, not later than 5:00 p.m. (local time, Phoenix, Arizona).

SECTION 4. That the last day to register to vote in the Board Member election is September 7, 2021. A person is not entitled to vote at this election unless the person (i) is the owner of real property located within the boundaries of the District on which taxes have been paid as shown by the most recent Pinal County tax roll immediately preceding the date of the election or (ii) is qualified pursuant to ARIZ. REV. STAT. § 48-2816(B).

SECTION 5. That, for the purposes of this election, one polling place may be used:

Anthem K-8 School (Florence Unified School District)  
2700 North Anthem Way  
Florence, Arizona

SECTION 6. That early voting shall be permitted in connection with the Board election

pursuant to ARIZ. REV. STAT. § 16-541, *et seq.* Early ballots may be requested from, and voted early ballots may be mailed to:

Pinal County Elections Department  
P. O. Box 2209  
Coolidge, Arizona 85128

Requests for Pinal County Election Department to mail out early ballots must be received no later than September 24<sup>th</sup>, 2021. If returned by mail, early ballots should be mailed back no later than September 29<sup>th</sup>, 2021 to ensure receipt by Election Day (October 6, 2021). Ballots received by Pinal County Election Department after October 6, 2021 will not be counted.

To vote early in person or to hand deliver a voted ballot, please do so at the following address:

Pinal County Elections Department  
168 S. Main Street  
Coolidge, Arizona 85128

SECTION 7. That the General Manager or his/her authorized designee is hereby authorized to (i) have ballots printed and to deliver them to the election officials to be furnished to the qualified electors of the District, (ii) enter into contracts with the Pinal County Recorder to obtain precinct registers for the election, if necessary, and the Pinal County Assessor to obtain property ownership information for the election, (iii) enter into an agreement with the Pinal County Elections Department or other such qualified person or entity to conduct the election for the District and (iv) to enter into any other such agreements as deemed necessary and proper by the General Manager for the purposes of conducting the election.

SECTION 8. That the election may be conducted using either electromechanical or electronic vote recording and ballot counting equipment or paper ballots, as shall be determined to be in the best interests of the District by the Pinal County Election officials and the General Manager or his/her authorized designee.

SECTION 9. That the Board hereby authorizes all expenditures as may be necessary to order, notice, hold and administer the election, which expenditures shall be paid from current operating funds.

SECTION 10. That, in order to comply with the Voting Rights Act of 1965, as amended, the ballot, early voting materials and all instructions related thereto pertaining to this election will be translated into Spanish. The officers of the District and Pinal County are further authorized and directed to take all action necessary to comply with the Voting Rights Act of 1965, as amended.

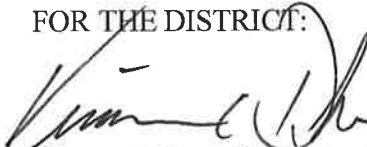
SECTION 11. That the General Manager or his/her authorized designee is authorized and directed to publish notice of the election at least twice in a newspaper of general circulation in the District not less than one week apart during the six calendar weeks preceding 90 days before the election.

SECTION 12. That the General Manager or his/her authorized designee is authorized to take all necessary action to facilitate the election and to carry out the purpose and intent of this Resolution.


SECTION 13. That all actions of the members of the Board, officers, employees and agents of the District which are in conformity with the purposes and intent of this Resolution, whether heretofore or hereafter taken, shall be and are hereby ratified, confirmed, authorized and approved.

**PASSED AND ADOPTED** by the Board of Directors of the Magma Flood Control District, April 29, 2021.

FOR THE DISTRICT:

  
Vinson Dobson, Board President

ATTESTED TO:

  
Kent Pace, Board Secretary

## RESOLUCIÓN NO. 2021-4.1

UNA RESOLUCIÓN DE LA JUNTA DIRECTIVA DEL MAGMA FLOOD CONTROL DISTRICT, QUE CONVOCA UNA ELECCIÓN REGULAR CON EL PROPÓSITO DE ELEGIR MIEMBROS A LA JUNTA DIRECTIVA Y QUE ESTABLECE LOS LÍMITES DE TIEMPO Y LOS PROCEDIMIENTOS QUE SE SEGUIRÁN EN LA ADMINISTRACIÓN DE LA ELECCIÓN.

**VISTO QUE**, de acuerdo con los Estatutos Revisados de Arizona § 48-2681, *y siguientes*, la Junta Directiva (la "Junta") del Magma Flood Control District (el "Distrito") desea administrar una elección con el propósito de elegir un director para servir en la Junta; y

**VISTO QUE**, la Junta ha decidido que la elección anteriormente declarada se celebre el 6 de octubre de 2021; y

**VISTO QUE**, la Junta desea publicar este aviso de la Resolución como ordenan los Estatutos Revisados de Arizona § 16-227, *y siguientes*.

**AHORA, POR CONSIGUIENTE, RESUELVE LA JUNTA DIRECTIVA DEL MAGMA FLOOD CONTROL DISTRICT**, como lo que sigue:

**SECCIÓN 1.** Que las precedentes recitaciones se incorporan como si se presentarán en esto.

**SECCIÓN 2.** Que por la presente se fija el 6 de octubre de 2021 como la fecha en que celebrar la Elección del Magma Flood Control District con el propósito de elegir un miembro a la Junta, cuyos nombres deberán aparecer en la balota de la Elección. Cualquier candidato que reciba una mayoría de todos los votos emitidos en la Elección será declarado elegido.

**SECCIÓN 3.** Que la última fecha para entablar peticiones de nominación para ser elegidos a la Junta será el 8 de junio de 2021, las peticiones se deberán entablar con la Oficina de Elecciones del Condado Pinal, ubicada al 168 S. Main Street, Coolidge, Arizona 85128, no más tarde que las 5:00 p.m. (hora local, Phoenix, Arizona).

**SECCIÓN 4.** Que la última fecha para inscribirse para votar en la elección de Miembro de la Junta será el 7 de septiembre de 2021. Una persona no tiene el derecho de votar en esta elección a menos que la persona (i) es dueño de bienes raíces ubicados dentro de los límites del Distrito por cuales se han pagado los impuestos como se muestra en el más reciente registro de contribuyentes del Condado Pinal inmediatamente precediendo la fecha de la elección o (ii) está capacitado de acuerdo con los Estatutos Revisados de Arizona § 48-2816(B).

**SECCIÓN 5.** Que, para los propósitos de esta elección, un centro electoral se puede usar:

Anthem K-8 School (Florence Unified School District)  
2700 North Anthem Way  
Florence, Arizona

**SECCIÓN 6.** Que de acuerdo con los Estatutos Revisados de Arizona § 16-541, *y siguientes*, se permitirá la votación antes de la elección en relación con la elección de la Junta. Se pueden solicitar las balotas de antes de la elección de, y se pueden regresar por correo las balotas de antes de la elección a:

Pinal County Elections Department  
P.O. Box 2209  
Coolidge, Arizona 85128

Las solicitudes para que el Departamento de Elecciones del Condado de Pinal envíe por correo las boletas temprano deben recibirse no más tarde que el 20 de septiembre de 2019. Si se devuelven por correo, las



boletas temprano se deben enviar no más tarde que el 24 de septiembre de 2021 para garantizar su recepción antes del día de las elecciones (29 de septiembre 2021). Las boletas recibidas por el Departamento de Elecciones del Condado de Pinal después del 6 de octubre de 2021 no serán contadas.

Para votar antes de la elección en persona o para entregar una balota votada, favor de acudir a la siguiente dirección:

Pinal County Elections Department  
168 S. Main Street  
Coolidge, Arizona 85128

SECCIÓN 7. Que por la presente se le autoriza al Director General o su persona nombrada autorizada (i) causar que se impriman las balotas y que se les entreguen a los oficiales de la elección que se las proporcionarán a los electores del Distrito, (ii) comprometerse en contratos con la Registradora del Condado Pinal para obtener los registros de votantes de los precintos de la elección, si necesarios, y con el Asesor del Condado Pinal para obtener información de propietarios para la elección, (iii) comprometerse en un contrato con el Departamento de Elecciones del Condado Pinal o cualquier otra persona capacitada o entidad para administrar la elección para el Distrito y (iv) comprometerse en cualesquier otros contratos como se decidan ser necesario y propio por el Director General con los propósitos de administrar la elección.

SECCIÓN 8. Que la elección se puede administrar usando o registración de votos electrónicamente o electro-mecánicamente y equipo para contar balotas o papeletas, como decidan los oficiales de Elecciones del Condado Pinal y el Director General o su persona nombrada autorizada ser en el mejor interés del Distrito.

SECCIÓN 9. Que por la presente la Junta autoriza todos los gastos que sean necesarios para ordenar, dar aviso, celebrar y administrar la elección, dichos gastos se pagarán con los fondos de operación actuales.

SECCIÓN 10. Que, para cumplir con el Acta de Derechos de Votar de 1965, como enmendada, la balota, los materiales de la votación antes de la elección y todas las instrucciones relacionadas a eso en relación con esta elección serán traducidos al Español. Y además se les autoriza y se les ordena a los oficiales del Distrito y al Condado Pinal tomar toda la acción necesaria para cumplir con el Acta de Derechos de Votar de 1965 como enmendada.

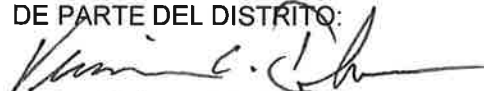
SECCIÓN 11. Que se le autoriza y se le ordena al Director General o su persona nombrada autorizada o su persona nombrada autorizada publicar el aviso de la elección a lo menos de dos veces en un periódico de circulación general en el Distrito no menos de entre una semana durante seis semanas del calendario precediendo 90 días antes de la elección.

SECCIÓN 12. Que se le autoriza al Director General o su persona nombrada autorizada tomar todas las medidas necesarias para facilitar la elección y para realizar el propósito e intento de esta Resolución.

SECCIÓN 13. Que todas las acciones de los miembros de la Junta, oficiales, empleados y agentes del Distrito que están en conformidad con los propósitos e intento de esta Resolución, que se han tomado o no hasta ahora o en el futuro, serán y por la presente se ratifican, se comprueban, se autorizan y se aprueban.

**APROBADA Y ADOPTADA** por la Junta Directiva del Magma Flood Control District, 29 de abril 2021.

DE PARTE DEL DISTRITO:

  
Vinson Dobson, Presidente de la Junta

CERTIFICA:

  
Kent Pace, Secretario de la Junta