

**NOTICE OF PUBLIC BOARD MEETING OF  
THE MAGMA FLOOD CONTROL DISTRICT (MFCD)**

(with option to participate telephonically and/or virtually)

**Tuesday, October 5, 2021 at 4:00 p.m.**

F.U.S.D. Anthem K-8 School, Room B-100,  
2700 N. Anthem Way, Florence, AZ, 85132

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 is being conducted using measures to protect public health, including technological means, as permitted under Arizona law.

**To participate in the meeting telephonically follow the instructions below:**

Tele-Conference Participant:

1. At the specified time, dial the Access Number **1.800.829.7603**.
2. When prompted, enter your Participant Code followed by #.
3. Your Participant Code is **44317254#**.

Participant Star Commands:

- \*4-Volume - Pressing \*4 will increase/decrease the volume.
- \*6-Mute - Participants can mute/unmute their own lines by pressing \*6.

**AGENDA**

1. Welcome & introductions.
2. General Manager to provide a brief update to the board on District Business (including but not limited to):
  - Update on SCIDD's request to terminate the Northside Canal and the related impacts upon Lower Magma Channel
  - Update on the Middle Magma Regional Flood Control Project
3. Discussion / approval / disapproval of:
  - The minutes and ratification of the actions taken at the board meetings held on 7/29/21 and 9/14/21.
  - The minutes of the executive sessions held on 7/29/21 and 9/14/21.

Note: The minutes have been previously distributed to the Board via e-mail. The board mtg. minutes have been posted on the District website prior to this meeting.
4. Discussion / approval / disapproval of ratification and approval of Amendment #1 to the MMRFCP Cooperative Agreement with NRCS (Note: the Amendment was previously signed by the Gen. Mgr. & NRCS; increases grant funding to MFCD by \$99,865).
5. Discussion / approval / disapproval of ratification of the agreement to retain the Law Firm of Lake and Cobb to defend the District and the General Manager in Standard Construction vs. Magma Flood Control and Pace et. al, litigation in Pinal County Superior Court No. CV 2020-001073 (Note: the agreement was previously signed by Steve Cooper, District's attorney, on behalf of MFCD).
6. The District formally expresses its appreciation to Vince Dobson for service to the District as a board member since 2009.
7. Ratification of the Pinal County Board of Supervisors RESOLUTION NO. 082521-ED – cancelling the uncontested election of board members of the Magma Flood Control District which was scheduled to be held on Oct. 6<sup>th</sup>, 2021, and then appointing Mr. Stacy Brimhall to a four-year term as a board member.
8. Stephen Cooper to administer the oath of office for a four-year term as a board member to:
  - Mr. Stacy Brimhall (oath to be administered verbally or by signed & notarized statement)
9. Discussion / approval / disapproval of nominations and election of MFCD Board Member positions—discussion is protocol after each regular election (Current Positions: President Vinson Dobson, Board Members at Large Ty LeSueur and Jim Kenny. Kent Pace as Board Secretary and Larry Pfeifer as Assistant Secretary to the Board).
10. **EXECUTIVE SESSION** – Pursuant to A.R.S. § 38-431.03(A)(3), (4), and (7) discussion and legal advice relating to:
  - Legal advice with attorneys and designated representatives concerning the lawsuit filed by Standard Construction against MFCD in Pinal County Superior Court (Case No. CV202001073) relating to the MFRS Erosion Mitigation Project (MFCD Contract No. 2019-01).
  - any matters that may relate to items listed on the agenda.
  - **REGULAR SESSION** - Possible direction to General Manager, Legal Counsel or Staff to proceed as directed in Executive Session.
  - Board Member / General Manager reports.
  - Other business that may come before the Board.
  - Adjourn

NOTICE: Pursuant to the Open Meeting Laws of the State of Arizona, including but not limited to A.R.S. § 38-431.03, and upon vote of the Board of Directors of the District, the Board may meet in Executive Session for discussion or consultation for legal advice with the attorney for the District for any of the above listed matters.

Please note that this agenda may be changed prior to the scheduled meeting by modifying or deleting listed matters or adding new ones. Anyone interest in the final agenda for the meeting should contact the Magma Flood Control District at 480-424-3438 twenty-four (24) in advance of the meeting.

Posted by Kent Pace on behalf of the District Board