

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
TUESDAY, OCTOBER 5, 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 using measures to protect public health, including technological means using telephone conferencing, 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 4:08 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, Director Elect Stacy Brimhall, and District Counsel Stephen R. Cooper. Appearing in person was General Manager Kent Pace and Florence Town Councilmember Johnie Mendoza. President Vinson Dobson welcomed Councilmember Mendoza to the District Meeting. There were no other public members appearing in person or telephonically and introductions were not necessary.

General Manager Kent Pace next gave a brief update on the status of matters currently involving the District:

San Carlos Irrigation and Drainage District: The District is having discussions involving San Carlos Irrigation and Drainage District's request to terminate the Northside Canal into the Lower

Magma Channel. The discussions are proceeding slowly but all parties see the potential for mutual and regional benefits.

The Middle Magma Regional Flood Control Project: This is approximately a five-mile drainage corridor which would benefit from funding to channelize floodwaters and thereby alleviate flooding to homes, the Central Arizona Project canal, and BLM land. General Manager Kent Pace stated that the District had recently received an increase of \$100,000 in federal grant funding from NRCS which will bring the total planning grant to approximately \$500,000.

The District will be conducting for the first time an emergency preparedness exercise with local governmental entities which would simulate a flood emergency and the implementation of the emergency action plan by each of the parties including first responders from Pinal County and the Town of Florence.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting Minutes of July 29, 2021 and September 14, 2021, as well as to ratify the actions taken at both of the Meetings. A motion was made by Tyler LeSueur to approve the Regular Meeting Minutes of July 29, 2021 and September 14, 2021, and to ratify the actions taken at the Meetings. 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 July 29, 2021 and September 14, 2021 Meetings. It was seconded by James Kenny and was thereafter approved.

The next item of business was consideration and discussion of Ratification of Amendment # 1 to the Middle Magma Regional Flood Control Project Cooperative Agreement. This Amendment was previously signed by General Manger Kent Pace due to time constraints for the grant funding. This Amendment will increase grant funding by \$99,865 and will bring the grant

funding to approximately \$500,000. It is hoped the design phase of the project will be complete by Jan. 2023 and an application to the NRCS for additional construction cost funding would occur at that time. A motion was made by Director Tyler LeSueur and seconded by Director James Kenny to approve Amendment # 1 to the Middle Magma Regional Flood Control Project Cooperative Agreement and thereafter it was approved.

The next item of business was discussion of consideration and ratification of the agreement between the Law Firm of Lake and Cobb to defend the District and General Manager in the litigation with Standard Construction vs. Magma Flood Control District, Pinal County Superior Court No. CV2020-001073.

A motion was made by Director Tyler LeSueur and seconded by Director James Kenny to ratify and approve the agreement to retain the law Firm of Lake and Cobb to defend the District and General Manager in the litigation involving Standard Construction. Thereafter, this matter was approved unanimously.

The next item of business was to express the District's appreciation for outgoing Board Member and Board President Vinson Dobson for his twelve (12) years of service to the District and District residents.

The next item of business was consideration and ratification of Pinal County Board of Supervisors Resolution 082521-ED a resolution cancelling the District Election for the reason that only one (1) candidate qualified for the ballot. The candidate was Stacy Brimhall. A motion was made by Director Tyler LeSueur and seconded by Director James Kenny to cancel the October 6, 2021, District Election and thereafter it was approved.

The next items of business were the administration of the Oath of Office to Stacy Brimhall.

The next item of business was the nomination and election of District Officers. A motion was made by Director James Kenny and seconded by Director Stacy Brimhall to appoint the following District Officers:

Tyler LeSueur - Board President
Kent Pace – Board Secretary
Larry Pfeifer – Assistant Board Secretary

The motion was unanimously approved.

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

The next item of business was an Executive Session which was conducted from 4:45 p.m.

The Executive Session adjourned at 5:01 p.m., and the Board reconvened into its Regular Meeting at 5:02 p.m. Thereafter, a motion was made by Director James Kenny to direct the General Manager and staff to proceed as directed in the Executive Session. The motion was seconded by Director Stacy Brimhall and thereafter it was unanimously approved.

The next items of business were Board Member and General Manager reports and other business which came before the Board. There were no reports or other business matters.

The meeting was subsequently adjourned at 5:04 p.m.

RESPECTFULLY SUBMITTED this _____ day of October 2021.

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