

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
TUESDAY, DECEMBER 7, 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 & video conferencing, as permitted under Arizona law. The Meeting was properly posted within the boundaries of the District, and, in addition to the meeting being held in person, both a Zoom link and a phone number (1-346-248-7799) were provided for individuals residing within and without the District to attend the Meeting.

The Regular Meeting was called to order by Board President Tyler LeSueur at 4:09 p.m. The Meeting was held at the Florence Unified School District Anthem K-8, Room B-100, 2700 N. Anthem Way, Florence, Arizona. Appearing telephonically or by Zoom video were District Board President Tyler LeSueur, Director James Kenny, Director Stacy Brimhall, and District Counsel Stephen R. Cooper. Appearing in person was General Manager Kent Pace and Assistant Board Secretary Larry Pfeifer. 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 (SCIDD): General Manager Pace stated that Magma Flood Control District is continuing discussions regarding SCIDD's request to terminate the Northside Canal into the Lower Magma Channel. The discussions are proceeding slowly but

it is expected that San Carlos will be submitting a conceptual design proposal within the next thirty (30) days.

MFRS Erosion Mitigation Project: General Manager Pace stated that Standard Construction's lawsuit against the District is ongoing, however very little activity has occurred since the last Board meeting. The next step is for a hearing date to be established.

The Middle Magma Regional Flood Control Project: General Manager Pace stated that the environmental assessments and planning were behind schedule, but he believed these efforts would still be completed in late 2022. General Manager Pace also stated the final design / construction plans for the Middle Magma Regional Flood Control Project are being prepared concurrently with environmental assessment planning and both should be completed around the end of 2022—in time to apply for construction grant funding from NRCS prior to the expiration of the current farm bill. As part of a joint Intergovernmental Agreement with Pinal County the design costs of the project will be divided equally between the County and the District. General Manager Pace noted he was hopeful that NRCS will see the need to complete this project and will award priority funding to the construction of the Middle Magma Regional Flood Control Project.

The District conducted for the first time an emergency preparedness exercise which simulated a flood emergency with local governmental entities and emergency responders. General Manager Pace stated he was pleased with the results but noted it was now time to begin to address issues involving monitoring systems, procedural manuals, and emergency action plan protocols. General Manager Pace stated over the past 15+ years the District has primarily focused on infrastructure issues with the dam, the channels and flood control mitigation issues within the District; and, with the infrastructure improvements, we were now seeing the need to update the

District operational and emergency action procedures and protocols—which is the reason the District will consider a proposal from JE Fuller and Wood Environmental in this Meetings Agenda.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting held October 5, 2021, and to ratify the actions of the October 5, 2021 Meeting. A motion was made by Director Stacy Brimhall to approve the Regular Meeting Minutes of October 5, 2021, and to ratify the actions taken at the Meeting. Director 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 Director Stacy Brimhall to approve the Executive Session Minutes of the October 5, 2021 Meeting. It was seconded by Director James Kenny and was thereafter approved.

President Tyler LeSueur, moved to go into Executive Session which was seconded by Director Stacy Brimhall. The motion was unanimously approved.

The next item of business was an Executive Session which was conducted from 4:23 p.m.

The Executive Session adjourned at 4:39 p.m., and the Board reconvened into its Regular Meeting at 4:39 p.m.

The next item of business was consideration and discussion of Authorizing the General Manger to execute any and all agreements to proceed with work identified by JE Fuller and Wood Environment & Infrastructure Solutions as a result of the Flood Drill and Emergency Action Plan in an amount not to exceed \$152,000.00 dollars. A motion was made by Director Stacy Brimhall and seconded by Director James Kenny to approve the Authorization of the General Manger to execute any and all agreements to proceed with work identified by JE Fuller and Wood Environmental & Infrastructure Solutions as a result of the Flood Drill and Emergency Action Plan in an amount not to exceed \$152,000.00 dollars and thereafter it was approved.

The next item of business was discussion relating to the approval and ratification of all expenditures for the fiscal year ending June 30, 2021, the Annual Report to Pinal County for the fiscal year ending June 30, 2021, and the Audited Financial Statements of the District for the year ending June 30, 2021. A motion was made by Director Stacy Brimhall and seconded by Director James Kenny to both approve and ratify 1) all expenditures for the fiscal year ending June 30, 2021, 2) the Annual Report to Pinal County for the fiscal year ending June 30, 2021, and 3) the Audited Financial Statements of the District for the year ending June 30, 2021. Thereafter, this matter was approved unanimously.

The next items of business were General Manager Kent Pace reports and other business which came before the Board. These items involved Board Member comments on the possibility of getting information to the public in both English and in Spanish a brief explanation of the District concerning the flood control system for the District residents and information concerning flood warning and flood safety issues and flood avoidance during flood events. Directors also commented that this information should also be sent to the Arizona Home Builders Association to pass on to homebuilders and potential home builders within the District boundaries. It was directed that the General Manager bring this to the District Board as a future Meeting Agenda item.

The next item of business was adjournment of the meeting at 4:54 p.m.

RESPECTFULLY SUBMITTED this _____ day of December 2021.

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