

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
TUESDAY, MARCH 1, 2022, 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 notice was properly posted within the boundaries of the District and included the meeting location for those wanting to attend in person as well as a Zoom Meeting link and the phone number of 1-346-248-7799 and a passcode of 468691 enabling individuals residing within and without the District to attend the meeting via video or telephonically. The Agenda and various options to attend the meeting were also posted on the District website, at the usual government building notice boards, and at the meeting location—Florence Unified School District Anthem K-8 School, Room B-100, 2700 N. Anthem Way, Florence, Arizona.

The Regular Meeting was called to order by Board President Tyler LeSueur at 4:05 p.m. Appearing by video were District Board President Tyler LeSueur, Director James Kenny, Director Stacy Brimhall, Special Legal Counsel Rick Cobb, and District Counsel Stephen R. Cooper. Appearing in person were General Manager Kent Pace and Board Assistant Secretary Larry Pfeifer. 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 status of matters currently

involving the District:

General Manager Kent Pace briefly discussed the Arizona Department of Water Resources, annual Dam Safety inspection which occurred in January. General Manager Pace stated the annual inspection report will likely be issued in April or May. General Manager Pace stated in his opinion the safety inspection went well for the District.

Middle Magma Regional Flood Control Project: General Manager Pace stated the Preliminary Watershed Work Plan and Environmental Assessment has been completed and submitted to NRCS on February 18, 2022 for review. General Manager Pace stated that Phase 1 (which consists of the Environmental Assessments and Planning process) will be ongoing and are anticipated to be submitted to NRCS for final approval in October. General Manager Pace also reported that Phase 2 (which consists of Final Design and Construction Plans) has recently started and is also expected to be completed around October. Pursuant to an Intergovernmental Agreement with Pinal County the costs associated with the design will be shared equally between the District and Pinal County. Lastly, General Manager Pace noted a major milestone in which 60% of the design plans will be completed and submitted to government stakeholders (including State and Federal) on March 14, 2022.

San Carlos Irrigation Project: The District is having ongoing discussions involving San Carlos Irrigation Project's request to terminate the Northside Canal into the Lower Magma Channel. San Carlos submitted a design proposal to the District and is now working to address the District's review comments.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting Minutes of December 7, 2021, and to ratify the actions of the December 7, 2021, Meeting. A motion was made by Director James Kenny to approve the Regular Meeting Minutes and to ratify the actions taken at the Meeting. President Tyler LeSueur 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 December 7, 2021, Meeting. It was seconded by James Kenny and was thereafter approved.

A motion to go into Executive Session was made by President Tyler LeSueur and seconded by Director Stacy Brimhall. The motion to go into Executive Session was approved. The Executive Session which was conducted from 4:15 p.m. to 4:56 p.m. and thereafter the Public Meeting was reconvened at 4:56 p.m.

The next item of business was to instruct the General Manager, staff Legal Counsel and Special Legal Counsel to proceed as directed in Executive Session. A motion was then made by President Tyler LeSueur to instruct the General Manager to proceed as directed in Executive Session. The motion was seconded by Director James Kenny. Thereafter, this matter was approved with President Tyler LeSueur and Director James Kenny Director and Stacy Brimhall voting to approve these matters.

The next item of business was Ratification of the Joint Legal Representation and Conflict Waiver Agreement (previously signed by Stephen Cooper on behalf of the District) in which Rick Cobb of Holden Willits PLC agrees to represent both the District and Kent Pace in the lawsuit filed by Standard Construction and Ringo Canyon Pinal County Superior Court (Case No. CV202001073). A motion was then made by Director James Kenny to ratify the Joint Legal

Representation and Conflict Waiver Agreement (previously signed by Stephen Cooper on behalf of the District) in which Rick Cobb of Holden Willits PLC agrees to represent both the District and Kent Pace in the lawsuit filed by Standard Construction and Ringo Canyon. The motion was seconded by Director Stacy Brimhall. Thereafter, this matter was approved with President Tyler LeSueur and Director James Kenny Director and Stacy Brimhall voting to approve these matters.

Board Assistant Secretary Larry Pfeifer informed the Board of the passing of former Board Member Peter Sam Feliz who served on the District Board in the 1980s through the early2000s. Board Assistant Secretary Larry Pfeifer noted that Peter Sam Feliz was instrumental in keeping the District functional and in assisting in the preliminary groundwork necessary to begin the process of Dam and Channel repair throughout the District.

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 4:58 p.m.

RESPECTFULLY SUBMITTED this _____ day of March 2022.

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