

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

(with option to participate via Zoom, telephone, or in-person)

Tuesday, December 6, 2022 at 4:00 p.m.

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

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

To participate in the meeting follow the instructions below:

Join Zoom Meeting:

<https://zoom.us/j/91370040429?pwd=WWloSUFHRWpaSE04aDE5SDhML0FyQT09>

Meeting ID: 913 7004 0429

Passcode: ks43NE

Join by Telephone:

Dial +1 346 248 7799 (If outside the US: Find your local number: <https://zoom.us/u/aXLhYeyUH>)

Meeting ID: 913 7004 0429

Passcode: 468691

AGENDA

1. Welcome & introductions.
2. General Manager to provide a brief update to the board on District Business (including but not limited to):
 - Bright Night solar plant's request to cross the north end of the Dam with 230kV powerline.
 - i. MFCD working on a joint use agreement for the State Land easement area.
 - SCIDD's desire to terminate the Northside Canal at the intersection with Lower Magma Channel.
 - i. MFCD's engineer has reviewed SCIDD's 90% plans; SCIDD working to address review comments.
 - Update on the Middle Magma Regional Flood Control Project
 - i. Funding:
 - a) NRCS has verbally approved but not yet formally documented an \$80k+/- grant for additional planning funds for the project.

Note: Everything below this point is based upon the assumption that the Final Plan EA will be approved

 - ii. Funding (continued):
 - a) NRCS intends to fund the remaining project design costs 100%;
 - b) NRCS intends to fund construction cost 100% (once formal grant is approved & design is final)
 - c) Local Sponsors (Pinal County & MFCD in a 50/50 split) are responsible for all land rights and permitting costs (MFCD will update the IGA with Pinal County to address these topics)
 - a. Pinal County land department is leading efforts to begin title work and appraisal process to clarify and perfect drainage easement rights within Wild Horse Estates.
 - iii. Phase 1: Environmental Assessments & Planning (ongoing thru end of 2022)
 - a) Continuing to address comments on Plan/EA received from NWMC in late June 2022.
 - b) Aim to submit a Final Plan/EA to NRCS for approval in Dec. 2022.
 - iv. Phase 2: Final Design & Construction Plans (90% design will begin upon final approval of Plan/EA; 100% design is anticipated during Summer of 2023; Construction estimated to begin late 2023)
3. Discussion / approval / disapproval of:
 - The minutes and ratification of the actions taken at the 9/20/22 board meeting.
 - The minutes of the 9/20/22 executive session.

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. **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.
5. **REGULAR SESSION** - Possible direction to General Manager, Legal Counsel or Staff to proceed as directed in Executive Session.
6. Ratification of the joint legal representation Engagement Agreement (previously signed by Stephen Cooper on behalf of the District) in which Rick Cobb of Ellsworth Cobb 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).
7. Discussion / approval / disapproval of ratification and approval of 1) all expenditures for the year ended 6/30/22; 2) the annual report to Pinal County for the year ended 6/30/22; and 3) the audited financial statements for the year ended 6/30/22.

8. Board Member / General Manager reports.
9. Other business that may come before the Board.
10. 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 Larry Pfeiffer on behalf of the District Board