

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

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

Tuesday, March 7, 2023 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):
 - Held annual dam safety inspection with ADWR & NRCS on January 25, 2023. Formal report not yet received; Verbal comments: dam is safe; typical maintenance items identified which need to be addressed.
 - Bright Night solar plant's request to cross the north end of the Dam with 230kV powerline.
 - i. MFCD is working to finalize a "Shared Use" agreement relating to subject area.
 - SCIDD's desire to terminate the Northside Canal at the intersection with Lower Magma Channel.
 - i. MFCD's engineer has reviewed SCIDD's 100% plans; SCIDD working to address MFCD's design requirements & review comments.
 - Update on the Middle Magma Regional Flood Control Project
 - i. Funding:
 - a) NRCS has formally approved an additional \$80k+/- grant for additional planning funds for the project (see agenda item #6 below).

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 2023)
 - a) MFCD submitted a Final Plan/EA to NRCS for approval in mid Jan. 2023.
 - b) Awaiting response on submittal from NRCS NHQ.
 - iv. Phase 2: Final Design & Construction Plans (90% design will begin upon final approval of Plan/EA; 100% design is anticipated during late Summer of 2023; Construction estimated to begin late 2023 or early 2024)
3. Discussion / approval / disapproval of:
 - The minutes and ratification of the actions taken at the 12/6/22 board meeting.
 - The minutes of the 12/6/22 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 amendment #2 (extending the project planning completion date from 1/31/2023 to 12/31/2023) and amendment #3 (providing additional funds from NRCS to the District in the amount of \$79,790.24—for a grand total of

\$579,655.24) to the original Grant and Agreement Award (Agreement # NR209457XXXXC002) with NRCS for the Middle Magma Regional Flood Control Project (Note: the amendments were previously signed by Kent Pace on behalf of the District).

7. Discussion / approval / disapproval of Resolution 2023-3.1 which formally establishes a Committed Fund separate and apart from the District's General Fund for completion of the Middle Magma Regional Flood Control Project. Once established the amounts within the Committed Fund can only be used for specific purpose of completing the Middle Magma Regional Flood Control Project.
8. Discussion / approval / disapproval of Resolution 2023-3.2 which formally establishes and adopts the Investment Policy for the Magma Flood Control District dated March 7, 2023.
9. Discussion / approval / disapproval of authorization for the General Manager to enter into an intergovernmental agreement for provision of services by the Pinal County Recorder and Elections Department.
10. Discussion / approval / disapproval of authorization for the General Manager to take all necessary actions to finalize and execute a Shared Use Agreement with BOCA bn, LLC (which establishes the terms allowing the BrightNight solar plant to construct a powerline which crosses the North Training Dike of the Dam).
11. Board Member / General Manager reports.
12. Other business that may come before the Board.
13. 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