

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

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

**Thursday, May 4, 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):
  - The District finalized a Shared Use Agreement with BrightNight Solar related to it's powerline crossing the North Training Dike of the Magma Dam.
  - The District continues working with State Land, Pinal County Sheriff's office, and other stakeholders to address the OHV use violations on District property and concerns within the surrounding areas.
  - 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

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

  - i. Funding (the following information is contingent upon approval of the Final Plan EA by NRCS):
    - a) NRCS will fund the remaining project design costs 100%;
    - b) NRCS intends to fund construction cost 100% (assuming both final design & formal grant application is approved)
    - 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.
  - ii. 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) MFCD received an initial response from NRCS NHQ on 4/11/23; awaiting decision from NRCS to the adequacy of the comments resolution responses provided by MFCD.
  - iii. 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 3/7/23 board meeting.
  - The minutes of the 3/7/23 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. Discussion / approval / disapproval of Resolution 2023-4.1 which adopts the revised Investment Policy for the Magma Flood Control District dated May 4, 2023.

7. Discussion / approval / disapproval of Resolution 2023-4.2 which would have the District adopt certain resolutions which are required to establish, maintain, and direct investment account(s) with Fidelity Investments.
8. Discussion / approval / disapproval of 1) Resolution No. 2023-4.3 – call of the MFCD 2023 election—for the purpose of electing two board members, and 2) authorization for the General Manager to take all necessary actions needed to proceed with and carry-out the intent of the said resolution.
9. Board Member / General Manager reports.
10. Other business that may come before the Board.
11. 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