

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
WEDESDAY, JULY 26, 2023, MEETING

The Meeting was conducted using technological means using Zoom video, as permitted under Arizona law. The Meeting was properly posted within the boundaries of the District and a phone number of 1-346-248-7799 (Meeting Identification 913 7004 0429) was provided for individuals residing within and without the District to appear telephonically at the Meeting.

The Regular Meeting was called to order by Board President Tyler LeSueur at 4:03 p.m. The Meeting was to be held at the Florence Unified School District Anthem K-8, Room B-100, 2700 N. Anthem Way, Florence, Arizona. Appearing telephonically and by Zoom video were District Board President Tyler LeSueur, Director James Kenny, Board Assistant Secretary Larry Pfeifer, and District Counsel Stephen R. Cooper. Appearing in person was General Manager Kent Pace. There were no 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 which were set forth in the July 26, 2023, Meeting Agenda:

The District continues working with the State Land Department, the Pinal County Sheriff's Department, other agencies, and other stakeholders to address off road vehicle use violations on District property and concerns within the surrounding areas.

San Carlos Irrigation and Drainage District (SCIDD): SCIDD has requested to terminate the Northside Canal into the Lower Magma Channel. Discussions have occurred over the last two (2) years. SCIDD has completed the 100% design proposal. SCIDD is working on addressing the

Magma's design requirements and review comments. SCIDD will also require approval from Bureau of Reclamation and the Bureau of Indian Affairs before a final agreement be signed. The Northside Canal is problematic because of the maintenance issues it creates as well as the challenges it creates for the Lower Magma Channel to ultimately become a certified levy. SCIDD is negotiating rights for the use of a privately owned retention pond (approximately 7 acres) to store both tail water and storm water and is completing environmental and cultural studies for the Bureau of Reclamation.

The Middle Magma Regional Flood Control Project: General Manager Kent Pace was very pleased to report the following:

The draft Plan/EA has been reviewed by NRCS/NHQ and other federal agencies. The draft plan now goes out for public review and comment. A public Meeting to review the Plan/EA will be held on August 10, 2023, by Zoom video. Notice of the public meeting has been advertised in local newspapers and a postcard has been mailed to all property owners within the District.

The following assumes the Final Plan EA will be approved.

- i. NRCS will fund 100% of the costs for additional planning funds for the project.
- ii. NRCS intends to fund the remaining project design costs 100%. (Assuming final design and formal grant application is approved.)
- iii. NRCS intends to fund construction cost 100% (once a formal grant is approved & design is final which may be completed in December 2023).
- iv. 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).
- v. Pinal County land department is leading efforts to begin title work and appraisal process to clarify and secure easements within Wild Horse Estates.
- vi. Phase 1: Environmental Assessments & Planning (On going thru the end of 2023)
The revised Plan/EA was submitted in mid-January of 2023. The District received an initial response from NRCS-NHQ on April 11, 2023.
- vii. Phase 2: Final Design & Construction Plans 90% Final Design plans will begin upon approval of Plan/EA with 100% design anticipated to be submitted in October 2023. Construction is estimated to begin in mid-2024.

Status of the MFCD 2023 Board of Director election:

General Manager Pace noted only two (2) individuals applied to run as candidates for the 2023 District election to elect two board members. Those candidates were President LeSueur and Director Kenny. General Manager Pace stated he will contact the County to determine if the candidates will be appointed by the County Board of Supervisors and if the District election is cancelled.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting Minutes of May 4, 2023, and to ratify the actions of the May 4, 2023, 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 Director James Kenny to approve the Executive Session Minutes of the May 4, 2023, Meeting. It was seconded by President Tyler LeSueur and was thereafter approved.

Director James Kenny moved to go into Executive Session for 30 minutes which was seconded by President Tyler LeSueur. The motion was approved.

The next item of business was an Executive Session which was conducted from 4:15 p.m. to 4:53 p.m. and thereafter the public meeting was reconvened at 4:53 p.m.

The next item of business discussion, consideration and possible ratification of MFCD Contract 2023-06-01 which was signed by the General Manager on June 16, 2023 which renews a contract with between the District and Rummel Construction, Inc., to provide job order contract services, including but not limited to emergency response services on a 24-hour on call basis as required to fulfill the Emergency Action Plan for the Dam and Drainage Channels of the District.

A motion was made by Director James Kenny and seconded by President Tyler LeSueur to ratify Contract 2023-06-01 which was signed by the General Manager on June 16, 2023, which renews a contract with between the District and Rummel Construction, Inc., and thereafter it was approved.

The next item of business was consideration and discussion of Resolution 2023-7.1 a combined Resolution for fiscal year 2023-2024 for the Pinal County Treasurer to invest excess funds of the District, establishing warrant signature authority, establishing authority to provide warrant information to the County Treasurer, establishing authority to transfer warrant funds, and approval of a bank signature card. A motion was made by Director James Kenny and seconded by President Tyler LeSueur to approve Resolution 2023-7.1 and thereafter it was approved.

The next item of business was discussion of the budget for fiscal year 2023-2024. General Manger Pace noted the proposed budget would be \$12,768,474 dollars. MFCD's expenses and distributions would be limited to the actual revenues it received (or the District's actual cash position) as detailed within the proposed budget form. The proposed budget has the following items:

- The proposed budget will be \$12,758,474 dollars for fiscal year 2023-2024 which includes possible NCRS Grants and reimbursements of \$7,400,000.
- The proposed tax rate will be 1.0784% for fiscal year 2023-2024 (which, if passed, means the tax rate would remain unchanged from the prior five (5) years).

The proposed budget for fiscal year 2023-2024 allows the District to pursue the final design and construction phases of the Middle Magma Regional Flood Control Project. A motion was made by Director James Kenny and seconded by President Tyler LeSueur to approve the budget for fiscal year 2023-2024. Thereafter, this matter was approved.

The next item of business was discussion of the 2023-2024 property tax rate. The proposed tax rate of 1.0784% is the same tax rate as the five (5) prior tax years. A motion was made by Director James Kenny and seconded by President Tyler LeSueur to establish a tax rate of 1.0784% which would generate property tax revenues in the District of approximately \$1,142,300 dollars for fiscal year 2023-2024. Thereafter, this matter was approved.

The next item of business was approval of the future meetings schedule for the District. It was proposed the District hold the following scheduled meetings for FY 2023-2024:

Tuesday, September 12, 2023
Tuesday, December 5, 2023
Tuesday, March 5, 2024
Tuesday, June 4, 2024

It was further noted these meetings would begin at 4:00 p.m. at the Florence Unified School District Anthem K-8 Room B-100 where the District now holds its meetings. A motion was made by Director James Kenny and seconded by President Tyler LeSueur to approve the meeting dates and thereafter it was approved.

The next items of business were Board reports. There were no reports to come before the Board.

The next item of business was General Manager reports. There were no other reports.

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 July 2023.

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