

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

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

Thursday, November 9, 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 continues working with AZG&F, 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 and approved SCIDD's 100% plans;
 - ii. MFCD & SCIDD working to finalize project agreements.
 - The Middle Magma Regional Flood Control Project
 - i. Public mtg. to review draft Plan/EA was held on 8/10/23.
 - ii. Plan/EA is going to NRCS for final approval & authorization.

Note: Everything below this point is based upon the assumption that the Plan EA is approved and authorized.

- iii. 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.
 - iv. Phase 1: Planning—Final Plan/EA approval—likely ongoing thru 3/31/24
 - v. Phase 2A: Design & Construction Plans—NRCS approval of 90% design: goal date 6/1/24
 - vi. Phase 2B: Construction—estimated to begin 12/1/24; estimated completion 10/15/25
3. **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).
 - indemnification and compensation of the General Manager.
 - any matters that may relate to items listed on the agenda.

4. **REGULAR SESSION** - Possible direction to General Manager, Legal Counsel or Staff to proceed as directed in Executive Session.
5. Ratification of the Pinal County Board of Supervisors RESOLUTION NO. 090623-ED – cancelling the uncontested election of board members of the Magma Flood Control District which was scheduled to be held on Oct. 4th, 2023, and then appointing James F. Kenney and Tyler LeSueur to a four-year term as board members. The oath of office will be completed by the board members providing a signed and notarized statement.
6. Discussion / approval / disapproval of nominations and election of MFCD Board Member positions— discussion is protocol after each regular election (Current Positions: President Ty LeSueur, Board Members at Large: Jim Kenny and Mr. Stacy Brimhall, Kent Pace as Board Secretary, and Larry Pfeifer as Assistant Secretary to the Board).
7. Discussion / approval / disapproval of:
 - The minutes and ratification of the actions taken at the 7/26/23 board meeting.
 - The minutes of the 7/26/23 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.
8. Discussion / approval / disapproval of ratification and approval of 1) all expenditures for the year ended 6/30/23; 2) the annual report to Pinal County for the year ended 6/30/23; and 3) the audited financial statements for the year ended 6/30/23.
9. Discussion / approval / disapproval of Resolution 2023-09-01 (a restatement and reaffirmation of the MFCD board indemnity policy previously approved 7/19/2007 and 7/3/2014).
10. Discussion / approval / disapproval of ratification of the Watershed Agreement between MFCD and NRCS (outlining the amounts NRCS will fund and the responsibilities MFCD must complete on the Middle Magma Arizona Regional Flood Control Project if funding is provided). The agreement was signed on 10/3/2023 by Kent Pace on behalf of the District.
11. Discussion / approval / disapproval of authorization for the General Manager to take all necessary actions to finalize and execute an intergovernmental agreement with Florence Unified School District (FUSD) relating to MFCD's use of FUSD's facilities at no cost, other than providing FUSD with the benefit of the District's flood protection services.
12. Discussion / approval / disapproval of authorization for the General Manager to take all necessary actions to complete and carry out the intent of the Northside Canal Termination Project including finalizing and executing all necessary agreements with San Carlos Irrigation and Drainage District (SCIDD).
13. Board Member / General Manager reports.
14. Other business that may come before the Board.
15. 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 interested 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