

**MAGMA FLOOD CONTROL DISTRICT**  
**MINUTES OF THE**  
**THURSDAY, NOVEMBER 9, 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 4:01 p.m. The Meeting was 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, Special Legal Counsel Rick Cobb, 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 noted the posted Agenda of November 9, 2023, which gave a brief update on the status of matters currently involving the District:

1. **Trespassing & OHV issues:** 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.
2. **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 has approved Magma's design requirements and review comments. SCIDD is also working on receiving final approval from Bureau of Reclamation and the Bureau of Indian Affairs on the final agreement to 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.

3. **The Middle Magma Regional Flood Control Project:** The draft Plan/EA has been reviewed by NRCS/NHQ and other federal agencies for final approval and authorization. A public Meeting to review the Plan/EA was held on August 10, 2023, by Zoom video. Notice of the public meeting was advertised in local newspapers and a postcard was 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 federal funding is identified and allocated to the project).
- iii. NRCS intends to fund construction cost 100% (once a formal grant is approved & design is final which is anticipated to occur in June of 2024).
- 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: Planning—The Plan/EA was submitted to NRCS AZ for final approval in October 2023 and will likely be ongoing thru March 31, 2024.
- vii. Phase 2A: Design & Construction Plans—NRCS approval of 90% Design is anticipated to be 6/1/2024.
- viii. Phase 2B: Construction—estimated to begin 12/1/2024; estimated completion 10/15/2025.

The next item of Business was an Executive Session. Director James Kenny moved to go into Executive Session which was seconded by President Tyler LeSueur. The motion was approved. The Executive Session was conducted from 4:04 p.m. to 4:56 p.m. and thereafter the public meeting was reconvened at 4:56 p.m.

The next item of business was consideration of the 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. 4<sup>th</sup>, 2023,

and appointing James F. Kenny and Tyler LeSueur to a four-year term as board members. Additionally, a signed and notarized oath of office form was provided by the two board members. A motion was made by President Tyler LeSueur to ratify Resolution No. 090623-ED and approve the appointment of the two board members for the four-year term. Director James Kenny seconded this motion. Thereafter, the motion was approved, and the actions taken were ratified.

The next item of business was consideration of the 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). A motion was made by President Tyler LeSueur to retain the current Board Officers. Director James Kenny seconded this motion. Thereafter, the current Board Officers were appointed; President Ty LeSueur, Board Members at Large: Jim Kenny and Mr. Stacy Brimhall, Kent Pace as Board Secretary, and Larry Pfeifer as Assistant Secretary.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting Minutes of July 26, 2023, and to ratify the actions of the July 26, 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 July 26, 2023 Meeting. It was seconded by President Tyler LeSueur and was thereafter approved.

The next item of business was consideration and discussion of the possible 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. A motion was made by Director James Kenny and seconded by President Tyler LeSueur to approve 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. The motion was thereafter approved.

The next item of business was consideration of the approval of Resolution 2023-09-01 (a restatement and reaffirmation of the MFCD board indemnity policy previously approved 7/19/2007 and 7/3/2014). A motion was made by Director James Kenny and seconded by President Tyler LeSueur to approve Resolution 2023-09-01, and thereafter it was approved. A second Motion was made by President Tyler LeSueur and seconded by Director James Kenny to direct the General Manager and legal counsel to proceed as directed in Executive Session, including to sign all legal agreements necessary to carry out the terms of Resolution 2023-09-01, and thereafter it was approved.

The next item of business was consideration of the approval 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 the General Manager on behalf of the District. A motion was made by Director James Kenny and seconded by President Tyler LeSueur to approve the Watershed Agreement between MFCD and NRCS, and thereafter it was approved.

The next item of business was consideration of the approval 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. A motion was made by President Tyler LeSueur and seconded by Director James Kenny to execute the intergovernmental agreement with Florence Unified School District (FUSD) relating to MFCD's use of FUSD's facilities, and thereafter it was approved.

The next item of business was consideration of the approval 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). A motion was made by President Tyler LeSueur and seconded by Director James Kenny to approve the General Manager to take all necessary actions to complete and carry out the intent of the Magma Flood Control District concerning the Northside Canal Termination Project including finalizing and executing all necessary agreements with San Carlos Irrigation and Drainage District (SCIDD), 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 November 2023.

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