

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
TUESDAY, JANUARY 16, 2024, 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 Terell “Brad” Hinton, Director Stacy Brimhall, and District Counsel Stephen R. Cooper. Appearing in person was General Manager Kent Pace and Board Assistant Secretary Larry Pfeifer. 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 January 16, 2024, which gave a brief update on the status of matters currently involving the District:

1. **Trespassing & OHV issues:** The District continues working with the Arizona State Land Department (“ASLD”), 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. ASLD anticipates taking formal action to close the area to off road vehicles in the Spring of 2024.
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 and agreements 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 Watershed Plan (Plan), Environmental Assessment (EA), & Finding of No Significant Impact (FONSI) have all been approved and signed by NRCS AZ and the Bureau of Reclamation. Plan/EA now goes to NRCS National Office for approval & authorization of design funding.

Note: Everything below this point is based upon the assumption that the Final Plan/EA and any related funding grants that are required are approved and authorized.

- 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—NRCS National Office approval 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 consideration and ratification of the December 6, 2023, action of the Pinal County Board of Supervisors to appoint Terrel Brad Hinton “Brad” to the Board of the Magma Flood Control District for a term of four years. A motion was made by Director Stacy Brimhall and seconded by President Tyler LeSueur to approve the ratification of the December 6, 2023, action of the Pinal County Board of Supervisors to appoint Terrel Brad Hinton “Brad” to the Board of the Magma Flood Control District for a term of four years, and thereafter was unanimously approved.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting Minutes of November 9, 2023, and to ratify the actions of the November 9, 2023, Meeting. A motion was made by Director Stacy Brimhall 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 unanimously approved, and the actions taken were ratified. A motion was then made by Director Stacy Brimhall to approve the Executive Session Minutes of the November 9, 2023, Meeting. It was seconded by President Tyler LeSueur and was thereafter unanimously approved.

The next item of Business was an 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.

President Tyler LeSueur moved to go into Executive Session which was seconded by Director Stacy Brimhall. The motion was unanimously approved. The Executive Session was conducted from 4:20 p.m. to 4:50 p.m. and thereafter the public meeting was reconvened at 4:50 p.m.

The next item of business was consideration of the approval of the Arizona Mutual Aid Compact Agreement between MFCD and various governmental agencies. Approval of this Agreement would allow Magma to seek aide and request resources (equipment and labor) from other governmental agencies in emergency situations. A motion was made by President Tyler LeSueur and seconded by Director Stacy Brimhall to approve and authorize MFCD's participation

in the Arizona Mutual Aid Compact Agreement, and thereafter the motion was unanimously approved.

The next items of business were Board Member / General Manager reports. There were no reports to come before the Board.

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 4:53 p.m.

RESPECTFULLY SUBMITTED this _____ day of January 2024.

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