

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
TUESDAY, SEPTEMBER 30, 2025, MEETING

The Meeting was conducted by Zoom video using measures to protect public health, including technological means, 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 4:06 p.m. The Meeting was to be held at the Florence Unified School District Anthem Elementary, Room B-100, 2700 N. Anthem Way, Florence, Arizona. Appearing telephonically and by Zoom video were District Board President Tyler LeSueur, Director Brad Hinton, Director Stacy Brimhall (appearing at 4:09 pm), 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.

The first item of business was consideration of the Ratification of the Pinal County Board of Supervisors RESOLUTION NO. 090325-ED – cancelling the uncontested election of board members of the Magma Flood Control District which was scheduled to be held on October 1, 2025, and appointing Stacy Brimhall to a four-year term as board member. A motion was made by Director Brad Hinton to approve the Ratify Pinal County Board of Supervisors RESOLUTION NO. 090325-ED – cancelling the uncontested election of board member of the Magma Flood Control District which was scheduled to be held on October 1, 2025, and appointing Stacy

Brimhall to a four-year term as board member and authorize the General Manager to take all steps to finalize certification of the election and appointment of the District Board Member. President Tyler LeSueur seconded this motion. Thereafter, the Ratification of the Pinal County Board of Supervisors RESOLUTION NO. 090623-ED was approved, and the actions taken were ratified. Thereafter, the oath of office was administered to Director Stacy Brimhall and who has agreed to provide a signed and notarized oath of office statement for District records.

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: Brad Hinton and Mr. Stacy Brimhall, Kent Pace as Board Secretary, and Larry Pfeifer as Assistant Secretary to the Board). A motion was made by Director Stacy Brimhall to retain the current Board Officers. Director Brad Hinton seconded this motion. Thereafter, the current Board Officers were appointed; President Ty LeSueur, Board Members at Large: Brad Hinton and Mr. Stacy Brimhall, Kent Pace as Board Secretary, and Larry Pfeifer as Assistant Secretary.

General Manager Kent Pace next gave a brief update on the status of matters currently involving the District which were set forth in the September 30, 2025, Meeting Agenda:

- Report on status of the Middle Magma Regional Flood Control Project:
 - i. The Watershed Plan (Plan), Environmental Assessment (EA), & Finding of No Significant Impact (FONSI) have all been approved and signed by NRCS, BLM, & BOR.
 - ii. 90% design plans submitted to NRCS on 8/26/25. Goal date for NRCS approval of 100% design plans is 1/1/2026.
 - iii. Documentation and acquisition of needed Land Rights: goal date--TBD.
Note: All land rights must be acquired prior to applying to the NRCS WFPO Program for construction funding of the Project.

- a) On 10/30/2024 MFCD and Pinal County finalized and executed the 2nd IGA for this project. In the agreement Pinal County and MFCD agree to fund project costs (which includes securing & perfecting land rights) of \$5,000,218 on a 50% / 50% basis.
 - b) Pinal County Land Department & MFCD are working together to request declaratory relief in Superior Court that the courts clarify and perfect drainage easement rights within Wild Horse Estates.
 - c) Surveying and legal descriptions are currently underway which are necessary for all land right acquisitions, including the major acquisitions from Bureau of Land Management (“BLM”), Bureau of Reclamation (“BOR”) and/or Central Arizona Project (“CAP”), and ASLD, and the Copper Basin Railway—which land rights are a priority focus for the project.
- iv. *Note: All dates reflected below this point are based upon the assumption that all project land rights have been secured, Final Design and any funding grants needed and are approved and authorized (Federal Funding of Construction is the preferred approach although other options will also be pursued).*
- a) Grant applications will be submitted to NRCS administered programs with the hope that federal funding will cover 100% of the construction costs.
 - b) Construction Start Date: TBD upon securing a funding source.

General Manager Pace also noted that the District will be receiving an additional \$43,046 from NRCS for funding of the design phase which be ratified at this District Board Meeting.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting held on July 22, 2025, and to ratify the actions of the July 22, 2025, 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 March 5, 2025, Meeting. It was seconded by President Tyler LeSueur and was thereafter unanimously approved.

President Tyler LeSueur moved to go into Executive Session for 20 minutes which was seconded by Director Stacy Brimhall. The motion was unanimously approved.

The next item of business was an Executive Session which was conducted from 4:19 p.m. to 4:42 p.m. and thereafter the public meeting was reconvened at 4:42 p.m.

The next item of business was consideration of the approval of Amendment Number 1 (dated 7/11/2025) to the Agreement between NRCS and MFCD (Award Identifying # NR249457XXXXC002) granting an additional \$43,046 of federal funding to the design phase of the Middle Magma Regional Flood Control Project. A motion was then made by Director Stacy Brimhall to approve Amendment Number 1 (dated 7/11/2025) to the Agreement between NRCS and MFCD (Award Identifying # NR249457XXXXC002) granting an additional \$43,046 of federal funding to the design phase of the Middle Magma Regional Flood Control Project. This motion was seconded by Director Brad Hinton and was thereafter unanimously approved.

The next item of business was consideration of the approval of granting authority to the General Manager to take all reasonable actions to obtain the land rights for the Middle Magma Regional Flood Control Project this authority includes:

- 1) obtaining appraisals,
- 2) entering into & fulfilling agreements with land owners to obtain property rights based upon appraised value, negotiations, and other reasonable or potential transaction costs;
- 3) the use of eminent domain and/or other legal clarification actions;
- 4) acquiring property from the ASLD at public auction.

Note: Pinal County & MFCD have entered an IGA to split these costs on a 50/50 basis.

A motion was then made by Director Stacy Brimhall to approve and grant authority to the General Manager to take all reasonable actions to obtain the land rights for the Middle Magma Regional

Flood Control Project. It was seconded by Director Brad Hinton and was thereafter unanimously approved.

The next item of business was consideration of the approval of granting authority to the General Manager to take all reasonable actions to negotiate and enter into an agreement with the Town of Florence to grant the land rights and permissions needed for the Town to improve Hunt Highway. A motion was then made by President Tyler LeSueur to approve granting authority to the General Manager to take all reasonable actions to negotiate and enter into an agreement with the Town of Florence to grant the land rights and permissions needed for the Town to improve Hunt Highway. It was seconded by Director Stacy Brimhall and was thereafter unanimously approved.

The next item of business was consideration of the approval of the change of the date of the March 4, 2026, Board Meeting to Wednesday March 11, 2026. A motion was then made by President Tyler LeSueur to approve the change of date of the March 4, 2026, Board Meeting to Wednesday March 11, 2026. It was seconded by Director Brad Hinton and was thereafter unanimously approved.

The next items of business were Board reports. It was noted by President Tyler LeSueur there may be potential increased activity on the mining railroads which abut or pass through the District due to future copper mining activity which the District should monitor. There were no other reports to come before the Board.

The next item of business was General Manger 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 4:56 p.m.

RESPECTFULLY SUBMITTED this _____ day of October 2025.

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