

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
WEDNESDAY, JUNE 3, 2026, 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 Stacy Brimhall, and District Counsel Stephen R. Cooper. Appearing in person was General Manager Kent Pace and Director Board Assistant Secretary Larry Pfeifer who arrived at 4:12 pm. Michael Miller appeared by video but his audio and video were muted.

General Manager Kent Pace next gave a brief update on the status of matters currently involving the District which were set forth in the June 3, 2026, Meeting Agenda:

Report on status of the Middle Magma Regional Flood Control Project:

- a) 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. Preliminary 100% design plans submitted to NRCS on 4/29/26; Goal date for approval of 100% final design plans from NRCS is 9/30/2026.

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. The project costs including land right acquisitions will be split 50/50 between MFCD and Pinal County.

b) MFCD is working to request that the courts clarify and perfect drainage easement rights within Wild Horse Estates.

c) The majority of land rights needed for the project are coming from BLM, BOR/CAP,ASLD, & the Copper Basin Railway (whether through contribution or acquisition). Securing land rights from these entities is a priority focus for the project and the work is currently underway.

iv. Note: Everything below this point is based upon the assumption that all land rights have been secured, Final Design and any needed funding grants 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.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting held on March 11, 2026, and to ratify the actions of the March 11, 2026, Meeting. A motion was made by Director Brad Hinton to approve the Regular Meeting Minutes and to ratify the actions taken at the Meeting. Director Stacy Brimhall 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 Brad Hinton to approve the Executive Session Minutes of the March 11, 2026, Meeting. It was seconded by Director Stacy Brimhall and was thereafter unanimously approved.

President Tyler LeSueur moved to go into Executive Session for 30 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 4:13 p.m. to 5:15 p.m. and thereafter the public meeting was reconvened at 5:15 p.m. Michael Miller a public member was not on video or other electronic means for the remainder of the Meeting.

The next item of business was consideration and discussion of Resolution 2026-6.2 authorizing the General Manager to take all necessary actions to acquire real property for the Middle Magma Regional Flood Control Project by any lawful means including purchase, exchange, donation or eminent domain. General Manager Pace provided the following historical background for the project:

The original 1960s Magma Watershed Work Plan identified four components required to complete a flood control system for the Magma Watershed: the Magma Flood Retarding Structure (FRS, or dam) and three channels to convey floodwaters from the dam (and other portions of the watershed) to the Gila River—the Upper Magma Channel (UMC), the Middle Magma Channel (MMC), and the Lower Magma Channel (LMC). In the 1960s, the District constructed three of the four components and, within the last 10 years (with federal funding from NRCS), has completed major rehabilitation projects on those facilities. However, one component—the MMC—was never constructed. This project will complete the Magma Watershed drainage system by constructing the only remaining unbuilt segment. Upon completion, the flood control system will no longer be constrained by the lack of channel connectivity. Instead, the entire watershed will benefit from a continuous drainage system that directs floodwaters from their entry into the dam and channels all the way to the system outlet at the Gila River.

General Manager Pace further added the real property to be acquired by the District (as outlined in the Resolution) was identified during the eight (8) year planning and design phases of the project. The project's final design (and the lands needed for the project) were determined to be the most cost effective and preferred solution of the many alternatives studied.

President Tyler LeSueur disclosed that of the 35 parcels which are impacted by the project boundaries and access needs (resulting in some portion of each parcel needing to be acquired for the project), two parcels have ownership interests in entities which belong to (or are related to) President Tyler LeSueur; one parcel has ownership interest in an entity belonging to General Manager Kent Pace; and 3 parcels over which a construction access route is needed are owned by entities in which Director Stacy Brimhall has ownership interest. Director Stacy Brimhall also acknowledged his ownership interest in the matter for consideration. President Tyler LeSueur asked for legal advice on this matter.

District Legal Counsel noted to the Board that there are approximately 3,500 separate real estate parcels within the District boundaries and only 35 of those parcels are impacted by this regional project to complete a public flood control system that arguably benefits the entire District. Additionally, A.R.S. §38-502(10)(j) exempts conflicts of interest if there is a class interest of more than ten (10) members making it a remote interest. Finally, under the Arizona Conflict of Interest statute (A.R.S. § 38-508), the "rule of impossibility" allows multi-member boards or commissions to act on a matter even if a majority of their members have a conflict of interest, provided they formally disclose their substantial interests in the official public records.

A motion was thereafter made by Director Stacy Brimhall and seconded by Director Brad Hinton to approve Resolution 2026-6.2 and thereafter it was unanimously approved.

The next item of business was a motion made by President Tyler LeSueur to approve the General Manager to proceed as directed in the Executive Session. It was seconded by Director Stacy Brimhall and was thereafter unanimously approved.

The next item of business was consideration and discussion of Resolution 2026-6.1 a combined Resolution for fiscal year 2026-2027 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. This Resolution is considered annually for approval by the District Board. A motion was made by President Tyler LeSueur and seconded by Director Stacy Brimhall to approve Resolution 2026-6.1 and thereafter it was unanimously approved.

The next item of business was discussion of the budget for fiscal year 2026-2027. General Manger Pace noted the proposed budget would be \$29,519,730 dollars. This amount includes all potential federal grant funding which could be received by the District. General Manager Pace stated MFCDD's expenses and distributions would be limited to the actual revenues (including grants) 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 \$29,519,730 dollars for fiscal year 2026-2027 (which includes possible funding from NCRS Grants of \$17,814,336 +/- and other IGA reimbursements of \$2,493,109 +/-).
- The proposed tax rate will be 1.0784% for fiscal year 2026-2027 which is estimated to generate \$1,578,754 from the assessed property within the District [which, if passed, means the tax rate would remain unchanged from the prior eight (8) years].

The proposed budget for fiscal year 2026-2027 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 Stacy Brimhall and seconded by Director Brad Hinton to approve the budget for fiscal year 2026-2027. Thereafter, this matter was unanimously approved.

The next item of business was discussion of the 2026-2027 property tax rate. The proposed tax rate of 1.0784% is the same tax rate as the eight (8) prior tax years. A motion was made by President Tyler LeSueur and seconded by Director Stacy Brimhall to establish a tax rate of 1.0784% which would generate property tax revenues in the District of approximately \$1,578,754 dollars for fiscal year 2026-2027. Thereafter, this matter was unanimously 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 2026-2027:

Wednesday, September 9, 2026
Wednesday, December 2, 2026
Wednesday, March 3, 2027
Wednesday, June 2, 2027

It was further noted these meetings would begin at 4:00 p.m. at the Florence Unified School District Anthem Elementary Room B-100 where the District now holds its meetings. A motion was made by Director Stacy Brimhall and seconded by Director Brad Hinton to approve the meeting dates and thereafter it was unanimously approved.

The next item of business was consideration and discussion of authorizing the General Manager to take all necessary actions to plan and dispose of excess lands near the Lower Magma Channel. It was noted that a previous Motion was made on Agenda Item 5 to direct the General Manager to proceed as directed in Executive Session which covered this matter.

The next items of business were Board reports. There were no 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 5:27 p.m.

RESPECTFULLY SUBMITTED this _____ day of June, 2026.

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