

Pursuant to A.R.S. §38-431.02, notice is hereby given that the Board of Directors of the Rio Nuevo Multipurpose Facilities District will hold the following meeting, which will be open to the public.

**NOTICE AND AGENDA
FOR BOARD MEETING OF THE BOARD OF DIRECTORS OF THE
RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT**

**Wednesday, April 24, 2013
9:00 a.m. MST Regular Meeting At
400 W. Congress Street, Room 158
Tucson, Arizona 85701**

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call.** (2 min)

Executive Session - (Approximately 30 Minutes) (Room 152) Upon a public majority vote of members constituting a quorum, the Board of Directors may hold an executive session in accordance with A.R.S. §38-431.03 (A) (3), (4) and (7) for legal advice from and direction to District's on the following matters. To comply with §38-431.03(B), all electronic devices, including cell and smart phones, iPads, notebooks, tablets and laptops should be turned off and stored during Executive Session.

- i. Requests for utility easements.
- ii. Extension of Settlement Agreement Arena Site election deadline.
- iii. Recent questions regarding June 30, 2012 Audit.
- iv. Issues questions District's legislative representation.

Reconvene board meeting at approximately 9:30 AM.

3. **Easement Requests by Rialto Block Project, LLC – Possible Action (30 minutes)**

Scott Stiteler's Rialto Block Project, LLC (the "LLC") owns property adjacent to the southern and western boundaries of the District's "Rialto Theater Property." Consistent with Mr. Stiteler's presentation during the Board's regular March 18, 2013 meeting, there are two new restaurants now set to open in early May in the LLC's adjacent property.

To allow these two new restaurants to open on time, the LLC has requested that the District grant the LLC two easements across the vacant "Parking Lot" on the south end of the Rialto Theater Property. The purpose of one easement is to allow Southwest Gas to locate a gas line beneath the Parking Lot just south of the Rialto Theater building. The other requested easement is to authorize the existence of an underground sewer at the southern end of the Parking Lot. The Board will consider and may take action on either or both of these easement requests. Because of their previously declared statutory

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conflicts with Mr. Stiteler, neither Chairman Fletcher McCusker nor Treasurer Chris Sheafe will participate in this discussion or any resulting decision.

4. **Arena Site Extension Agreement – Possible Action (20 minutes)**

The District's Settlement Agreement with the City of Tucson provided the District with forty-five days to elect whether to take title to the property generally known as the "Arena Site." At the April 15th regular Board meeting, the Board elected to take title to the Arena Site subject to approval of a completed ALTA survey. Consistent with the language of the Settlement Agreement, the attorneys for the City of Tucson and the District have now agreed upon a protocol to extend this election deadline to allow such a survey to be completed. The Board will consider whether to effectuate this protocol and, if so, authorize the appropriate officers to execute the necessary documents.

5. **Follow-up on Fiscal Year June 30 2012 Audit (the "2012 Audit") (15 minutes)**

After the Board's April 15, 2013 regular meeting, questions have arisen regarding aspects of the 2012 Audit. Those questions include how the District addressed the debt owed to it by the Fox Tucson Theater Foundation. The Board will consider and discuss those questions.

6. **Follow-up on Legislative Representation (15 minutes)**

Questions have recently arisen regarding the District's employment of Jonathan Paton as its legislative representative. The Board will consider and discuss these questions.

7. **Call to the Audience**

Presentations are limited to 3 minutes per speaker, for 15 minutes in sum. All those interested in speaking should submit a Speaker's Card that will be made available at the meeting.

8. **Adjournment**