

In The Matter Of:

*Rio Nuevo
Special Meeting*

*2/7/2022
February 7, 2022*

*Kathy Fink & Associates
2819 E 22nd St
Tucson, AZ 85713
520/624/8644*

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Min-U-Script® with Word Index

1 RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT
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10 SPECIAL BOARD MEETING VIA ZOOM
11 Tucson, Arizona
12 February 7, 2022
13 2:18 p.m.
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21 REPORTED BY:
22 Thomas A. Woppert, RPR
23 AZ CCR No. 50476
24
25 KATHY FINK & ASSOCIATES
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1 **CHAIRMAN McCUSKER:** Good afternoon, everyone.
2 This is a special meeting for the Rio Nuevo District. We
3 are missing a couple of members. We do have a quorum, so
4 we're going to call the meeting to order.
5 If you've seen the agenda, it's a one-item
6 agenda involving litigation, so there won't be a lot of
7 public comment today, particularly if you're press and
8 hoping to learn something.
9 Typically when it's a legal matter, we go
10 straight into exec, we listen to what our attorney says.
11 When we come back, we usually do something brief and
12 instruct our attorney on how to proceed, so it's not a lot
13 of drama today.
14 But with that, we should do the pledge, Brandi,
15 if you have a flag.
16 (Pledge of Allegiance)
17 **CHAIRMAN McCUSKER:** Thank you.
18 Okay, Brandi, call the roll.
19 **MS. HAGA-BLACKMAN:** Edmund Marquez.
20 **MR. MARQUEZ:** Here.
21 **MS. HAGA-BLACKMAN:** Jannie Cox.
22 **MS. COX:** Here.
23 **MS. HAGA-BLACKMAN:** Mike Levin.
24 **MR. LEVIN:** Here.
25 **MS. HAGA-BLACKMAN:** Fletcher McCusker.

1 **BOARD MEMBERS PRESENT:**
2 Fletcher McCusker, Chair
3 Jannie Cox
4 Edmund Marquez
5 Michael Levin
6
7 **ALSO PRESENT:**
8 Brandi Haga-Blackman, Operations Administrator
9 Mark Collins, Board Counsel
10
11 * * * *
12
13 BE IT REMEMBERED that a special meeting of the
14 Board of Directors of the Rio Nuevo Multipurpose
15 Facilities District was held via ZOOM, in the City of
16 Tucson, State of Arizona, before THOMAS A. WOPPERT, RPR,
17 Certified Reporter No. 50476, on the 7th day of February
18 2022, commencing at the hour of 2:18 p.m.
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1 **CHAIRMAN McCUSKER:** I'm here.
2 We are missing Mr. Irvin and Mr. Sheafe. They
3 may have gone straight to executive session.
4 So this is the time I've set aside for exec. I
5 would entertain a motion to recess.
6 **MS. COX:** So moved.
7 **MR. MARQUEZ:** Second.
8 **CHAIRMAN McCUSKER:** All in favor say aye.
9 (Motion made, seconded and passed unanimously).
10 **CHAIRMAN McCUSKER:** Okay. So we're going to
11 click out of this meeting and go into executive session
12 and we will click back into this meeting. It shouldn't
13 take too long, 20 minutes or so thereabouts.
14 (Recess)
15 **CHAIRMAN McCUSKER:** I'll entertain a motion to
16 reconvene.
17 **MS. COX:** So moved.
18 **MR. MARQUEZ:** Second.
19 **CHAIRMAN McCUSKER:** All in favor say aye.
20 (Motion made, seconded and passed unanimously).
21 **CHAIRMAN McCUSKER:** Okay. We have to instruct
22 Counsel if someone would care to make a motion.
23 **MR. SHEAFE:** Okay. I move that we instruct
24 Counsel, since Counsel has indicated that he's satisfied
25 with the language in the agreement between NorGen and the

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1 District, that we add one qualifying sentence that we are
2 signing the agreement subject to the agreement being
3 perfected by the release of the full payment of
4 1.3 million paid to our counsel in negotiable check form
5 on or before the end of business, 5:00 p.m., on the 10th
6 of February.

7 If in fact we have not received that payment,
8 the agreement is withdrawn and null and void and we no
9 longer have an agreement as to the settlement amount and
10 we start from scratch. If we receive the payment, we
11 accept it, deposit it and go on our merry way.

12 **MR. MARQUEZ:** Second.

13 **MS. COX:** Second.

14 **CHAIRMAN McCUSKER:** Long-winded motion to
15 authorize counsel to proceed to settle.

16 **MR. MARQUEZ:** Yeah.

17 **CHAIRMAN McCUSKER:** All in favor say aye.
18 (Motion made, seconded and passed 5-1).

19 **CHAIRMAN McCUSKER:** So that's five to one by my
20 count. The motion carries five to one. Thank you
21 everyone. Thank you online.

22 Somebody move to adjourn.

23 **MS. COX:** So moved.

24 **MR. MARQUEZ:** Second.

25 **THE COURT:** All in favor say aye.

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1 (Motion made, seconded and passed unanimously).
2 (2:45 p.m.)
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