

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION
August 28, 2007**

The Board of Supervisors of Maricopa County Arizona convened in Special Session at 3:30 p.m., August 28, 2007, in the Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1 and Max W. Wilson, District 4. Don Stapley, District 2, and Andrew Kunasek, District 3 attended telephonically. Absent: Mary Rose Wilcox, District 5. Also present: Lupe Lerma, Assistant Deputy Clerk of the Board; Shirley Million, Minutes Coordinator and Chris Keller, Chief Counsel, Civil Division. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

SETTLEMENT – W. R. GRACE & COMPANY

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, to approve a settlement in the amount of \$7,450,000 on Maricopa County's Claim against W. R. Grace & Co. pending in the U.S. Bankruptcy Court, District of Delaware Court No. 01-1139, and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed with the Board in Executive Session on April 2, 2007. (C7508008100) (ADM409)

Supervisor Wilson asked if there was this much money left after the bankruptcy. Chris Keller explained that all the claims were not yet in and while the bankruptcy trustee would make a recommendation to the court, the bankruptcy judge would ultimately approve the amount of money allocated to each claimant. Discussion ensued and Mr. Keller explained that the County's settlement would not be more than \$7.45 million but said that this wording assures that any and all monies awarded up to that amount have already been approved. He said if the judge allocated more than this amount to the County he would bring it back to the Board.

Supervisor Wilson amended his motion to the recommended amount of "up to" \$7,450,000" and, having provided the motion's second, Supervisor Stapley concurred with that change.

Supervisor Kunasek asked if the County could file its own lawsuit should the settlement allocation be significantly below the \$7.45 million estimated figure. Mr. Keller said it was past time to file a suit as the County is now part of a class-action suit. He added that attorney fees and other costs would also lower the estimated amount given in this item.

Supervisor Wilson explained that there is a limited amount of money left after the bankruptcy and Maricopa County is entitled to its portion, but that amount will be decided by the bankruptcy judge.

Motion passed unanimously (4-0-1), as amended.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Fulton Brock, Chairman of the Board

Lupe Lerma, Assistant Deputy Clerk of the Board