

**SPECIAL SESSION
June 4, 2008**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Special Session at 11:50 a.m., June 4, 2008, in the Tom Sullivan Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1 (entered late); Don Stapley, District 2 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Joy Rich, Assistant County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

1. EXECUTIVE SESSION CALLED

Pursuant to A.R.S. §38-431.03, et.al., motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to recess into executive session for the purpose of reviewing matters listed below, pursuant to the listed statutory references. All members remained in session when the meeting reconvened.

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – A.R.S. §38-431.03(A)(3) AND (A)(4)

E-1. Dillard's Services, Inc. v. Maricopa County, TX2007-000359; Macy's Department Stores, Inc. v. Maricopa County, TX2007-000340; Nordstrom Inc. v. Maricopa County, TX2007-000362; Yorktown Country Inn, Inc. v. Maricopa County, TX2007-000361; JC Penney Corp Inc./JC Penney Prop v. Maricopa County, TX2007-000337 (with the exception of parcel number 200-43-006P, J.C. Penney's at Arrowhead Mall); Sears Roebuck & Co. v. Maricopa County, TX2007-000341; Sears Roebuck & Co. v. Maricopa County, TX2007-000360; Sears Roebuck & Co. v. Maricopa County, TX2007-000363; and Kmart Corporation v. Maricopa County, TX2007-000358

Keith Russell, County Assessor
Roberta Livesay, Outside Counsel
Jean Rice, Deputy County Attorney

~ Supervisor Brock entered the meeting ~

RECESS EXECUTIVE SESSION AND RECONVENE OPEN SESSION

Chairman Kunasek reconvened open session at 12:15 p.m. to vote on the following matter.

2. REJECT SETTLEMENT OFFER; AUTHORIZE OFFER OF JUDGMENT; AND AUTHORIZE SETTLEMENT OF MULTIPLE TAX APPEAL CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following, as discussed in Executive Session:

- a) Authorize counsel for Maricopa County to reject the settlement offer made by the plaintiff;
- b) Authorize counsel for Maricopa County to make an offer of judgment in the following tax appeal cases: Dillard's Services, Inc. v. Maricopa County, TX2007-000359; Macy's Department Stores, Inc. v. Maricopa County, TX2007-000340; Nordstrom Inc. v. Maricopa County, TX2007-000362; Yorktown Country Inn, Inc. v. Maricopa County, TX2007-000361; JC Penney Corp Inc./JC Penney Prop v. Maricopa County, TX2007-000337 (with the exception of parcel number 200-43-006P, J.C. Penney's at Arrowhead

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION
June 4, 2008**

Mall); Sears Roebuck & Co. v. Maricopa County, TX2007-000341; Sears Roebuck & Co. v. Maricopa County, TX2007-000360; Sears Roebuck & Co. v. Maricopa County, TX2007-000363; and

- c) Authorize settlement of Kmart v. Maricopa County, TX2007-000358, and of JC Penney's at Arrowhead Mall, included in TX2007-000337. (C1908057M00)

EXECUTIVE SESSION RECONVENED

Chairman Kunasek reconvened Executive Session to consider the following item.

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – A.R.S. §38-431.03(A)(3) AND (A)(4)

E-2. Luke Air Force Base Aux I Land Use Restrictions

Joy Rich, Assistant County Manager
Chuck Kelhoffer, Outside Counsel
Terry Eckhardt, Deputy County Attorney
Jean Rice, Deputy County Attorney
Chiefs of Staff Candland, Bloom, Isham, Leija

MEETING ADJOURNED

Following discussion on the above items and there being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board