

REQUESTING THE OFFICE OF THE NEW YORK STATE COMPTROLLER TO
PERFORM A COMPLETE AUDIT OF THE ULSTER COUNTY LAW ENFORCEMENT
PROJECT

Legislators Aiello, Alfonso, Bartels, Berardi, Busick, Cummings, Dart, DePew, Donaldson, Every, Feldmann, Felicello, Gerentine, Harris, Hathaway, Hyatt, Kraft, Lomita, Loughran, Maloney, McAfee, Meyer, Noonan, Richard Parete, Robert Parete, Provenzano, Roberti, Rodriguez, Shapiro, Stock, Stoeckeler, Tipp and Zimet offer the following:

WHEREAS, the Ulster County Legislature approved the building of a new Law Enforcement Center (hereinafter referred to as the "jail facility") and a feasibility study pursuant to Resolution Numbers 170 and 171, dated May 14, 1998, and

WHEREAS, land acquisition for the new jail facility in the amount of \$310,000.00 was authorized by the Ulster County Legislature pursuant to Resolution Number 338, dated November 10, 1999, and

WHEREAS, a capital project was authorized for the construction of a new jail by the Ulster County legislature pursuant to Resolution Number 131 and 132, dated April 13, 2000, which also provided for funding for the cost of planning and design of a new jail facility in the amount of \$4,046,000.00, and

WHEREAS, the project was amended to provide authorization and additional funding in the amount of \$5,000,000.00 pursuant to Resolution Number 95, dated February 14, 2002, for the cost of site preparation, relocation of underground transmission lines, extension of the water system, site blasting and site preparation excavation, and

WHEREAS, thereafter bids were received and publicly opened on July 22, 2002, and it was determined pursuant to Resolution No. 280, dated August 8, 2002, that the estimated costs of the construction of such jail facility was approximately \$62,482,195.00, and,

RESOLUTION NO. 219 JUNE 10, 2004

REQUESTING THE OFFICE OF THE NEW YORK STATE COMPTROLLER TO PERFORM A COMPLETE AUDIT OF THE ULSTER COUNTY LAW ENFORCEMENT PROJECT

WHEREAS, the total project cost was determined pursuant to Resolution No. 280, dated August 8, 2002 as \$71,838,195.00, which was calculated as follows:

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|---------------------|----------------------|
| Land Acquisition | \$ 310,000.00 |
| Planning and Design | 4,046,000.00 |
| Site Preparation | 5,000,000.00 |
| Construction | 62,482,195.00 |
| Total | \$71,838,195.00, and |

WHEREAS, the Ulster County Legislature issued serial bonds totaling \$71,528,195.00 for this project as follows:

- a. Resolution No. 132, dated April 13, 2000 in the amount of \$4,046,000.00; and
- b. Resolution No. 96, dated February 14, 2002 in the amount of \$5,000,000.00; and
- c. Resolution No. 281, dated August 8, 2002 in the amount of \$62,482,195.00; and

WHEREAS, thereafter, contracts were entered into between the County of Ulster and the successful bidders for the project, and

WHEREAS, the contractors have failed to meet the completion date for the jail facility as set forth in the contract(s), and

WHEREAS, on October 31, 2003, the jail facility was still not substantially completed, and at that time, the completion date was announced by the contractors as being in January of 2004, and

WHEREAS, as of this date, the jail facility has still not been completed, and

RESOLUTION NO. 219 JUNE 10, 2004

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WHEREAS, on May 21, 2004, at a meeting of the Ulster County Legislature Project Oversight Committee, Bovis Lend Lease, the firm retained by the County of Ulster to manage the project, advised the committee that the County will need additional funds, to wit: \$5.8 million to complete construction and \$15.2 million to pay claims filed by contractors which could cause the jail facility to cost up to \$21 million in excess of the amount budgeted and bonded, and

WHEREAS, the Ulster County Legislature is desirous of having this project achieve its established goal, is concerned about the imminent possibility of this project costing the taxpayers more than was anticipated, but determined to work towards resolving this matter, and

WHEREAS, the New York State Office of the Comptroller provides local government with services such as audits, at no cost to the local government so as to assist governments to operate more efficiently and effectively, and

WHEREAS, as a result of the foregoing, it is in the best interests of the County of Ulster to have an audit performed of the jail facility project.

RESOLVED, that the Ulster County Legislature hereby requests that the New York State Office of the Comptroller perform a complete audit of the jail facility project now or at its earliest convenience, and

FURTHER RESOLVED, that immediately upon adoption of this resolution, the Clerk of the Ulster County Legislature is directed to forward a copy of this resolution to the Hon. Alan G. Hevesi, Comptroller of the State of New York and request the audit as more specifically set forth herein,

and move its adoption.

RESOLUTION NO.

219

JUNE 10, 2004

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ADOPTED BY THE FOLLOWING VOTE:

AYES: 33

NOES: 0

FINANCIAL IMPACT:

None

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