

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Counselor to settle the claim against BNIM and its subconsultant Peter Rumsey, relating exclusively to the HVAC design defects at County property known as the Fort Osage Education Center.

RESOLUTION #17321, July 7, 2010

INTRODUCED BY Henry C. Rizzo, County Legislator

WHEREAS, the County has made claim against BNIM Architects and Peter Rumsey, subconsultant to BNIM, for the HVAC design defects at the Fort Osage Education Center; and,

WHEREAS, the County, through Special Counsel, BNIM, and Peter Rumsey have engaged in discussions with the goal of resolving the County's claim against BNIM and its subconsultant, Peter Rumsey, for the HVAC design defects at the Fort Osage Education Center; and,

WHEREAS, these parties have reached a tentative settlement of this claim, which involves modifications to the existing HVAC system by Peter Rumsey, subconsultant to architect BNIM, which will enable the building to function properly as a museum; and,

WHEREAS, upon certification and acceptance by the County that the modified system meets design criteria and payment in the amount of \$75,000 to the County by Peter Rumsey and BNIM, the County agrees to issue a Release to Peter Rumsey and a partial Release to BNIM relating exclusively to the HVAC design defects; and,

WHEREAS, the County Counselor recommends this settlement; and,

WHEREAS, the proposed settlement is in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the settlement of the County's claim against BNIM and its subconsultant Peter Rumsey, relating exclusively to HVAC design defects, is hereby approved, in a manner consistent with this Resolution; and,

BE IT FURTHER RESOLVED that the County Counselor and all other County officials be and hereby are authorized to execute any and all documents necessary to give effect to this settlement.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

Jan D. Hode
Chief Deputy County Counselor

VM G Sybil
Acting County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17321 of July 7, 2010, was duly passed on July 7, 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 6

Nays 0

Abstaining 0

Absent 3

7-8-10
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature