



# Jackson County Missouri

Jackson County Courthouse  
415 E. 12th Street, 2nd floor  
Kansas City, Missouri  
64106  
(816)881-3242

## Legislation Text

File #: 3017, Version: 0

### IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** appropriating \$1,575,000.00 from the unappropriated surplus of the 2000 Criminal Justice Improvement Fund and authorizing the Jackson County Counselor to settle the claim of Walton Construction Company, Inc., relating to the construction of the Detention Center Annex, for a total payment of \$1,575,000.00.

**ORDINANCE 3017**, April 24, 2000

**INTRODUCED BY** Victor E. Callahan, County Legislator

WHEREAS, by Resolution 11712, dated April 14, 1997, the Legislature did award a contract to Walton Construction Company, Inc., of Kansas City, Missouri, for construction of a portion of the Jackson County Detention Center Annex project (Bid Package No. 8, general construction), in the actual amount of \$6,762,426; and,

WHEREAS, previously authorized change orders have brought the current authorization up to a total of \$7,631,913; and,

WHEREAS, Walton Construction Company, Inc. has now made a claim against the County for additional costs associated with its work on this project, not contemplated or foreseen at the time of the contract, which it is entitled to recover under Missouri law; and,

WHEREAS, the County intends to seek recovery of these funds in the arbitration proceedings initiated against the design professionals; and,

WHEREAS, after a thorough and complete investigation of this claim, the County Counselor, based upon the recommendation of special counsel and the County's retained experts, recommends that the claim be settled by the total payment to Walton Construction Company, Inc. of \$1,575,000 in full, final, and complete release of all claims against Jackson County; and,

WHEREAS, in order to fund this payment, an appropriation is necessary; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the following appropriation be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM TO</u>
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Criminal Justice Improvement		
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Fund  
012-2810

Unappropriated Surplus  
\$1,575,000

Construction Program  
012-2303-8020

Buildings and Improvements 1,575,000

BE IT FURTHER RESOLVED that the County Counselor be and hereby is authorized to settle the claim of Walton Construction Company, Inc., as outlined above, for the payment of \$1,575,000; and,

BE IT FURTHER RESOLVED that the County Counselor be and hereby is authorized to execute any and all documents necessary to effectuate this settlement; and,

BE IT FURTHER RESOLVED that the Manager of the Division of Finance be and hereby is authorized to issue his check in settlement of this claim in the amount of \$1,575,000, pursuant to the specific instructions of the County Counselor.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

\_\_\_\_\_ County Counselor

I hereby certify that the attached Ordinance, Ordinance #3017 introduced on April 24, 2000, was duly passed on \_\_\_\_\_ April 24 \_\_\_\_\_, 2000 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_ 7 \_\_\_\_\_      Nays \_\_\_\_\_ 0 \_\_\_\_\_  
Abstaining \_\_\_\_\_ 0 \_\_\_\_\_      Absent \_\_\_\_\_ 2 \_\_\_\_\_

This Ordinance is hereby transmitted to the County Executive for her signature.

\_\_\_\_\_ Date      \_\_\_\_\_ Mary Jo Brogato, Clerk of Legislature

I hereby approve the attached Ordinance #3017.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Katheryn J. Shields, County Executive

Funds sufficient for this appropriation are available from the source indicated below.

ACCOUNT NUMBER: 012 2810

ACCOUNT TITLE: Criminal Justice Improvement Fund  
Unappropriated Surplus

NOT TO EXCEED: \$1,575,000

There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.

ACCOUNT NUMBER: 012 2303 8020

ACCOUNT TITLE: Criminal Justice Improvement Fund  
Construction Program  
Buildings & Improvements

NOT TO EXCEED: \$1,575,000

\_\_\_\_\_  
Date

\_\_\_\_\_  
of Finance

\_\_\_\_\_  
Director of the Department