SUB 1 to 2019 RES-086
INVESTIGATING RESPONSIBILITY FOR PAST STRUCTURAL MISTAKES WITH THE PUBLIC SAFETY BUILDING

Last year, the architects and engineers at Mead & Hunt and Potter Lawson indicated that a structural analysis of the Public Safety Building showed significantly more support on the columns, beams and foundation would be needed to carry the extra floors the county had envisioned. As a result, Dane County has redesigned the project to consolidate the three jail facilities, at considerably higher cost than envisioned if vertical expansion were possible.

In February of 1992, the County Board approved Resolution 263, 1991-92 which specified, "The design needs to consider future vertical expansion."

In October 1992, a subsequent resolution, Resolution 175, 1992-93 Directing Inclusion of Additional Floors in Plans for New Jail, was indefinitely postponed by the County Board. While this resolution to add floors failed, there is no information indicating a change in the requirement to design to accommodate future expansion.

At this juncture, it is unclear why the Public Safety Building was not constructed as directed 27 years ago. While the original architectural firm is no longer in existence, it is reasonable to believe the ~~company~~ firm and the general contractor responsible would have had insurance to protect the county's interests in the event of a mistake. Identifying and analyzing key documents, including contracts, blue prints and change orders, would be necessary to determine potential culpability.

While pursuing action against responsible parties will not solve the issues in our jail system, it could be possible to off-set some of the costs the county will incur as a result of being unable to build on the current facility.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors directs the Corporation Counsel, with the assistance of the Department of Public Works and Transportation, to investigate whether it is feasible for the county to hold the architectural firm, the general contractor, ~~or its~~ their insurers or any other responsible party on the Public Safety Building project in 1992 and 1993, responsible for the Public Safety Building not being built as specified by the County Board.

BE IT FURTHER RESOLVED that the investigation shall include any relevant statutes of limitation, including Wis. Stat. 893.43 (action on contract), Wis. Stat. 893.89 (action for injury relating to improvements to real property) and any other potentially relevant statutes.

BE IT FINALLY RESOLVED that the Corporation Counsel submit a confidential written report on its findings and next steps to the ~~County Board in writing~~ Public Protection and Judiciary Committee by September 1, 2019.