

**Referring Certain Matters To The New York State Attorney General
And Requesting Investigation By The New York State Attorney
General**

The Ways and Means Committee (Chairman Lomita and Legislators Bartels, Berardi, Gregorius, Provenzano, Zimet, Cummings, Gerentine and Noonan) offers the following:

WHEREAS, a forensic review of procurement practices of Ulster County was performed by BST Valuation & Litigation Advisors, LLC., dated January 9, 2007, and a Report of Inquiries of the Ulster County Auditor to the Ulster County Legislature, dated January 10, 2007, were presented to the Ulster County Legislature on January 10, 2007, copies of which are collectively annexed hereto and made a part of this resolution, and

WHEREAS, the independent forensic review and report indicated certain improprieties on the part of certain employee(s) and volunteer(s) of the Ulster County Environmental Management Council [~~including potential issues of criminality~~], and

WHEREAS, the Ulster County District Attorney met with the Ulster County Legislature on January 10, 2007 to address these issues and to present to the Ulster County Legislature various options available to proceed with further investigation of these issues, and

WHEREAS, the Ulster County District Attorney is willing to proceed with an investigation pending the Ulster County Legislature providing sufficient resources to do so, and

WHEREAS, if the Ulster County District Attorney is not provided with sufficient resources for such an investigation, it is the opinion of the Ulster County Attorney that this matter be referred for further investigation to the New York State Attorney General's Office, who has both civil and criminal jurisdiction in such matters, in addition to which, the Attorney General's Office has original jurisdiction over not for profit organizations, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the Ulster County Legislature hereby refers these matters to the New York State Attorney General and requests that his office further investigate the issues which are raised in the annexed forensic review and auditor's report, and

Resolution No. 37 January 18, 2007

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FURTHER RESOLVED, that the Ulster County Attorney is hereby authorized to contact and communicate with the New York State Attorney General in order to facilitate the referral and request of the Ulster County Legislature,

and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 28 NOES: 2
(NOES: Legislators Bartels and R.A. Parete)
(Absent: Legislators Aiello and Bischoff)
(Legislator Felicello left at 7:09 PM)

Legislator Gerentine motioned, seconded by Legislator Cahill to amend the resolution to delete the following from the second "WHEREAS": "including potential issues of criminality" as indicated by [] and double strikethroughs.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0
(Absent: Legislators Aiello and Bischoff)
(Legislator Felicello left at 7:09 PM)

Legislator Bartels motioned, seconded by Legislator R.A. Parete to amend the resolution to delete "auditor's report" from the "RESOLVED".

MOTION DEFEATED BY THE FOLLOWING VOTE:

AYES: 6 NOES: 24
(AYES: Legislators Bartels, Kraft, R.A. Parete, R.S.
Parete, Terpening and Zimet)
(Absent: Legislators Aiello and Bischoff)
(Legislator Felicello left at 7:09 PM)

FINANCIAL IMPACT:
NONE
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