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# Idaho State Capitol Commission

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## Official Minutes, October 21, 2009

A meeting of the Idaho State Capitol Commission was held on this date at the JR Williams Building, West Conference Room, Boise, Idaho. Chairman Andrew Erstad called the meeting to order at 9:30 a.m.

### Attendees

#### Members Present:

Andrew Erstad

Stephen Hartgen

Sandy Patano (via phone)

Evan Frasure

Dolores Crow

Janet Gallimore, Executive Director, Idaho State Historical Society, and Ex-Officio Member

Jeff Youtz, Director, Legislative Services Office, and Ex-Officio Member

#### Others Present:

Jan Frew, Executive Project Manager, Division of Public Works

Gary Daniel, Communications Liaison, Idaho State Capitol Commission

Becky Henke, Idaho State Capitol Commission/Department of Administration

Teresa Luna, Chief of Staff, Department of Administration

Tim Mason, Division of Public Works

Kelly Berard, Relocation Project Manager, Division of Public Works

Connie Smith, Fiscal Officer, Department of Administration

Robyn Lockett, Relocation Specialist, Legislative Services Office

Michelle Lynch, Idaho State Historical Society

Vivian Otero-Epley, Idaho State Building Authority

Jim Mallon, Lemley+3D/I

Rich Banner, Lemley+3D/I

Elly Sieb, Lemley +3D/I

John Emery, JHJV

John Maulin, CSHQA

Melissa Vandenberg, Department of Administration

Dave Fackrell, JHJV

Joe Rutledge, Division of Public Works

Carole Schroeder, Idaho State Capitol Commission

## General Commission Business

### Approval of Agenda

**MOTION: Commissioner Crow moved to approve the agenda as published for the October 21,**

**2009 Capitol Commission meeting. The second was by Commissioner Youtz; the motion passed unanimously.**

**Approval of Minutes**

**MOTION: Commissioner Patano moved to approve the minutes from the September 16, 2009 Capitol Commission meeting as written with the addition that the six ayes and two nays be recorded in the minutes by name. The second was by Commissioner Frasure; the motion passed unanimously.**

**MOTION: Commissioner Frasure moved to approve the minutes from the September 21, 2009 Joint Meeting of the Design and Construction Committee and the Arts, History and Culture Committee as written. The second was by Commissioner Youtz; the motion passed unanimously.**

**MOTION: Commissioner Frasure moved to approve the minutes from the October 7, 2009 Joint Meeting of the Design and Construction Committee and the Arts, History and Culture Committee as written. The second was by Commissioner Youtz; the motion passed unanimously.**

**Budget and Funding Issues**

**Revenue & Expenditures Report, *Connie Smith***

Ms. Smith referred to the FY 2010 Budget Worksheet and the FY 2010 Sources and Uses of Funds reports for the period ending September 30, 2009 during her presentation, both available to the Commission.

Ms. Smith reported expenditures against budget for the Capitol Income Fund (CIF) and the Permanent Building Fund (PBF), as follows:

	<u>September Expenditures</u>	<u>Total YTD Expenditures</u>	<u>FY 2009 Balance</u>
Personnel Costs-PBF	\$ 11,164	\$ 33,491	\$ 125,627
Operating Costs-CIF & PBF	\$ 4,518	\$ 49,391	\$ 727,200
<b>Total Expenditures-CIF &amp; PBF</b>	<b>\$ 15,681</b>	<b>\$ 82,883</b>	<b>\$ 1,242,836</b>

Ms. Smith reported four additional appropriation items in the FY 2010 Budget Worksheet, as follows:

	<u>September Expenditures</u>	<u>Total YTD Expenditures</u>	<u>FY 2009 Balance</u>
Garden Level Historical Exhibits	\$150,000		\$150,000
Restoration License Plate Project	\$400,000		\$400,000
Security Cameras and Equipment	\$47,500		\$47,500
Idaho Capitol Gift Shop/ License Plate fees	\$44,000		44,000
<b>FY 2010 Unallocated Appropriation</b>	<b>\$ 85,700</b>		<b>\$ 85,700</b>

Addressing the FY 2009 Sources and Uses of Funds spreadsheet as of September 30, 2009, Ms. Smith reported total available funds are:

**Income Fund**

\$ 1,929,936

**Permanent Building Fund**

\$ 302,578

**Capitol Furnishings Fund**

\$ 248,585\*

*\*The balance of the Capitol Furnishing Fund shown on the Sources and Uses of Funds spreadsheet includes accumulated earnings and the transfer of \$5 Million to the general fund.*

The total cash balances after liabilities are:

**Income Fund**

\$ 875,536

**Permanent Building Fund**

\$ 31,260

**Capitol Furnishings Fund**

\$ 0

The estimated market positions, as of July 31, 2009 are:

**Income Fund**

\$ 907,043

**Permanent Building Fund**

\$0

**Capitol Furnishings Fund**

\$ 0

**Endowment Fund**

\$ 15,528,409

## Capitol Restoration Updates

### Project Status, Jan Frew

Ms. Frew referred to John Maulin for the final update prior to completion. He summarized work activities by area, which are on target for completion on time, as follows:

- **Level One:** The arch work is completed.
- **Level Two and Above:** Finishes and punch list continue. Bronze doors and store front doors on levels one and two are completed.
- **Garden Level:** Workers are continuing putting together the different sizes of marble flooring encircling the irregularly-shaped column bases. Workers have covered and protected the completed State Seal and are moving forward with seventeen people, seven days a week, who are completing the marble floor and wainscot. Workers have completed the marble clad new stairs. They have also completed the marble floors in the elevators.
- **General elements:** Workers have completed the heating and water systems and have started up the off season chiller. They are close to finishing the entrance on the South side. They have punch listed the East wing and are in the process of punch listing the West wing. Vendors will deliver all glass to the site by November 1 and workers will temporarily install tempered glass if there are missing elements.
- **New and unanticipated activities include:**
  - Workers continue with the roof repair in the JFAC area. The deterioration caused workers to replace masonry and necessitated some re-roofing.
  - The workers have found that they need larger hinges on many of the lower level doors; the large hinges are on order and workers will replace the smaller ones after they arrive.
  - Workers are installing new architectural panels to add ventilation to the elevators which will make the elevators compliant with current code
  - Workers will add sandstone cladding over the windows since it shows where the granite doesn't cover.
  - Workers have moved the trash enclosure North of State Street and this necessitated relocating a gas line; this will not delay having the facility ready for the 2010 Legislature.
- **East and West office areas of Garden Level:** Workers have almost completed all improvements in the wings with the East being punch listed in September and the West being punch listed now.

Discussion included:

- Commissioner Youtz asked if the grounds would be finished on time and when the fence would be removed. Ms. Frew said the grounds are on schedule to be finished. Jacobsen Hunt will handle the transition of the fence; in mid-December the fence should come down. During the first week of November the contractor will pull the posts from the asphalt and patch the West half of Jefferson and Sixth and Eighth Streets. The workers will replace the fence on temporary stands until they are able to remove it. On Jefferson and Capitol Blvd. the fence is bolted to the curb and it will be easy for the workers to remove. Capitol Mall Security will open the barrier at the North entrance and staff with security badges will be allowed in as well as being able to use the tunnels. The general public with business in the Capitol and with appointments will be allowed in prior to the Grand Opening. After the Grand Opening the Capitol will be open again to the general public. Chairman Erstad asked Ms. Frew if she needed Commission action on this matter; she will let the Commission know later if she needs further official action.
- Commissioner Hartgen asked for clarification on the change order for the trash facility North of State Street and Chairman Erstad explained that Commissioners approved workers moving it to the current site after two other changes in location didn't work.

**Budget Review, Jan Frew**

Ms. Frew referred to the Program Budget Summary on page 18 of the Lemley+3D/I September 2009 Program Report. The project is budgeted at \$127,500,000, including contractor contingency. The following is the status of the project contracts:

<u>Contractor</u>	<u>Contract Amount</u>	<u>Paid to Date</u>
Restoration (Jacobsen Hunt, Construction Manager At Risk)	\$ 85,492,660	\$ 86,317,317
Wings Core & Shell (McAlvain, Design-Build Contractor)	\$ 27,857,498	\$ 27,477,139
Wings Tenant Improvements (Jacobsen Hunt, CMAR)	\$ 9,149,842	\$ 8,999,797
Furniture, Fixtures and Equipment	\$ 5,000,000	\$ 2,984,162
<b>Total program contracts and expenditures paid to date:</b>	<b>\$ 127,500,000</b>	<b>\$ 106,443,381</b>

Ms. Frew pointed out that the Contract Fund Allocation Report, page 18 of the monthly program report, shows the current amount of all contracts is at \$125.77 Million.

She then referred to the DPW Project 30-Month Budget Report, page 21 of the monthly program report and summarized the following:

	<u>Capitol Restoration</u>	<u>Wings Expansion</u>
Total project budget	\$ 85,492,660	\$ 37,007,340
Total year-to-date expenditures	<u>\$ 71,274,653</u>	<u>\$ 34,019,606</u>
<b>Total remaining budget:</b>	<b><u>\$ 17,205,739</u></b>	
Construction contract expenditures	\$ 71,274,653	\$ 34,019,606+

Ms. Frew reminded the commissioners that while the total project budget (not including the \$5 million furnishings budget) is \$122.5 million, the project managers continue to work diligently toward the \$120 million goal.

The Furniture, Fixtures & Equipment budget report, page 21 summarizes the following:

	<u>Amount Budgeted</u>	<u>Amount Obligated</u>	<u>Amount Expended</u>
Equipment:	\$ 500,000	\$ 358,596	\$ 105,944
Warehouse Costs:	\$ 120,000	\$ 665,446	\$ 117,387
Utilities:	\$ 10,000	\$ 7,458	\$ 7,458
Furnishings:	\$ 4,094,800	\$ 1,952,660	\$ 918,327
Project Contingency	\$ 250,000	\$ 0	\$ 0
<b>Project Totals:</b>	<b>\$ 5,000,000</b>	<b>\$ 2,985,162</b>	<b>\$ 1,149,118</b>

Ms. Frew said that we will stay within the \$125 million overall budget goal.

### **Schedule Update, *John Emery***

Mr. Emery updated the group that workers are working on the building seven days a week. He thanked the subcontractors and workers for dealing with the list of unanticipated items this month. He explained that this happens every month, but since this is the last scheduled meeting before the substantial completion which is still scheduled for November 12, Jacobson-Hunt is still well within the time and budget parameters.

Fourth and Third floors:	We are working with Robyn Lockett, Legislative Services Office, in the process of moving in the furniture.
Second and First floors:	We are punching out now on the second floor; we are working on minor clean up on the first floor. Workers have installed the brass doors and continue finishing up all the doors.
Garden Level:	We continue to work with the November 12 completion date in mind. This level remains the most challenging. The marble workers have completed 70% of their job; Mesa Tile has been excellent in working on the “mosaic puzzle.” The last of the re-cut pieces are enroute at this time. Workers have finished the new south entrance and the floor will be finished by the end of this week. At the South entrance workers will complete the finishes within a week or two.
Exterior:	We have finished re-pouring the outside front steps and we will finish the South side concrete this week. Soon workers should complete the landscaping work that can be done at this time of year. We have finished the granite steps on the North side and are digging a new sump.
Issues:	We are confident of completing everything by November 12 except the changes which we can’t complete by then. For example, we won’t finish the seating in the galleries but we will have substantial completion on time.

Mr. Emery noted that the walk through to sign the building over is still scheduled for Thursday, November 12, 2009.

Chairman Erstad commented that he deals in schedules and architecture and that he appreciates the notion of substantial completion and the purpose for which the concept is designed. He explained that architects and contractors routinely have the owner move in and then fit and finish as needed. He expressed his concern that the State Capitol is still a work zone and that there is substantial liability with workers moving desks in and continuing refurbishment and refinements

with the final completion in January or perhaps slightly earlier. Ms. Frew added that the goal is to put people in the Capitol and that it will not be safe to remove the fence until people have moved in.

Commissioner Youtz said that he has received a number of compliments from legislators who are pleased with the progress; he regularly hears the comment that legislators can't believe that Jan and her team and Robyn and her team are going to get this done as promised.

Commissioner Hartgen asked if there will be a formal opening ceremony with a cardboard key or a small "handing over" event. Commissioner Patano suggested that a ceremony like that would be appropriate at the Grand Opening. Ms. Frew said there will be a certificate of substantial completion handed over and Mr. Daniel will take pictures of the event. Chairman Erstad cautioned that the milestone of substantial completion is not complete completion and that he doesn't want the public to think that the State Capitol is open when the workers are still working on the change orders and refinements. Ms. Frew suggested that the contractor present the substantial completion certificate at the November 18 Capitol Commission meeting and to delay the public festivities until the Grand Opening ceremony in January. Commissioner Hartgen said that this is a milestone and that he would like more visibility, not less, since it is on time and within budget. He would like the Commission to tell its story in November.

Chairman Erstad asked for further discussion; Commissioner Patano concurred that the Commission should share with the public and at a minimum have Mr. Daniel prepare a press release announcing the substantial completion for our next meeting. Ms. Frew said the contractor could turn over the ceremonial key in November, even though Legislative Services is moving in the occupants now. However, she cautioned that the Capitol is still a work zone and is not safe yet for opening to the general public. Commissioner Gallimore suggested that with the on time and on budget announcement, Commissioner Patano might want to announce the upcoming celebration in January. Commissioner Crow suggested that as long as we use part of our meeting for the ceremony, people won't assume that the Capitol is open for business as usual until the formal January opening. Chairman Erstad suggested inviting media outlets to our next Capitol Commission meeting and to recognize the amazing job of coming in on time and on budget. He asked Mr. Daniel to distribute the press release on that day. Commissioner Hartgen said he would like the media included sooner rather than later and Chairman Erstad suggested that the Commission defer to Ms. Frew as to the safety and liability issues. Ms. Frew suggested that now is a little early and Commissioner Frasure suggested symbolically throwing away the hardhats once the Capitol is no longer a work zone. Commissioner Youtz said that in his opinion a press release announcing substantial completion is preferable. Commissioner Patano said she would prefer to have all of the furniture moved before any media tours, although she agrees that Mr. Daniel should continue to take many photos as he has been doing.

## **Other Design & Construction Elements**

### **Relocation Project Update, *Kelly Berard***

Ms. Berard reported that in February of 2008 she and Ms. Lockett began the relocation process which has remained on or under budget through the entire process. She said they will not use the entire budget. They will return the historic furniture prior to the general move and have installed

draperies. Workers have moved in the furniture on the fourth and third floors and yesterday they began moving in the furniture on the second floor. The wings are further ahead of schedule and some of the legislative offices are under way. Workers are moving the chairs into the hearing rooms and Correctional Industries has built some of the custom items, including chairs, coat trees, library shelving and some tables. The four vendors have all committed to finishing before the November 12 substantial completion date. She explained the new inventory tags with each individual item being tagged and reported back. The tags are blue and use a "CR" prefix with a four digit number, i.e. CR0001. Workers discovered that it was almost impossible to retouch the JFAC desks and that with just a little more money they could order new desks that will be superior. Air Van Movers moved out the Constitutional officers in 2008 and they are moving the historic furniture back. Mesa Movers will move all agencies and all staff back into the capitol. The preliminary moving schedule is as follows:

- November 20-22 Legislative Services
- December 4-6 Governor
- December 11-13 Attorney General and Secretary of State
- December 18-20 State Treasurer

The reasoning behind moving the State Treasurer last is that the office has daily traffic in and out of the office and the Capitol will be closer to opening at that point. Chairman Erstad reviewed the security arrangements of moving in and the need for the fence to protect people and workers during the moving process. He said that the North side will be open with a security guard to direct people and assist when there are accessibility issues. State workers will have access to the tunnel and existing cards and keys will be re-programmed on November 12<sup>th</sup> when the contractor returns control of the Capitol to the State. Ms. Frew suggested signs restricting access to employees only and those with appointments as the move progresses. Commissioner Youtz said that Legislative Services will be fully functional and that signing in for the five weeks before the next Legislative Session starts will work for his office. Chairman Erstad said that the last ten percent of any construction project regularly takes ninety percent of the effort. Ms. Frew said that with a rule of employee and official business only, state agencies will work everything out during the short period of time before the official reopening. Chairman Erstad said the question he hears the most often is when the fencing will come down and when Jefferson will be reopened, requesting at least one lane for the holidays. Ms. Frew said that the Ada County Highway District has requested this opening of Jefferson as well, but that unfortunately Jefferson is the main access which workers will need during the moving month. The probable time to safely reopen Jefferson will be during the week between Christmas and New Years. Chairman Erstad asked that it be officially noted that the Commission has seriously considered reopening Jefferson and is working on it.

### **State Street Improvements, *Jan Frew***

Ms. Frew reported that she has asked ACHD to permanently modify State Street to allow more space between the Capitol yard and the traffic lanes beginning after adjournment of the 2010 Legislature. She will set up a new project for this improvement with a budget of between \$300,000 - \$350,000. She explained that these modifications will include moving the curb to the jersey barriers with no parking on either side with the exception of four spaces on the West end of State Street at the front of the church. When the Department of Public Works sets up the funding for this new project, the source will not be in the Capitol Restoration budget. She suggested that the Commissioners can decide on the funding source, whether to use carry over funds, license plate funds or to ask for an appropriation. She suggested that her Department

needs to begin work immediately. Commissioner Youtz asked how much the initial planning will cost, and Ms. Frew estimated that design will cost about \$20,000, and on page 1 of the 2010 Budget Worksheet, line 52, the Commission has spending authority of \$85,700 in FY 2010 Unallocated Appropriation. Ms. Frew estimated that a survey would cost an additional \$5,000.

**MOTION: Commissioner Youtz moved in a substitute motion that Ms. Frew be issued a Letter of Commitment allowing the DPW and CSHQA to progress on the State Street survey and design phase with \$25,000 to be taken from the unallocated \$85,700, line 52, FY 2010 Budget Worksheet. The second was by Commissioner Gallimore; the substitute motion passed unanimously.**

Discussion included:

- Commissioner Youtz would like a 15 mph speed limit on State Street adjacent to the Capitol while the Legislature is in session.
- Ms. Frew explained that the Ada County Highway District must make that decision and that she will keep the Commission advised. She reviewed safety plans along State Street including lights in the road that flash, the use of different paving materials for crosswalks, and the narrowing that will help make motorists more aware. She will present the final plan for State Street and the safety of pedestrians near the Capitol at the next meeting.
- Chairman Erstad said that the Ada County Highway District has many pressing decisions including moving the lanes of traffic over and that the speed issue can be considered later.

## **Public Outreach, Art & Culture**

**Arts, History and Culture Committee Report, Janet Gallimore**

### **Rededication Celebration Update:**

Commissioner Gallimore asked Commissioner Patano to report on the Idaho Capitol Celebration Committee. Commissioner Patano said the committee has been busy and is planning two weeks of activities and is continually refining the schedule. Sometime during the next two weeks the committee will electronically send out a “save the date” email.

Discussion included:

- Commissioner Youtz asked about the Thursday and Friday receptions and after further discussion the consensus was to begin the receptions at 5:30 which will give employees time to leave before the receptions begin.
- Mr. Daniel commended Marty Peterson, Commissioner Patano and Shows Etc. for the work that has already been done, and said that Marty Peterson is working on the program which should be done by early December. Staff is researching all legislators that date back to 1998 when the funding was approved authorizing the renovation. The specific plan is as follows:
  - An email from the Capitol Commission Chairman with an animated opening invitation
  - Simultaneous media release at the time of the email.

- Other adjacent websites will feature the Capitol activities.
- When the animated invitation opens up, the reader will see the option of a RSVP without any name, the option of indicating that the reader would like to volunteer, and the option if teachers would like to click a link for teaching opportunities about the Capitol.

Commissioner Patano reviewed that the 25<sup>th</sup> Army Band will participate and that this is a drill weekend for the Band. She said the ceremony will be forty minutes maximum which will be appreciated if it is a cold January day. After the ceremony the public will be invited in to see their house. Chairman Erstad thanked Sandy and her committee for a great deal of work.

Further discussion included:

- Commissioner Hartgen asked if and how retired State workers would be notified of the celebration. Ms. Henke will check with PERSI and inquire if it could email out from there. Commissioner Hartgen said that retired legislators might not have email and Ms. Henke will check if PERSI will supply mailing labels for retired legislators.
- Commissioner Youtz questioned the necessity of sending email invitations to retired workers if there has been advertising that the Capitol will be open to the public. He further added that perhaps PERSI will invite them for the Commission in its next mailing.
- Commissioner Patano asked for confirmation that lines 24 and 24 of the FY 2010 Budget Worksheet, Promotion Publicity, may be used for this endeavor; Commission consensus that these funds will be available to the Committee.

### **Display of Winged Victory and George Washington Statues Update:**

Commissioner Gallimore explained her three-option handout to protect the Winged Victory and George Washington statues; stanchion posts with a (1) single and a (2) double velvet rope and a (3) tempered glass option. She recommended Option II, a double rope that offers more protection than a single rope and is less expensive and more pleasing than a solid barrier with potential finger prints on it.

**MOTION: Commissioner Youtz moved for a double velvet rope approach as summarized in Option II. The second was by Commissioner Frasure; the motion passed unanimously.**

Discussion included:

- Commissioner Hartgen said he favored the single rope option because it is cheaper and sufficient and said he is inclined to make a motion to that effect.
- Commissioner Gallimore explained that children can more easily duck under a single rope, and that the second rope will make it less tempting to go under.
- Commissioner Gallimore invited Ms. Lynch, ISHS, to explain her recommendation of a double rope option. Ms. Lynch said that the George Washington statue is fragile and people touching it on a regular basis will damage it over time. She also explained that the Winged Victory, which is plaster, is also susceptible to harm if handled over time.

There are alarms that will go off for a minute if someone goes around the ropes.

- Commissioner Gallimore suggested that Ms. Frew and Ms. Lynch coordinate the color of the ropes and posts as appropriate to fit in with the Capitol color schemes. She thanked those who worked on this design which is simple, elegant and fits in well.

### **Approved Garden Level Rotunda Exhibit Design Update:**

Commissioner Gallimore reviewed the Special Joint Meeting of the Arts, History and Culture Committee and the Design and Construction Committee and its decision to approve Catapult3's Garden Level Displays rendition with the white molding with the added option of extra panels if needed. She said the woodwork will be carved by the same knives as the woodwork in the entire Capitol and that the luminosity will allow the marble to sing. Commissioner Erstad congratulated Catapult3 on the excellent solution and thanked John Mallon for being an important part of the process. Commissioner Gallimore said that State Historian Keith Petersen will be in town all week and he will do the writing for each panel. She praised him for his political astuteness and professional writing ability. There will be a review team including Representative Jacquet and Representative Fulcher and the Arts Commission team and staff. She cautioned against a large number of editors and assured the Commission that the panels will be well vetted and inspiring and celebratory.

Discussion included:

- Commissioner Frasure said that he, as a history teacher, would like to comment on the panels.
- Chairman Erstad said that the right is reserved for all Commissioners to comment and he assured Commissioner Gallimore that they would be timely in any comments.

### **Buy Idaho October 15, 2009 Letter:**

Chairman Erstad referred the Commissioners to the October 15, 2009 Buy Idaho letter in their packets and reviewed the September 16, 2009 Fourth Floor Rotunda Space Usage Guidelines which would limit Buy Idaho and all displays to the fourth floor with the possible exception of allowing a longer period of time.

Discussion included:

- Chairman Erstad does not believe that Buy Idaho should occupy all four floors and suggested that the Commission allow it five full days in the fourth floor rotunda and let it rotate the booths on a daily basis which would allow for one hundred booths.
- Ms. Lockett suggested one day for North Idaho, one day for Eastern Idaho, etc.
- Commissioner Hartgen said he believes the Commission is going down the wrong road and that it is not the length of time that is the issue, it is the additional cost to the private sector and that the Commission should revisit the guidelines and not restrict Buy Idaho to the fourth floor.
- Commissioner Crow said that Buy Idaho is chaos with booths everywhere and that there is not time for Legislators to look at all of them. She would like more time to visit rotating booths and doesn't want a repeat of the past and turning over the Capitol to such disorder.
- Chairman Erstad said that the Commission may need to review and revisit the standards

it established. He said Commissioners already spent a lot of time on this issue and was mindful of the challenges when voting on it. He suggested putting off a decision until the Commission opens the Space Usage Guidelines for review.

- Commissioner Frasure said that he enjoyed Buy Idaho and that maybe if the Commissioners opened the window longer, perhaps for two weeks, that Buy Idaho may be satisfied with the Fourth Floor Rotunda.
- Commissioner Youtz said that there is a time deadline and that open space is filling up and that perhaps the Commissioners should reserve the week of February 22 for Buy Idaho.
- Chairman Erstad said the Commission can't act on the request under the established guidelines.
- Ms. Luna commented that Buy Idaho knows of the multi day offer and that it was not happy with that offer because it won't serve its purposes. She said Director Gwartney has received many telephone calls about this issue.
- Mr. Mason suggested that consistency is important and that there are potential lawsuits when a public entity doesn't follow its guidelines.
- Commissioner Crow asked if Buy Idaho could use the Annex, but it will be closed after everyone moves out.
- Chairman Erstad reiterated that a guideline is in place and asked the Commissioners if they want to rewrite it. The only other way to deal with this issue would be to grant a variance of allowing all three floors.
- Commissioner Frasure and Commissioner Gallimore said that once the Commission makes a variance that issues like this will continue to come up.
- Ms. Frew said that the rotunda and hallways are all exit structures and that tables and booths would block the exits, creating life and safety issues. There are no sprinkler systems in the rotunda because that is a functional impossibility.
- Commissioner Youtz said that the Speaker and Pro Tem are sympathetic to Buy Idaho

**MOTION: Commissioner Youtz moved to not make an exception to allow Buy Idaho to use multiple floors but to be flexible in the time it is allowed on the Fourth Floor Rotunda. The second was by Commissioner Crow.**

Discussion:

- Commissioner Hartgen disagrees with this motion and believes Commissioners have to have more flexibility and that the Commission should revisit the policy. He believes that the Fourth Floor Rotunda is not adequate for the needs of this group and that the Commission needs to have a policy in place to give Buy Idaho an alternative solution to its request.
- Commissioner Gallimore said the Commission needs to be aware of the exits and sprinklers and look at other floors and overflow and perhaps have an addendum to the policy couched in safety issues.
- Commissioner Frasure said the Commission has a policy that needs to be reviewed but that Buy Idaho needs to know now based on the guidelines.
- Commissioner Patano suggested a walk through as a Commission to see about exit and safety issues. There is a policy in place and Commissioners could see if there is any new information presented at the next meeting.

- Ms. Frew said that other areas of the Capitol have the same safety concerns.

**MOTION: As an alternate motion Chairman Erstad moved that the Commission revisit the guidelines. The second was by Commissioner Crow. The alternate motion passed unanimously.**

Chairman Erstad asked Ms. Lockett to hold the week of February 22 for Buy Idaho as a contingency. Commissioner Patano asked Commissioner Hartgen to join the Special Joint Meeting of the Arts, History and Culture Committee and the Design and Construction Committee when it meets to reconsider the guidelines and he agreed.

### **Monthly Meeting Schedule, *Chairman***

Regular meetings are tentatively scheduled for 9:30 a.m. on the third Wednesday of each month:

- November 18 (tentative meeting and tour), at Capitol Annex, Senate Committee Room 204
- December 16 (tentative), at the JR Williams West Conference Room
- January 20 (tentative) Flex Room WW 17, State Capitol
- February 17 (tentative) Flex Room, WW 17, State Capitol

Discussion: Mr. Daniel said he will send out a press release on November 18.

## **Adjournment**

**MOTION: Commissioner Crow moved to adjourn the meeting. The second was by Commissioner Gallimore; the motion passed. The meeting adjourned at 12:25 p.m.**

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Carole Schroeder, Communications Coordinator