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# Idaho State Capitol Commission

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## Official Minutes February 14, 2019

A meeting of the Idaho State Capitol Commission was held on this date in Room WW17 of the Capitol Building, Boise, Idaho. Chairman Erstad called the meeting to order at 3:30 p.m.

### **Attendees**

#### **Members Present:**

Andy Erstad, Chairman  
Bryan Mooney, Director, Department of Administration, Ex-Officio Member, and Commission Secretary  
Eric Milstead, Director, Legislative Services Office (LSO) and Ex-Officio Member  
Janet Gallimore, Executive Director, State Historical Society, Ex-Officio Member (at 3:55 pm)  
Marilyn Whitney, Deputy State Superintendent of Public Instruction  
Representative Neil Anderson (to 4:35 pm)  
Mary Symms-Pollot  
Senator Chuck Winder (3:45 pm to 5:50 pm)  
Nancy Sue Wallace (via teleconference)

#### **Others/Staff Present:**

Keith Reynolds, Deputy Director and CFO, Department of Administration  
Jan Frew, Administrator, Division of Public Works (DPW)  
Barry Miller, Deputy Administrator, DPW  
Kelly Berard, Construction Manager, DPW  
Lindsay Erb, Project Manager, DPW  
Chris Anton, Manager of Investments, Endowment Fund Investment Board (EFIB)  
Chris Halvorson, Investment Officer, EFIB  
Kathy Van Vactor, Fiscal Officer, EFIB  
Steven Olsen, Deputy Attorney General  
Julie Weaver, Deputy Attorney General  
Michelle O'Brien, Special Projects Coordinator, LSO  
Lincoln Smyser, Deputy Treasurer, Office of the State Treasurer

## **Amendment of Agenda**

Ms. Frew explained Public Works has been working with the Attorney General's Office gathering information and discussing a path forward on the capitol glass issue. It wasn't until a couple of days ago, she explained, that the need to get architects under contract was determined and that additional professional services would be required in the very near future. Thus, she asked that the agenda be modified to include a request for action by the commission later in the meeting to approve additional funding for professional services.

**MOTION: Commissioner Mooney moved, and it was seconded by Commissioner Milstead that the commission approve amending the agenda to add an action item to follow the executive session on the meeting agenda. The action item is to consider funding requests related to the litigation discussed in executive session. The motion passed unanimously.**

## **Approval of Minutes**

**MOTION: Commissioner Symms-Pollot moved and it was seconded by Commissioner Whitney that the minutes of the September 13, 2018 Idaho State Capitol Commission meeting be approved as written. The motion passed unanimously.**

## **Financial Report**

### **Endowment Fund Analysis (December 31, 2018)**

Mr. Reynolds distributed financial statements as of the end of 2018. Beginning *Endowment Fund* balance for FY19 was \$37,370,197, he said, and added to that was lands revenue of \$642,215 and license place revenue of \$42,990. Negative interest earnings of \$2,368,319 left total available funds at \$35,687,083. From that balance, \$78,477 was paid to the Department of Lands for maintaining the endowment lands, \$83,883 was paid to the EFIB for managing the fund, and \$250,000 was transferred to the Appropriation Fund bringing the ending fund balance to \$35,274,723. The *Reserve Fund Balance* as of the end of the year was \$6,750,278.

### **Appropriated Funds – Cash Flow Statements (December 31, 2018)**

Beginning cash balance in FY19 was \$58,426 for the *Commission's Operating Fund*, he continued. Interest earned to date is \$3,428 and \$250,000 was transferred in from the reserve. Appropriated expenditures were \$35,961 and \$122,500 was transferred to the Historical Society to fund the Capitol Curator program. Ending cash balance was \$153,393.

The *Capitol Maintenance Reserve Fund* began the year with a balance of \$27,411 and has earned \$178 of interest. A \$250,000 transfer in from the EFIB was subsequently transferred out to the *Operating Fund* leaving an ending balance of \$27,589.

### **Appropriated Expenditures (December 31, 2018)**

He pointed to a statement that compares what has been spent to date to the *Operating Fund* budget. Annual administrative support for the commission was \$8,000, miscellaneous expenses were \$22, and \$27,939 for project costs brought total expenditures to \$35,961. There have been no expenditures from the *Maintenance Reserve Fund* appropriation of \$2.2 million, he said.

### **Project Expenditure Report (December 31, 2018)**

Actual project expenditures in FY19 to date total \$27,939, he continued, and the two largest projects were \$9,850 for re-roof of the elevator over-runs, \$9,500 for HVAC balancing, and \$7,000 to replace the tunnel access door with one that includes glazing.

## **Update on Investments**

Mr. Anton indicated the Endowment Fund portfolio was down considerably (6.3%) in the first half of the fiscal year to December 31<sup>st</sup>. However, as of yesterday it was up .9%. The domestic and foreign equity markets experienced a sharp drop in December but rebounded in January. The December equity decline was the worse since the Great Depression, he said, and was driven by a variety of things such as the concern about trade with China, China's economy, Brexit concerns, declining world prices, and slowing GDP and profits in the US.

In early January, the federal government slowed interest rating. There have been about nine consecutive interest rating increases and the government indicated it was going to pause until there was indication of inflation. The markets felt relief because of that announcement, he said, because there was concern that rates would be increased too quickly causing the US economy to slow down. The market then rallied through the month of January and there are signs that through 2019 there will be some improvements in economic growth in the US as well as in Europe and China. Fundamentals in the US remain

strong, he continued, there is full employment, interest rates are low, and inflation is moderate.

## **Design and Construction Committee**

### **Completed Projects**

Mr. Miller reported on four projects that have been done so far this fiscal year.

#### Exterior Wall Wash Lighting

This project turned into a larger project, he said, involving the complete replacement of the capitol lighting control system.

#### Roof Elevator Over-Runs

#### Jefferson Street Stairs Repair

Treads and risers were removed from the top corner of the stairs and the structure rebuilt underneath. All stairs were recaulked at joints and after testing, it was determined they no longer leak.

#### Addition of Door, Office E406

A door had been removed, he said, on the fourth floor sometime in the past. A temporary replacement was installed; however, he said, in the future it will need to be upgraded with one that matches the rest of the doors in the capitol.

### **Project Status**

#### Fire Alarm System

Musgrove Engineering designed this project and verified that costs are within budget. The project will be presented to the Permanent Building Fund Advisory Council next month, he said, and then put out to bid with plans that the work will be done this summer.

#### Roof Fall Protection

Designed by HSA Architects, this project budget is \$50,000. The Division of Building Safety will approve the protections proposed to be put in place. The need for fall protection occurs regularly on its safety analysis of the building, he explained.

#### Plaster Repair Portico Ceilings

This project is related to the Jefferson Street Stairs project, just discussed, he pointed-out. Water intrusion has damaged plaster in the portico ceilings under the stairs. The intent is to repair and seal this area but the water content in the plaster is still too high. An analysis will be done to make sure there is no other source of moisture.

### Dedication Plaques

Arrangements have been made to have the two plaques repaired this summer, he explained. There is a misspelling in each of them.

### Expansion Joints

No expansion joints were built into the walls of the skylight well although they should appear every 30 feet or less. As a result, the wallboard has cracked in several areas. Repair work will be accomplished this summer, he said.

### EW29 Door Glazing

There have been several collisions at this east wing door. The solution is to install of obscure glazing like other doors in the building to provide a line-of-sight to someone on the other side. Because adding the glass would require that the door be rebuilt, plans are to relocate this door to the fourth floor where a matching door is needed, and then build a new door for this east wing location.

In the meantime, Director Mooney asked that a sign be posted warning of possible collisions. Mr. Miller agreed to add a temporary warning.

### ADA Accommodations

Representative Davis is paraplegic, he explained, and accommodations have been made for her to enter the suite in the garden level. After walking around the building with her, Mr. Miller said, other problem areas were identified and are being addressed. The transition into the office suite will be adjusted and automatic doors will be added into that area. Additionally, the operator in the third-floor rotunda family restroom has been adjusted to operate faster.

Legislators have a private restroom on the third floor outside the assembly space. Representative Davis said it would be convenient for her to use this restroom during busy times if a partition wall was removed. Although removal of the partition will work for her, she recognized that the accommodation may not work for another wheelchair-bound legislator and a fully handicap-accessible stall should be considered.

Senator Winder suggested the commission find a way to provide a compliant bathroom; the state has gone through a lot of expense trying to accommodate handicap requirements. Mr. Miller responded that the state does comply by providing ADA restrooms for the public. There is a total of nine private legislative restrooms on the third and fourth floors and garden level. Chairman Erstad added that if the commission were to make every bathroom in the building so that it is handicap accessible, it would mean that each bathroom would lose one water closet. This would threaten the amount that is required for the building, he said.

Commissioner Symms-Pollot expressed the commission should make the third-floor restroom in question fully accessible for Representative Davis and over time, investigate the possibility of making one legislative restroom accessible for both men and women on each side of the rotunda. Mr. Miller responded that it will be fairly easy to accommodate Representative Davis' needs now, and in the future staff can investigate how fully handicap-compliant restrooms can

be provided for legislative staff. Chairman Erstad asked that the result of this assessment be brought back to the commission.

## **Potential Projects**

### Gallery Railings

Mr. Miller noted he had been charged by the commission with presenting recommendations for safety improvements to the gallery level. Existing railing is 27” high and the building code directs a minimum standard for safety at 42” with maximum-sized gaps of 4”. The existing railings have gaps wider than 4”. Further, there are no railings along steps leading up and down the gallery seating.

The Design and Construction Committee addressed these issues at length during construction, he said. It determined that maintaining the historic condition did not solve the problem, but it was also not creating a condition worse than it has been for the last 100 years. Commissioner Milstead inquired whether it is possible to address some of these issues without making the space completely code compliant. Mr. Miller explained all changes would have to be negotiated with the Division of Building Safety. Commissioner Milstead asked Mr. Miller to provide some ideas and costs that would address some of these safety issues without impacting the historical nature of the railing.

Commissioner Mooney suggested staff look at what other states have done, and he said by not doing anything the commission is taking responsibility if something happen. Chairman Erstad reiterated that there has been extensive discussion on the balconies and railings and their perceived lack of safety. The capitol falls under a different building code because of its historic designation. It reflects the fabric of the historic nature of the building and because the balconies have operated as is for 100 years, it was determined to not change them. Senator Winder added that any substantial safety improvements would change the nature of both the House and the Senate chambers. Commissioner Gallimore commented that the US Capitol is designed similarly. She offered assistance to research what other states have done to address this issue.

### Urinals

Complaints have been received about backsplash from the capitol urinals, Mr. Miller reported. Splash pads were installed but did not solve the problem. He recommended replacing two urinals on the House side and two on the Senate side with a model that has a deeper bowl. Installation of each unit is \$500 and if these urinals prove to solve the problem, all urinals in the building will be replaced for a total of \$12,500. This is contingent on finding units with the same connections as those already in place, he said.

## **Approval of 2019 Projects**

Mr. Miller presented a list of proposed projects for 2019 funding:

*Mechanical Upgrades for \$50,000* – A mechanical unit sits above the ceiling in the garden level rotunda. Access to maintain it involves removing ceiling panels; however, there is another area of the mechanical unit that cannot be accessed. There are several areas like this in the building

where further access is required. The project will also include an additional heat pump and thermostat on the first floor to maintain balanced heat in that area.

*Urn Level Roof for \$120,000* – The surface material at the Urn level roof has torn apart in many areas, he said. It will be cleaned and recoated with a polyurethane primer and tinted finish coat to match adjacent sandstone. The coating has a 10-year warranty and can be recoated at the end of the first 10 years to extend the warranty another 10 years.

*Clean Drapes at \$15,000* – Cleaning of drapes must be accomplished on a regular basis, he said.

*Technology Upgrades for \$100,000* – LSO provided items to be addressed as part of this project including HD project replacements for hearing rooms and cabling; ADA projects; fire suppression (gas not water) for server and communication rooms; redundant fiber core infrastructure; and, audio quality solutions in the JFAC chamber.

Commissioner Symms-Pollot asked about the number of IT closets in the building and about the capability of remote testimony into hearing rooms for the public in other areas of the state. Commissioner Milstead indicated he will elicit help of his IT staff to come up with the number of closets and a priority of those that need upgrading. He also explained that the House is slowly embarking on a pilot project for remote testimony.

**MOTION: Commissioner Gallimore moved and it was seconded by Commissioner Winder that the Commission approve the identified 2019 projects.**

Mr. Reynolds asked that the motion include direction that the most appropriate fund source be used.

**AMENDED MOTION: Commissioner Gallimore moved and it was seconded by Commissioner Winder that the Commission approve the identified 2019 projects using the most appropriate fund source. The motion passed unanimously.**

#### Exterior Security Bollards

Commissioner Milstead explained he continues to look at the perimeter security element of the capitol, as requested by the President ProTem. As soon as more research can be accomplished he will report back to the commission.

## **Public Outreach / Art, History and Culture Committee**

Commissioner Gallimore noted that Governor Otter donated several items to the capitol collections. In addition, he sent many permanent records to the state archives and for the first time, a large amount of digital records. The First Lady, Treasurer, and others have also looked through the capitol collection for images of the capitol to copy and place in their offices.

#### Report

Staff has been working on permanent exhibitions in the capitol as well as updating photos of

elected officials. On display now in Statutory Hall through the end of the session is the Idaho Veterans Exhibit and the Governors and First Ladies.

#### Capitol Curator Program

Michelle Wallace, prior Capitol Curator, resigned last fall and recruitment is underway for her replacement. In the interim, Sarah Phillips, Curator of Collections at the Idaho State Museum will fill in, she said.

#### Idaho Day

She invited the group to participate in Idaho Day on March 4<sup>th</sup>. The program, in the Lincoln Auditorium, will take place during the noon hour. Brigadier General Garshak will lead the Pledge of Allegiance. Speakers include Governor Little, Lieutenant Governor McGeachin, and Jessica Harrison, Executive Director of the Association of Idaho Cities. The theme this year is Small Town Idaho.

## **Executive Session of the Commission**

**MOTION: Commissioner Mooney moved and it was seconded by Commissioner Wallace that pursuant to Idaho Code Section 74-206 subsection 1f, that the commission convene in executive session at 4:55 pm to communicate with legal counsel regarding pending litigation on the capitol glazing issue. It passed unanimously by voice vote pursuant to Idaho Code Section 74-205 subsection 2.**

**MOTION: Chairman Erstad called the February 14<sup>th</sup> meeting of the Capitol Commission back into session at 6:10 pm. The motion passed unanimously.**

## **Capitol Wire-Glass**

**MOTION: Commissioner Milstead moved and it was seconded by Commissioner Gallimore that the commission authorize funding in the amount not-to-exceed \$250,000 for glass expert services and architectural and engineering services for mitigation of the failed wire glass in the capitol building such funding from most appropriate funds, and to direct the Department of Administration to manage the budget to accommodate such expenditures.**

Ms. Frew asked that the designation of “glass expert services” in the motion be modified to “expert services”.

**AMENDED MOTION: Commissioner Milstead moved and it was seconded by Commissioner Gallimore that the commission authorize funding in the amount not-to-exceed \$250,000 for expert services and architectural and engineering services for mitigation of the failed wire glass in the capitol building such funding from most appropriate funds, and to direct the Department of Administration to manage the budget to accommodate such expenditures. The motion passed unanimously.**

## Next Meeting of the Commission

The Commission will conduct its next official meeting in August 2019.

## Adjournment

**MOTION:** Commissioner Wallace moved, and it was seconded by Commissioner Symms-Pollot that the February 14, 2018 meeting of the Idaho Capitol Commission be adjourned at 6:15 pm. The motion passed unanimously.



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Diane K. Blume, Program Specialist  
Department of Administration