

**MINUTES
of the
THIRD MEETING
of the
CAPITOL BUILDINGS PLANNING COMMISSION**

**August 15, 2016
Room 311, State Capitol
Santa Fe**

The third meeting of the Capitol Buildings Planning Commission (CBPC) for the 2016 interim was called to order by Edwynn L. Burckle, secretary of general services, on August 15, 2016 at 1:30 p.m. in Room 311 of the State Capitol.

Present

Edwynn L. Burckle, Secretary of General Services, Co-Chair
Rep. Don L. Tripp, Speaker of the House of Representatives, Co-Chair
Mike Delello, Designee for Veronica N. Gonzales, Secretary of Cultural Affairs
Rep. Brian Egolf
Loren Hatch, Designee for Tom Church, Secretary of Transportation
Craig Johnson, Designee for Aubrey Dunn, Commissioner of Public Lands
Sen. Michael Padilla, Designee for Sen. Mary Kay Papen, Senate President Pro Tempore
Sen. William H. Payne, Designee for Sen. Stuart Ingle
Duffy Rodriguez, Acting Secretary, Department of Finance and Administration
Clarence Smith, Designee for Tim Eichenberg, State Treasurer

Absent

Charles W. Daniels, Chief Justice, New Mexico Supreme Court

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Michelle Jaschke, Researcher, LCS
Kathleen Dexter, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts from the meeting are in the meeting file and are posted at www.nmlegis.gov.

Monday, August 15

Approval of Agenda and Minutes

Ms. Jaschke called the roll for the commission confirming a quorum. On motions duly made, seconded and unanimously adopted, the commission approved the agenda for the meeting as well as the minutes for the meeting held on June 3, 2016.

Staff Updates

Mr. Burciaga reported that since the commission's June meeting, commission staff have executed task order contracts with Architectural Research Consultants, Inc. (ARC), and CBRE for the statewide inventory and master planning consultant services. He also noted that an administrative task order was issued to ARC so that ARC can supply staff and the CBPC with information regarding the status of the statewide inventory.

As a follow-up to Senator Padilla's comments at a previous meeting about the condition of the landscaping at the State Capitol, Mr. Burciaga reported that he took a tour with staff from Legislative Building Services, who pointed out that work is currently under way to clear overgrowth and some dead trees and shrubs. The crew is limited in this work by its current resources and budget. Regarding Senator Padilla's request for a direct handicap ramp from Don Gaspar Avenue to the west door of the capitol, Mr. Burciaga said there have been problems in the past with drainage and seepage into the first floor of the building when work is done on the west-side steps, which would be affected if a ramp were constructed there. For now, handicap access from the west side is available through the walkway to the Capitol North annex, and there is a new accessible crosswalk on Don Gaspar Avenue leading from the parking garage to the State Capitol.

Legislative Initiatives

Mr. Burciaga opened his presentation on possible legislative initiatives to tighten control over sales and disposal of state property by enumerating the controls already in place. Property owned by a state agency, local public body, school district or state educational institution that is valued at \$25,000 or less may be sold or otherwise disposed of outright under certain conditions. Sale or disposition of property that is valued at more than \$25,000 and that is owned by a state agency, school district or local public body requires approval from the State Board of Finance (SBF). Approval from the legislature is not required until the value of the property in question, or its lease of at least 25 years, reaches \$100,000. Certain property sales and dispositions are exempt from both legislative and SBF approval, including property owned by state educational institutions, the State Land Office and the State Transportation Commission; property acquired by the Economic Development Department pursuant to the Statewide Economic Development Finance Act; and facilities leased by a school district to a charter school.

Mr. Burciaga explained that Senate Bill (SB) 629, introduced by Senator Papen in the 2015 regular legislative session, would have enhanced the legislative approval provisions currently in statute by requiring that the CBPC review any proposed sale, trade or lease of

property that currently requires legislative approval prior to the legislature taking action on the proposal. The bill also would have inserted the condition that a sale, trade or lease be "in the best interests of the state or state agency".

On questioning, Mr. Burciaga noted that the CBPC does not have the staff or resources to conduct the reviews required by the provisions of SB 629, but that these reviews are already being conducted by the SBF and the Department of Finance and Administration (DFA). Coordination and information-sharing among the SBF, DFA and CBPC could be implemented through a memorandum of understanding until requirements for such a system are enacted in statute.

Regarding the inventory of state facilities now under development, Mr. Burciaga reported that the inventory is approximately 95 percent complete at this point. A Santa Fe area master plan that was focused on the capitol complex itself did not reflect a nearby inventoried building under the control of the State Parks Division of the Energy, Minerals and Natural Resources Department. The sale of that building has been a subject of controversy over the past year.

George D. Morgan, director, Facilities Management Division (FMD), General Services Department (GSD), joined Mr. Burciaga to add that, according to ARC, some of the data provided for property not under the control of the FMD have not been updated since 2014. Senator Padilla emphasized, on behalf of Senator Popen, the need to develop a complete inventory of all state facilities and to make that inventory available to the CBPC.

In discussing the need for greater legislative review prior to a property sale or disposition, members discussed the possibility of attaching review information to the fiscal impact report associated with the joint resolution proposing the sale or disposition. Members also considered possible statutory "emergency procedures" that would allow a sale or disposition to proceed while the legislature is not in session if the project is considered important for economic development. In this case, a body such as the CBPC might be authorized to approve a sale or disposition on behalf of the legislature.

Speaking from the audience at the invitation of the chair, Alexis H. Johnson, deputy general counsel, GSD, suggested that the statutory thresholds that trigger a SBF review be adjusted to meet current property values. He also suggested that the legislature create a mechanism for rescinding a joint resolution, even if action has been taken following the resolution's passage.

Mr. Burciaga stated that he will:

- (1) research how other states with anti-donation clauses, such as Arizona, handle emergency property sales and dispositions when the legislature is not in session; and
- (2) present options to the commission at its next meeting on statutory changes to require prior review by the CBPC on state property sales and disposals.

Statewide Inventory Ad Hoc Committee Recommendations

Mr. Burciaga presented the recommendations of the ad hoc committee formed to review the statewide inventory of facilities. The group recommends that:

- ▶ the AiM inventory used by the FMD be reconciled with the statewide inventory;
- ▶ GSD-leased property records that have been added or modified since November 2015 be integrated into the statewide inventory;
- ▶ processes and checks be developed for data entry into the AiM inventory to ensure that data is complete and correct;
- ▶ a process and timing be identified for updates to non-GSD-owned and -leased property records for the statewide inventory;
- ▶ a process and time frame be established for updates of full-time-equivalent data from the Statewide Human Resource, Accounting, Management and Reporting System (SHARE) and for providing new location codes to agencies in SHARE that accommodate agency moves;
- ▶ for the short-term (probably through fiscal year 2018), ARC continue to update and maintain the statewide inventory (at an estimated annual cost from \$20,000 to \$50,000); and
- ▶ the ad hoc committee continue to meet and focus on issues concerning the statewide inventory.

In discussion, members considered the challenge of getting agencies to report correct asset information in a timely manner for the statewide inventory. Some agencies that have control over their own assets do annual inventories but have not submitted the information for the inventory. One source of data might be the Risk Management Division of the GSD, which has information on all state entities that purchase insurance through the division.

In response to a member's question, Mr. Burciaga will find out who at the Cultural Affairs Department is the contact for inventory information. CBPC staff will proceed with issuing the ARC task order assignment to continue to update and maintain the statewide inventory. Secretary Burckle will speak with Secretary of Information Technology Darryl Ackley about whether and how the statewide inventory can be moved to a state server, regardless of ARC's work on the inventory.

Facility Condition Assessments: FMD Overview and Update

Mr. Morgan gave a presentation on the FMD's program for periodic condition assessments of state facilities. The program began in 2005 with a full assessment of facilities statewide, followed by limited assessments conducted in 2008 (limited to roofs) and 2009 (limited to 138 buildings). In 2015, the FMD conducted a baseline assessment and inventory of state buildings under FMD control and plans to reassess all facilities every five years. Assessments yield a "facilities condition index" (FCI) for each facility; higher FCIs indicate a higher need for repair, and an FCI of 60 percent or higher indicates a need for demolition and

replacement. Data from the 2015 assessments show 10 major state buildings with FCIs over 75 percent, including five Corrections Department facilities with FCIs near or above 100 percent.

Current improvement needs at state facilities total \$288.7 million, with more than \$244 million of those improvements rated as critical. Total projected needs through 2021 come to \$435.3 million, with \$291.6 million rated as critical. On questioning, Mr. Morgan clarified that the current and projected funding needs are above and beyond funding that was appropriated in the 2016 capital outlay bill.

Action Item: Albuquerque Metropolitan Area Master Plan Update; Contractor Selection Process and Task Order Assignments

Mr. Burciaga gave a status report regarding the selection of a contractor to update the Albuquerque metropolitan area master plan. Under direction provided by the commission at its June meeting, LCS staff drafted a request for task order assignment proposals. Once it is released, contractors would have 30 days to respond. The selected contractor will be updating a previous Albuquerque master plan from 2011, focusing on the needs of the Children, Youth and Families Department and the Human Services Department.

On a motion duly made, seconded and unanimously adopted, the commission directed Mr. Burciaga to release the request for task order assignment proposals. CBPC staff will review the proposals and proceed with issuing a task order assignment for the Albuquerque master plan update.

Next Meeting

Ms. Jaschke reported that due to scheduling conflicts the meeting planned for October 3, 2016 will be rescheduled to another date at the end of October. She will survey members to select another date.

Adjournment

There being no further business before the commission, the third meeting of the CBPC for the 2016 interim adjourned at 3:15 p.m.