

AGENDA OF THE UTAH STATE BUILDING BOARD

**Remote Meeting with Anchor Location
Via Zoom Meeting Platform
Wednesday, August 4, 2021
9:00 am**

Join Zoom Meeting

<https://us06web.zoom.us/j/82681356579?pwd=UUVld1c0Ym92UzV4Q0EwTU1HQUlUydZ09>

Meeting ID: 826 8135 6579

Passcode: 245576

One tap mobile: +12532158782,,82681356579#,,,,*245576# US

+13462487799,,82681356579#,,,,*245576# US

Interested persons and the general public may also attend this meeting in person at our anchor location:

Taylorsville State Office Building, First Floor, Conference Room 1400
4315 S. 2700 W., Taylorsville, Utah 84129

- (Action) 1. **Approval of Minutes of the June 2, 2021 Building Board Meeting**Tab 1
- (Action) 2. **Five Year Notice of Review and Statement of Continuation for Rule R23-32 Rules of Procedure of Conduct of Utah State Building Board Meetings**Tab 2
Mike Kelley, Assistant Attorney General
- (Information) 3. **Delegation Reports from University of Utah and Utah State University**Tab 3
Ken Nye, University of Utah
Ben Berrett, Utah State University
- (Information) 4. **Future Agenda Items**

ADJOURNMENT

Notice of Special Accommodation During Public Meetings - In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Cee Cee Niederhauser 801-957-7184 at least three days prior to the meeting. *This information and all other Utah State Building Board information is available on our web site at: <https://dfcm.utah.gov/building-board/>*



Spencer J. Cox
Governor

Utah State Building Board

Taylorsville State Office Building
4315 S. 2700 W. FL3
Taylorsville, Utah 84129
Phone (801) 957-7230

MEMORANDUM

To: Utah State Building Board
From: Jim Russell
Date: August 4, 2021
Subject: **Approval of Minutes of June 2, 2021**

Attached for your review and approval are the minutes from the June 2, 2021 Building Board Meeting.

JR: cn
Attachment

Utah State Building Board



REMOTE MEETING with ANCHOR LOCATION

Taylorsville State Office Building

Bonneville Room

4315 S. 2700 W., Fl 3

Taylorsville, UT 84129

June 2, 2021

MINUTES

Members in Attendance:

Joe Burgess, Chair
Wendell Morse
Kevin Van Tassell
Stan Plewe
William French
Lisa Barrager
Rick Fairbanks
Sophia DiCaro, Ex-Officio
Mike Kelley, Assistant Attorney General
Jim Russell, Secretary to the Board

Guests in Attendance:

Cee Cee Niederhauser	Division of Facilities Construction and Management
Darrell Hunting	Division of Facilities Construction and Management
Sarah Boll	Division of Facilities Construction and Management
Lee Fairbourn	Division of Facilities Construction and Management
Matt Boyer	Division of Facilities Construction and Management
Jenney Rees	Department of Administrative Services
Ken Nye	University of Utah
Robin Burr	University of Utah
Ross Van Vranken	University of Utah
Carson Howell	Snow College
Heidi Stringham	Snow College
Sevier County Clerk/Auditor	

Greg Paras	Department of Workforce Services
Malin Francis	USHE
Abigail Orton	Governor's Office of Management and Budget
Starlee Basinger	TSA- USAr
Sid Pawar	AJC Architects
Lori Haglund	VBFA
Aimee Fuhriman	Envision Utah
Russ Bachmeier	FFKR Architects

Others from institutions, state agencies and the general public

On Wednesday, June 2, 2021 the Utah State Building Board held a remote meeting on the Zoom meeting platform. The public was invited to attend the meeting at an anchor location in the Taylorsville State Office Building, Bonneville Room, 4315 S. 2700 W., FL3, Taylorsville, UT 84129.

Chair Burgess called the meeting to order at 9:00 A.M and welcomed board members, presenters and members of the general public.

☐ APPROVAL OF MINUTES FROM THE MARCH 10, 2021 BOARD MEETING

Chair Burgess asked for comments or corrections to the minutes from the March 10, 2021 Building Board meeting. None were brought forward.

MOTION: Stan Plewe moved to approve the minutes from the March 10, 2021 board meeting. The motion was seconded by Wendell Morse and passed unanimously.

☐ REQUEST FOR APPROVAL OF THE UNIVERSITY OF UTAH HUNTSMAN MENTAL HEALTH INSTITUTE RECEIVING CENTER

Robin Burr, Ross Van Vranken and Mark Rapaport from the University of Utah presented the University's request for design and construction of the Huntsman Mental Health Institute Receiving Center. The proposed 52,000 sf facility, would be located on a 9 acre parcel and include a receiving center, acute stabilization unit, mobile outreach team space, administration space and pharmacy and lab services. Total project cost is \$33,985,584. The project will be funded by a \$20 Million donation from the Huntsman family and \$13.7 Million from Salt Lake County. The university will not request appropriations from the Legislature for this project. Future O&M and improvement costs associated with this addition will be funded by Health Sciences revenues. A funding letter was provided for the Board.

MOTION: Wendell Morse moved to approve the design and construction for the University of Utah Huntsman Mental Health Institute Receiving Center. The motion was seconded by Rick Fairbanks and passed unanimously.

❑ REQUEST FOR APPROVAL OF THE SNOW COLLEGE RICHFIELD STUDENT HOUSING PROJECT

Carson Howell presented Snow College's request to build a 32-bed student housing facility at the Richfield campus. Snow College is having a critical housing shortage that is affecting enrollment growth at the college. Financing for this project would come from:

Institution auxiliary funds -- \$1,800,000

Loan from a banking partner – up to \$1,200,000

Sevier County Reinvestment Agency donation (over 15 years) -- \$1,000,000

Mr. Howell state the college will not seek O & M funding or capital improvements for this project now or in the future. The college would like to move forward with phase one of this project as soon as possible and be ready for occupancy by fall of 2022. A funding letter is attached as part of the informational packet.

Assistant Attorney General Mike Kelley discussed concerns with the funding for this project and questioned the banking partner loan, the ability for the college to borrow money, the security of such loan, bonding for legislative authorization and options for financing the project.

Chair Burgess recommended that the board approve the project subject to Snow College resolving the issues with financing.

Matt Boyer, representing DFCM, assured the board that DFCM would not issue a contract for the project unless the funding was securely in place.

MOTION: Wendell Morse moved to approve the Snow College Richfield Student Housing Project contingent to funding being secured or the project being scaled down to equal the funding amount. The motion was seconded by Kevin Van Tassell and passed unanimously.

❑ REQUEST FOR DECLARATION AS SURPLUS FOR THE DWS PROPERTY AT 7202 SOUTH STATE STREET, MIDVALE

Lee Fairbourn, Real Estate Program Director at DFCM requested that the state approve the declaration as surplus property for the old DWS property at 7202 S. State Street. This is a 3.87-acre parcel with a 29,575 square foot building and was built in 1988 for the Department of Workforce Services as a Job Service Center. In February, 2021 there was a major waterline break that made the facility unoccupied until the water damage was mitigated and renovations were completed. Renovations have not been fully completed at this time. The Department of Workforce Services has decided to permanently close this location and reallocate the services to other DWS facilities. As surplus property, the site will be put up for public bid for a 60-day period. Property would be sold "AS-IS" to the highest bidder of best offer. The Division of Facilities Construction and Management reserves the right to accept or reject any and all offers.

Several Board members questioned the sale of the property and suggested the property should be "land banked" for future years. There was additional discussion as to other agencies who may be interested in the property and the possibility of keeping the facility to renovate for future

use. It was noted the Governor is encouraging state workers to telework which would decrease the need for additional facilities.

Chair Burgess requested a motion for the property.

MOTION: Rick Fairbanks moved that the state delay the sale of the DWS property for 2-5 years and land bank the property for future use. The motion was seconded by Stan Plewe.

A vote was taken on the motion.

Lisa Barrager -- No	Kevin Van Tassell – No
Wendell Morse – No	Stan Plewe – Yes
William French – Yes	Rick Fairbanks – Yes

With a tied vote, the chair exercised his right to vote.

Chair Joe Burgess – No
The motion did not pass.

The Chair requested another motion.

MOTION: Kevin Van Tassell moved that the DWS Property at 7202 South State Street be declared as surplus property. The motion was seconded by Lisa Barrager.

A vote was taken on the motion.

Lisa Barrager -- Yes	Kevin Van Tassell – Yes
Wendell Morse – Yes	Stan Plewe – No
William French – No	Rick Fairbanks – No

With a tied vote, the chair exercised his right to vote.

Chair Joe Burgess – Yes
The motion passed.

FUTURE AGENDA ITEMS

Board member Kevin Van Tassell requested that DFCM provide an inventory list of state properties and suggested a presentation be made to the board concerning the state's master plan at the next board meeting. DFCM Assistant Director, Sarah Boll agreed to this assignment.

Board members expressed support for the Zoom meeting platform and encouraged that this be an option for members who have to travel long distances in the future.

Stan Plewe suggested that board members should become more familiar with the project presented and should possibly visit the sites to learn about the project.

ADJOURNMENT

MOTION: Wendell Morse moved to adjourn the meeting. The motion was seconded by William French and passed unanimously.

The meeting adjourned at 10:07 am.



Spencer J. Cox
Governor

Utah State Building Board

Taylorsville State Office Building
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Phone (801) 957-7230

MEMORANDUM

To: Utah State Building Board
From: Jim Russell, Director
Date: August 4, 2021
Subject: **Five Year Notice of Review and Statement of Continuation for Rule R23-32, Rules of Procedure for Conduct of Utah State Building Board Meetings**
Presenter: Mike Kelley, Assistant Attorney General

The Utah Rulemaking Act, Utah Code Ann. Section 63G-3-305 requires each agency to review its rules within five years of each rule's original enactment, and then within five-year intervals. To comply with the review requirement, the agency must submit a "Five-Year Notice of Review and Statement of Continuation" for each of its rules. Otherwise, the rules will expire, become unenforceable, and will be removed from the Utah Administrative Code.

The attached Rule R23-32, Rules of Procedure for Conduct of Utah State Building Board Meetings, is due for review; and therefore, the "Five Year Notice of Review and Statement of Continuation" must be filed with the Division of Administrative Rules on or before November 3, 2021.

Recommendation:

It is recommended that the Board authorize the filing of the "Five Year Notice of Review and Statement of Continuation" for Rule R23-32 at the scheduled Board meeting on August 4, 2021.

Background:

Rule R23-32 establishes procedures for the conduct of Utah State Building Board meetings and assists the public and anyone wishing to address the Building Board, whether in person or by other established means. A copy of Rule R23-32 is attached.

JR/MK: cn

Attachment: Copy of Utah Administrative Code Rule R23-32

R23. Government Operations, Facilities Construction and Management.

R23-32. Rules of Procedure for Conduct of Utah State Building Board Meetings.

R23-32-1. Purpose.

The purpose of this Rule R23-32 is to establish procedures for the conduct of Utah State Building Board meetings and to assist the public and anyone wishing to address the Building Board, whether in person or by other established means.

R23-32-2. Authority.

This Rule R23-32 is authorized under Subsection 63A-5-102(2) which directs that the Building Board "adopt rules of procedure for the conduct of its meetings." The Building Board has administrative rulemaking authority under Subsection 63A-5-103(1)(e).

R23-32-3. Definitions.

(1) "Attendance" means that person attending a Board meeting, either in person or through electronic means as authorized by this Rule.

(2) "Board" means the Utah State Building Board established under Title 63A, Chapter 5, Utah Code.

(3) "Chair" means the person appointed as Chair of the Board by the Governor pursuant to Title 63A, Chapter 5, Utah Code.

(4) "Director" means the Director of the Division of Facilities Construction and Management or duly authorized designee.

(5) "Division" means the Division of Facilities Construction and Management.

(6) "Electronic meeting" is as defined in Section 52-4-103.

(7) "GOPB Official" means the Director of the Governor's Office of Planning and Budget or duly authorized designee.

(8) "Open and Public Meetings Laws" means those laws provided by Title 52, Chapter 4, Utah Code.

(9) "Presiding Officer" means the Chair. The Chair may choose, either because of unavailability or other reason, an alternate Presiding Officer.

R23-32-4. Composition of Board.

(1) The Board consists of eight members, seven of whom are voting members appointed by the Governor for terms of four years.

(2) The GOPB Official is a nonvoting member of the Board. As a nonvoting member, the GOPB official shall not be considered as part of the quorum requirement for Board determinations. The GOPB Official shall advise the Presiding Officer of any designee appointed prior to any meeting that the designee will be attending.

R23-32-5. Calling for Meetings.

The Chair or any three voting members may call meetings of the Board. The Executive Director of the Department of Government Operations, Director or GOPB Official may also call for a meeting upon consent of the Chair.

R23-32-6. Compliance with Open and Public Meeting Laws.

All meetings of the Board shall be conducted in accordance with the Open and Public Meetings Laws. All meetings are open to the public unless closed in whole or in part pursuant to the requirements of the Open and Public Meeting Laws.

R23-32-7. Presiding Officer and Basic Responsibilities.

(1) The Chair shall be the Presiding Officer at all Board meetings when present in person or through electronic means.

(2) The Chair may choose, either because of unavailability or other reason, an alternate Presiding Officer.

(3) The Presiding Officer shall be able to make motions and have a vote on each matter before the Board. The Presiding Officer may second motions.

(4) Unless otherwise directed by vote of the Board, the Presiding Officer shall be responsible for the operation of the meeting, shall have control over the items on the agenda, the order of the agenda, time limits that are needed, and other matters that relate to the orderly running of the meeting.

R23-32-8. Administrative and Staff Services.

The Department of Government Operations shall provide administrative and staff services to enable the Board to exercise its powers and discharge its duties, and shall provide necessary space and equipment for the Board.

R23-32-9. Meetings.

Meetings shall generally be held on the first Wednesday of the month at 9:00 a.m. at the Utah State Capitol in Salt Lake City, Utah. During Legislative Sessions, the Chair and Director may determine another location. The date, time and location may also be modified by the Chair and Director at any time when it is in the interest of the Board and the public.

R23-32-10. Notice and Agenda.

(1) Notice shall be given of all meetings in accordance with the Open and Public Meeting Laws.

(2) The Director and Presiding Officer shall confer a reasonable time prior to any Board meeting as to the items to be on the agenda. The Presiding Officer shall ultimately determine the matters to be on the agenda, unless a vote of the Board has been undertaken to direct an item to be placed on the agenda. Board members may also contact the Chair about any request for agenda items.

(3) The order of business shall be in the order placed on the agenda, unless the Presiding Officer or vote of the Board alters the order of business and there is no prejudice to interested persons that may have intended to attend the meeting.

(4) Members of the Board, the Division, governmental agencies and the public may submit a request to the Secretary to the Board that an item be placed on the agenda subject to review and approval by the Presiding Officer.

(5) Each agenda shall have an item on it regarding whether there are any matters to be placed on a future agenda.

R23-32-11. Attendance, Quorum and Voting.

(1) The quorum requirement for the Board is set forth in Utah Code Annotated Title 63A, Chapter 5.

(2) For any determination of the Board, it must be approved by a majority vote of those voting members present and it must receive an affirmative vote from at least three members.

(3) Voting shall be expressed publicly when called for by the Presiding Officer. An affirmative vote shall be recorded for all Board members present that neither vote negatively nor specifically abstain. The number of affirmative, negative and abstaining votes shall be announced by the Presiding Officer, and the specific members of such votes shall be recorded by the Secretary.

(4) Members must be in attendance, including by electronic means in accordance with this Rule, in order to vote.

R23-32-12. Motions, Second to a Motion, Discussion, Continuances and Resolutions.

(1) The GOPB Official may make and second motions, but shall not vote on any motion.

(2) Items may be continued to any subsequent meeting by vote of the Board.

(3) A second to a motion is required prior to discussion by Board members.

(4) After a motion is seconded, the Presiding Officer shall ask for discussion of the matter. The Presiding Officer shall call upon those that request to discuss the matter. The Presiding Officer retains the authority to place reasonable restrictions on the discussion that assure that the discussion is orderly and relevant to the motion. After the discussion, or if no Board member desires to discuss the matter, the Board shall proceed to vote on the matter without the need for a formal call to question.

(5) The Board may enact resolutions as are appropriate under their authority.

R23-32-13. Committees.

The Board may appoint committees to investigate or report on any matter which is of concern to the Board.

R23-32-14. Order at Meetings.

(1) The Presiding Officer shall preserve order and decorum at all meetings of the Board and shall determine questions of order, which may be subject to a vote of the Board.

(2) A person or persons creating a disturbance or otherwise obstructing the orderly process of a Board meeting may be ordered to be ejected from the meeting.

R23-32-15. Robert's Rules of Order.

All matters not covered by this Rule R23-32 shall be determined by either Robert's Rules of Order, latest published edition, an abbreviated edition of Robert's Rules of Order as determined by the Presiding Officer; or with abbreviated procedures as determined by the Presiding Officer.

R23-32-16. Electronic Meetings.

(1) Purpose. Section 52-4-207 requires any public body that convenes or conducts an electronic meeting to adopt a rule governing the use of electronic meetings. This Rule R23-32-15 establishes procedures for conducting Board meetings by electronic means.

(2) Procedure. The following provisions govern any meeting at which one or more Board members appear electronically pursuant to Section 52-4-207:

(a) If one or more members of the Board desire to participate electronically, such member(s) shall contact the Director. The Director shall assess the practicality of facility requirements needed to conduct the meeting electronically in a manner that allows for the attendance, participation and monitoring as required by this Rule. If it is practical, the Presiding Officer shall determine whether to allow for such electronic participation, and the public notice of the meeting shall so indicate. In addition, the notice shall specify the anchor location where the members of the Board not participating electronically will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

(b) Notice of the meeting and the agenda shall be posted at the anchor location and be provided in accordance with the Open and Public Meetings Laws.

(c) Notice of the possibility of an electronic meeting shall be given to the Board members at least 24 hours before the meeting. In addition, the notice shall describe how a Board member may participate in the meeting electronically.

(d) When notice is given of the possibility of a Board member appearing electronically, any Board member may do so and any voting Board member, whether at the anchor location or participating electronically, shall be counted as present for purposes of a quorum and may fully participate and vote. At the commencement of the meeting, or at such time as any Board member initially appears electronically, the Presiding Officer shall identify for the record all those who are appearing electronically. Votes by members of the Board who are not at the anchor location of the meeting shall be confirmed by the Presiding Officer.

(e) The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. The anchor location shall be identified in the public notice for the meeting. Unless otherwise designated in the notice, the

anchor location shall be a room in the Utah State Capitol Hill Complex where the Board would normally meet if the Board was not holding an electronic meeting.

(f) The anchor location will have space and facilities so that interested persons and the public may attend, monitor and participate in the open portions of the meeting, as appropriate.

R23-32-17. Suspension of the Rules.

By a vote of the Board, and to the extent allowed by law, any requirement of this Rule R23-32 may be suspended when necessary to better serve the public in the conduct of a Board meeting.

KEY: Building Board, conduct, meeting procedures

Date of Enactment or Last Substantive Amendment: December 11, 2015

Notice of Continuation: November 3, 2016

Authorizing, and Implemented or Interpreted Law: 63A-5-102(2); 63A-5-103(1)(e)



Spencer J. Cox
Governor

Utah State Building Board

Taylorsville State Office
4315 S. 2700 W., FL 3
Taylorsville, Utah 84029
Phone (801) 957-7230

MEMORANDUM

To: Utah State Building Board
From: Jim Russell, DFCM Director
Date: August 4, 2021
Subject: **Delegation Reports for University of Utah and Utah State University**
Presenters: Ken Nye, University of Utah
Ben Berrett, Utah State University

Attached for your review are the Delegation Reports for the University of Utah and Utah State University.

JR: cn
Attachments