

The Need for Systematic Planning to Further SB 836 Implementation

In 2016, the Legislature sent to the Governor SB 836 which was signed into law. SB 836 provides funding for a project to address age and life-safety deficiencies in the existing State Capitol Building Annex. By long-settled law, the Legislature has the authority to reconfigure the Annex on its own initiative without prior Executive approval and the building serves as the home to the Legislative Branch of Government. (Government Code 9105-9108)ⁱ

The new annex project funding statute, SB 836 of 2016, contemplates that prior to its implementation, the Legislature will deliberate upon and choose from among possible alternatives as to the specifics of such a remedial project. This need to decide among as yet unidentified alternative choices is evident in the language of the statute at Government Code Section 9112 (a) which provides "the Joint Rules Committee may pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the State Capitol Building Annex described in Section 9105." The importance of the Legislature's early consideration of what the available choices are or may be to re-establish a well-conceived and functional "People's House" to support the work of the legislative branch of government for the next century is emphasized by SB 836's drafting in Government Code Section 9112 (b) (1) which provides "All work performed pursuant to this article shall be administered and supervised by the Department of General Services, subject to review by the State Public Works Board, pursuant to an agreement with the Joint Rules Committee."

This need to memorialize in an agreement with the Department of General Services the details of what the annex project is to entail in order to advance the work envisioned by SB 836 makes it a matter of first importance for the Joint Rules Committee to begin a process which can identify what reasonable, feasible, and desirable choices are available to the Legislature for its possible consideration.

As it happens, the Legislature is fortunate that a great many Legislatures around the United States have in recent decades undertaken very similar projects to re-examine the contemporary needs of their deliberative democracy. This includes the Legislatures of such states as Texas, Minnesota, Utah, Idaho and Wyoming.

Accordingly, these states offer many examples of safer and improved legislative facilities, with updated hearing rooms and auditoriums that have well-integrated modern technologic support, expanded and re-conceptualized visitor areas to support better civic engagement, and up-to-date technology that supports deliberations, efficiency in legislative work, and the safety and security for all who visit. Moreover, since 9/11, the prevailing understanding of the importance of public facility security and how to integrate it into designs which remain open, accessible and transparent has been greatly advanced. Indeed examples exist – such as in Buffalo, New York, and in downtown Los Angeles (where a newly completed United States Federal Courthouse recently opened) that illustrate in bricks and mortar the available kinds of choices the Joint Rules Committee may wish to integrate into decisions about how to rebuild the current Annex.

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Finally, the existence of so many rebuilt Capitols means that today there are many architects and other professionals who have broad experience in managing the renewal of these special places we call a "People's House" – sites that are symbols of American self-governance and deliberative democracy first, and buildings second.

THE IMMEDIATE NEED

The Legislature's immediate pressing need is to secure the services of an experienced architect to begin conducting site surveys, interviews of stakeholders – including the City of Sacramento – and launch the process of systematizing and bringing forward to the Legislature issues and options available to it as part of the Annex project. That necessarily includes examination of feasible alternatives, including whether it wishes to pursue "**construction of a state capitol building annex**" or, in the alternative, "**the restoration, rehabilitation, renovation, or reconstruction of the State Capitol Building Annex described in Section 9105,**" as SB 836 of 2016 frames the most basic choice which must be decided by the Legislature in the near term.

Once that is done, then the Legislature will be in a position to begin making plans for how the work is to be accommodated, how to structure responsibility for construction, and with that, all the formulation and management of the necessary bids and other processes which will be part and parcel of the actual construction.

As the Legislature's vision for the annex project is developed with greater specificity, the architect can assist the Legislature, in collaboration with the Legislative Counsel Bureau, in the drafting and proper memorializing of the Legislature's desires in the form of the agreement contemplated by Government Code Section 9112(b)(1) and (2)¹ of SB 286. *That agreement will set the terms and scope of the Legislature's delegation of the annex project work responsibility to the Department of General Services, so it is critical that the specific terms reflect the Legislature's understanding of what it wants done, how it is to be structured, and the administrative roles of the parties to the agreement.*

¹ California Government Code Section 9112(b) (1) and (b) (2).

(b) (1) All work performed pursuant to this article shall be administered and supervised by the Department of General Services, subject to review by the State Public Works Board, pursuant to an agreement with the Joint Rules Committee.

(2) The Department of General Services shall report to the Joint Rules Committee on the scope, budget, delivery method, and schedule for any space to be constructed, restored, rehabilitated, renovated, or reconstructed pursuant to this article.

MISCELLANEOUS CONSIDERATIONS

1. CAPITOL SITE DESIGN AS PLANNING ELEMENT: An architect will assist the Legislature in developing a site design plan, treating the site – including the adjacent areas in Capitol Park, as integral to the experience of visiting the Capitol for public and school kids alike. This is needed to foster a consistent approach and a thoughtful, well-integrated design plan. In contemporary terms, this will need to involve the architect in conversations with public safety members to develop and offer the Legislature alternative plans which can support accessibility and a "non-fortress" feel at the State Capitol, while perhaps separating workday traffic and entry circulation plans from general public and school group reception areas, so as to de-conflict typical, foreseeable circulation plans. The aim would be for the architectural team to present the Legislature with a number of plans and concepts so the Legislature can determine the combination of solutions that represents the best comprehensive site design for the Capitol in its downtown Sacramento setting.

2. PROMOTING THE INDIVIDUAL EFFECTIVENESS AND COLLEGIALLY OF LAWMAKERS AS A HALLMARK OF DEMOCRATIC GOVERNMENT: As the planning effort's starting point, until a different consensus emerges from Joint Rules Committee deliberations, conversation will focus on how to envision the best-adapted, secure, transparent and accessible "People's House" where state lawmakers can conduct open and accessible legislative deliberations on behalf of the people of California.

This effort should proceed with close attention to the practical matter of ensuring, whenever possible, that all facets of the design and layout fosters the institutional importance of collegiality in the work and method of the legislative branch of government.

All lawmakers are equal under the California Constitution and its home should reflect that the underlying organizational principle of Legislative work is collegiality. In California's People's House, 120 people are charged by the State's Constitution to work collaboratively to chart the future of this state. Viewed through this lens, a value for the Joint Rules Committee to weigh is the importance of minimizing the steps – and hence the time – Members will need to take when shuttling between committees, deliberating and presenting bills, when heading to caucus or the floor, or accessing support service offices.

In this connection, it can be noted that despite the many ills of the existing 1952 Annex, on this test of supporting collegiality, it does very well, by fostering strong adjacency among members and related functions.

3. FOR TODAY'S LONGER-SERVING MEMBERS, OPPORTUNITIES MAY EXIST TO USE BUILDING LAYOUT AND DESIGN TO STRENGTHEN LAWMAKER CAPACITY AND THE LEGISLATURE AS A CO-EQUAL BRANCH OF GOVERNMENT:

Winston Churchill's famed observation about architecture is that:

"We shape our buildings and afterwards they shape us. They regulate the course of our lives."

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As the Legislature envisions its office for the next century of its work, it seems reasonable to ask in a structured way how building design itself can assist, or complicate, the ability of California's 120 lawmakers to perform their daily duties. These jobs include many competing demands and given that reality, it makes sense to arrange the place where this work is performed so a lawmaker's ability to make their time as productive as possible is maximized.

For example, to make today's longer term chairs more effective and influential, considerations can be made to whether key Standing Committees, if they have migrated offsite, can be returned to the Legislature's building so staff can be re-integrated in better proximity to their Chairs? In general, a Chair that can easily and naturally engage in committee "management by walking around" is a stronger chair and will more quickly gain a commanding influence on subject matter, goal-setting, and public policy leadership and oversight – outcomes that translate into greater capacity for California's legislative branch of government. In the same way, it may make sense to bring back into the building an office where the State Auditor or Legislative Analyst can maintain a more accessible presence like that of the Legislative Counsel Bureau.

These objectives can be summed up as furthering the vital practical significance in legislative work of "proximity and adjacency" to colleagues, services, and the venues and obligations which regulate a lawmaker's routine.

4. HOW CAN PROFESSIONAL ARCHITECTURAL PLANNING ADVANCE THE LEGISLATURE'S DELIBERATION'S ON THE ANNEX AND ENABLE DECISIONS ON WHAT NEEDS TO GO IN THE AGREEMENT WITH GENERAL SERVICES SB 836 PROVIDES FOR:

A professional architectural firm can assist with defining project goals, confirming existing conditions, providing options and developing schematic plans for reorganization and construction, restoration, rehabilitation, renovation, or reconstruction of annex facilities, evaluating funding in relation to construction, and assisting with project scheduling and phasing – all of which will help guide the details of what services and support the Legislature asks the Department of General Services to provide.

With these ends in view, the qualities that California's Legislature will seek to have in architectural professionals assisting with this project are:

1. Architectural and construction industry knowledge.
2. Relevant professional experience, which given recent completion of multiple state capitol projects, can include the renovation of at least one state capitol and extensive experience assisting project leadership in weighing and evaluating design alternatives.
3. An understanding of how Legislatures do their work and the practical demands of supporting elected leaders in documenting and supporting high profile projects.

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4. Experience listening to and integrating a wide variety of user information and then providing solutions for the leaders that reflect how the building will be used by its many and varied constituencies so as to conform to and support current and future uses of a capitol building.
5. Ability to advise the Legislature on its options for how to eventually structure the construction project, i.e., what professional attributes to look for in a program manager who can act as the Legislature's lead for management of the project on behalf of the Legislature.
6. Experience and capacity for working with General Services-type agencies to integrate priorities in a constructive partnership within a state structure.
7. An ability to translate all aspects of the project to owners and interested public and press.
8. Knowledge of local codes.
9. Willingness to work with government committees and leadership.
10. Capacity and staffing to complete the project.
11. Demonstrated passion for public work.

ⁱ **9105.** The State Capitol Building Annex is the annex to the historic State Capitol, constructed to the east of the original building, situated in the area bounded by 10th, L, 15th and N Streets in the City of Sacramento.

9106. The State Capitol Building Annex is intended primarily for the use of the legislative department and, except as otherwise provided in this article, shall be devoted exclusively to such use.

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9108. The first floor of the State Capitol Building Annex is excepted from the provisions of this article. Such excepted space shall continue under the control of the Department of General Services. All other space in the State Capitol Building Annex shall be allocated from time to time by the Joint Rules Committee in accordance with its determination of the needs of the Legislature and the two houses thereof. The committee shall allocate such space as it determines to be necessary for facilities and agencies dealing with the Legislature as a whole including, but not limited to, press quarters, billrooms, telephone rooms, and offices for the Legislative Counsel and for committees created by the two houses jointly. The committee shall allocate to the Senate and Assembly, respectively, the space it determines to be needed by those houses and their committees and the officers, employees, and attaches thereof. The space thus allocated to the Senate and to the Assembly shall be allotted from time to time by the Senate Rules Committee and the Assembly Rules Committee, respectively.

9109. The determination of the Joint Rules Committee as to the needs of the Legislature shall be subject to change only by action of the committee or by concurrent resolution. If, at any time, the

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committee determines that there is space in the State Capitol Building Annex in excess of the needs of the legislative branch of the state government, it may release that space for use by the executive branch of the state government until such time as the space is needed by the legislative branch. The release shall be effected by notifying the Director of General Services that certain described space is not necessary for the use by the Legislature for the time being. Thereafter, the Department of General Services, until such time as the Director of General Services is notified that the space has become needed by the legislative branch, shall have the same jurisdiction over the excess space as if this article had not been enacted.