

STATE OF WEST VIRGINIA

Update of the PRELIMINARY PERFORMANCE REVIEW OF THE Capitol Building Commission

**There are Inadequate Controls in
Place to Effectively Manage the Plan
Review Function of the CBC**

**The Capitol Building Commission
Needs to Improve Documentation of its
Decisions**

**OFFICE OF LEGISLATIVE AUDITOR
Performance Evaluation and Research Division
Building 1, Room W-314
State Capitol Complex**

**CHARLESTON, WEST VIRGINIA 25305
(304) 347-4890**

June 2001

PE01-05-204

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WEST VIRGINIA LEGISLATURE

Performance Evaluation and Research Division

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John Sylvia
Director



June 10, 2001

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable Vicki V. Douglas
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting an Update of the Preliminary Performance Review of the *Capitol Building Commission*, which will be presented to the Joint Committee on Government Operations on Sunday, June 10, 2001. The issues covered herein are "There are Inadequate Controls in Place to Effectively Manage the Plan Review Function of the CBC" and "The Capitol Building Commission Needs to Improve Documentation of its Decisions".

We conducted an exit conference with the *Capitol Building Commission* on May 10, 2001. We received the agency response on May 16, 2001.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "John Sylvia". Below the signature, the name "John Sylvia" is printed in a smaller, sans-serif font.

JS/wsc

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Executive Summary

This report is an update of the Preliminary Performance Review of the Capitol Building Commission May 1998 report. It is conducted in accordance with the West Virginia Sunset Law, West Virginia *Code*, Chapter 4, Article 10, Section 5a. The purpose of this update is to determine whether or not the agency has complied with recommendations made in the original evaluation.

The May 1998 review identified the following issues:

- Issue 1. The Capitol Building Commission serves a needed and ongoing function.
- Issue 2. There are inadequate controls in place to effectively manage the plan review function of the CBC.
- Issue 3. The Capitol Building Commission needs to improve documentation of its decisions.

This update examines issues 2 and 3. It uses the following designations of levels of compliance.

| Table 1: Levels of Compliance |
|--|
| <u>In Compliance</u> - The CBC has corrected the problems identified in the 1998 audit report. |
| <u>Partial Compliance</u> - The CBC has partially corrected the problems identified in the 1998 report. |
| <u>Planned Compliance</u> - The CBC has not corrected the problem but has provided sufficient documentary evidence to find that the Commission will do so in the future. |
| <u>In Dispute</u> - The CBC does not agree with either the problem identified, or the proposed solution. |
| <u>Non-Compliance</u> - The CBC has not corrected the problem identified in the 1998 audit report. |
| <u>Requires Legislative Action</u> - The recommendation was intended to call the attention of the Legislature to one or more statutory issues. |

The Capitol Building Commission is in **Non-Compliance** for recommendations 2 and 4, and **Planned Compliance** for recommendation 3 in issue 2, and **In Compliance** for all recommendations in issue 3.

Background

The Legislative Auditor issued a preliminary performance review in 1998 which stated that the Capitol Building Commission (CBC) fulfilled a necessary function, had reviewed a large number of Capitol Complex projects between 1990-1998, was cost effective, and was similar to review functions in other states.

The CBC was created in 1976, terminated in 1986, and reestablished in 1990. **The CBC's function is to ensure that work performed within the Capitol Complex does not have detrimental effects on its appearance.** The occurrence of negative physical changes to the Capitol Complex that are substantial or permanent, could be costly to restore, or costly with respect to the loss of historical and structural integrity.

The 1998 review stated that **sometimes projects in the Capitol Complex are implemented without CBC approval.** The WV Code §4-8-1 gives the CBC authority to review and approve or reject all plans that involve substantial physical changes in the Capitol Complex. Furthermore, the Commission's approval is mandatory before any contract can be let for work, or before any work can be done if the work is not under a contract.

The Deputy Director of General Services within the Department of Administration stated that there are no established procedures for a formal permitting process to allow all building alterations to be reviewed. In addition, agencies often contract with private vendors without advising either the Capitol Building Commission or General Services.

One cause of lack of procedure is that **some agencies do not know that projects requiring major changes to the Capitol Complex require Commission approval.** Another procedural problem is that **it is not clear what types of projects are required to be reviewed by the CBC.** The Commission's statute and rules do not provide specific examples of what type of work is required to be reviewed.

The 1998 review also dealt with the need to inform all agencies and buildings in the Capitol Complex **at least annually of their statutory requirement to submit projects to the CBC before work is started.** The Legislative Auditor found that **the minutes of the CBC did not satisfactorily maintain the final actions of the CBC.** The Commission did not maintain a journal and therefore did not provide the public or the Legislature with adequate information on the final actions taken. The lack of this information detracted from the accountability of the Commission.

Since the 1998 review, four people have functioned as CBC Chairman. The most recent Chairman of the Capitol Building Commission was not aware of the Legislative Auditor's 1998 report. Upon being informed of the report, the Chairman and her staff made immediate plans to comply with the recommendations contained in the report.

Issue 2: There are Inadequate Controls in Place to Effectively Manage the Plan Review Function of the CBC.

Recommendation 2:

The Capitol Building Commission should inform State agencies at least annually of their statutory responsibility to submit projects to the CBC before work is started.

Level of Compliance: Non-Compliance

The Legislative Auditor was unable to find any verification that the Capitol Building Commission had attempted to act on this recommendation. During this period of time, projects took place which did not receive any review by the CBC.

One example was the project to replace a slate roof on Holly Grove. This was 11 months after the Legislative Auditor's review. Correspondence indicates that there was considerable confusion on the part of Holly Grove about the procedure to obtain approval from the CBC for this project.

As a result of the Legislative Auditor's request for information regarding actions taken by the Commission, the current CBC Chairman reviewed the recommendations made in 1998 and stated:

These issues have been put on the agenda to be discussed at our next Capitol Building Commission meeting. Following that meeting, a letter will be drafted notifying the Capitol Complex "family" of the mandatory requirement to submit plans for approval to the Commission. We will also adopt a policy of notifying the Capitol Complex "family" of these requirements annually.

Recommendation 3:

The General Services Division should make it standard procedure to inform all private vendors of their statutory responsibility to submit project plans to the CBC. General Services should also inform the CBC of any work being done by outside contractors.

Level of Compliance: Planned Compliance

The Cabinet Secretary of the Department of Administration is the only ex-officio member of the Capitol Building Commission. This recommendation is directed to General Services (a division under the Department of Administration), given that the Capitol Building Commission cannot direct the actions of General Services.

Following the 1998 report, the Capitol Building Commission decided that the Secretary of

the Department of Administration would inform the Director of Purchasing that the Commission must approve all plans for renovation before the work begins in order to ensure that the CBC is informed, and approves all renovation within the Capitol Complex. The Director of Purchasing confirmed that he was verbally notified of this decision.

Upon review of the 1998 report, the current Chairman of the Capitol Building Commission stated:

Following our April 30, 2001 meeting General Services Division will be notified by letter... that they make it standard procedure to inform all private vendors of their statutory responsibility to submit project plans to the CBC. They will also be asked to comply with the request that they inform the CBC of any work being done by outside contractors. Again, our policy will be to annually notify General Services of these requirements. (Emphasis added.)

However, neither the 1998 action of the CBC, nor the current plan would be completely effective, in that both the judicial (Supreme Court) and the legislative branches (House and Senate) are exempt from the Department of Administration's purchasing procedures. As the Deputy Director of General Services noted, General Services is not always advised of projects and the correct procedures are often ignored.

Recommendation 4:

Either the statute governing the Capitol Building Commission should be amended or the Capitol Building Commission should adopt new legislative rules to use clear definitions of important terms, as well as specific examples that illustrate the types of projects to be reviewed.

Level of Compliance: Non-Compliance

The agency has not proposed amended statutory language. The Secretary of State indicates that no changes have been submitted regarding the procedural rules of the Capitol Building Commission, and no new rules have been promulgated. The existing rules were in effect at the time of the 1998 review.

The Capitol Building Commission adopted a policy in May 1998 investing the Chairman with the authority to make a pre-determination of whether a project needed to be brought before the CBC. This policy has remained in effect. In order to address the specific recommendation, the current Chairman stated that:

The Capitol Building Commission will address in our CBC meeting on April 30, 2001 Recommendation No. 4 regarding the need to provide clear definitions of important terms, as well as specific examples that illustrate the types of projects to be reviewed. A clearer definition of the types of changes that should be reviewed by the CBC and modifications in the rules will be discussed. Information regarding types of projects to be reviewed will be included in the letters which will be sent to the Capitol Complex "family" notifying them of the mandatory requirement to submit plans for approval to the Commission.

Issue 3: The Capitol Building Commission Needs to Improve Documentation of its Decisions.

Recommendation 5:

The Capitol Building Commission should maintain a separate journal of its actions, or improve the documentation of the minutes to clearly indicate relevant dates and other facts of the Commission's final actions.

Level of Compliance: In Compliance

Although the Capitol Building Commission did not specifically comply with the Legislative Auditor's recommendations for journal content, it did establish a "Journal of Projects." The journal contained: 1) The name of the project, or request; 2) The date of decision; 3) Letter sent. This journal contained approximately 41 entries regarding 22 projects dated through 12/11/00. The original review of the Legislative Auditor contained a list of six important facts shown below which should be documented in the journal.

1. The date a project was first submitted for review;
2. The date a final decision was made;
3. Was the decision made within the statutory 90 day decision period?
4. Were there any dissenting votes?
5. If there were dissenting votes, what were the areas of concern?
6. If a project was denied, what was the final vote and what were the reasons the project was denied?

The Chairman of the CBC examined the journal in its current form, and concluded that the journal "*does not provide accurate accounts of our projects.*" She continued, "*We have therefore developed a new journal which will clearly indicate relevant dates and other facts of the Commission's final actions.*" A copy of the new journal shows that the CBC is now tracking information according to the six areas originally suggested in the Legislative Auditor's review. The Chairman also stated that the CBC will strive to improve documentation of meeting minutes, and will keep all pertinent information either with the minutes, or in a separate file drawer.

Recommendation 6:

The Capitol Building Commission should inform State agencies of its approval or rejection of projects in writing as required by law.

Level of Compliance: In Compliance

Following the 1998 review of the Capitol Building Commission, the CBC began to issue

letters stating its approval or rejection of projects presented to the Commission. However, of 22 projects considered by the Commission, only four letters were sent because new personnel were not informed of the procedure to be followed. The current Commission Chairman stated "*In the future [this] procedure will be carried out. Letters detailing decisions made in the most recent CBC meeting of March 26, 2001 have already been mailed.*"

Conclusion

The Capitol Building Commission is attempting to comply with the Legislative Auditor's 1998 recommendations. However, the transition from the former Chairman to the present Chairman has revealed the problem of inconsistent functioning. The CBC should implement a procedure to ensure that new staff are always provided basic information concerning the Commission. Materials regarding past and pending actions should be included. Such a procedure would assist in maintaining the work of the Capitol Building Commission. Without such procedures, the operation and effectiveness of the Commission may be affected. In addition, the present Chairman has experienced some difficulty in establishing a quorum at CBC meetings. This problem greatly affects the Commission's ability to review, and act upon requests in a timely fashion.

APPENDIX A
Transmittal Letter to Agency

WEST VIRGINIA LEGISLATURE

Performance Evaluation and Research Division

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

May 8, 2001

Ms. Nancy Herholdt, Chairman
Capitol Building Commission
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0300

Dear Ms. Herholdt:

Enclosed is a draft copy of the Update of the Capitol Building Commission Preliminary Performance Review. Michael Midkiff and myself are looking forward to meeting with you Thursday, May 10 at 10 A. M at the Division of Culture and History for an exit conference. At that time we can discuss any concerns you may have with the report.

I appreciate the assistance received from your executive assistant in providing documents and other information in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail Higgins".

Gail Higgins
Research Analyst

Joint Committee on Government and Finance

APPENDIX B

Agency Response

**RESPONSE TO THE UPDATE OF THE
PRELIMINARY PERFORMANCE REVIEW OF THE
CAPITOL BUILDING COMMISSION**

MAY 16, 2001

**SHEILA ALLEN, COMMISSIONER'S ASSISTANT
DIVISION OF CULTURE & HISTORY
558-0220 / EXTENSION 113**



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

May 14, 2001

John Sylvia, Director
Legislative Auditor's Office
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Mr. Sylvia:

I have received the Update of the Preliminary Performance Review of the Capitol Building Commission. There were three issues you addressed and I would like to respond to each of them:

ISSUE 2: There are inadequate controls in place to effectively manage the plan review function of the Capitol Building Commission.

Recommendation 2: The Capitol Building Commission should inform State agencies at least annually of their statutory responsibility to submit projects to the CBC before work is started.

Level of Compliance: Non-Compliance

This issue was discussed in the Capitol Building Commission meeting of April 30, 2001 (see minutes) and a decision was made to notify the Capitol Complex "family" in writing of their statutory responsibility to submit projects to the Commission for approval before proceeding with any work. PLEASE SEE ATTACHED NOTICE AND MEMORANDUM **LABLED "A"**.

Recommendation 3: The General Services Division should make it standard procedure to inform all private vendors of their statutory responsibility to submit project plans to the CBC. General Services should also inform the CBC of any work being done by outside contractors.

Level of Compliance: Planned Compliance

This issue was also discussed in the CBC meeting of April 30, 2001 and a decision was made to send a letter of request annually to General Services Division asking them to make it standard procedure to inform all private vendors of their statutory responsibility to submit project plans to the CBC. General Services will also be requested to inform the CBC of any work being done by outside contractors. PLEASE SEE ATTACHED LETTER **LABLED "B"**.

Recommendation 4: Either the statute governing the Capitol Building Commission should be amended or the Capitol Building Commission should adopt new legislative rules to use clear definitions of important terms, as well as specified examples that illustrate the types of projects to be reviewed.

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EEO/AA EMPLOYER

Level of Compliance: Non-Compliance

This issue was also discussed in the CBC meeting of April 30, 2001 and it was decided that a clearer definition of the types of projects that should be reviewed by the Capitol Building Commission will be outlined in the letters which will be sent to the Capitol Complex "family" notifying them of the mandatory requirement to submit plans for approval to the Commission. PLEASE SEE ATTACHED MEMO LABELED "A".

ISSUE 3: The Capitol Building Commission Needs to Improve Documentation of its Decisions.

Recommendation 5: The Capitol Building Commission should maintain a separate journal of its actions, or improve the documentation of the minutes to clearly indicate relevant dates and other facts of the Commission's final action.

Level of Compliance: In Compliance

SEE ATTACHED MINUTES FROM THE MEETINGS OF MARCH 26, 2001 AND APRIL 30, 2001 LABELED "C"; AND "JOURNAL OF PROJECTS" CHART DOCUMENTING DECISIONS MADE, LABELED "D".

Recommendation 6: The Capitol Building Commission should inform State agencies of its approval or rejection of projects in writing as required by law.

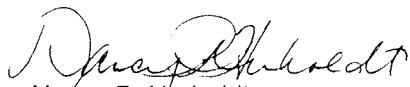
Level of Compliance: In Compliance

SEE ATTACHED LETTERS OF NOTIFICATION THAT WERE MAILED FOLLOWING THE MARCH 26, 2001 AND APRIL 30, 2001 CBC MEETINGS. THESE LETTERS ARE LABELED "E".

In conclusion, the Capitol Building Commission is attempting to comply with the Legislative Auditor's 1998 recommendations. The transition from the former Chairman to the present Chairman has revealed the problem of inconsistent functioning. The CBC has implemented a procedure to ensure that new staff are always provided basic information concerning the Commission. Materials regarding past and pending actions will be included and such a procedure will assist in maintaining the work of the Capitol Building Commission. SEE ATTACHED COVER SHEET LABELED "F" WHICH IS NOW INCLUDED IN THE FRONT OF THE CAPITOL BUILDING COMMISSION MINUTES NOTEBOOK.

If you have any questions or need additional information you may contact me at 558-0220.

Sincerely,



Nancy P. Herholdt
Commissioner

NOTICE

RULES FOR CAPITOL COMPLEX ALTERATIONS

ARTICLE 8. CAPITOL BUILDING COMMISSION

S4-8-4 POWERS AND DUTIES GENERALLY

THE CAPITOL BUILDING COMMISSION SHALL REVIEW AND APPROVE OR REJECT ALL PLANS RECOMMENDING SUBSTANTIAL PHYSICAL CHANGES INSIDE OR OUTSIDE THE STATE CAPITOL BUILDING OR SURROUNDING COMPLEX, INCLUDING THE PUBLIC MEETING ROOMS, HALLWAYS AND GROUNDS, WHICH AFFECT THE APPEARANCE THEREOF. THE APPROVAL OF THE COMMISSION IS MANDATORY BEFORE A CONTRACT MAY BE LET FOR WORK WHICH CONSTITUTES A SUBSTANTIAL PHYSICAL CHANGE OR BEFORE CHANGES ARE STARTED IF THE WORK IS NOT DONE UNDER CONTRACT.

FOR MORE INFORMATION CONTACT NANCY HERHOLDT, CHAIRMAN,
CAPITOL BUILDING COMMISSION, THE CULTURAL CENTER,
CHARLESTON, WV 25305
(304) 558-0220
NANCY.HERHOLDT@WVCULTURE.ORG



MEMORANDUM

TO: Cabinet Secretaries
Commissioners
Agency Directors
Administrators

FROM: Nancy Herholdt
Commissioner

DATE: 05-15-01

RE: Rules for Capitol Complex Alterations

The Capitol Building Commission has been established by the Legislature to review and approve, modify or reject any substantial physical or aesthetic changes that alter the Capitol Building or surrounding complex. The approval of the commission is mandatory before a contract may be let for work which constitutes a substantial physical change, or before changes are started if the work is not done under a contract. Substantial physical changes refers to permanent physical changes that alter the structural integrity or aesthetic beauty of the public areas of the capitol building and surrounding complex, but does not include renovations or repairs needed to maintain the capitol building and surrounding complex. Changes such as painting, paneling, partitions and drop ceilings do not need Commission approval, however, the proposed plans and information should be passed on to the Commission for its use and information.

Pursuant to ***West Virginia Code §4-8-5*** any contracts or purchase orders relating to renovations to any building within the Capitol Complex shall not be bid or executed until approval has been obtained by the Capitol Building Commission.

Please submit your plans for approval before beginning such projects. Plans should be submitted to Nancy Herholdt, Chairman, Capitol Building Commission, The Cultural Center, Charleston, West Virginia 25305. The commission must act upon proposals within ninety (90) days of receipt.

Our capitol building, designed by Cass Gilbert, is one of the most beautiful capitols in America. It is the intention of the commission to preserve and protect it with the utmost dignity. The Historic Preservation Section of the Division of Culture and History is offering consulting services to any agency who may have questions about the appropriateness of renovation projects.

If you have any questions or comments, you may call Nancy Herholdt at 558-0220 extension 112, or e-mail her at the following address: nancy.herholdt@wvculture.org.

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EEO/AA EMPLOYER

A



May 14, 2001

David M. Pentz, Director
Department of Administration
Building 1, Room MB-60
1900 Kanawha Boulevard East
Charleston, WV 25305

RE: Rules for Capitol Complex Alterations

Per the West Virginia Legislature Performance Evaluation and Research Division, we are requesting that General Services Division make it standard procedure to inform all private vendors of their statutory responsibility to submit project plans to the Capitol Building Commission for approval.

The Capitol Building Commission has been established by the Legislature to review and approve, modify or reject any substantial physical or aesthetic changes that alter the Capitol Building or surrounding complex. The approval of the Commission is mandatory before a contract may be let for work which constitutes a substantial physical change, or before changes are started if the work is not done under a contract. Substantial physical changes refers to permanent physical changes that alter the structural integrity or aesthetic beauty of the public areas of the capitol building and surrounding complex, but does not include renovations or repairs needed to maintain the capitol building and surrounding complex. Changes such as painting, paneling, partitions and drop ceilings do not need Commission approval, however, the proposed plans and information should be passed on to the Commission for its use and information.

Also, pursuant to **West Virginia Code §4-8-5** any contracts or purchase orders relating to renovations to any building within the Capitol Complex shall not be bid or executed until approval has been obtained by the Capitol Building Commission.

The Capitol Building Commission is also requesting that General Services Division inform us of any work being done by outside contractors.

We appreciate your cooperation in this matter. If you have any questions or require additional information you may contact me at 558-0220, Extension 112.

Sincerely,


Nancy P. Herholdt
Commissioner

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B

CAPITOL BUILDING COMMISSION MINUTES

The Cultural Center

April 30, 2001

A meeting of the Capitol Building Commission was called by Nancy Herholdt, Chair, pursuant to a written notice dated March 16, 2001 and filed with the Secretary of State's office in compliance with West Virginia Code, Section 6-9a-3.

The meeting was called to order by Chairperson Nancy Herholdt at 10:00 a.m. Members attending were Nancy Herholdt, Chair, David M. Marshall, Larry Swann and Betty Lee Wampler via conference call. Others attending were Fred Armstrong from Archives and History, Katherine Jourdan, State Historic Preservation Office, Tim Lee, Director of Operations and Maintenance, General Services; David Pentz, Director of General Services, Bill Pauley, Deputy Director of General Services; Donna Prunty, Executive Coordinator, Department of Administration; Mary Jo Glendenning from the Secretary of State's Office, Chuck Starcher, Director of Protective Services, and Sheila Allen.

Minutes of the meeting of March 26, 2001, which had been previously mailed to members were reviewed and approved.

NEW BUSINESS

Security Cameras for Capitol Complex: Mr. Chuck Starcher, Director of Protective Services, distributed copies of photos of security cameras throughout the capitol complex and discussed what he has done so far. He stated they have not had any negative comments from anybody and that most people do not even know the cameras are up. Protective Services will continue to do the same quality of work that they have been doing over the past couple of years. Cameras which had been placed previously will gradually be replaced by new models which are being put in now. (See pages 214A-P).

Convert Main Vault Area in Secretary of State's Office to Office Space: Mary Jo Glendenning, Director of Personnel, Secretary of State's Office, discussed their proposal and submitted drawings for the main vault area being converted into office space (See page 215). She stated that the wall is terracotta and plaster so there will be no problem cutting into the wall. Also, the designer has actually worked into the vault area a memorial section on the entire wall directly to the right after entering through the vault door, which will show the original structure. The original steel vault door will be retained and a new entrance will be installed. The stations have changed a little bit from the first drawing for fire code reasons. This makes the room more public friendly, which was a general concern.

Chairperson Herholdt stated that what is there now has been disturbed, some things have already been removed from that wall. The long end, the farthest wall away from the vault door, has not been disturbed. But when you get to the vault door and look at the top you can see where adjustments have been made and things have been removed, so if that is the section chosen to keep with the design, it will need to be restored. Fred Armstrong stated that that is correct and that it appears that what would be, as Nancy stated, directly into the vault room from the existing vault door, into that corner, both the long wall and the short wall appear to have been adapted by somebody at some time. Mr. Armstrong stated that if what they have is where you have pieces of the original coming together and it is not a perfect fit that would have existed originally as it does in the far corner, it might be that you could cut into the far corner and just move this down there. He stated he has not studied it from that approach, he would have to measure to see if they could actually lift out one segment of the ledger book file and then have one segment of the document storage containers on top of that. There may be some section in there that would accommodate such, but he did not look at it from that perspective.



It was questioned whether arrangements have been made on storage. Fred Armstrong stated that he does not have the storage area. A critical factor would be storage in a place that would be the least subject to moisture, if it could be in a place where it is definitely going to be dry. He stated the metal will probably last forever, but if it is in an area where it will be susceptible to moisture, either direct moisture or by changes in humidity, then he would say that it would pose a problem, because they are all metal except for the roller portion of the ledger units.

David Pentz, Director of General Services, stated that they have access to a lot of different small rooms and by the next meeting they will let the Commission know if they can store that material. Fred Armstrong said that if they can be stored in the dome area he would say that in the absence of a room that has total humidity and temperature controls, that would probably be about the best location over there.

Betty Wampler stated that she thought Fred Armstrong was going to take the records in the Cultural Center, but maybe she misunderstood. *

***Following the meeting, Fred Armstrong sent a memo to Commissioner Herholdt with a copy to Betty Wampler stating that he did not make this statement and that he had informed the Secretary of State's Office that the West Virginia State Archives was willing to work with them to appraise these records to determine their historical value and to advise on proper disposition, whether they were records of enduring or historical value and should be transferred to the State Archives or, if not, placed in records storage until retention period reached or disposed of if lacking sufficient historical value (see attached memo, Page 216)**

Chairperson Herholdt stated that the records are not the issue, it is the furnishings, the shelving and the cans that are being discussed. The records will be assessed by the Archives staff.

A discussion was held regarding the vault door and it was stated that the vault door will remain as it is now, the staff members will use it to get in and out just as it is the main entrance and only entrance right now. Nothing on the vault door will be touched. Chairperson Herholdt asked if there is any merit to considering flipping the two sides, as you go through the vault door, could the work unit on the left be in the right hand corner? She stated she was raising the issue because the right wall would be less of a restoration project and it is the cleaner corner also. She stated, "There is some kind of vent or something over the years that has been put into the other corner that kind of makes it jut out there. This might have been the reason that that has been broken up. If this work unit would work over here, then there would be less to restore." Mary Jo Glendenning said that this was considered but is not a possibility. A discussion was held regarding who will restore the corner and Ms. Glendenning said that she has not yet checked into the restoration part of it yet. Chairperson Herholdt asked if that is a separate contract from what they are planning to do, and Ms. Glendenning said absolutely. General Services stated that this will be their responsibility and they do not see it being a problem at all. Chairperson Herholdt wanted to know who documents what before anything is disturbed and how clearly it is documented. She questioned whether photographs would be taken and if every effort would be made to document this before it was dismantled. General Services stated that this is normal procedure for their department. A copy will be sent to Archives.

A motion was made to accept the Secretary of State's proposal to renovate the vault for a new use and to maintain a "memorial" to the existing storage canisters, and that the new door should replicate the existing doors within the Secretary of State's office. The motion was seconded by Betty Lee Wampler; motion passed.

Bust of Anna Jarvis to be Placed in the Capitol: Thunder on the Tygart, Inc., a non-profit Foundation for Education and Preservation, responded in a letter dated April 5, 2001 with more information on the bust of Anna Jarvis which they previously requested be placed in the Capitol. (See attached letter, Page 217).

The foundation has not yet commissioned the bust to be done. They are inquiring if it is permissible and what they need to do to fulfill the guidelines. Betty Lee Wampler questioned where the bust is going and Chairperson Herholdt stated that this has not been determined and stated that in the past there has been a committee put together to deal with sculptures and their creation and this can again be done if that is the way the Commission should proceed. Generally employees of the Division of Culture & History have served on such committees in the past.

David Marshall made a motion to approve the concept of an Anna Jarvis Bust and wait to see a rendered copy in the future for approval; seconded by Betty Wampler; motion approved. Olive Crow, Director of Thunder on the Tygart, Inc., will be notified that their foundation will be given some guidance by an Advisory Committee that will be put together to work with them on the bust.

Bust of Senator Jennings Randolph in the Capitol: Chairperson Herholdt discussed a letter from Senator Rowe dated April 12, 2001 in which he requested information regarding a statue which has been placed in the State Capitol honoring Senator Byrd. He wanted to know if the same means could be used to place a statue honoring Senator Jennings Randolph.

Chairperson Herholdt read her reply to Mr. Rowe which was sent on behalf of the Commission (see letter, Page 218). Commission members asked if Senator Rowe has responded to this letter and Chairperson Herholdt said that she has not yet heard back from him. At this time the CBC will wait to see if Senator Rowe comes back with an appeal to be considered, and just take this one step at a time.

MISCELLANEOUS BUSINESS

ADA Braille Signage in Capitol: A discussion was held regarding ADA signage compliance in the Capitol. Donna Prunty stated the Capitol building does not meet some of the criteria for ADA and will have to put up signs that identify committee rooms and put room numbers for all delegates and senators. She stated one of the concerns is there are going to be a lot of signs, every office room number will have to have a Braille sign. All of the delegates, senators, and committee rooms will need signs; however, probably names will only be on Clerk's offices and Committee rooms. Ms. Prunty also stated that she has requested information on what other main offices would require some kind of ADA Braille signage. She stated that she does not have any samples and would like to look at anything that has been approved in the past. If there are no samples, she will just let them give some samples. One of the concerns is that some of the ADA restroom signs that they have been adding as they have been remodeling are actually in the marble and there were some concerns that maybe there should be something that will stick to the marble so that if the rooms change it does not permanently damage the marble. This probably could not be done with bronze as it would probably be too heavy. She is unsure what is available at this point but just wanted to let the Commission know that this is an issue that is being worked on and that the Capitol Building Commission will need to approve the signs before they are purchased. Chairperson Herholdt asked if all of the options have been looked at and Donna Prunty said no, she was hoping to bring the samples with her this morning but none were available. General Services stated that certainly access for the physically disabled or handicapped is an important issue, but they have to be very careful in this case because it could start a snowball effect; there are a lot of areas in the capitol that do not meet existing ADA requirements and we are not required to meet them due to the age of the building. That does not mean there has not been an interest in trying to do things, but if you look to replacing all of the door hardware fixtures with handicap levers, you are talking millions of dollars, so yes there are things that certainly need to be done with the committee's approval and review to greatly enhance the access and ease of usage, but it does bring forth many more issues such as a huge funding issue, not only in terms of this door but thousands of doors and millions of dollars.

Donny Prunty stated that initially the senate and the house wanted to do this and they will pay for it out of their budgets, their legislative expense budgets, the signage for all of the senators and delegates offices and committee rooms because there have been some complaints that the room numbers are just painted on the glass and blind people cannot find the rooms. That is something she knows is going to proceed because she has met with the individuals from both of those legislative branches and they are looking at signs right now.

General Services stated that part of that specific process as well is matching the office numbers to the floor because if you try to get anywhere in the Capitol, depending on which wing, or if you are in the main building, it is difficult to determine what floor you are trying to get to. It was stated that there has never been a common sense American system applied to the whole facility, so if you are going to be looking at the expense of engraved bronze with Braille, you probably should also look into coming up with a number coding sequence that makes sense, so when you get on the elevator and push 2 you are not going to the 4th floor. Donna Prunty stated that the office numbers are even numbers on one side and odd on the other so there is a sequence to the numbering. It is just the elevator problem, and the elevator is a problem, when you punch 2 and get off on the 4th floor, it is confusing. She stated she is currently in a holding pattern until she gets the samples to come forward, but it is something she is willing to walk the CBC through and show what the ideas are.

Chairperson Herholdt introduced Katherine Jourdan who works with our National Register Properties and stated that she may have something to contribute to the situation. Ms. Jourdan stated that Susan Pierce and she will be glad to go over and take a tour with Ms. Prunty. It was decided that another CBC meeting will be scheduled when the plans are further along.

Governor's Mansion Repairs: David Pentz updated the CBC on the Governor's Mansion repairs. A mandatory pre-bid meeting is scheduled for May 8, 2001. The interested parties who are going to do the work are required by law to be there to answer questions. They will proceed from there with bid openings, etc. They are looking at approximately 90 days to turn this job around and that includes drawings and actual work on site to the completion of the project. Bill Pauley and David Pentz will be meeting with Sandy Wise 05-01-01 to go over some of the details of this project and just wanted to update the Capitol Building Commission and say thank you very much for their support.

Preliminary Performance Review of the Capitol Building Commission: Chairperson Herholdt stated that the Capitol Building Commission is going through a performance review and briefed the Commission on this review. Basically there are some things that needed to be addressed based on a review of 1997. There are three areas to concentrate on. A lot of it is based on formal follow-up correspondence to all of the decisions made at the Commission meetings, which apparently has not been historically the case. This is why there were better responses to Senator Rowe and responses to other issues addressed in the last meeting. These responses were in writing and show what happened and what the discussions were. This will protect us on the decisions that are made. We have made a tracking system whereby we will be able to follow what decisions are made and when they are made. In reviewing the older files, a lot of things are unclear. The items raised and actions to be taken include:

1. The need for better communication between the Capitol Building Commission and government agencies in the Capitol Complex. Agencies should be informed periodically of the mandate to submit plans to the Commission before proceeding with any work. Adopt a policy of notifying the Capitol Complex "family" of these requirements annually.

2. Notify General Services Division that they make it standard procedure to inform all private vendors of their statutory responsibility to submit project plans to the CBC. General Services should also inform the CBC of any work being done by outside contractors. Adopt a policy of notifying General Services annually of these requirements.
3. Either the statute governing the Capitol Building Commission should be amended or the Capitol Building Commission should adopt new legislative rules to use clear definitions of important terms, as well as specific examples that illustrate the types of projects to be reviewed. Information should be included on letter which will be sent to Capitol Complex "family".

A discussion was held and it was decided that an annual letter will be sent to all Department Heads and all constitutional officers reminding them to please be mindful of the Capitol Building Commission when considering renovations.

There being no further business, the meeting was adjourned at 11:00 a.m.

Respectfully submitted

Betty Lee Wampler
Secretary

C



MEMO

To: Nancy Herholdt, Commissioner
Division of Culture and History

From: Fredrick H. Armstrong, Director *JHP*
Archives and History

Date: May 1, 2001

Re: Capitol Building Commission Minutes, 26 March 2001

In reviewing copy of minutes approved as correct at today's meeting I must ask that an addendum to these minutes be made. Commission member Wampler's question today regarding disposition of the record books in the Secretary of State's Office became clear to me when I read these minutes. They state, "Fred Armstrong previously indicated a willingness to store the large red books and make them accessible to the Secretary of State's office as well as the general public." I did not make this statement before, during or after this meeting. I had informed and did inform the Secretary of State's Office that the West Virginia State Archives was willing to work with them to appraise these records to determine their historical value and to advise on proper disposition whether they were records of enduring or historical value and should be transferred to the State Archives or, if not, placed in records storage until retention period reached or disposed of if lacking sufficient historical value. In reply to Secretary Wampler's question today I provide a brief statement to same effect. It would not be correct to have the record state that the State Archives was providing what the minutes of 26 March state.

Thank you for making this factual correction.

FHA/sjn

cc: Ms. Betty Wampler

THE CULTURAL CENTER • 1900 KANAWHA BOULEVARD, EAST • CHARLESTON, WEST VIRGINIA 25305-0300
TELEPHONE 304-558-0220 • FAX 304-558-2779 • TDD 304-558-3562
EEO/AA EMPLOYER

C

CAPITOL BUILDING COMMISSION
Journal of Projects

1. The date the project was first submitted for review.
2. The date a final decision was made.
3. Action taken.
4. Areas of Concern
5. Future Actions to be Taken
6. Final Vote.

| PROJECT | Date Project Was Submitted | Date of Final Decision | Decision within 90 day period? | Action Taken | Areas of Concern | Future Actions to be Taken | Final Vote |
|--|----------------------------|------------------------|--------------------------------|--|--|---|---------------------------|
| Convert main vault area in Secretary of State's Office into office space | 02-26-01 | 04-30-01 | | Letter mailed | 1. Storage of remaining cans 2. Vault door 3. What will be kept, what will be removed 4. More specific proposal requested | Will be voted on after requested information is submitted. | Approved 04-30-01 |
| Bust of Anna Jarvis to be placed in Capitol | 03-05-01 | 04-30-01 | | Letter mailed | 1. What material is being used 2. Will guidelines be followed 3. Specific proposal requested 4. Guidelines sent | Will be voted on after requested information is submitted. Concept approved 04-30-01 with request to meet with advisory committee to present drawings and scaled down version of proposed bust | Concept approved 04-30-01 |
| Bust of Senator Jennings Randolph to be placed in Capitol | 03-09-01 | 03-26-01 | Yes | Letter mailed | Guidelines state "Commemorative and memorial objects shall not be approved for individuals within less than 50 years after the death of the individual". | Copy of guidelines sent | Not Approved |
| Repair of Governor's Mansion | 03-19-01 | 03-26-01 | Yes | Letter mailed | No areas of concern | | Approved |
| Cultural Center Signage | 03-12-01 | 03-26-01 | | To be discussed in future meeting | To be discussed in future meeting | | |
| West Virginia Coal Miner Statue | 03-23-01 | | | Placed on hold - to be discussed at a future meeting | | | |



**STATE OF WEST VIRGINIA
CAPITOL BUILDING COMMISSION**

The Cultural Center - 1900 Kanawha Boulevard, East - Charleston, WV 24305 - 304/558-0220

May 9, 2001

Mary Jo Glendenning
Director of Personnel
Secretary of State's Office
Building 1, Suite 157-K
1900 Kanawha Boulevard East
Charleston, WV 25305-0770

RE: Conversion of vault area into office space

Dear Ms. Glendenning:

At its meeting of April 30, 2001 the Capitol Building Commission approved the Secretary of State's proposal to renovate the main vault area for a new use and to maintain a "memorial" to the existing storage canisters. It is also the Commission's decision that the original steel vault door remain and that the new door replicate the existing doors within the Secretary of State's office.

If you have any questions or need additional information you may call me at 558-0220.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy P. Herholdt".

Nancy P. Herholdt
Chair

Nancy P. Herholdt, Chair
David M. Marshall * Larry D. Swann * Henry W. Thrasher * Betty Lee Wampler
Greg Burton, ex officio

E



**STATE OF WEST VIRGINIA
CAPITOL BUILDING COMMISSION**

The Cultural Center - 1900 Kanawha Boulevard, East - Charleston, WV 24305 - 304/558-0220

March 28, 2001

David Pentz, Director
General Services Division
Department of Administration
State Capitol
Charleston, WV 25305

RE: Governor's Mansion Repairs

Dear David:

At its meeting on March 28, 2001, the Capitol Building Commission approved plans for Phase I of Nvisions proposed architectural improvements to the Governor's mansion.

Please feel free to proceed with the renovations as discussed.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Herholdt".
Nancy P. Herholdt
Commissioner

Nancy P. Herholdt, Chair
David M. Marshall * Larry D. Swann * Henry W. Thrasher * Betty Lee Wampler
Greg Burton, ex officio





**STATE OF WEST VIRGINIA
CAPITOL BUILDING COMMISSION**

The Cultural Center - 1900 Kanawha Boulevard, East - Charleston, WV 24305 - 304/558-0220

March 28, 2001

Olive Crow, Director
Thunder on the Tygart, Inc.
The Anna Jarvis Birthplace
Route 2, Box 352
Grafton, WV 26354

RE: Bust of Anna Jarvis

Dear Ms. Crow:

This letter is in response to your request that a bust of Anna Jarvis be made and placed in the Capitol. This request was brought before the Capitol Building Commission on March 26, 2001. It is the desire of the Commission that you submit a specific proposal which will include the material to be used, the design, and the size of the requested bust. This proposal will be brought before the Commission in our next scheduled meeting, April 30, 2001.

A copy of the guidelines adopted by the Capitol Building Commission for the placement of memorials is enclosed. These guidelines are necessary to ensure that commemorative works are designed, placed and installed in a manner respecting the original distinguishing qualities and historic character of the buildings, grounds and environment of the capitol complex.

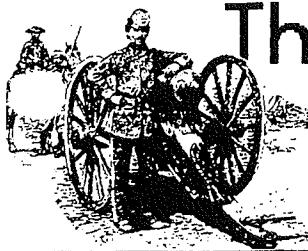
If you have any questions or need additional information you may call me at 558-0220.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy P. Herholdt".
Nancy P. Herholdt
Chair

Nancy P. Herholdt, Chair
David M. Marshall * Larry D. Swann * Henry W. Thrasher * Betty Lee Wampler
Greg Burton, ex officio

E



Thunder on the Tygart, Inc

A Non-Profit Foundation for Education and Preservation
The Anna Jarvis Birthplace, Route 2, Box 352, Grafton, WV 26354
Phone (304) 265-5549

April 18, 2001

Nancy P. Herholdt, Chair
State of West Virginia
Capitol Building Commission
Cultural Center
1900 Kanawha Boulevard, East
Charleston, WV 24305

04-20-01 411:30 /N

Dear Ms. Herholdt:

Enclosed is a letter from Adventures In Elegance, who will be going the bust of Anna Jarvis. She has given you information on this. I did not get a copy of the guidelines with your letter. If you need anymore information please call me or write. I am working very hard to get this started.

Thank you for everything.

Sincerely,

Olive Crow

Olive Crow, Director

Guidelines dated 4-20-01

265-26122

E

Lorna Vincent-Venter
lorna@adventuresinelegance.com



Telephone: 304/265-3366
306 Beech Street • Grafton, West Virginia 26354

Sarel Venter
sarel@adventuresinelegance.com

info@adventuresinelegance.com •
www.adventuresinelegance.com

April 5, 2001

Attn: Ms. Olive Crow
Re: Pending Commissioned Sculpture Bust of Anna Jarvis

Dear Olive,

As per your request, following is a written detail of the product description and procedure for completion.

A portrait bust of Anna Jarvis, will be rendered by sculptor Lorna Vincent Venter, from several photos and painted portraits of the subject,. The bust will include shoulders and head, in full round, incorporated onto a pedestal type sculpted base. The size will be life-size, approximately 2- 2.25' high. The subject will be rendered in realistic detail, clothing will be rendered in detail, specific to the period she lived.

The bust is to be sculpted from terracotta clay, and kiln fired. A mold made from RTV rubber will be made, and a bonded bronze casting will be taken from the mold, polished and then finished. Bonded bronze is a cold-cast process, metal powder is mixed in a poly resin, and coated into the mold. The filler is weighted resin, giving the feel and weight of foundry cast bronze. The final finish will be chosen to blend and complement the sculptures already in the area that the Anna Jarvis bust is to be placed.

The work will be monitored and approved by Ms. Crow in all stages of creation and production.

Approximate time allowed for project completion is 90 days.

Thank you for the opportunity to create for you!
Sincerely,

Lorna Vincent-Venter
Lorna Vincent-Venter

Creating exclusive artistic environments and artworks.
"We Bring Art To Life - Your Life!"

E



**STATE OF WEST VIRGINIA
CAPITOL BUILDING COMMISSION**

The Cultural Center - 1900 Kanawha Boulevard, East - Charleston, WV 24305 - 304/558-0220

May 9, 2001

Olive Crow, Director
Thunder on the Tygart, Inc.
The Anna Jarvis Birthplace
Route 2, Box 352
Grafton, WV 26354

RE: Bust of Anna Jarvis

Dear Ms. Crow:

This letter is in response to your request that a bust of Anna Jarvis be made and placed in the Capitol. This request was brought before the Capitol Building Commission on March 26, 2001 at which time the Commission requested that you submit a specific proposal which would include the material to be used, the design, and the size of the requested bust. This proposal was submitted to us on April 5, 2001 and the Commission approved the concept of an Anna Jarvis Bust in our meeting of April 30, 2001.

In a phone conversation of May 8, 2001 it was explained to you that your foundation will be given guidance by an Advisory Committee that works with proposals for sculptures at the capitol complex. Please call Sheila Allen at 558-0220, extension 113, to schedule a date and time in which you and Lorna Vincent-Venter can meet with this committee. At the time of the meeting please be prepared to present to the committee a drawing as well as a scaled down version of the proposed bust.

If you have any questions or need additional information you may call me at 558-0220.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy P. Herholdt".
Nancy P. Herholdt
Chair

Nancy P. Herholdt, Chair
David M. Marshall * Larry D. Swann * Henry W. Thrasher * Betty Lee Wampler
Greg Burton, ex officio

E



STATE OF WEST VIRGINIA
CAPITOL BUILDING COMMISSION

The Cultural Center - 1900 Kanawha Boulevard, East - Charleston, WV 24305 - 304/558-0220

March 28, 2001

The Honorable Larry Rowe, Senator
West Virginia State Senate
State Capitol Room 215
Charleston, West Virginia 25305

RE: Bust of U.S. Senator Jennings Randolph

Dear Senator Rowe:

This letter is in response to a request for authorization by the Capitol Building Commission to erect a statue or monument honoring Senator Jennings Randolph.

The West Virginia Capitol Building Commission on November 7, 1990 passed guidelines for the placement of art, monuments, memorials, objects, memorial plantars and planting at the West Virginia State Capitol. These guidelines state "Commemorative and memorial objects shall not be approved for individuals within less than 50 years after the death of the individual". A copy of *Guidelines for the Placement of Art, Monuments, Memorials, Objects, Memorial Plantars and Planting at the West Virginia State Capitol* is enclosed.

If you have any questions or need additional information you may call me at 558-0220.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy P. Herholdt".

Nancy P. Herholdt
Chair

Nancy P. Herholdt, Chair
David M. Marshall * Larry D. Swann * Henry W. Thrasher * Betty Lee Wampler
Greg Burton, ex officio

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STATE OF WEST VIRGINIA
CAPITOL BUILDING COMMISSION

The Cultural Center - 1900 Kanawha Boulevard, East - Charleston, WV 24305 - 304/558-0220

March 28, 2001

Richard A. Robb
Mayor
The City of South Charleston
P.O. Box 8597
South Charleston, West Virginia 25303

RE: Bust of U.S. Senator Jennings Randolph

Dear Mayor Robb:

This letter is in response to a request for authorization by the Capitol Building Commission to erect a statue or monument honoring Senator Jennings Randolph.

The West Virginia Capitol Building Commission on November 7, 1990 passed guidelines for the placement of art, monuments, memorials, objects, memorial plantars and planting at the West Virginia State Capitol. These guidelines state "Commemorative and memorial objects shall not be approved for individuals within less than 50 years after the death of the individual". A copy of *Guidelines for the Placement of Art, Monuments, Memorials, Objects, Memorial Plantars and Planting at the West Virginia State Capitol* is enclosed.

If you have any questions or need additional information you may call me at 558-0220.

Sincerely,

A handwritten signature in black ink that appears to read "Nancy P. Herholdt".

Nancy P. Herholdt
Chair

Nancy P. Herholdt, Chair
David M. Marshall * Larry D. Swann * Henry W. Thrasher * Betty Lee Wampler
Greg Burton, ex officio

E



STATE OF WEST VIRGINIA
CAPITOL BUILDING COMMISSION

The Cultural Center - 1900 Kanawha Boulevard, East - Charleston, WV 24305 - 304/558-0220

March 28, 2001

Donna M. Prunty
Executive Coordinator
Department of Administration
Office of the Cabinet Secretary
Building 1, Room E 110
1900 Kanawha Boulevard, East
Charleston, WV 25305

RE: Bust of U.S. Senator Jennings Randolph

Dear Ms. Prunty:

This letter is in response to a request for authorization by the Capitol Building Commission to erect a statue or monument honoring Senator Jennings Randolph.

The West Virginia Capitol Building Commission on November 7, 1990 passed guidelines for the placement of art, monuments, memorials, objects, memorial plantars and planting at the West Virginia State Capitol. These guidelines state "Commemorative and memorial objects shall not be approved for individuals within less than 50 years after the death of the individual". A copy of *Guidelines for the Placement of Art, Monuments, Memorials, Objects, Memorial Plantars and Planting at the West Virginia State Capitol* is enclosed.

If you have any questions or need additional information you may call me at 558-0220.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy P. Herholdt".
Nancy P. Herholdt
Chair

Nancy P. Herholdt, Chair
David M. Marshall * Larry D. Swann * Henry W. Thrasher * Betty Lee Wampler
Greg Burton, ex officio

E



The Senate of West Virginia
Charleston

LARRY L. ROWE
P. O. Box 60076
MADLEN 25306

Bus: (304) 925-1333
Res: (304) 925-9382
Fax: (304) 925-1378

April 12, 2001

COMMITTEES:
ENROLLED BILLS (CHAIR)
LABOR (VICE CHAIR)
GOVERNMENT ORGANIZATION
INTERSTATE COOPERATION
JUDICIARY
NATURAL RESOURCES
TRANSPORTATION
EMPLOYEE SUGGESTION
AWARD BOARD

Nancy P. Herholdt
Chair
State of West Virginia
The Cultural Center
Capitol Building Commission
1900 Kanawha boulevard, E.
Charleston, WV 25305

Re: Memorial for U.S. Senator
Jennings Randolph

Dear Ms. Herholdt:

Thank you for your letter of March 28, 2001. How were we able to honor Senator Byrd with his statue erected 3 years ago?

Can we use the same means for Senator Randolph? Should I introduce a bill to allow us to commemorate Senator Randolph?

Your help is valuable. Thank you.

Very truly yours,

Larry L. Rowe

LLR/lg
cc: The Honorable Richard Robb
Mayor
City of South Charleston
Box 8597
South Charleston, WV 25303



**STATE OF WEST VIRGINIA
CAPITOL BUILDING COMMISSION**

The Cultural Center - 1900 Kanawha Boulevard, East - Charleston, WV 24305 - 304/558-0220

April 25, 2001

The Honorable Larry Rowe, Senator
West Virginia State Senate
State Capitol Room 215
Charleston, West Virginia 25305

RE: Bust of U.S. Senator Jennings Randolph

Dear Senator Rowe:

In a letter dated April 12, 2001 you requested information regarding a statue which has been placed in the State Capitol honoring Senator Byrd. You questioned whether the same means could be used to place a statue honoring Senator Jennings Randolph.

In reviewing your request, we found that in a Capitol Building Commission meeting of July 7, 1994 Chief Justice William Brotherton appeared before the Commission to request a waiver of its guidelines for the placement of statuary at the Capitol. The Commission granted a waiver to the statuary guidelines for the statue of Senator Robert C. Byrd and authorized Justice Brotherton to proceed as he deemed appropriate. The Commission members in 1994 were Bill Drennen, Tom Blair, Paul Tennant, Henry Crews, Chuck Polan, and Larry Swann.

Your request for a statue honoring Senator Jennings Randolph was discussed in our March 26, 2001 meeting. It was the decision of the present Commission members to uphold the 1990 guidelines for monuments and memorials, thereby discouraging the appeal for waivers. Our records do not reflect detailed information concerning the presentation by Chief Justice William Brotherton. Unfortunately, we do not know what consideration caused the 1994 commission to waive their position. The present Capitol Building Commission members are Nancy Herholdt, Larry Swann, Betty Lee Wampler, and David Marshall.

If you have any questions or need additional information you may call me at 558-0220.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy P. Herholdt".

Nancy P. Herholdt
Chair

Nancy P. Herholdt, Chair
David M. Marshall * Larry D. Swann * Henry W. Thrasher * Betty Lee Wampler
Greg Burton, ex officio

E



The Senate of West Virginia
Charleston

LARRY L. ROWE
P. O. Box 60076
MALDEN 25306

Bus: (304) 925-1333
Res: (304) 925-9382
Fax: (304) 925-1378

May 2, 2001

COMMITTEES:
ENROLLED BILLS (CHAIR)
LABOR (VICE CHAIR)
GOVERNMENT ORGANIZATION
INTERSTATE COOPERATION
JUDICIARY
NATURAL RESOURCES
TRANSPORTATION
EMPLOYEE SUGGESTION
AWARD BOARD

Donna M. Prunty, Executive Coordinator
West Virginia Department of Administration
Building 1, Room E 119
1900 Kanawha Boulevard East
Charleston, WV 25302-0120

RE: Monument Erection

Dear Ms. Prunty:

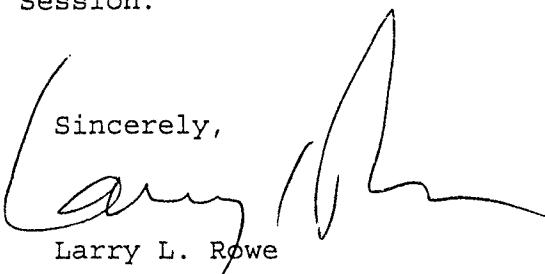
Thank you for your letter of April 25, 2001.

Please send me a copy of the regulations regarding memorials at the Capitol. Also, please advise how the statute of Senator Byrd was approved.

I greatly appreciate your help in this matter and throughout the Regular Session.

See you soon.

Sincerely,



Larry L. Rowe

cc: The Honorable Richard Robb
Mayor of South Charleston
Nancy P. Herholdt
Chair of the State of WV Capitol Bldg Commission

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58-4331



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

FACSIMILE
TRANSMISSION

Please deliver the following information as soon as possible. If you have trouble with reception, please call 304-558-0220.

TO: Donna Pouncy
ORGANIZATION: West Va Adminstration
FAXX #: 558-2999

FROM: Shelia Allen / CBC
FAXX #: 304-558-2779
NUMBER OF PAGES, INCLUSIVE: 7

MESSAGE:

Please call if you need
additional information

Letter to
Loyd Pouncy
in
Capitol
Building
Gutter

THE CULTURAL CENTER • 1900 KANAWHA BOULEVARD, EAST • CHARLESTON, WEST VIRGINIA 25305-0300
TELEPHONE 304-558-0220 • FAX 304-558-2779 • TDD 304-558-3562
EEO/AA EMPLOYER

E

IMPORTANT!!

**THE CAPITOL BUILDING COMMISSION MUST FOLLOW GUIDELINES
MANDATED BY THE OFFICE OF LEGISLATIVE AUDITOR,
PERFORMANCE AND RESEARCH DIVISION.**

THESE GUIDELINES INCLUDE:

- 1. THE CAPITOL BUILDING COMMISSION SHOULD INFORM STATE AGENCIES AT LEAST ANNUALLY OF THEIR STATUTORY RESPONSIBILITY TO SUBMIT PROJECTS TO THE CBC BEFORE WORK IS STARTED**
- 2. THE GENERAL SERVICES DIVISION SHOULD MAKE IT STANDARD PROCEDURE TO INFORM ALL PRIVATE VENDORS OF THEIR STATUTORY RESPONSIBILITY TO SUBMIT PROJECT PLANS TO THE CBC. GENERAL SERVICES SHOULD ALSO INFORM THE CBC OF ANY WORK BEING DONE BY OUTSIDE CONTRACTORS.**
- 3. THE CBC MUST USE CLEAR DEFINITIONS OF IMPORTANT TERMS, AS WELL AS SPECIFIC EXAMPLES THAT ILLUSTRATE THE TYPES OF PROJECTS TO BE REVIEWED.**
- 4. THE CAPITOL BUILDING COMMISSION SHOULD MAINTAIN A SEPARATE JOURNAL OF ITS ACTIONS.**
- 5. THE CAPITOL BUILDING COMMISSION SHOULD INFORM STATE AGENCIES OF ITS APPROVAL OR REJECTION OF PROJECTS IN WRITING AS REQUIRED BY LAW**

FOR MORE DETAILED INFORMATION, PLEASE SEE REVIEW AND RESPONSE IN BACK OF BOOK



