

**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**JANUARY 26, 2009**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>BOISE STATE UNIVERSITY</b> Taco Bell Arena – Seat Replacement	Motion to approve
<b>2</b>	<b>OFFICE OF THE STATE BOARD OF EDUCATION</b> Withdrawal from the Interstate Compact for Education	Information item

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**BOISE STATE UNIVERSITY**

**SUBJECT**

Request to replace retractable platform seating in the Taco Bell Arena

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section V.K.2.

**BACKGROUND/DISCUSSION**

Taco Bell Arena opened in 1982 with its current retractable platform seating. Twenty six years of high frequency use and normal wear and tear have pushed these seats beyond their useful life. The State of Idaho Division of Building Safety has determined that the current seating is no longer compliant with safety code related to hand and guardrails. Because the seating is no longer supported by the manufacturer, replacement parts would have to be custom manufactured at a cost premium. Consequently, it is more practical to replace the seating than to attempt to repair it.

In addition to meeting current safety standards, new seating will also enhance the competitive posture of the arena by providing additional seating and more flexible seating arrangements. More and more event promoters are requesting unique stage and seating configurations which are not feasible with the current Arena configuration. New seating will allow the Arena to be more responsive to promoter needs, and will increase floor seating capacity up to 12% (100 seats), depending upon the final product selected through the design and bid process.

**IMPACT**

The total projected cost will not exceed \$925,000 (see attached project budget worksheet). The source of funding will be bond proceeds from the February 2009 bond sale. It is estimated the work will be completed by August 2009. A formal bid process will occur through the Department of Administration, Division of Public Works. No appropriated funds will be used for this project.

**ATTACHMENTS**

Attachment 1 – Project Budget Worksheet

Page 3

Attachment 2 – Capital Project Tracking Sheet

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**STAFF COMMENTS AND RECOMMENDATIONS**

Boise State University will be coming to the Board in February to approve a bond issuance that will cover this project and the Center for Environmental Science and Economic Development building. If the interest rate were to change between now and bond issuance, the university would request the same amount of proceeds, including \$925,000 for this project, to fund the two projects,

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however, the amount of debt service could change compared to current estimates.

Staff recommends approval.

**BOARD ACTION**

A motion to approve Boise State University's request to replace the platform seating in the Taco Bell Arena at a cost not to exceed \$925,000, to be paid from bond proceeds from the February 2009 bond sale. The University may not proceed with construction of this project prior to Board approval to issue debt.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

## Architectural & Engineering Services - Boise State University

### PROJECT BUDGET (DPW)

Project Number:	DPW Project Number TBD		
Project Title:	Taco Bell Arena - Retractable Platform Seating, Replacement		
Fund Source No:	Account No.	Amount:	Dept. ID No.
Permanent Building Funds			
Gift Funds			
Future Bond Proceeds	TBD	925,000	TBD
<b>Total Project Funding</b>		<b>925,000</b>	
Bond Reserves			
Start FAC Bond Fund			
<b>Total Project + Reserve Funds</b>		<b>925,000</b>	
Revised:			
Date:	12-18-08 Budget		

  

Category	Budget 12/18/08	Budget MM-DD-YY	Budget MM-DD-YY
(AE) AE Fees Basic (7.5%)	51,334		
(AE) Miscellaneous	5,000		
(AR) AE Reimbursable			
(AR) Document Reproduction			
(CM) Construction Manager			
(MT) Manager Reimbursables			
(CS) AE Consultant Fees			
(CR) AE Consultant Reimbursable			
(TC) Testing & Inspection			
(CC) Construction Contract 1 (Existing Seating)	587,453		
(CC) Construction Contract 2 (Add 1 Row Seating)	97,000		
(CO) Construction Contingency (DPW 5%)	68,445		
(EQ) Equipment			
(M1) Miscellaneous-Commissioning			
(M2) Miscellaneous-Test and Balance (In M/P?)			
(M2) Miscellaneous (Identify)			
(CY) Project Contingency (5%)	34,223		
(PC) Plan Check Fees	13,000		
(AD) AE Advertising	100		
(SS) Survey-Topo-Legal Desc			
(SI) Geotech Investigation			
<b>Subtotal DPW SETUP COSTS</b>	<b>\$856,555</b>	<b>\$0</b>	<b>\$0</b>
Legal-License-Vacations & R-O-W			
Insurance (BR) <25 M in Gen Ins Policy above add rider			
Entitlements			
Utility Sewer-Water-Electrical-Gas-Phone/Data			
ACHD - Traffic Study Etc			
AES Project Management (0.025%) (50/50 Dsgn vs CA)			
Locks			
I.T. (Telephone & Data)			
Miscellaneous (Identify)			
<b>Subtotal BSU SOFT COSTS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL PROJECT BUDGET (DPW SETUP+BSU Soft)</b>	<b>\$856,555</b>	<b>\$0</b>	<b>\$0</b>
<b>Reserved Funds Outside Project Budget (if applicable)</b>			
Bidding Contingency (10% of Construction)	68,445		
FF&E (Estimated 5% of Construction Costs)			
<b>Force To Balance</b>			
<b>Subtotal BSU RESERVE</b>	<b>\$68,445</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL PROJECT (DPW+BSU SOFT+BSU RESERVE)</b>	<b>\$925,000</b>	<b>\$0</b>	<b>\$0</b>

**Approved:**

Stacy Pearson, V.P. Finance & Administration  
(Signature needed for over \$250,000)

Date

**Approved:**

James Maguire, A.V.P. Campus Planning & Facilities  
(Signature needed for over \$50,000)

Date

**Approved:**

Wendel Bigham, Director  
Architectural & Engineering Services

Date

**Prepared By:**

Attached: Funding Authorization Letter, Concept Schedule

Date

1 <b>Institution/Agency:</b>	Boise State University	<b>Project:</b>	Taco Bell Arena Seating Replacement
2 <b>Project Description:</b>	The purpose of this project is to replace the original platform seating system in the Taco Bell Arena. Replacement of this system will address several safety, efficiency and economic issues. This project also has the potential to increase the platform seating by up to 12%.		
3 <b>Project Use:</b>	Taco Bell Arena is used for numerous academic, athletic and cultural events		
4 <b>Project Size:</b>	Up to 951 seats (851 replacement of old and the possibility of 100 net new seats)		

		<div style="display: flex; justify-content: space-between;"> <div> <div>24</div> <div>25</div> <div>26</div> <div>27</div> <div>28</div> <div>29</div> <div>30</div> </div> <div> <div>History of Funding:</div> <div>Feb-09</div> <div>Total</div> </div> <div> <div> <div>PBF</div> <div>ISBA</div> <div>Institutional Funds</div> <div>Student Revenue</div> <div>Other</div> <div>Total Other</div> <div>Total Funding</div> </div> <div> <div>\$ - \$ - \$ - \$ - \$ 925,000 \$ 925,000 \$ - \$ - \$ 925,000</div> <div>\$ - \$ - \$ - \$ - \$ 925,000 \$ 925,000 \$ 925,000</div> </div> </div> </div>									
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**SUBJECT**

Withdrawal from the Interstate Compact for Education

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-4101, Idaho Code

**BACKGROUND/DISCUSSION**

Section 33-4101, Idaho Code, enacted the Interstate Compact for Education in 1967 which was established by the Education Commission of the States (ECS). The purpose of the compact is to establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.

The Idaho commission consists of seven members representing each party state. The members shall be the governor; two shall be of the state legislature selected by its respective houses; and four shall be appointed by and serve at the pleasure of the governor. The current members besides the Governor include:

John W. Goedde, Senate Education Committee Chair  
Bob Nonini, House Education Committee Chair  
John Andreason, Senator  
Tom Luna, Superintendent of Public Instruction  
Mike Rush, Executive Director of the Idaho State Board of Education  
David H. Hawk, Director – J.R. Simplot Company  
Clete Edmunson, Governor's Education Policy Advisor

Responsibility for annual dues were shifted from the Department of Education to the Office of the State Board of Education (OSBE) in 1998 without an increase in appropriation. Combined with the base reductions included in the Governor's recommendation, OSBE does not have the funds to continue paying for membership in the Compact. The OSBE FY 2010 budget request included a line item for \$60,500 to fund the annual dues. The Governor's Recommendation did not include this line item and proposes the commencement of the one year formal notification process to withdraw from ECS membership.

Under Article VIII.D. of Idaho Code 33-4101, a state may withdraw from the compact by enacting a statute repealing the law, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. Currently, all states but Washington are members of ECS.

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**IMPACT**

If the legislature does not appropriate funds for ongoing membership in the compact, staff recommends proposing legislation repealing Section 33-4101, Idaho Code. The governor could give written notice of the withdrawal to the other party states by fiscal year end June 30, 2009. The withdrawal would take effect one year after such notice which would be during the FY 2010 fiscal year. OSBE has paid for the FY 2009 dues, and the FY 2010 dues are in the FY 2009 budget to be prepaid on June 30, 2009. Therefore, the withdrawal would eliminate the need for the dues in FY 2011.

**ATTACHMENTS**

Attachment 1 – Section 33-4101, Idaho Code

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**STAFF COMMENTS AND RECOMMENDATIONS**

Staff will work with the Governor's office to facilitate the steps for ending membership if funds are not appropriated.

**BOARD ACTION**

This is an information item only. Any action is at the Board's discretion.



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TITLE 33  
EDUCATION  
CHAPTER 41

INTERSTATE COMPACTS

33-4101.INTERSTATE COMPACT FOR EDUCATION ENACTED INTO LAW. The Interstate Compact for Education established by the Education Commission of the States is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows:

INTERSTATE COMPACT FOR EDUCATION

ARTICLE I--PURPOSE AND POLICY

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and records of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

ARTICLE II--STATE DEFINED

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

ARTICLE III--THE COMMISSION

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A. The Education Commission of the States, hereinafter called "the commission," is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III (J).

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members a chairman, who shall be a governor, a vice chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

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E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (F) of this Article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

**ARTICLE IV--POWERS**

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this Article in any instance where the commission finds that such

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research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

**ARTICLE V--COOPERATION WITH FEDERAL GOVERNMENT**

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

**ARTICLE VI--COMMITTEES**

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee shall consist of governors, one-fourth shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

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B. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

**ARTICLE VII--FINANCE**

A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III (G) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III (G) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

**ARTICLE VIII--ELIGIBLE PARTIES; ENTRY INTO  
AND WITHDRAWAL**

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term, "governor," as used in

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this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C of this Article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

**ARTICLE IX--CONSTRUCTION AND SEVERABILITY**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.