

Seismic Safety Commission
Minutes of Teleconference Meeting
November 8, 2001
Seismic Safety Commission Office
1755 Creekside Oaks Drive, Suite 100
Sacramento, California

Members Participating

Stan Y. Moy, Vice Chairman
Mark Church
Andrew Adelman
William L. Gates (arr. 9:40 a.m.)
Lawrence T. Klein
Linden T. Nishinaga
Ashok S. Patwardhan
Daniel Shapiro

Members Absent

Bruce R. Clark, Chairman
Senator Richard Alarcon/Chris Modrzejewski
Douglas E. Mochizuki

Staff Participating

Richard McCarthy
Karen Cogan
Robert Anderson
Abby Browning
Henry Reyes
Henry Sepulveda
Fred Turner

I. CALL TO ORDER/ROLL CALL

The teleconference meeting of the Seismic Safety Commission was called to order by Vice Chairman Stan Moy at 9:05 a.m. Executive Assistant Karen Cogan called the roll. Seven commissioners were present and participating in the teleconference; Commissioner Gates arrived later.

II. CHAIRMAN'S REMARKS

Commissioner Moy noted he would be chairing his first meeting because Chairman Clark was not able to participate.

III. APPROVAL OF OCTOBER 11, 2001 MEETING MINUTES

Referring to the fifth page of the October 11 minutes, under "Budget Update," Commissioner Lawrence Klein asked for clarification of the "AGP" position that was eliminated. Executive Director Richard McCarthy responded that "AGP" stands for "associate government program analyst." He suggested spelling out the full title in the minutes.

ACTION: Commissioner Shapiro made a motion, seconded by Commissioner Klein, that:

The Commission approve the minutes of the October 11 meeting as amended.

* Motion carried, 7 - 0 (Commissioner Gates absent during voting).

IV. COMMITTEE REPORTS

PEER Review Report Update

Commissioner Linden Nishinaga explained that SB 1864, passed in 1996, established the Pacific Earthquake Engineering Research (PEER) Center, a research complex supported by NSF at UC Berkeley. Twenty universities and private entities conduct research projects at PEER, and the Seismic Safety Commission was given oversight responsibility. Commissioner Nishinaga said the Commission's Oversight Committee met recently in Richmond and Oakland to work on its second periodic report. Staff will have a draft ready for the Commission's review by mid-November.

Commissioner Nishinaga asked that the Commission review the draft and authorize the Oversight Committee to finalize the report and forward it to the Legislature and Governor by the end of the year.

Commissioner Shapiro commented that the report appears to be in good shape and will require little editing. He recommended that commissioners submit comments after reviewing the next draft and empower the committee to publish the final report.

Commissioner Klein asked about the overall tone of the report. Mr. McCarthy referred to the graph in the report showing how government and industry funding was used. He noted the report gives more details on specific projects. Mr. McCarthy added that the Commission's chief interest is in seeing how many of the *California Earthquake Loss Reduction Plan* initiatives are being addressed. Commissioner Nishinaga said the overall tone is quite positive.

Commissioner Ashok Patwardhan commented that the PEER Center is an asset to the state. He expressed dissatisfaction, however, with the level of cooperation shown by PEER Center management in preparing the periodic report. Commissioner Patwardhan said PEER representatives were absent from a key meeting and did not supply budget information in a timely manner.

Commissioner Andrew Adelman suggested sending the next draft to commissioners to review in mid-November. If there are no substantial comments, he noted, the committee should be empowered to make minor editing changes and finalize the report; if significant issues arise, the issuance of the report could be held off pending further Commission review.

Chief Staff Geologist* Robert Anderson said the deadline for submitting the report to the Legislature and Governor is December 31, 2001. He noted the Seismic Safety Commission is paid for working on the report and presenting it to the Legislature. The Commission's contract was amended in March with a September 1 deadline, but UC got a late start in completing their part of the contract, and participants eventually agreed to extend the report deadline to the end of

Meeting Minutes

the year. Mr. Anderson recommended that commissioners relay their comments on the draft by November 19 so the staff can finalize the report by early December.

ACTION: Commissioner Church made a motion, seconded by Commissioner Shapiro, that:

The Commission provide comments on the draft periodic report by November 19 and empower the committee to incorporate those changes and issue the report by the December deadline.

Commissioner Nishinaga observed that the periodic report is a relatively short document that has been reviewed several times already.

* Motion carried, 7 - 0 (Commissioner Gates absent during voting).

Strong Motion Instrumentation Advisory Committee

Commissioner Patwardhan reported the SMIAC met on November 1 in Sacramento and reviewed three items: the status of the Strong Motion Instrumentation Program (SMIP) and integrated statewide network; filling vacancies on the committee; and ways of increasing the number of monitoring stations in California.

Commissioner Patwardhan noted the TriNet system in southern California will be expanding into a broader integrated statewide network. Services of that network will include publication of shake maps.

Commissioner Patwardhan said he hoped to come to the Commission's January meeting with a recommended slate of candidates to fill three or four vacant positions on the committee.

Commissioner Patwardhan noted the hospital seismic safety improvements being undertaken as a result of SB 1953 provide opportunities to increase the number of monitoring stations in hospitals. He said the committee discussed possible legislation to add installation of strong motion instruments in hospitals as part of SB 1953 retrofits.

Ad Hoc Committee on Gas Shut-Off Valves

Commissioner Moy reported that the ad hoc committee met in Los Angeles on October 22. He noted the committee is still debating a number of key issues; he expressed hope the group will come to some consensus on findings and recommendations before the Commission's January meeting.

Commissioner Adelman said he attended the recent committee meeting and noticed considerable conflict between the manufacturers of excess flow valves and seismically activated valves. He expressed his opinion the conflict will continue and even increase in intensity. Commissioner Adelman noted the City of Los Angeles passed an ordinance requiring installation of gas shut-off valves prior to close of escrow, rather than 12 months after close of escrow, and this will result in a huge increase in demand and debate.

Commissioner Adelman added that gas shut-off valves used to be installed by utility companies, but a recent PUC decision opens the field to others. He expressed concern about the added burden this will create on local jurisdictions. He recommended a heightened level of attention on this issue.

Commissioner Moy expressed his opinion that the Seismic Safety Commission is taking the high road and will rise above the squabbling by the manufacturers and local governments. He said he hoped the resulting findings and recommendations regarding types of devices and their usefulness will apply statewide. Commissioner Moy added that the committee has been working with the Division of the State Architect as well.

V. EXECUTIVE DIRECTOR'S REPORT

Budget Status

Mr. McCarthy reported the Budget and Planning Committee met on November 7 to discuss the impact of the recent Governor's order mandating 15 percent across-the-board cuts in state agency budgets. He referred to the summary prepared by Commissioner Gates and the staff.

Director of Legislation Henry Sepulveda reviewed the recent series of events impacting the Commission's budget. He noted that as of July 1, 2001, the Commission's general fund allocation was \$980,000; the Governor later mandated a 2.5 percent cut and reductions in employee compensation. All state agencies were then required to take a 10 percent cut in operations, resulting in an overall cut of about \$26,000 for the Commission. At the end of the fiscal year, an 8 percent cut reduced the general fund allocation to \$903,000 for this fiscal year.

Mr. Sepulveda noted the Governor asked all state agencies to prepare negative BCP's showing the impacts of budget cuts of 3 percent, 5 percent, and 10 percent from next year's budget. The Governor then issued an order for 15 percent cuts. In response, the Commission and other agencies were asked to submit proposals showing how the cuts would be made. Mr. Sepulveda said the Commission proposed forfeiting funding for the vacant AGPA position and making other operational cuts to make the \$138,000 cut.

Mr. Sepulveda projected the Seismic Safety Commission's general fund budget for next year will be about \$779,000, representing a 20 percent cut. He noted the Governor has asked all state agencies to review contracts for goods and services not yet delivered and make as many reductions and cancellations as possible. He said the staff plans to submit a proposal to the Department of Finance by the end of November.

Commissioner Klein asked what specific programs would be impacted by the projected cuts. Commissioner William Gates responded that in a worst-case scenario, the Commission would have to cut one staff position. He added the Commission is still uncertain as to the extent of the cut next year and which position would be eliminated. Commissioner Gates said news from the Governor is expected within the next few weeks.

Meeting Minutes

Commissioner Patwardhan asked if the proposed cuts will impact the current fiscal year's budget. Commissioner Gates answered that the Commission's budget is in good shape for this year. He noted there was a \$77,000 total adjustment, but the Commission was able to save money and accumulate a small surplus. He said additional reimbursements are expected from OES and PEER. Commissioner Gates added that next year is the real concern.

Commissioners asked for more information on the vacant positions. Mr. Sepulveda explained that the Commission has two vacant spots, the AGPA position and a Staff Service Analyst (SSA) position. Because of the hiring freeze, neither position can be filled, but half the AGPA funding, or \$26,000, is being eliminated. If the SSA position remains unfilled, its funding will revert back to the general fund at the end of the fiscal year. Commissioner Gates added that if a 20 percent cut is mandated, the Commission will need to reduce the existing staff by one position.

Commissioner Gates said the duties of the vacant positions include completion of the *California Earthquake Loss Reduction Plan* revision, monitoring progress on initiatives, handling other personnel and budget issues, and specific projects. He noted OES was somewhat lukewarm about the tracking document when it was first discussed, but OES now supports revising the document every six months as a way of reducing the 25 percent federal matching requirement for disaster funding. Commissioner Gates observed that if OES is willing to help fund the tracking, it might be possible for the Commission to obtain an exemption from the hiring freeze and refill the two vacant positions.

Commissioner Gates noted DGS recommended last April that the Commission fill the vacant AGPA position, but only one application was submitted after two months of advertising. As an alternative, the Commission began working on recruiting for the SSA position in July, but then the state hiring freeze was imposed.

Status of California Earthquake Loss Reduction Plan Revision

Mr. McCarthy reported that the updated *Plan* was submitted to the Governor's office for review and signature, and the staff is hoping for a response soon. He referred to the new colored cover under Tab B of the meeting packet. Mr. McCarthy said the *Plan* will be printed as soon as the Governor signs. Commission Moy noted the document should be printed on recycled paper.

Bagley-Keene Act Changes

Mr. McCarthy said recent changes to the Bagley-Keene Act allow meetings with 48-hour notice under certain conditions, and even one-hour notice in emergencies. He noted some of the new provisions may be useful for future Commission meetings.

Proposition 122 Workshops

Mr. McCarthy noted the Proposition 122 program resulted in \$3 million worth of products regarding assessment and retrofit of damaged buildings. As a way of using the products and

transmitting the information to various audiences, the staff approached OES and ATC about organizing roadshow presentations and charging a fee. Mr. Henry Reyes will be meeting with OES representatives next week, and the proposal will be submitted to FEMA for possible application nationwide. Mr. McCarthy noted charging fees for Proposition 122 presentations would provide an additional source of revenue to help offset budget cuts. He said he would have more information on this proposal at the January meeting.

Initiative Tracking Document

Commissioner Patwardhan observed that the term “tracking document” should be changed to “progress report,” as previously agreed by the Commission. Mr. McCarthy asked the staff to change all references to the “initiatives progress report.”

Security

Commissioner Moy suggested obtaining identification cards for commissioners and staff to facilitate access to the State Capitol and other government buildings in response to heightened security concerns. Commissioner Klein observed it might be practical for the Commission to consider holding meetings at another location in Sacramento. Commissioner Moy noted the staff and commissioners need access to legislative offices in the Capitol anyway, and other commissioners agreed. There was general consensus that the staff should obtain security identification cards for commissioners and staff.

Ms. Cogan said she would send information to commissioners with instructions for obtaining laminated photo identification cards.

VI. ANNUAL REPORT

Ms. Cogan drew attention to the latest draft of the annual report. She said the document was revised after the last meeting to incorporate a few comments by commissioners. She recommended the Commission approve the annual report and authorize the staff to distribute the document in January.

ACTION: Commissioner Klein made a motion, seconded by Commissioner Nishinaga, that:

The Commission approve the annual report as presented.

Commissioner Patwardhan observed that the references to “tracking document” in the annual report should be changed to “initiative progress report.”

Commissioner Patwardhan drew attention to the last paragraph of the letter, referring to critical issues that need to be addressed. He noted it might be better next time to elaborate more on what the Commission’s priorities are. Ms. Cogan said a copy of the *Plan* will be attached to the annual report. Commissioner Shapiro expressed his opinion that the letter is clear enough and refers to the *Plan*. He noted listing the priorities in the letter itself might be redundant.

Meeting Minutes

Commissioner Klein observed that the Commission has spent considerable attention in recent months to hospital seismic safety issues, and he suggested mentioning that focus. Commissioner Shapiro said dealing with hospital seismic safety is an ongoing activity, comparable to supporting the Field Act. Commissioners concluded there was no need to list hospital seismic safety as a separate activity.

* Motion carried, 8 - 0.

VII. SB 19563 AD HOC COMMITTEE DRAFT FINDINGS

Mr. Sepulveda drew attention to the most recent draft of the Commission's findings and recommendations regarding SB 1953. He said that after the testimony by Roger Richter at the October meeting, the written comments, and the Commission's discussion, the staff revised the findings and recommendations. He noted underscoring marks the changes in the text. Mr. Sepulveda said that after the document is approved by the Commission, it will be sent to the Legislature and Governor for their review.

Mr. McCarthy commented that the latest draft includes the Commission's recommendation about posting hazardous buildings. He emphasized that once a state agency identifies a collapse hazard, awareness has been demonstrated, and the danger should be disclosed.

Commissioner Gates noted he had a conversation with Mr. Richter after the October meeting about the potential liability for hospitals if hazards are not disclosed. Mr. Richter indicated he would be consulting with CHA's attorneys on this issue. Commissioner Gates supported keeping the posting recommendation.

Commissioner Patwardhan complimented the ad hoc committee, Mr. Sepulveda, and the staff for the draft findings and recommendations. Referring to Page 6, Item 6, Commissioner Patwardhan recommended adding "including monitoring" to the list of developments to be incorporated by OSHPD. He noted this language would encourage use of strong motion instrumentation and other types of monitoring by OSHPD. Other commissioners approved this amendment.

ACTION: Commissioner Patwardhan made a motion, seconded by Commissioner Nishinaga, that:

The Commission adopt the proposed findings and recommendations as amended.

* Motion carried, 8 - 0.

VIII. BAY AREA RAPID TRANSIT (BART) SEISMIC RETROFIT PROGRAM UPDATE

Commissioner Daniel Shapiro noted BART officials are getting ready to release a report justifying the need for their proposed retrofit program. He explained that the Seismic Safety

Commission referred BART to the PEER Center for a peer review board to review their program and issue a report. BART undertook a vulnerability study, and the PEER Center empaneled a peer review group to review the retrofit program. The peer review panel recommended that BART look at various earthquake scenarios and forecast expected damage.

Commissioner Shapiro said he expects the report will provide sufficient justification for the retrofit. He noted BART is a key component in the financial health of the Bay Area and the entire state. Commissioner Shapiro commended BART officials for being willing to look at their system and attempt to assess their risk. He said the Seismic Safety Commission is pleased to support a retrofit program based on solid information about the system's vulnerabilities.

Commissioner Shapiro noted the PEER Center is expected to issue its report within the next several weeks. He said he hoped to have a copy of the report before the Commission's January meeting.

Commissioner Nishinaga asked what the Seismic Safety Commission's "support" of the BART retrofit program entailed. Commissioner Shapiro said the Commission's concurrence and endorsement of the report will help facilitate funding.

Commissioner Patwardhan asked if the PEER Center's report will include the vulnerability assessment. Commissioner Shapiro said he hoped the report would address vulnerability. He noted BART had not yet established a rehabilitation goal or objective, but Ed Matsuda recently joined the staff and will be working on that task.

IX. LEGISLATIVE REPORT

Mr. Sepulveda said that after the October Commission meeting, the staff developed a proposed legislative agenda for the 2002 session. He noted five Commission-sponsored bills are still pending, and the Legislative Committee decided on a strategy for each. With respect to AB 724 on school preparedness, the staff will be working with the author to modify the bill and make its provisions less expansive. The staff enlisted Senator Alarcon's support in getting AB 977, dealing with replenishment of the Commission's emergency earthquake investigations account, out of the Appropriations Committee, so that bill might proceed this year. SB 629, regarding storage rack safety, was preempted by Senator Speier's bill, so the committee recommends withdrawing or holding back on this measure. Mr. Sepulveda said the staff is working to get SB 717, Senator Speier's bond bill, out of the Assembly Appropriations Committee. Finally, SB 998, for a statewide disaster recovery plan, can be dropped because OES is voluntarily undertaking that task.

Mr. Sepulveda proposed three concepts for developing future legislation. He noted the deadline for introducing new measures is the end of January, and formal statutory language needs to be ready by the end of February. He suggested the Commission consider sponsoring bills on urban search and recovery (USAR), SB 1953 hospital seismic safety issues; and earthquake research funding. Mr. Sepulveda said Mr. McCarthy will be meeting with OES representatives to discuss USAR possibilities. He noted Assemblywoman Alquist might be willing to introduce a hospital

Meeting Minutes

seismic safety bill. As for earthquake funding, the staff has concerns that this may not be an appropriate time in light of the current budget problems. Mr. Sepulveda said the Legislative Committee also discussed sponsoring legislation to amend the Subdivision Map Act to require geologic reports. He noted the staff is investigating the need for this change.

Mr. Sepulveda commented that all legislation next year will undergo strict fiscal scrutiny, and security and public safety are likely to be the state's top priorities.

Mr. Sepulveda noted the committee discussed assigning specific commissioners to work on each Commission-sponsored bill. The committee felt commissioners could contact legislators to discuss key issues before legislative hearings take place in the spring.

Commissioner Patwardhan thanked the staff for the thorough summary of legislation. He observed that the major challenge will be to develop measures that are substantive and important without incurring any new costs or taxes. He urged fellow commissioners to think hard about a small number of important issues for the Commission's attention.

Commissioner Moy commented that time can be well spent visiting legislators when they are available in their home district offices. Commissioner Church agreed, and noted commissioners may have more influence locally. Commissioner Moy noted the Commission is still shorthanded, with six vacant seats. He urged each commissioner to make an effort to call on their local elected officials.

Mr. Sepulveda recommended that the Commission decide on its legislative program at the January meeting. He welcomed additional suggestions from commissioners in the interim.

X. NISQUALLY EARTHQUAKE UPDATE

Mr. Anderson referred to the final draft of the Commission's report and recommendations on the Nisqually earthquake. He noted the document was revised to incorporate comments made by commissioners. He recommended the Commission approve the document and authorize it to be posted on the Web site.

ACTION: Commissioner Klein made a motion, seconded by Commissioner Nishinaga, that:

The Commission approve the report as proposed.

* Motion carried, 8 - 0.

XI. COMMISSION WEB PAGE UPDATE

Mr. Anderson recommended that commissioners look at the recently updated version of the Commission's Web site. He said the staff worked closely with San Diego State University to make the changes recommended by the Commission and staff, and all those features have been added with the exception of posting the mitigation plan, a long document. Mr. Anderson noted

the site has been expanded to include volcanic and tsunami activity, and a resource package for teachers will soon be available.

Commissioner Moy complimented the staff on the latest improvements. He suggested looking into interactive features in the future. Mr. Anderson responding that San Diego State is already working on an interactive agenda packet, and audio and video conferencing will be explored in the future. He added that the California Energy Commission uses Web audio access for public meetings and online PowerPoint presentations.

Commissioner Gates pointed out that the contract with San Diego State might be impacted by the state mandate to reduce contracts for services not yet performed. He noted use of Cal State interns could pose similar problems.

XII. MISCELLANEOUS/GOOD OF THE MEETING

Commissioner Klein encouraged the Commission to consider alternatives to meeting locations near San Francisco and Los Angeles because of long security delays at major airports. Commissioner Adelman said smaller airports like Orange County, Burbank, and San Jose are better. Commissioner Nishinaga noted another alternative would be for commissioners to plan their travel on the day before a meeting. Mr. McCarthy said he did not anticipate that arriving the day before would cause any significant fiscal problems for the Commission. Commissioner Gates agreed.

Commissioner Shapiro congratulated Commissioner Moy for chairing an efficient meeting.

Commissioner Shapiro expressed his opinion that teleconference meetings should be reserved for extreme circumstances. Commissioner Adelman agreed, and emphasized the importance of face-to-face contact in discussions. He recommended keeping a schedule of at least eight meetings a year.

Commissioners exchanged greetings and best wishes for the upcoming holiday season.

XIV. ADJOURNMENT

There being no further business, Commissioner Klein made a motion, seconded by Commissioner Adelman, that the meeting be adjourned. The meeting was adjourned at 10:52 a.m.

Karen Cogan
Executive Assistant

Approved by:

Meeting Minutes

Richard McCarthy
Executive Director