

Seismic Safety Commission
Minutes of Meeting
November 25, 2002
Governor's Office of Emergency Services
3650 Schreiver, Multi-Purpose Conference Room
Rancho Cordova, California

Members Participating

Bruce R. Clark, Chairman
Stan Y. Moy, Vice Chair
Jim Beall
Mark Church
William L. Gates (by telephone)
Lucy Jones
Lawrence T. Klein
Douglas E. Mochizuki
Celestine Palmer
Don Parker
Daniel Shapiro (arr. 10:05 a.m.)

Members Absent

Andrew Adelman
Senator Richard Alarcon/Chris Modrzejewski
Linden Nishinaga
Ashok S. Patwardhan

Staff Participating

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

I. CALL TO ORDER/ROLL CALL

The meeting of the Seismic Safety Commission was called to order by Chairman Bruce Clark at 10:03 a.m. Executive Assistant Karen Cogan called the roll and confirmed the quorum.

II. WELCOME

Mr. Paul Jacks, Deputy Director, Office of Emergency Services (OES), welcomed the Commission to the Rancho Cordova headquarters facility. He noted OES has enjoyed a close working relationship with the Seismic Safety Commission. He described a number of joint projects, including working on updating the *California Earthquake Loss Reduction Plan*, the state's hazard mitigation plan which makes California eligible for FEMA disaster funds. Mr. Jacks said OES has also worked with the Commission on translating the *Plan* into Japanese and entering into a partnership agreement with Shizuoka Prefecture to share loss reduction strategies and information. He credited Executive Director Richard McCarthy for making this cooperative relationship possible. Mr. Jacks commended the Commission for supporting and sponsoring the Disaster Resistant California annual conference and providing assistance on legislation and investigations. In particular, he noted the Commission's ad hoc Committee on Gas Valve Safety has done important work for the state.

III. APPROVAL OF OCTOBER 10, 2002 MEETING MINUTES

Mr. McCarthy said Commissioner Nishinaga, who was unable to attend this meeting, had asked that a change be made to the first paragraph on Page 13. In the first sentence of that paragraph, after “due to” and before “a small amount,” Commissioner Nishinaga suggested inserting the phrase “what was preliminarily reported as.”

Commissioner Klein drew attention to the fourth full paragraph on Page 12, and proposed deleting the last sentence.

ACTION: Commissioner Parker made a motion, seconded by Commissioner Palmer, that:

The Commission approve the minutes of the October 10 meeting as amended.

* Motion carried, 11 - 0.

IV. EXECUTIVE DIRECTOR’S REPORT

Mr. McCarthy stated that Commissioner Adelman had been hospitalized recently for exploratory surgery. He said the staff will send get-well wishes from the Commission.

FEMA Appeal

Mr. McCarthy reported that Chairman Clark helped draft a letter responding to FEMA’s denial of the Commission’s appeal, and the response letter will be submitted to FEMA through OES. He explained that the dispute involves approximately \$216,000 in time donated by the Commission in conjunction with the Northridge earthquake investigation and follow-up report. Mr. McCarthy said the Commission has a right to meet with FEMA representatives and discuss the situation, and that course of action will be pursued.

Budget Update

Mr. McCarthy reported that the Commission received a letter from the Department of Finance with instructions to cut this year’s budget by 5 percent. He noted the Commission previously submitted exercises to the Department of Finance showing the impacts of a 5 percent and a 20 percent budget cut. Mr. McCarthy said this year’s budget will be revised to prorate the mandated 5 percent cut for the past five months of the fiscal year. He added that further budget cuts are likely.

Commissioner Gates recommended giving authority to the Budget Committee and/or executive director to respond to the Department of Finance in case more cuts are required before the next meeting.

ACTION: *Commissioner Klein made a motion, seconded by Commissioner Beall, that:*

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The Commission authorize the Budget Committee and executive director to determine how best to implement budget reductions that may be required before the January meeting.

* Motion carried, 11 - 0.

Mr. McCarthy noted the Commission will be receiving reimbursement income from the recently passed school bond for expenses associated with the AB 16 Advisory Committee's work. In addition, OES will be providing \$26,000 to assist with the latest update of the *Plan*, and the Commission can expect some funds from the Pacific Earthquake Engineering Center.

Mr. McCarthy said the Department of Finance letter imposes a freeze on hiring and new contracts. He added that process is still open-ended because the Department of Finance has not yet set a budget reduction target. Mr. McCarthy added that Director of Legislation Henry Sepulveda is preparing a response, and commissioners will be notified by email as soon as the target is defined.

V. COMMITTEE REPORTS

Strong Motion Instrumentation Advisory Committee

Chairman Clark reported that the Strong Motion Instrumentation Advisory Committee (SMIAC) met in Sacramento on November 7. He noted Commissioner Patwardhan requested that a new chair be appointed, and after talking with commissioners and the California Geological Survey staff, it was felt that Mr. Chris Poland, chair of the Earthquake Engineering Research Institute, would be a suitable replacement. He said he approached Mr. Poland, who agreed to assume the duties of chair. Chairman Clark noted the SMIAC needs a few more members to represent the Commission; he proposed himself, Commissioner Patwardhan, and Commissioner Shapiro.

ACTION: Commissioner Jones made a motion, seconded by Commissioner Parker, that:

The Commission appoint Mr. Chris Poland chair of the Strong Motion Instrumentation Advisory Committee and approve Commissioners Clark, Patwardhan, and Shapiro as members.

* Motion carried, 11 - 0.

Public Information Committee

Chairman Clark recommended establishing a standing committee to assist the Commission in providing information and interfacing with the public. He said the committee's role would be to disseminate Commission positions, respond to media inquiries, and translate technical information to legislators and members of the public. He proposed that the committee take a proactive rather than reactive role.

Commissioner Shapiro noted situations had come up in the past where such a committee would have been helpful. As an example, he said, the Commission would have been in a better position

to respond to recent articles in the *San Francisco Chronicle* pertaining to AB 300. Chairman Clark added that hospital seismic safety was another issue where public education would be valuable.

Commissioner Jones noted a standing committee would require some funding and resources, and she asked whether the Commission had the means to establish a new committee. Chairman Clark acknowledged that resources were limited, but he said the committee could find low-cost ways to disseminate information. Commissioner Jones commented that providing information electronically can help reduce printing costs. Chairman Clark said the Commission staff is already working on compiling packets of information for legislators, including probabilistic shaking intensity maps showing likely earthquake damage in their districts. He noted this kind of activity could have a large impact for a very low price. Commissioner Jones recommended that the Commission partner with other agencies and organizations as part of this effort.

Commissioner Klein expressed support for the new committee as a way of conveying important messages to the public and the Legislative.

Commissioner Parker and Commissioner Palmer volunteered to serve on the new committee.

Chairman Clark proposed discussing the committee further at the next meeting. He welcomed suggestions as to a committee name, and he invited other commissioners and staff to volunteer.

VI. AB 16 ADVISORY COMMITTEE UPDATE - FINAL ADOPTION OF REPORT TO GOVERNOR

Commissioner Stan Moy noted the Governor signed AB 16 into law last April, and the Advisory Committee was formed to look at the feasibility of converting existing buildings to schools. He said the committee was composed of representatives from a wide range of state agencies and organizations, with Commissioners Moy, Gates, Shapiro, and Adelman representing the Seismic Safety Commission. The AB 16 Advisory Committee met five times and invited testimony from experts in engineering and school construction. The committee finalized its recommendations and conclusions at its November 21 meeting.

Commissioner Moy complimented and thanked the committee members and staff who participated in the process. He invited commissioners to review the draft findings and recommendations and provide suggestions and feedback.

Commissioner Gates noted the final draft report needs some additional wordsmithing, but the committee agrees on its contents and recommendations. He commended the committee and Commissioner Moy for completing this difficult task.

Commissioner Shapiro added that the committee members generously donated their time and energy to this effort, and the final recommendations preserve the intent of the Field Act. He thanked Commissioner Moy for his leadership as chair of the Advisory Committee.

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Staff Structural Engineer Henry Reyes provided an overview of the contents of the final draft report. He noted the document includes a table of contents, statement of the committee's task, explanation of the Field Act, description of the Division of the State Architect's (DSA's) current policy for rehabilitating non-Field Act buildings for school use, findings and justifications, and recommended next steps. Mr. Reyes said the end of the report provides a list of committee members and appendices with notes detailing what went on at each of the committee's five meetings. He suggested reviewing the sections of the report first, and then returning to the Executive Summary.

Mr. Reyes noted the "Statement of Task" on Page 5 mirrors the text of AB 16. It also indicates that costs and non-seismic issues were excluded from the committee's deliberations.

Mr. Reyes said the next section, "The Field Act," gives a brief history of the Field Act and states its goal of ensuring that no school buildings collapse as a result of earthquakes in California. He noted Page 6 includes a list of five major requirements for new school construction in California: 1) plans prepared by qualified design professionals; 2) designs reviewed and checked by the Department of General Services; 3) continuous inspection during construction; 4) oversight by responsible architects and engineers; and 5) verification of compliance.

Mr. Reyes noted the section beginning on Page 7 details DSA's current requirements for converting existing buildings to schools. He pointed out that one of the key provisions is certification of compliance by the responsible architect or engineer.

Commissioner Shapiro noted the fifth bullet indicates "Continuous inspection by DSA." He clarified that continuous inspection is actually performed by DSA-approved inspectors, not by DSA itself. Commissioners agreed to insert the word "required" before "by DSA."

Mr. Reyes drew attention to the findings and justification sections on Page 8. He noted AB 16 sets the goal as "equivalent pupil safety," so converted buildings must perform as well as buildings constructed according to the Field Act. He said the AB 16 Advisory Committee concluded that modern technology, methodologies, and engineering advancements make it possible for converted buildings to meet this performance standard. Appropriate retrofits can be designed by identifying the strengths and weaknesses of building materials and types of structures. Mr. Reyes noted the diagram on Page 9 illustrates how a performance-based approach can control damage and assure a desired level of safety.

Commissioners reviewed the "Recommended Essential Steps" section on Pages 10 through 13 and proposed a number of language changes. (See attached revised draft report.)

Commissioners agreed that the last recommendation on Page 13, advocating a change in state law to allow use of state funds for new school construction, should be moved to the Executive Summary.

Looking at the Executive Summary on Page 2, commissioners decided the text should be in the same size and font as the rest of the report, not bolded for emphasis.

Mr. Dennis Bellet, Division of the State Architect, stated that DSA supports the report findings and recommendations. He commended Commissioner Moy, Mr. Reyes, and the members of the Advisory Committee for their work. Mr. Bellet said DSA believes appropriate regulations can be drafted by the April 1, 2003, statutory deadline. He added that DSA plans to use the Office of Statewide Health Planning and Development's upgraded performance standards in their Division 6R as a starting point.

Mr. Walt Schaff, Principal Program Budget Analyst, Department of Finance, explained that the Department of Finance is committed to ensuring that the committee's end product and process meets the standard of equivalent pupil safety. He expressed his opinion that the AB 16 Advisory Committee's report meets the intent of the legislation, and he commended the committee for its work.

Mr. Brad Strong, Ed Voice, urged the Seismic Safety Commission to approve the report. He said his organization is pleased with the outcome and supports the recommendations.

Chairman Clark and Mr. McCarthy commended and thanked the staff for their assistance throughout this effort. Mr. McCarthy noted the Advisory Committee engaged in a consensus-building process, and the result is a series of recommendations that have wide support in the engineering and school construction community. He thanked Commissioner Moy for his leadership in completing this task under budget and ahead of schedule. Mr. McCarthy noted the AB 16 report is one of the most important products created by the Seismic Safety Commission. He noted it will have a major influence on the safety of school children in California.

ACTION: Commissioner Moy made a motion, seconded by Commissioner Jones, that:

The Commission accept the AB 16 Advisory Committee's report with the changes recommended by the Commission.

* Motion carried, 10 - 0 (Commissioner Gates absent during voting).

VII. LEGISLATIVE OVERVIEW

Director of Legislation Henry Sepulveda provided an update on past Commission legislation and discussed possible concepts for the 2003-04 legislative session.

Mr. Sepulveda noted the report on concrete tilt-ups and pre-1976 school buildings required by AB 300 (Corbett) was released in November, 2002. The report identified 7,500 school buildings, many of which are in need of attention.

Mr. Sepulveda reported that the USAR (Urban Search and Rescue) Advisory Committee formed as a result of AB 2002 (Alquist) held its first meeting earlier in November. He said the group plans to meet three or four times, and a final report is due in September of 2003.

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In looking at the 2003-04 legislative environment, Mr. Sepulveda noted resources will be very limited due to the state's budget deficits, and this situation will make it extremely difficult to pass bills that require additional funding. He said possible bill topics for the Commission's consideration this session include:

- Replenishment of the Commission's Emergency Earthquake Investigations Account;
- A bond act to retrofit local government and residential buildings;
- Hospital seismic safety funding;
- Design-build contracting for K-12 schools;
- Inventory of hazardous concrete buildings;
- California Earthquake Authority enhancements;
- Mandatory strapping of water heaters in rental units;
- School safety and preparedness;
- Follow-up on the AB 16 report recommendations; and
- Follow-up on AB 300 report recommendations.

Mr. Sepulveda suggested presenting ideas for possible legislation to potential authors in January and February for introduction in late February. He welcomed comments and suggestions from commissioners.

Commissioner Beall asked about the possibility of using school bond funds to implement some of the recommendations in the AB 300 report. Senior Structural Engineer Fred Turner responded that Proposition 47 funds are already earmarked for predefined projects, so there are no funds available for the next phase of the AB 300 seismic evaluations. He noted another bond bill for \$12.5 billion will appear on the ballot in March of 2004.

Commissioner Jones observed that list of bill topics includes three that will require funding: retrofit of local government buildings, hospitals, and schools. She suggested focusing on the most critical and expressed her opinion that the hospital crisis should be addressed first.

Chairman Clark agreed, but noted funding will be very difficult. He emphasized the need to find a clever and creative way to motivate hospitals to undertake necessary repairs. Commissioner Jones said a county revenue bond might be a possibility. Commissioner Beall stated that the biggest need is funding for public hospitals and those in the University of California system.

Chairman Clark supported developing legislation pertaining to hospitals and possibly schools. Commissioner Beall suggested linking school legislation to the 2004 school bond bill if possible. He recommended focusing on incentives to encourage schools to undertake seismic evaluations. Chairman Clark proposed talking with Assemblywoman Corbett about the next steps to implement AB 300. Mr. Sepulveda noted the Commission might consider bills addressing nonstructural hazards in schools, AB 300 follow-up, and a bond bill to address structural problems. Commissioner Jones expressed interest in supporting a bill to address nonstructural hazards. She recommended focusing on preventing damage rather than responding.

Chairman Clark asked commissioners to review the proposed legislative concepts and convey their preferences and priorities to the staff by Friday, December 13, so the Commission's 2003-04 legislative package can be discussed in more detail at the January meeting.

VIII. MISCELLANEOUS - PUBLIC COMMENT PERIOD

There were no other comments made by members of the public.

IX. GOOD OF THE MEETING

Chairman Clark expressed his appreciation to Commissioner Moy and the AB 16 Advisory Committee for their outstanding work on the issue of converting existing buildings to schools.

X. ADJOURNMENT

There being no further business, Commissioner Palmer made a motion, seconded by Commissioner Jones, that the meeting be adjourned. The meeting was adjourned at 1:05 p.m.

Sue Celli
Office Manager

Approved by:

Richard McCarthy
Executive Director

Note: Page 8 -- parenthetical notation at bottom: You should attach the revised draft of the AB 16 report.