

Seismic Safety Commission
Minutes of Teleconference Meeting
August 13, 2003
1755 Creekside Oaks Drive, Suite 100
Sacramento, California

Members Participating

Stan Y. Moy, Chairman
Andrew Adelman
Jim Beall (arr. 10:10 a.m.)
Mark Church
Bruce R. Clark
Lawrence T. Klein
Don Manning
Linden Nishinaga
Donald R. Parker
Daniel Shapiro

Members Absent

Lucy Jones, Vice Chair
Senator Richard Alarcon/Chris Modrzejewski
Celestine Palmer
Jimmie R. Yee

Staff Participating

Richard McCarthy
Robert Anderson
Abby Browning
Karen Cogan
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 Stan Moy at 10:04 a.m. Executive Assistant Karen Cogan called the roll and confirmed the quorum.

II. CHAIRMAN'S REMARKS

Chairman Moy drew attention to the proposed resolution honoring former Commissioner Doug Mochizuki for his service.

Commissioner Linden Nishinaga asked if Commissioner Mochizuki had resigned. Chairman Moy explained that Commissioners Mochizuki and Patwardhan had elected not to reapply for appointment to the Commission. Commissioner Andrew Adelman said he believed Commissioner Mochizuki had retired from his position several months earlier.

ACTION: Commissioner Mark Church made a motion, seconded by Commissioner Nishinaga, that:

The Commission adopt the resolution as proposed.

* Motion carried, 9 - 0 (Commissioner Beall absent during voting).

III. APPROVAL OF JUNE 12, 2003 MEETING MINUTES

Mr. McCarthy proposed a correction to the next-to-last paragraph on Page 8, first sentence: "Mr. Turner said the Commission's most recent progress survey reveals that about 98 percent of buildings are in local jurisdictions that have complied with the law."

Referring to the second paragraph after the motion at the top of Page 8, Commissioner Nishinaga clarified that he expressed concern about SB 916 because he felt he did not have enough information to take a position. He stated he favored continuing the Commission's neutral position pending further information.

Commissioner Daniel Shapiro drew attention to the last paragraph on Page 4 and recommended inserting the word "resistance" after "Shear" in the first sentence, second line.

Commissioner Shapiro said the third paragraph on Page 5, last sentence, incorrectly implies he had authority to schedule the next committee meeting. He proposed deleting that sentence.

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

The Commission approve the June 12 minutes as amended.

* Motion carried, 10 - 0.

IV. EXECUTIVE DIRECTOR'S REPORT

Budget Update

Mr. McCarthy asked Mr. Sepulveda to brief the Commission on the status of the 2003-04 budget.

Director of Legislation Henry Sepulveda reported that the Governor signed the budget bill on August 2. He said that the budget bill provides \$884,000 in funding to the Seismic Safety Commission, plus \$75,000 in reimbursements. He stated that starting this year, the Commission's funding comes from the Insurance Fund rather than the general fund.

Mr. Sepulveda noted that the change in the funding mechanism will actually be approved when the budget trailer bill is approved; he said the Legislature will be considering the trailer bill after August 18. The trailer bill provides that the Commission's funding will come from an assessment of 7 cents per policy on all residential and commercial property insurance policies in the state, and the assessment will go into effect on January 1, 2004. To cover the period through December 31, 2003, the Department of Insurance will be lending the Commission \$442,000, which will need to be repaid by next June. He added that the trailer bill is likely to be approved by a majority of the Legislature without any problem.

Mr. Sepulveda noted a number of unions representing state employees had previously negotiated pay raises of 5 to 7 percent that were to have gone into effect on July 1, 2003. However, because

Meeting Minutes

of the state's serious budget crisis, some of the unions agreed to defer or reduce the increases. The Department of Finance recently asked all state agencies to provide scenarios showing the effects of additional budget reductions. Agencies dependent on the general fund were instructed to reduce budgets by 16 percent, and all other agencies, including the Commission, were asked to show 12 percent reductions in their personnel and services expenses. Mr. Sepulveda said the amount the Commission can expect to cut is at least \$12,000 and as much as \$29,700, depending on the outcome of ongoing labor negotiations.

Mr. McCarthy drew attention to the chart in the meeting packet showing projected major expenditures for 2003-04. He noted that Commissioner Shapiro had asked the staff to find a simpler way to express the budget and keep track of available funds. He said the chart, which will be updated at each meeting, shows the Commission's total budget, deductions for major expense categories, contract balances, and funds remaining for other projects. Mr. McCarthy suggested reviewing proposed 2003-04 projects in more detail at the September meeting.

Mr. McCarthy welcomed comments and suggestions on the new chart.

Commissioner Nishinaga said he liked having a one-page summary. Commissioner Shapiro noted it was useful to see the amounts contracted and the balances in each contract. Commissioner Manning commented that the chart was helpful, and other commissioners agreed. Commissioners expressed appreciation to the staff for developing the clearer summary.

September and October Meetings

Mr. McCarthy noted the Commission's next meeting will be held in Vallejo on September 11. He said the focus of the meeting will be on urban search and rescue (USAR), and the USAR Committee will present its final report. He added that Ms. Cogan and Commissioner Don Parker were working to arrange field trips in conjunction with the meeting.

Mr. McCarthy proposed holding the October meeting in Oakland. He noted the Federal Emergency Management Agency (FEMA) has offered to provide a tour of its new Region 9 facility, and FEMA representatives will be on hand to make presentations.

Strategic Plan

Mr. McCarthy said that at the last meeting, Commissioner Shapiro had volunteered to review and revise the Commission's strategic plan. He noted the resulting document is shorter and more concise. He welcomed additional comments and suggestions from commissioners.

Commissioner Nishinaga said he liked the direction of the strategic plan and the way the document looked. Other commissioners agreed.

Commissioner Lawrence Klein thanked Commissioner Shapiro for donating his vacation time for this task.

Mr. McCarthy said the staff will take Commissioner Shapiro's revisions and revise the document

accordingly.

Chairman Moy proposed reviewing the document at the September meeting and adopting the revised strategic plan at the October meeting. He asked commissioners to review the strategic plan and send additional suggestions to the staff.

Ms. Cogan asked commissioners to provide editorial suggestions before the September meeting. She said she would contact commissioners by email to advise them of the deadline for comments.

Quake '06 Campaign

Mr. McCarthy reported that the Earthquake Engineering Research Institute (EERI) and the U.S. Geological Survey are planning activities to mark the 100-year anniversary of the 1906 San Francisco earthquake, and the Commission has been asked to participate. He recommended that the Commission authorize participation, on the condition that the staff watch expenditures closely. He said he would bring more detailed cost projections to the September meeting.

Mr. McCarthy added that he would also have information on activities associated with the 10th anniversary of the Northridge earthquake at the next meeting.

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

The Commission authorize participation in the Quake '06 campaign as proposed.

Chairman Moy asked how much the staff anticipated spending on participation. Mr. McCarthy responded that he expected the staff would have to attend some meetings, but out-of-pocket costs would be minimal. He said he would have more definite information at the next meeting.

Mr. Fred Turner said there were actually two organizations working on events to commemorate the 1906 earthquake, the '06 Earthquake Centennial Alliance and EERI's Quake '06 Campaign. He noted the members of both multi-disciplinary groups were listed in the materials provided in the agenda packet. Commissioner Parker commented that a number of communities statewide were partnering with EERI on the events, and the momentum was growing.

Commissioner Clark asked the staff to try to get the Commission's name listed in the Alliance's letterhead along with the other sponsors. Mr. Turner said the Seismic Safety Commission would be added to the list liaison organizations, which include FEMA, USGS, and the Office of Emergency Services.

* Motion carried, 10 - 0.

OES Mitigation Committee

Mr. McCarthy reported that he attended an OES meeting on August 12 to discuss formation of a committee to work on developing an all-hazards mitigation plan for California. He noted FEMA

Meeting Minutes

is requiring states to develop such plans as a condition of eligibility for federal disaster funds. Mr. McCarthy said OES produced a 220-page document with a generic section on each major hazard, and the Seismic Safety Commission was asked to review and rewrite the seismic hazards portion of the draft document. He stated the staff will be working with OES and the California Geological Survey (CGS), and a revised draft will be distributed at the September Commission meeting.

Mr. McCarthy added that he planned to invite Mr. Paul Jacks, OES, to make a brief presentation on the effort at the September meeting.

V. COMMITTEE REPORTS

Urban Search and Rescue (USAR) Committee

Mr. Sepulveda said the USAR Committee will be forwarding its report to the Commission chair by September 1, and the report will be presented to the Commission at the September meeting. He added that he was very pleased with the excellent work done by the committee.

Commissioner Parker expressed his appreciation to the staff for their assistance to the committee. He noted the committee, chaired by former Commissioner Mochizuki, worked hard on the report.

Commissioner Manning thanked Mr. Sepulveda for his support and effort. Mr. Sepulveda responded that he felt honored to work with the committee. Mr. McCarthy noted Ms. Abby Browning played an instrumental part in completing the report as well, and he thanked her for her contribution.

Commissioner Nishinaga added that he was also grateful to Mr. Sepulveda for providing excellent support to the PEER Review Committee, and he expressed his appreciation.

VI. LEGISLATION

Mr. Sepulveda noted funding for the Seismic Safety Commission was approved when the budget bill was adopted on August 2, but the actual funding mechanism is part of a trailer bill that has yet to be approved. Mr. Sepulveda said the trailer bill provides that money for the Commission will come from an assessment on property insurance policies that will continue through 2007. The Department of Insurance has agreed to loan the Commission funds to cover the period until January 1, 2004, when the trailer bill will take effect.

Commission-Sponsored Bills

Mr. Sepulveda announced that AB 1573 (Corbett), making design-build requirements for K-12 schools conform with those for community colleges, was signed by Governor Davis on July 14.

Mr. Sepulveda reported that AB 1066 (Liu), proposing issuance of \$700 million in general obligation bonds to finance retrofit of local government buildings, has been held up in the

Assembly Appropriations Committee. He said this bill, like other bond bills, is not likely to move forward because of the state's fiscal crisis.

Mr. Sepulveda noted AB 1576 (Liu), mandating strapping of water heaters in rental units, now has the support of the realtors association and the apartment owners association. Under the terms of this bill, beginning on January 1, 2004, landlords whose water heaters are not properly anchored can be cited by local building departments. Mr. Sepulveda said AB 1576 will be heard by the Assembly Appropriations Committee on August 18. After that, it will be sent to the Senate floor, back to the Assembly for concurrence, and then to the Governor by the end of August.

Commissioner Adelman asked if AB 1576 includes a source of funding for local government enforcement activities. Mr. Sepulveda explained that under the terms of the bill, local governments will be able to collect fines imposed for violations. Commissioner Adelman expressed his opinion that imposing an unfunded mandate was not good public policy, especially when local governments were already struggling under budget constraints.

Commissioner Church commented that AB 1576 is not intended to be unduly burdensome on local jurisdictions. In most cases, violations will be discovered in the course of other routine inspections, so a separate enforcement system will not need to be created. Commissioner Don Parker pointed out that AB 1576 does not mandate enforcement; it simply authorizes local jurisdictions to cite violators and collect fines.

Commissioner Adelman asked the staff to provide him with the actual text of the bill. Mr. Sepulveda responded that the bill was currently being amended. He said he would send the revised version as soon as it becomes available. Commissioner Adelman stated he would reserve objections until seeing the actual text.

Commissioner Donald Manning said he understood that local fire services conduct annual inspections. He noted that any violations observed during those inspections could then be reported to local building departments for enforcement action. Commissioner Adelman clarified that local fire services routinely inspect commercial and industrial buildings, but multi-family buildings are seldom inspected.

Other Pending Bills

Mr. Sepulveda referred commissioners to the chart in his legislative report showing the status of other bills of interest to the Commission.

Mr. Sepulveda pointed out that SB 242 (Knight), which would have authorized community colleges to use either the Uniform Building Code or the Field Act for constructing new joint use facilities, was vetoed by the Governor on July 29. He noted that although the bill passed out of committee, this is the third year in a row it was vetoed by the Governor. He added that the Commission's opposition was a key factor in the veto decision.

Commissioner Nishinaga drew attention to SB 916, which proposes a ballot measure to increase

Meeting Minutes

Bay Area bridge tolls by \$1 to fund seismic retrofit and transportation improvements. He asked if the specific projects had been identified. Mr. Sepulveda responded that the bill does identify specific projects in the Bay Area. Commissioner Jim Beall added that the Metropolitan Transportation Commission develops the list of projects.

Commissioner Nishinaga stated that he favored the concept of transportation improvements, but expressed concern about the impact of increased bridge tolls on the working poor and middle-class people who rely on bridges for commuting to work. Commissioner Beall responded that the transportation improvements funded by SB 916 will benefit low-income people and workers who use mass transit, buses, and alternative routes. He acknowledged there was a tradeoff between the cost impact on some commuters and the benefit for others.

Mr. Sepulveda clarified that SB 916 merely authorizes placement of the measure on the ballot. He noted voters will still have a chance to decide whether to increase bridge tolls.

VII. APPROVAL OF PEER REVIEW REPORT

Commissioner Nishinaga noted the Seismic Safety Commission is charged with reviewing the progress of the Pacific Earthquake Engineering Research (PEER) Center and periodically reporting to the Legislature. He reported that the PEER Review Committee met four times to develop the Year Five and Six Report. He thanked Senior Geologist Robert Anderson for his assistance in putting the document together. Commissioner Nishinaga also commended the members of the PEER Review Committee and expressed appreciation for their hard work.

Commissioner Nishinaga said the committee tried to make the report more concise and interesting for its target audience. He pointed out the main body of text is shorter, and an appendix is provided for more details. He noted the appearance and form of the report were revised so it has a more businesslike and less technical appearance. Commissioner Nishinaga recommended that the Commission accept the report.

Senior Geologist Robert Anderson said Mr. Fred Turner, Mr. Sepulveda, and Mr. McCarthy were also involved in developing the Year Five and Six Report.

Mr. Anderson pointed out that one section of the report is different from the 2001 report, and he drew attention to the discussion of additional funding on Pages 3 and 4.

Commissioner Nishinaga noted the table on Page 5 should come after the text on Page 4.

Commissioner Bruce Clark asked who were the report's target audience. Mr. Anderson responded that the report is intended to be read by legislators, legislative staff members, the Governor's Office, and members of the PEER Center.

Commissioner Clark recommended including an explanation of how state money is leveraged with funds from the federal government and other sources. He noted it is important to impress upon legislators that California is receiving a great deal of value for the funds invested. He also suggested explaining that not all state funds come from the general fund, and that a relatively

modest amount is going to research.

Mr. Anderson pointed out that the state's funding contribution dropped significantly in Year 6. He noted it a multi-year graph might be an effective way of showing how funding levels have changed.

Commissioner Clark observed the funding discussion needs to be handled sensitively.

Commissioner Church proposed approving the report and authorizing the committee to develop new language clarifying the sources of funding and how funds are leveraged. Commissioner Clark noted it might be a good idea to create a separate appendix on state funding.

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

The Commission adopt the Year Five and Six Report and authorize the committee to revise the document to address the points mentioned by the Commission.

Commissioner Nishinaga said he felt Commissioner Clark's comments were well taken. He said that the committee will find a way to express the funding situation clearly.

* Motion carried, 10 - 0.

Chairman Moy asked Commissioner Nishinaga to convey the Commission's concerns that the committee articulate the message carefully and delicately.

VIII. OPEN PUBLIC COMMENT

There were no members of the public who wished to address the Commission.

Commissioner Adelman asked the staff to provide an update on the state's selection of a new model code.

Mr. Turner explained that the Building Standards Commission has been deliberating for the past six months on whether California should adopt the International Building Code or NFPA 5000 as the state's model building code. After conducting hearings and soliciting input from state agencies, building officials, and various trade organizations, the Building Standards Commission voted 8 - 2 to adopt the NFPA 5000, and the new code will go into effect in 2007.

Mr. Turner noted the majority of building officials favored the International Building Code, and fire officials were split about 50-50 on which model code should be adopted. Commissioner Shapiro said the Structural Engineers Association voted unanimously to support the International Building Code.

IX. MISCELLANEOUS/GOOD OF THE MEETING

Mr. McCarthy noted this year's budget deliberations were quite difficult for the Commission,

Meeting Minutes

and is likely to continue in future years because funding will continue to be very restricted. He urged commissioners to take a more active role in talking with legislators to garner their support. Mr. McCarthy said that during the budget hearings, it became clear that many legislators have a perception that there is little need to improve seismic safety in the state, and that the Commission's job could be done just as easily by university professors.

Commissioner Shapiro commented that all recently reappointed commissioners received letters from Senator Burton asking them to articulate their short- and long-term goals for the Seismic Safety Commission. He suggested using the goals as a starting point for discussions with legislators.

Commissioner Adelman agreed with Mr. McCarthy that face-to-face contact between commissioners and legislators is particularly important. He said he often takes advantage of chance encounters at airports and on return flights from Sacramento to talk with legislators. He recommended making an effort to schedule visits with legislators from the Bay Area who commute by car to Sacramento.

Commissioner Nishinaga reported having similar experiences meeting with legislators in airports and on planes. He noted the letters of support in the meeting packet might be worth disseminating to legislators.

Commissioner Parker recommended developing informative presentations on earthquakes around the world and their political ramifications. He stressed the importance of offering something of value to capture the attention of legislators. He also suggested providing a 24-hour telephone number legislators can call for information on earthquakes.

Commissioner Adelman recommended working through Senator Alarcon and Assemblywoman Liu, the Commission's legislative representatives. He noted Senator Alarcon has a strong interest in seismic safety issues and will support the Commission in its activities.

Commissioner Manning suggested asking Senator Alarcon to appoint a delegate who is able to attend Commission meetings on a regular basis. Commissioner Adelman said he would pursue that possibility.

Commissioner Nishinaga supported Commissioner Adelman's idea about working through Senator Alarcon and Assemblywoman Liu.

Commissioner Clark advocated developing individual connections rather than group presentations. He noted the Commission needs champions in the Legislature who can help build public interest in seismic safety issues. He suggested focusing on outreach that identifies the political impacts of earthquakes and what can be done about them.

Mr. Anderson said the Commission staff was working on a document that explains what legislators and others can do immediately after a major earthquake. He recommended finishing that document and disseminating it to legislators.

August 13, 2003

Commissioner Clark noted it might be helpful to revise the *Homeowners Guide to Earthquake Safety*. He recommended creating a package of information, including that document, the hazards map, and other useful tools.

Chairman Moy welcomed comments from commissioners about holding future teleconference meetings.

Commissioner Nishinaga observed that conversation is much more difficult with this format.

Commissioner Church pointed out that teleconference meetings can be beneficial in terms of saving time and increasing participation. He suggested using teleconferences occasionally in situations where commissioners are not able to attend in person.

Chairman Moy recommended reserving teleconferencing for meetings with short agendas.

Commissioner Parker asked about the possibility of making teleconferencing available as an option in conjunction with regular meetings. Mr. McCarthy said Room 444 at the State Capitol does not have teleconferencing capabilities.

Chairman Moy proposed discussing teleconference meetings in more detail at the next meeting.

X. ADJOURNMENT

There being no further business, Chairman Moy adjourned the meeting at 11:40 a.m.

Sue Celli
Office Manager

Approved by:

Richard McCarthy
Executive Director