

Seismic Safety Commission  
Minutes of Meeting  
November 13, 2003  
State Capitol, Room 444  
Sacramento, California

**Members Participating**

Stan Y. Moy, Chairman  
Lucy Jones, Vice Chair  
Andrew Adelman  
Jim Beall (arr. 9:20 a.m.)  
Mark Church  
Bruce Clark  
Roy Dehbibi  
Lawrence T. Klein  
Don Manning  
Linden Nishinaga  
Farhang Ostadan  
Celestine Palmer (arr. 11:10 a.m.)  
Donald R. Parker  
Daniel Shapiro  
Jimmie R. Yee

**Members Absent**

Senator Richard Alarcon/Chris Modrzejewski  
Frannie Winslow

**Staff Present**

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

**I. CALL TO ORDER/ROLL CALL**

Chairman Stan Moy called the meeting of the Seismic Safety Commission to order at 9:08 a.m. Executive Assistant Karen Cogan called the roll and confirmed that a quorum was present.

**II. CHAIRMAN'S REMARKS**

Chairman Moy welcomed three new appointees to the Commission: Mr. Roy Dehbibi, Mr. Farhang Ostadan, and Ms. Frannie Winslow. He invited Commissioners Dehbibi and Ostadan to introduce themselves and give a brief description of their backgrounds.

Commissioner Ostadan said he was honored to be selected to join the Commission. He explained that he worked as an engineer with Bechtel and had extensive experience with transportation and energy projects. He commented that he looked forward to helping the Seismic Safety Commission achieve its important mission during the challenging times ahead.

Commissioner Dehbibi thanked Commissioner Andrew Adelman for his support and assistance. Commissioner Dehbibi said he came to the U.S. from Iran in 1957 as a medical student, but eventually ended up at Cal Poly studying air conditioning. He stated that he was excited and happy to be appointed to the Commission.

Chairman Moy presented a 25-year service award to Ms. Cogan. He expressed his appreciation

to Ms. Cogan for being so supportive and helpful to the Commission.

Executive Director Richard McCarthy said he has worked with Ms. Cogan since 1980, beginning at the Coastal Commission and then moving to the Seismic Safety Commission. He noted Ms. Cogan has a wealth of knowledge and experience with state agencies that benefits the Commission. In particular, Mr. McCarthy commended Ms. Cogan for her work in protecting the Commission from a recent computer virus, improving efficiency by converting paper forms to electronic forms, and assisting with various Commission projects. He presented her with a watch honoring her for her 25 years of service.

Commissioner Mark Church echoed Mr. McCarthy's praise. He noted Ms. Cogan is an extremely valued member of the Seismic Safety Commission staff, and he thanked her for her service.

Commissioner Don Manning commented that much of Ms. Cogan's work goes on behind the scenes. He praised her for helping the Commission meetings run so smoothly.

Commissioner Bruce Clark expressed appreciation to Ms. Cogan for her outstanding support when he chaired the Commission.

Commissioner Dan Shapiro pointed out that Ms. Cogan is the most senior member of the Commission staff. As a past chair of the Commission, he attested to Ms. Cogan's excellent assistance and help. He noted Ms. Cogan does an outstanding job of welcoming new commissioners and making everyone feel comfortable during their tenure with the Commission.

Ms. Cogan said she was honored to be recognized. She added that she has enjoyed her 14 years with the Seismic Safety Commission and was proud of belonging to an agency that makes such a difference for the people of California.

### **III. APPROVAL OF OCTOBER 9, 2003 COMMISSION MEETING MINUTES**

Chairman Moy drew attention to the October 9 minutes and asked if commissioners had any changes or corrections.

Commissioner Linden Nishinaga said he provided the staff with a written description of proposed changes to Pages 12 and 13. Ms. Cogan noted commissioners all received a copy of those changes.

Drawing attention to his remarks about former Commissioner Paul Fratessa near the bottom of Page 2, Commissioner Shapiro clarified that Mr. Fratessa had chaired the Commission before Commissioner Shapiro became a member.

**ACTION:** Commissioner Church made a motion, seconded by Commissioner Manning, that:

*The Commission approve the October 9 minutes as amended.*

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- \* Motion carried, 14 - 0 (Commissioner Palmer absent during voting).

## **V. EXECUTIVE DIRECTOR'S REPORT**

### **Budget Update**

Mr. McCarthy invited Commissioner Lawrence Klein to provide an overview of the latest budget projections.

Commissioner Klein said major changes since the last meeting includes an increase of approximately \$22,000 in workers' compensation premium costs and budget reductions of about \$40,000. He noted the projected revenues from PEER reimbursement were increased from approximately \$30,000 to \$34,000. Commissioner Klein commented that state agencies are still uncertain as to what changes would occur after Governor-Elect Schwarzenegger takes office on November 18. He added the Commission is likely to have a very small amount available for projects this year.

Commissioner Klein added that the meeting calendar shows ten Commission meetings in 2004, but the budget is based on only eight meetings.

Mr. McCarthy noted the itemized list of expenditures will be discontinued after this meeting, but commissioners will continue to receive a summary. He welcomed suggestions from commissioners as to ways of making the budget reports more useful and informative.

Commissioner Clark expressed his opinion that commissioners do not need itemized details on all expenditures.

Commissioner Shapiro recommended showing fund balances from the previous month and providing commissioners with a list of expenditures for the most recent one-month period. Mr. McCarthy said he liked this suggestion.

Commissioner Adelman suggested that with the advent of the new administration and anticipated budget constraints, it would behoove the Commission to take a step back and look at global issues. He urged fellow commissioners to promote the importance of the Seismic Safety Commission with decision-makers and state leaders. He emphasized the need for strong advocacy efforts to ensure the Commission's ability to continue. Commissioner Adelman noted the Commission's total budget of \$884,000 per year is minor compared to many other state agencies, but its mission is of vital importance to the state.

### **FEMA Appeal**

Mr. McCarthy reported that the Commission's appeal to the Federal Emergency Management Agency (FEMA) had been denied. He explained that FEMA had disallowed \$216,000 in expenses related to preparing reports after the Northridge earthquake. Mr. McCarthy noted that although FEMA's Region IX had promised to provide an opportunity for an oral interview, that meeting never took place. He said he, Commissioners Shapiro and Moy, Mr. Fred Turner, and

Mr. Henry Sepulveda met with staff from Senator Feinstein's office to plan next steps. Mr. Sepulveda followed up by drafting a letter for the Senator to send to FEMA requesting an oral interview. Mr. McCarthy expressed his appreciation to Region IX and the Governor's Office of Emergency Services (OES) for their cooperation and support.

Commissioner Clark expressed his opinion that a teleconference meeting would be inadequate to present the Commission's case. He recommended a graphic presentation to illustrate the problem and explain the Commission's position. Mr. McCarthy said he liked that idea. He noted that Mr. Turner had created a clear chronology of events. He added that he would be participating in a conference call soon with OES, Region IX, and Senator Feinstein's office to strategize.

### **Workers' Compensation Premium Increase**

Mr. McCarthy drew attention to the memo in the meeting packet explaining the workers' compensation premium increase.

Ms. Cogan said the staff was surprised at the magnitude of the increase. She noted the current premium is approximately \$11,000 per year, and the new rate will be \$33,086. She reported that the staff researched carriers other than the State Compensation Insurance Fund (SCIF) but was unable to find a carrier willing to provide less expensive coverage for such a small account. In addition, leaving SCIF would create a potential union problem. Staff concluded it would be best to maintain coverage with SCIF and pay the higher premium.

Commissioner Klein asked why the rate had increased so dramatically. Ms. Cogan said the increase reflects workers' compensation trends statewide. She stated that the Seismic Safety Commission has been insured by SCIF for the past five years, and no claims have been filed. She noted there used to be two categories of employees, professional and clerical, but all state employees are in one category now. She added that the Commission receives a 15 percent discount.

Mr. McCarthy noted the Insurance Commissioner is currently considering a proposal that would reduce workers' compensation insurance rates by 14 percent, so there may be some relief in the future.

### **2004 Commission Meeting Schedule**

Mr. McCarthy drew attention to the proposed meeting schedule. He noted the Commission traditionally meets on the second Thursday of each month ten times a year, with no meetings in August or December. He pointed out the schedule calls for meeting on a Wednesday rather than a Thursday next November. He recommended that the Commission plan eight meetings in the current fiscal year. Mr. McCarthy said usually meets in Sacramento, with occasional meetings in local jurisdictions. He noted it has been some time since the Commission met in either Los Angeles or San Francisco. He welcomed suggestions from commissioners.

Commissioner Jim Beall recommended eliminating the March meeting.

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Commissioner Lucy Jones commented that there will be a number of events in southern California in January to mark the tenth anniversary of the Northridge earthquake, and she proposed meeting at either Cal Tech or the Southern California Earthquake Center in January. She also suggested avoiding meeting in Sacramento in July.

Commissioners discussed possible dates for the January meeting. Commissioner Adelman expressed his preference for meeting on a Thursday. After some deliberation, the Commission agreed to meet on Thursday, January 15, in southern California.

Mr. McCarthy noted the Legislature will reconvene in Sacramento the week of January 5th. He suggested arranging meetings between commissioners and key legislators early in January.

Commissioner Jones proposed eliminating either the February or March meeting.

Mr. McCarthy said the staff will come back with recommendations and proposed alternatives in case of further budget reductions.

### **VI. HOSPITAL BUILDING SAFETY BOARD ANNUAL REPORT (Out of Order)**

Chairman Moy introduced Mr. Michael Navarro, Chairman, Hospital Building Safety Board; Mr. John A. "Trailer" Martin, Past Chairman; and Ms. Sue Botelho, Chief of Program, Policy and Operation Support Section to the Facilities Development Division, Office of Statewide Health Planning and Development (OSHPD), and invited them to address the Commission.

Mr. Martin noted the Hospital Building Safety Board is a statutorily created body whose primary duty is to advise OSHPD. He noted the Board also hears appeals regarding hospital design and construction issues. Mr. Martin reported that the Hospital Building Safety Board held three quarterly meetings in 2002 and 20 committee meetings. He noted the Board experienced considerable turnover and added several new members. He said the Board maintains two standing committees, the Board Procedures Committee and the Instrumentation Committee; in addition, there are several ad hoc committees focusing on specific issues and problems. The topics these ad hoc committees dealt with last year were Deferred Submittals and Signing, Fire Smoke Dampers, Generator Sizing, Structural Regulations, and Surgery and Dialysis Clinics.

Mr. Martin noted the Board's Implementation Committee recommended instrumenting three new hospitals sites during the past year: St. Louise in Gilroy, Thornton Hospital at UC San Diego, and the Kaiser facility in Walnut Creek; the Kern County Medical Center in Bakersfield was proposed as an additional site if funds are available. He noted progress depends to great extent on budget constraints.

Mr. Martin said another key accomplishment of the Board was development of a flow chart illustrating the regulations and jurisdiction applicable to surgery and dialysis clinics. He noted this was a source of considerable confusion in the past, but the Ad Hoc Committee on Surgery and Dialysis Clinics was able to provide a clear explanation and a helpful chart to address this problem.

Commissioner Nishinaga asked about the purpose of the Ad Hoc Committee on Fire Smoke Dampers. Mr. Navarro responded that there had been numerous reports of failures and difficulties with fire smoke dampers in hospitals, so the committee's task was to determine whether a problem existed and identify possible solutions.

Commissioner Nishinaga asked whether the ad hoc committees were sufficient to cover the most important issues facing hospitals. Mr. Navarro said ad hoc committees are formed in response to the highest priorities identified by the Board, and the five committees established in 2002 reflected the hot issues at the time. Mr. Martin added that it is up to the chairman of the Board to select committees.

Mr. Navarro stated that all of the Board's ad hoc committees had completed their assignments. He noted the Board was limited to one meeting per year because of budget restrictions, so it has been difficult to take on new issues. He said the Board is in the process of trying to restructure and find other ways of continuing its work.

Commissioner Shapiro observed that legislative attempts to change the SB 1953 hospital retrofit deadlines had all failed, but in the process, hospitals argued that OSHPD was overburdened with processing retrofit plans and applications. He asked if OSHPD has devised any solutions to handle the workload problem. Mr. Martin answered that OSHPD's plan check division has been hampered by stringent budget constraints, necessitating layoffs and cutbacks. He said workload is still increasing, so OSHPD is resorting to more outsourcing to meet the demand.

Ms. Botelho stated that OSHPD had predicted a doubling of its workload because of SB 1953. She noted SB 1801 gave hospitals the option of applying for an extension of the 2008 deadline to 2013 with a showing of diminished capacity, but there is still a huge increase in the amount of work coming in. Ms. Botelho commented that many hospitals are planning to replace old facilities rather than retrofit them. She said OSHPD was able to convince the Department of Finance of the need for more staff, and 19 positions were approved on November 7. She added that OSHPD will be requesting more positions and also doing more outside contracting for large hospital projects.

Commissioner Ostadan asked about the status of the instrumentation program. Ms. Botelho said funding is a major issue with that program as well. Mr. Navarro drew attention to Page 6 of the annual report and the attachment showing the 30 hospital sites that currently have instrumentation. Mr. Martin said there was sufficient funding in place to instrument three more hospitals in 2002.

Commissioner Jones asked who maintains and monitors the instruments. Mr. Martin responded that ongoing maintenance and monitoring is part of the Strong Motion Instrumentation Program (SMIP), and instrumentation is required for all new hospitals. He commented that the data generated by the instruments is integrated into the California Geological Survey database.

**ACTION:** Commissioner Adelman made a motion, seconded by Commissioner Clark, that:

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*The Commission accept the annual report of the Hospital Building Safety Board.*

- \* Motion carried, 14 - 0 (Commissioner Palmer absent during voting).

Chairman Moy thanked Mr. Navarro, Mr. Martin, and Ms. Botelho for their report.

### **XI. UPDATE ON PUBLIC ASSISTANCE POLICIES OF OES AND FEMA AFTER DISASTERS (Out of Order)**

Chairman Moy invited Mr. Chris Adams, Governor's Office of Emergency Services, to provide an update on public assistance policies of OES and FEMA. He noted Commissioner Beall had requested information on how OES administers public assistance to governmental agencies after disasters.

Mr. Adams said that after the Loma Prieta earthquake, many local jurisdictions experienced was considerable confusion and delay in obtaining disaster funds from FEMA, so steps were taken since then to improve the process. The Stafford Act was enacted, followed by interim regulations, and then final regulations to establish rules and procedures for processing funding requests. Mr. Adams noted that since the Stafford Act was passed, there have been more than 650 disasters in the U.S. that tested the new rules. He said that under the new regulations, FEMA establishes public assistance coordinators to facilitate the process. FEMA also has adopted policies encouraging mitigation rather than just dealing with post-disaster response. Through FEMA's mitigation program, California can spend 15 percent of its federal funding for mitigation activities, a significant increase over the 1 to 2 percent currently available.

Mr. Adams commented that there are still problems the inconsistent and arbitrary decisions made by FEMA reviewers, a problem that affects the Seismic Safety Commission in its pending appeal. He noted factual data can be very helpful in resolving these disputes, and he encouraged the Commission to present as much information as possible to influence FEMA to reverse its denial of the appeal. He added that OES strongly supports the Commission's position.

Commissioner Don Parker said he attended a recent OES seminar in Oakland regarding public assistance available to local governments. At that session, participants were advised that local mitigation plans must be in place as a condition of eligibility. He asked for more information about that requirement. Mr. Adams confirmed that both state and local mitigation plans will be a determining factor in the amount of FEMA hazard mitigation funding available to them. He noted regulations will be promulgated soon defining the application process, and the new requirements will go into effect in 2004.

Mr. Adams stated that OES applied for competitive grants for pre-disaster mitigation activities. He said that in addition to general hazard mitigation funds, FEMA offers specific flood and fire mitigation grants. He added that OES can provide maps and data to help support applications from local jurisdictions.

Mr. Adams acknowledged that OES, like other state agencies, is experiencing serious staffing shortage due to the state's budget problems. He said OES was inundated with anti-terrorism

funding, but mitigation was not included in those programs. He expressed his opinion that more planning needs to be done to analyze the state's hazards and risks and develop programs to address them. Mr. Adams added that San Diego is using anti-terrorism funds to help develop its local hazard mitigation plan.

Commissioner Nishinaga asked about the status of California's cooperation agreement with Shizuoka prefecture. Mr. Adams said OES would like to see more progress. He noted a Japanese representative from Shizuoka prefecture is visiting California now as part of that arrangement. Mr. McCarthy added that the representative will be traveling throughout the state and participating in training programs. He said the representative will eventually be spending some time in the Seismic Safety Commission's office working on a joint project.

Commissioner Beall asked how many counties currently have hazard mitigation plans in place. Mr. Adams said no county has an approved plan yet, and the state plan is being developed. He noted OES and the Commission are working together to revise the existing state plan to meet the new Stafford Act requirements. The final document is due by September 2004.

Commissioner Beall asked what would happen after a disaster if the state has a plan in place but the affected county does not. Mr. Adams responded that the local jurisdiction would still be eligible for public assistance funds, but mitigation funding would not be available.

Commissioner Beall suggested that the Commission encourage counties to develop hazard mitigation plans and coordinate their activities with OES. Mr. Adams supported this idea. He noted regional collaborations might be possible in some areas of the state. Commissioner Beall agreed that regional coordination was an effective way to deal with hazard mitigation planning. He noted having a regional system helps individual counties avoid getting bogged down with the detailed process of applying for aid after disasters. He urged the Commission to work to remove barriers to regional collaborations.

Mr. McCarthy said that once the state plan is finalized, it will be released and disseminated to local jurisdictions for their comments. He added that local jurisdictions can then use the state plan as the basis for their own mitigation plans.

Mr. Adams stated that OES hopes the state plan will be a catalyst for local jurisdictions. He noted OES has developed a set of guidelines for local jurisdictions to use in developing their plans.

Chairman Moy thanked Mr. Adams for his presentation. He noted the Commission will be discussing this topic further as part of the later agenda item on the statewide mitigation plan.

## **V. COMMITTEE REPORTS**

### **Research Implementation Committee**

Commissioner Jones reported that the Research Implementation Committee met several times and is now in the process of drafting an update to the state's research implementation plan. She

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said committee members reached agreement on the main points and recommendations. Commissioner Jones stated that the main thrust of the recommendations will be improving coordination of research activities and creating usable products. She noted the final plan should be ready for the Commission's January meeting.

Mr. McCarthy explained that the research implementation plan is mandated by statute. Once the plan is in place, the state can target mitigation funds for various research activities. He noted an example of this kind of project would be the steel moment frame study that was conducted after the Northridge earthquake.

### **Ad Hoc Committee on School Safety**

Commissioner Jones drew attention to the information in Tab C of the meeting packet. She explained that the purpose of the Ad Hoc Committee on School Safety is to clarify what laws apply to different types of schools in California so parents will have sufficient information to judge the risks. She noted the Field Act only applies to public schools in the state; although the Private School Act specifies an equivalent level of safety, there is considerable variation in the degree of local enforcement. Commissioner Jones reported that the committee learned that unreinforced masonry (URM) school buildings are only required to meet 75 percent of the performance required by code.

Commissioner Jones said the committee will be producing a white paper to explain the distinctions and identify key issues. She noted the committee plans to hold informational sessions with local building officials in the Bay Area and Los Angeles to clarify how they interpret and enforce the laws applicable to private schools. In addition, the Division of the State Architect (DSA) was asked to make a presentation at this meeting on Field Act schools. Commissioner Jones added that charter schools are addressed under public school or private school requirements, depending on their funding sources.

Commissioner Nishinaga recommended considering nonstructural elements as well as structural issues. Commissioner Jones said the committee will be seeking clarification on nonstructural requirements.

Commissioner Adelman commented that there is considerable variation in school seismic safety throughout the state, depending on the year a building was constructed or the date an existing building was converted to school use, and depending on the degree of enforcement by the local jurisdiction. He stated there were about 500 local jurisdictions in California, and 80 percent of them have no licensed engineers on staff. Commissioner Jones said the committee wants to obtain information from a wide range of jurisdictions as part of its investigation.

Commissioner Jimmie Yee said he understood that all school buildings in the state, whether public or private, must be built to code. Commissioner Shapiro stated that one of the main differences between private and public schools is that private schools can be housed in regular buildings, and the codes applicable to regular buildings are not as rigorous as the Field Act.

Commissioner Jones added that new buildings are not as much of a problem as existing

buildings. Commissioner Klein pointed out that public schools housed in older buildings can be hazardous because they were built under earlier versions of the code.

## **X. SCHOOL SAFETY (Out of Order)**

Chairman Moy invited Mr. Dennis Bellet, Chief Structural Engineer, Division of the State Architect (DSA), Department of General Services, to brief the Commission on public school safety requirements and enforcement.

Mr. Bellet provided an overview of Field Act requirements for public schools in California. He noted the requirements apply to both new construction and alterations. Mr. Bellet said the Field Act requires design approval by DSA; plans must comply with the California Building Code and must be prepared by a licensed structural engineer.

Commissioner Adelman commented that a fundamental problem is that the California Building Code is based on the 1997 Uniform Building Code, which is based on 1994 technology, now ten years out of date. He noted California has not yet adopted the latest code, and the new model code will not go into effect until at least 2007. At that rate, the new requirements will not apply to buildings constructed before 2009.

Mr. Bellet said the Field Act also requires a detailed plan review by DSA, plus materials testing at DSA-approved laboratories. Inspection must take place at the construction site on a continuous basis by full-time certified inspectors. Mr. Bellet noted inspectors are responsible for verifying that all aspects of construction conform with the approved plans; nonconforming construction can only take place with approved change orders, and a certificate of compliance must be issued at the completion of a project.

Mr. Bellet stated that AB 16 allows public school districts to use existing buildings to house students, provided equal pupil safety performance can be achieved. He noted DSA developed a two-step design approval process for school conversions: first, a licensed engineer must evaluate the building and develop appropriate design criteria; and second, the construction documents must be reviewed and approved. Mr. Bellet said converted buildings must go through the same verification process and nonconforming construction process as Field Act buildings.

Commissioner Jones asked if performance-based calculations are required for non-Field-Act buildings converted to school use. Mr. Bellet replied that school districts can use either performance-based designs or a prescriptive option.

Commissioner Ostadan asked if there are provisions relating to foundations and parts of a building not visible above ground. Mr. Bellet responded that DSA uses the testing and inspection procedures specified by FEMA 356, which include testing of soil conditions. Mr. Bellet noted the state required all school buildings constructed before the Field Act to either be retrofitted or demolished as of 1977. Commissioner Jones pointed out that 1970 retrofit standards were used. Mr. Bellet noted some buildings even used 1939 retrofit standards.

Mr. Bellet stated that the Field Act prohibits use of URM's as school buildings. He noted

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masonry buildings must be anchored and braced so they can resist loads.

Mr. Bellet reviewed the structural upgrade thresholds and structural upgrade standards applicable to schools. He said buildings must be upgraded to current code or the latest retrofit standards if a renovation involves more than 50 percent of a building's replacement value, a 5 percent increase in lateral load, or a 5 percent decrease in resistance capacity. Commissioner Adelman commented that these requirements are more stringent than what most local jurisdictions allow.

Mr. Bellet said DSA has developed a voluntary hazard mitigation guide that addresses anchoring and bracing of nonstructural elements. Commissioner Jones observed that the code itself does not address building contents.

Mr. Bellet reviewed the seismic performance of public schools in California. He reported that there have been no collapses of school buildings since the Field Act was adopted. He noted the effectiveness of the Field Act is also demonstrated by the fact that many public schools are used as emergency shelters. Mr. Bellet cited anecdotal evidence attesting to the better seismic performance of schools in past earthquakes. He said the 1971 San Fernando earthquake resulted in little damage to schools. In the 1983 Coalinga earthquake, some schools reported broken windows, and the large drift control factors in the Field Act were validated. The Loma Prieta earthquake in 1989 caused only cosmetic damage to public schools, and many school buildings were used as shelters. The 1994 Northridge earthquake created only nonstructural damage in schools. However, there was damage to some portable classroom buildings and lunch shelters. Mr. Bellet noted DSA representatives visited a new public school near the epicenter of the Landers earthquake and noticed damage to ceiling systems and tiles and a small wall crack.

Commissioner Adelman said one of his colleagues informed him that there are some public schools in California in unreinforced masonry buildings, and he asked if this statement was accurate. Mr. Bellet responded that there may be some retrofit buildings with new structural systems that resist loads. He noted URM's are sometimes used for administration buildings, but not to house students.

Commissioner Shapiro commented that during the 1933 earthquake in Long Beach, he was attending a public school in Los Angeles that suffered damage and was later reinforced with gunnite.

Commissioner Klein asked if there were many school buildings retrofitted as a result of alterations exceeding 50 percent of the building's replacement value. Mr. Bellet responded that few retrofits were based on the 50 percent threshold. He added that many school districts have voluntarily upgraded older buildings. Commissioner Klein observed that there are many early Field Act buildings that have not yet been retrofitted.

Commissioner Jones asked about how many school buildings are retrofitted during each decade. Mr. Bellet responded that DSA does not maintain a database on all upgrades, especially those that occurred in the pre-computer era. He said DSA has fairly complete information on the state's inventory of non-wood-frame school buildings.

Commissioner Ostadan recommended that the Commission follow up at a future meeting on Commissioner Adelman's point about the building code lagging behind technology.

Commissioner Nishinaga asked if the 2001 California Building Code incorporated all previous codes. Mr. Bellet explained that the California Building Standards Commission selects the state's model code, and then state agencies propose California amendments for hospitals, schools, and other special occupancy categories. He said the 1997 Uniform Building Code (UBC) became the California Building Code. Local jurisdictions must use the California Building Code, but they can amend the code to reflect local conditions.

Commissioner Adelman noted the 1997 UBC is the base document for the current code, and about 95 percent of the state's code provisions come from that code. He estimated that state and local amendments represent from 1 to 5 percent of the code provisions. He said the 1997 UBC was based on 1993-94 technology and does not incorporate lessons learned from the Northridge earthquake.

Mr. Bellet noted steel frame provisions were amended into the California Building Code. He agreed with Commissioner Adelman that the current code does not represent the latest technology. He said DSA is comfortable with the code, but recognizes that there is room for improvement. He added that the new state hazard maps will be incorporated in the next version of the code.

Chairman Moy thanked Mr. Bellet for the update. He said the Ad Hoc Committee on School Safety will continue working with DSA.

## **VII. FIRST DRAFT OF STATE HAZARD MITIGATION PLAN**

Senior Structural Engineer Fred Turner drew attention to the materials under Tab E of the agenda packet. He provided a handout showing the proposed table of contents for the state hazard mitigation plan. Mr. Turner said the staff has been working with the California Geological Survey to draft the second on earthquake hazards, and he acknowledged the assistance of Mr. Chuck Real in that effort.

Mr. Turner reviewed the framework of the section on seismic hazards. He noted the chapter is divided into seven sections. He said the text describes earthquake hazards in California, discusses the state's inventory of vulnerable facilities, identifies mitigation measures, and summarizes existing programs and mitigation accomplishments. He welcomed feedback from the Commission.

Mr. Turner indicated that once the draft is approved, it will be circulated to members of the public and incorporated into OES' draft of the overall state multi-hazard mitigation plan. OES will be holding hearings on the document, and the comment period will end next May.

Mr. Turner introduced Mr. Mike Staley, Hazard Mitigation Section, OES, and noted that Mr. Staley and Mr. Chris Adams were on hand to answer Commission questions.

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Staff Geologist Robert Anderson noted the Department of Water Resources (DWR) submitted a proposed amendment to Page 34 regarding dam safety. He recommended inserting that text after the third paragraph under Section C.v. He also proposed deleting DWR's original introduction and moving that language to the initiative progress report instead.

Commissioner Klein observed that the collapse of Delta levees will also cause a major ecological disaster in California, and he recommended mentioning that prospect as well.

Commissioner Nishinaga suggested also mentioning that the Sylmar earthquake damaged the Van Norman reservoir, a situation that nearly resulted in a disaster. Commissioner Shapiro agreed, and noted damage from any dam failure in the state would be significant.

Commissioner Shapiro drew attention to the second paragraph in Section C.v. He pointed out that liquefaction is not the only factor that creates vulnerability; he noted ground shaking itself could cause a major problem.

Commissioner Clark commented that he was very impressed with the draft section. He expressed his opinion that the language might be too stilted and formal to appeal to members of the public. He recommended explaining all the terminology in layman's terms, and said he would send some proposed language to the staff.

Mr. Anderson noted OES will be compiling all of the sections into the plan, and the entire draft document will be released to the public in early December. He said the earthquake section needs to be submitted as soon as possible. He suggested that the Commission might want to wait until the first draft plan is released to propose further revisions.

Commissioner Jones observed that the document is more a statement of the state's risk than a series of recommendations about what to do about the risk. Mr. Turner pointed out the draft section also includes recommendations and describes initiatives the state has undertaken so far. He noted the format meets FEMA's criteria that the plan should identify the risk, propose strategies, and establish priorities. Mr. Turner drew attention to the initiatives and programs summarized on Pages 42 through 48.

Commissioner Beall proposed adding a section on sewage treatment plants, a topic missing from the index. He noted sewage treatment plants are vulnerable facilities because they are usually located near bodies of water and may be subject to liquefaction and flooding. Mr. Turner drew attention to Section C.viii on Page 35. Commissioner Beall pointed out that wastewater treatment plants are different from sewage treatment plants. He recommended creating a separate new heading in the index.

Commissioner Clark expressed his opinion that the document should have a better balance between progress already made and what the state still needs to do to mitigate the hazard. He suggested fleshing out the materials on Pages 42 to 45 and adding more on recommended mitigation activities. Commissioner Jones agreed; she pointed out that only two of the 40 pages highlight mitigation activities.

Mr. Turner asked commissioners to submit further comments and suggestions to the staff as soon as possible.

Mr. Staley said OES plans to release the draft plan on November 30. After that, he noted, the state needs to formally approve the plan, a process that will entail review and comments by multiple state agencies and members of the public, and then FEMA will need to approve it, which will take at least 45 days.

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

*The Commission approve the first draft with the amendments proposed.*

Commissioner Adelman proposed a friendly amendment that commissioners submit changes to the staff before Monday, November 17, and that the Commission authorize the staff to incorporate the revisions and submit the section to OES. Commissioner Klein accepted the amendment, and noted commissioner revisions should be limited to specific comments and identification of factual errors.

Mr. David Mraz, Department of Water Resources, explained that the purpose of the new language regarding dams and levees was to highlight the importance of levees to the state's water supply. He noted the state's entire water system will be shut down if the levees fail.

\* Motion carried, 14 - 0 (Commissioner Church absent during voting).

Chairman Moy thanked the staff, OES, and the Department of Water Resources for their work.

## **VIII. LEGISLATION**

Director of Legislation Henry Sepulveda drew attention to his written report under Tab F of the meeting packet.

Mr. Sepulveda reviewed the status of Commission-sponsored legislation. He said AB 1066, a \$700 million retrofit bond measure, has been held in the Assembly suspense file. He recommended leaving the bill in place so it can move forward if funding becomes available. Mr. Sepulveda reported that both AB 1573 (Corbett), the K-12 design-build bill, and AB 1576 (Liu), requiring strapping of water heaters in residential rental units, were both approved.

### **2004 Legislative Program**

Mr. Sepulveda suggested the Commission focus its attention on legislative ideas for the 2004 session. He noted the Legislative Advisory Committee reviewed and approved four proposals at its November 7 meeting.

Mr. Sepulveda said the Legislative Advisory Committee recommends changing the URM reporting requirement from annual reports to reports every five years. He explained that

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progress has tapered off in recent years, and local jurisdictions' data collection efforts are hampered by lack of funds.

Mr. McCarthy explained that there is no state mandate to retrofit URM's; the law merely requires local jurisdictions to report their inventory of URM buildings in Seismic Zone 4.

Commissioner Adelman stated that Los Angeles has already addressed about 99.9 percent of its URM buildings, and many other jurisdictions have also complied. Commissioner Jones commented that because mitigation is voluntary, jurisdictions that care about the problem have probably already done what they can.

**ACTION:** Commissioner Jones made a motion, seconded by Commissioner Manning, that:

*The Commission adopt the committee's recommendation to pursue a change in the URM reporting requirements as proposed.*

Commissioner Shapiro commented that the committee's recommendation was not unanimous. He said he opposed the change because he believed annual reporting was the best way to bring the issue to the attention of local jurisdictions. He added that he would prefer mandated retrofitting.

- \* Motion carried, 11 - 1 - 2 (Commissioner Shapiro opposed; Commissioners Adelman and Jones abstaining).

Mr. Sepulveda said the committee recommends pursuing legislation mandating the Commission's Emergency Preparedness, Response, and Recovery Commission to prepare a report on hazardous materials training and mitigation needs, similar to the report done on urban search and rescue needs. He noted the legislation should also provide for a funding appropriation and set a deadline.

Commissioner Manning expressed support for the concept. He noted the EPARR Committee was an appropriate group to handle the task, and the result would be beneficial.

**ACTION:** Commissioner Manning made a motion, seconded by Commissioner Parker, that:

*The Commission pursue legislation mandating a study of the state's hazardous material needs a recommended.*

Mr. McCarthy noted that any legislation with an appropriation is likely to be pulled. He asked if the Commission wanted to move forward with the proposal even if the funding provisions are removed. He expressed his opinion that the task was important enough to warrant legislation. He suggested that the Commission revisit the issue if funding is not available.

Mr. Sepulveda observed that the Commission will have ample time to modify or drop the proposal later in the process.

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Commissioner Beall suggested looking for a mechanism to fund the proposal through fees. Commissioner Klein supported this approach.

Commissioner Clark noted the Commission can take on the task of studying hazardous materials needs on its own without legislation, but a legislative proposal highlights the issue and elevates the visibility of the Seismic Safety Commission. Mr. McCarthy agreed, and said a legislative mandate gives the project more weight.

Mr. Sepulveda suggested that commissioners promote the idea during upcoming visits with legislators. He added that the staff has distributed the USAR report to all principal players and decision-makers.

Commissioner Manning suggested looking at using anti-terrorism funds as a possibility.

\* Motion carried, 14 - 0 (Commissioner Church absent during voting).

Mr. Sepulveda said the Legislative Advisory Committee recommends legislation to follow up on some of the recommendations made in the USAR report. He proposed seeking legislation to provide additional USAR training. He suggested finding another group, such as a firefighters organization, to sponsor the bill instead of the Commission. He noted the Commission would provide support and advocacy.

Commissioner Manning commented that a number of fire service organizations specialize in providing USAR training and are likely to be receptive.

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

*The Commission seek legislation to provide additional USAR training as recommended.*

Commissioner Beall observed that much of the money normally available for police and fire training programs has been stripped out of the state budget. Mr. McCarthy noted the legislation would provide a mechanism to move forward immediately with USAR training when the next disaster strikes.

\* Motion carried, 14 - 0 (Commissioner Church absent during voting).

Mr. Sepulveda said the fourth legislative proposal recommended by the Legislative Advisory Committee involves technical amendments to the Insurance Code requested by the California Earthquake Authority. He noted the purpose of the change would be to renumber the provision giving the Department of Insurance authority to fund the Seismic Safety Commission from insurance premium assessments to clarify and distinguish that provision from assessment provisions in an adjacent section of the code. Mr. Sepulveda stated that the committee recommends that the Commission approach the legislative counsel about including the renumbering in an omnibus bill.

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

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*The Commission seek the technical amendments as proposed.*

- \* Motion carried, 14 - 0 (Commissioner Church absent during voting).

Mr. Sepulveda recommended that the Commission schedule a series of visits with legislators during the first week in January. He noted the purpose of the visits is to promote Commission activities and provide copies of the USAR report and the recently released shake maps. He said the staff will help arrange meetings.

There was general consensus among commissioners supporting this recommendation.

### IV. EXECUTIVE DIRECTOR'S REPORT (Continued)

Mr. McCarthy drew attention to the draft letters of support in the meeting packet and recommended approval.

#### Letter of Support for State Lands Commission Project

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

*The Commission authorize the staff to send a letter supporting the State Lands Commission project.*

- \* Motion carried, 13 - 0 (Commissioners Beall and Church absent during voting).

#### Letter of Support for U.S. Geological Survey

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

*The Commission authorize the staff to send a letter of support for the U.S. Geological Survey.*

- \* Motion carried, 12 - 0 - 1 (Commissioner Jones abstaining; Commissioners Beall and Church absent during voting).

### IX. CALIFORNIA EARTHQUAKE LOSS REDUCTION PLAN PROGRESS REPORT

Mr. McCarthy drew attention to the second draft of the progress report. He recommended adding appendices dealing with OES' statewide multi-hazard mitigation plan and the Commission's URM report.

Mr. Anderson asked commissioners to submit comments or suggestions to the staff within the next week so the progress report can be finalized and forwarded to OES in mid-December.

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

*The Commission approve the progress report as proposed.*

Mr. Anderson noted the Department of Water Resources requested that language regarding Delta levees be added to this document. He read the proposed language.

Commissioner Nishinaga withdrew his motion, and Commissioner Shapiro withdrew his second.

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

*The Commission approve the progress report with the addition requested by the Department of Water Resources.*

\* Motion carried, 13 - 0 (Commissioners Beall and Church absent during voting).

## **XII. PUBLIC COMMENT**

Mr. Ulf Fagerborn, California Association of Grading Officials, explained that his organization focuses on engineering and geological issues and has concerns about deficiencies in the grading provisions in the new model code. He requested an opportunity to make a presentation at the next meeting to explain the problem and discuss what can be done.

Commissioner Clark asked if the California Association of Grading Officials has considered pursuing amendments to the current code through the normal code change process. Mr. Fagerborn responded that the current code is more than ten years out of date and needs to be revised to reflect the latest methods and approaches. He added that neither the International Building Code (IBC) nor the National Fire Protection Association (NFPA) code adequately addresses grading issues, so adopting a new model code will not help. Commissioner Clark explained that the Seismic Safety Commission is not a code development organization.

Mr. McCarthy recommended that Mr. Fagerborn take his concerns to the Building Standards Commission. Mr. Fagerborn stated that the California Association of Grading Officials was formed after the Building Standards Commission selected the next model code. He noted that grading officials throughout the state have been working on acceptable interpretations of current code, but the state's official building code is now changing.

Mr. McCarthy commented that since making the decision to adopt the NFPA code as the next model code, the Building Standards Commission has received many requests for reconsideration. He noted the new governor might direct the Building Standards Commission to revisit its decision, and he suggested waiting to see what the new administration decides.

Mr. McCarthy pointed out that the Commission's role is not to adjudicate code disputes. He added that it would be unfair for the Commission to hear only one side of the debate. Mr. McCarthy stated that the Commission gets involved in code issues only at the request of the governor or legislature. He noted that when AB 16 was passed, the governor and the Department of Finance asked the Commission to determine if non-Field-Act buildings could

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provide equivalent pupil safety and if DSA could develop appropriate guidelines for building conversions. He noted this is a different type of assignment than taking a position on what code provisions the state should adopt. Mr. McCarthy again suggested that the Building Standards Commission would be the appropriate body to address Mr. Fagerborn's concerns.

Commissioner Clark acknowledged that the sufficiency of grading provisions was a serious issue, but he agreed with Mr. McCarthy that the Commission was not in the position to offer an opinion on the matter.

Commissioner Adelman noted that the Commission tends to accommodate people who want to bring issues to the Commission's attention, but he questioned why Mr. Fagerborn was approaching the Seismic Safety Commission rather than the Building Standards Commission.

Commissioner Ostadan recommended that Mr. Fagerborn prepare a written summary of the issue as background for the Commission to consider. Commissioner Clark agreed, and encouraged Mr. Fagerborn to articulate his position in a letter.

Commissioner Parker observed that the selection of the new model code was a divisive political issue in the fire services arena. He expressed his opinion that it would be unwise for the Commission to delve into such a hot issue at such a precarious time. He acknowledged that grading and soils issues were certainly important, but debates on code matters were not part of the Commission's charge.

Commissioner Adelman agreed that selection of the model code was a politically charged issue. He said the fire services were divided on whether the state should adopt the IBC or the NFPA, but there was unanimous agreement supporting the IBC on the part of California Building Officials, structural engineers, architects, and the League of California Cities. Commissioner Parker observed that in spite of these recommendations, the Building Standards Commission decided to adopt the NFPA anyway.

Chairman Moy proposed taking no action at this time. He welcomed Mr. Fagerborn to communicate further with the staff, and he thanked him for his remarks.

Ms. Betsy Mathieson, California Council of Geoscience Organizations, explained that Mr. Fagerborn's organization was in the process of preparing recommended grading provisions as California amendments for the new model code. However, because only state agencies can propose amendments, the California Association of Grading Officials was approaching various boards and commissions for assistance.

Commissioner Parker asked whether local jurisdictions will have the ability to adopt their own grading provisions if they deem the NFPA provisions deficient. Commissioner Adelman confirmed that local jurisdictions will have the ability to address deficiencies by adopting their own amendments. Commissioner Clark commented that it was difficult to amend the code with entirely new provisions; he noted the process is easier if the amendments are based on provisions already in the code. He agreed with other commissioners that the Seismic Safety Commission was not the proper venue for resolving this issue.

Commissioner Ostadan concurred. He suggested letting the California Association of Grading Officials present their case in writing first, and then the Commission can consider allowing an opportunity for a presentation at a future meeting.

Mr. Turner clarified that the state has no authority to adopt model code amendments for all occupancies; California amendments pertain only to special occupancies such as hospitals and schools. He noted a change in state law would be needed to provide that ability. Mr. Turner added that the *California Earthquake Loss Reduction Plan* contains initiatives addressing Mr. Fagerborn's concerns.

Chairman Moy recommended referring this matter to the Planning Committee for further consideration.

Mr. McCarthy stated he had no objections to a presentation at a future meeting as long as there was a balanced presentation of the grading deficiencies in both the IBC and the NFPA. He expressed concern that if Mr. Fagerborn's group is allowed to make a presentation, the Commission could be inundated with requests by other organizations. He added that he was uncomfortable agendizing a presentation until seeing with the Building Standards Commission was going to do about the model code selection.

Chairman Moy proposed having the Planning Committee discuss this matter first, and other commissioners agreed.

### **XIII. MISCELLANEOUS & GOOD OF THE MEETING**

There were no other items brought to the Commission's attention.

### **XIV. ADJOURNMENT**

There being no further business, the meeting of the Seismic Safety Commission was adjourned at 1:04 p.m.

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Sue Celli  
Office Manager

Approved by:

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Richard McCarthy  
Executive Director