

Seismic Safety Commission
Minutes of Teleconference Meeting
April 8, 2004
Seismic Safety Commission Office
1755 Creekside Oaks Drive, Suite 100
Sacramento, California

Members Participating

Stan Y. Moy, Chairman
Lucy Jones, Vice Chair
Andrew Adelman
Mark Church
Bruce Clark
Lawrence T. Klein
Don Manning
Linden Nishinaga
Celestine Palmer (joined at 10:07 a.m.)
Donald R. Parker
Daniel Shapiro
Jimmie R. Yee

Members Absent

Senator Richard Alarcon/Chris Modrzejewski

Staff Present

Richard McCarthy
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 10:03 a.m. Executive Assistant Karen Cogan called the roll and confirmed that a quorum was present.

Chairman Moy welcomed Mr. Steve Ikkanda, City of Los Angeles Building Department. Mr. Ikkanda said Commissioner Andrew Adelman had asked him to sit in on the meeting.

II. CHAIRMAN'S REMARKS

Resolution for Commissioner James Beall

Chairman Moy drew attention to the resolution honoring Commissioner Beall for his service on the Commission.

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

The Commission approve the resolution as proposed.

* Motion carried, 11 - 0 (Commissioner Palmer absent during voting).

Appoint Nominations Committee

Chairman Moy noted Commissioners Don Manning, Celestine Palmer, and Dan Shapiro had volunteered to serve as a Nominations Committee. He drew attention to the proposed schedule and requested that the committee to adhere to the timeline so the election can be held at the Commission's June 10 meeting. He asked Commissioner Manning to chair the group.

III. APPROVAL OF MARCH 11-12, 2004 COMMISSION MEETING MINUTES

Chairman Moy drew attention to the draft minutes of the March meeting and asked if any commissioners had corrections.

Commissioner Bruce Clark noted Mr. Tony **Shakal**'s name was misspelled throughout. On Page 9, fifth paragraph, fifth line, he said the phrase "maps of surface ruptures" should be changed to "maps of **faults in the vicinity**" because there were no surface ruptures found. He pointed out that the term "shake map" should be changed to "**ShakeMap**" throughout.

On Page 11, third paragraph, last sentence, Commissioner Clark recommended inserting "**during construction**" after "better quality control."

Commissioner Shapiro noted the last sentence indicates he "recommended applying this lesson," and he recommended replacing "applying" with "**continue to apply**."

Drawing attention to the top of Page 12, the paragraph beginning with, "Commissioner Clark questioned the assertion that the San Simeon earthquake occurred on a fault that was not previously known," Commissioner Bruce Clark said the second sentence should be changed to indicate, "**Mr. Rosenberg** said a 1931 Cal Tech thesis . . ."

Commissioner Shapiro noted the word "HAZIS" should be changed to "**HAZUS**."

Commissioner Lucy Jones commented that "**Caltech**" should be shown as one word.

Chairman Moy expressed his appreciation to the commissioners who helped chair the panel discussions in the March meeting. He also thanked the staff for contacting guest speakers. He noted arranging the extensive testimony took a great deal of teamwork and cooperation.

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

The Commission approve the minutes of the March meeting as amended.

* Motion carried, 12 - 0.

IV. EXECUTIVE DIRECTOR'S REPORT

Budget Update and Review

Executive Director Richard McCarthy reported that the Governor's proposed 2004-05 budget for

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the Seismic Safety Commission made it through both the Senate and the Assembly. Although Republican legislators did not support the budget, Democrats did, and the fact that the Commission is not dependent on the general fund was a major advantage. Mr. McCarthy cautioned that the Commission still faces serious challenges. He said the newly established California Performance Review is taking a close look at all state government agencies, boards, and commissions, and the Republicans in the legislature are starting their own review process, so the Seismic Safety Commission must be prepared to continue to demonstrate its value to the State and the public.

Commissioner Lawrence Klein reported that the Commission's 2003-04 budget is on track, and the staff's accountings are consistent with those produced by the Department of General Services. He said he was pleased to announce that the \$34,389 invoice for PEER services had been paid. Commissioner Klein noted the Commission can expect a small end-of-year surplus, so the staff will come back with recommendations at the next meeting regarding how best to use those funds.

Executive Order S-5-04: California Performance Review

Mr. McCarthy drew attention to the materials in the meeting packet pertaining to the California Performance Review. He explained that the Governor had gathered a group of 150 volunteers from state agencies to spend six months evaluating all state boards, commissions, and agencies for the purpose of finding potential ways to consolidate functions and save money. Mr. McCarthy said the California Performance Review will publish a report for the Little Hoover Commission, and the Little Hoover Commission will make recommendations regarding the report to the Governor and Legislature.

Mr. McCarthy noted the California Performance Review established 14 review teams, and the Seismic Safety Commission was included in the emergency response category.

Mr. McCarthy said Commission representatives would be conferring that afternoon with Mr. Michael Staley of the Governor's California Performance Review Committee to plan for the Commission's evaluation. He asked Chairman Moy and Commissioners Jones, Manning, and Clark to participate via teleconference.

Ms. Cogan said the staff will arrange a pre-meeting conference call at 1:30 p.m. to prepare for the interview with Mr. Staley at 2:30 p.m. She drew attention to the Commission's draft response in the meeting packet.

Commissioner Jones expressed concern about categorizing the Seismic Safety Commission as an emergency response agency. She noted the Commission's primary purpose is to promote mitigation measures through legislation rather than responding to disasters.

Ms. Cogan said the California Performance Review is looking at the emergency response category first because life safety is one of the state's top priorities. She noted that being included in this group benefits the Commission by highlighting its role as a protector of public safety.

Mr. McCarthy added that Staff Geologist Robert Anderson indicated the Commission is actually included in the public safety subgroup of the emergency response category. Commissioner Shapiro observed that the letter in the meeting packet refers to public safety. He suggested emphasizing that the Seismic Safety Commission is policy-oriented group that helps set the state's seismic safety policy.

Commissioner Nishinaga recommended addressing all 11 elements in the *California Earthquake Loss Reduction Plan*.

Commissioner Clark commented that the responses to the questionnaire were well done. He noted Page 1 indicates that agencies dealing with recovery, preparedness, and mitigation are included in the emergency response category.

Commissioner Clark agreed with Commissioner Shapiro that the Commission's policy role should be emphasized. He suggested pointing out that the Commission functions as an independent reviewer of other agencies, such as OES and the California Earthquake Authority, and also advises and assists the Governor's Office.

Mr. McCarthy noted the California Highway Patrol (CHP) is the dominant player in the emergency response category. Commissioner Manning commented that the CHP had no emergency response role until the Los Angeles riots. Mr. McCarthy said the state police merged with the CHP a number of years ago, and now all state agencies pay a fee for security services provided by the CHP.

Commissioner Parker pointed out that the Seismic Safety Commission was assigned to the larger category of emergency management, and response and mitigation are both subsections of that group.

Commissioner Nishinaga observed that emergency management covers a portion of the 11 elements in the *California Earthquake Loss Reduction Plan*. He emphasized the importance of addressing the other elements as well.

Ms. Cogan said the staff will attempt to clarify the Commission's classification in the interview with Mr. Staley.

Mr. McCarthy stated that after the meeting with Mr. Staley, the staff will email commissioners a synopsis of the discussion and an outline of next steps.

Commissioner Manning volunteered to participate in the teleconference meeting with Mr. Staley.

Ms. Cogan said she would provide instructions to Chairman Moy, Commissioner Manning, and Commissioner Jones regarding the teleconference at 2:30 and the pre-meeting conference at 1:30.

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Response to FEMA Interim Regulations

Mr. McCarthy noted the meeting packet contains the Commission's response to FEMA's interim regulations. He thanked Commissioner Shapiro and Senior Structural Engineer Fred Turner for their assistance.

Mr. Turner said Commissioner Adelman and Mr. Fred Herman also helped. He explained that the interim regulations interpret FEMA's existing regulations pertaining to use of funds to restore buildings to their pre-disaster conditions, unless local governments require upgrades to a higher standard. Mr. Turner observed that the interim regulations appear to expand FEMA's authority to interpret building codes. He noted the Commission's position, which mirrors that taken by OES, the State Historic Preservation Board, and some local jurisdictions, is that FEMA lacks the authority to interpret building codes; instead, that authority belongs to state and local agencies. Mr. Turner added that millions of dollars are at stake here, and local jurisdictions could lose out on their ability to use FEMA funds to upgrade damaged buildings.

Mr. Turner reported that FEMA has not responded to the comments, but he expressed his opinion that it was important for state agencies to go on record with this feedback. He commended OES for taking the lead in coordinating the responses from state agencies. Mr. Turner added that FEMA's letter indicates that FEMA reserves the right not to accept or respond to comments.

Commissioner Adelman expressed support for the Commission's response as written.

Letter from Senator Alarcon regarding SB 1953 Requirements

Mr. McCarthy directed commissioners' attention to the letter from Senator Alarcon regarding SB 1953 requirements. He noted Senator Alarcon is running for mayor of Los Angeles.

Director of Legislation Henry Sepulveda stated that the Commission staff is working with Senator Alarcon's office to clarify options available to hospitals. Senator Alarcon's staff is in the process of identifying specific hospitals that are having difficulty meeting SB 1953 deadlines. Mr. Sepulveda said once that list has been developed, the Commission staff will assist with evaluating the hospitals' conditions and identifying appropriate options.

May 3-5 OES Disaster Resistant Conference in Sacramento

Mr. McCarthy noted the Commission's May meeting will be held in Sacramento in conjunction with the Disaster Resistant Conference. He asked commissioners interested in attending the conference to let the staff know as soon as possible so they can be registered as a group.

Commissioner Adelman asked about the conference dates and location. Mr. McCarthy responded that the conference will take place on May 3, 4, and 5 at the Sheraton Hotel in downtown Sacramento. He said the Commission will be meeting on the afternoon of Wednesday, May 5.

Ms. Cogan added that she will be contacting commissioners individually to elicit their help in manning the Commission's booth at the conference.

Commissioner Adelman inquired about the cost of conference registration. Mr. McCarthy said the conference costs \$195 for those who register in advance.

Commissioner Shapiro commented that last year's conference was extremely interesting and worthwhile, and he encouraged fellow commissioners to attend.

Commissioner Nishinaga noted that Commissioner Dan Shapiro received the Alquist Award at the conference last year for his contributions to seismic safety. Commissioner Jones said former Executive Director Tom Tobin will be receiving the award this year.

FEMA Appeal

Mr. McCarthy informed the Commission that Mr. Sepulveda is in the process of scheduling an oral interview with FEMA with staff from Senator Dianne Feinstein's office in late April. He said the staff will come back with suggestions for specific dates.

Mr. McCarthy noted FEMA's Region IX director recently resigned.

Japan Foundation

Mr. McCarthy said the staff is thinking of applying for a grant from the Japan Foundation to pay for translating Commission documents into Japanese. He added that he would have more information at the May meeting.

Commissioner Jones expressed support for continuing to explore cooperative activities with Japan.

Mr. McCarthy noted a second person from Shizuoka Prefecture will be visiting California in May. He said the visitor will be spending time at OES and at the Seismic Safety Commission.

V. COMMITTEE REPORTS

Ad Hoc Committee on School Safety

Commissioner Jones said the Committee on School Safety had not met since the last Commission meeting. She noted the group plans to meet again within a couple of weeks to complete its report.

Structural Engineer Henry Reyes reported that the staff is in the process of reviewing the comments received on the draft report.

Research Implementation Committee

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Commissioner Jones said the Research Implementation Committee completed a final draft of the updated Research Implementation Plan, and comments from Commissioner Clark, Commissioner Shapiro, and Mr. McCarthy are being considered and incorporated. She noted the report is currently 15 pages long, plus pictures.

Commissioner Nishinaga asked when the completed report will be ready. Commissioner Jones responded that the committee plans to complete its work soon, so a final version will be ready in May or June.

Commissioner Nishinaga asked if the Commission could expect to receive any reimbursement for this activity. Commissioner Jones said the investigation is part of the Commission's charge, not a contracted deliverable, so the Commission will need to pay for the work.

VI. LEGISLATION

Commission-Sponsored Bills

Mr. Sepulveda said two Commission-sponsored bills, AB 3032 and AB 3033, both pertaining to unreinforced masonry buildings (URM's), were scheduled for hearings on April 13 at 9:00 a.m. He noted Commissioners Jones and Klein will testify, as well as members of the Myrick family. He drew attention to the amended version of AB 3033 in the meeting packet.

Commissioner Nishinaga recommended contacting a Long Beach building official about ADA provisions. Mr. Sepulveda said he intended to follow up. He noted Commissioner Nishinaga had provided him with the name of a contact person in Long Beach.

Commissioner Nishinaga asked what the City of Los Angeles' position was on AB 3033.

Mr. Steve Ikkanda expressed concern about de-linking seismic retrofit of URM's from other local building improvement requirements. He noted many local amendments were added based on lessons learned from the Northridge earthquake.

Commissioner Shapiro noted AB 3033 amends the existing law that requires local jurisdictions to inventory their URM's and develop mitigation programs. He said the intent was to decouple seismic retrofit from nonstructural local amendments such as requirements pertaining to fire exits, life safety, and access. He recommended clarifying this distinction in the bill. Mr. Ikkanda supported this approach. Commissioner Shapiro noted the level of retrofit also needs to be defined.

Commissioner Adelman commented that enforcement at the local level is a difficult challenge unless the law is crystal clear. For example, he noted, some local jurisdictions have zoning or planning regulations that require building owners to pay for street improvements as part of a major retrofit project. He emphasized the importance of drafting the bill very narrowly. Commissioner Adelman said his sense was that the author of the bill was trying to address the issue, but lacked focus. He recommended contacting Mr. Fred Herman for his input as well.

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Mr. Sepulveda pointed out that AB 3033 is a Commission-sponsored bill, so comments and recommendations from the Commission can be incorporated. He noted the bill will be heard in its present form on April 13, but there will be ample opportunity after that to amend the bill as it moves along.

Commissioner Nishinaga agreed with the intent of AB 3033. He expressed his opinion that URM's, because of their vulnerability to earthquake damage, warrant exceptional consideration and should be placed in a special category. He recommended spelling out the kinds of local building requirements that can be waived in order to facilitate seismic retrofit of URM's.

Commissioner Klein urged fellow commissioners to submit suggestions for amendments as soon as possible.

Commissioner Nishinaga pointed out that ADA requirements cannot be waived because they are federally mandated rather than local requirements. Commissioner Adelman noted Title 24 is the state's version of the disabled access requirements. He confirmed Commissioner Nishinaga's point that those requirements would not be waived.

Mr. Sepulveda noted the Commission also sponsors AB 3032, dealing with placarding requirements.

Commissioner Klein observed that many people do not know what to do if they are caught in a URM during an earthquake. In addition to a warning placard, he recommended requiring building owners to post a placard with information telling occupants how to respond.

Commissioner Nishinaga agreed. He asked what size placard was being required. Mr. Sepulveda said the current law calls for a 5"-by-7" placard. He noted AB 2533 would amend the law to require a larger placard.

Mr. Sepulveda recommended going forward with AB 3032 and AB 3033 in their current form, and then incorporating amendments later. He urged Commissioners Adelman, Nishinaga, and Shapiro to submit their comments to the staff. If the Commission as a whole concurs, the proposed amendments can be forwarded to the author for incorporation in the bills.

Commissioner Adelman expressed support for that approach. He recommended asking Mr. Ikkanda and other building officials for their feedback and assistance in crafting the bills.

Other 2004 Bills

Mr. Sepulveda said AB 3082, an omnibus technical corrections bill, will include a provision to renumber the Insurance Code section pertaining to Seismic Safety Commission funding. He noted this bill is likely to be approved on consent.

Mr. Sepulveda informed the Commission of two resolutions currently pending. He said Assembly Concurrent Resolution (ACR) 199 (Liu) recognizes the first week in May as Disaster-Resistant week. Similarly, ACR 200 (Corbett) declares the month of April as Earthquake

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Preparedness Month. Mr. Sepulveda noted both resolutions are likely to be approved by the Assembly and then forwarded to the Senate.

Mr. Sepulveda drew attention to AB 3010 (Laird), a bill that would exempt new joint-use facilities on community college campuses from the Field Act and the California Building Code. He said the staff has been attending meetings with the author's staff, DSA, and community college representatives in an attempt to arrive at a consensus. The Legislative Advisory Committee recommends that the Commission continue to participate in these negotiations and hold off on taking a position until the bill is in its final form. Mr. Sepulveda added that AB 3010 will be amended and heard sometime in late April. He proposed that the staff prepare an opposition letter but refrain from sending it at this point, and then the Commission can revisit the issue at its May meeting.

Commissioner Shapiro expressed his opinion that a meeting of the minds was unlikely to result from the negotiation sessions. He recommended that the Commission oppose AB 3010 and any other attempts to erode the Field Act.

Commissioner Jimmie Yee agreed with Commissioner Shapiro that the Commission should object to any proposals to weaken the Field Act.

Commissioner Nishinaga asked whether the Field Act was really that different from the California Building Code. Commissioner Shapiro responded that the standards are very similar, but the Field Act contains other provisions that ensure better plan-review, inspection, and oversight. He said the DSA review process is more rigorous, but not necessarily more difficult, than review by local jurisdictions.

Commissioner Nishinaga asked if the review process under the Field Act takes significantly longer than a normal building process. Commissioner Shapiro said the DSA process takes longer because the review is more detailed and meticulous.

Commissioner Church recommended that the Commission hold off on an oppose position and continue to participate in the negotiations. He expressed concern that reacting prematurely could shut the Commission out of the process. He suggested taking advantage of the opportunity to provide input and help shape the direction of the bill.

Chairman Moy proposed following the Legislative Advisory Committee's recommendation.

Mr. Sepulveda said the staff can prepare an opposition letter but hold off on sending it. He added that the bill is likely to be amended substantially, so it would be better to wait and see what results.

Commissioner Jones commented that although the Field Act takes more time and costs about 4 percent more, the investment is definitely worthwhile because the Field Act works. She said California schools have demonstrated much better performance than other buildings in past earthquakes. She reported that she just read a study about damage in the 1971 San Fernando earthquake; that study indicated that schools lost only 0.3 percent of their value, while other

buildings lost 18 percent of their value. Commissioner Jones noted the Field Act entails higher up-front costs, but there is a considerable long-term benefit in reduced damage and life safety.

Commissioner Nishinaga asked who was pushing for AB 3010. Mr. Sepulveda said the main impetus is coming from the community college system.

Commissioner Jones noted community colleges would like to operate under the same standards as the University of California and California State University systems. She added that UC standards are horrible. Commissioner Jones questioned the assumption that California college students do not merit the same kinds of protections as younger students.

Commissioner Manning observed that the argument of money versus safety comes up often as a justification for modifying the Field Act. He agreed with Commissioner Jones that the Field Act may take more time and money, but the end result in terms of life safety was far more important. He pointed out that the Field Act ultimately saves the state much more money in the long run by preventing earthquake damage. Commissioner Manning noted the Seismic Safety Commission is the state's guardian of seismic safety, and he recommended not giving in to attempts to dilute the Field Act.

Mr. McCarthy noted there have been chronic complaints about the inordinate time it takes for school construction projects to go through the DSA review process. He said he asked DSA to document the time difference, but no specific data has been provided. Mr. McCarthy added that DSA, like other state agencies, will need to justify its existence as part of the California Performance Review. He emphasized the need for statistical analysis to demonstrate DSA's effectiveness.

Mr. McCarthy agreed with Commissioner Church that the Commission should continue to work with other stakeholders before taking an oppose position. He suggested using the Field Act as a negotiating tool.

Mr. McCarthy pointed out that another pending bill, SB 1727 (Scott), would exempt community college facilities from the Field Act entirely.

Commissioner Adelman asked if AB 3010 impacts both new and existing construction. Mr. Sepulveda responded that the bill in its current form would apply only to new construction. However, he cautioned that bill is likely to be amended substantially.

Commissioner Adelman stated that his jurisdiction has been a strong supporter of seismic safety. He acknowledged that there have been many complaints about DSA time delays, the overly zealous extent of plan checking, and the added cost. He noted the estimate of 4 percent of total project costs actually amounts to 20 or 25 percent of the structural costs, because a building's structure accounts for 10 to 20 percent of the total.

Commissioner Adelman supported the approach recommended by Commissioner Church. He suggested that the Commission continue to participate in the discussions of possible modifications before taking an official position.

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Commissioner Klein expressed support for the Field Act as a sound business investment for the state. He noted repairing damaged buildings after an earthquake costs more than mitigating damage in advance. Commissioner Klein recommended that the Commission continue to sit at the negotiating table for now. He said the Commission should make its position clear and staunchly defend the Field Act. He added government should take a long view rather than a short-term perspective.

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

The Commission adopt the Legislative Advisory Committee's recommendation to participate in the discussions on AB 3010, continue to watch the bill, and eventually oppose it if necessary.

Commissioner Clark said he supported the motion, but with one caveat: that the Commission should beware of attempts to shift oversight from the state to local jurisdictions. He noted that review by DSA is especially important when local jurisdictions lack the expertise and strength to enforce the Field Act properly. He cautioned that complaints about nitpicking plan reviews and time delays are being used as excuses to shift responsibility to local jurisdictions.

Commissioner Nishinaga agreed with Commissioner Clark. He observed that AB 3010 may present an opportunity to find ways of speeding up the DSA process without compromising life safety. He added, however, that basic opposition to the Field Act is disturbing trend because the same arguments advanced by community colleges could be used to remove K-12 schools from DSA jurisdiction as well.

Commissioner Jones concurred. She emphasized the importance of documenting the value of the Field Act so its benefits can be clearly seen.

Commissioner Manning asked about the possibility of issuing an opposition letter now and changing the Commission's position later. Mr. Sepulveda recommended waiting to see the final version of the bill before making a stand. Commissioner Church agreed, and noted the Commission's opinion will have more value after the bill is finalized. He added it is best to send letters only when absolutely needed.

* Motion carried, 11 - 0 - 1 (Commissioner Shapiro abstaining).

Commissioner Adelman apologized for having to leave early and excused himself from the teleconference.

Mr. Sepulveda said SB 1175 (Denham), a bill identical to SB 3010, is pending before the Senate Appropriations Committee. He noted the Commission already took an "oppose" position and the staff sent a letter opposing the bill.

Mr. Sepulveda drew attention to AB 2533 (Salinas), pertaining to placarding requirements for URM's. He said AB 2533 imposes penalties for noncompliance, requires written notification to building tenants, and changes the language on the placard to warn people near URM's as well as

those inside. The bill also requires 8” by 10” placards and gives private citizens the ability to complain and compel enforcement. He recommended that the Commission support AB 2533. Mr. Sepulveda added that the Assembly committee will also hear AB 2533 on April 13.

Mr. Turner noted the Commission previously discussed changing the wording on the warning placards to apply to moderate and strong earthquakes, not just “major earthquakes,” as is currently proposed. Commissioner Jones pointed out that URM’s can collapse even in magnitude 5 earthquakes. Commissioner Parker questioned the need for any adjective; he suggested saying “during earthquakes.” Commissioner Klein said he favored that approach.

Mr. Turner noted many local placarding ordinances allow signs to be made of paper. He recommended requiring more durable, permanent signs.

Commissioner Parker commented that he liked the sign proposed by the Myricks because the background is bright yellow, making the placard easy to see. He suggested specifying a background color in the bill.

Mr. Sepulveda said he would convey these comments to the author’s staff.

Commissioner Shapiro suggested looking at the language used on other warning signs, such as those mandated by Proposition 65. Ms. Cogan said she would call and find out the exact wording.

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

The Commission support AB 2533 and recommend that the author change the “major earthquake” language and require permanent and highly visible signs.

* Motion carried, 11 - 0 (Commissioner Adelman absent during voting).

Mr. Sepulveda noted SB 1363 (Ducheny) is a bill prohibiting hotels and motels in disaster areas from raising rates in excess of 30 percent over normal rates. He recommended that the Commission support SB 1363 as amended.

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

The Commission support SB 1363.

Commissioner Nishinaga observed that price gouging can also occur with other commodities such as building materials and potable water.

* Motion carried, 11 - 0 (Commissioner Adelman absent during voting).

Commissioner Nishinaga thanked Mr. Sepulveda and the Legislative Advisory Committee for their hard work.

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VII. DRAFT REPORT: “FINDINGS AND RECOMMENDATIONS ON DECEMBER 22, 2003 SAN SIMEON EARTHQUAKE”

Mr. Turner drew attention the draft report on the San Simeon earthquake. He noted the staff identified 26 recommendations at first, but that list was eventually narrowed down to 12 recommendations and 5 findings. He suggested it might be advisable to pare the document down further and focus more on URM's. Mr. Turner said the staff recommends that the Commission articulate a measured response, make multi-disciplinary recommendations, and avoid duplicating the work of others.

Chairman Moy asked about the timing of the report. Mr. Turner said the staff hopes to finalize the document at the May meeting. He added that the sooner the report is released, the more impact it will have.

Commissioner Klein expressed his opinion that the report should be shorter and more focused on URM's. He noted one of the key points that emerged from the testimony in Paso Robles was the fact that many people inside buildings do not know what to do when an earthquake happens. He suggested including a recommendation that building owners provide informational placards with general recommendations about what to do, and that these placards be posted by building entrances.

Commissioner Klein said a number of local government officials who testified in Paso Robles reported that local governments do not know how to deal with damaged buildings after an earthquake. He proposed adding another recommendation that the state provide more emergency management guidance.

Mr. McCarthy noted OES offers classes at the San Luis Obispo training center on this topic, but attendance has been low. Commissioner Klein commented that people often do not care about these matters until after a disaster.

Mr. Turner said OES provides a wide range of training and assistance to local governments, but many are reluctant to accept outside advice, preferring to rely on locals instead. He noted this is an awkward dilemma that needs to be addressed. He added that OES suggests changing Recommendations 10, 11, and 12 on Page 9 to reflect this problem.

Commissioner Klein suggested adding a section on what did work well.

Commissioner Parker noted it might be useful to organize the report with preparedness and response issues first, and then recovery and mitigation.

On the issue of public response training, Commissioner Parker asked whether schools in California were still conducting earthquake drills and teaching students about how to respond. He recommended using emerging technology in seismic detection to provide audible alerts and response instructions, and he noted some fire stations in California have such systems.

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Commissioner Jones advocated working through the schools to teach the public more about earthquakes and how to respond. She said schools still conduct earthquake drills, but they fail to inform students as to the reasons why they should respond in a certain way. In addition, students are not taught about how to respond when they are outdoors during an earthquake.

Commissioner Jones noted it is generally more dangerous for people to run from buildings during earthquakes. Because this is counterintuitive, people need to be trained and drilled in the correct procedures. She recommended insisting that California schools teach students more about earthquake response.

Mr. McCarthy suggested focusing the report on two major issues: first, problems with URM's, and second, the public education problem and teaching people how to respond. Commissioners supported this approach.

Commissioner Jones recommended stating in the report that URM's were an overwhelming issue in the San Simeon earthquake. She observed that people died needlessly because the state allows unsafe building and fails to educate the public.

Commissioner Manning asked if "duck, cover, and hold" is the correct response in all buildings or just URM's. He noted people died in the Northridge earthquake when an apartment building collapsed, so there might be a need to be more flexible in terms of advising people what to do. He recommended examining this issue more closely before instructing people to respond in a certain way.

Commissioner Jones stated that studies have been done that validate the "duck, cover, and hold" approach. She emphasized the importance of telling people why they should respond this way, and noted advice will not work unless people understand the reasoning behind it. She also advocated teaching students in California schools more about structural engineering principles and preparing for disasters.

Commissioner Manning commented that trainers and responders also need to agree with response advice or they will not communicate the message effectively.

Mr. McCarthy observed that the issue of public education and response goes beyond URM's. He suggested that the Commission might want to publish a paper next fiscal year on this broader issue. He noted it would be helpful to provide a more detailed analysis of the problem, discuss how certain buildings perform, and make recommendations regarding outreach and involvement of rescue personnel.

Commissioner Jones agreed, and added that the Commission would be wise not to lose the focus on URM's in the San Simeon earthquake report. She expressed her opinion that it would be better to get rid of URM's altogether than to require placards. She recommended tearing down unretrofitted URM's or forcing building owners to retrofit. Commissioner Jones also advocated enforcing the 1986 law.

Mr. Turner commented that it was unrealistic to eliminate URM's. He noted the URM law

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resulted in destruction of about 15 percent of the URM's in the state, but 85 percent still remain. He added that the preservation community sued the Seismic Safety Commission in the late 1980's over this very issue. In response, the Commission agreed to recognize the likelihood that some URM's will remain.

Mr. Turner asked commissioners to consider what is a reasonable timeframe for local governments to require URM's to be retrofitted. He said he attended a forum in early March, at which local governments were asked for input on this issue. Paso Robles determined that two years was a reasonable deadline, and Atascadero thought four years was reasonable. Mr. Turner added that he did not know whether San Luis Obispo had established any timeframe.

Commissioner Jones commented that San Bernardino and some other cities in California have no deadline.

Mr. Turner noted the Seismic Safety Commission can be influential in recommending a reasonable period. He said that under the state constitution, determining a timeframe is a matter of discretion for local governments, unless the state government preempts this authority. He drew attention to Draft Recommendation No. 1 on Page 4, suggesting a five-year deadline. He welcomed feedback from commissioners on this issue.

Commissioner Jones recommended beefing up Recommendation 1.

Commissioner Nishinaga questioned the need to limit the recommendation to buildings in Seismic Zone 4. He suggested the recommendation should apply throughout California.

Chairman Moy observed that Recommendation 1 builds on the 1986 URM law. He asked commissioners to review the report and submit comments and suggestions to the staff.

Mr. McCarthy said the staff will revise the report to focus on URM's as the primary issue. He suggested including a general finding regarding the hazardous nature of these buildings, a discussion of the issues involved, and a series of recommendations. He noted the second major issue in the report will be the need for better public education.

Chairman Moy expressed his opinion that the text and recommendations on Page 5 were a good start on the public education issue.

Commissioners questioned whether the Seismic Safety Commission should be making recommendations to organizations like the Red Cross. Mr. McCarthy noted the report can describe the problem and state the need without making any specific recommendations for other entities.

Mr. Turner suggested asking the technical community for input as to whether "duck, cover, and hold" is the proper approach. He noted documentation exists, and the state's policy should be based on consensus.

Commissioner Clark recommended assigning a responsible state agency for each

recommendation in the report.

Commissioner Jones noted the Seismic Safety Commission should work with the Department of Education and OES to develop appropriate curriculum for California schools.

Mr. Turner welcomed comments on the quotations in the box on Page 3, and commissioners generally agreed that the excerpts from actual testimony were helpful.

Mr. Turner asked whether the report should contain an appendix with the other recommendations. Commissioner Shapiro noted a number of other important lessons were learned from the San Simeon earthquake. He recommended listing those issues so they are not overlooked. He added that the San Simeon earthquake should not be viewed as a one-issue earthquake.

Commissioner Clark cautioned that the Commission should not duplicate the role of the Earthquake Engineering Research Institute (EERI) and other entities. He suggested focusing the report recommendations on things the state can do within its own organization.

Mr. McCarthy proposed listing other recommendations in a table. Commissioner supported that approach.

Mr. McCarthy said the staff will revise the draft and email copies to commissioners before the May meeting.

Chairman Moy asked commissioners to submit comments within the next week so the draft can be revised and disseminated a couple weeks before the May meeting.

VIII. PUBLIC COMMENT

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

IX. MISCELLANEOUS & GOOD OF THE MEETING

Commissioner Celestine Palmer asked when the Nominating Committee would be meeting. Commissioner Manning said he would confer with Chairman Moy regarding potential candidates and nomination procedures, and would then call a meeting of the committee.

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

X. ADJOURNMENT

Chairman Moy thanked everyone for their participation.

Commissioner Shapiro recommended holding face-to-face meetings rather than teleconference meetings whenever possible. Other commissioners agreed. Chairman Moy suggested limiting teleconference meetings to once a year.

Meeting Minutes

There being no further business, the meeting of the Seismic Safety Commission was adjourned at 12:31 p.m.

Sue Celli
Office Manager

Approved by:

Richard McCarthy
Executive Director