
SEISMIC SAFETY COMMISSION

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Seismic Safety Commission
Minutes of Meeting
May 5, 2004
Sheraton Grand Hotel, Bataglieri Room
1230 J Street
Sacramento, California

Members Participating

Stan Y. Moy, Chairman
Lucy Jones, Vice Chair
Lawrence T. Klein
Don Manning
Bruce Clark
Linden Nishinaga
Celestine Palmer
Donald R. Parker
Jimmie R. Yee

Members Absent

Senator Richard Alarcon/Chris Modrzejewski
Andrew Adelman
Mark Church
Bruce Clark
Daniel Shapiro

Staff Present

Richard McCarthy
Robert Anderson
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 2:11 p.m. Executive Assistant Karen Cogan called the roll and confirmed that a quorum was present.

II. CHAIRMAN'S REMARKS

Chairman Moy thanked the Governor's Office of Emergency Services (OES) for providing the meeting room and audio-visual services. He noted Commissioners Linden Nishinaga and Celestine Palmer attended all three days of the Disaster-Resistant Conference.

Chairman Moy announced that Commissioner Dan Shapiro had received the Earthquake Engineering Research Institute's Housner Medal, the organization's highest honor recognizing extraordinary and lasting contributions to the field of seismic safety. He extended the Commission's congratulations to Commissioner Shapiro.

Chairman Moy thanked the commissioners and staff who participated in the teleconference interviews with the California Performance Review. He noted the participants were able to give the interviewers a good understanding of the importance of the Commission's work.

III. APPROVAL OF APRIL 8, 2004 COMMISSION MEETING MINUTES

Background Discussion:

Commissioner Klein drew attention to a correction on Page 13, second paragraph from the bottom. He noted the word “under” should be changed to “until.” Referring to the top of the next page, he clarified that he recommended adding a section to the report on what did work well; he suggested deleting the word “not.”

Ms. Cogan said Commissioner Nishinaga brought three changes to her attention. Beginning on Page 4, eighth paragraph, he suggested changing the word “half” to “a portion of.” On Page 11, seventh paragraph, third line, Commissioner Nishinaga proposed rewording the sentence to say, “He added, however, that basic opposition to the Field Act is a disturbing trend because the same arguments advanced by community colleges could be used to remove K-12 schools from DSA jurisdiction as well.” On Page 13, first paragraph, first line, he recommended adding “potable” before “water.”

ACTION: Commissioner Lawrence Klein made a motion, seconded by Commissioner Don Manning, that:

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

* Motion carried, 8 - 0.

IV. EXECUTIVE DIRECTOR’S REPORT

Budget Update and Review

Background Discussion:

Mr. McCarthy drew attention to the budget spreadsheets and the list of projects recommended by the staff.

Commissioner Klein reported that the Commission’s budget was on track. He noted the need to replace the old office copier, support for the California State University Foundation, enhancements to the Commission’s Web page, and office supplies. He commended the staff’s efforts throughout the year to stay within the budget.

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

The Commission approve the expenditures proposed by the staff.

* Motion carried, 8 - 0

Update on FEMA Appeal

Mr. McCarthy reported that the staff is still working with Senator Feinstein and the Governor’s Office to schedule an interview with FEMA to discuss the appeal.

Update on State’s Multi-Hazard Mitigation Plan

Staff Geologist Robert Anderson stated that a draft of the state’s multi-hazard mitigation plan will be available on the OES Web site within two weeks. OES expects to have a finalized electronic version up and running by the end of the year. Mr. Anderson said there were two breakout sessions at the Disaster-Resistant Conference pertaining to the multi-hazard plan, and some of the stakeholders who attended made good suggestions about adding new technology. He added that FEMA representatives also attended the conference.

Governor Schwarzenegger’s California Performance Review Commission

Mr. McCarthy reported that the Seismic Safety Commission has undergone two reviews so far, one focusing on land use and another focusing on emergency response. He said the California Performance Review Commission is working under a tight deadline and strict confidentiality as it continues to survey all state entities. He noted a report will be released on June 30 and forwarded to the Little Hoover Commission for their review. The Little Hoover Commission will make recommendations to the Legislature, and action will probably be taken before the end of August when the legislative session concludes.

V. LEGISLATION

Background Discussion:

Director of Legislation Henry Sepulveda reported that two Commission-sponsored bills, AB 3032 and AB 3033, are moving well and are expected to pass without serious opposition. He noted AB 3082, a technical corrections bill supported by the Commission, is also moving well.

AB 2197 (Aghazarian)

Mr. Sepulveda drew the Commission’s attention to AB 2197, a bill removing dual-jurisdiction dams from state inspection. He explained that the Division of the Safety of Dams became fee-supported last year, so approximately 200 dam owners now have to pay separate fees to the state and the federal government. The Division of the Safety of Dams is concerned that this proposal could compromise seismic safety. Mr. Sepulveda said the Legislative Advisory Committee recommends continuing to watch this bill.

AB 2720 (Laird)

AB 2720 allowing engineers other than architects or structural engineers to prepare plans for certain hospital projects, was amended on May 4. The amended version clarifies the types of projects would be only those “outside the building envelope.” Mr. Sepulveda said Commissioner Shapiro expressed concerns about this bill at the last meeting. In response, the Commission voted to oppose the bill but decided to delay on sending a letter pending receipt of additional information.

In light of the recent amendments, Mr. Sepulveda suggested waiting for a recommendation from the Legislative Advisory Committee before taking any action.

He explained that the bill came about in response to a hospital's proposal for an outdoor parking lot rejected by the Office of Statewide Health Planning and Development (OSHPD) because a structural engineer did not prepare the plans.

Chairman Moy proposed placing AB 2720 on a "watch".

AB 2973 (Cohn)

Mr. Sepulveda noted AB 2973 requires OSHPD to review and approve hospital seismic safety improvement projects within 90 days. OSHPD contends that typical plan review takes about 180 days but hospitals complain that the process can take as long as two years. Mr. Sepulveda said AB 2973 was approved by the Assembly Health Committee and forwarded to the Appropriations Committee. He recommended watching this bill.

AB 3010 (Laird)

Mr. Sepulveda said AB 3010 in its original form proposed exempting joint-use community college facilities from the Field Act. After considerable discussion and input from the Seismic Safety Commission staff, the author amended the bill to delete all proposed Field Act exemptions. The bill now calls for DSA to engage in a collaborative process with community college project planners. Mr. Sepulveda noted the Commission previously adopted an "oppose" position, but directed the staff to continue participating in the negotiations. Given the recent amendments, the staff and Legislative Advisory Committee recommend changing the "Oppose" position to a "Watch" instead.

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

The Commission change its opposition on AB 3010 to a "watch" position.

* Motion carried, 8 - 0

SB 1175 (Denham)

Mr. Sepulveda reported that SB 1175, originally pertaining to joint-use community college facilities, was amended on April 20 to allow all community college facilities to comply with either the Field Act or the California Building Code. He said the staff conveyed the Commission's opposition but the bill passed out of the Senate and was forwarded to the Assembly. He noted Commissioners Jones and Manning have requested a meeting with Assembly Member Liu to discuss the Commission's concerns.

SB 1363 (Ducheny)

Mr. Sepulveda noted SB 1363, a bill supported by the Commission, limits the rates charged by hotels and motels in disaster areas. The bill was recently amended to prohibit rates in excess of 10 percent over pre-disaster rates. In response to the concerns expressed by Commissioner Nishinaga at the last meeting regarding other commodities, Mr. Sepulveda clarified that current law places a 10 percent restriction on the price of gasoline, food, and other goods.

SB 1727 (Scott)

Mr. Sepulveda reported that the author withdrew SB 1727 which would have exempted all community college facilities from the Field Act.

SB 1898 (Burton)

Mr. Sepulveda noted SB 1898, imposing new requirements for automatic gas shutoff valves, was also withdrawn.

AB 3033 (Yee)

Commissioner Nishinaga recommended adding a provision to AB 3033 requiring URM warning placards to be bright yellow. Mr. Sepulveda said the staff discussed this idea with the author, who generally supported the concept, but expressed concern about making the law so specific it could be construed as a local mandate. He added that the staff can strongly encourage local jurisdictions to use a highly visible format.

VI. SAN SIMEON EARTHQUAKE REPORT TO THE GOVERNOR

Background Discussion:

Senior Structural Engineer Fred Turner drew attention to the draft report on the San Simeon earthquake. Commissioners reviewed the draft text and made selected changes. Mr. McCarthy his opinion that a shorter and more focused document with findings and recommendations was a more useful product.

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

The Commission approve the report as amended and authorize its publication.

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

VII. BRIEFING ON RECENT EARTHQUAKE PREDICTION FOR SOUTHERN CALIFORNIA

Commissioner Jones introduced Mr. Michael Reichle, State Geologist and member of the California Earthquake Prediction Evaluation Council (CEPEC), and invited him to provide a briefing on the recent earthquake prediction for Southern California.

Mr. Reichle said that shortly after the San Simeon earthquake, Professor Vladimir Keilis-Borok and his colleagues released a prediction for a major earthquake in Southern California over the next nine months. He noted Professor Keilis-Borok had successfully predicted the San Simeon earthquake and the Hokkaido earthquake using a computer pattern recognition method. He explained that Professor Keilis-Borok hypothesizes that there is a link between chains of small earthquakes in a particular region and the likelihood of a major earthquake within a certain amount of time afterwards. Looking at historical seismicity records, the professor and his colleagues identified a chain of eight small earthquakes in the desert region east of Los Angeles that fit their criteria.

Mr. Reichle noted that the Southern California prediction covers a very large area, about 12,4000 square miles, and the nine-month window extends to September 5, 2004. He displayed a map of the predicted epicenter area.

VIII. COMMITTEE REPORTS

Nominations Committee

Background Discussion:

Commissioner Don Manning reported that the Nominations Committee, consisting of himself, Commissioner Palmer, and Commissioner Shapiro, communicated by email and phone, and met in Pasadena to review possible candidates for chair and vice chair. He noted Chairman Moy solicited candidates, and the committee followed up with emails to all commissioners. Commissioner Manning said the committee unanimously recommends Commissioner Jones for chair and Commissioner Parker for vice chair.

Chairman Moy opened nominations, but no other names were proposed. He announced the new officers would take over after the May meeting.

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

The Commission close nominations and elect Commissioner Jones chair of the Commission.

* Motion carried, 8 - 0.

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

The Commission close nominations and elect Commissioner Parker vice chair of the Commission.

* Motion carried, 8 - 0.

Research Plan Update Committee

Commissioner Jones reported that the Research Plan Update Committee completed its task of revising the statewide earthquake research plan and she drew attention to the draft in the meeting packet. Key recommendations include improved coordination between research agencies, with the Seismic Safety Commission taking a more active role; working through existing consortia; implementing and applying research; establishing research goals for the state, and identifying research priorities consistent with the *California Earthquake Loss Reduction Plan*. She noted the committee focused on six specific areas where state funds can be leveraged with federal programs: improving hazard assessments; supporting seismic monitoring; developing of cost-effective mitigation strategies; systematically cataloging post-earthquake investigations; understanding economic vulnerabilities; and encouraging new product development using new technologies. The final draft will be ready by the next meeting.

Ad Hoc Committee on School Safety

Commissioner Jones reported that the Committee on School Safety is working on drafting a white paper. The committee reviewed the state regulations applicable to California schools, discussed the Division of the State Architect's (DSA's) requirements for public schools, and took testimony from building officials in northern and southern California. Commissioner Jones stated the committee's white paper will have three major conclusions regarding school safety: 1) private schools are not required to be as safe as public schools, so they are not as safe; 2) older schools are not as safe as newer buildings; and 3) there are currently no regulations regarding building contents.

Commissioner Jones said the committee determined the Field Act results in stronger buildings because of the more detailed plan checks and continuous inspection. She estimated that complying with the Field Act probably adds 3 to 4 percent to the total cost of a school project. DSA provides voluntary retrofit guidelines, but there is no requirement that schools apply them.

Commissioner Jones said the committee looked at public, charter, and private schools. Commissioner Jones observed that seismic safety in California schools is related to the activity of the PTA of the school district. Seismic safety issues tend to get more attention in districts with active PTA's and plenty of money.

Commissioner Jones said the committee is recommending that the state require the retrofit of older school buildings, or, as an alternative, at least require that school districts disclose the risks to students and parents; that the Private School Building Safety Act and the Charter School Act be modified to clarify seismic safety provisions; and that the state regulate school building contents.

Chairman Moy asked when the committee's white paper will be completed. Commissioner Jones replied the committee developed an outline of key issues at the last meeting. She hoped a draft would be ready by the June meeting. The document will also be sent to the building officials who provided testimony and DSA for their review and comments.

IX. PUBLIC COMMENT

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

X. MISCELLANEOUS & GOOD OF THE MEETING

Chairman Moy noted this was his last meeting as chair of the Commission. He thanked fellow commissioners and the staff for their support and encouragement during his term in office.

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

XI. ADJOURNMENT

There being no further business, the meeting of the Seismic Safety Commission was adjourned at 5:05 p.m.

May 5, 2004

Sue Celli
Office Manager

Approved by:

Richard McCarthy
Executive Director