

Seismic Safety Commission  
Minutes of Meeting  
June 10, 2004  
State Capitol, Room 444  
Sacramento, California

**Members Participating**

Lucy Jones, Chairman  
Donald R. Parker, Vice Chair  
Andrew Adelman  
Mark Church  
Lawrence T. Klein  
Don Manning  
Stan Y. Moy (arrived 10:02 a.m.)  
Linden Nishinaga  
Celestine Palmer  
Jimmie R. Yee

**Members Absent**

Senator Richard Alarcon/Chris Modrzejewski  
Bruce Clark  
Daniel Shapiro

**Staff Present**

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

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

The meeting of the Seismic Safety Commission was called to order by Chairman Lucy Jones at 10:01 a.m. Executive Assistant Karen Cogan called the roll and confirmed that a quorum was present.

**II. CHAIRMAN'S REMARKS**

Chairman Jones expressed her appreciation to her fellow commissioners for electing her chair. She said she would do her best to provide good leadership to the Commission.

Chairman Jones noted the agenda had been amended because Mr. Henry Renteria, a scheduled guest speaker, was not available. She proposed that the Commission use the extra time to discuss future goals and projects.

Chairman Jones asked commissioners to review the committee roster and let her know if they wanted to make any changes.

**III. APPROVAL OF MAY 5, 2004 COMMISSION MEETING MINUTES**

Background Discussion:

Executive Director Richard McCarthy drew attention to new format for Commission minutes. He noted that in response to comments made as part of the California Performance Review, the staff simplified and shortened the minutes to highlight action items.

Commissioners agreed the new format was an improvement and asked the staff to condense the minutes even more. They suggested more general summaries of Commission discussions rather than attributing specific remarks to individual commissioners. They also concluded it would be less confusing to put the background discussion before the action items.

Commissioners agreed to make the following changes to the May 5 minutes:

- Page 2: Eliminate background discussion on corrections to April 8 minutes.
- Page 5: Reword first sentence under discussion of AB 3033 to say placards should “have a yellow background.”
- Pages 6-7: Move section on Nominations Committee after the report of the Ad Hoc Committee on School Safety.
- Page 8: Replace second full paragraph with alternate wording proposed by Chairman Jones.\*
- Page 8: Reword first sentence of fourth full paragraph to indicate “seismic safety in California schools is related to the level of activity of the PTA in the school district.”

**ACTION:** Commissioner Donald Parker made a motion, seconded by Commissioner Linden Nishinaga, that:

*The Commission approve the minutes of the May meeting as amended.*

\* Motion carried, 10 - 0.

Commissioners agreed to discuss the format of the minutes again at the next meeting.

#### **IV. EXECUTIVE DIRECTOR’S REPORT**

##### **Budget Update**

Commissioner Klein drew attention to the budget spreadsheet and reconciliation report. He commended the staff for tracking expenditures and monitoring the budget so conscientiously throughout the year.

Mr. McCarthy noted the budget projection includes purchase of a new copier and the other year-end items approved by the Commission at the last meeting. He pointed out one change, an additional allocation of \$3,000 for the purpose of conducting a survey of the performance of retrofitted unreinforced masonry (URM) buildings in the San Simeon earthquake.

Mr. McCarthy observed that funds set aside for possible office relocation in May of 2005 appear to have been eliminated, but the staff is researching this issue.

Ms. Cogan commented that if there were no money for relocation, there would be more pressure on the Commission to renegotiate a renewal of the lease for the existing office space. She added that the current space is being leased at a much more favorable rate than other state office buildings.

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### **Update on FEMA Appeal**

Mr. McCarthy reported that the staff is in the process of arranging a teleconference interview with FEMA representatives for either June 24 or 25. He requested that Chairman Jones and Commissioners Moy, Manning, and Shapiro participate. He added that representatives from Senator Feinstein's office and OES would also be present.

Commissioners discussed what would happen if the \$216,000 appeal is denied. They suggested it might be helpful to contact the House committee overseeing FEMA.

### **Governor Schwarzenegger's California Performance Review (CPR) Commission**

Mr. McCarthy noted the Seismic Safety Commission had been interviewed three times by the California Performance Review Commission so far, and he thanked commissioners who participated in that process. Mr. McCarthy said the CPR report is likely to be released next January when the governor presents his budget proposal.

### **National Science Foundation Visit to Pacific Earthquake Engineering Research Institute**

Staff Geologist Robert Anderson reported that representatives from the National Science Foundation visited the PEER center at Berkeley on May 11. He said he participated, along with representatives from PG&E, the California Energy Commission, Caltrans, and a number of consultants. Mr. Anderson noted the purpose of the visit was to assess the Year 7 performance and activities with business and industry partners. The NSF representatives also looked at plans for Years 7 through 10, with an emphasis on facilitating the transfer of research products to end users so they can be implemented quickly in the field.

### **Update on State's Multi-Hazard Mitigation Plan**

Mr. John Rowden, Office of Emergency Services (OES), reported that OES is in the process of finalizing the draft multi-hazard mitigation plan so it can be disseminated for public comment soon. He said the draft document would be edited by California State University and then sent to FEMA for comments by June 18. Mr. Rowden noted the 60-day public comment period will begin on July 1, and the plan will be ready for adoption in November. He added that the draft plan will be posted on OES' Web site and also made available in hard copy and CD versions.

Mr. Rowden stated that the statewide multi-hazard mitigation plan is intended to fulfill four major goals: protecting lives, protecting property, protecting environment, and creating an integrated mitigation policy for the state. He added that having the mitigation plan in place makes the state eligible to receive federal funds.

## **V. COMMITTEE REPORTS**

Chairman Jones noted there were no committee reports except for the report on school safety and the State Research Plan, and she suggested moving on to those items.

## **VI. REPORT ON SCHOOL SAFETY**

Chairman Jones drew attention to the draft report in the meeting packet. She asked commissioners to review the document and submit comments within the next two weeks so they can be incorporated in the final version.

Chairman Jones noted the Ad Hoc Committee on School Safety reviewed the regulations applicable to public schools, private schools, and charter schools and developed a series of findings and recommendations to improve the seismic safety of California schools. The committee concluded that older buildings pose the biggest safety hazard, and the committee recommends either requiring retrofitting or disclosing the risks to occupants.

Commissioners discussed whether portable buildings should be included in the report. Mr. Dennis Bellet, Division of the State Architect (DSA), reviewed the requirements applicable to portable school buildings. He said several portable buildings were damaged in the Northridge earthquake when they tilted or slipped off their foundations. He noted SB 1469 addresses some of these problems and requires removal of older units by 2007. Mr. Bellet expressed his opinion that typical portable buildings do not constitute collapse hazards. After some discussion, commissioners concluded that portable buildings were not as great a problem as other types of buildings.

Chairman Jones recommended adding a clear statement endorsing the Field Act because it results in better buildings, and other commissioners agreed.

Chairman Jones noted that Commissioner Shapiro had submitted some comments clarifying some of the points made in the report. She said the final version would be ready for the Commission to review and adopt at the next meeting.

## **VII. LEGISLATION**

Director of Legislation Henry Sepulveda reviewed the status of pending legislation of interest to the Commission.

### **AB 3032 (Yee), AB 3033 (Yee), and AB 2533 (Salinas)**

Mr. Sepulveda reported that AB 3032 and AB 3033 were heard on June 8 and unanimously approved with a few technical changes. He said AB 2533, pertaining to URM placarding, was amended to grandfather in existing placards. He noted that bill is expected to be approved by the Senate near the end of June and sent to the Governor for signature sometime in July.

### **AB 1790 (Corbett)**

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Mr. Sepulveda said AB 1790, a follow-up to the AB 300 study of schools, was just amended to reinstate the substantive provisions.

Mr. Glenn Gilbert\* clarified that AB 1790 gives priority to retrofit evaluations of school buildings within 10 kilometers of an active fault, corresponding to Category 2 in the AB 300 inventory.

Mr. Gilbert commented that the state still relies heavily on portable school buildings because of pressures to reduce class size. He suggested that the Commission consider amending the report on school safety to address portable buildings.

### **AB 2031 (Cogdill)**

Mr. Sepulveda drew attention to AB 2031, a measure backed by law enforcement and firefighter groups that would direct counties to undertake search and rescue efforts consistent with OES guidelines. He said the staff wants to review the OES guidelines before recommending a position on the bill.

Some commissioners expressed concern that AB 2031 is merely a money grab rather than a way of fixing any real problem. They questioned whether the bill would improve earthquake rescue capabilities.

Chairman Jones asked the staff to provide commissioners with a summary of the OES guidelines as soon as possible.

### **AB 2197 (Aghazarian)**

#### Background Discussion:

Mr. Sepulveda noted AB 2197, pertaining to dual-jurisdiction dams, was recently amended to require the Secretary of the Resources Agency to convene an advisory group to evaluate the need for both state and federal dam inspections. He said the Legislative Advisory Committee recommends that the Commission support AB 2197 if it is amended to include the Seismic Safety Commission in the advisory group.

Chairman Jones asked Commissioner Klein to serve as the Commission's representative if the bill is amended.

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

*The Commission support AB 2197 if amended.*

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

### **AB 2973 (Cohn)**

Mr. Sepulveda said AB 2973, intended to expedite the Office of Statewide Health Planning and Development (OSHPD) plan review process for hospital seismic improvement projects, was recently amended to allow hospitals to employ independent plan reviewers for projects over \$50 million. Mr. Sepulveda reported that OSHPD is working with the bill's proponents to determine if 90-day plan review is feasible, and further amendments are expected. He recommended holding off on a position until the bill is in its final form.

**SB 1175 (Denham)**

Mr. Sepulveda noted SB 1175, a bill the Commission opposes, is scheduled for a hearing on June 15. He said the bill was recently amended to exempt all community college facilities from the Field Act.

Chairman Jones reported that she met with Assemblywoman Liu, chair of the Assembly Higher Education Committee, to explain the Commission's opposition and express concerns about the bill. She noted the proponents of the bill want community colleges to be treated like UC and CSU buildings, which are not subject to independent inspection or outside review. She recommended keeping community college buildings under the Field Act rather than allowing a weaker standard. Chairman Jones said Assemblywoman Liu asked her to testify at the June 15 hearing.

**AB 1647 (Wiggins)**

Mr. Sepulveda informed the Commission that AB 1647 was amended to delete all seismic provisions, and he recommended dropping this bill from the "watch" list.

**SB 9 (McClintock)**

Mr. Sepulveda said SB 9, which originally called for a process similar to the California Performance Review, was amended to relate only to PERS classifications.

**VIII. CALIFORNIA EARTHQUAKE RESEARCH PLAN**

Background Discussion:

Chairman Jones drew attention to the draft Research Plan in the meeting packet. She thanked the commissioners who submitted comments.

Commissioners commented that the use of text boxes was very helpful. They congratulated Chairman Jones and the committee for the excellent report.

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

*The Commission approve the Research Plan as proposed.*

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- \* Motion carried, 8 - 0 (Commissioners Church and Palmer absent during voting).

### **IX. BRIEFING ON SEISMIC SAFETY COMMISSION FUNDING**

Mr. Brian Smith, Department of Insurance, provided a packet of information explaining the methodology for calculating the assessment from insurers that funds the Seismic Safety Commission. He explained that SB 1049 transferred the Seismic Safety Commission's funding from the general fund to the Insurance Fund and authorized the Department of Insurance to assess insurers based on the amount of property insurance premiums they collect. He noted this funding mechanism will remain in place until July of 2007.

Mr. Smith reviewed how the market share of the 258 property insurance carriers was determined. He said both residential and commercial property insurers were assessed a total of \$1.1 million in 2003-04. Of that amount, \$844,000 went to fund the Seismic Safety Commission, \$211,000 was allocated for a reserve, and about \$65,000 was set aside for administration. For 2004-05, the amount of the assessment will be slightly less, \$886,000, because of lower than estimated administrative costs and the availability of funds from last year's reserve.

Commissioners asked what the assessment amounts to per policy. Mr. Smith responded that the Department of Insurance keeps track of the number of carriers, but not the number of policies.

Commissioners thanked Mr. Smith for the thorough and clear report.

### **X. FUTURE COMMISSION GOALS, PROJECTS, AND ACTIVITIES**

Chairman Jones invited commissioners to discuss issues they want the Commission to focus on during the coming year. Commissioners identified the following major themes:

- Retrofitting of older buildings
- Public education
- Earthquake risks associated with urban infill and conversion of older buildings
- Outreach to businesses
- Development of retrofit incentives such as property tax credits and other ideas mentioned by speakers at the Paso Robles hearing on the San Simeon earthquake

Chairman Jones drew attention to the committee assignments and welcomed suggestions.

Commissioner Nishinaga expressed interest in joining the Strong Motion Instrumentation Advisory Committee. Chairman Jones recommended asking Mr. Chris Poland to provide an update on the committee's activities at a future meeting.

Chairman Jones noted the Research Plan Update Committee could be discontinued.

Chairman Jones commented that the Public Education and Outreach Committee would become more active. Commissioner Celestine Palmer said the committee is looking at developing curriculum for different grade levels. Commissioners proposed asking a Department of Education representative to provide a briefing on earthquake curriculum at a future meeting.

Chairman Jones requested that her name be removed from the PEER Review Committee. Commissioner Adelman volunteered to join that group.

**XI. PUBLIC COMMENT**

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

**XII. MISCELLANEOUS & GOOD OF THE MEETING**

Commissioner Stan Moy said that after reading the report on school safety, he was disturbed to learn that as many as half of the pre-1978 Field Act school buildings could be unsafe. He noted parents are also likely to be concerned, and he recommended that the Commission consider the potential public reaction to the report.

Senior Structural Engineer Fred Turner clarified that DSA estimated that 15 percent, not 50 percent, of the older school buildings may be dangerous. Staff Structural Engineer Henry Reyes pointed out that 7,500 buildings were described as “potentially unsafe” and warranting further evaluation.

Chairman Jones commented that release of the school safety report could provide an opportunity to seek federal funds for retrofitting.

Mr. McCarthy informed commissioners that the staff is making arrangements to hold the October meeting at the Universal Sheraton in Universal City. He noted the meeting will be dedicated to the topic of education and outreach, and representatives from OES, FEMA, Universal Studios, Disney, and the Red Cross will be invited to make presentations.

Mr. McCarthy reported that the staff is working to reduce costs of workers’ compensation insurance.

**XI. ADJOURNMENT**

There being no further business, the meeting of the Seismic Safety Commission was adjourned at 1:00 p.m.

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Karen Cogan  
Executive Assistant

Approved by:

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Richard McCarthy  
Executive Director