

Seismic Safety Commission  
Minutes of Meeting  
September 9, 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  
Linden Nishinaga  
Daniel Shapiro  
Jimmie R. Yee

**Members Absent**

Senator Richard Alarcon/Chris Modrzejewski  
Bruce Clark  
Celestine Palmer

**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 10:00 a.m. Executive Assistant Karen Cogan called the roll and confirmed that a quorum was present.

**II. CHAIRMAN'S REMARKS**

Chairman Jones noted the prediction of a major earthquake in Southern California was no longer in effect because the September 5 deadline had passed without incident. She observed that the prediction had definitely generated a great deal of public interest, as evidenced by the fact that she had been interviewed more than 300 times during the past six months regarding the prediction.

**III. APPROVAL OF JULY 8, 2004 COMMISSION MEETING MINUTES**

Chairman Jones welcomed comments on the July 8 minutes. Commissioners proposed no changes or corrections to the minutes.

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

*The Commission approve the minutes of the July 8 meeting as presented.*

\* Motion carried, 10 - 0.

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

##### **Budget Update**

Commissioner Klein reviewed the latest budget report and drew attention to the projected major expenditures listed on the back page. Commission expenditures were on track and noted that Contracted Fiscal Services information will be available at the October meeting.

##### **Update on FEMA Appeal**

Mr. McCarthy briefed the Commission on recent developments in the Commission's appeal of the Federal Emergency Management Agency (FEMA) decision to disallow \$216,000 in Commission charges associated with the Northridge earthquake. He noted that sometime in June, a FEMA representative contacted the staff saying that FEMA made a mistake in the audit decision, and indicated that FEMA owed the Commission \$159,881. The Commission requested written documentation of that finding, which was never provided. In subsequent phone calls, FEMA said their representative had been mistaken, and FEMA reverted to its original position.

##### **Update on Workers' Compensation Insurance Policy**

Ms. Cogan noted that in the fall of 2003, the Commission was notified that Commission employees had been reassigned to a new high-risk occupational category, which resulted in a huge increase in the annual workers' compensation premium. The staff sent numerous letters to the State Compensation Insurance Fund requesting reconsideration. Ms. Cogan said she was pleased to report that the Workers' Compensation Insurance Rating Bureau contacted the Commission on August 11 to announce that Commission employees would be restored to their original classification. She indicated the effect of this decision will be to reduce the annual premium from \$33,000 to less than \$12,000, a savings of over \$21,000.

Ms. Cogan noted that because of the Commission's appeal, the Rating Bureau is taking a look at other state agencies, and that process could result in substantial savings to the state.

Mr. McCarthy commented that working to change the rates has been a difficult and frustrating process. He said he met with Mr. Paul Jacks, Office of Emergency Services (OES), last week to discuss ways of covering volunteers and Commission employees who participate in post-earthquake investigations. He noted it might be necessary to seek legislation extending coverage to volunteers, and he suggested that the Commission discuss this possibility in more detail at the October workshop meeting.

Commissioner Mark Church observed that such legislation would be an excellent idea because the state has a strong public policy interest in protecting people who assist in clearinghouse and post-earthquake investigation activities. He commended Ms. Cogan for her hard work and persistence.

Commissioner Don Parker noted that California has a sophisticated mutual aid program, and he

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suggested some kind of mutual aid system might be a good approach to the problem.

**ACTION:** Chairman Jones recommended that the staff discuss this possibility with OES.

## **Future Commission Meetings**

Mr. McCarthy reminded commissioners that the October meeting will be held in Universal City. He said the staff is planning a field trip and workshop session for October 20, and the Commission meeting will take place on October 21 at the University City Sheraton. He noted the October meeting will have an education and outreach theme.

Mr. McCarthy suggested that the Commission consider holding a meeting in December. He noted two major projects will be nearing completion at that point, the revised *Homeowner's Guide to Earthquake Safety* and the report on school safety.

Commissioners discussed possible dates for a meeting in late November or early December.

**ACTION:** The Commissioners decided on Thursday, November 18, at a location in the Bay Area.

## **V. CALIFORNIA PERFORMANCE REVIEW (CPR) REPORT**

Mr. McCarthy noted the staff sent commissioners information on the schedule of public hearings regarding the California Performance Review (CPR) report. He said sessions are scheduled for September 9 in Los Angeles, September 10 in Long Beach, and September 27 in Davis. The hearings will begin with presentations from invited panelists, followed by public comments. Mr. McCarthy stated that after the close of the public comment period on September 30, recommendations will be sent to the Governor, and then the Little Hoover Commission will submit comments.

Mr. McCarthy noted that the CPR report proposes elimination of the Seismic Safety Commission and transfer of its functions to a new infrastructure department and Department of Natural Resources.

**ACTION:** Commission instructed the staff to continue to follow the recommendations of the CPR Commission to the Governor's office.

## **VI. LEGISLATION**

Director of Legislation Henry Sepulveda reported that the 2003-04 legislative session ended on August 31, and Governor Schwarzenegger has until September 30 to take action on bills.

Mr. Sepulveda reviewed his written report on the status of legislation of interest to the Commission. He noted the two Commission-sponsored bills, AB 3032 and AB 3082, were approved and signed into law; AB 3033 is pending the Governor's approval.

Mr. Sepulveda stated that other approved bills include AB 2031, pertaining to search and rescue; AB 2533, imposing fines for violations of unreinforced masonry (URM) placarding laws; AB 2632, exempting certain alterations to skilled nursing facilities from pre-construction plan review and inspection by the Office of Statewide Health Planning and Development (OSHDP); ACR 199, declaring the first week in May, 2004 as "Disaster Resistant California" Week; SB 902, authorizing OES to use \$25 million in federal funds to acquire fire engines; SB 1363, prohibiting price-gouging after disasters; and SB 1654; imposing standards for public safety radio equipment. Mr. Sepulveda said AB 2197, regarding dam inspections, and AB 1588, authorizing use of federal funds for response aircraft, were enrolled but are still pending before the Governor.

Mr. Sepulveda commented that the one-on-one visits to legislators in January last year were very productive. He recommended that the staff work with commissioners to schedule visits over a three-day period in early January.

ACTION: Commission agreed to visit selected legislators in early January 2005.

## VII. COMMITTEE REPORTS

### Homeowner's Guide Update Committee

Commissioner Dan Shapiro said the Commission's ad hoc committee met at San Jose State University on August 9 to articulate the Commission's expectations to the contractors who will be updating the *Homeowner's Guide to Earthquake Safety* (HOG). The next meeting is scheduled for October 15 at San Jose State.

Commissioner Shapiro recommended adding two new people to the committee, Mr. Stan Wigg, representing the California Association of Realtors, and Ms. Nancy Kramer, representing the California Earthquake Authority.

ACTION: Commission approved the addition of Mr. Wigg and Ms. Kramer to the Homeowner's Guide Committee.

## VIII. DRAFT REPORT ON SEISMIC SAFETY IN CALIFORNIA SCHOOLS

Chairman Jones reported that she and the staff met with Secretary of Education Riordan to discuss the draft report and obtain his input. At his suggestion, follow-up meetings were held with representatives of private and charter schools, and the committee will be meeting with members of the state PTA organization in the near future. Chairman Jones observed that all of these stakeholders share the same goals, but as a result of the meetings, the committee is taking longer than anticipated to incorporate comments and suggestions. She drew attention to the latest draft report in the meeting packet.

Mr. Sepulveda reported that he received a call from the Superintendent of Public Instruction's office requesting a meeting within the next two weeks.

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Mr. Henry Reyes said the Western Association of School Accreditation also expressed an interest in meeting. He noted the Private Schools Association will be meeting with county supervisors on October 28 and requested a meeting with the committee at that time. He added that he would keep committee members apprised of upcoming meeting dates.

**ACTION:** Commissioners agreed to support meeting schedule.

### **IX. UPDATE ON STRONG MOTION INSTRUMENT ADVISORY COMMITTEE**

Chairman Jones welcomed Dr. Anthony Shakal, California Strong Motion Instrumentation Program (SMIP), and invited him to update the Commission on SMIP activities.

Mr. Shakal showed a series of slides explaining the background and purpose of the program. He listed the members of SMIP subcommittees and explained how buildings are selected for instrumentation. Mr. Shakal reported that the state now has an inventory of about 400 instrumented structures, representing a variety of building types, lifeline structures, and monitoring stations. He discussed how data is utilized, and reviewed some of the recent activities and challenges facing the program.

Commissioner Klein asked whether the program has funding limitations. Mr. Shakal responded that it costs between \$50,000 and \$70,000 to instrument buildings, and funding comes from building permit fees and contributions from building owners. He reported that building permit fees generate approximately \$2 million to \$4 million per year, enough to instrument as many as 10 buildings and 30 ground sites in good years. He added that the committee is pulling back and buildings now and concentrating more on free-field instrument stations.

**ACTION:** No action required.

### **X. UPDATE ON BART SEISMIC RETROFIT PROGRAM**

Mr. Tom Horton, Earthquake Safety Program Manager, Bay Area Rapid Transit (BART), thanked the Seismic Safety Commission for supporting BART's retrofit efforts. He introduced Ms. Molly McArthur, BART's Community Relations Manager. Mr. Horton noted that BART is planning an extensive outreach and publicity campaign to bolster support for a funding measure on the November ballot.

Mr. Horton stated that in preparation for the retrofit work, BART analyzed the vulnerability of all its structures and identified key priorities. He said major concerns are the Transbay Tube, aerial guideways throughout the system, and specific stations in Alameda, Contra Costa, and San Francisco. He reviewed the proposed retrofit program and discussed funding plans. Mr. Horton said the retrofit work is estimated to cost \$1.307 billion, of which \$980 million will be provided through a general obligation bond based on property taxes in Bay Area counties.

**ACTION:** Commission commended BART for its seismic retrofit efforts.

**XI. SEISMIC SAFETY OF CALIFORNIA DAMS - AB 2197**

Chairman Jones introduced Ms. Gail Delihant, Assembly Member Aghazarian's office, and invited her to address the Commission. Ms. Delihant explained that AB 2197 was introduced to provide relief for dam owners subject to paying double fees for federal and state inspections. She noted the bill recognizes the importance of looking at seismic safety concerns.

Mr. David Gutierrez, Acting Chief, Division of Dam Safety, California Department of Water Resources (DWR), provided an overview of California's dam inspection program. He noted that due to the state's fiscal crisis, fees charged for inspections have quadrupled; before 2004, the state's general fund paid for about 75 percent of the total DWR program, but that burden was shifted to dam owners this year. Mr. Gutierrez described the dams within DWR's jurisdiction. He said the DWR program includes construction, repair, review of alterations to dams, monitoring and surveillance, special projects, and emergency response.

Commissioners asked how many dams in California were under both state and federal jurisdiction, and Mr. Gutierrez responded that there are approximately 200 dual-jurisdiction dams. He noted the annual inspections by both jurisdictions are similar, but the Federal Energy Regulation Commission (FERC) has some different criteria. He emphasized that careful inspection and monitoring is important because of the dire consequences of a dam failure. He added that state inspectors sometimes find problems that federal inspectors overlook, and vice versa.

Commissioners asked how fees are determined. Mr. Gutierrez said fees range from \$1,000 to \$60,000 per year and are based on the size of dam. He clarified that the fees pay for the entire DWR program, not just annual inspections. He estimated that annual inspections constitute about 25 percent of the total DWR program.

Mr. Takashi Yamashita, Regional Engineer, Federal Energy Regulatory Commission (FERC), said the federal dam inspection program is similar to the state's, but differs in some respects. He explained how FERC classifies dams in terms of downstream hazard potential. He stated there are between 220 and 240 dual-jurisdiction dams in California. Mr. Yamashita said FERC fees are based on the amount of electricity generated annually.

ACTION: No action required.

**XII. HOSPITAL BUILDING SAFETY BOARD ANNUAL REPORT**

Mr. Michael Navarro, Chair, Hospital Building Safety Board, introduced Ms. Sue Botelho, Section Chief, Facilities Development, Office of Statewide Health Planning and Development (OSHDP), and Ms. Stephanie Clendenon, Executive Director, Hospital Building Safety Board. He presented a written report detailing the activities of the Board in 2003-2004.

Mr. Navarro reported that during the past year, the Hospital Building Safety Board held three quarterly meetings, seven committee meetings, and four subcommittee meetings. Mr. Navarro said the Board heard one formal appeal and held two informal conferences with hospitals that

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disputed decisions made by OSHPD staff.

ACTION: No action required.

### **XIII. UPDATE ON SEISMIC RESEARCH IN THE LAKE TAHOE BASIN & QUAKE '06 CAMPAIGN**

Dr. Graham Kent, University of California at San Diego Scripps Institute of Oceanography, discussed how high-tech earthquake strategies are being used to evaluate seismic and tsunami risks in the Lake Tahoe basin. He noted bathymetry surveys of the lake floor indicate that magnitude 7 earthquakes have occurred in the past, some of which generate tsunamis over 10 meters high.

Staff Geologist Robert Anderson reported that he has been working with people from Scripps, the State of Nevada's seismic safety commission, and others to develop a public education video regarding the seismology of the Lake Tahoe area.

Mr. Anderson said the staff has been working on another educational video to air in April, 2006 in conjunction with the Quake '06 campaign being organized by the Earthquake Engineering Research Institute, the U.S. Geological Survey, and others.

ACTION: No action required.

### **XIV. PUBLIC COMMENT**

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

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

Commissioner Adelman requested staff assistance in compiling information on studies regarding the safety of storage racks. He said he will be attending a national meeting soon at which this topic will be discussed. He added that it might be helpful to have a Commission staff person attend.

ACTION: Staff agree to supply Commissioner Adelman with all Commission documents regarding storage racks.

Mr. Sepulveda commented that the Legislature is expected to take an all-or-nothing approach to the recommendations regarding state reorganization proposed within the CPR report. He noted other items can be implemented either through an Executive Order or legislation.

### **XI. ADJOURNMENT**

There being no further business, the meeting of the Seismic Safety Commission was adjourned at 2:12 p.m.

**September 9, 2004**

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Sue Celli  
Office Manager

Approved by:

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Richard McCarthy  
Executive Director