

Seismic Safety Commission
Minutes of Meeting
November 18, 2004
Sofitel
223 Twin Dolphin Drive
Redwood City, California

Members Participating

Lucy Jones, Chairman
Donald R. Parker, Vice Chair
Mark Church
Andrew Adelman (arr. 9:55 a.m.)
Bruce Clark
Lawrence T. Klein
Stan Y. Moy
Linden Nishinaga
Celestine Palmer
Daniel Shapiro
Jimmie R. Yee

Members Absent

Senator Richard Alarcon/Chris Modrzejewski
Don Manning

Staff Present

Richard McCarthy, Executive Director
Robert Anderson, Staff Geologist
Karen Cogan, Executive Assistant
Henry Reyes, Staff Structural Engineer
Henry Sepulveda, Director of Legislation
Kaname Suzuki, Intern, Shizuoka Prefecture
Fred Turner, Senior Structural Engineer

I. CALL TO ORDER/ROLL CALL

The meeting of the Seismic Safety Commission was called to order by Chairman Lucy Jones at 9:04 a.m. Executive Assistant Karen Cogan called the roll and confirmed that a quorum was present.

II. CHAIRMAN'S REMARKS

Chairman Jones introduced the Honorable Jeff Ira, Mayor of Redwood City, and invited him to address the Commission. Mayor Ira welcomed the Commission to Redwood City.

Chairman Jones drew attention to the resolution in the meeting packet recognizing Universal Studios for its disaster preparedness and response efforts.

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

The Commission adopt the resolution as proposed.

* Motion carried, 10 - 0 (Commissioner Andrew Adelman absent during voting).

Chairman Jones noted the resolution will be presented to Universal Studios representatives at an awards breakfast on December 2.

III. APPROVAL OF OCTOBER 21, 2004 COMMISSION MEETING MINUTES

Chairman Jones noted Commissioner Linden Nishinaga had submitted some proposed changes to the October 21 minutes.

Commissioner Klein noted the reference to “statewide PTA organization” in the fourth paragraph on Page 5 should be changed to “Sacramento PTA group.”

ACTION: Commissioner Nishinaga made a motion, seconded by Commissioner Celestine Palmer, that:

The Commission approve the minutes of the October 21 meeting as amended.

* Motion carried, 10 - 0 (Commissioner Adelman absent during voting).

IV. COMMITTEE TO UPDATE THE *HOMEOWNER’S GUIDE TO EARTHQUAKE PREPAREDNESS*

Commissioner Shapiro reported that the ad hoc committee met with Dr. Guna Selvaduray, Collaborative Disaster Mitigation, the Commission’s consultant, to discuss the latest revisions to the *Homeowner’s Guide*. He said excellent progress was made, and a new version incorporating those changes is available.

Dr. Guna Selvaduray, Collaborative for Disaster Mitigation, distributed copies of the latest draft. He thanked the committee for its valuable input and support. He encouraged commissioners to review the document and submit feedback by December 1. He noted the Commission can discuss the document in more detail at the January meeting.

Dr. Selvaduray reviewed and explained the rationale for the latest changes to the *Homeowner’s Guide*. He reported that FEMA had reviewed the document and recommended including advice regarding how to secure pets during emergencies.

Commissioner Klein asked if the source of that language was some kind of standard boilerplate. Mr. Fred Turner clarified that language came from the National Disaster Education Coalition. Commissioner Shapiro suggested including a note if any modifications were being made to that language.

Mr. Henry Sepulveda stated that the First Lady’s Office is working on a preparedness campaign that will be launched next spring. He suggested coordinating this effort with her program.

Commissioner Shapiro asked commissioners to submit proposed changes to the staff by December 1. He suggested scheduling a committee meeting for the afternoon of Thursday, December 16.

Commissioner Shapiro commended Dr. Selvaduray for his excellent cooperation and good product.

Meeting Minutes

ACTION: No action required.

V. EXECUTIVE DIRECTOR'S REPORT

Budget Update

Commissioner Klein reviewed the latest budget reports. He said the Commission received a workers' compensation premium refund of \$19,293, and he thanked Ms. Cogan for her efforts in obtaining those funds. Commissioner Klein observed that the state's accounting is now within \$1,000 of the staff's projections.

Mr. McCarthy commended Mr. Sepulveda and Ms. Sue Celli for working diligently with the accounting section to resolve the discrepancies.

California Performance Review (CPR) Update

Mr. McCarthy said the Little Hoover Commission has scheduled hearings regarding the findings and recommendations of the California Performance Review (CPR). The Little Hoover is doing outreach now, and three meetings have been scheduled to discuss boards and commissions and accountability issues. He encouraged commissioners to attend the December 8 session. He said invited speakers will make presentations for half of the day, and then there will be an opportunity for public comment.

Update on FEMA Appeal

Mr. Turner reported that he, Mr. McCarthy, and Commissioners Adelman, Bruce Clark, and Don Manning will be meeting with FEMA representatives on December 1 in Pasadena to discuss the Commission's appeal. He said nothing in writing had been received from FEMA.

2005 Commission Meeting Dates

Mr. McCarthy drew attention to the proposed meeting calendar for 2005. He noted tentative locations are identified for some of the out-of-town meetings, and he welcomed Commission feedback.

Commissioner Clark recommended revising the May date and place to coincide with the Disaster Resistant Conference in Sacramento. He said the conference usually takes place during the first week in May, so the Commission meeting date needs to be moved up. Chairman Jones agreed.

ACTION: No action taken.

VI. HEARING: SEISMIC SAFETY OF CALIFORNIA SCHOOLS REPORT

Chairman Jones presented a final draft of the ad hoc committee's report on the seismic safety of California schools and welcomed Commission input.

Commissioner Klein pointed out that a sentence seems to have been dropped from the “Executive Summary.”

Commissioner Nishinaga suggested revising the section on charter schools.

Chairman Jones proposed some changes to the first paragraph of the “Executive Summary.”

Chairman Jones noted the ad hoc committee began by reviewing the seismic safety of all schools in California and clarifying applicable rules. She said the committee interviewed panels of building officials, representatives of private school organizations, charter school groups, and parent groups. After this research, the committee concluded that older buildings and private schools are not as safe as modern post-1975 public school buildings. Chairman Jones said the committee learned there were no special regulations regarding private schools until 1986, and many local building officials are unaware of their enforcement and inspection responsibilities. She noted there are no regulations at all covering nonstructural contents in schools.

Chairman Jones drew attention to the committee’s recommendations on Pages 10 and 11 of the report. She said the committee recognized there was no money to deal with some of these problems, but determined it would be best to identify the issues so they can be brought to the Legislature’s attention.

Chairman Jones noted the Commission had invited representatives of private and charter school organizations to attend this meeting and provide testimony. She welcomed comments from these guests.

Dr. Ron Reynolds, California Association of Private School Organizations, said his organization is an umbrella consortium of 17 organizations representing 1,780 private schools and about 465,000 students statewide. He expressed appreciation for the work of the ad hoc committee and encouraged the Commission to continue its efforts.

Dr. Reynolds said he had a few improvements he would recommend to the report. First, he strongly urged the committee to cite additional empirical data to substantiate claims about school performance. He noted the report makes only one reference to actual performance. Although both public and private schools did well in the San Luis Obispo County earthquake last December, the report implies that private schools are less sound. Dr. Reynolds suggested looking for data on actual performance of schools in the 1989 Loma Prieta earthquake and the 1994 Northridge earthquake.

Dr. Reynolds said the committee’s report fails to make a convincing case that the current law requiring “similar” life safety protection is inadequate. He questioned the differences shown in the table comparing the Field Act with the Uniform Building Code. For example, he observed that “continuous” versus “periodic” inspection is more a matter of degree rather than kind. Dr. Reynolds recommended clarifying what the committee was actually recommending in terms of inspections.

Meeting Minutes

Dr. Reynolds stated that establishing a procedure to evaluate the safety of all pre-1976 public schools and pre-1986 private schools will entail substantial cost. He noted the state already identified 7,500 potentially vulnerable public school buildings, but no funds have been appropriate to fix the problem. He pointed out that the state's inaction certainly does nothing to motivate private-sector entities. Dr. Reynolds suggested demonstrating the importance of seismic safety to the state by placing a higher priority on funding seismic improvements for public schools.

Dr. Reynolds expressed support for making local building officials more aware of the elements of the Private Schools Building Safety Act.

Dr. Reynolds agreed with the report's conclusion that unreinforced masonry (URM) buildings are too hazardous for use as schools.

Commissioner Klein asked Dr. Reynolds to submit his comments in writing after the meeting. Dr. Reynolds said he would email a copy to the staff.

Dr. Reynolds drew attention to the last sentence under Finding 2 on Page 8. Commissioner Shapiro suggested clarifying that language.

Chairman Jones proposed that as part of Recommendation 1, the Commission consider recommending that DSA release its list of the 7,500 suspect schools identified in the AB 300 inventory. She noted AB 300 specified that DSA was to release overall numbers, but not identify any specific school districts or buildings.

The Commission reviewed the draft report and made comments.

Commissioner Shapiro thanked Dr. Reynolds for his helpful comments.

Chairman Jones noted the Commission earlier talked about taking the report along on visits to legislators in early January. She suggested making the changes, mailing the revised version out to commissioners, and then holding a teleconference meeting sometime in December to approve the report.

Ms. Cogan proposed holding a teleconference meeting on Thursday, December 9, beginning at 10:00 a.m., and commissioners agreed.

ACTION: No action required. Revised document to be approved by the Commission in a teleconference meeting on December 9, 2004.

VII. LEGISLATION UPDATE

Mr. Henry Sepulveda reported that the staff has developed a tentative schedule for visits to legislators during early January. He noted new members of the Legislature will be installed on December 6, and the Legislature will return for business the first Monday in January. He proposed scheduling Commissioner visits during the second week in January.

Mr. Sepulveda said 10 commissioners participated in last year's visits, and over 30 legislative offices were visited over a three-day period.

Mr. Sepulveda drew attention to the summary of legislative concepts discussed by the Commission in October. He said the staff would like to approach authors in January so bills can be introduced by the February deadline.

Mr. Sepulveda reported that the Legislative Committee discussed legislation regarding hospital seismic safety improvements and decided it would be better if the Commission did not take the initiative in this area. Rather, the committee recommends that the Seismic Safety Commission offer advice in terms of setting priorities and considering bills that move forward.

Mr. Sepulveda stated that the committee proposes postponing the topic of a funding source for the Commission until next year. Commissioner Clark said he thought the Commission previously decided to take up this issue after the January meeting with the Insurance Commissioner. Mr. McCarthy said that was his understanding as well. Mr. Sepulveda said he would make a note that this topic should be revisited in January.

Mr. Sepulveda recommended that the Commission get placeholder bills for possible legislation on minimum standards and safety disclosure requirements for private schools. He proposed working with the Building Standards Commission to identify administrative options.

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

The Commission direct the staff to pursue building standards for private and charter schools as proposed.

* Motion carried, 11 - 0.

Mr. Sepulveda noted another possibility for legislation in the area of schools would be a follow-up on AB 300 immunizing school district officials who obtain detailed reports. He said AB 300 prohibited DSA from identifying specific school districts in its report.

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

The Commission authorize the staff to pursue legislation to immunize school officials as proposed.

* Motion carried, 11 - 0.

Mr. Sepulveda reviewed possible legislation regarding URM's. He suggested expanding the current URM law to cover tilt-up and soft-story buildings. He acknowledged there would be some extra cost involved.

Commissioner Parker commented that he would like to see all these types of buildings included.

Meeting Minutes

Commissioner Adelman reported that the City of Los Angeles' URM program has been very successful. He estimated that about 1,000 of the 8,000 or 9,000 total have been demolished, and most others have been retrofitted. He stated that tilt-up regulations have also been effective, with nearly 100 percent compliance. Commissioner Adelman said L.A. has a voluntary program for nonductile concrete frame buildings, but that retrofit work can be very expensive. He noted there is also a voluntary program for soft-story buildings and a mandatory gas shut-off valve requirement. Commissioner Adelman offered to provide the staff with a full report on these programs.

Commissioner Church expressed concern about the ability of local governments to fund the costs of retrofits. He said he supported the concept and believed it was worthwhile, but had reservations about the timing. Commissioner Church pointed out that local governments have been hit exceptionally hard with ERAF take-aways; he estimated that San Mateo County alone has lost \$1 billion in revenues over the past several years.

Commissioner Adelman agreed with Commissioner Church. He said he would prefer leaving such programs up to locals. Commissioner Adelman noted even large jurisdictions like San Francisco are feeling budget constraints in terms of closing fire stations and cutting services. He expressed his opinion that it would not be prudent to further burden local jurisdictions at this time.

There was consensus among commissioners to table URM legislation for the time being.

Mr. Sepulveda noted the committee advises not pursuing a URM retrofit tax break extension.

Mr. Sepulveda invited Commissioners Palmer and Nishinaga to report on their recent discussions with the California Earthquake Authority (CEA) earthquake insurance options.

Commissioner Palmer reported that she and Commissioner Nishinaga met with CEA Executive Director Elaine Bush and other CEA representatives on November 17 to review the rate structure and discuss options. CEA reviewed its rate determination process and explained the types of scientific data and other factors that go into the rate calculations. Commissioner Palmer said it appears CEA is offering its customers the best rates possible.

Commissioner Nishinaga observed that CEA is in a difficult position because it must be self-supporting and have sufficient assets to pay claims in a major event. He said CEA has about 730 policyholders, or about one tenth of the 8 million homeowners in California.

Commissioner Nishinaga said he and Commissioner Palmer urged CEA to offer premium discounts for people who undertake voluntary retrofits. They pointed out that the Commission's *Homeowner's Guide* identifies a number of simple and cost-effective mitigation measures that should be promoted.

Commissioner Parker noted earthquake insurance is not required by law, but some lenders are starting to insist on it. He remarked that of the 28,000 buildings destroyed in San Francisco after

the 1906 earthquake, about 80 percent were destroyed by fire. He noted buildings lose fire resistance when they are damaged, and rebuilding is very expensive, so it makes sense to mitigate as much as possible before disasters occur.

Commissioner Palmer commented that insurance companies are spending more money to encourage mitigation as a way of preventing big losses.

Commissioner Nishinaga said about two thirds of CEA policyholders live in Southern California, and the participation rate in San Francisco is quite low. He recommended continuing to push CEA for discounts to make the program more attractive. Chairman Jones pointed out that actual data is needed to justify discounts too.

Mr. Sepulveda welcomed discussion on the possibility of legislation regarding workers' compensation coverage for state Clearinghouse workers. Commissioner Klein expressed his opinion that the Commission should do something to correct the problem; he noted the state should be an insurer of last resort. He recommended limiting Clearinghouse participation as another option.

Mr. McCarthy said he discussed this topic with OES and would have more to report at the December meeting. Mr. Sepulveda suggested leaving this topic open, and commissioners agreed.

Chairman Jones thanked Mr. Sepulveda for his report.

VIII. BRIEFING ON HETCH HETCHY WATER DELIVERY SYSTEM

Mr. Tony Irons, Deputy General Manager, San Francisco Public Utilities Commission (SFPUC), introduced himself and said he arrived at his position two months earlier. Mr. Irons noted the SFPUC is required by law to submit an annual progress report on the capital improvement program. When Ms. Susan Leal took over as general manager of SFPUC, she requested a delay so her staff could consider the existing schedule and its impacts. The PUC gave Ms. Leal until January to come back with a revised schedule and a clear direction.

Mr. Irons said he believed the proper approach to improvements to the Hetch Hetchy water delivery system was to look at the criticality of each element, address the most vulnerable facilities first, and continue to deliver water to customers. He reported that the SFPUC staff was embarking on an assessment and prioritization of all the capital improvement work.

Mr. Irons noted rebuilding the system is estimated to cost \$3.5 billion, and that amount does not address weaknesses outside the main line. Therefore, fixing the Hetch Hetchy system does not ensure continued water delivery to customers unless their own systems are sound. Mr. Irons said about 2.5 million people are served by the Hetch Hetchy, so a failure of the Irvington Tunnel or some other critical component could cut off the supply of water to many customers down the line.

Commissioner Klein asked about the status of the initiative to tear down the dam. Mr. Irons

Meeting Minutes

replied that the Environmental Defense Group published an in-depth paper that does not address funding. He said the tear-down alternative will be analyzed as part of the programmatic EIR as well. He acknowledged that tearing down the dam would radically change the SFPUC's plans.

Chairman Jones thanked Mr. Irons for the update and said she looked forward to hearing from him again when the new schedule is ready.

ACTION: No action required.

IX. PUBLIC COMMENT

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

X. MISCELLANEOUS & GOOD OF THE MEETING

Commissioner Yee Retirement

Chairman Jones announced that Commissioner Jimmie Yee would soon be retiring from the Sacramento City Council after 12 years of service. She and other commissioners extended their congratulations.

Southern California Earthquake Center (SCEC) Request

Chairman Jones noted funding for the Southern California Earthquake Center (SCEC) terminates in 2007. In preparation, SCEC has requested that the Commission review its renewal application and provide comments on the role of SCEC in the state. Chairman Jones suggested establishing a committee to work with Mr. Tom Jordan; she said Commissioner Clark had agreed to chair the committee.

Commissioner Shapiro commented that he believed assisting SCEC was a worthwhile effort. He pointed out that SCEC serves a valuable function for the entire State of California, not just Southern California. Chairman Jones observed that SCEC is involved with CEA, the California Geological Survey, and the U.S. Geological Survey.

ACTION: Chairman Jones asked Commissioner Clark to come back at the January meeting with a proposed committee roster.

Meeting Locations

Commissioner Moy asked what specific calendaring issues needed to be resolved. Chairman Jones said she wanted more information on the rationale for some of the out-of-town venues proposed. She added that she had no problem with the dates, just the meeting locations.

ACTION: Staff to provide a list to Commission of proposed meeting locations for 2005.

Follow-Up from October Minutes

Commissioner Klein asked if the Ad Hoc Committee on School Safety had an opportunity to meet with the Sacramento PTA group. Chairman Jones responded that the committee contacted the organization, discussed the report contents, and sent a copy.

Web Statistics

Mr. Robert Anderson reported that records covering the period from mid-September to mid-November show 192,000 hits, or an estimated 8,000 visitors per month to the Commission's Web site. He said about 10 percent of the visitors are interested in the *Homeowner's Guide* and about 6 percent want the natural gas report.

ACTION: No action required.

XI. ADJOURNMENT

There being no further business, the meeting of the Seismic Safety Commission was adjourned at 12:18 p.m.

Sue Celli
Office Manager

Approved by:

Richard McCarthy
Executive Director