

Seismic Safety Commission
Minutes of Meeting
April 14, 2005
State Capitol, Room 444
Sacramento, California

Members Participating

Lucy Jones, Chairman
Mark Church
Bruce Clark
Lawrence T. Klein
Stan Y. Moy
Linden Nishinaga
Daniel Shapiro

Members Absent

Donald R. Parker, Vice Chair
Andrew Adelman
Senator Richard Alarcon/Chris Modrzejewski
Don Manning
Celestine Palmer
Jimmie R. Yee

Staff Present

Richard McCarthy, Executive Director
Karen Cogan, Executive Assistant
Robert Anderson, Staff Geologist
Henry Reyes, Staff Structural Engineer
Rebecca Romo, Legislative Intern
Henry Sepulveda, Director of Legislation
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 9:15 a.m. Executive Assistant Karen Cogan called the roll and confirmed the presence of a quorum.

II. CHAIRMAN'S REMARKS

Nominations Committee

Chairman Jones proposed establishing a Nominating Committee to report back at the May meeting with a slate of officers so the new officers can take over at the June meeting. She asked past chairs of the Commission to serve, with Commissioner Dan Shapiro chairing the committee, and Commissioners Bruce Clark, Don Manning, and Stan Moy serving as members.

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

The Commission approve the proposed Nominations Committee.

* Motion carried, 7 - 0.

Tsunami Committee

Chairman Jones recommended creating a new committee to create a short report outlining issues affecting tsunami safety in California and making specific recommendations for improvements. She requested that Commissioner Don Parker chair the group, with Commissions Nishinaga and Shapiro as members, as well as Dr. Lori Dengler, Humboldt State University/Redwood Coast Tsunami Work Group; Mr. Rich Eisner, Office of Emergency Services (OES); Dr. José Borrero, University of Southern California Tsunami Research Center; Mr. Jeff Terry, County of Los Angeles Office of Emergency Management; and Mr. Orville Magoon, Coastal Zone Foundation. Chairman Jones welcomed suggestions from Commissioner Nishinaga regarding possible representatives from the Port of Long Beach.

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

The Commission authorize formation of the committee as proposed.

* Motion carried, 7 - 0.

Next Meeting

Chairman Jones reminded commissioners that the May meeting will be held on Wednesday, May 18, the last day of the Disaster Resistant California Conference in Sacramento. She instructed commissioners to let the staff know as soon as possible if they wanted to register.

III. APPROVAL OF MARCH 2005 COMMISSION MEETING MINUTES

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

The Commission approve the minutes of the March 14 and 14, 2005 meeting as presented.

* Motion carried, 7 - 0.

IV. EXECUTIVE DIRECTOR'S REPORT

Budget Update

Commissioner Klein reported that the staff's latest figures are consistent with the Department of Finance's figures, and the budget is on track. He estimated a \$12,000 year-end surplus.

Update On FEMA Appeal

Mr. Fred Turner reported that at FEMA's suggestion, the Commission submitted a Freedom of Information Act (FOIA) request to review FEMA's files pertaining to the issues on appeal. He said the Commission staff is waiting to hear back from FEMA once they calculate the fees.

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Disaster Resistant California Conference

Mr. McCarthy drew attention to the draft agenda for the Disaster Resistant California Conference in May. He said he would email information to commissions on breakout session topics and guest speakers. Mr. McCarthy noted the luncheon speaker will be Mr. Fred Smith, from Operation Hope. He asked commissioners interested in attending the luncheon to let the staff know.

Update on *Homeowner's Guide*

Mr. McCarthy informed the Commission that the California Association of Realtors and other vendors requested an extension of time before implementing the new version of the *Homeowner's Guide* to allow them to use up their old books. He suggested going ahead with plans for a press conference and official release of the updated guide in conjunction with the Disaster Resistant California Conference, but delaying publication until July 1 to give the vendors more time to use up their inventories.

Mr. McCarthy reported that the California Earthquake Authority approved a contract with Dr. Guna Selvaduray, Collaborative for Disaster Mitigation, to produce a Spanish translation of the *Homeowner's Guide*. Dr. Selvaduray expects to complete a draft within 40 days.

Mr. McCarthy suggested that a possible year-end project for the Commission to consider might be translating the document into Mandarin, and then Vietnamese and Tagalog, based on demographics in California.

Commissioner Clark recommended exporting the *Homeowner's Guide* to foreign countries as well. Mr. McCarthy agreed, and noted the Organization of American States expressed interest in a Spanish version that could be provided to its 26 member countries. He added that Dr. Selvaduray sent a copy of the updated document to OAS for review.

Commissioner Clark suggested having the *Homeowner's Guide* reviewed by the Earthquake Engineering Research Institute (EERI). He noted EERI produces a world housing encyclopedia with information on local construction methods.

Mr. McCarthy said the ad hoc committee that updated the *Homeowner's Guide* recommended following up with a simple document regarding mitigation of nonstructural hazards and securing building contents. Commissioner Shapiro noted the Division of the State Architect has developed a guide for schools, and he suggested using that as a basis.

ACTION: No action required.

V. LEGISLATION UPDATE

Mr. Henry Sepulveda drew attention to the summary chart he provided to commissioners in separate folders. He noted many bills are changing rapidly as legislative hearings are taking

place.

Commission-Sponsored Bills

AB 584 (Blakeslee)

Mr. Sepulveda said AB 584, deleting obsolete sections of law and releasing some residual funds, was heard last week. The committee recommended some language changes, which are acceptable to the Commission, so the bill will be presented on consent at the April 20 committee hearing and is likely to pass.

AB 970 (Yee)

Mr. Sepulveda noted AB 970, giving school districts immunity from liability for obtaining information from the Division of the State Architect regarding the AB 300 survey on the condition of their school buildings, is scheduled for hearings on April 20 and April 26. He said Chairman Jones will be testifying at the first hearing, and Commissioner Shapiro will testify the following week.

AB 1374 (Liu)

Mr. Sepulveda reported that AB 1374, making the Commission's funding arrangement through the Department of Insurance permanent, was approved by the committee and will proceed to the Appropriations Committee.

Mr. McCarthy added that the Insurance Commissioner sent a letter of support.

SB 1054 (Soto)

Mr. Sepulveda said SB 1054 imposes a threshold building code standard on charter schools and requires charter schools to comply with the California Building Code, unless pre-empted by the Field Act. He noted Commissioner Klein will be testifying at the April 27 hearing.

Commissioner Shapiro clarified that the Commission's intent is to ensure that charter schools meet the same requirements as private schools. Mr. Sepulveda noted the next amendments will move in that direction. He acknowledged that the bill in its present form specifies the Uniform Building Code only.

Hospital Bills

Mr. Sepulveda noted there are several bills regarding hospital seismic safety, and he suggested reviewing them individually and taking positions on some.

AB 44 (Cohn)

Mr. Sepulveda said AB 44 is an administration-sponsored bill authorizing the use of independent plan reviewers to expedite the processing of seismic safety improvement projects by the Office of Statewide Healthcare Planning and Development (OSHDP). The bill would apply only to projects in excess of \$50 million, or \$20 million under certain circumstances. Mr. Sepulveda noted the Legislative Advisory Committee discussed AB 44 and recommends a "support if amended" position.

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

The Commission take a “support if amended” position on AB 44, as proposed by the committee.

* Motion carried, 7 - 0.

AB 1047 (Levine)

Mr. Sepulveda stated that AB 1047 establishes the “Safe Hospitals Bond Act of 2005” to provide financing for seismic safety hospital improvements. The amount of funding remains unspecified, but the committee recommends that the Commission adopt a “support” position.

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

The Commission support AB 1047 as recommended.

* Motion carried, 7 - 0.

AB 1275 (Frommer)

Mr. Sepulveda reported that this bill was significantly amended on April 12 to provide \$5 billion in bonds for seismic safety upgrades to hospitals. However, the bill also contains a trigger clause excusing hospitals from complying with the 2008 deadline indefinitely if the bond does not pass; if the bonds are approved, the 2008 deadline would be extended to 2013. Mr. Sepulveda advised that the Legislative Advisory Committee had not taken any position on this bill yet, but it will probably be heard sometime in late April. He encouraged Commission discussion.

Mr. Sepulveda said he got word that SB 491 (Speier) will also be amended to include a similar trigger mechanism.

Chairman Jones noted there appeared to be consensus that the Commission will continue to watch AB 1275 and have the staff signal strong opposition to the author’s staff.

AB 1316 (Salinas)

Mr. Sepulveda noted AB 1316 is similar to AB 400, allowing hospitals to use independent plan reviewers, but AB 1316 would apply to smaller projects costing more than \$25,000. He said the Legislative Advisory Committee recommends a “support if amended” position, and the amendments would be provisions to prevent “shopping” for independent plan reviewers and ensuring the issues reviewed satisfy OSHPD’s needs.

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

The Commission adopt a “support if amended” position on AB 1316 as proposed.

* Motion carried, 7 - 0.

AB 1673 (Nation)

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Mr. Sepulveda said AB 1673, like Senator Speier's SB 167, would excuse hospitals from meeting the 2008 deadline in exchange for moving the 2030 deadline up to 2020. The bill was heard on April 13, and two significant amendments were made, one setting certain milestones, and another excluding at-risk SPC-1 buildings, but the bill did not pass out of committee. Mr. Sepulveda added that the California Nurses Association and other unions oppose the bill because of its impact on worker safety.

Mr. Sepulveda noted the Legislative Advisory Committee recommends a "support if amended" position on both AB 1673 and SB 167, and the amendment would setting appropriate milestones.

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

The Commission adopt a "support if amended" position on AB 1673 as proposed.

* Motion carried, 7 - 0.

Commissioner Klein clarified that the amendments should include penalties for non-compliance, and commissioners agreed.

SB 167 (Speier)

Mr. Sepulveda suggested waiting to see the current version of the SB 167 in print before reacting. He noted the Commission will have several other opportunities for input as the bill makes its way through the process.

There was general consensus to adopt a "watch" position on SB 167.

SB 491 (Ducheny)

Mr. Sepulveda said SB 491 is currently a spot bill, but it is likely to be amended with provision similar to those in AB 1275.

Other Bills

SB 1024 (Perata)

Mr. Sepulveda said SB 1024 allocates funds for improvements to the state's transportation system, including bridges and levees, and he recommended support.

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

The Commission support SB 1024 as recommended.

* Motion carried, 7 - 0.

SB 477 (Soto)

Mr. Sepulveda recommended that the Commission support SB 477, a bill that calls for OES to prepare a statewide disaster recovery plan. He noted a similar bill was vetoed in the past, but

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OES still has no detailed post-disaster plan in place.

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

The Commission support SB 477 as proposed.

* Motion carried, 7 - 0.

AB 304 (Hancock)

Mr. Sepulveda said AB 304 authorizes, but does not mandate, local governments to establish reconstruction standards for soft-story buildings. He noted the Legislative Advisory Committee questioned whether AB 304 is actually necessary because local governments are already empowered to act.

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

The Commission support AB 304 as proposed.

* Motion carried, 7 - 0.

AB 1297 (Evans)

Mr. Sepulveda said AB 1297 is similar to a measure that failed last year. The bill establishes an advisory committee to provide advice to the Building Standards Commission on building rehabilitation guidelines, and the Seismic Safety Commission would be one of the entities on the committee.

S. 50 (Inouye)

Mr. Sepulveda said the staff just received the amended version of S. 50. Commissioner Clark proposed having the measure reviewed by the Legislative Advisory Committee before the next meeting, and other commissioners agreed.

VI. COMMITTEE REPORTS

Southern California Earthquake Center (SCEC) Ad Hoc Review Committee

Commissioner Clark reported that the committee was busy reviewing SCEC documents, and he drew attention to the draft report. He said the committee will take the draft to SCEC management for review, and the final version will be ready for Commission approval at the May meeting.

VII. PUBLIC COMMENT

Chairman Jones introduced Mr. Arthur Jensen, Bay Area Water Supply & Conservation Agency (BAWSCA), and invited him to address the Commission.

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Mr. Orville Magoon, Coastal Zone Foundation, reported that he was in the process of preparing testimony for the Army Corps of Engineers regarding modifications to allow use of federal funds for existing tsunami projects. He noted Scripps has real-time tsunami measuring capability, and there may be other eligible projects. He offered to provide commissioners with copies of his draft testimony.

VIII. MISCELLANEOUS & GOOD OF THE MEETING

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

IX. ADJOURNMENT

There being no further business, at 11:43 a.m., the meeting of the Seismic Safety Commission was adjourned to a working business lunch at the Seismic Safety Commission office.

Sue Celli
Office Manager

Approved by:

Richard McCarthy
Executive Director