



State Of California
SEISMIC SAFETY COMMISSION

Arnold Schwarzenegger, Governor

Gary McGavin
*Architectural Planning
 Chairman*

Dennis Mileti
*Social Services
 Vice-Chair*

Lawrence Klein
Utilities

Dr. Lucy Jones
Seismology

Hon. Richard Alarcon
State Senate

Saeed Ali
Senate Representative

Hon. Mark Church
Local Government

Dr. Bruce Clark
Geology

Hon. Carol Liu
State Assembly

Donald Manning
Assembly Representative

Celestine Palmer
Insurance

Daniel Shapiro
Structural Engineering

Keith Wheeler
Emergency Service

Jeff Sedivec
Fire Protection

Arul Arulmoli
Soils Engineer

Hon. Jim Wattenburger
County Government

Andrew Adelman
City Building Official

Richard McCarthy
 Executive Director

Seismic Safety Commission
 Minutes of Meeting
 June 8, 2006
 State Capitol, Room 444
 Sacramento, California

Members Participating

Lawrence T. Klein, Chair
 Saeed Ali
 Kandiah (Arul) Arulmoli
 Mark Church (arrived 10:18 a.m.)
 Don Manning
 Dennis Mileti
 Celestine Palmer
 James Wattenburger
 Keith Wheeler

Members Absent

Jeff Sedivec, Vice Chair
 Andrew Adelman
 Bruce Clark
 Lucy Jones
 Gary McGavin
 Daniel Shapiro

Staff Participating

Richard McCarthy, Executive Director
 Karen Cogan, Executive Assistant
 Robert Anderson, Staff Geologist
 Henry Reyes, Staff Structural Engineer
 Henry Sepulveda, Director of Legislation

I. CALL TO ORDER/ROLL CALL

Commission Chairman Lawrence Klein called the meeting of the Seismic Safety Commission to order at 10:02 a.m. Executive Assistant Karen Cogan called the roll and confirmed the presence of a quorum.

II. CHAIRMAN'S REMARKS

Chairman Klein introduced and welcomed newly appointed Commissioner James Wattenburger and asked him to give a brief description of his background.

Commissioner Wattenburger said he retired from the California Division of Forestry after thirty years in fire services and had also served as a Mendocino County Supervisor and member of the Ukiah City Council.

III. APPROVAL OF MINUTES

April 11, 2006

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

The Commission approve the minutes of the April 11 meeting as presented..

* Motion, carried, 8 - 0 (Commissioner Church absent during voting).

April 17, 2006

ACTION: Commissioner Dennis Mileti made a motion, seconded by Commissioner Arul Arulmoli, that:

The Commission approve the minutes of the April 17 meeting as presented..

* Motion, carried, 8 - 0 (Commissioner Mark Church absent during voting).

IV. EXECUTIVE DIRECTOR'S REPORT

Budget

Executive Director Richard McCarthy stated that the May meeting had been canceled because the Commission had not yet received reimbursement for its work reviewing the San Francisco Public Utilities Commission project and the staff wanted to avoid a possible deficit. He reported that a reimbursement check for \$32,000 had been received since then. Mr. McCarthy noted the staff's year-end budget projections were only about \$100 apart from the state accounting division's estimates.

Year-End Projects

Mr. McCarthy drew attention to the list of possible year-end projects. He estimated the Commission will have approximately \$52,000 available. He said the staff is proposing allocating funds for accounting services; hiring an office intern; Web page enhancements; computer maintenance; equipment, supplies, and printing; and a reserve for unpaid bills. He recommended approving the list and authorizing Chairman Klein and the Commission's new officers to make minor modifications as necessary.

ACTION: Commissioner Saeed Ali made a motion, seconded by Commissioner Keith Wheeler, that:

The Commission approve the list and delegate decision-making authority to the Commission's officers as proposed.

* Motion carried, 8 - 0 (Commissioner Church absent during voting).

Mr. McCarthy said the budget figures will be finalized during the last few days of the fiscal year.

FEMA Appeal

Mr. McCarthy reported that the Commission received a letter from the Federal Emergency Management Agency (FEMA) in response to the Commission's appeal. He asked Mr. Fred Turner to report on this matter.

Mr. Turner explained that the appeal resulted from a 2001 FEMA audit finding that the Commission had been overpaid for some of its work on the Northridge earthquake. The Commission twice appealed FEMA's decision to de-obligate \$216,000, but those requests were ignored by FEMA until the Commission asked congressional representatives to intervene. In response to this political pressure, FEMA tentatively reversed its decision.

Mr. Turner said FEMA audited the Northridge earthquake expenses a second time and determined in 2004 that \$199,203 in claimed expenses could not be supported by documentation. This opened a new debate about whether these expenses duplicated other project costs, and FEMA has asked that the Commission document the entire project costs again. Mr. Turner advised that the Commission wants to arrange a dialogue with the Office of Emergency Services (OES) and FEMA to resolve these issues.

Mr. McCarthy commented that FEMA's first audit identified 33 concerns, of which 31 were addressed and resolved. FEMA originally contended that approximately \$200,000 in commissioner time was not reimbursable, but FEMA later admitted its error and reversed this decision. However, the second FEMA audit in 2004 reopened areas that had already been addressed to FEMA's satisfaction in the first audit. Mr. McCarthy said the Commission has spent the past five years trying to resolve these issues. He stated that the Commission is not alone; improper accounting has been a chronic problem with FEMA after most major disasters.

Mr. Turner added that some other agencies have still not received funds due as a result of the Loma Prieta earthquake in 1999.

Mr. McCarthy promised to keep the Commission informed on this issue.

PEER Review Committee

Mr. McCarthy recommended that the Commission appoint a committee of several commissioners to review the Pacific Earthquake Engineering and Research (PEER) organization's activities. He noted the Commission is responsible for conducting regular reviews, and the costs are reimbursed by PEER.

Mr. McCarthy proposed appointing Commissioner Dennis Mileti, Commissioner Arulmoli, and Commissioner Dan Shapiro to serve on the committee. Chairman Klein recommended inviting Mr. Nishinaga to join.

There was general consensus among commissioners to proceed as proposed.

Web Page Update

Mr. McCarthy advised that the Commission's contract with San Diego State University Foundation for Website enhancements will expire at the end of June, and he recommended allocating \$15,000 for a new contract as part of the Commission's year-end expenses. He said the Commission wants to develop

a new page for K-12 teachers and students and a new section explaining how foreign earthquakes are relevant to California and comparing seismological conditions elsewhere with those in our state.

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

The Commission authorize a new contract with San Diego State University Foundation as recommended.

* Motion carried, 9 -0.

Update of California Earthquake Loss Reduction Plan

Mr. McCarthy said the current version of the *California Earthquake Loss Reduction Plan* expires at the end of 2006, so the Commission should begin planning another five-year update. He recommended discussing this task in more detail at the July meeting. Mr. McCarthy explained that the *Plan* provides the basis for California's mitigation efforts, and the initiatives in the *Plan* are tied to the tracking document. He added that only minor revisions are anticipated.

Field Act Workshops

Mr. McCarthy advised the staff is planning to invite a series of speakers to the September meeting to talk about the Field Act and its impacts on school safety.

V. LEGISLATIVE REPORT

Mr. Henry Sepulveda drew attention the legislative summary in Tab C of the meeting report.

SB 1278 (Alquist)

Mr. Sepulveda reported that AB 1278, the vehicle to extend the Commission's funding arrangement and change the Commission's composition, was approved by the Senate and sent to the Assembly. He said the bill places the Commission under the State and Consumer Services Agency and adds three new members from state government entities, but there is still no funding mechanism identified. He noted the staff is still working with the Governor's Office to resolve this issue.

Mr. McCarthy advised that the administration is waiting to hear the outcome of the CRAF insurance settlement. He said the deadline for creditors to submit claims against the fund is June 15. He explained that this fund provides \$6.3 million for earthquake-related research, and the terms of the settlement give the Commission authority to manage those contracts and administer the funds.

SB 1304 (Runner)

Mr. Sepulveda noted the Commission adopted an "oppose" position on SB 1304 because the bill removed construction of community college facilities from the scope of the Field Act. He reported that the bill was amended to delete all provisions regarding the exemption from the Field Act. The amended version allows community colleges to acquire existing buildings for use as college facilities if the building was originally constructed in compliance with the Field Act, or if the Division of the State Architect (DSA) determines that the building meets equivalent standards. In light of the amendments,

Mr. Sepulveda said, staff recommends rescinding the “oppose” position and continuing to monitor the bill.

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

The Commission rescind its “oppose” position on SB 1304 as recommended.

* Motion carried, 9 - 0.

AB 127 (Nuñez)

Mr. Sepulveda informed the Commission that AB 127, the major Education Bond Act of 2006, was signed into law, and the bond measure will appear on the November ballot. He noted the bill contains a provision allowing community college facilities to comply with either the Field Act or the California Building Code. He added that the bill will not take effect unless approved by the voters, but the Seismic Safety Commission has consistently opposed all such measures that dilute Field Act protections.

SB 1290 (Ducheny)

Mr. Sepulveda advised that SB 1290 has a similar provision, giving community colleges the option of complying with either the Field Act or the California Building Code. He noted this bill was approved by the Senate and is now in the Assembly. He suggested continuing to work with the author to encourage her to amend the bill to supersede the AB 127 bond provisions, and noted the author has indicated a willingness to entertain this proposal. Mr. Sepulveda recommended adopting an “oppose unless amended” position on SB 1290.

Commissioner Ali commented that the underlying issue for the Commission is explaining why the Field Act is so important. He said policy makers and members of the public are often shocked to learn that community college buildings can be constructed to a different standard than K-12 buildings. He emphasized the need for the Commission to educate legislators, noting there are many people trying to convince them of the need for greater flexibility.

Commissioner Ali observed that there is a large constituency in California who view the Field Act as a hindrance to new school construction, and there are few people advocating for improving standards for retrofitting and upgrading existing buildings. He expressed support for the staff’s recommendation and noted that the September meeting will provide a good opportunity to educate people about the value of the Field Act. He urged the Commission to rethink how best to convince people that the Field Act should be upheld.

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

The Commission adopt an “oppose unless amended” position on SB 1290.

* Motion carried, 9 - 0.

Mr. Sepulveda said the staff will send a letter to the author articulating the Commission’s position.

AB 2852 (Nava)

Mr. Sepulveda said AB 2852 creates a California Tsunami Steering Committee and requires the OES to establish a tsunami hazard mitigation program. He noted many of the provisions in the bill parallel recommendations in the Commission's tsunami report, and he recommended that the Commission support the bill.

Mr. Sepulveda advised that AB 2852 has been placed in the Assembly suspense file because costs of implementing the measure range from \$5 million to \$10 million. He added that the bill is not likely to emerge from suspense, so the Commission's support position is primarily symbolic.

Commissioner Mileti observed that the composition of the steering committee seems diverse and includes county representatives, but members representing cities were omitted. Mr. Sepulveda said the staff will point this out to the author.

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

The Commission support AB 2852 as recommended.

* Motion carried, 9 - 0.

Budget Committee Process

Mr. Sepulveda reported that the Seismic Safety Commission's 2007-08 budget has been approved by both houses of the Legislature, and there is an Assembly trailer bill provision to extend the 2007 sunset to 2009. He said the Budget Conference Committee has not yet chosen which version will move forward, but there are preliminary indications from the committee staff that the Assembly version is likely to be adopted.

Meeting with State Architect re: Status of Field Act

Mr. Sepulveda reported that a group of staff and commissioners met with the State Architect to discuss the Field Act. He noted there is a perception that complying with the Field Act takes longer, costs more, and does not significantly improve seismic safety, so the Commission wants to hold one or more workshops to explore these ideas and separate myths from fact. He said resolving these issues will require more information on differences between the performance standards applicable to public schools and those used by the University of California, California State University, and local jurisdictions.

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

The Commission hold one or two workshop sessions on the Field Act and appoint a subcommittee to define the scope of issues and determine an appropriate end product.

* Motion carried, 9 - 0.

VI. COMMITTEE REPORTS

Commercial Property Owner's Guide (COG) Committee

Mr. Turner reviewed revisions to the *Commercial Property Owner's Guide to Earthquake Safety* since it was reviewed by the Commission at the April meeting. He said the Commission appointed a committee, chaired by Commissioner McGavin, to revise the publication, and Commissioner McGavin recommends that the Commission approve the revisions and authorize publication of the COG.

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

The Commission accept the proposed revisions to the Commercial Owner's Guide to Earthquake Safety and authorize its publication.

* Motion carried, 9 - 0.

Urban Search and Rescue Emergency Advisory Committee

Commissioner Manning

VII. NOMINATING COMMITTEE REPORT

Commissioner Manning stated that the Nominating Committee, consisting of himself, Commissioner Arulmoli, and Commissioner Palmer, met by teleconference on June 1 to propose a new slate of officers for 2006-07. He said the committee evaluated all eligible commissioners and sent a memo soliciting expressions of interest, and one response was received.

Commissioner Manning reported that the committee unanimously recommends Commissioner McGavin for chairperson. There were no other nominations.

ACTION: *The Commission voted unanimously to elect Commissioner McGavin as chair.*

Ms. Cogan said Commissioner McGavin missed his morning flight and asked her to convey his apologies for not being present.

Commissioner Manning reported that the Nominating Committee unanimously recommends Commissioner Mileti for vice chair. There were no other nominations.

ACTION: *The Commission voted unanimously to elect Commissioner Mileti as vice chair.*

VIII. PUBLIC COMMENT

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

IX. MISCELLANEOUS & GOOD OF MEETING

Ms. Cogan encouraged commissioners to review and comment on the latest draft of the Commission's semi-annual newsletter.

Ms. Cogan reported that she recently attended a short OES presentation on its mass evacuation plan and would provide a copy for commissioners. She suggested inviting an OES representative to provide an overview of the plan at a future Commission meeting.

X. ADJOURN

There being no further business, the meeting was adjourned at 12:14 p.m.

Sue Celli
Office Manager

Approved by:

Richard McCarthy
Executive Director