



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 Services*

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 Emergency Teleconference Meeting  
 August 18, 2006  
 Seismic Safety Commission Office  
 1755 Creekside Oaks Drive, Suite 100  
 Sacramento, California

**Members Participating**

Gary McGavin, Chair  
 Dennis Mileti, Vice Chair (joined @ 10:07 a.m.)  
 Andrew Adelman  
 Bruce Clark  
 Lucy Jones  
 Lawrence T. Klein  
 Don Manning  
 Dan Shapiro (joined @ 10:15 a.m.)  
 James Wattenburger

**Members Absent**

Saeed Ali  
 Kandiah (Arul) Arulmoli  
 Mark Church  
 Celestine Palmer  
 Jeff Sedivec  
 Keith Wheeler

**Staff Participating**

Richard McCarthy, Executive Director  
 Karen Cogan, Executive Assistant

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

Commission Chairman Gary McGavin called the meeting of the Seismic Safety Commission to order at 10:05 a.m. Executive Assistant Karen Cogan called the roll and announced that a quorum was not present. Chairman McGavin proposed continuing with discussion only until another commissioner joined the teleconference.

**II. BRIEFING ON SB 1278**

Chairman McGavin said the sole purpose of this emergency meeting was to inform commissioners about the status of SB 1278. He reported that the bill is still alive, although no long-term funding source has been identified, and it will go to the full Assembly for a vote.

Chairman McGavin noted the Commission discussed concerns at the August 10 teleconference meeting about requiring a two-thirds majority for the bill to pass. He said Executive Director Richard McCarthy called the legislative counsel to discuss this issue and correct misunderstandings regarding the CRAF settlement, and a decision was made to remove the language about CRAF in exchange for an

interpretation that only a majority vote would be required should the bill reach the Assembly floor. He congratulated and thanked Mr. McCarthy for his efforts.

Chairman McGavin reported that during the August 16 Appropriations Committee meeting, Senator Alquist's staff advised that the bill was failing because both Republicans and Democrats were voting in opposition. Senator Alquist requested the Commission's agreement to pull the bill if necessary, and she eventually opted to allow the bill to be placed in suspense pending a resolution of the key issues. When attempts to resolve those failed, Senator Alquist pulled the bill.

Chairman McGavin said that when Mr. Fred Aguire from the Governor's Office called to ask Senator Alquist the reasons for her decision, she cited the fact that no long-term funding source was identified and that both Republicans and Democrats were prepared to vote "no." The Governor's Office expressed support for the bill and offered to testify in its favor if it could be placed back on the August 17 Appropriations Committee agenda. Senator Alquist's request was refused by the committee but a compromise was eventually reached.

Chairman McGavin explained that the compromise ensures two more years of funding for the Seismic Safety Commission from the insurance fund, and all other provisions of the bill, including the move to the State and Consumer Services agency and the addition of three more commissioners, were retained. He said the Commission made a decision to accept the compromise, and SB 1278 was heard and approved during the Appropriations Committee's afternoon session on August 17. He reported that all Democrats voted in favor and all Republicans were opposed, but the bill now moves to the Assembly floor.

Chairman McGavin commented that if the Commission had not accepted the compromise, it would have jeopardized support from Democrats in the Legislature and alienated the Governor's Office, moves that could have resulted in the Commission's budget being eliminated or insistence on a two-thirds majority.

Chairman McGavin noted the bill still has strong opposition from the Personal Insurance Federation, and there are difficult hurdles ahead. He said a majority vote is needed on both the Assembly and Senate floors, as well as the Governor's approval.

Chairman McGavin observed that the Seismic Safety Commission will at least remain alive until July 1, 2009, but there is still no long-term funding, and the Commission will move under the State and Consumer Agency. He said the compromise allows the Commission to move forward, revitalize its vision and goals, and explore opportunities for alliances and public-private partnerships. He thanked Mr. McCarthy for his time and efforts, and expressed appreciation to Senator Alquist's staff, Assemblywoman Liu's staff, and Mr. Aguire for their assistance.

Commissioner Klein joined in and thanked Mr. McCarthy. He applauded Chairman McGavin's decision to accept the compromise. Commissioner Klein noted the Commission did not have to give up too much, nor did it get much, and this result is better than some of the other prospects it faced.

Chairman McGavin said the negotiations helped the Commission mend some broken fences with the Governor's Office and garner more of their support.

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

*The Commission ratify the decision to accept the compromise.*

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

Commissioners thanked and commended Mr. McCarthy and Chairman McGavin for their hard work on behalf of the Commission.

Mr. McCarthy advised that Senator Alquist indicated she would carry legislation to fund the Commission next year.

Chairman McGavin noted the Commission has an opportunity to explore new directions and form new alliances that will help provide resources.

### **III MISCELLANEOUS & GOOD OF MEETING**

Commissioner Shapiro asked if the Commission's legislative staff position would be filled soon. Mr. McCarthy responded that he would prepare a duty description and advertise the position after the September meeting; he added that he expected to fill the position by January.

### **IV. ADJOURN**

There being no further business, the meeting was adjourned at 10:33 a.m.

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Sue Celli  
Office Manager

Approved by:

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Richard McCarthy  
Executive Director