



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 and Staff Workshop
September 13 and 14, 2006
Millennium Biltmore Hotel
506 South Grand Avenue
Los Angeles, California

Members Participating

Gary McGavin, Chair
Dennis Mileti, Vice Chair
Andrew Adelman
Saeed Ali
Kandiah (Arul) Arulmoli
Bruce Clark
Lucy Jones
Lawrence T. Klein
Don Manning
Celestine Palmer
Daniel Shapiro
James Wattenburger
Keith Wheeler

Members Absent

Mark Church
Jeff Sedivec

Staff Present

Richard McCarthy, Executive Director
Karen Cogan, Executive Assistant
Robert Anderson, Staff Geologist
Henry Reyes, Structural Engineer
Fred Turner, Senior Structural Engineer

I. CALL TO ORDER/ROLL CALL - SEPTEMBER 13, 2006

Commission Chairman Gary McGavin called the meeting of the Seismic Safety Commission to order at 3:00 p.m. Meeting Recorder Cynthia Judy called the roll and announced that a quorum was present.

II. CHAIRMAN'S REMARKS

Challenges Ahead

Chairman McGavin welcomed commissioners and staff. He informed commissioners that SB 1278 is awaiting the Governor's signature, and he is likely to approve the bill. He explained that SB 1278 moves the Commission under the State and Consumer Services Agency. Commissioner McGavin reported that Executive Director Richard McCarthy and Commissioner Lucy Jones have met with Agency representatives and feel reasonably comfortable going forward.

Chairman McGavin advised that SB 1278 does not identify a permanent funding source for the Commission, but Senator Alquist has pledged her assistance in introducing legislation in the next session.

Chairman McGavin suggested that the Commission consider stepping back from its sponsorship of legislation and instead develop relationships with partners who can provide staffing and resources to advance Commission goals. He cited the American Institute of Architects, the Structural Engineers Association of California, and the Coalition for Adequate School Housing as examples of potential partner organizations.

Commissioner Attendance

Chairman McGavin said he was pleased that so many commissioners were present at this meeting. He emphasized the need for commissioners to attend, participate, and lend their expertise in determining how the CRAF funds should be used.

III. APPROVAL OF MINUTES

June 8, July 13, August 10, and August 18, 2006

ACTION: Commissioner Bruce Clark made a motion, seconded by Commissioner Don Manning, that:

The Commission approve the minutes of the June 8, July 13, August 10, and August 18 meetings.

Commissioner Dan Shapiro noted that in the July 13 minutes, Section VIII, third paragraph refers to “structural engineers.” He recommended inserting the word “licensed” before “structural” or capitalizing the term: “Structural Engineers.”

Commissioner Shapiro said the fifth paragraph on the next page incorrectly states he was a pupil in Long Beach; he recommended replacing “Long Beach” with “Los Angeles.”

* Motion carried, 13 - 0.

IV. EXECUTIVE DIRECTOR’S REPORT

Mr. McCarthy said the purpose of this workshop was to discuss and redefine the Seismic Safety Commission’s goals and directions, and then prioritize its activities in the coming months. He encouraged participation and input from all commissioners.

FEMA Appeal

Mr. McCarthy asked Mr. Fred Turner to provide an update on the status of the Commission’s Federal Emergency Management Agency (FEMA) appeal.

Mr. Turner reported that the Commission staff met with Office of Emergency Services (OES) and FEMA representatives in August, and the amount in question appears to be \$204,434. He said FEMA officials indicated the amount had been billed to OES, so the Commission owes nothing to FEMA, but OES will expect reimbursement once the amount is paid.

Mr. Turner noted the latest review of documentation indicates that FEMA owes the Commission a refund of over \$100,000, and the Commission may be unable to provide receipts and documentation for expenses of \$4,000 to \$5,000. He said FEMA will be informing the Commission of the specific amount once it is determined.

Budget Briefing

Mr. McCarthy drew attention to the budget report prepared by the staff and that from Contracted Fiscal Services. He noted the figures do not include CRAF funds or reimbursement for the Pacific Earthquake Engineering and Research (PEER) Center review.

Status of California Research and Assistance Fund (CRAF)

Mr. McCarthy drew attention to the draft Budget Change Proposal (BCP) prepared by the staff for managing and processing CRAF funds. He said the staff will be submitting two BCP's, one for a rent increase, and one to establish a process to receive funds from CRAF and other sources and to define the Commission's spending authority.

Commissioner Ali commented that even though the Commission has statutory authority to administer the CRAF funds, there is no statutory authority to hire new staff, so the work can be done by contractors.

Mr. McCarthy welcomed input from commissioners regarding the terms of the BCP. He proposed a duration of seven years and an overhead rate of 10 percent. He added that 10 percent is a low overhead percentage for a state-administered program.

After some discussion, there was consensus that seven years was an appropriate duration for the BCP.

Chairman McGavin appointed Commissioners Clark, Jones, and Mileti to serve as a committee to develop a process and help draft RFP's.

Mr. McCarthy recommended informing the Attorney General of the Commission's plans and requesting a review of the proposed process.

Commissioner Ali encouraged the committee to come back to the Commission with some ideas of broad categories for research. Commissioner Clark suggested that all commissioners review the Commission's Research Plan and the topics identified there.

ACTION: Commissioner Ali made a motion, seconded by Commissioner James Wattenburger, that:

The Commission proceed with the BCP as proposed.

* Motion carried, 13 - 0.

Update on SB 1278/Move into State and Consumer Services Agency

Mr. McCarthy stated that if the Governor signs SB 1278 as anticipated, the Commission will move into the State and Consumer Services Agency and continue on the Insurance Fund until July 1, 2009. He

cautioned that SB 1278 does not guarantee that the Commission will receive adequate budget appropriations in the intervening years.

VI. PARTNERSHIPS WITH PRIVATE INDUSTRY (Out of Order)

Mr. McCarthy said the staff compiled a list of past organizations and entities with whom the Commission has associated. He referred to Executive Order S-04-06, encouraging public-private partnerships. He welcomed suggestions for other names to add to the list. Mr. McCarthy added that the Commission can discuss this topic in more detail at the November meeting.

VII. STAFF SERVICES MANAGER I VACANCY (Out of Order)

Mr. McCarthy said Mr. Henry Sepulveda's position must be filled. He drew attention to the proposed duty description and qualifications. He welcomed direction from the Commission as to whether the new person should focus more on legislative advocacy or project management and fundraising. Mr. McCarthy recommended hiring someone by January 1, 2007. He recognized that the Commission's uncertain future and 2009 sunset date will make recruitment challenging.

After some discussion, the Commission concluded it should maintain its focus on legislative advocacy in filling the Staff Services Manager I position.

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

The Commission focus the Staff Services Manager I position on legislative advocacy and direct the staff to modify the position description as necessary to fill the position.

Mr. Anderson suggested that the Commission consider asking the Agency to authorize a two-year transfer now, and then hiring a permanent employee when an appropriate applicant is found. Mr. McCarthy proposed doing both. Commissioner Ali accepted this amendment to his motion.

Commissioner Manning observed that there are many qualified staff people from the Legislature who will be displaced after the election, and they typically have good networking skills and a system of contacts. He recommended tapping both Senate and Assembly offices.

Commissioner Ali said he sensed some frustration with the Commission's legislative clout, and he suggested agendaizing this topic for further discussion at the next meeting.

* Motion carried, 13 - 0.

Mr. Anderson noted that if CRAF research produces some successful projects, the Commission could propose a BCP later to hire a grants manager.

V. REVIEW AND DISCUSSION OF COMMISSION OPERATIONS AND PRIORITIES

Mr. McCarthy advised that the Commission's October meeting agenda was already full, featuring a number of Field Act presentations. He suggested scheduling a workday the day before or after the October meeting. After some discussion, commissioners tentatively agreed to hold a workshop the morning of Friday, October 13, beginning at 9:00 a.m.

Field Act

Mr. McCarthy said the Commission would be hearing Field Act testimony the following day, and more speakers have been invited for the October meeting. He suggested inviting the Division of the State Architect to make some wrap-up comments in October.

Chairman McGavin suggested inviting speakers from the Structural Engineers Association of California, the American Institute of Architects, and the Earthquake Engineering Research Institute.

VIII. MISCELLANEOUS ITEMS

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

IX. PUBLIC COMMENT

Mr. LeVal Lund, civil engineer, Business and Industry Council on Emergency Planning and Preparedness (BICEPP), said he had four points regarding the CRAF funds: 1) The Commission should broaden the program to include nonprofit organizations, private universities, and city and county emergency preparedness agencies. 2) CRAF funds are to be used for "earthquake research," and the Commission should look beyond traditional areas to social, economic, educational, small business, and residential issues. 3) The Commission should give more weight to research projects that benefit or apply to other disasters. 4) Research should include lifeline earthquake engineering, transportation, and utilities.

Mr. McCarthy invited BICEPP to propose topics for research partnership efforts. Mr. Lund expressed interest in working with the Commission. He again encouraged the Commission to include civil engineers.

Mr. Nathan Larson, Supervising Structural Engineer, San Diego Office, Division of the State Architect, introduced himself to the Commission and said he was present to observe.

X. RECESS

At 6:00 p.m., Commissioner Clark made a motion, seconded by Commissioner Celestine Palmer, that the meeting be recessed, to be reconvened the following day, September 14, 2006. The motion was carried unanimously and the meeting was recessed.

I. RECONVENE/CALL TO ORDER - SEPTEMBER 14, 2006

Chairman McGavin called the meeting to order at 9:06 a.m. Ms. Cogan called the roll and confirmed the presence of a quorum.

II. CHAIRMAN'S REPORT

Chairman McGavin noted this meeting was a continuation of the Commission's Field Act workshop, featuring a number of presentations from guest speakers.

III. COMMITTEE/COMMISSIONER REPORTS

Pacific Earthquake Engineering Research (PEER) Center Review Committee

Commissioner Kandiah Arulmoli said the PEER Review Committee met on August 9 at Berkeley to review PEER's program for Years 7 through 9. He noted National Science Foundation funding will cease in 2007, and PEER was asked to provide information on its expected budget for the next five to ten years. Commissioner Arulmoli reported that the committee will meet again on October 1 and hold one more meeting after that to draft its report.

Commissioner Arulmoli added that the Commission's contract still needs to be approved by UC Berkeley.

Mr. Anderson advised that PEER has some additional NSF funds beyond 2007, and the state's contributions in future years have not been determined. He said PEER's accomplishments include research on performance-based design and retrofit of concrete buildings; a joint tall buildings initiative with SEAOC, the City of Los Angeles, and San Francisco; a \$2 million cooperative venture with Caltrans on lifelines; California Energy Commission products for utilities; a reliability study on the state's electricity system; and two California Energy Commission projects on technology transfer for education and outreach. Mr. Anderson noted some of PEER's earlier products are being implemented now.

Commissioner Mileti commended the PEER Center for its accomplishments in technology transfer and outreach. He noted the PEER Center has been far more productive than its Mid-America Center counterpart.

Chairman McGavin thanked Commissioner Arulmoli for his report.

IV. EARTHQUAKE SOCIAL SCIENCE DATA ARCHIVE

Professor Linda Bourque, School of Public Health, University of California at Los Angeles, gave a presentation on UCLA's data archive, established in 1977, to collect data after earthquakes regarding human behavior. She noted the information can be analyzed and used to predict the probability of certain reactions and responses, which, in turn, allows public information and outreach efforts to be targeted most effectively.

Professor Bourque described UCLA's model for analyzing human behavior in terms of actions, intentions, and perceptions. She noted there are numerous demographic factors and other variables that affect behavior, but there is general consensus among social scientists that the model accurately reflects what people do and why. She stated that the UCLA data archive gathered information from studies and surveys after the 1971 San Fernando earthquake, the 1977 through 1979 Palmdale earthquakes, the 1988 Whittier Narrows earthquake, the 1989 Loma Prieta earthquake, Northridge, and the El Niño conditions in the mid- to late 1990's.

Professor Bourque discussed trends in preparedness and mitigation from 1971 through 1998. She presented charts showing statistics on the number of people storing water and their purposes, structural mitigation efforts before and after earthquakes, status of preparedness, and use of electronic media. She recommended using the data archive as a substitute for guessing about human behavior, to develop better assumptions for emergency planning purposes, and to target public education and intervention to

groups most needing the information. Professor Bourque noted that the data archive offers a scientific basis for public policy decisions.

Professor Bourque stressed the importance of constant and consistent public education. She noted messages about stopping smoking have been quite successful because they have been sustained over many years.

Commissioner Mileti commented that the data archive's studies demonstrate a need for a greater focus on public preparedness. He recommended that the Commission establish a committee to look at policy needs for public education in California, identify risks to citizens, and propose actions.

ACTION: NO ACTION REQUIRED

V. WORKSHOP ON CALIFORNIA PUBLIC SCHOOL SAFETY AND THE FIELD ACT

Los Angeles Unified School District

Mr. Vincent Coffeen, New Construction Branch, Los Angeles Unified School District (LAUSD), described his twenty years of experience as a licensed architect employed on public and private school construction projects. He talked about LAUSD's \$19.2 billion construction program, including \$11.7 billion in new constructions and \$7.5 billion in modernization and repairs. He expressed his opinion that the Field Act has been important and effective in keeping California's K-12 public schools safe. Mr. Coffeen reviewed benefits of the Field Act and questioned why all schools in the state were not subject to similar standards.

Mr. Coffeen advised that LAUSD has no problems with the main provisions of the Field Act, but would like to see improvements to speed up the process. He recommended eliminating exemptions for charter schools, offering more flexibility in plan review options, ensure that districts identify older Field Act schools that are at risk, train school staff to identify and correct hazards from nonstructural elements, and apply the Field Act to all educational occupancies in California.

Mr. Coffeen discussed problems with the DSA plan review and inspection process. In the design phase, he identified long plan review durations and inconsistent code interpretations; in construction, he said there are inconsistent code application by DSA inspectors and slow resolution of code challenges; and after construction, there are project closeout delays and change order backlogs, all of which slow down the project. Mr. Coffeen said every delay means additional cost escalation, costing LAUSD millions of extra dollars each month.

Temple City Unified School District

Mr. David Jaynes, Chief Building Official, Temple City Unified School District, described his experience and background in accounting, information technology, and planning. He stated that the Field Act and DSA plan review process have been beneficial to school districts, and he expressed support for having a centralized agency for this purpose rather than having different cities conduct their own reviews.

Mr. Jaynes acknowledged that his district faces many of the same problems and frustrations with the DSA process as Mr. Coffeen identified, including long processing times, work backlogs, and inconsistent interpretations. He suggested a number of improvements to speed up the process:

expanding the kinds of projects eligible for deferred approvals to include casework, bleachers, window coverings, fire alarms, and roof replacement; allowing more over-the-counter reviews for small and simple projects, combining reviews, setting a time limit on DSA reviews, increased staff training, better defining fire and life safety responsibilities, and adding a troubleshooter to each DSA office. He suggested that DSA eliminate its rapid response program, develop an appeal process, process documents electronically, and increase fees. Mr. Jaynes said the state should allocate more funds for seismic repairs, historic buildings, processes mandated by new laws. He noted hardship and emergency funds should be easier to obtain.

California Geological Survey

Dr. Michael Reichle, Chief Seismologist, California Geological Survey (CGS), explained that the CGS contracts with DSA for engineering geology and seismology reports for school construction projects. He acknowledged that CGS reviews take time, but they are done concurrently with other reviews. He discussed the steps in CGS' review of school projects.

Dr. Reichle indicated that the number of reviews has increased dramatically in past years with the passage of school bonds and the increased number of hazard zones in the state. He noted the increased workload has resulted in longer review times. He said CGS works with the California Department of Education and school districts to obtain site-specific reports, and CGS itself is not involved in the site selection process.

VI. PUBLIC COMMENT

Mr. Nathan Larson, Supervising Structural Engineer, Division of the State Architect, San Diego, said Mr. Dennis Bellet will be present at the October meeting to provide more detail about DSA and Field Act implementation. He stated that the purpose of DSA's rigorous plan review is to ensure code-compliant, safe, and accessible facilities. He noted DSA's staff includes architects, structural engineers, and fire and life safety specialists. Mr. Larson acknowledged that DSA's bin time and cost escalation are real issues and concerns for all parties.

Mr. Larson said the steps involved in delivery of a new school in California entail site selection, California Department of Education approval, sign-off by the Department of Toxic Substances Control, preliminary and conceptual designs, and plan review. He noted they can take months to years. He clarified that DSA's responsibility is plan review and inspection for structural elements, fire and life safety, and accessibility.

Ms. Pat Snyder, former commissioner, said she had a feeling of déjà vu because many of the issues facing the Commission now are the same as in past years. She expressed concern about the continued use of old temporary buildings on school sites. She cited the example of relocatable buildings in use at her daughters' elementary school site for more than fifty years.

VII. MISCELLANEOUS & GOOD OF MEETING

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

VIII. DISCUSSION OF FIELD ACT REPORT OUTLINE AND COMPOSITION

Mr. McCarthy asked for direction as to the Commission's response to SB 1290 (Ducheny), a bill that allows community colleges to follow the Uniform Building Code or the Field Act. He said the bill has been forwarded to the Governor for approval, and he is likely to sign. He suggested not sending the usual enrolled bill analysis, but instead transmitting a letter to the Governor expressing the Commission's concerns and proposing points for the Governor's signing message.

Mr. Anderson observed that the Commission has limited resources now. He encouraged the Commission to gather as much quantitative material as possible now, and consider recommending future research in this area as resources such as CRAF funds become available. He noted this kind of research could help defend keeping or modifying the Field Act.

Commissioner Ali noted the Commission needs to consider the target audience for the report. He proposed beginning with a brief explanation of the Field Act and its history, and then explaining that the purpose of the report is to provide information and answer questions about costs and safety. Commissioner Ali said the first or second week of January would be the ideal time to release the report.

Commissioner Ali recommended that the report identify future actions for the Commission and educate the public with useful information, such as a report card on the safety of California's educational structures, a letter to parents and to the media with a list of questions to ask their local school districts, and posting grades for specific facilities. He noted the Field Act report presents the Commission with a great opportunity to put these issues to the public and build support for a more elaborate study.

Commissioner Jones noted the Commission did a school safety report comparing private and public schools, and she suggested considering revamping the report and using that information for a report card evaluation system.

Commissioner Clark proposed that commissioners review Chairman McGavin's bulleted items and send comments to him by email.

Mr. Anderson said the Earthquake Country Alliance will be celebrating its birthday in January, and he suggested contacting that organization about disseminating letters to parents and the media then.

Commissioner Jones recommended that the Commission develop a public education campaign for 2007. She proposed discussing this at the November meeting.

IX. ADJOURN

There being no further business, the meeting was adjourned at 1:32 p.m.

Sue Celli
Office Manager

Approved by:

Richard McCarthy
Executive Director