



State Of California

ALFRED E. ALQUIST SEISMIC SAFETY COMMISSION



Arnold Schwarzenegger, Governor

Gary McGavin, AIA
*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 Meeting and Staff Workshop
November 9, 2006
State Capitol, Room 444
Sacramento, California

Members Participating

Gary McGavin, Chair
Dennis Mileti, Vice Chair
Saeed Ali (arrived at 12:08 p.m.)
Kandiah (Arul) Arulmoli
Bruce Clark
Lucy Jones
Lawrence T. Klein
Don Manning
Celestine Palmer
Daniel Shapiro
James Wattenburger
Keith Wheeler

Members Absent

Andrew Adelman
Mark Church
Celestine Palmer
Jeff Sedivec

Staff Present

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

I. CALL TO ORDER/ROLL CALL

Commission Chairman Gary McGavin called the meeting of the Seismic Safety Commission to order at 9:33 a.m. Executive Assistant Karen Cogan called the roll and confirmed the presence of a quorum.

II. CHAIRMAN'S REMARKS

Chairman McGavin invited Commissioner Don Manning to address the Commission. Commissioner Manning proposed dedicating the meeting in the memory of the four firefighters who were killed and the one who was critically injured in the recent fires in southern California. He expressed his gratitude to Captain Mark Loutzenhiser, Fire Engine Operator Jess McClean, Assistant Fire Engine Operator Jason McKay, Firefighter Daniel Hoover-Najera, for sacrificing their lives, and to Firefighter Pablo Cerna for putting the safety of others before his own.

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

The Commission dedicate the meeting in honor of the injured firefighter and in memory of the four who lost their lives.

* Motion carried, 9 - 0 (Commissioners Saeed Ali and Dan Shapiro absent during voting).

Commissioner Lucy Jones said her name should be removed from the PEER Review Committee, and Commissioner Bruce Clark indicated that he had left the committee two years ago.

Commissioner Clark asked that he be added to the Planning and Budget Committee.

Chairman McGavin noted that commissioners received copies of the 2007 meeting calendar, and he urged all commissioners to schedule their attendance. He said three new commissioners will be joining in January, representing the Division of the State Architect (DSA), Building Standards Commission, and Office of Emergency Services (OES).

IV. OVERVIEW OF EMERGENCY PREPAREDNESS AND RECOVERY EFFORTS IN CALIFORNIA (Out of Order)

Governor's Office of Emergency Services (OES)

Ms. Cogan introduced Ms. Grace Koch, Deputy Director, Preparedness & Training Division, OES, and invited her to address the Commission.

Ms. Koch reviewed and discussed OES' role and efforts in disaster mitigation, planning, emergency response, and recovery. She showed a short PowerPoint presentation explaining how California's emergency system is organized. Ms. Koch noted that OES provides support to local governments and coordinates use of state and federal resources for emergency management.

Ms. Koch described OES' activities in administering grants, operating a warning center, and enhancing the state's hazard mitigation planning efforts. She noted that recent legislation focuses on assistance to vulnerable populations and animal safety, and OES is incorporating these components in its plans.

Ms. Koch reported that OES staff participates with the National Guard, local governments, and other response organizations in training classes and exercises. She talked about the Golden Guardian exercise and disaster simulation sessions.

Commissioner Mileti expressed his appreciation and commended OES for its efforts. He expressed concern that in spite of California's programs, the disaster response system could fail in a mega-earthquake affecting a large region. He noted consequences of such a disaster would be catastrophic, like those experienced with Hurricane Katrina. Ms. Koch acknowledged that these fears were valid because of California's vulnerability to huge disasters. She emphasized the need for citizen preparedness and education so people are aware of risks and know how to cope with them. She said mass evacuation, care, and shelter are all being taken into consideration in the state's plans. Ms. Koch added that new technology like GIS is being used to identify the safest facilities for shelters.

Ms. Koch stated that California is taking an aggressive preventive approach to dealing with its levee system and in updating its building codes and standards, and California is currently the best prepared state in the U.S.

Commissioner Mileti asked what percentage of California's citizens were actually ready for a major disaster. Ms. Koch responded that she has heard different estimates but did not know for sure.

Ms. Cogan asked if the state had changed its stance regarding the length of time people can expect to be on their own after disasters. She noted the previous estimate of 72-hours may not be realistic. Ms. Koch said the state still advises people to be prepared to be self-sufficient for a minimum of 72 hours. She emphasized the need to work on citizen preparedness and to identify and plan for vulnerable populations. Ms. Cogan observed that recommending a minimum of five days of self-sufficiency might make more people understand the seriousness of the risk and motivate them to prepare.

Commissioner Mileti pointed out that supplies of canned goods and water do little to save lives after disasters. He said most deaths after rescue can be attributed to inadequate medical care. He noted the state should rethink the elements of preparedness it emphasizes to the public.

Commissioner Mileti commented that his biggest fear was the nation's ability to handle a major disaster. He noted that the Federal Emergency Management Agency (FEMA) has shrunk to about 25 percent of its former size, and the move to the Department of Homeland Security further reduced FEMA's capacity. He expressed concern about the impact of these changes on California. Ms. Koch replied that FEMA's Region IX has been receptive and encouraging, and OES representatives meet regularly with FEMA now.

Ms. Koch advised that OES also works with the State and Consumer Services Agency, Department of Health and Human Services, major utilities, and other organizations. She said OES is looking into contingency contractors with private companies. She added that OES plans to develop a Web interface in the future to track progress in these areas.

Chairman McGavin thanked Ms. Koch for her report.

Governor's Office of Homeland Security (OHS)

Mr. Gary Winuk, Chief Deputy Director, OHS, stated that OHS was created by Executive Order in February of 2003, and its focus is on preparation for and prevention of terrorist attacks. He discussed OHS programs and activities related to its five core functions: administration of grants, protection of critical infrastructure, training and exercises, information analysis and assessment, and planning. He invited the Seismic Safety Commission to observe the upcoming Golden Guardian exercise on November 14 through 16.

Mr. Winuk said OHS meets quarterly with other state government agencies to coordinate programs and efforts, with an emphasis on all-hazards scenarios and threats. He noted OHS is currently working with OES and the Department of Homeland Security on a preparedness metrics project, expected to be completed by August of 2007. OHS is also working with hospitals, bomb technicians, urban search and rescue teams, and intelligence agencies.

Mr. Winuk noted the bonds approved on the November ballot provide funds for flood control and levees, port security, and mass transit security. He acknowledged that there was still much earthquake mitigation to be done, and he said he looked forward to working with the Seismic Safety Commission.

Commissioner Mileti noted a 1980 FEMA and Department of Defense report indicated that a big earthquake in Southern California would breach national security, and he asked if OHS was examining the possibility of inter-hazard linkages. Mr. Winuk said national intelligence sources indicated that Al Qaida was working to exploit natural disasters. He noted that within California, the mutual aid system, with OES supports, guides emergency response.

Commissioner Mileti observed that the U.S. Department of Homeland Security established six major multi-university-based national research centers, and California has more campuses involved in research and more research headquarters than any other state. He asked if OHS was linked to that network. Mr. Winuk confirmed that OHS works with the California research centers as well as national labs. He noted that UC Davis is the headquarters of the Western Institute for Food Safety and Security.

Chairman McGavin thanked Mr. Winuk for his remarks.

California Service Corps

Mr. Greg Chun, outgoing Director, California Service Corps, introduced his successor, Acting Director Sharron Leon. He said the California Service Corps is charged with increasing the number of citizen volunteers throughout the state, and this mission is carried out through administration of AmeriCorps grants, the Citizen Corps program, and a volunteering network.

Mr. Chun noted the Citizens Corps program includes a wide range of activities and volunteer programs for citizen preparedness, including Community Emergency Response Teams (CERT), Neighborhood Watch, Fire Corps, Medical Rescue Corps, and Volunteers in Public Services. He reviewed statewide initiatives and projects, discussed the First Lady's preparedness campaign, and described training activities and exercises.

Commissioner Mileti expressed surprise at the level of volunteer activity going on. He asked if there were any mechanisms to measure the program's effectiveness. Mr. Chun responded that California Service Corps currently works with groups of experts, and a formal evaluation system is being considered for the future.

Commissioner Mileti offered to share research literature on volunteer programs. He noted that after disasters, humans have an innate urge to help each other, so it would be prudent to set up programs in advance to harness these resources. Mr. Chun said California Service Corps is working to set up volunteer reception centers in conjunction with other state and federal agencies, modeled on those used in Florida.

Ms. Sharron Leon, incoming Director, stated that the California Service Corps is reviewing its work plan and volunteer plan as a whole. She agreed that coordinating the many volunteer programs in the state was a challenging role.

Chairman McGavin thanked Mr. Chun and Ms. Leon for their presentation.

California Health and Human Services Agency

Ms. Betsey Lyman, Deputy Director, Public Health Emergency Preparedness, California Health and Human Services Agency, Department of Health Services, discussed the current reorganization of public health services in California. She explained that SB 162 divides the Department of Health Services into two departments, a Department of Health Care Services responsible for licensing of facilities and a Department of Public Health focusing on medical issues. She noted that the Department of Health Services plays a role in emergency planning and response because issues like safe drinking water, food, and disease control fall within its jurisdiction.

Ms. Lyman discussed the Department of Health Services' funding sources and current activities. She informed the Commission that the State of California's capacity is inadequate to handle healthcare surges in terms of beds, staffing, supplies, and equipment that will be needed to respond to disasters. She said a survey of California hospitals early in 2006 indicated that about 77 of the beds necessary in a moderate disaster will be available within three hours, with 100 percent within 24 hours. However, Ms. Lyman noted, for a huge catastrophic event affecting an entire region, the need will be more critical, and response will be much slower.

Ms. Lyman reported that the state currently has less than 25 percent of the supply of antibiotics that would be needed for prophylactic purposes, hospitals have inadequate personal protection equipment for staff, few hospitals have surge plans, and only 20 percent of hospital staffs are trained in the Standard Emergency Management System (SEMS)/National Incident Management System (NIMS) used by local, state, and federal agencies.

Ms. Lyman advised that funding is being sought to address surge capacity, establish appropriate standards and guidelines, fill gaps in equipment and supplies necessary for moderate and catastrophic events, and update licensure requirements. She said the Department has just begun advertising for consultants to help develop written standards and guidelines.

Ms. Lyman reported that the state has funded three mobile field hospitals, which will help meet needs for moderate disasters. She noted additional supplies of antiviral medications, ventilators, respirators, and alternate care site beds will be needed for catastrophic events.

Chairman McGavin thanked Ms. Lyman for her presentation.

III. APPROVAL OF MINUTES

October 12, 2006

Chairman McGavin drew attention to the second paragraph on Page 3, reflecting remarks made by Mr. Art Ross. He recommended clarifying that Mr. Ross said the Field Act itself is not the problem, but the process of applying the Field Act is the problem.

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

The Commission approve the minutes of the October 12 meeting as amended.

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

V. EXECUTIVE DIRECTOR'S REPORT

Budget Update

Mr. McCarthy drew attention to the budget projections prepared by the Commission staff and Contracted Fiscal Services. He noted the staff projects a deficit of approximately \$3,600 by year-end, but that figure does not take reimbursements and other income into account. Contracted Fiscal Services projects a small surplus at this time with those reimbursements and income.

Mr. McCarthy noted the Commission expects to receive approximately \$6.8 million to \$7 million in funds from the CRAF settlement once a tax determination has been made by the IRS. He said the Commission's Budget Change Proposal, if approved, would increase the Commission's spending authority effective July 1, 2007, but if funds are released sooner, the Commission will have to request an expansion of its current \$75,000 expenditure limit.

FEMA Appeal

Mr. McCarthy advised that FEMA had not yet provided OES with the exact amount of refund due to the Commission. He said that once that information is received, the Commission will know the amount of reimbursement due to OES.

Enlacé Spanish Yellow Pages

Ms. Cogan reported that the Commission had entered into a contract with Enlacé to publish three pages earthquake response information in the Bay Area version of the Spanish Yellow Pages.

Relocation Update

Ms. Cogan said the Commission was waiting to find out if the current building landlord was willing to pay for an accessible drinking fountain to comply with state standards for leased office space. She noted it might be less expensive to tear out the current fixtures and replace them. Chairman McGavin said accessible fixtures typically cost about \$3,500. Ms. Cogan estimated it cost the Commission \$17,000 or \$18,000 for the last office relocation.

Golden Guardian Exercise

Mr. McCarthy said staff and commissioners had been invited to observe the Golden Guardian emergency response exercise the following week, and he asked commissioners interested in attending to let him know by the next day. He noted the exercise will include a urban search and rescue demonstration in San Francisco on November 16.

Legislative Assistant Position

Mr. McCarthy advised that he had been interviewing applicants for the position vacated by Mr. Henry Sepulveda. He said he hoped to make a selection by the end of November and have the position filled by the first of the year.

Legal Services

Mr. McCarthy stated that the State and Consumer Services Agency had inquired as to whether the Commission wanted to have legal counsel present during its regular meetings. He said this additional service would cost \$140 per hour, and he asked commissioners to consider this option.

At 12:38 p.m., the Commission recessed for lunch. Chairman McGavin reconvened the meeting at 2:15 p.m.

Contract with California Earthquake Authority

Mr. McCarthy reported that the California Earthquake Authority (CEA) is requesting assistance from the Seismic Safety Commission and U.S. Geological Survey in managing specific projects, including the Uniform California Earthquake Rupture Project, the Next Generation Attenuation Project, and end-to-end rafter-to-rafter simulation, development of guidelines for repair of residential buildings after earthquakes, and engineering guidelines. He said CEA proposes paying 75 percent of Mr. Bob Anderson's salary and benefits in exchange for this assistance, approximately \$100,000 per year. He proposed hiring two retired annuitants to assist with contract management. Mr. McCarthy recommended that the Commission accept CEA's offer and proceed to execute the necessary contract documents.

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

The Commission approve the contract with CEA and authorize the staff to proceed as proposed.

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

VI. OUTLINE FOR FIELD ACT REPORT

Commissioner Shapiro drew attention to the November 8 letter from Mr. Craig Comartin, Earthquake Engineering Research Institute (EERI), expressing EERI's unqualified support for the Field Act.

Mr. Bob Olson presented a proposed policy outline and format for the Commission's report on its Field Act investigations. He said he envisioned a one-page executive summary, followed by ten or twelve pages of text, and the goal should be to affect the behavior of legislators and key committee staff members by informing them on this issue early in the process. Mr. Olson reviewed the eight policy questions identified in his handout and the issues to be addressed.

Mr. McCarthy said Mr. Olson will work with the committee and staff to refine the outline by December and continue to gather information on the relative post-earthquake performance of Field Act and non-Field Act buildings. He noted members of the Senate and Assembly Education Committees will be appointed at the beginning of the year, and the Commission will target them and their consultants with the first copies of the report, and then transmit the document to the Governor's Office.

Chairman McGavin recommended working with lobbyists and school organizations like the Coalition for Adequate School Housing (CASH). Mr. Olson observed that the Commission's report could help build coalitions of Field Act supporters.

Mr. McCarthy reported that he attended a meeting the previous week with representatives of the Los Angeles Unified School District (LAUSD), who discussed their efforts working with the Division of the State Architect (DSA) to improve the system. He noted the first progress report of that working group is due December 7. Mr. McCarthy advised that he informed LAUSD representatives that the Seismic Safety Commission opposes exempting any school districts from the Field Act, and they indicated they had no plans to introduce legislation on this topic.

Commissioner Saeed Ali recommended urging the Legislature to look carefully at the economic consequences of allowing standards other than the Field Act, and requesting a study of costs to taxpayers for damage repair and retrofit work over the life cycle of public buildings. He noted this is a significant issue for the University of California, an entity that has spent substantial amounts of money on retrofit and repair work to make up for bad choices earlier. He added that his main concern was the fiscal impact on the state.

Commissioner Jones said she had some anecdotal information on this topic. She stated that CSU Northridge incurred damages of about \$400 million, compared to less than \$5 million for the two community colleges in the area.

Mr. Turner noted that after the Northridge earthquake, total losses for the entire LAUSD system were less than those for one CSU campus.

Commissioner Ali offered to consult with legal counsel regarding the possibility of a legal challenge to the ballot pamphlet language and report back to the Commission.

Mr. McCarthy asked Commissioner Ali for advice on the most opportune time to release the Field Act report to legislators. Commissioner Ali recommended the period between January 20 and February 20. He added that February 28 is the deadline to introduce new bills.

Chairman McGavin suggested writing a press release to announce publication of the Field Act report. He thanked Mr. Olson for his efforts.

VIII. UPDATED MITIGATION PROGRESS REPORT FOR URM BUILDINGS

Mr. Turner showed a PowerPoint presentation explaining the state's program to mitigate hazards from unreinforced masonry (URM) buildings. He said SB 547, adopted in 1986, required each jurisdiction within the state to conduct an inventory of URM buildings, establish a mitigation program, and report on mitigation progress. He drew attention to the draft report under Tab E of the meeting packet.

Mr. Turner noted that only 24 of the state's 283 jurisdictions have not complied with the law. Most jurisdictions have adopted some kind of retrofit program, and success rates vary depending on whether the programs are mandatory, voluntary, or notification-only. Mr. Turner pointed out that mandatory programs and those offering incentives are most effective.

Mr. Turner reported that there were three new laws passed since 2004 that affect URM buildings: AB 2533 and AB 3032, which require placarding, and AB 3033, prohibiting retrofit disincentives.

Mr. Turner reviewed and discussed the recommendations in the draft report: 1) mandate URM retrofit; 2) offer incentives to encourage compliance; 3) adopt a retrofit code for existing buildings; 4) address collapse risks of soft-story buildings and other hazardous building types; and 5) that the program's

sunset date not be extended. He said the report is due to the Legislature by January 1, 2007, and he recommended approval of the draft report.

Mr. McCarthy suggested that the Commission approve the proposed text, with the understanding that further revisions can be made. He encouraged commissioners to submit comments and suggestions by mid-December for incorporation in the next draft. Mr. Turner added that the draft was posted on the Commission's Website and emailed to building officials, and there have already been many comments.

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

The Commission approve the draft URM report as proposed.

* Motion carried, 8 - 0 (Commissioners Manning, Shapiro, and Wheeler absent during voting.)

Chairman McGavin thanked Mr. Turner for his report.

IX. COMMITTEE REPORTS

PEER Review Committee

Commissioner Arulmoli reported that the PEER Review Committee had met three times, interviewed the PEER staff, and took testimony from users and others. He said the committee expects to present a draft report for the Commission's review at the January meeting so the final report can be approved by the end of March 2007.

Chairman McGavin recommended deferring other committee reports and the update on the Kona earthquake to the next meeting, and other commissioners agreed.

X. PUBLIC COMMENT

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

XI. MISCELLANEOUS & GOOD OF MEETING

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

XII. ADJOURN

There being no further business, Commissioner Arulmoli made a motion, seconded by Commissioner Jones, that the meeting be adjourned. The motion was carried unanimously and the meeting was adjourned at 3:43 p.m.

Sue Celli
Office Manager

Approved by:

Richard McCarthy
Executive Director