



State Of California  
**SEISMIC SAFETY COMMISSION**

*Arnold Schwarzenegger, Governor*

Lawrence Klein  
*Utilities  
 Chairman*

Dr. Lucy Jones  
*Seismology*

Hon. Richard Alarcon  
*State Senate*

Saeed Ali  
*Senate Representative*

Hon. Mark Church  
 County Supervisor  
*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)*

Gary McGavin  
*Architectural Planning*

Jeff Sedivec  
*Fire Protection*

Dennis Mileti  
*(Social Services)*

Arul Arulmoli  
*(Soils Engineer)*

Richard McCarthy  
 Executive Director

1755 Creekside Oaks  
 Drive, Suite 100  
 Sacramento, CA  
 95833-3637  
 916-263-5506  
 Fax 916-263-0594

Seismic Safety Commission  
 Minutes of Meeting  
 April 17, 2006  
 Moscone Center, Room 131  
 San Francisco, California

**Members Participating**

Lawrence T. Klein, Chair  
 Jeff Sedivec, Vice Chair (arrived 11:00 a.m.)  
 Saeed Ali  
 Kandiah (Arul) Arulmoli  
 Mark Church  
 Bruce Clark  
 Lucy Jones  
 Don Manning  
 Gary McGavin  
 Dennis Mileti  
 Celestine Palmer  
 Daniel Shapiro (arrived 10:05 a.m.)  
 Keith Wheeler

**Staff Participating**

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

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

Commission Chairman Lawrence Klein called the meeting of the Seismic Safety Commission to order at 10:00 a.m. Executive Assistant Karen Cogan called the roll and confirmed the presence of a quorum.

**II. WELCOMING REMARKS**

Chairman Klein said the Seismic Safety Commission was pleased to be meeting in conjunction with the conference commemorating the 100th anniversary of the 1906 San Francisco earthquake. He encouraged people interested in speaking to fill out forms available at the back of the room.

**Tribute to Former Senator Alfred E. Alquist**

Chairman Klein noted Senator Alfred E. Alquist, author of the legislation that founded the

Seismic Safety Commission and many other pieces of seismic safety legislation, died in March, and the Commission extended its condolences in a formal written statement then. He proposed opening and dedicating this meeting in Senator Alquist's honor.

**ACTION:** Commissioner Dennis Mileti made a motion, seconded by Commissioner Keith Wheeler, that:

*The Commission open and dedicate the meeting in honor of Senator Alfred E. Alquist.*

\* Motion, carried, 10 - 0 (Commissioners Sedivec and Shapiro absent during voting).

Commissioner Saeed Ali advised that Senator Richard Alarcon plans to request that the Seismic Safety Commission be renamed in Senator Alquist's honor. He said language to that effect is likely to be placed in AB 1278, Senator Elaine Alquist's legislation dealing with the Seismic Safety Commission. He noted Senator Alquist served a unique and invaluable role in developing California's policies for planning and responding to earthquakes.

### **Status of Earthquake Preparedness in San Francisco City & County**

Ms. Annemarie Conroy, Executive Director, San Francisco Office of Emergency Services and Homeland Security, welcomed the Seismic Safety Commission to San Francisco. She described some of San Francisco's efforts to encourage community preparedness and help citizens learn what they can do to survive a minimum of 72 hours on their own after a major disaster. She cited a Website with easy-to-access information in English, Spanish, and Chinese; simple community response plans; outreach programs; neighborhood response teams; regional disaster planning efforts; development of a new all-hazards emergency operations plan for San Francisco; and training exercises. Ms. Conroy noted that after disasters, City employees will play roles as disaster service workers. She said the emergency operations center staff has been increased from 4 to 25, and all response agencies, including fire, police, sheriff, and transit, work under this unified umbrella.

Chairman Klein thanked Ms. Conroy for her remarks.

### **100th Anniversary of San Francisco Earthquake Conference**

Mr. Chris Poland, Earthquake Engineering Research Institute (EERI), conference chair, welcomed and thanked the Seismic Safety Commission for holding its meeting in San Francisco. He said over 3,000 people are attending the conference, which is jointly sponsored by EERI, the Seismological Society of America, and Disaster Resistant California. He noted the conference will feature 1,600 research presentations, and he expressed his hope that participants will exchange information and learn a great deal from each other.

## **III. ECONOMIC IMPACTS: ALL HAZARDS INSURANCE**

Chairman Klein noted that Insurance Commissioner John Garamendi was unable to be present and sent his special counsel, Ms. Andrea Biren, to discuss ideas for all-hazards insurance.

Ms. Biren said she served as the administrative law judge in the first California Earthquake Authority (CEA) rate case, and has continued to follow issues of economic impacts and fiscal preparedness. She

noted there are many programs addressing physical preparedness for disasters, but the importance of financial recovery is often overlooked. She emphasized the importance of fiscal planning in rebuilding people's houses, neighborhoods, and communities.

Ms. Biren stated that only 13.8 percent of California homeowners have earthquake insurance, only 2 percent have flood insurance, and few small businesses have business interruption insurance. She noted this means most people will not be able to rely on insurance, and they are not well prepared on their own. She added that since 1990, California has had 32 natural disasters, causing \$19.4 billion in total losses, of which only \$25 million was insured.

Ms. Biren said reasons people do not have disaster insurance include high cost, high deductibles, coverage limitations, and the mistaken assumption that the government will pay for recovery. She noted insurance companies have been limiting their losses in recent years by "exposure disposal," covering less and charging more. For example, she explained, only about 30 percent of the Hurricane Katrina losses were covered by insurance, much lower than the 60 percent they used to cover. Ms. Biren advised that 2004 was an extremely profitable year for re-insurers, who earned an average of 33.3 return on investment, and 2005 looks even better -- primarily because of "exposure disposal."

Chairman Klein thanked Ms. Biren for her remarks.

#### **IV. FIRST RESPONDERS' ROLE**

Commissioner Michael Brown, California Highway Patrol, noted the first people to arrive at disasters are often police, fire, ambulance, Red Cross, evacuation personnel, or private citizens, all of whom can be considered first responders. He said first responders are trained to focus on the disaster as a local issue, although not an isolated one; first responders seek to bring a sense of urgency and order to chaos.

Commissioner Brown said that in disasters, there are usually two phases with respect to information: at first, when there is too little, and later, when there is an information overload. He noted first responders need to be able to recognize response needs so they can be triaged, identify resources available, and then provide logistical support. Commissioner Brown stated that basic response protocols are based on the incident command system, State Emergency Management System (SEMS) for all public safety agencies in the state, National Information Management System (NIMS), and following the statewide emergency plan, with the Office of Emergency Services (OES) acting as coordinator.

Commissioner Brown reported that challenges and lessons from past disasters include the need for communications interoperability, including an open architecture and protocols for radio discipline; better coordination of state assets in response efforts; having well defined, mission-driven roles for responders to play; and logistics, or efficiently moving and deploying resources.

Chairman Klein thanked Commissioner Brown for his remarks.

#### **V. POLICY OVERVIEW: 100 YEARS OF SEISMIC SAFETY LEGISLATION TIMELINE**

Commissioner Mileti presented a "100 Years of Seismic Safety in California" timeline showing major earthquakes, major laws, and societal benefits. He pointed out the important role of the Seismic Safety Commission in spearheading seismic safety laws. He noted the chart also shows that California's seismic policy influences the rest of the country and the world. Commissioner Mileti observed that most

of the solutions so far have been structural. He said the Seismic Safety Commission, past and present, should be proud of its accomplishments. He concluded by noting there is still much to do.

## **VI. SCHOOL SAFETY: THREE SOUTHERN CALIFORNIA SCHOOL DISTRICTS WITHIN NEAR-SOURCE FAULT ZONES**

Commissioner Gary McGavin noted that he was the architect of the Landers Elementary School, located only .4 miles from the epicenter of the 1992 Landers earthquake, and said he was pleased the building performed well. He presented the results of research data compiled by students showing the locations of schools within three near-source fault zones: Orange County, Los Angeles Unified School District, and San Bernardino. He added that similar charts are being prepared for San Francisco, Berkeley, Oakland, and Fremont.

Commissioner McGavin identified key areas of concern with respect to the safety of California's schools:

- Older schools
- Nonductile reinforced concrete buildings
- Older tilt-up buildings
- Poor deferred maintenance practices
- Nonstructural issues in older buildings
- Owner-supplied furniture and equipment

Chairman Klein thanked Commissioner McGavin and Mr. Dickson for their remarks.

## **VII. INFRASTRUCTURE: SEISMIC SAFETY ISSUES IN PROPOSED STATE BONDS**

Mr. Henry Sepulveda drew attention to his summary chart under Tab D of the meeting packet showing 11 pending infrastructure bills with a seismic component. He advised that SB 69 (Perata), which would have removed community colleges from the Field Act, has been placed in suspense.

Mr. Sepulveda said all the infrastructure bills are general obligation bonds, requiring majority voter approval. Because the deadline for the June ballot was missed, they will not appear on the ballot until November at the earliest.

## **XV. LEGISLATIVE REPORT (Out of Order)**

### **SB 1278 (Alquist)**

Mr. McCarthy reported that the Seismic Safety Commission's budget is being held up in the Senate and Assembly Budget Committees pending resolution of the Commission's future status and funding source. He said SB 1278 is scheduled for a hearing before the Senate committee hearing on April 25, and the funding issue needs to be resolved within the next few weeks. He drew the Commission's attention to the proposed draft language and welcomed comments on the Commission's move to the State and Consumer Services Agency, its composition, and future funding. He noted that the Commission has not yet heard from the Governor's Office as to the administration's position on these issues.

Mr. Sepulveda said the Governor's staff seemed generally favorable, and added that he did not expect major changes. He asked whether commissioners were comfortable with the language as proposed. He

noted there are three key issues: the concept of moving within the State and Consumer Services Agency, along with clarifying the Commission's autonomy and independence in the amendments; 2) the Commission's composition; and 3) future funding, which will be addressed after the other issues are settled.

Commissioner McGavin noted the proposed language in Paragraph (e) indicates the Commission will not be subject to the secretary's review. He suggested it might be appropriate to allow review and comment. Commissioner Jones said the intent is to ensure the Commission's decisions are not subject to change by the director. Mr. Sepulveda advised that the proposed language is identical to that used for other entities in the state.

Mr. Sepulveda noted the administration may not be completely comfortable with all the language in the bill, but there will be plenty of opportunities to amend the language later when it goes to the Senate Appropriations Committee or to the floor.

Chairman Klein observed that the number of positions does not add up, and he suggested reducing local government appointments to two. Mr. Sepulveda noted the proposed language proposes a total of 17 members, and he suggested considering eliminating three of the four currently vacant spots.

Mr. McCarthy asked about the deadline for the budget hearings. Mr. Sepulveda said budget hearings are likely to take place in mid-May. Commissioner Ali recommended adding a proviso about the funding issue.

Chairman Klein proposed taking public comments in the time remaining, noting the Commission can continue its discussion after lunch.

Mr. Ken Cooley, City Council Member, City of Rancho Cordova, said he was speaking on behalf of the California League of Cities. He commended the Seismic Safety Commission for the technical insight evidenced in its work products and its political judgments as well. He emphasized the importance of retaining local building official representation on the Commission. Mr. Cooley noted local building officials see the effects of earthquakes first-hand. He said the League has a strong interest in SB 1278 and in representation on the Commission.

Chairman Klein advised that the California League of Cities position on the Commission is still vacant. Commissioner Church asked if the League's executive board had taken a position on SB 1278, and Mr. Cooley responded that he was not aware of an official position.

Mr. Fred Herman, building official, City of Palo Alto, and Commission representative to the Historic Building Safety Board, urged the Commission not to let short-sightedness affect its future opportunities. He said the Commission fought long and hard for its autonomy and should not allow itself to be placed under an agency. He also emphasized the need to have building officials on the Commission.

Chairman Klein commented that the Commission was being forced to compromise as a condition of future funding, and he acknowledged there were difficult tradeoffs. Given that reality, he noted, the Commission was trying to maximize the benefits and minimize the pain.

Mr. Roger Sharpe, retired building official and code enforcement official, agreed with Mr. Hermann that the Commission should have a building official representative. He noted building officials are the people responsible for enforcing seismic provisions on the front lines, they see the effects of

earthquakes, and they are very knowledgeable. He recommended that the Commission establish a liaison with California Building Officials (CALBO).

Ms. Judy West, geologist, Liquefaction Zones Newsletter, urged the state to force San Francisco and other cities to do something about their existing building stock. She said San Francisco has considerable technical expertise, but Planning Department policies constrain progress. She expressed her opinion that state oversight is needed.

Mr. James Bela, Oregon Earthquake Awareness, noted Oregon has a task force working on insurance construction claims, and he invited interested people to visit the state's Website for further information. Mr. Bela said insurance companies are charging higher insurance premiums than they need to cover actual claims, and insurance premium rates are still going up. He noted professional liability insurance for engineers has doubled in cost since the Northridge earthquake.

Mr. Bela also expressed concern that the International Building Code has lower seismic design levels for parts of the Central Valley than the current building code. He said the Office of Statewide Health Planning and Development is already aware of this problem, and the Commission should also know.

Mr. Linden Nishinaga, former Seismic Safety Commissioner, recommended keeping local government representatives on the Commission. He agreed with Mr. Cooley and previous speakers that these people provide valuable perspective and expertise to the Commission. He pointed out it is the cities of California that have the largest populations of ethnic minorities.

Chairman Klein thanked the speakers for their comments.

Chairman Klein asked if there was consensus that the proposed move to the State and Consumer Services Agency was acceptable, and that the Commission's independence and autonomy was addressed satisfactorily in the proposed amendments. Commissioners indicated agreement on these two points.

Mr. McCarthy advised that he had contacted three executive directors from other independent state bodies and learned they were able to introduce legislation, act independently, and get assistance and support from their agencies.

Chairman Klein suggested trying to reach agreement on the Commission's composition.

Commissioner Church said he would prefer to add three more members in addition to the current members of the Commission. He acknowledged the importance of building officials and local government representatives, as indicated by the speakers. He suggested that the Commission propose 20 members instead of 17 and having to eliminate three.

Commissioner Shapiro agreed with Commissioner Church. He expressed his opinion it would be a big mistake to eliminate building officials or people from city governments. He noted there are good reasons for each of the positions on the Commission, and each representative serves an invaluable role to the state. He added that he did not object to adding agency representatives and proposing 20 members.

Commissioner McGavin asked if state agency representatives would pay their own expenses. Mr. McCarthy said they would, so there would be no budget impact to the Commission.

Commissioner McGavin noted the Commission had voted in favor of the concept during the April 11 teleconference meeting, and he asked if it would be awkward now to send a different message. Commissioner Jones observed that the Commission listened to public comments. Commissioner Church agreed.

Don Parker, former commissioner, urged the Commission not to eliminate any positions. He pointed out there are usually at least a few vacant positions at any given time, and not all commissioners attend every meeting.

Commissioner Jeff Sedivec expressed reservations about sending too mixed a message. He noted the important point is coming to agreement on the concept of being moved under the agency, and details about composition and other issues can be worked out later.

Commissioner Church recommended starting by asking for the full number of commissioners rather than agreeing to 17 and trying to add more later.

Mr. Sepulveda reminded commissioners that the Governor's Office had not yet taken a position, so some of the provisions might change as a result of that input. He noted the Commission currently has four local government representatives, plus a local fire service person.

Commissioner Church advocated retaining the Commission's original composition. Chairman Klein suggested that the Commission consider adding the three new agency representatives as ex officio, non-voting members.

Commissioner Manning observed that the purpose of this meeting was to take and consider public comment. He recommended proposing what is best for the Commission and asking for 20 commissioners.

Chairman Klein said this discussion would be continued during the afternoon session.

At 12:55 p.m., the Commission recessed for lunch.

## **VIII. CALL TO ORDER - REGULAR BUSINESS MEETING**

Chairman Klein reconvened the meeting at 2:05 p.m.

## **IX. CHAIRMAN'S REMARKS**

None.

## **X. APPROVAL OF MEETING MINUTES**

### **March 9, 2006**

**ACTION:** Commissioner Ali made a motion, seconded by Commissioner Celestine Palmer, that:

The Commission approve the minutes of the March 9, 2006 meeting as presented.

\* Motion carried, 11 - 0 (Commissioner McGavin absent during voting).

## **XII. EARTHQUAKE RESPONSE: COMMISSION REPORT ON “CALIFORNIA’S RESPONSE TO A MAJOR EARTHQUAKE,” COMMISSION’S URBAN SEARCH AND RESCUE COMMITTEE (Out of Order)**

Commissioner Manning noted the Seismic Safety Commission has had an interest in urban search and rescue (USAR) for many years, and USAR was a major component of the Commission’s 2002 *California Earthquake Loss Reduction Plan*. Over several months in 2002 and 2003, a committee established by the Commission met to analyze and summarize the needs of USAR teams in California; a formal report with recommendations was submitted to the Commission in September, 2003.

Commissioner Manning said the Commission decided to review the role of USAR teams in the rescue and recovery efforts in the 2005 Gulf Coast disasters, and the Urban Search and Rescue Emergency Advisory Committee met again to revisit California’s needs for USAR teams and other specialized emergency response teams. He drew attention to the committee’s completed report, “California’s Emergency Response to a Major Earthquake,” an update of the 2003 report.

Commissioner Sedivec noted that in undertaking this update, the committee expanded the concept of USAR to include all special response activities. He reviewed key findings and recommendations in the report. He said the report estimates it would take \$300 million to meet current needs, plus \$9.5 million per year for ongoing training. Commissioner Sedivec observed that communications interoperability continues to be a problem.

City of Vallejo Fire Chief Don Parker, committee chair, stated that USAR is not a new concept, and team members are not just firefighters. He said California currently has 8 of the 28 USAR teams in the nation.

Committee members Battalion Chief Jeff Metzinger, Sacramento Metro Fire Department; Battalion Chief Ed Bushman, City of Los Angeles Fire Department; and Captain Jim Pearson, San Bernardino County Fire Department offered to answer questions.

Chairman Klein thanked the committee for its work and accepted the report. Mr. Sepulveda asked commissioners with comments on the report to submit them to Commissioners Manning and Sedivec within the next month.

Ms. Cogan informed the Commission and guests that OES recently opened the 45-day period for receiving applications for Homeland Security grants. She said the deadline is May 15, and funding is available for various kinds of response activities.

**ACTION:** Commissioner Ali made a motion, seconded by Commissioner Arul Arulmoli, that:

*The Commission formally thank the committee for its work.*

\* Motion carried, 11 - 0 (Commissioner Clark absent during voting).

#### **XIV. PUBLIC EDUCATION: COMMISSION COMMITTEE PROGRESS REPORT ON REVISION OF THE *COMMERCIAL PROPERTY OWNER'S GUIDE TO EARTHQUAKE SAFETY* (Out of Order)**

Commissioner McGavin and Mr. Fred Turner presented a revised first draft of the *Commercial Property Owner's Guide to Earthquake Safety* (COG) and welcomed Commission feedback.

Mr. Turner reviewed the contents of the revised document. He said major changes include the expansion of the information on nonstructural components and building contents, including sections on sprinkler systems, partitions, shelving, and computer strapping; revisions to the gas safety section consistent with those made to the *Homeowner's Guide*; a new section on tsunami response; discussion of a landlord or building owner's duty to seek advice about hazardous conditions and warn foreseeable victims; and links to other publications and Website resources. Mr. Turner stated that the committee will probably meet once more to finalize the draft, and he invited comments.

Commissioner McGavin said the committee would like to present the final version of the revised COG to the Commission in May, so comments should be submitted by May 1.

Chairman Klein thanked Commissioner McGavin, Mr. Turner, and the committee.

#### **XI. WATER SYSTEM SAFETY: COMMISSION REVIEW OF SAN FRANCISCO PUBLIC UTILITIES COMMISSION'S WATER SYSTEM IMPROVEMENT PROGRAM**

Chairman Klein said Draft 9 of the Commission's report has been circulated to the San Francisco Public Utilities Commission (SFPUC) and the Bay Area Water Supply and Conservation Agency (BAWSCA), and comments have been received from both entities. He noted the Commission's report needs to be finalized by April 23.

Commissioner Clark explained that the SFPUC submitted an upgrade plan for the Bay Area's Hetch Hetchy water supply system in 2002, and a more detailed plan was released in 2005. The Seismic Safety Commission's charge was to review the changes to see if they result in better or worse seismic safety for the state. Commissioner Clark said the report concludes that the 2005 program is an improvement over the 2002 program. The 2005 program includes new levels of service goals and far more details than the earlier plan, and the proposed design exceeds standards of practice. Commissioner Clark said the changes have increased risk somewhat because of delays, but the resulting system will be more robust.

Commissioner Clark cautioned that there are a number of considerations for the future. He noted many changes are likely in the program before all elements are completed, and these can affect the schedule and the risk. He recommended determining whether the proposed levels of service are acceptable to the system's users. He said experts will be needed to evaluate the design decisions, and noted typical seismic hazard standards may not be adequate for every site, so more site-specific analysis will be required.

Mr. Art Jensen, Bay Area Water Supply and Conservation Agency (BAWSCA), explained that BAWSCA represents 27 retail water distribution agencies served by the Hetch Hetchy system. He expressed his appreciation to commissioners and staff for their work on the SFPUC improvement program evaluation, and he agreed with the conclusion that the 2005 plan is superior to the 2002 plan because it includes design and performance standards.

Mr. Jensen drew attention to the written comments submitted by BAWSCA. He noted the enabling legislation identified nine critical improvement projects, but not all of them are addressed in the report. He recommended including all nine projects in the table.

Mr. Tony Irons, SFPUC, thanked the Seismic Safety Commission for doing an excellent job and issuing such a comprehensive report on such a complex project within a very short time. He acknowledged that assessing seismic safety is difficult, and recognized the importance of having quantifiable tools such as performance objectives and levels of service to make comparisons possible. Mr. Irons said the environmental review process is the component most likely to affect future scheduling, especially the environmental reviews conducted in the area where the water originates.

Mr. Irons said the improvement program only includes projects that impact levels of service; projects not relating to those metrics were not included.

Commissioner Church commented that it would be prudent to include all nine of the projects identified in the legislation, with a notation explaining those that have no impacts on levels of service. Other commissioners and Mr. Jensen expressed support for this approach.

Chairman Klein recommended that the Commission authorize the committee to finalize the report so it can be released by April 23.

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

*The Commission adopt the report, thank the committee for its work, and authorize the committee to make the final revisions.*

\* Motion carried, 12 - 0.

### **XIII. ECONOMIC IMPACTS (SESSION 2): A COMPREHENSIVE NATIONAL SOLUTION TO THE THREAT OF NATURAL CATASTROPHES**

Mr. James Lee Witt, former Director, Federal Emergency Management Agency, stated that the economic impacts of disasters can be devastating because many people remain uninsured and the federal government cannot replace everything lost. He emphasized the need to prevent damage and educate people about what they can do to help themselves.

Mr. Witt noted Congress began funding a universal disaster-resistant concept last year. He said HR 4366, a new bill this year, proposes a federal program to build a catastrophe fund in each state and provide funding for mitigation and public education. He requested the Seismic Safety Commission's support.

Mr. McCarthy drew attention to the draft resolution of support in the meeting packet and recommended approval.

**ACTION:** Commissioner McGavin made a motion, seconded by Commissioner Manning, that:

*The Commission approve the resolution supporting HE 4366 as proposed.*

Commissioner Mileti thanked Mr. Witt for his leadership in the field of mitigation.

\* Motion carried, 12 - 0.

Chairman Klein thanked Mr. Witt for his remarks.

## **XV. LEGISLATIVE REPORT**

### **SB 1278 (Alquist)**

Mr. Sepulveda noted the Commission had earlier reached agreement on the concept of moving to the State and Consumer Services Agency and the amendment language regarding the Commission's independence. He said the two remaining issues are the Commission's composition and funding source.

Commissioner Jones proposed an alternative to the numbers discussed earlier: she suggested retaining the building official and local government representative, for a total of 16 funded positions and three agency representatives, or 19 altogether.

Chairman Klein said he thought the Commission should ask for what it needs.

Commissioner Jones recommended compromising at 19 members. She added that she had no objections to all members voting, noting agency representatives will likely recuse themselves from participating in decisions affecting their own agencies.

Commissioner Church argued in favor of staying with the 17 original members, plus three ex-officio, non-voting agency representatives, for a total of 20.

Commissioner McGavin observed there appeared to be consensus in support of keeping the local building official, and other commissioners confirmed that understanding.

Commissioner Arulmoli expressed support for Commissioner Jones' compromise. He recommended not short-changing local governments, and eliminating the mechanical/electrical engineer representative if a position must be cut.

Commissioner Shapiro pointed out that mechanical and electrical engineer members in the past have made very important contributions to the Commission. He agreed with Commissioner Church that all three positions should be retained. He added that voting status was not an issue for him.

Commissioner Ali observed that there appeared to be clear sentiment that all Seismic Safety Commission members serve important purposes. He advocated staying with the current composition, noting the Governor's Office can still send ex-officio agency appointees. He suggested that the Commission articulate its rationale for keeping the existing members and indicate it also welcomes appointees.

Chairman Klein supporting asking for 20 members, as proposed by Commissioner Church.

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

*The Commission accept the proposed language regarding the independent status of the Seismic Safety Commission and support keeping the original 17 members and adding three ex-officio, nonvoting members representing state agencies.*

Commissioner Arulmoli noted the reference to “soils engineer” should be changed to “geotechnical.” Other commissioners agreed, and Mr. Sepulveda said he would convey that change to the author’s staff.

Commissioner Manning asked if the three new members would be state employees or other agency appointees. Mr. Sepulveda said the original language implies the agency representatives will be employees because it indicates no per diem or travel expenses would be incurred.

Commissioner McGavin commented that non-voting status could serve as a disincentive to meeting attendance. After some discussion, commissioners concluded it would be better to allow the three agency representatives to be voting members.

Commissioner Church and Commissioner Shapiro accepted this amendment to the motion.

Commissioner Church clarified the motion was to propose a composition of 20, the 17 original members plus three voting agency representatives, and to accept the proposed amendment language regarding the Commission’s independence and autonomy.

\* Motion carried, 11 - 0 (Commissioner Sedivec absent during voting).

Mr. Sepulveda advised that Senator Alquist’s staff made it clear SB 1278 will not come out of the Appropriations Committee until the funding source issue is resolved. He noted the administration wanted the other pieces settled first. He suggested that the Commission allow the staff to propose amendment language indicating that issue still needs to be addressed.

Commissioner Ali suggested directing the staff to submit a letter to Senator Alquist asking for her assistance in assuring resolution of the funding issue before the bill leaves the Senate. Commissioner Manning clarified that the Commission’s approval of the other arrangements regarding its place in the agency and its composition are contingent upon funding approval. Commissioners agreed, and asked the staff to convey that message.

### **SB 1304 (Runner)**

Mr. Sepulveda said the Legislative Advisory Committee recommends taking a position on SB 1304, which would remove community colleges from the Field Act. He said this bill is scheduled for a hearing before the Senate Education Committee on April 26.

Chairman Klein said the Field Act is the cornerstone of the Seismic Safety Commission’s legacy for the state.

Commissioner McGavin offered to testify at the hearing in opposition to the bill.

Commissioner Jones recommended that the staff draft a short written statement explaining the Commission's opposition. She noted this strategy has been cost-effective in the past. Mr. Sepulveda said the staff will notify the author of the Commission's opposition and send a letter.

Mr. McCarthy pointed out that the consultant's analysis is incorrect in saying there is no significant difference between the Field Act and the California Building Code. Mr. Sepulveda said he already sent a note to the consultant correcting this error and explaining the distinction.

Commissioner Jones questioned how the California Building Code would be enforced if this bill passes. She noted no one plan-checks or inspects UC and CSU projects, and they are not subject to any building codes. She objected to allowing that kind of process for any more state buildings. For the future, Commissioner Jones suggested that the Commission think about the larger issue of building standards for the entire education system in California.

**ACTION:** Commissioner McGavin made a motion, seconded by Commissioner Clark, that:

*The Commission oppose SB 1304.*

\* Motion carried, 11 - 0 (Commissioner Sedivec absent during voting).

## **XVI. EXECUTIVE DIRECTOR'S REPORT**

### **Budget Update**

Mr. McCarthy said the staff's calculations are very close to those from the state accounting service. He noted a very small year-end reserve between \$1,500 and \$2,500 is likely. He proposed revisiting the situation at the May meeting.

### **Web Page Update**

Mr. McCarthy reported that Website hits have increased, and he referred to the written summary report in the meeting packet.

### **FEMA Appeal**

Mr. McCarthy informed the Commission that FEMA had not yet responded to the Commission's appeal packet, but there should be an answer soon.

### **Resolutions for Former Commissioners Linden Nishinaga and Don Parker**

Chairman Klein presented framed resolutions honoring former Commissioners Linden Nishinaga and Don Parker and thanked them for their service on the Commission.

## **XVII. PUBLIC COMMENT**

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

**XVIII. MISCELLANEOUS & GOOD OF MEETING**

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

**XIX. ADJOURN**

There being no further business, the meeting was adjourned at 4:37 p.m.

---

Sue Celli  
Office Manager

Approved by:

---

Richard McCarthy  
Executive Director