

FINAL STATEMENT OF REASONS

Title 2. Administration
Division 2. Financial Operations
Chapter 3. Department of General Services
Subchapter 4. Office of Public School Construction
Group 1. State Allocation Board
Subgroup 5.5. Regulations relating to the Leroy F. Greene School Facilities Act of 1998

Section 1859.2. Definitions.

Specific Purpose of the Regulation

To provide the meaning of specific words and terms that are essential to these regulations.

Need for the Regulation

It was necessary to amend the definition of "Most Vulnerable Category 2 Buildings" to promote broader participation by school districts in the Seismic Mitigation Program. This program was established by Assembly Bill 127, Chapter 35, Statutes of 2006 (Perata/Nunez), for the seismic repair, reconstruction, or replacement of "the most vulnerable" school facilities. It became law on May 20, 2006 and was funded in the amount of \$199.5 million by Proposition 1D approved by the voters at the November 7, 2006 General Election.

The purpose of the Program is to save lives and prevent damage in the most vulnerable school facilities during a seismic event. However, only one seismic mitigation project has been approved by the SAB to date, representing State funds in the amount of \$3.7 million. In order to increase program applications and disburse the remaining \$195.8 million of State funding for this vital purpose, the SAB found it necessary to reduce the 1.70 g ground shaking threshold (short period spectral acceleration) to 1.68 g for program eligibility.

The Board also added four more building component types as eligible for funding:

- Building types already eligible:
 - C1 . . . Concrete Moment Frame,
 - PC1A . . Precast/Tilt-up Concrete Shear Wall with Flexible Roof,
 - PC2 . . . Precast Concrete Frame and Roofs with Concrete Shear Walls, and
 - URM . . . Unreinforced Masonry Bearing Wall Buildings.

- Building types added:
 - C1B . . . Reinforced Concrete Cantilever Columns with Wood Roofs,
 - PC1 . . . Precast/Tilt-up Concrete Shear Wall with Concrete Floor and Roof Diaphragms,
 - PC2A . . Precast Concrete Frame without Concrete Shear Walls and with Rigid Floor and Roof Diaphragms, and
 - C3A . . . Concrete Frame with Infill Masonry Shear Walls and Flexible Floor and Roof Diaphragms.

The amendments increase the estimated number of potentially eligible school facilities from 25 to 48 totaling approximately \$167.2 million, but not exceeding the bond covenant of \$199.5 million authorized for the Program.

SUMMARY OF PUBLIC COMMENTS AT THE AUGUST 26, 2009 MEETING AND RESPONSE

Ms. Carri M. Matsumoto, representing the Long Beach Unified School District

Ms. Matsumoto addressed the Board and asked that the Program criteria be expanded to include all building component types in proximity to fault lines. She submitted her written testimony to the Board. The Board indicated it would consider Ms. Matsumoto's comments and written testimony. The Board approved Option 1a which lowered the ground-shaking threshold for Program eligibility, and added four building component types to those qualifying as "Most Vulnerable Category 2 Buildings."

Mr. Thomas Duffy, representing the Coalition for Adequate School Housing (CASH)

Mr. Duffy stated that the CASH organization was in support of staff's Option 1a. He also requested that staff monitor and provide a status report on how many school districts apply and qualify under the Program. The Board indicated it would consider his comments. The Board approved Option 1a which lowered the ground-shaking threshold for Program eligibility, and added four building component types to those qualifying as "Most Vulnerable Category 2 Buildings."

Mr. Brian Rivas, representing the California School Boards Association

Mr. Rivas thanked Senator Hancock and stated that he supported staff's Option 1a. The Board approved Option 1a which lowered the ground-shaking threshold for Program eligibility, and added four building component types to those qualifying as "Most Vulnerable Category 2 Buildings."

DOCUMENTS RELIED UPON AND STATEMENTS REGARDING THE RULEMAKING

Technical Documents Relied Upon

The State Allocation Board's Action Item, dated August 26, 2009, entitled "Seismic Mitigation Program."

Alternatives to the Proposed Regulatory Action that would be as Effective and Less Burdensome to Private Persons

The SAB finds that no alternatives it has considered would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons than the proposed regulation.

Alternatives to the Proposed Regulatory Action that would Lessen any Adverse Economic Impact on Small Business

The SAB has determined that the proposed regulation does not affect small businesses.

Finding of Significant Adverse Economic Impact on Businesses

The SAB has determined that the adoption of the regulation will not affect businesses, including small businesses, because they are not required to comply with or enforce the regulations, nor will they be disadvantaged by the regulation.

Impact on Local Agencies or School Districts

The SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulation.