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STATE ALLOCATION BOARD  
SUBCOMMITTEE ON  
SEISMIC MITIGATION PROGRAM

DEPARTMENT OF FINANCE  
915 L STREET, REDWOOD ROOM  
SACRAMENTO, CALIFORNIA 95814

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APPEARANCES

Committee Members:

SCOTT HARVEY, Chair, Acting Director, Department of General Services

ASSEMBLY MEMBER JOAN BUCHANAN

KATHLEEN MOORE, Director, School Facilities Planning Division, California Department of Education, designated representative for Jack O'Connell, Superintendent of Public Instruction; Member State Allocation Board

Office of Public School Construction Staff:

LISA SILVERMAN, Acting Executive Officer

JUAN MIRELES, Policy Manager, Program Services

DAVE ZIAN, Chief of Program Services, OPSC

P R O C E E D I N G S

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2  
3 MR. HARVEY: Good afternoon, I'm Scott Harvey. I  
4 have the privilege of chairing the Seismic Subcommittee of  
5 the State Allocation Board. We are going to convene our  
6 meeting. We have a full Committee. The record will reflect  
7 that all members are present: Ms. Moore, Ms. Buchanan, and  
8 myself.

9 We will rely now on staff to guide us some policy  
10 discussions. The last time we met we asked that you meet  
11 with the Seismic Safety Commission, other relevant and  
12 appropriate stakeholders that had expertise in the question  
13 of defining risk, if I can use that term generically.

14 I'd like to hear -- and I'm sure you'll tell us --  
15 who you met with, how those meetings went. I do know that  
16 regrettably the Seismic Safety Commission had a conflict  
17 today. They are not physically present, but there is a  
18 statement that will be read into the record reflecting their  
19 view and recommendation on these questions, and we will  
20 certainly invite them to attend our full Board meeting.

21 Hopefully we'll be as successful today as we were  
22 yesterday. There is an item indexed for our May State  
23 Allocation Board meeting. It was our goal to have something  
24 back for action ideally, but we'll let it play as it is.

25 So with that general introduction, do either one of

1 you have anything you wish to add before we ask for the staff  
2 report.

3 MS. MOORE: We'll go.

4 MR. HARVEY: We'll go.

5 MR. ZIAN: Okay. Well, thank you, Mr. Chair,  
6 members of the Seismic Mitigation Subcommittee. I'd like to  
7 start off with an update of a recent action by the Seismic  
8 Safety Commission meeting which was held on May the 12th  
9 where the OPSC requested an additional 50,000 for the  
10 structural engineer template reviews upon request by school  
11 districts and our request for an additional 50,000 was  
12 granted and that will augment residual funding that was  
13 previously approved by the Commission. So we now have close  
14 to 130,000 for those types of reviews which have helped to  
15 jumpstart many new projects in this program.

16 And we anticipate up to 45 reviews could be used  
17 with the money we have currently available through this  
18 latest request and approval.

19 MR. HARVEY: Again could you clarify for all of us  
20 the nature of those reviews? They were specifically  
21 targeted.

22 MR. ZIAN: Yes.

23 MR. HARVEY: If you'll describe what the reviews  
24 are.

25 MR. ZIAN: Yes, sir. The reviews are associated

1 with a template that was reviewed as a part of the grant that  
2 was originally granted by the Seismic Safety Commission and  
3 the template's purpose was to quickly ferret out/streamline  
4 the process for determining the risk of buildings -- not  
5 really the risk, but are you eligible for the Seismic  
6 Mitigation Program and if you meet those criteria, then they  
7 would actually get into the building components, what's wrong  
8 with them, and delineate that and come up with some estimated  
9 seismic repair costs and that's the general purpose of these  
10 reviews so --

11 MR. HARVEY: And the advantage is we're paying for  
12 it with these State resources and not requiring local  
13 districts to bear that cost.

14 MR. ZIAN: Absolutely. Because if a -- you know, a  
15 hallmark of this program is these kinds of costs, if you're  
16 eligible, they're eligible costs, it's not an augmented cost  
17 or anything like that, but what if you're not in the program  
18 yet. What if you don't know whether you qualify or not. So  
19 that's one of the good features of this process that we're  
20 allowing, so --

21 ASSEMBLY MEMBER BUCHANAN: Sorry to interrupt you.  
22 I want to clarify. What you're doing is taking a look at the  
23 shaking number and the building type and you're determining  
24 whether or not these buildings potentially qualify. You're  
25 not -- when we talk about eligibility, we're really talking

1 about qualification because you're not really doing the kind  
2 of engineering studies that necessarily would be done to  
3 determine the condition of the buildings; correct?

4 MR. ZIAN: It's not that extensive and that's  
5 correct, yes.

6 ASSEMBLY MEMBER BUCHANAN: Right.

7 MR. ZIAN: It's just a cursory review.

8 ASSEMBLY MEMBER BUCHANAN: Yeah. I just wanted to  
9 clarify that because when you say eligibility, some people  
10 might think that the buildings are now eligible to receive  
11 funds.

12 MR. ZIAN: And with that said, with this quick  
13 process utilizing the seismic template, the school districts  
14 still have to go forward with the structural engineering  
15 reports, the plans, the DSA approvals, the approval through  
16 our office, conceptual approval and funding approval to  
17 actually go forward with their project. So there are other  
18 steps, but this is the first step to moving forward.

19 So I'd like to also add that the Seismic Safety  
20 Commission was appreciative of OPSC's stewardship of the  
21 grant funding and obviously providing an additional 50,000 I  
22 think was a good faith effort that they want us to do  
23 additional good work and they're hopeful that the  
24 additional -- and proposals included in this report that  
25 we'll go through today will further distribution of the

1 199.5 million provided for the Seismic Mitigation Program.

2           And, Mr. Harvey, mentioned that members of the  
3 Seismic Safety Commission are unable to attend, but they are  
4 appreciative of all these efforts and they're in support of  
5 these recommendations included in the report.

6           So with that said, I'd like to get into the  
7 direction from the last meeting. On April 26th, 2011, the  
8 Committee asked us to look at a more flexible option for the  
9 program -- the Seismic Mitigation Program, in essence move  
10 away from the more rigid criteria that we have in the Seismic  
11 Mitigation Program and see if we could explore and  
12 potentially develop objective standards for how we would go  
13 forward if it was less of a structured program.

14           So we did meet and have very good discussions with  
15 professionals -- trained professionals from both DSA and the  
16 Seismic Safety Commission. We had a very good turnout and  
17 very deliberative discussion about that. And several things  
18 came out of those discussions.

19           The main thing I'd like to say is it was after a  
20 lot of discussion focusing in on fault lines, liquefaction,  
21 you name it, various localized site conditions that are all  
22 very tailored, very customized depending on the area,  
23 depending on soils condition, depending on various building  
24 types, you name it, there's a lot of variables, it was agreed  
25 by the trained professionals that it was not advisable at

1 this point to open it up to something less objective,  
2 something, you know, far afield of what we're doing already.

3 And so the professionals from both the offices  
4 asserted that the highest potential to enhance student safety  
5 resides in identifying those buildings of potential risk due  
6 to strong ground shaking as measured by the spectral  
7 acceleration.

8 So they felt that the spectral acceleration was the  
9 best indicator of risk coupled with the building types.

10 MR. HARVEY: Is it safe to say the advice would be  
11 if we do one thing -- I'm not saying that's what we should  
12 do. But if we were to do one thing, that's what we should  
13 look at?

14 MR. ZIAN: I think that was one of the main  
15 discovery points that I heard loud and clear from the  
16 professionals in that discussion, that they felt that the  
17 spectral acceleration was the leading indicator, something  
18 that we should keep and not throw away --

19 MR. HARVEY: Okay.

20 MR. ZIAN: -- in this process. So a couple other  
21 additional --

22 ASSEMBLY MEMBER BUCHANAN: But did we not have an  
23 earlier report on factors where they basically said they  
24 could not actually give you a cutoff number when the question  
25 was -- we were asking should we -- if we don't find enough

1 money -- enough projects to spend 199.5 million, do we keep  
2 lowering it and they said lowering it doesn't necessarily --  
3 you know, it isn't tied necessarily with safety, that they  
4 felt comfortable with the number they had, that they could --  
5 you know, there wasn't a specific number they could give you?

6 MR. ZIAN: Well, there was -- there were different  
7 opinions in that discussion and we'll get into it in a  
8 second, the actual recommendations from DSA, and there -- as  
9 I mentioned earlier, there is concurrence from the Seismic  
10 Safety Commission, also the recommendations that we put forth  
11 with that.

12 You know, we have a couple options here for  
13 different spectral acceleration lowering standards and there  
14 is agreement on all parties at this point, you know, that  
15 this is probably the next best step to take at this point,  
16 so --

17 MR. HARVEY: And I also think -- I think it's  
18 important to set this in framework with something else we  
19 currently have, which is the facility hardship funding  
20 avenue.

21 ASSEMBLY MEMBER BUCHANAN: Right.

22 MR. HARVEY: I know you eloquently talked in terms  
23 of the Morongo example. That avenue remains no matter what  
24 we do with the criteria for the seismic, so that ideally if  
25 there are folk that don't neatly fit in with whatever we end

1 up doing, they always have the facility hardship where you  
2 have the health and safety of pupils being a criteria, the  
3 fact that DSA has to talk in terms of structural deficiency  
4 that need to be repaired. So that avenue remains and --

5 ASSEMBLY MEMBER BUCHANAN: Morongo was an appeal.

6 So --

7 MR. HARVEY: It's an appeal process --

8 ASSEMBLY MEMBER BUCHANAN: Right. I'm not sure --

9 MR. HARVEY: -- at its worse.

10 ASSEMBLY MEMBER BUCHANAN: -- that's the ideal is  
11 to set a number and if you don't qualify, then you've got to  
12 go into a different program and appeal.

13 MR. HARVEY: I wasn't saying --

14 ASSEMBLY MEMBER BUCHANAN: You're right --

15 MR. HARVEY: I wasn't trying to do anything more  
16 than to remind us that --

17 ASSEMBLY MEMBER BUCHANAN: Right.

18 MR. HARVEY: -- that program exists. It has its  
19 own separate criteria. We happen to use it on an appeal  
20 where we were looking at fault lines that didn't allow that  
21 district to apply for the seismic.

22 ASSEMBLY MEMBER BUCHANAN: Right.

23 MR. HARVEY: That was my only point. I'm sorry.  
24 I'm getting off on tangents.

25 ASSEMBLY MEMBER BUCHANAN: It's okay. I'm off on

1 the same tangent with you.

2 MR. ZIAN: No. You're actually right on track.  
3 But I would like to just read into the record real quickly a  
4 couple of the other strong things along with spectral  
5 acceleration.

6 The professionals asserted that using the spectral  
7 acceleration is the objective basis for the ground shaking  
8 intensity and we should continue to use that and that the  
9 ground shaking represents the dominant hazard in a seismic  
10 event as opposed to other hazards such as liquefaction or  
11 ground shaking as you were touching on, Mr. Harvey.

12 So I'd also like to point out -- to go further on  
13 the facility hardship and the Morongo. There was some  
14 discussion about that in our deliberations in that meeting  
15 and it was felt by all parties that the current regulation  
16 section, 1859.82, as you mentioned would cover it as an  
17 appeal as a facility hardship and it has language in it that  
18 covers other health and safety risks including structural  
19 deficiencies identified by DSA to be repaired.

20 So by all parties involved, you know, we felt that  
21 the current program could handle these kinds of things case  
22 by case based on the conditions, based on the building, based  
23 on the actual hazard in place, based on the actual health and  
24 safety issue. So --

25 MR. HARVEY: And as an aside, I would say is not

1 germane to what we're doing today and it's not the charge of  
2 this Committee, but it may be appropriate that we review the  
3 language of this regulation to make sure it's updated enough  
4 for our --

5 ASSEMBLY MEMBER BUCHANAN: Sure.

6 MR. HARVEY: -- needs and to cover things we may  
7 not be able to cover in the seismic criteria. That's another  
8 discussion, another time, but I think getting some additional  
9 clarity or changing some words might help. I just say  
10 that --

11 MR. ZIAN: Okay.

12 MR. HARVEY: -- parenthetically.

13 MR. ZIAN: So with that said then, with that  
14 discussion, that was a quick paraphrase of the various issues  
15 we discussed. We have set up a report that has different  
16 sections and to assist the Committee in reviewing the  
17 multitude of issues, we had what we considered to be primary  
18 options which you'll see beginning on page 4 and then we have  
19 some secondary options.

20 The primary options will deal with what -- based on  
21 our discussions -- the fruits of our discussions with the  
22 California Seismic Safety Commission, DSA, and our office and  
23 discussions relating to building types that potentially could  
24 be added and then secondarily some spectral acceleration  
25 options that will further program and further distribution of

1 funds in the program.

2           The secondary options will include the voluntary  
3 seismic repair projects that was introduced at the last  
4 meeting, reserving bond authority, a quick discussion on the  
5 matching share research that we had and what we feel we can  
6 do with that, and then lastly the report will follow up on  
7 the interim housing research and potential considerations for  
8 the Committee.

9           So that's where we're going --

10           MR. HARVEY: Sounds good.

11           MR. ZIAN: -- if we're ready to go.

12           MR. HARVEY: We're ready to go.

13           MR. ZIAN: Can we launch right into the options?

14           MR. HARVEY: Let's go to the options.

15           MR. ZIAN: Okay. So these are -- the option  
16 provide for reducing the SA factor. Again I want to stress  
17 these are recommendations/considerations brought forth by the  
18 Seismic Safety Commission and DSA and -- so we have a couple  
19 options here for you.

20           One would be to reduce the spectral acceleration  
21 threshold down to 1.6G which would result in an estimated  
22 additional number of buildings of 83. So this would be in  
23 addition to the original 48 that we had been talking about at  
24 different times.

25           MR. HARVEY: Let me ask for clarity.

1 MR. ZIAN: Yes.

2 MR. HARVEY: We've had reports about AB300 and the  
3 facilities on that list. We've had updates and more recent  
4 information. Can you tell me or maybe DSA can the buildings  
5 listed in here are based on what? Is it I hope the 202  
6 hazmat listing as opposed to AB300 or where did this number  
7 come from? A more sanitized list or are we still looking at  
8 AB300? Give me a better idea of --

9 ASSEMBLY MEMBER BUCHANAN: Are you asking if the  
10 AB300 list is updated so schools that have been completely  
11 replaced since then aren't on the list anymore?

12 MR. HARVEY: That's another way of asking it, but I  
13 also want to make sure that, you know, since that was a table  
14 exercise -- it wasn't really a field exercise.

15 ASSEMBLY MEMBER BUCHANAN: Right.

16 MR. HARVEY: What we have done -- I mean where are  
17 these buildings coming from? Maybe that's how I should pose  
18 the question. When we have 83 additional buildings, if we  
19 reduce it to 1.6 and additional 16 more, if we do 1.55,  
20 what's the basis the research? Where are those building  
21 additions coming from?

22 MS. LUTSUK: Good afternoon.

23 MR. HARVEY: If you'd introduce yourself -- thank  
24 you.

25 MS. LUTSUK: My name is Masha Lutsuk. I'm with the

1 Division of State Architect. We are in fact using AB300 --

2 MR. HARVEY: Okay.

3 MS. LUTSUK: -- in the absence of any other data.

4 MR. HARVEY: Okay.

5 MS. LUTSUK: And we are also using available  
6 updates that school districts submitted to the extent that we  
7 possibly can. And if you'd like, I can give you an example  
8 of what we actually have available.

9 When the AB300 survey was done back in '99-2000,  
10 we've used record-sets of school buildings available at DSA  
11 and we gathered information by DSA application number and we  
12 provide approvals for projects not buildings. So a single  
13 DSA application number may include one building, two  
14 buildings, or anything else on the side like a sports field.

15 We had original site names which change. We had  
16 not identified buildings by name like Admin, Gym. We simply  
17 did a tally because that was the original task of AB300,  
18 provide an aggregate number for an idea of what the scope of  
19 the buildings that we're interested in could be.

20 And then we had enough information and it's very  
21 cursory. You're in square footage and we did match up at  
22 that time the inventory with ground shaking information like  
23 that spectral acceleration.

24 Since that time in the late 2000s, there was  
25 interest to get additional information and DSA staff sent out

1 letters to school districts with attachments that have the  
2 AB300 information and asks for updates. And the things that  
3 we were interested in were are the buildings still there,  
4 have they been retrofitted, are they still in use.

5           And we've gotten a lot of responses. I think we're  
6 missing responses from about a hundred school districts to  
7 date, but matching that information to original AB300 is  
8 sometimes sketchy because a district may know a building as  
9 Gym and we may know it as Building #2 from this record-set  
10 with this square footage.

11           So we do the best that we can wherever possible.  
12 In some instances, we also had buildings added. And as a  
13 result of that, the total number of buildings that fall into  
14 the AB300 Category 2 building hasn't changed a lot. Some  
15 buildings fell off. Other buildings got added on.

16           So when we were asked in this latest effort to see  
17 how many buildings would approximately qualify, these are the  
18 numbers we arrived at by looking at original survey, any  
19 updates that we have available, and do the best estimate  
20 match by that limited information that we have.

21           To give you a perspective, what's currently  
22 eligible is 48 buildings. If you look at the original AB300  
23 inventory and those criteria, those building types and the  
24 1.68 and higher, you get 99 buildings. 99 versus 48, it's  
25 about 50 percent success rate and then if 38 of them were

1 evaluated and only 21 appear eligible, that cuts it even more  
2 in half.

3           So that's kind of where we're at with the accuracy  
4 that we have, but again like I said, this is the information  
5 that we do have available in the absence of any other  
6 statewide inventory of any sort.

7           MR. HARVEY: But the good news is it is reducing  
8 the number --

9           ASSEMBLY MEMBER BUCHANAN: Right.

10          MR. HARVEY: -- we're getting better information  
11 and then when we do that survey, it's even cleansing it more.

12          MS. LUTSUK: And I think the way, just to finish  
13 that thought -- and I wasn't at DSA at the time, but my  
14 understanding is the way that we further refined the 99 to 48  
15 is we actually did phone folks at school districts, google  
16 search, that type of thing for the review of DSA records such  
17 as do we have a DSA plan approval for alteration to the  
18 building.

19                So we did quite a bit of digging and searching to  
20 get from 99 to 48, and correct me if I'm wrong because you  
21 were there at the time, but I think that's --

22          MR. ZIAN: That's correct.

23          MS. LUTSUK: -- it was a mix of, like I said,  
24 research, phone calls, et cetera.

25          MR. ZIAN: That's a fair characterization.

1 MS. MOORE: Masha, can you comment on estimate of  
2 the ground shaking factor and how you applied that to the  
3 buildings?

4 MS. LUTSUK: We received the -- each building has a  
5 geographic location measure --

6 MS. MOORE: Um-hmm.

7 MS. LUTSUK: -- by longitude and latitude and it  
8 has the shaking intensity factor provided by the California  
9 Geological Survey.

10 MS. MOORE: Okay. So it's from the geological  
11 survey --

12 MS. LUTSUK: Yes.

13 MS. MOORE: -- that you assigned them a ground  
14 shaking factor.

15 MS. LUTSUK: Correct.

16 MS. MOORE: Estimate.

17 MS. LUTSUK: Um-hmm.

18 MS. MOORE: Okay.

19 MR. HARVEY: Any questions?

20 ASSEMBLY MEMBER BUCHANAN: Well, no -- one of the  
21 reasons I asked the question though is because our local  
22 paper -- San Ramon schools were listed and our local papers  
23 then were called and there's a big article and, you know,  
24 schools that had been replaced five years ago were still on  
25 the list.

1 MS. LUTSUK: Um-hmm.

2 ASSEMBLY MEMBER BUCHANAN: So I think it's  
3 important to know that the list is imperfect at best. I mean  
4 you're trying to take a shot at it, but to lead anyone to  
5 believe that this list all inclusive or not is not  
6 necessarily accurate because what you're really doing is  
7 trying to match up a multitude of data to, you know, see  
8 which schools might be eligible.

9 MS. MOORE: And you -- but you do not have to be on  
10 the AB300 list to be eligible.

11 ASSEMBLY MEMBER BUCHANAN: Right.

12 MR. HARVEY: Correct.

13 MS. MOORE: You just have to meet the current  
14 criteria and/or proposed criteria that gets --

15 ASSEMBLY MEMBER BUCHANAN: Right.

16 MS. MOORE: -- that we may change.

17 MR. HARVEY: Correct.

18 MR. ZIAN: I should add that actually one of the  
19 projects we looked at in the 48 was never on the AB300. The  
20 Santa Paula project that was included in the 48, that was  
21 something that we found pre-1933 building --

22 MS. LUTSUK: It was pre-Field Act.

23 MR. ZIAN: -- pre-Field Act --

24 MS. LUTSUK: So we wouldn't have had records --

25 MR. ZIAN: Never on it.

1 MS. LUTSUK: -- for it because it would not have  
2 come from DSA -- through DSA because there was no DSA at the  
3 time that it was originally constructed.

4 ASSEMBLY MEMBER BUCHANAN: So it was never  
5 modernized since 1933?

6 MS. LUTSUK: For that particular building, I don't  
7 know, but the fact that it wasn't captured on the original  
8 survey was because it was a pre-Field Act building.

9 And just for the benefit of, you know, the general  
10 audience, we have attempted to provide information on how  
11 AB300 was generated and what else has DSA done in that  
12 respect on our Website. And so we have a --

13 MR. HARVEY: Thank you.

14 MS. LUTSUK: -- special page for it with  
15 explanations.

16 MR. HARVEY: Why don't you stay where you are, if  
17 you would, please, because we are going to be talking about  
18 recommendations 4.1, 4.2, and your input may be helpful.  
19 David, please.

20 MR. ZIAN: Okay. So with that said, we led off --  
21 there are a couple options for the Commission to consider.  
22 The first would be the recommendation to potentially reduce  
23 the spectral acceleration to 1.6G which would result in an  
24 estimated additional number of buildings of 83 or the other  
25 option would be reduce the spectral acceleration to 1.55G

1 which would result in an additional 16 buildings depending on  
2 which option is taken.

3 I should also add that the Options 4.1 and 4.2, 1  
4 being the spectral acceleration, the second one that I'll get  
5 into in a second, the building type, they can be taken  
6 concurrently or separately. They have different impacts and  
7 consequences for number of buildings potentially eligible,  
8 just to make sure that's omnipresent in your mind.

9 MR. HARVEY: Although we have that flexibility, I'm  
10 assuming that by virtue of you listing both of them, the  
11 professionals are suggesting these are two good things to do.

12 MR. ZIAN: Yes. That's is correct, Mr. Harvey.

13 MR. HARVEY: Thank you.

14 MR. ZIAN: The professionals were suggesting that  
15 these are the most viable alternatives at this point.

16 ASSEMBLY MEMBER BUCHANAN: So is your list then,  
17 does it include an either/or or are they just a list of  
18 buildings that meet both these criteria?

19 MR. HARVEY: As I read it, you have 99 buildings if  
20 we went to 1.55.

21 ASSEMBLY MEMBER BUCHANAN: Right. 99 -- right.

22 MR. HARVEY: And then --

23 ASSEMBLY MEMBER BUCHANAN: 99 additional.

24 MR. HARVEY: -- if we stop there, that's what it  
25 would be, 99 additional.

1 ASSEMBLY MEMBER BUCHANAN: Right.

2 MR. HARVEY: If we did the added building types --

3 ASSEMBLY MEMBER BUCHANAN: Right. Then it'd be --

4 MR. HARVEY: -- and we had 189 more, we'd have a  
5 total of 288.

6 ASSEMBLY MEMBER BUCHANAN: Right. But does your --

7 MS. LUTSUK: May I clarify?

8 ASSEMBLY MEMBER BUCHANAN: Yeah.

9 MS. LUTSUK: I apologize for interrupting. The 189  
10 is keeping the spectral acceleration at 1.68.

11 ASSEMBLY MEMBER BUCHANAN: 1.68; right.

12 MR. HARVEY: Oh, okay. There it is.

13 MS. LUTSUK: So --

14 MR. HARVEY: That would grow obviously. There may  
15 be some --

16 MS. LUTSUK: It would grow if both actions were  
17 taken.

18 ASSEMBLY MEMBER BUCHANAN: But that's 1.68 and  
19 that, but were you saying earlier that you could do either --  
20 you would either --

21 MR. HARVEY: Right.

22 MR. ZIAN: We could take these separately or we  
23 could take them in concert.

24 ASSEMBLY MEMBER BUCHANAN: You would still keep  
25 both criteria. So you're saying you could vary them, each

1 separately.

2 MR. ZIAN: Yes. Right.

3 ASSEMBLY MEMBER BUCHANAN: Okay. That's --

4 MR. ZIAN: Yes. One other thing, keep in mind that  
5 the 99 buildings that Mr. Harvey mentioned and Masha's also  
6 addressed that does not include the 48 that were previously  
7 known. So there's really 48 plus the 99 if we drop the  
8 spectral acceleration down to the 1.55. Just a point of  
9 clarification here in the thing.

10 So the pros for these -- whichever is taken, if the  
11 Commission should want to consider lowering the spectral  
12 acceleration, either one of these, these pros would apply  
13 would apply to both -- would be to allow additional projects  
14 on additional sites to become eligible in this program.

15 It would allow for the State's Proposition 1D bond  
16 authority to continue to be directed at the higher risk  
17 buildings and lowering the spectral acceleration factor is  
18 consistent with the existing focus on ground shaking is the  
19 most prevalent hazard from a statewide perspective.

20 And the con for these -- either one of these  
21 spectral acceleration lowering options would be that the  
22 number of potentially eligible buildings is considerably  
23 higher potentially than the number already identified as  
24 eligible and we could extend, you know, the request beyond  
25 the available funding, but --

1 MR. HARVEY: We can deal with that.

2 MR. ZIAN: Yeah.

3 MR. HARVEY: -- with that later. But I think  
4 Ms. Moore --

5 ASSEMBLY MEMBER BUCHANAN: They have to come in and  
6 request, don't they?

7 MR. ZIAN: They have to come in and request and --

8 ASSEMBLY MEMBER BUCHANAN: We're not giving them --  
9 we're not just --

10 MR. HARVEY: No. Exactly.

11 MR. ZIAN: And keep in mind there are still issues  
12 related to whether or not these buildings we've identified,  
13 they're estimated, whether they'll actually come in, whether  
14 they've been retrofitted, whether they have their funding  
15 share. There's a lot of other things that are in motion.

16 MR. HARVEY: But all I was trying to say is even if  
17 everybody came in and they were all eligible, there are  
18 mechanisms for us to cut it off --

19 MR. ZIAN: Yes.

20 MR. HARVEY: -- before we exhaust the available  
21 funds. That's what I was trying to say.

22 MR. ZIAN: Yes.

23 MR. HARVEY: Ms. Moore, you had a question.

24 MS. MOORE: Have we had any communication with any  
25 districts that might potentially fall into these categories

1 if we --

2 MR. ZIAN: These lower -- lower?

3 MS. MOORE: These lower categories of interest?

4 MR. ZIAN: Not at this point. I mean it's -- we've  
5 done a lot of outreach. It's possible we've touched on some  
6 of these unknowingly, I mean to answer your question as  
7 directly as I can. But we would have to look at these and  
8 have a little bit more finite information in order to contact  
9 them. I --

10 MR. HARVEY: But we would aggressively do so if the  
11 Board takes action.

12 MR. ZIAN: Absolutely. We would go after them  
13 aggressively if that was the direction of the Committee.

14 MR. HARVEY: Board.

15 MR. ZIAN: The Board, yes.

16 MR. HARVEY: We're simply making a recommendation.

17 MR. ZIAN: Thank you.

18 MR. HARVEY: Any other questions on this first  
19 option before we go to the building type.

20 ASSEMBLY MEMBER BUCHANAN: No.

21 MR. HARVEY: Building type then.

22 MR. ZIAN: Okay. So the building type option again  
23 is what was represented by the trained professionals as a  
24 recommendation, something to consider for the Committee,  
25 would be the addition of two additional Type 2 most

1 vulnerable building types, and the first one would be the  
2 RM-1, the reinforced masonry bearing wall with flexible  
3 diaphragms. The second potential recommendation would be the  
4 C2A, the concrete shear wall with flexible diaphragms.

5           And again as Masha punctuated, this number -- the  
6 189 number of buildings potentially that could be added is  
7 based on the current spectral acceleration factor of 1.68. I  
8 just want to make sure you're real clear on that.

9           MR. HARVEY: Do you have a rough figure, if we were  
10 really aggressive and wanted to reduce it to 1.55 and add  
11 building type recognizing that it's first in, we exhaust it  
12 on an aggressive basis, but in the interest to make sure we  
13 get the broadest amount of eligibility we did something like  
14 that, what happens to the numbers? Additional building  
15 numbers. You have a rough idea?

16           MR. SMITH: Probably double.

17           MR. HARVEY: We heard from the audience, our Acting  
18 State Architect, probably double. Thank you, Mr. Smith.  
19 Just so we have a sense of magnitude.

20           Anything else you want to say about building type  
21 before I ask about Committee question, then we'll hear some  
22 testimony?

23           MR. ZIAN: Would you like me to read the pros and  
24 cons or -- into the record or --

25           MR. HARVEY: Oh, sure. Absolutely. I'm sorry.

1           MR. ZIAN: Okay. So the pros would be of this  
2 particular option -- building type would allow additional  
3 Category 2 buildings to qualify in the Seismic Mitigation  
4 Program and again it allows for the State's limited  
5 Proposition 1D bond authority to continue to be directed at  
6 those buildings deemed to have the higher risk for poor  
7 performance in these kinds of situations that we're talking  
8 about with the spectral acceleration thresholds.

9           The cons would be the number of additional  
10 potentially eligible buildings is considerably higher than  
11 the buildings already identified as eligible, potentially  
12 extending the eligibility beyond the available bond  
13 authority. This option may not increase program  
14 participation because the eligibility would extend to the  
15 same school sites that may already have qualifying  
16 facilities, that may not have participated for other reasons,  
17 i.e., funding shares, those kinds of issues, interim housing,  
18 so -- but just a potential con there. We don't know at this  
19 point.

20           So those are the primary options for consideration  
21 by the Committee. At this point, we would seek direction  
22 from you folks.

23           MR. HARVEY: What would you like to do? Do you  
24 want to take these sequentially -- take -- we've gotten  
25 strong recommendations from professionals that these are

1 things we should do as a minimum and then talk about the  
2 secondary as a second subset of that or do you want to breeze  
3 through the whole report?

4 My preference is to kind of address this and then  
5 go to the secondary.

6 ASSEMBLY MEMBER BUCHANAN: Okay.

7 MR. HARVEY: Is that okay or do you have another  
8 thought?

9 ASSEMBLY MEMBER BUCHANAN: Sure. No, I -- be  
10 honest with you, I still go back to the fact that whether or  
11 not a number or a building type is sufficient in itself to  
12 determine whether or not a building's safe.

13 I mean we've had this program in effect for however  
14 many years now, five, six years --

15 MR. HARVEY: Yep.

16 ASSEMBLY MEMBER BUCHANAN: -- and we've been trying  
17 to have school buildings meet this one number and it's not  
18 really been a successful program and yet we know we've had  
19 schools that need to be repaired. And I know Morongo did end  
20 up getting fixed by coming to an appeal, but anyone could  
21 look at that and know that -- you read the engineer's report  
22 and the school is not safe. You can't allow children to be  
23 in the classroom.

24 DSA concurs that it's not safe, but it technically  
25 doesn't qualify for the seismic safety. And so we did on

1 appeal go ahead and approve their funding in the Facilities  
2 Hardship Program, but I find it hard to believe that that was  
3 ever the intent of anybody that -- a building that was on --  
4 tied up with that many faults would have to go through those  
5 kind of hoops to be able to qualify for funding.

6           And, you know, I know that the -- I believe the  
7 first project that was funded was the San Ramon High gym.  
8 I'm obviously intimately familiar because I was on the school  
9 board. That was a liquefaction issue and we had to lower the  
10 shaking issue, but I can tell you as a school board member,  
11 we had to close the gym and take the kids out because the  
12 architects could not tell us it was safe to house kids in the  
13 school.

14           So, you know, we keep -- to me just to try and come  
15 up with arbitrary, say well, if we lower from this number to  
16 this number, we might get more schools to come in or if we  
17 change the building type slightly, we might get more schools,  
18 we have schools now. We had the situation in Piedmont where  
19 their school that was the least safe to be occupied couldn't  
20 qualify because it didn't meet the number.

21           So I still go back to the whole idea of the seismic  
22 program is that if you have a school -- I believe that if you  
23 have a school that's not safe to be occupied by students or  
24 faculty due to seismic conditions and we have engineers that  
25 tell us that it's not -- local engineers that tell us that

1 it's not safe and we can have the concurrence of DSA -- I  
2 have no problem with DSA having to apply some criteria. I  
3 know it just can't be willy-nilly -- having some criteria to  
4 tell us it's not safe due to the seismic conditions, then I  
5 believe those schools should qualify for the seismic plan.

6 And I don't -- for us to keep going on and trying  
7 to massage this list and seeing what's happened and maybe we  
8 get more schools to come in, maybe we're trying to figure out  
9 what we do a year or two from now when we've been into this  
10 program for five years, it just doesn't make sense to me.

11 MR. HARVEY: That's a great statement. Let me ask  
12 this. We've heard the professionals talk in terms of this  
13 being the preferred scientific, nonsubjective way of adding  
14 potential qualifying buildings. Can you give us a flavor of  
15 what reluctance they may have had to do something like what  
16 Assembly Member Buchanan?

17 And I don't want to put words in your mouth, but it  
18 -- did it have to do with it being more subjective.

19 MR. ZIAN: I believe that was --

20 MR. HARVEY: Give us a sense of why as logical and  
21 as reasonable as this sounds, there's not a greater  
22 willingness to embrace it and I would ask anyone to come  
23 forward. Chip, please. Masha, if you want to comment. And  
24 it's unfortunate the Seismic Safety Commission could not join  
25 us because they are the experts.

1           ASSEMBLY MEMBER BUCHANAN: And what I heard from  
2 them at our last couple meetings was they -- you know, they  
3 need to have some criteria. But to have a criteria that just  
4 says 1.6, 1.55, if you're this building type, I'm not sure  
5 that's how it should be done.

6           I think that you should apply your knowledge.  
7 There should be some criteria, but to have it be extremely  
8 rigid when in the Morongo situation, you've agreed that the  
9 school wasn't safe. So obviously you use some criteria there  
10 even though technically the school wouldn't -- didn't qualify  
11 for seismic funds.

12           MR. SMITH: Good afternoon. This is Chip Smith,  
13 Acting State Architect. I believe the criteria that is  
14 currently in place was derived with an intent to focus  
15 eligibility to, in a general sense, statewide perspective,  
16 the most risk prone schools. And that's risk being a  
17 combination of building vulnerability or type, the Category 2  
18 types, and the hazard which the dominant hazard is shaking.

19           Faulting hazards, liquefaction hazards exist. On  
20 any given site, they may be the dominant hazard, but from a  
21 statewide perspective in talking with the folks at the  
22 geologic survey, the shaking hazard is on an order of say ten  
23 times the dominant hazard statewide.

24           Even the faulting hazard itself, faulting may  
25 result in a differential movement of a quarter of an inch to

1 an inch or feet -- many feet. So that hazard varies greatly  
2 from site to site.

3 But -- so the original criteria that's in place I  
4 think the intentions are sound in our minds that they're  
5 focused on identifying those buildings based on the survey  
6 that was done, the paper survey, that posed the greatest risk  
7 and --

8 ASSEMBLY MEMBER BUCHANAN: So I want to probe a  
9 little bit more because I don't doubt that coming up with  
10 that criteria was done in a very honest scientific way and  
11 that might not be a good criteria for trying to cast a wide  
12 net over, you know, the 10,000 schools in this State to try  
13 and identify some, but even in your testimony, you use words  
14 like, you know, it's -- you know, conditions often are  
15 tailored or customized to each site recognizing that you  
16 could have these very broad criterias, but when you get down  
17 to the individual school that's on a specific plot of land,  
18 there can be other factors that make the liquefaction more  
19 important than something else.

20 And so clearly if that can happen at the individual  
21 school level and the engineers say this school isn't safe for  
22 children to occupy, okay, and, you know, do we want to apply  
23 the big safety net -- or the big net there and those numbers  
24 or do we want to be able to look exactly at what the  
25 conditions are at that school site and whether or not that

1 makes it unique because I don't want a school not to qualify  
2 because it doesn't hit a number even though there may be  
3 unique conditions at that school site and the kids shouldn't  
4 be in that school anymore.

5 MS. MOORE: We tend to support that as well because  
6 of the public policy consideration. I think it's very good  
7 that we've had the input of the scientific community and the  
8 engineering community on what is the highest risk that we can  
9 produce to date. We had that six years ago as well.

10 And it -- the public policy question of funding  
11 most vulnerable schools has still not been met. So we need  
12 to expand and I think you've done a good job of trying to  
13 expand in these categories and I'm wondering if there's a  
14 place that we could achieve both objectives in that we can  
15 look at the two main -- what do we call those -- primary  
16 options in terms of the two -- the building type and ground  
17 shaking factor and make our recommendations there based upon  
18 the information that you've provided today.

19 But as well like in other programs that we have  
20 before the State Allocation Board, I'm aware of a couple  
21 instances in which we say and other criteria acceptable to  
22 the State Allocation Board -- or in a situation that requires  
23 other criteria acceptable to the State Allocation Board in a  
24 sense that if there is a project and it doesn't meet these  
25 criterias that they can come forward with their other

1 reasoning that is acceptable or that has been reviewed by the  
2 Division of State Architect and is -- there's a stamp of  
3 approval of that, that we would then consider that as a State  
4 Allocation Board.

5 My understanding is that right now our program, if  
6 you meet the criterias and we're going through those right  
7 now, you would come forward as a consent item; correct? I  
8 mean we would fund you in the program. We don't question  
9 really anything in the agenda item.

10 But perhaps on other criteria, it wouldn't come  
11 forward simply consent, that it comes forward it's for  
12 deliberation of the State Allocation Board to see, you know,  
13 is this meeting the public policy objective and is a way that  
14 we can do both.

15 MR. HARVEY: You know, I like what you said and let  
16 me see if we can get there by looking at one more option that  
17 was recommended which is 5.1 because this as I see it is a  
18 way of spreading the dollars for more projects. You don't  
19 have to have as heavy a match. It's incremental. You can do  
20 it during the summer and it would help draw down the dollars.  
21 And it's this voluntary seismic upgrade.

22 ASSEMBLY MEMBER BUCHANAN: I do need to get back to  
23 the question, are we trying to spend the dollars or are we  
24 trying to fix schools that are unsafe.

25 MR. HARVEY: We're trying to take care of the most

1 vulnerable.

2 ASSEMBLY MEMBER BUCHANAN: Right.

3 MR. HARVEY: That was the charge in the statute and  
4 the 1D language.

5 ASSEMBLY MEMBER BUCHANAN: So I'm going to get back  
6 and ask the question and I -- we could probably craft some  
7 kind of compromise, but if an architect says that a school is  
8 not safe to be occupied, is that not a most vulnerable  
9 school? Or an architect and engineer?

10 MR. HARVEY: I guess we could find it to be that  
11 way.

12 ASSEMBLY MEMBER BUCHANAN: Well, we certainly  
13 didn't in Morongo. I mean we had to go through a bunch of  
14 hoops to do that. So I just want to know why a school that's  
15 not safe to be occupied is not considered most vulnerable for  
16 seismic purposes.

17 MR. SMITH: I -- well, one question might be what  
18 does the word most mean. In terms of a relative assignment  
19 of risk, that's what the criteria has attempted to do.

20 ASSEMBLY MEMBER BUCHANAN: Well, we could argue for  
21 another five years on what most means and you've got schools  
22 that shouldn't be occupied that aren't getting the money.

23 MR. SMITH: Right. The way the criteria was  
24 designed from a statewide perspective, considering the known  
25 risks and their relative chance of occurrence, we were

1 focusing the program towards the most vulnerable in a  
2 hierarchy --

3 ASSEMBLY MEMBER BUCHANAN: I'm not questioning what  
4 you did. I'm just saying that, you know, we've done that.  
5 We've spent all this time. We can try and match and come up  
6 with more lists or we can have -- simplify the program in  
7 terms of -- and even doing all that, a district still has to  
8 have money to do all the engineering and everything else  
9 because I don't think we're going to fund a hundred percent  
10 of this.

11 So when you have, you know, to provide some  
12 incentive to schools, if they know that you -- they've got  
13 again -- they've got a situation where the school's not safe  
14 to be occupied. It's a result of seismic conditions.  
15 Whatever, you know, broad -- you can -- I mean I -- maybe you  
16 have the number, but maybe you get into the specific site  
17 here because the list you have is great for identifying  
18 potential schools that might qualify, but each school gets  
19 down to how is it built, what kind of land is it on, you  
20 know, what kind of -- it gets down to very specifics in terms  
21 of that school and we've got to be able to evaluate those  
22 specifics to determine whether or not that school is safe to  
23 be occupied and whether it should be replaced.

24 And I don't think school districts should have to  
25 jump through a bunch of hoops then to get that school

1 replaced.

2 MR. HARVEY: I sense that there is a majority of  
3 this Committee that wants to do something more than our  
4 primary recommendation and we'll get to that, but if I may,  
5 as a point of personal privilege, have you described the  
6 voluntary seismic upgrade because I personally like it and I  
7 think I would like it to be part of our discussion and when  
8 we get to the testimony part, I'd like to have the  
9 stakeholders on it and also --

10 ASSEMBLY MEMBER BUCHANAN: Right.

11 MR. HARVEY: -- and also your suggestions as well  
12 as Ms. Moore's about this other general language.

13 MR. ZIAN: So as a voluntary option of school  
14 districts that have impediments such as funding limitations,  
15 maybe there's interim housing space considerations,  
16 disruption of the school site, they're worried about a  
17 multitude of issues, this is an option we'd like to put forth  
18 that can be integrated in any of these primary options we've  
19 mentioned before and it addresses the lack of the local  
20 matching share problem by shrinking, you know, the total  
21 overall cost down to just the seismic repair cost that needs  
22 to be done.

23 ASSEMBLY MEMBER BUCHANAN: This allows you to do  
24 the seismic without having to go in and do ADA or other  
25 mandatory upgrades.

1           MR. ZIAN: As long as the 50 percent of the current  
2 replacement value of a building is not exceeded, yes, they  
3 can go in there and they can focus on the seismic repair  
4 work.

5           The disruption of school sites to do repair work is  
6 also a feature of this that you can schedule it, you know,  
7 perhaps during the summer. It's a smaller scope project, not  
8 as long a duration project and with that said, then the  
9 interim housing issue is also taken into account also with  
10 this option.

11           So we believe this is a viable alternative that we  
12 would request consideration of the Committee. As long --  
13 again as the scope of the project does not exceed 50 percent  
14 of the replacement value of the building, you know, it is an  
15 option that's available for school districts and I don't know  
16 if Masha or Chip, if DSA would like comment on this also, but  
17 that's the essence of it.

18           MR. SMITH: Yeah. I don't think we have anything  
19 further to add.

20           MS. MOORE: So again explain to me how you can  
21 upgrade a facility without having the law come into effect of  
22 that it must be brought to current code standards. Because  
23 it's voluntary?

24           MR. SMITH: The answer would be the code has  
25 certain triggers or charging language that would define --

1 that prescribes criteria upon which a comprehensive upgrade  
2 would be required.

3           So as long as you do not exceed the criteria -- and  
4 the dominant criteria would be 50 percent of the replacement  
5 cost of the building.

6           ASSEMBLY MEMBER BUCHANAN: And that's just for the  
7 seismic repairs.

8           MS. LUTSUK: For structural.

9           MR. HARVEY: For structural.

10           ASSEMBLY MEMBER BUCHANAN: Because if you were  
11 going to modernize on top of that, it could be considerably  
12 higher.

13           MS. MOORE: So it's only for seismic structural or  
14 for structural?

15           MR. SMITH: For structural.

16           MS. MOORE: Generally.

17           MR. SMITH: Which includes seismic.

18           MR. HARVEY: How about an example, would that help?

19           MR. SMITH: We do have modernization projects.

20 They also are careful not to exceed 50 percent of the  
21 replacement value of the building because then that triggers  
22 a structural -- comprehensive structural upgrade. So that  
23 currently --

24           MS. MOORE: So you can have a modernization project  
25 that does not have to meet ADA, for instance?

1 MR. SMITH: No. The --

2 ASSEMBLY MEMBER BUCHANAN: They want to make an  
3 exception here.

4 MR. SMITH: Yeah. Let's --

5 MS. MOORE: There's a separate -- that's -- I'm  
6 trying to clarify.

7 MR. SMITH: For accessibility, there's a separate  
8 trigger. In all cases, the work of the modernization has to  
9 meet current code. The question is do other -- does other  
10 work have to be done, like a comprehensive update of the  
11 entire building. And that would be a requirement if your  
12 project costs exceeded 50 percent of the replacement --

13 MS. MOORE: But seismic doesn't have to meet  
14 current code, is what you're saying.

15 ASSEMBLY MEMBER BUCHANAN: No, it does.

16 MR. HARVEY: If it doesn't exceed --

17 MS. LUTSUK: The way that we currently administer  
18 the program, the projects that have been funded, they do.  
19 It's a comprehensive --

20 ASSEMBLY MEMBER BUCHANAN: They do.

21 MR. HARVEY: Because they're so massive projects. I  
22 mean this is intended to be smaller scoped projects that  
23 wouldn't begin to reach those triggers as I understand it.

24 ASSEMBLY MEMBER BUCHANAN: It would have to be  
25 smaller scope projects because if all you were doing is the

1 structural upgrade and, you know, you couldn't afford the  
2 rest of a modernization, I would say -- and if that hit  
3 50 percent, I would say your whole project would probably be  
4 way up there.

5 MR. HARVEY: Yep.

6 ASSEMBLY MEMBER BUCHANAN: So I don't know. I mean  
7 it'd have to be really minor projects.

8 MR. HARVEY: Well, thank you for allowing me to  
9 have --

10 ASSEMBLY MEMBER BUCHANAN: It also could end up  
11 costing more money in the long run, you know, not to do them  
12 all at one time, but if you were stuck and you wanted to make  
13 it structurally safe, then it makes sense.

14 MS. LUTSUK: And also just to clarify the word  
15 incremental in this context doesn't mean several repairs over  
16 time.

17 ASSEMBLY MEMBER BUCHANAN: Right.

18 MS. LUTSUK: It means those identified deficiencies  
19 according to the engineering standards like anchoring, for  
20 example.

21 ASSEMBLY MEMBER BUCHANAN: Right.

22 MS. LUTSUK: That that -- that is the item that  
23 gets strengthened and then --

24 ASSEMBLY MEMBER BUCHANAN: Right.

25 MS. LUTSUK: -- the rest of the building is

1 untouched. The roof is untouched, et cetera.

2 MR. SMITH: I could provide an example of a  
3 voluntary seismic upgrade. If you -- the two building types  
4 that are under 4.2 --

5 ASSEMBLY MEMBER BUCHANAN: Um-hmm.

6 MR. SMITH: -- as an option to consider the  
7 reinforced masonry or concrete building with what we call the  
8 flexible diaphragms which predominantly would -- construction  
9 diaphragms.

10 Under a voluntary seismic scenario, the dominant  
11 risk with those buildings is separation of the walls from the  
12 roof and so a voluntary upgrade would be typically to  
13 strengthen the connections between the walls and the roof and  
14 that would be the extent of the work as opposed to a  
15 comprehensive --

16 ASSEMBLY MEMBER BUCHANAN: Right.

17 MR. SMITH: -- evaluation and upgrade of two  
18 current standards of all aspects of --

19 ASSEMBLY MEMBER BUCHANAN: Right.

20 MR. SMITH: -- structural system.

21 MR. HARVEY: Before I ask for testimony from the  
22 audience, does Finance wish to comment on anything to this  
23 point? You always have wonderful things to say, Chris. You  
24 were very active yesterday. I'm counting on you to add words  
25 of wisdom to this discussion.

1           MR. FERGUSON: Sure. Chris Ferguson, Department of  
2 Finance. I think our position on this one -- on the seismic  
3 issue is to reduce the SA factor in an incremental fashion.  
4 The choice is what is the increments that we reduce over  
5 time.

6           Part of that is it helps us move immediately to  
7 address facilities now. If we look at say an alternative  
8 option that you've proposed, we're looking at some sort of  
9 criteria development and that takes time. It's not quick.  
10 It's not something that can be done overnight.

11           We know that we have regulations that have been  
12 drafted to do an incremental style option that can be  
13 implemented at the next Board. So it's something that we can  
14 do quickly. We can change the building types quickly. These  
15 are actions that can be done quickly so that we start  
16 mitigating vulnerable facilities.

17           ASSEMBLY MEMBER BUCHANAN: So would you please help  
18 me here. We could change the number, you're right, quickly.

19           We could change the other criteria just as quickly at the  
20 next Board meeting, but that doesn't mean these buildings get  
21 fixed; right? I mean it doesn't mean an extra penny goes out  
22 to fix them because the schools still have to do extensive  
23 engineering work and other work before they can submit;  
24 right?

25           And so potentially -- you know, so -- and we've --

1 and given this criteria and schools that have met it  
2 haven't -- they haven't been out here doing -- they haven't  
3 been doing that work and submitting their projects for five  
4 years, so what's going to change now?

5 MR. FERGUSON: It would expand the number of  
6 facilities that become eligible so in theory you'd have more  
7 school districts willing to participate in the program that  
8 opt to participate.

9 ASSEMBLY MEMBER BUCHANAN: Well, I know in theory,  
10 but in the last theory, I mean we had schools and even  
11 percentage-wise, it was pretty close. I mean there's -- is  
12 there any reason why in theory if a school district knew that  
13 it had fault issues and other kind of issues and it did the  
14 engineering and could demonstrate that it wasn't safe that it  
15 wouldn't then be more likely to come and participate?

16 MR. FERGUSON: I think we've seen public testimony  
17 previously that indicates there are districts out there that  
18 wouldn't move forward. I believe -- it would have been  
19 around of March 2009, Carri Matsumoto from the Long Beach  
20 Unified School District testified that her school district  
21 would like to participate in the program.

22 As we expand the criteria, more school districts  
23 become eligible and some of those school districts will then  
24 participate in the program.

25 ASSEMBLY MEMBER BUCHANAN: So we had Piedmont

1 testify that it would have liked to have participate at a  
2 shaking factor even higher, but it didn't meet the building  
3 type and its most vulnerable school then didn't qualify. So  
4 it would have participated if we would have had --

5 MR. FERGUSON: I believe if we look at the criteria  
6 placed before us, the adjustments placed, Piedmont School  
7 would qualify and they would be able to participate in this  
8 program.

9 ASSEMBLY MEMBER BUCHANAN: Well, their shaking --  
10 their SA factor exceeded it before.

11 MR. FERGUSON: The SA factor wasn't the issue. My  
12 understanding was it was the construction type and I believe  
13 adding these two additional construction types would qualify  
14 that facility --

15 ASSEMBLY MEMBER BUCHANAN: So let me keep  
16 playing --

17 MR. FERGUSON: -- for the program.

18 ASSEMBLY MEMBER BUCHANAN: -- devil's advocate  
19 here. When your people say the one -- we have to remember  
20 that the factors are different at the school sites. It's one  
21 thing to provide -- to apply a factor over the entire State  
22 and try and get an estimate of, you know, which schools might  
23 qualify and which are the most vulnerable, but you still have  
24 to consider the individual school and the kind of land it's  
25 on and, you know, where the fault lines are running and this

1 and that and whatever.

2           Why wouldn't you want to take that into  
3 consideration?

4           MR. FERGUSON: I'm not saying not to take those  
5 into consideration. What I'm saying is the things that we  
6 can do immediately are adjust the ground -- the SA factor and  
7 the building types. We can develop over time --

8           ASSEMBLY MEMBER BUCHANAN: Right.

9           MR. FERGUSON: -- additional criteria --

10          ASSEMBLY MEMBER BUCHANAN: And I may be going -- I  
11 may go for the hybrid that Ms. Moore is talking about, but  
12 one of the engineering reports we read I think it was one or  
13 two meetings ago didn't recommend lowering. I know your  
14 staff is, but the engineers didn't recommend lowering the --  
15 that factor that -- in terms of safety.

16          So if we're talking about most vulnerable and  
17 safety, are we talking about -- you know, again I'm trying to  
18 get back to what really -- what the meaning is there.

19          MR. FERGUSON: Sure and I understand that, but it's  
20 my understanding based on what the Seismic Safety Commission  
21 stated to us that the SA factor and that the building types  
22 were the factors that we should focus on.

23          I believe they stated something like that  
24 90 percent of the risk comes from those two factors.

25          MR. HARVEY: Thank you very much. I will now ask

1 for public testimony and you're certainly free to comment on  
2 anything you've heard relative to the questions, the  
3 broadening of the criteria, your own suggestions for  
4 improving it. Now is the time to be heard. Hi there.

5 MR. HANCOCK: Hi, Mr. Harvey. Bruce Hancock,  
6 Hancock, Gonos & Park. I don't have any testimony. I wanted  
7 to ask for a better understanding of the voluntary seismic  
8 upgrade option.

9 MR. HARVEY: Certainly.

10 MR. HANCOCK: And I'm sorry to take up your time  
11 doing it this way. I was trying to follow. If I'm the only  
12 person in the room who doesn't get it, I apologize.

13 I heard what the State Architect testified. I  
14 appreciated his example of a concrete block building where  
15 the connection to the roof was the main criteria.

16 What I don't understand here is it seems that we  
17 are saying that the voluntary seismic upgrade option is not  
18 available in the program today, that if a district came in  
19 with that same concrete block building and a roof connection  
20 of the same type that DSA would not settle for simply  
21 connecting a better connection wall to roof if under today's  
22 program, but that something is going to change that would  
23 allow DSA to do that.

24 If -- so my question would be is that correct or is  
25 this option available now? Could a district simply elect to

1 do certain upgrades to the building, after all this is the  
2 Seismic Mitigation Program. It's not the modernization  
3 program.

4 MR. HARVEY: Um-hmm.

5 MR. HANCOCK: And if that is true, who decides --  
6 are engineers qualified to determine what that minimal work  
7 is; in other words, would it be DSA or the structural  
8 engineer on the project who decided that the only work  
9 necessary was to connect block wall to the roof and that the  
10 other work that presumably would otherwise be required is not  
11 going to required.

12 That's my confusion and if --

13 MR. HARVEY: Your confusion is more process perhaps  
14 as well as eligibility, but I think --

15 MR. HANCOCK: It is -- yes, Mr. Harvey, it is.  
16 It's about well, apparently this option doesn't exist now.  
17 If it doesn't, I guess I'm partly asking why doesn't it, what  
18 has to change and if something is changing, is that something  
19 in regulation or is it --

20 ASSEMBLY MEMBER BUCHANAN: So it's not an emergency  
21 --

22 MR. HANCOCK: Are districts, can they avail --

23 ASSEMBLY MEMBER BUCHANAN: -- repair, what is it?

24 MR. HARVEY: Oh, let's find out because --

25 MR. HANCOCK: Thank you. Thank you.

1           MR. HARVEY: -- my understanding was that we had to  
2 recognize it. That doesn't mean we couldn't have found a way  
3 to make it happen. It's my understanding that it doesn't  
4 require a regulatory change, but let's find out from someone  
5 who would have the review of this to comment. All very  
6 appropriate questions.

7           MR. HANCOCK: Thank you.

8           MR. HARVEY: Chip. Thank you.

9           MR. SMITH: Yes. I can hopefully help here. We do  
10 have voluntary seismic upgrade provisions in our Building  
11 Code aside from any funding program or funding criteria.  
12 Those provisions clarify that a school district can elect to  
13 at their discretion make improvements to the seismic systems  
14 of their existing buildings as they deem fit and they would  
15 be made to a criteria -- seismic standards and the Building  
16 Code.

17           Now, with regards to this program, the current  
18 program was framed around the eligibility criteria that  
19 everybody here knows and as well a comprehensive seismic  
20 evaluation and upgrade was the scope of the program.

21           MS. MOORE: So --

22           MR. HARVEY: So this --

23           MR. SMITH: -- in policy.

24           MS. MOORE: So you're saying, Chip, that if a  
25 district was funding this separately in -- with their local

1 funds, the voluntary program has -- exists and you can do  
2 these incremental seismic -- or voluntary seismic upgrades  
3 right now and that it's not -- it's proposed here as separate  
4 now because previously they wouldn't have met the ground  
5 shaking -- or --

6 MR. SMITH: No.

7 MS. MOORE: What would -- why wouldn't --

8 MR. HARVEY: It's -- we're contributing to the  
9 funding -- go ahead. I didn't mean to cut you off.

10 MR. SMITH: The program right now -- we're talking  
11 about the seismic program --

12 MS. MOORE: Right.

13 MR. SMITH: -- with the funding program has the  
14 explicit criteria for ground shaking, building type, and  
15 deficiencies; correct? In other words --

16 MS. MOORE: Right.

17 MR. SMITH: The building must meet all of those  
18 eligibility criteria and if it does, the program, which is  
19 based on the policy 0803 issued by DSA, requires that a  
20 comprehensive evaluation then is conducted and a  
21 comprehensive assessment of the building, roof to foundation,  
22 and all elements or aspects of the seismic system that don't  
23 meet the seismic evaluation standard upon which our code is  
24 based and this program is based would need to be addressed  
25 and --

1 MS. MOORE: I see that. Does that answer your  
2 question, Bruce? Maybe I'll paraphrase.

3 What you're saying is that locally funded, you can  
4 do voluntary upgrades for seismic. This is my understanding  
5 of what you just said. And that's always been in place.

6 MR. SMITH: Um-hmm.

7 MS. MOORE: What's been in place for this program  
8 is that once you entered in and met the ground shaking, met  
9 the building type, met the engineering report, you, the  
10 Division of State Architect, says that has to be a  
11 comprehensive project, which includes all upgrades, not just  
12 incremental voluntary seismic upgrades. Is that correct?

13 MR. SMITH: All seismic upgrades.

14 MS. MOORE: All seismic.

15 MR. SMITH: Right.

16 MS. MOORE: As opposed to --

17 MR. SMITH: Discretionary.

18 MS. MOORE: -- discretionary seismic.

19 MR. SMITH: Right.

20 MS. MOORE: So what you're now saying -- or what is  
21 being proposed here is that we move that into this program as  
22 well.

23 ASSEMBLY MEMBER BUCHANAN: So could you give me an  
24 example of a project of what type of repairs would  
25 discretionary and what type of repairs would be required

1 seismic --

2 MR. SMITH: Yes.

3 ASSEMBLY MEMBER BUCHANAN: -- the different type.

4 MR. SMITH: Earlier I gave an example of a  
5 voluntary upgrade --

6 ASSEMBLY MEMBER BUCHANAN: Right.

7 MR. SMITH: -- when it came to anchoring the wall  
8 to the roof, say a masonry -- masonry is used commonly in  
9 school construction and wood roofs.

10 ASSEMBLY MEMBER BUCHANAN: Right.

11 MR. SMITH: So commonly until the most recent  
12 Building Code, say even 1997, the wall anchorage forces --  
13 design forces and requirements have steadily increased over  
14 the years and so an example of a voluntary upgrade would be  
15 simply looking at that anchorage and improving that anchorage  
16 of the wall to the roof.

17 In a comprehensive --

18 ASSEMBLY MEMBER BUCHANAN: Well, you -- it's  
19 voluntary because it's not required by --

20 MR. SMITH: It's not triggered by --

21 ASSEMBLY MEMBER BUCHANAN: It's not triggered by --

22 MR. SMITH: -- our code --

23 ASSEMBLY MEMBER BUCHANAN: Right.

24 MR. SMITH: -- right now.

25 ASSEMBLY MEMBER BUCHANAN: Right.

1           MR. SMITH: Unless they were to propose a  
2 modernization --

3           ASSEMBLY MEMBER BUCHANAN: Modernization; right.

4           MR. SMITH: -- that exceeded 50 percent --

5           ASSEMBLY MEMBER BUCHANAN: Okay.

6           MR. SMITH: Right. Then it would be -- well, then  
7 a comprehensive review would be triggered. So the idea  
8 behind the voluntary provisions, which have been in our code  
9 since 2007. I actually put them in the code -- were to  
10 encourage school districts and to clarify for DSA staff  
11 statewide that we wanted to encourage discretionary  
12 improvements that could be accomplished by school districts  
13 with limited funds.

14                   And so focusing on this key weaknesses in the  
15 building, a comprehensive upgrade -- evaluation and upgrade  
16 of that same masonry building with the wood roof might  
17 suggest that other improvements would need to be made perhaps  
18 with the walls themselves. Perhaps maybe not with the  
19 foundation so much, but perhaps with the roof nailing on the  
20 roof diaphragm and some other areas.

21                   So rather than just focusing on the -- say the  
22 singular-most critical issue which was the connection of the  
23 roof to the wall, there would be other aspects that may well  
24 be required to be upgraded as well in a comprehensive  
25 scenario.

1 MS. MOORE: Could you then say -- it is true, Chip,  
2 then that probably generally it's preferable to be  
3 comprehensive because you eliminate larger portions of risk,  
4 but what you're saying is in an incremental, you can tic off  
5 the highest risk --

6 MR. SMITH: Um-hmm.

7 MS. MOORE: -- and maybe you don't do the wall  
8 system that you just described. You still might have a risk  
9 factor with that, but your risk factor now for the building  
10 is lower because you fix the highest --

11 MR. SMITH: Right.

12 MS. MOORE: -- priority issue.

13 MR. SMITH: I think that's fair to say. I would  
14 also say that if a school district had a building that  
15 they -- say perhaps it had a -- still had a 50 or 75-year  
16 life ahead of it, you might be more inclined to a  
17 comprehensive assessment and program.

18 If you had a building that perhaps had a life  
19 expectancy that was, you know, significantly less than that,  
20 you might be inclined to mitigate the highest risk which they  
21 could do today under the voluntary program. Not within this  
22 funding program, but they could do it within the framework of  
23 our code.

24 MS. MOORE: And my question around that is -- and  
25 thank you, Bruce, for prompting some of them. But is that

1 the code -- I completely lost my train of thought. Somebody  
2 else ask a question because I'll come back to it.

3 MR. HARVEY: You'll remember, I know you will.

4 MR. HANCOCK: Let me say thank you and I appreciate  
5 the explanation and from a layperson's standpoint, if the  
6 philosophy that Chip is talking about is it's better to do  
7 something than nothing at all, I couldn't agree more, and not  
8 only that, but it'd be pretty obvious then that we may be  
9 able to address far more buildings in this program with the  
10 minimal \$199 million than we otherwise might have and to me,  
11 it just makes tremendous sense.

12 MR. HARVEY: Thank you. I saw it exactly the same  
13 way.

14 ASSEMBLY MEMBER BUCHANAN: I agree with that  
15 provided the something is enough to make the building safe.

16 MS. MOORE: Um-hmm.

17 ASSEMBLY MEMBER BUCHANAN: You know, it has to be  
18 safe for kids. That's --

19 MR. HARVEY: Well, it certainly will be safer and  
20 then we get the define what --

21 ASSEMBLY MEMBER BUCHANAN: Well --

22 MR. HARVEY: -- I guess what that means, but we'll  
23 talk about that. Please. Got your question back?

24 MS. MOORE: It just brought my question back  
25 because what you're taking about, Chip, is not in our

1 regulation. I mean a layperson reading this says, okay, it's  
2 the type of building, it's the ground shaking factor, it must  
3 be designed for occupancy by students and it must have an  
4 accompanying structural engineer report.

5 But the Division of State Architect went further  
6 and issued your guidance on that. Is that how that -- you  
7 referenced I think a regulation or something that it -- that  
8 means a comprehensive approach.

9 MR. SMITH: Our policy document.

10 MS. MOORE: Your policy document did.

11 MR. SMITH: Right.

12 MS. MOORE: Okay.

13 MR. SMITH: Right.

14 MS. MOORE: Thank you.

15 MR. DUFFY: My turn?

16 MR. HARVEY: Your turn.

17 MR. DUFFY: Okay. Tom Duffy for CASH and thank you  
18 for the opportunity. May I also clarify. May I call you  
19 Howard?

20 MR. SMITH: Yeah, I suppose.

21 MR. DUFFY: Okay.

22 MR. HARVEY: He'll give you a very different answer  
23 as a result.

24 MR. DUFFY: So just to be very, very clear. If I  
25 do what you were just discussing with the Committee and with

1 Mr. Hancock at a school site, I do not have to meet fire and  
2 life safety requirements of today or access compliance and in  
3 any of the four Division of State Architect offices  
4 throughout California, that will be the case?

5 MR. SMITH: No. We were speaking to comprehensive  
6 in the context of a seismic upgrade not other disciplines.

7 MR. DUFFY: So --

8 MR. SMITH: But we are working right now to clarify  
9 the extent of accessibility examination that would have to be  
10 conducted in association with the projects that are coming  
11 before us. We're still working on that answer and -- because  
12 we want to develop a good answer for fire and accessibility  
13 requirements that would be mandated for the projects that we  
14 know are eligible now and in the future under this program.

15 MR. DUFFY: Now I'm totally confused. So this  
16 suggestion that is the voluntary seismic upgrade --

17 MR. SMITH: Um-hmm.

18 MR. DUFFY: -- that is made, using your example of  
19 the building tying the roof to the walls --

20 MR. SMITH: Um-hmm.

21 MR. DUFFY: If I come in with that project, then  
22 DSA is going to look at access and fire and life safety and  
23 those things will have to be upgraded.

24 MR. SMITH: Yeah. Let me clarify. I do not have a  
25 precise answer on the extent of accessibility or fire/safety

1 upgrades. Let me tell you that there's a cost trigger in  
2 play with accessibility. The fire safety upgrade  
3 requirements are probably associated with the area of work  
4 that would be modified in doing the seismic work that's done.

5 Those are two areas -- because our program is those  
6 three areas: structural, fire, and access. In the fire and  
7 access arena, we are currently working on defining the  
8 minimum requirements for the projects that would come to our  
9 office under this program.

10 MR. DUFFY: Okay. So what is it besides the tying  
11 in of the roof and the walls that would be exempted, if I can  
12 use that term?

13 MR. SMITH: It would be the comprehensive  
14 structural seismic evaluation.

15 MR. DUFFY: Okay. That's for -- so that's where  
16 was thinking --

17 MR. SMITH: Yes.

18 MR. DUFFY: -- after this first answer who was  
19 going. So I don't have to bring it into the structural  
20 requirements for today.

21 MR. SMITH: Correct.

22 MR. DUFFY: I may have to bring it up to fire and  
23 life safety and access after an evaluation is done.

24 MR. SMITH: To a point that we're working on right  
25 now.

1 MR. DUFFY: Okay. Okay.

2 MR. SMITH: We have to -- yes.

3 MR. DUFFY: And I'm not trying to grill you here.  
4 There's a lot of people interested in this and I'm going to  
5 be writing something about this today and I really was  
6 confused when I listened. So this is very helpful.

7 MR. SMITH: Okay.

8 MR. DUFFY: And if I can just say I like the  
9 recommendation of -- I think, Ms. Buchanan, you used the term  
10 hybrid in regard to Ms. Moore's suggestion.

11 There seems to be this desire to keep the program  
12 technically based with the building type and the ground  
13 shaking threshold and as I think has been identified to the  
14 Board and to you, there are other factors. I think your  
15 suggestion, Ms. Moore, would really cover that factor.

16 We know that this has been a topic of interest to  
17 many districts and just lastly if there is the inclusion of  
18 the housing -- that would be interim housing -- and I  
19 appreciate the way that this is written and I understand that  
20 there's a question about legality of this. But I know the  
21 Board has listened before and made a determination that they  
22 believe that they can do something and hopefully they will  
23 consider that.

24 But I think that this program would become a viable  
25 program with your suggestion and with the inclusion of what's

1 identified here. So thank you for that.

2 MR. HARVEY: Thank you. Any other --

3 MS. MOORE: If I may, Mr. Duffy.

4 MR. DUFFY: Yes.

5 MS. MOORE: This before Lyle. If we went to a  
6 program more -- not a hybrid -- the align -- the program that  
7 Assembly Member Buchanan suggests which would be a structural  
8 engineer report that threat is imminent or the -- I can't  
9 remember the wording that also exists in our -- in the  
10 criteria. It's one of the four criteria.

11 MR. DUFFY: Yes.

12 MS. MOORE: And obviously occupied by students and  
13 staff currently or most recently, they had to abandon, so  
14 we're not dealing with buildings that aren't actually  
15 functioning for schools right now -- do you think that that  
16 without interim housing would be an effective program as  
17 well?

18 MR. DUFFY: I do not based upon what I hear from  
19 the field. I like that suggestion by the way and we  
20 suggested the -- a couple of years ago that if I'm a  
21 superintendent and the structural engineer says this isn't a  
22 safe building and I come to you with that, I like that. I  
23 just thought maybe the hybrid idea would be more palatable to  
24 the entire Board.

25 But I believe that the need to have interim housing

1 is fundamental. What do you do especially if you're doing  
2 the kind of thing that the State Architect was just  
3 testifying to. If you have an existing building, you're  
4 going to continue to use that building. You can't keep kids  
5 in the building, you go to move them out and districts just  
6 don't have funds to necessarily do that.

7 ASSEMBLY MEMBER BUCHANAN: Is there a reason you  
8 wouldn't treat interim housing in the same way you treat with  
9 modernization? Because you modernize the building, you have  
10 move students out.

11 MR. DUFFY: The way that I understand what's been  
12 explained to me is that you may use your modernization funds  
13 to cover that, but you're not going to have additional funds  
14 to cover the interim housing.

15 I think that interim housing -- what was suggested  
16 I think at the last hearing where Piedmont basically moved  
17 their children to actually another school district, so they  
18 went to that degree, if a district can do those kinds of  
19 things and doesn't need the funds, that's great, but if  
20 there's a demonstration of need, I think that that should  
21 be --

22 ASSEMBLY MEMBER BUCHANAN: Well, I think -- I mean  
23 interim housing is -- I mean you -- I've seen it where we've  
24 completely replaced a school and we've brought in portables  
25 and put on the field and switched. I mean there are all --

1 you know, sometimes you have classrooms; sometimes you do it  
2 one wing at time. There are all different ways in which some  
3 schools have it or not, but -- I mean it's something that  
4 school districts are used to have to determine how they're  
5 going to deal with that when they're modernizing schools or,  
6 you know, doing all this now.

7           So I don't understand why it should be different  
8 for seismic.

9           MS. MOORE: Assembly Member Buchanan, I'll tell  
10 you. I may be in the minority on the Board -- on the  
11 Subcommittee and as it goes forward to the Board. I have  
12 been supportive of interim housing. The Department's been  
13 supportive of interim housing and the difference that I see  
14 here in terms of modernization is that modernization is fair  
15 elective. It's not -- I mean it's not really practically  
16 elective. When you need to upgrade systems, you need to  
17 upgrade them.

18           But there are choices that a school district can  
19 make around modernization. In my mind, seismic and a  
20 building that is unsafe, there's no choice there when you can  
21 do that, how you can do it, how you can nicely plan for  
22 interim housing in the long run. It's much more immediate  
23 and it can be much more pressing.

24           And the interim housing nut is a hard nut for  
25 school districts and, you know, I existed in one where we had

1 a fleet of portables that moved around the district as we  
2 could, but we had a lot of resources and we, you know, were  
3 well staffed and we could move our projects and it's more  
4 difficult for -- I mean not all districts have that  
5 capability.

6           And so I've always -- I think it is important  
7 particularly in seismic and I was pleased that the staff did  
8 take a very I think open view to that but yet put in  
9 restrictions which I think are appropriate this day and age  
10 where we have ensured that every possible space on that  
11 campus or nearby may have been -- is utilized and then go  
12 about that.

13           So I thought some of the criteria that I may be in  
14 the minority on that.

15           ASSEMBLY MEMBER BUCHANAN: So are you comfortable  
16 with that criteria because I do think it shouldn't just be --  
17 you know, I think you've got to try --

18           MR. DUFFY: I do. I do. I -- Dave Zian and I  
19 frequently disagree and agree sometimes. I think if he wrote  
20 this, I was complimenting him on it. I think that you --  
21 this has been a difficult program to get off the ground. I  
22 think if you put this in place with that, a year from now  
23 we're going to have a different discussion about this because  
24 that will encourage districts to come in.

25           And I'll be asking -- I'm going to be talking to a

1 couple groups this week sharing this and I'll give you  
2 feedback from what I hear from the field.

3 ASSEMBLY MEMBER BUCHANAN: And then would you  
4 require the 50 percent match on the interim housing just like  
5 you do for the rest of the seismic program?

6 MR. DUFFY: Well, it's one of the things districts  
7 are used to. If the hardship program applies and it would,  
8 then districts that don't have the funds could receive the  
9 100 percent funding for interim housing. That's what I would  
10 suggest.

11 MR. HARVEY: That will be the case, yes.

12 MR. DUFFY: So --

13 ASSEMBLY MEMBER BUCHANAN: So they would apply  
14 for -- the seismic program gives them 50 percent; correct?

15 MR. FERGUSON: Financial hardship.

16 ASSEMBLY MEMBER BUCHANAN: Financial hardship;  
17 right. So you would do the interim housing under financial  
18 hardship and the seismic under the 50 percent? I'm just  
19 trying to figure out what qualifies under the seismic program  
20 here.

21 MR. MIRELES: A school district --

22 MR. HARVEY: Want to come up and speak into the  
23 microphone, please. Identify yourself for the record.

24 MR. MIRELES: Juan Mireles with OPSC. A school  
25 district can come in and apply for funding under the Seismic

1 Mitigation Program. Now, typically school districts have to  
2 contribute 50 percent of match towards the project. But a  
3 school district can qualify for financial hardship where the  
4 State can provide up to a hundred percent.

5 So interim housing will be just one of the  
6 grants -- one of the allowances that would be part of that  
7 either 50 percent or up to a hundred percent if they're  
8 financial hardship. So it would be considered just like any  
9 other grant depending on the district's --

10 ASSEMBLY MEMBER BUCHANAN: Right. Right. Okay.

11 MR. HARVEY: I know we're not there up for a vote  
12 yet. Public policy question from me is going to be on the  
13 interim housing, if that becomes an eligible expense, we're  
14 reducing the amount of dollars that can be spent on the  
15 actual seismic improvements, but I will save that for when we  
16 get to it.

17 MS. MOORE: You know, there's a 'tweener there as  
18 well -- possibility and, you know, others might decry this,  
19 but that you could consider the interim housing to be a  
20 facility hardship because it is --

21 ASSEMBLY MEMBER BUCHANAN: Right.

22 MS. MOORE: -- a facility hardship and therefore  
23 it's funded out of regular construction funds; right? Is  
24 that where facility hardship draws from? Am I correct?

25 MR. ZIAN: The Seismic Mitigation Program draws

1 from the new construction funding at this point.

2 MS. MOORE: So you could bifurcate them --

3 MR. HARVEY: Could you?

4 MS. MOORE: -- which means that the seismic --

5 MR. ZIAN: I think we need to look at it and talk  
6 about it a little more.

7 MR. HARVEY: Chris has a view.

8 MR. FERGUSON: If I may.

9 MR. HARVEY: Wonderful.

10 MR. FERGUSON: That would require extensive  
11 regulatory changes. Since it's not in the regulation now,  
12 you would have to go through the regulatory process to even  
13 consider that.

14 MR. HARVEY: But you could perhaps address it  
15 through a regulatory change.

16 MR. FERGUSON: Potentially.

17 ASSEMBLY MEMBER BUCHANAN: So can you tell me where  
18 we are from a regulatory point of view with including it in  
19 seismic? You said -- facility hardship, you said, would be  
20 regulatory. Would financial hardship be regulatory?

21 MR. FERGUSON: No, no. Financial hardship allows  
22 up to 100 percent for any of the programs.

23 ASSEMBLY MEMBER BUCHANAN: Okay.

24 MR. FERGUSON: The issue here is that you're --  
25 split funding between programs now where you're trying to

1 fund one project using seismic and then alternatively trying  
2 to fund part of that project using a different pot of money.

3 The programs weren't designed to do that. New  
4 construction wasn't designed just to pay for interim housing  
5 and the facility hardship in this case would be a subset of  
6 new construction. So --

7 MS. MOORE: I wasn't saying it would be easy,  
8 but --

9 MR. FERGUSON: Yeah, yeah. I -- but I'd also like  
10 to note that if you do that, we're pulling on a limited pot  
11 of new construction funds that are available too.

12 MR. HARVEY: Yeah.

13 MS. MOORE: Sure. That's why I said some sectors  
14 probably wouldn't be happy with that kind --

15 ASSEMBLY MEMBER BUCHANAN: Well, and maybe we  
16 should bifurcate the two issues. I mean maybe the important  
17 thing is is to see if we can get these schools that are in  
18 poor structural shape that aren't adequate to house students  
19 or faculty, maybe we should focus on how do we find a better  
20 way to -- for them to qualify and be eligible and then see  
21 what happens with the 50 percent match and figure out how to  
22 deal with the interim housing.

23 MS. MOORE: And I appreciate your perspective,  
24 Chris, too, but in any event, anything we do here is a  
25 regulatory change. So extensive or not, it's still a

1 regulatory change. Aren't I correct?

2 MR. FERGUSON: Correct. The different being that  
3 one takes additional time, time that we could theoretically  
4 use to start repairing schools now. I think ultimately  
5 that's where the administration stands is that we'd like to  
6 see facilities repaired as soon as possible.

7 MR. HARVEY: And we can do that with the primary  
8 recommendations.

9 MR. FERGUSON: We believe that's correct.

10 MR. HARVEY: Thank you. Lyle, for the record.

11 MR. SMOOT: For the record, Lyle Smoot, Los Angeles  
12 Unified. Thank you for having this meeting over and over  
13 again.

14 I'm -- sorry. I didn't mean that.

15 MR. HARVEY: Yes, you did.

16 MR. SMOOT: I mean I didn't mean -- I'm very happy  
17 with some of the conversations that are going on here about  
18 the potential of having a program that responds to  
19 engineering reports because -- and I'm sorry that somebody  
20 from the Seismic Safety Commission isn't here. I recently  
21 viewed a You Tube video of an interview with Gary McGavin, a  
22 member of the Seismic Safety Commission, and he had what I  
23 will call in my words -- these are not necessarily Gary  
24 McGavin's words but my interpretation of what he was saying  
25 is that there are a number of buildings on that AB300 list

1 that will perform, you know, poorly -- perform poorly in a  
2 seismic event.

3           And he didn't say a thing about spectral  
4 acceleration in that statement. So to talk about -- I mean  
5 this has always seemed to us like this spectral acceleration  
6 issue is a way to make the funnel smaller, not necessarily  
7 the way to get to buildings that are going to perform poorly  
8 in a seismic event.

9           So I'm happy to hear you talk about that and I hope  
10 you go down that path. Quite frankly I don't know about this  
11 voluntary seismic thing because it -- just sitting here  
12 thinking about it -- and I haven't talked to, you know, our  
13 engineers or anything, but it seems strange to be talking  
14 about doing something that will make a building that you  
15 think is going to perform poorly perform a little bit better,  
16 not well, just a little bit better and spending money to make  
17 it a little bit better not a good performance, just on the  
18 surface of it, it kind of scratches my head and I'm not sure  
19 I understand it.

20           So I hope we're going to look at that a little bit  
21 more before you make a final decision.

22           And the last thing I want to say is that it also  
23 concerns me to hear this conversation about let's move  
24 forward with this because we can do it quickly through a  
25 regulatory process. This is going to be a pretty long

1 process no matter what you do and I think you can come up  
2 with regulations. It might take you an extra 30 days to come  
3 up with regulations to do what you have suggested, Assembly  
4 Member, but, you know, at this point in time, we're four  
5 years down the road. Another 30 days isn't going to make  
6 that much difference if you actually start doing the things  
7 that get to the buildings that need to be done. Thank you.

8 MR. HARVEY: Thank you. Final call for testimony  
9 from the audience. Thank you.

10 What we'll do now then is go back to the primary  
11 recommendations. Once we take action on those positively or  
12 negatively, there is --

13 ASSEMBLY MEMBER BUCHANAN: I have one more  
14 question.

15 MR. HARVEY: Sure.

16 ASSEMBLY MEMBER BUCHANAN: I just need to probe a  
17 little bit more in terms of the incremental because there's a  
18 part of me that really likes the idea, but I want to get at  
19 safety of the building. You know, certainly if we can make  
20 repairs and the building is safe -- to make the building  
21 safe, we should be doing that, you know, but in the example  
22 where, you know, we're going to fix the -- or reinforce the  
23 attachment of the roof to the walls but there may be other  
24 things we need to do, how are you determining that the  
25 incremental repairs now are going to make that building safe

1 for occupancy?

2 MR. SMITH: Well, I believe any of the work and the  
3 evaluation would be on the basis of the national standard for  
4 seismic rehabilitation of buildings. So the wall anchorage  
5 issue, for instance -- which is right now under the current  
6 criteria, there has to be one or more deficiencies identified  
7 and in accordance with a national standard.

8 So to answer your question, we would apply a  
9 national standard criteria that we -- a standard that we  
10 adopt in our Building Code to this.

11 ASSEMBLY MEMBER BUCHANAN: So whether we go with  
12 the strict cut -- you know, numerical standard or whatever,  
13 are we saying then that if there are, you know, five things  
14 that are recommended to be done to a building but it is  
15 agreed that the first one or two or three things are what  
16 need to be done to make this building structurally safe and  
17 the other two are not critical that we'd allow that to go  
18 forward? Again I'm just trying to get --

19 MR. SMITH: Yeah. I think you're raising a good  
20 point. We would need to examine this option in more detail  
21 to refine the details that we think we would need to move it  
22 forward. It's indicated in here as a concept for  
23 consideration, but fleshing out the details remains to be  
24 done.

25 ASSEMBLY MEMBER BUCHANAN: Because I like the

1 concept --

2 MR. SMITH: Um-hmm.

3 ASSEMBLY MEMBER BUCHANAN: -- but, you know, I do  
4 believe we need to know that what we're doing is making the  
5 building structurally safe to be occupied and I don't know  
6 how you determine that and a little bit of concern, we go up  
7 to the 49 percent, but if you're not doing the full  
8 modernization and the structural's costing 49 percent, it  
9 seems to me that --

10 MR. SMITH: Right.

11 ASSEMBLY MEMBER BUCHANAN: -- you could -- full  
12 modernization could really push that figure significantly  
13 higher.

14 MR. SMITH: We would definitely need to define the  
15 requirements so that the standard is the basis of the  
16 decisions and that's the -- the term safety is applying the  
17 standard and it's a yes or no for the most part. So --

18 MR. HARVEY: Well, can we do this? Are you  
19 comfortable asking -- directing them, not voting on this, but  
20 directing them to flush out this concept more completely to  
21 begin to address your concerns and give us a better sense of  
22 what --

23 MS. MOORE: Well --

24 MR. HARVEY: -- the criteria would be?

25 MS. MOORE: -- I may speaking for me. I tend to

1 lean towards -- I liked your original approach and it being  
2 comprehensive and particularly since we're touching the  
3 building once, I just -- I feel that we are dealing with  
4 relative risk and I'd rather have a high level of safety as  
5 opposed to a relative risk level of safety if we're going to  
6 enter these buildings to begin with.

7 I appreciate the creativity of it though and I  
8 think that you're trying -- that staff's trying to -- you  
9 know, to provide options for school districts.

10 So that being said, I'm wondering what the pleasure  
11 is in the sense of if we're moving forward to the Board,  
12 which I think is a -- you know, we've met -- was this the  
13 third time that we've met?

14 MR. HARVEY: Um-hmm.

15 MS. MOORE: Then I'd prefer to be moving forward to  
16 the Board as opposed to more go back, you know, figure this  
17 out, come back, come back. I do think that we need to move  
18 this forward at some -- you know, relatively soon.

19 MR. HARVEY: I don't disagree. I think we're going  
20 to take action that will go to the Board. I saw this as  
21 something that needed further development --

22 MS. MOORE: Okay.

23 MR. HARVEY: -- that would come --

24 MS. MOORE: That we could maybe do later.

25 MR. HARVEY: Later.

1 MS. MOORE: Or as we meet. Okay.

2 MR. HARVEY: We're not holding up --

3 MS. MOORE: I'm fine with that.

4 MR. HARVEY: We're not holding up the other  
5 direction.

6 MS. MOORE: I'm fine with that then.

7 MR. HARVEY: Then you are so directed and the time  
8 frame should be reasonable but not breathtakingly quick  
9 knowing all the other obligations and responsibilities you  
10 have. So that takes care of one of our secondary options,  
11 but that's return to the primary options which are on page 4  
12 and they are the ones that we well know.

13 It's the shake intensity and the building type. Do  
14 I have a motion on either one of these or both of these or a  
15 hybrid motion? I think we are in order to try to dispense  
16 with this.

17 ASSEMBLY MEMBER BUCHANAN: My motion would be that  
18 the buildings that are included in the Seismic Mitigation  
19 Program are those that are designed for occupancy by students  
20 and staff, that are -- have been deemed unsafe for occupancy  
21 and have an accompanying structural engineer's report  
22 identifying the building deficiencies along with reasons for  
23 concluding that the building has a potential for catastrophic  
24 collapse, including factors as ground shaking, liquefaction,  
25 or other factors specific to the site, and concurrence with

1 DSA.

2 MR. HARVEY: And that's a freestanding motion that  
3 does not include -- if it's seconded, it does not include the  
4 recommendations 4.1 or 4.2.

5 ASSEMBLY MEMBER BUCHANAN: Well, my feeling -- and  
6 I'm willing to accept an amendment, whatever, but I think DSA  
7 should have its criteria that it uses. I just again I myself  
8 I have a hard problem with saying it's this number. You  
9 know, if you fall above it, you qualify. If you fall below,  
10 you don't when a building has been determined to be unsafe  
11 for student occupancy.

12 MS. MOORE: I would second the motion.

13 MR. HARVEY: There's a motion and a second. Do you  
14 have -- would you provide this to staff for the record since  
15 they were taking --

16 ASSEMBLY MEMBER BUCHANAN: They -- writing it  
17 down --

18 MR. HARVEY: Are there any other comments now that  
19 we have a motion and second? Comments from staff? Comments  
20 from Finance?

21 MR. MIRELES: Quickly and it's something that we  
22 can take a look at before the Board, but the statute does  
23 require us to identify -- that the buildings have to be  
24 labeled as Category 2 buildings.

25 ASSEMBLY MEMBER BUCHANAN: Okay.

1 MR. MIRELES: So it's something we'd like to  
2 clarify, that if we go with this motion --

3 ASSEMBLY MEMBER BUCHANAN: A Category 2 building,  
4 could you --

5 MR. MIRELES: Category 2's part of the AB300  
6 report.

7 MR. SMITH: Non-wood frame.

8 MR. MIRELES: Right. And the basic that they would  
9 perform more poorly than Category 1 and I don't know the  
10 specifics --

11 ASSEMBLY MEMBER BUCHANAN: So Category 2 is based  
12 on AB300, but it's not based on the bond language that was  
13 passed to provide --

14 MR. MIRELES: It is a mitigation statute.

15 MS. MOORE: So we'd have to include Category 2 --

16 ASSEMBLY MEMBER BUCHANAN: Category 2; okay.

17 MS. MOORE: And what you've provided -- what we've  
18 had heretofore has been areas of Category 2. If we simply --

19 ASSEMBLY MEMBER BUCHANAN: Right.

20 MS. MOORE: -- said Category 2, that's completely  
21 open and very broad; correct?

22 ASSEMBLY MEMBER BUCHANAN: Okay. And this is  
23 what -- this is the motion we're going to bring to the  
24 full --

25 MR. HARVEY: Correct.

1 ASSEMBLY MEMBER BUCHANAN: -- Board.

2 MS. MOORE: Recommendation.

3 ASSEMBLY MEMBER BUCHANAN: Recommendation, yeah.

4 MR. HARVEY: Would you consider an amendment to  
5 your motion which would add the two building types since they  
6 are Category 2 --

7 MS. MOORE: Well, I think that she --

8 ASSEMBLY MEMBER BUCHANAN: I would add --

9 MS. MOORE: -- Category 2 completely -- it's very  
10 inclusive.

11 ASSEMBLY MEMBER BUCHANAN: Inclusive, yes.

12 MR. HARVEY: But I also understand that Category 2  
13 is broad -- so broad that we may not be having the most  
14 vulnerable.

15 ASSEMBLY MEMBER BUCHANAN: But the building has to  
16 be deemed unsafe for occupancy. So I don't care what kind of  
17 building it is.

18 MR. HARVEY: Okay.

19 ASSEMBLY MEMBER BUCHANAN: If you're a  
20 superintendent, a principal, a parent, do you care whether  
21 your building falls into one specific type or not if the  
22 engineer says it's not safe for your child to be there?

23 MR. HARVEY: I hear your question. So -- but  
24 inherent in this motion then is --

25 ASSEMBLY MEMBER BUCHANAN: Is Category 2, yes.

1 MR. HARVEY: -- Category 2. With that as a  
2 backdrop, any other comments from staff? Any comments from  
3 the audience? All those in favor of the motion say aye.

4 (Ayes)

5 MR. HARVEY: Those opposed. It passes unanimously.

6

7

8 Do we now want to look at the other issues on  
9 page 5 or have we done enough -- these were kind of answering  
10 the questions -- policy questions we raised and we can go  
11 through them or we can stand on the fact that we have done  
12 what the Board asked us to do. If we've got the time, we can  
13 run through some of these.

13

14

15 MS. MOORE: If you're willing, I think we've talked  
16 about voluntary upgrades and given direction about that.

15

16 ASSEMBLY MEMBER BUCHANAN: Right.

16

17 MR. HARVEY: Right.

17

18

19 MS. MOORE: And that will be a future meeting but  
20 not what we put forward to the Board at this time.

19

20 MR. HARVEY: Correct.

20

21 ASSEMBLY MEMBER BUCHANAN: Um-hmm.

21

22

23 MS. MOORE: The reserving bond authority and the  
24 50-50 State-local match, I think that the staff adequately  
25 said we must have a 50-50 match.

24

25 ASSEMBLY MEMBER BUCHANAN: Right.

25

MR. HARVEY: Correct.

1 MS. MOORE: And that we can't reserve -- wait. What  
2 was on the reserving bond authority? I mean your answers  
3 were definitive on that and we don't have any room; correct?

4 MR. MIRELES: Well, the reserve bonding  
5 authority --

6 MS. MOORE: Oh, reserve bonding authority is to do  
7 it incrementally; right?

8 ASSEMBLY MEMBER BUCHANAN: Yes.

9 MR. MIRELES: It would set up a similar system  
10 (indiscernible) to be able to do that.

11 MR. HARVEY: You can track what you're actually --  
12 how quickly you're beginning to approach the last dollar.

13 MS. SILVERMAN: Right.

14 MR. HARVEY: So there may be merit in doing this  
15 only because it's a better way of knowing when to cut it off.

16 MS. SILVERMAN: It's almost like tracking for the  
17 Emergency Repair Program.

18 ASSEMBLY MEMBER BUCHANAN: right.

19 MR. MIRELES: Right. And the problem being that  
20 currently school districts can come and request a conceptual  
21 approach. Should the Board grant that approval, then they  
22 have 18 to 24 months to get their plans approved, but there  
23 may or may not be bonding authority reserved for them.

24 MS. MOORE: Well, I may be willing to discuss this  
25 at a future, but I'll just let you know where my thoughts are

1 on reserving bond -- a two-step approach is it is in concept  
2 reserving bond authority because we're saying once we reach  
3 conceptually the reservation amount, we're not going to  
4 accept anymore, and to me that's detrimental if somebody  
5 drops out or, you know, they -- at the conceptual site, they  
6 think they're moving forward and then lo' and behold  
7 something changes and they don't, we've precluded somebody  
8 else from coming in.

9           So I have concerns around that. I think we should  
10 be dealing with actual situations and I think today with the  
11 requirement that it's a threat to -- I mean that high  
12 standard that it's a serious situation. So I'm --

13           MR. HARVEY: I did not endorse this for the reasons  
14 you articulated.

15           MS. MOORE: Okay. So --

16           MR. HARVEY: So if there's two of us that are  
17 not --

18           MS. MOORE: Okay. So then --

19           ASSEMBLY MEMBER BUCHANAN: And I think the basic  
20 charge was for us to come up with standards that would allow  
21 hopefully the seismic program to go forward. I think how we  
22 allocate --

23           MR. HARVEY: Right.

24           ASSEMBLY MEMBER BUCHANAN: -- the funds is  
25 something we can talk about.

1 MS. MOORE: So to me the last issue is interim  
2 housing on our table today and I think we ought to --

3 MR. HARVEY: Okay. Let's go to that. That's on  
4 page 9.

5 MS. MOORE: -- we ought to address and then we can  
6 take a package forward to the Board and I think we've spent  
7 enough time talking about it.

8 MR. HARVEY: Go ahead.

9 MS. MOORE: And I'll make the motion. We'll see if  
10 there's a second for inclusion of interim housing --

11 MR. HARVEY: As articulated here --

12 MS. MOORE: -- as articulated with the conditions  
13 that it's, you know, very -- that the district had to look at  
14 all of their possibilities prior; that it would be considered  
15 as an additional cost to a project that is 50-50 funding. So  
16 that's my motion.

17 ASSEMBLY MEMBER BUCHANAN: So we are funding it at  
18 50 percent as part of the --

19 MS. MOORE: Unless they were --

20 ASSEMBLY MEMBER BUCHANAN: But then that wouldn't  
21 be under the Seismic Mitigation. That's would be under the  
22 Financial Hardship Program.

23 MS. MOORE: How it's proposed here is it's part of  
24 Seismic. If we want to have it -- my other complex  
25 component --

1 MR. HARVEY: Regulatory change.

2 MS. MOORE: I'm not proposing that today.

3 ASSEMBLY MEMBER BUCHANAN: Okay. I will second  
4 your motion.

5 MR. HARVEY: There's a motion and a second.  
6 Mr. Ferguson wishes to help us with the public policy  
7 question.

8 MR. FERGUSON: Sure. The Department of Finance  
9 opposes providing a grant for interim housing, the reason  
10 being is we'd prefer to see these funds focused on repairing  
11 school sites as opposed to paying for alternative temporary  
12 housing.

13 MS. MOORE: Definitely appreciate your perspective,  
14 but I consider the interim housing as helping -- as repairing  
15 the school site because in cases without it, we're not  
16 repairing the school sites potentially.

17 MR. FERGUSON: And I understand your concern.  
18 We're just dealing with a limited pot of funding. The  
19 199.5 million in total funding, we'd prefer it to be focused  
20 on actual repairs at the school site.

21 MS. MOORE: We --

22 MR. FERGUSON: We will agree to disagree on that.

23 MS. MOORE: Yes. And I do though say to staff that  
24 we have a serious gauntlet on access to those.

25 MR. HARVEY: Since I will be voting no on the

1 motion, I'm doing so based on the comments -- what I said  
2 earlier, the issue of ensuring in my mind the dollars go to  
3 actual repair rather than something that it is important but  
4 is not actually creating retrofit of a seismic issue.

5 So are we comfortable --

6 ASSEMBLY MEMBER BUCHANAN: Well, and my concurrence  
7 is the gauntlet. I mean I think it should be the exception  
8 and not the rule.

9 MS. MOORE: I'm with -- I agree.

10 MR. HARVEY: Then the motion will pass two to one.

11 MS. MOORE: So those are our recommendations that  
12 will go forward to the Board?

13 MR. HARVEY: Those are the recommendations which  
14 will go to the Board next week.

15 MS. SILVERMAN: Yes.

16 MR. HARVEY: Do we have any other comments from the  
17 audience on matters that are not before us? Public comment  
18 if you will.

19 Seeing none, the work of this Committee is  
20 concluded.

21 ASSEMBLY MEMBER BUCHANAN: Thank you, Mr. Chair.

22 MR. HARVEY: Thank you.

23 (Whereupon, at 5:17 p.m. the proceedings were recessed.)

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