

“People count up the faults of those who keep them waiting”

French proverb

TO: House Committee on Veterans' Services and *Emergency Preparedness*

FROM: James Bela

President and Founder of *Oregon Earthquake Awareness / The Quake Northwest*

P.O. Box 33464, Portland, OR 97292 -3464

Sasquake@gmail.com

TUESDAY

Date: May 14, 2013

Time: 1:00 P.M.

Room HR E

Re: SB 33 - 1 Public Hearing

Modifies list of state agencies required to designate liaison for emergency preparedness and response; -1 adding SECTION 2 establishing Task Force on Resilience Plan Implementation

See attachments: POLICY ISSUES - OR RESILIENCE PLAN.pdf
POLICY ISSUES - OR RESILIENCE PLAN_II.pdf
POLICY ISSUES - OR RESILIENCE PLANIIa.pdf

MAGNITUDE 9.11 EMERGENCY.pdf

Gov. John Kitzhaber Letter_03-08-2013_lh.pdf

Oregon Resilience Plan Work Group Meeting Notices 08-13-2012 001.pdf

Letter to Hardy Myers 4-21-2000 (2).pdf

FEMA 154_JCEP 05-22-2007 (1).pdf

Governor Kulongoski Letter 01-19-2006 -1.pdf

Kitzhaber Showcase State 01-13-2003.pdf

CC Copyright Request 01-23-2003.pdf

Letter to Cory Streissinger DCBS 5-12-2004.pdf

Oregon Earthquake Awareness™
Northwest™

/

The *Quake*

"We Have Nothing to Fear But Shear Itself"
Together"

/

"We're All *Subducting* In This

"It takes everyone getting together in *cahoots!* – Dennis Mileti

"Do not look *back* in anger, or *forward* in fear, but *around* in awareness." -- James Thurber

SERIOUS PUBLIC POLICY ISSUES

Concerning

THE OREGON RESILIENCE PLAN PROCESS

*"I say, beware of all enterprises that require new clothes,
and not rather a new wearer of clothes."*

~ Henry David Thoreau: Walden

- I. The broadening of the scope of House Resolution 3 (04-18-2011) - to include a *hand-selected* public involvement in creating **The Oregon Resilience Plan**; was set up by OSSPAC Chairman Kent Yu, without the *prior* involvement and consultation of the Oregon Seismic Safety Policy Advisory Commission (OSSPAC); and it was in reality approved *symbolically* (and with some irritation) at an OSSPAC meeting *after* that fact.
- II. The specially created Advisory Panel committee was strongly influenced by three members of the Oregon Department of Geology and Mineral Industries (DOGAMI): Don Lewis, Dr. Vicki McConnell, and Yumei Wang -- which agency *already* has representation on the Seismic Commission OSSPAC. Appointed member Don Lewis, then Deputy Director, and who wrote the Oregon Statewide Seismic Needs Assessment report (05-22-2007; 07-24-2007); unfortunately greatly *misrepresented* the true meaning of that so-called Needs Assessment (covering public school buildings, acute inpatient care facilities, fire stations, police stations, sheriff's offices and other law enforcement agency buildings) – particularly as it pertained to Oregon's *school* inventory. And Yumei Wang, in her previous role as a former chair of OSSPAC, at one time *refused* to voluntarily inform the Commission that her *own* agency had endorsed changing the coastal Oregon seismic building code to Seismic Zone 4 . . . at her agency's *own* Board meeting on that topic.
- III. The Seismic Commission OSSPAC foremost lacks *credibility* in seismic policy: due to their failure to correct these deliberate *misrepresentations* of the Oregon Statewide Seismic Needs Assessment inventory regarding schools. Apparently undaunted, they continue to portray the *Schools Seismic Needs Assessments* as a factual *survey* - indicating thereby reliable and accurate portrayals of probable collapse of specific schools in earthquake shaking by virtue of their RVS scores. (1) The FEMA 154 Rapid Visual Screening technique that was so employed was conducted mostly by graduate students (and not actually by experienced structural earthquake engineers. (2) It is only a PASS – FAIL Rapid Visual *Screening* technique – and it categorically *doesn't* (a) rank any buildings, or (b) condemn any building; as it was (and continues to be) so portrayed to the public. More additional work and study are required to *realistically* and *accurately* assess earthquake vulnerabilities to schools.

[See FEMA 154: Rapid-Visual-Screening of Buildings for Potential Seismic Hazards, James Bela, Oregon Earthquake Awareness™ -- Joint Committee on Emergency Preparedness and Ocean Policy May 22, 2007]

- IV. Commission Chair Kent Yu claimed the OSSPAC Seismic Commission *lacked* the in-depth knowledge to both formulate and also write a comprehensive [Oregon Resilience Plan](#); therefore, it was so stated, the Commission *needed* not only (a) an Advisory Panel of non-OSSPAC members; and (b) Eight (8) additional Task Groups conducted outside of the Public Meetings process (even though five of the Task Groups were chaired by bona fide OSSPAC members?); but also (c) a paid technical writer to format those individual efforts into one cohesive document. Oregonians, I believe, have a right to see *exactly* what their non-elected boards and commissions (appointed by the Governor in most cases) can honestly *produce* in fulfilling their statutory obligations and requirements, which historically have *already* included generally a report to the Governor and to the Legislature. In the case of the [Oregon Resilience Plan](#), the time-honored legislative technique of *conducting* public hearings on specific topics was never invoked; and one fundamentally wonders: *Why Not?*
- V. The Oregon Building Codes Division, BCD, an OSSPAC member under ORS 401.915 (A) the Department of Business and Consumer Services; has for *decades* deliberately weakened the earthquake design provisions of national model building codes - when those building codes were adopted into Oregon – such that Oregon has had decidedly different and *deliberately* weaker earthquake engineering and design requirements *than* in the state of Washington! When disaster strikes, *building codes are the first line of defense*; and there has not been a greater detriment to Oregon’s so-called [resiliency](#) . . . than this deliberate *under-building* of residential and commercial structures at the time of their *new* construction. Furthermore, Oregon BCD has yet to take ownership and *leadership* of an effectively instituted statewide program for implementing ATC-20 Procedures for Post Earthquake Safety Evaluation of Buildings – following an earthquake disaster.
- VI. The reported 50-yr roadmap for achieving [Oregon Resilience](#) is *dumbfounding* at best, and *disconcerting* at worst – since this time frame was *not* part of House Resolution 3; but was imposed by the Seismic Commission OSSPAC without: (a) much, if any real debate; (b) without adequate public notice and public comment: and (c) without any acknowledgement of the numbing *Christchurch-New Zealand-like* consequences of *inaction* – given that there have just been 3 M 9 *megathrust* earthquakes worldwide between 2004 and 2011! For *inactions* are not assuredly *benign* . . . and they can have *consequences* too! “THE MAP IS *NOT* THE TERRITORY!”

James Bela Oregon Earthquake Awareness™ The Quake Northwest™ March 11, 2013

A man who has at length found something to do will not need to get a new suit to do it in; for him the old will do, that has lain dusty in the garret for an indeterminate period. Old shoes will serve a hero longer than they have served his valet -- if a hero ever has a valet -- bare feet are older than shoes, and he can make them do. Only they who go to soires and legislative balls must have new coats, coats to change as often as the man changes in them. But if my jacket and trousers, my hat and shoes, are fit to worship God in, they will do; will they not? Who ever saw his old clothes -- his old coat, actually worn out, resolved into its primitive elements, so that it was not a deed of charity to bestow it on some poor boy, by him perchance to be bestowed on some poorer still, or shall we say richer, who could do with less? **I say, beware of all enterprises that require new clothes, and not rather a new wearer of clothes.** If there is not a new man, how can the new clothes be made to fit? If you have any enterprise before you, try it in your old clothes. All men want, not something to do with, but something to do, or rather something to be. Perhaps we should never procure a new suit, however ragged or dirty the old, until we have so conducted, so enterprised or sailed in some way, that we feel like new men in the old, and that to retain it would be like keeping new wine in old bottles. Our moulting season, like that of the fowls, must be a crisis in our lives. The loon retires to solitary ponds to spend it. Thus also the snake casts its slough, and the caterpillar its wormy coat, by an internal industry and expansion; for clothes are but our outmost cuticle and mortal coil. Otherwise we shall be found sailing under false colors, and be inevitably cashiered at last by our own opinion, as well as that of mankind.

~ Henry David Thoreau: Walden

SERIOUS PUBLIC POLICY ISSUES

Concerning

THE OREGON RESILIENCE PLAN PROCESS II

*"Otherwise we shall be found sailing under false colors,
and be inevitably cashiered at last by our own opinion,
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~ Henry David Thoreau: Walden

- VII. The Building Owners and Managers Association of Oregon (BOMA), an OSSPAC member under ORS 401.915 b. (C) “affected industries or stakeholders;” has for the last two decades protected its membership’s desire to continue *business-as-usual* in the City of Portland’s huge inventory of *unsafe* Un-Reinforced Masonry (URM) and Non-Ductile Concrete (*Killer*) Buildings – beginning in September 1993, when BOMA was given a prominent seat on the Mayor-appointed Portland Seismic Task Force, appointed ostensibly to examine the *status* of existing buildings; because the statewide building code change from Seismic Zone 2B to Seismic Zone 3 would have reclassified many heretofore existing buildings as now “dangerous buildings” under the city’s **Dangerous Building Ordinance**.

After *declaring* its *own* City Hall “Dangerous” under its then Dangerous Building Ordinance, the City then implemented Task Force Recommendations to: (a) *decouple* seismic considerations from the Dangerous Building Ordinance, so that a building could no longer be declared “dangerous” . . . *just* because it could *fall down* in an earthquake; (b) only apply so-called “passive triggers” for earthquake retrofit work, *triggered* only in the event that an owner *wanted* to make substantial changes in occupancy or improvements to the building (and generally tied specifically to a certain amount or level of financial investment); (c) completely remove *proactive* discussions of the particular issues and dangers of non-ductile and under-reinforced concrete from Portland’s existing buildings ordinance: Title 24 - Chapter 24.85 Seismic Design Requirements for Existing Buildings; and finally (d) *went* to the state legislature with BOMA and passed a *law* declaring Building Owners would be held harmless in the event of occupant *deaths* during an earthquake, provided they were in a 10-yr long contract with the City for *phased* (cheaper) seismic upgrade, retrofit and seismic improvements – with that 10-yr long “held-harmless” window held *open* in time for *any time* in the future when a Building Owner might choose to exercise it.

After *not really* that long of time, BOMA came back to the City, *irritated* that (due to costs of inflation; they were actually *bumping up* against seismic *triggers* requiring seismic evaluations and retrofit work – so they reinstated the Task Force. Business-as-usual (*benign neglect and dereliction of duty*) were happily restored when the financial triggers in the ordinance were successfully *increased* (and then tied *in perpetuity* to the R.S. Means Cost Index) – which effectively kept *moving the goal posts* farther-and-farther away . . . so that things could continue just as they always had! In this strange twist of logic: the **R.S. Means** justified the **End** that Building Owners wanted.

Confucius say: “TO SEE WHAT IS RIGHT and NOT TO DO IT, IS LACK OF COURAGE.”

and not *Resiliency!*

A man who has at length found something to do will not need to get a new suit to do it in; for him the old will do, that has lain dusty in the garret for an indeterminate period. Old shoes will serve a hero longer than they have served his valet -- if a hero ever has a valet -- bare feet are older than shoes, and he can make them do. Only they who go to soires and legislative balls must have new coats, coats to change as often as the man changes in them. But if my jacket and trousers, my hat and shoes, are fit to worship God in, they will do; will they not? Who ever saw his old clothes -- his old coat, actually worn out, resolved into its primitive elements, so that it was not a deed of charity to bestow it on some poor boy, by him perchance to be bestowed on some poorer still, or shall we say richer, who could do with less? **I say, beware of all enterprises that require new clothes, and not rather a new wearer of clothes.** If there is not a new man, how can the new clothes be made to fit? If you have any enterprise before you, try it in your old clothes. All men want, not something to do with, but something to do, or rather something to be. Perhaps we should never procure a new suit, however ragged or dirty the old, until we have so conducted, so enterprised or sailed in some way, that we feel like new men in the old, and that to retain it would be like keeping new wine in old bottles. Our moulting season, like that of the fowls, must be a crisis in our lives. The loon retires to solitary ponds to spend it. Thus also the snake casts its slough, and the caterpillar its wormy coat, by an internal industry and expansion; for clothes are but our outmost cuticle and mortal coil.

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~ Henry David Thoreau: Walden

SETTING PRIORITIES

For

MAGNITUDE 9.11 *EMERGENCY!*

*"Otherwise we shall be found sailing under false colors,
and be inevitably cashiered at last by our own opinion,
as well as that of mankind."*

~ Henry David Thoreau: Walden

- I. Retrofit all Oregon Schools located in the Tsunami Inundation Zone along the Oregon Coast within three years - to a minimum Life Safety level for a M 9 Cascadia subduction zone earthquake. Complete all non-structural seismic hazard mitigation (falling lights, ceiling tiles, bookcases, etc. this year (2013), with completion accomplished prior to Jan. 26, 2014: the anniversary date of the last M 9 Cascadia subduction zone earthquake in 1700.
- II. Double ODOT's budget from \$55 million to \$110 million, with the additional funding applied to Phase I Seismic Retrofits of all major Interstate freeway interchanges. and other *critical* lifeline nodes. Oregon Highway infrastructure is **Competing Against Time**, not *resiliency*. **Resiliency** helps restore the losses, but *lives* can only be saved if bridges and freeway interchanges can withstand the shaking!
- III. Reformat the Seismic Rehabilitation Grant Program to *just* "loan the money" that was authorized by voter approval – due to irreparable flaws in the way the Fema 154 Rapid Visual Screening Scores have been applied. This will allow local school districts to take more personal *ownership* of their earthquake problem and its solutions.
- IV. Begin replacing earthquake vulnerable cast-iron pipe in water supply systems, beginning at most critical nodes and lines. Lay a backbone grid of High Density Polyethylene Pipe HDPE (invulnerable to earthquake damage) to have at least some survivable systems in place prior to the earthquake – for fire-fighting and emergency operations .
- V. Build pedestrian and bicycle bridges to evacuate Seaside residents safely and efficiently on foot from tsunamis following the M 9 Cascadia earthquake.

VI. Use eminent domain in Cannon Beach to acquire land (above tsunami inundation) to build a general aviation airport for emergency services operations. Store Shipping Containers on site for use in aftermath of earthquake emergency, as has been so effective in Christchurch, New Zealand.

VII. Adopt voluntary home retrofit programs for homeowners in all Building Departments statewide, with prescriptive plans for accomplishing the work; and free inspections.

VIII. Adopt the City of Long Beach, CA's Building Rating system for seismic deficiencies. Require Building Owners and Managers to increase a deficient score to at least a passing grade within a 10-yr period – or demolish the building..

IX. Make *Resiliency* an agenda item at meetings of *all* Oregonians . . . from Boardrooms to Day Cares.

HAVE A NICE *QUAKE!*

OREGON EARTHQUAKE AWARENESS™

P.O. BOX 33464, PORTLAND, OREGON 97292-3464 Tel. 503-761-3539 email: sasquake@gmail.com

"WE HAVE NOTHING TO FEAR BUT SHEAR ITSELF"™

Respectfully submitted,

James Bela

James Bela
President and Founder.
Oregon Earthquake Awareness

Oregon Earthquake Awareness™ / **The Quake Northwest™**
"We Have Nothing to Fear But Shear Itself" / "We're All *Subducting* In This Together"
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"WE HAVE NOTHING TO FEAR BUT SHEAR ITSELF"™

March 08, 2013

Governor John A. Kitzhaber
State Capitol Building
900 Court Street NE
Salem, Oregon 97310-0722

Re: Petition for the removal of Kent Yu (Chair) and Jay Wilson (Vice Chair) from the Oregon Seismic Safety Policy Advisory Commission (OSSPAC) – for persistent and willful behavior against the public good.

Dear Governor Kitzhaber,

This is formal Petition for the removal of Kent Yu (Chair) and Jay Wilson (Vice Chair) from the Oregon Seismic Safety Policy Advisory Commission – for their *persistent* and *deliberately willful* behavior against the Public Good.

Specifically, these two individuals *in particular* (with seeming endorsement by the remaining members of their Seismic Safety Policy Advisory Commission – including two *legislators*) have *deliberately* totally ignored the *safeguards* promised to the public under the Oregon Public Records and Public Meetings Law (ORS Chpt. 192 – Records; Public Reports and Meetings: ORS 192.001 – 192.505 and ORS 192.610 – 192.710 /

http://www.doj.state.or.us/public_records/pages/index.aspx)

Even *The Oregonian*, the Portland metropolitan's largest newspaper, *had* to invoke the Oregon Public Records Law (through petition to the Attorney General - ORS 192.450) *in order* to obtain a timely "copy" of said Commission's draft report: **The Oregon Resilience Plan** – *in fact*, a Public Record at *all stages* of its development and construction; and just released to the Legislature last Feb. 28, 2013!

The Oregonian's published story: **Cascadia earthquake, tsunami could cost Oregon economy 32 billion**

(http://www.oregonlive.com/business/index.ssf/2013/02/cascadia_earthquake_and_tsunami.html) appeared in print Monday Feb. 04, 2013, one full day *before* the Seismic Safety Commission discussed and then formally adopted its **Oregon Resilience Plan** at a special meeting held in Portland.

And while the Public Meetings Law specifically affords the public the right to (a) both be made aware of; and (b) also attend *if so desired* -- all scheduled Seismic Safety Policy Advisory Commission meetings (as well as all Advisory Committee and Task Groups) where two or more members are so convened – both of these *basic rights* and *tenets* of responsible Oregon government

charge were (*time-after-time-after-time*) deliberately and willfully disregarded. Even “minutes” of all these supposed public meetings (but now subverted as clandestine and secret gatherings) were evidently *never* taken and recorded – and were certainly never made *available* to requests by interested parties.

This sad state of affairs occurred despite Vice Chair’s Jay Wilson’s *promise* at the **Resilience Planning Kickoff Workshop**, Portland, January 26, 2012 -- that “all meetings would be public meetings under the Public Meetings Law.” And also - even the *personal assurance* and commitment of Brigadier General Mike Caldwell, then directing Oregon Office of Emergency Management (which provides staffing and support to OSSPAC; and which is also administratively *under* the umbrella of the Oregon Military Department) – was made to me at that kickoff meeting: *that* the Oregon Public Meetings Law would be followed!

While the so-called **Oregon Resilience Plan**, a 50 year roadmap for feeling *less* guilty, I suppose, for squandering the past 24 years since the 1989 Loma Prieta (World Series) Earthquake woke everybody up here in the Pacific Northwest that we had, *in fact*, a real and menacing M 9 earthquake problem from the Cascadia subduction zone; has *many* valid criticisms and shortcomings – none are more *serious* than this systemic and fatal weakening of what was *heretofore* regarded as the Oregon form of government (committed to public involvement): than this *willful* and *deliberate* disregard and abandonment of the Oregon Public Records and Public Meetings Law!

In closing I remind you that the upgrade in Oregon’s coastal seismic building code (Oct. 1, 1998) to a *higher* standard (Seismic Zone 4 of the 1997 Uniform Building Code) to protect residents from the long duration shaking of M 9 Cascadia subduction zone events *was* accomplished by “the public” during your first administration (1994 – 1998); during *which* time the public was afforded the full opportunities and transparencies of the Oregon Public Records and Public Meetings Law! That one building code change *very importantly* affected (through greater public safety and improved assurance of emergency operation capability) both the remodeling and *expansion* of Bay Area Hospital in Coos Bay, a recognized *leader* in cancer treatment technology.

Simply stated, this present affront to both *that* legacy . . . as well as to *future* opportunities for meaningful and effective *public* participation, access and also *leadership* in addressing forthrightly Oregon’s real earthquake vulnerabilities and deficiencies – well, . . . *it simply must not stand!*

Respectfully submitted,

James Bela

James Bela
President and Founder.
Oregon Earthquake Awareness

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"We Have Nothing to Fear But Shear Itself" / "We're All Subducting In This Together"
“It takes everyone getting together in *cahoots!* – Dennis Mileti

"Do not look *back* in anger, or *forward* in fear, but *around* in awareness." -- James Thurber



Oregon Resilience Plan Work Group Meeting Notices

James Bela <sasquake@gmail.com>

Mon, Aug 13, 2012 at 3:31 PM

To: mike.caldwell@mil.state.or.us

Cc: kyu@degenkolb.com, "Beverly.J.HALL" <Beverly.J.HALL@state.or.us>, rep.deborahboone@state.or.us

Bcc: sherrypat <sherrypatt@comcast.net>

Hello, General Caldwell

I am requesting that public notices be given to all interested parties regarding all meetings of the OSSPAC Steering Committee, and all Work Groups tasked to develop an Oregon Resilience Plan. People are deliberately evading the responsibilities to do this under the Oregon Public Meetings Law; and I will remind you that this promise was made openly at the kick-off meeting b OSSPAC vice chairman Jay Wilson.

I would like notice of "all" meetings occurring this month of August, 2012.

I have encountered that all of the Work Groups (except Water and Waste Water), even when they have been specifically asked to provide me notice of their meetings; have not done so. Bruce Johnston of ODOT won't respond to my emails.

Thank you for your assistance in this important matter.

Sincerely,

James Bela
Oregon Earthquake Awareness

OREGON EARTHQUAKE AWARENESS™

P.O. BOX 33464, PORTLAND, OREGON 97292-3464 Tel. 503-761-3539 email: sasquake@uswest.net

"WE HAVE NOTHING TO FEAR BUT SHEAR ITSELF"™

Hardy Myers
Attorney General
State of Oregon
1162 Court Street NE
Salem, OR 97310

April 21, 2000

Dear Mr. Myers:

I am writing to you for information regarding the grounds and procedure by which a member of the Building Codes Structures Board of the Building Codes Division, Department of Business and Consumer Services, may be *removed* from such position. More specifically, I would like to know if there is an Attorney General's opinion on this matter; and the number of times, and cases, wherein this has occurred.

This Board is constituted by appointment of the Governor. The current Board name, Building Codes Structures Board, is a recent name change. The previous name, I believe, was the Structural Code Advisory Board (SCAB).

I read your background on the state DOJ Web Page and was impressed with your long and distinguished and highly regarded record of public service to the people of Oregon in the state legislature. I look forward to your prompt reply.

Sincerely,

James Bela
President and Founder
Oregon Earthquake Awareness™

cc: John Kitzhaber
Mary Neidig
Frank Shields
Randy Leonard

FEMA 154

Rapid-Visual-Screening of Buildings for Potential Seismic Hazards

Purpose - to screen for potential seismic **hazards**.

- to identify buildings that **may** be hazardous for further evaluation (by a structural engineer . in more detail **later**)

Only a Screening Tool

- to identify Buildings for further evaluation
- it's not condemning any buildings
- it only says: "You need more evaluation."

The Rapid-Visual-Screening Score is only PASS/FAIL

- numerical score can range from negative numbers up to 5 or 6
- score is only used to determine whether additional evaluation is warranted
- it *doesn't* rank Buildings as being better or worse than others!
- it *doesn't* condemn any Buildings

Most Important Score Modifiers for a School

- (1) The Code of the Building's construction, particularly if the School is of Pre-Seismic-Code construction.
- (2) Soil Type.

Cost Range for "further evaluation" of a school under ASCE 31:Seismic Evaluation of Existing Buildings

- 4-6 weeks of engineering evaluation; at a cost of \$10,000 - \$20,000
- 2 weeks additional for "firm numbers" on actual seismic rehabilitation costs

James Bela

Oregon Earthquake Awareness™

Joint Committee on Emergency Preparedness and Ocean Policy

May 22, 2007 3:00 PM HR C

Re: DOGAMI Informational Meeting Report on Statewide Seismic Needs Assessment

OREGON EARTHQUAKE AWARENESS™

P.O. BOX 33464, PORTLAND, OREGON 97292-3464 Tel. 503-761-3539 email: Sasquake@access4less.net

"WE HAVE NOTHING TO FEAR BUT SHEAR ITSELF"™

January 18, 2006

Governor Theodore R. Kulongoski
State Capitol
Salem, Oregon 97310-0722

Dear Governor Kulongoski:

I am writing to articulate some serious concerns about a state agency, the Oregon Department of Geology and Mineral Industries (DOGAMI). I believe their ineffective and arrogant actions (which have revolved around securing agency funding) have made Oregonians less safe from natural hazards (particularly earthquakes); than the logical conclusions from the years (and now decades) of scientific research would reasonably dictate.

Nowhere is this more clearly evident than in DOGAMI's *usurpation* of a truly structural engineering and Building Codes Division expertise – i.e. in the seismic safety of existing buildings. By this action, which they promoted into statute in the 2001 (SB 14, 15) and 2005 (SB 2, 3) legislative sessions; they have continued to ignore and continued to *enable* the weakening of the earthquake building codes for new construction in our state - by the deliberately neglectful and politically motivated Building Codes Division (which adopts them), under the Department of Business and Consumer Services.

What is perhaps the most troubling is the fact that SB 14 & 15 (2001) and SB 2 (2005) are truly in conflict; a fact ignored by DOGAMI, their Governing Board, the Oregon Seismic Safety Policy Advisory Commission (of which they are a member), and the 2004 Earthquake GOBOND Task Force (of which they were the organizer).

In promoting themselves and their statewide and national influence; their actions are, unfortunately, having the very opposite effect assumed. Contrary to DOGAMI's more "glitzy and glamorous" claims, they are postponing meaningful progress in greater public safety and effective public policy.

Nowhere was this more poignant than in the aftermath of the December 26, 2005 Indonesian M 9 earthquake and devastating tsunami, which killed around 250,000 people. Rather than use the opportunity for a call-to-action or a teachable moment, their coastal geologist, George Priest, told the Seismic Safety Commission that we probably had 50 years to get ready! . . . well *Yawn*.

I believe the root cause of this derelict agency behavior and its crushing effect on meaningful public safety (particularly that of building occupants) lies mainly in their claim to be "an independent agency". The result is a very small piece of the General Fund pie, an unfocused mission, and a lack of oversight.

The agency response that has developed to this situation is to deliberately "write themselves into statute", as their claim to General Fund support. They are constantly reinventing themselves and expanding their statutory responsibilities. This they have done for more than a quarter century! Then they perpetually cycle through the Emergency Board, to mine what additional funding scraps might be available. They lobby both Congress and our state legislature to fund them – even registering themselves as lobbyists at the Federal level in Washington D.C.

This behavior has gives them a “pulse” – but at the same time makes them “brain dead” to the ethics and responsibilities that come with the special knowledge they possess. People who have special knowledge also have an ethical responsibility to use that knowledge to protect the public from harm; since the public does not have that knowledge.

DOGAMI displays a “split personality”. They want the research dollars, they want the prestige, and they seem to delight in their seismic prominence role in Oregon– but they are unwilling and incapable of exercising any real leadership. They seem to rationalize (and they have often stated) “that science does not dictate policy”. Their actions follow whatever political winds blow, and they do not want to be accountable for what they know.

That is why the public has had to fight them for necessary improvements to seismic safety. Public action was responsible for upgrading the Oregon Building Code to Seismic Zone 4 along the coast – mostly due to the efforts of only four individuals (that’s one less than the number of their Governing Board members!). The public (myself), the Director of the Building Codes Division (Joe Brewer), and the chair of the Building Codes Structures Board (Jack Talbott) had to drive to their Governing Board meeting in Newport to force the Board to overrule the Department’s foot-dragging and “let’s go slow” policy to support the Seismic Zone change back in 1998.

Most recently, at the January 10, 2006 meeting of the Oregon Seismic Safety Policy Advisory Commission, the DOGAMI representative, Yumei Wang, was forbidden by the state geologist from discussing DOGAMI’s “Seismic Risk Assessment” final Work Plan – again a leverage instrument for DOGAMI to secure an additional \$100,000 in General Fund funding from the Emergency Board. The agency’s request letter was dated December 13, 2005, a full month before the OSSPAC meeting!

I believe that the agency’s impediments to meaningful and effective earthquake safety policy in Oregon need to be corrected by reconsideration of DOGAMI’s role in state government. They have a Governing Board who is not professionally qualified to direct a science- based agency, and that Board has since 1977 always promoted the state geologist from within the ranks – and nothing has changed!

An inefficiency and lack of accountability and responsibility

DOGAMI has long secured a key leadership position to safeguard Oregonians with seismic information and responsible action. Instead they have, to the contrary, been long ineffective and unwilling to take a meaningful leadership role. The agency keeps trying to expand its scope of responsibility, which now has grown so disproportional within the state (usurping now “building” safety); that they have become *comfortable* in being even less responsive and more inefficient in fulfilling these obligations: the *more* responsibility, the *more* funding, the *more* arrogant they become in violating public trust.

Therefore, I am requesting that you direct the Emergency Board not to grant them additional funding pursuant to their December 13, 2005 request for \$100,000 additional funds related to SB 2. Their actions have continued to be exploitive and irresponsible; thus they do not deserve continued financial support – let alone expansion of additional oversight duties.

Respectfully submitted,

James Bela
President & Founder
Oregon Earthquake Awareness

Education [and government] is not the filling of a pail,
but the lighting of a fire.

- William Butler Yeats

OREGON EARTHQUAKE AWARENESS™

P.O. BOX 33464, PORTLAND, OREGON 97292-3464 Tel. 503-761-3539 email: sasquake@uswest.net

"WE HAVE NOTHING TO FEAR BUT SHEAR ITSELF"™

January 13, 2003

Governor John A. Kitzhaber
State Capitol
Salem, Oregon 97310-0722

Dear Governor Kitzhaber:

I am writing to request that you rescind your EXECUTIVE ORDER NO. 00-31 (December 12, 2000), which proclaimed "the State of Oregon a 'Showcase State' for natural disaster resistance and resilience."

As you know, the promotion and enforcement of the latest version of the model building codes is a primary pre-requisite for the "Showcase State" program. The intent of the program is that these model code provisions be adopted, particularly wherein they relate to natural hazards such as earthquakes, without weakening their provisions.

Since the Oregon Building Codes Division, which is also a member of the Oregon Seismic Safety Policy Advisory Commission; has consistently (and continues to) weakened the earthquake design provisions of such model building codes, it is entirely inappropriate to portray this "Showcase State" designation upon an unsuspecting Oregon public.

The Oregon Building Codes Division has delayed, denied as a Code Change Proposal several times, and prohibited the adoption of the 2000 *International Building Code* for one complete code adoption cycle. The 2003 *International Building Code* will be available shortly. The state of Oregon is still operating under the 1997 Uniform Building Code. Many of the important earthquake design provisions that were incorporated into this document, from lessons learned in the 1994 Northridge Earthquake, were systematically deleted from the Oregon adopted versions. Moreover the state has refused to incorporate the post-Northridge earthquake 1997 AISC Seismic Provisions, relating to the construction of earthquake resistant steel structures. Just recently, the Building Codes Division has grossly weakened the earthquake design provisions, including the geographically designated high seismic design areas along the Oregon coast and in Klamath Falls, in the 2000 *International Residential Code*, which applies to residential construction and townhouses.

I hope you will, therefore, rescind your EXECUTIVE ORDER NO. 00-31 as an honest effort to more effectively further cooperation between public and private partners to reduce risks posed by unsafe and greatly weakened earthquake building codes.

Sincerely,

James Bela
President and Founder
Oregon Earthquake Awareness™ / The Quake Northwest™

Oregon Earthquake Awareness™ / The Quake Northwest™
"We Have Nothing to Fear But Shear Itself" / "We're All Subducting In This Together"

"It takes everyone getting together in *cahoots!* – Dennis Mileti

"Do not look back in anger, or forward in fear, but around in awareness." -- James Thurber

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"WE HAVE NOTHING TO FEAR BUT SHEAR ITSELF"™

January 23, 2003

Paul E. Myers, C.B.O.
President, ICC Board of Directors
International Code Council
5203 Leesburg Pike, Suite 600
Falls Church, VA 22041

Dear President Myers:

I am writing to request that you protect both the copyright integrity of the 2000 *International Residential Code* and the safety of all Oregonians by not allowing the Oregon Building Codes Division copyright permission to reprint this basic document, but with many of the earthquake design provisions deleted or greatly weakened; such that no resident of this state can have any confidence in the earthquake-safety performance of residential structures constructed under this "bastard" version of a broadly consensus-based national model code standard..

You should be aware, first, that the Code Change Proposal (IRC 02-1), which was used as the (only) authorizing basis for the move to the 2000 *International Residential Code* by the state of Oregon; was, in fact, *withdrawn* at the time of the September 17, 2002 Public Hearing. This action is being ignored by the Oregon Building Codes Division; which, therefore, has no legal basis to adopt the document which was forwarded to you for printing.

Second, the wholesale disembodiment of many of the most important earthquake design provisions consists not in "amendments" to the basic model code; but rather constitutes "alternate methods of construction", which do not meet Oregon statutory requirements to, in fact, be declared "alternate methods."

Third, the state of Oregon has been declared to be a " 'SHOWCASE STATE' for natural disaster resistance and resilience." – Governor's EXECUTIVE ORDER NO. 00-31 (December 12, 2000). Irreparable harm will be done to the integrity of this insurance industry initiative if a national model code standard can be weakened arbitrarily with no protest or objections raised by professional code development bodies. "*Setting the Standard for Building Safety*" and "*Building a Safer World*" hopefully mean at least this much!

I hope you will seriously discuss these important matters with the 2003 ICC Board of Directors and take appropriate action soon to protect both the copyright integrity of the 2000 *International Residential Code* and the earthquake-safety of dwelling occupants living in structures ostensibly (but "not exactly") designed under it!

I believe the standard of practice in granting any *copyright* permission to state bodies to use the ICC national model codes should, at the very least, preserve all text of the ICC documents intact (with any sections "not adopted" or any sections added, or any changed wording, clearly indicated by "~~strike through~~" formatting or other clearly identifiable textual signatures). Without this important preservation of model code language and linkages, it is impossible for code users to fully understand and grasp the import and impact of what has been (always, in the case of Oregon) omitted!

Respectfully submitted,

James Bela
President and Founder

Attachments: Public Hearing Testimony Fax 9-17-02
Kitzhaber Showcase State 01-13-2002

"We Have Nothing to Fear But Shear Itself" / "We're All *Subducting* In This Together"

"It takes everyone getting together in *cahoots!* – Dennis Miletich

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"WE HAVE NOTHING TO FEAR BUT SHEAR ITSELF"™

May 12, 2004

Ms. Cory Streisinger
Director, Oregon Department of Consumer & Business Services
350 Winter St. NE
Salem, OR 97301-3878

Dear Ms. Streisinger:

I am writing to you regarding the Oregon Building Codes Division's lack of process in respecting the "intent", requirements and provisions of the Oregon Public Meeting Law, with respect to formal public notice of BCD committee "subcommittee meetings".

At the May 5, 2004 meeting of the "Code Adoption Committee" of the new Low Rise **Residential Structures Board** <http://www.cbs.state.or.us/external/bcd/boards/rsb/rsb.html> , one of the unidentified Code Change Proponents, Eric Schmidt, asked for more time to correct the language in the part of the Code Changes that were submitted by Richard Rogers of the Oregon Building Codes Division. The implication is that Mr. Schmidt's Code Change Proposals were submitted by Mr. Richard Rogers of the Oregon Building Codes Division. This "change of original submitted language" was to be effected during a meeting that is to include "two or more" members of the Code Adoption Committee (including the Chair of the Residential Structures Board, Mr. Raymond Miller), as well as staff from BCD (who, again, submitted this code change under their name).

I asked at the May 5, 2004 meeting of the Low Rise Residential Structures Board for notification of this Code Change related "subcommittee meeting." Both the Code Adoption Committee Chair, Larry Westling; and the Committee's Secretary, Ravi Mahajan, said they would talk to Ms. Andrea Simmons (BCD Manager – Policy and Technical Services). That was one week ago, and still no information has been made known to me and the general public regarding the above referred to subcommittee meeting. There is no reason, given that I submitted a copy of the Public Meeting Law to the Code Adoption Committee on May 5, 2004 (copy attached); that an appropriate answer could not have been given before that meeting adjourned.

This “stonewalling” behavior on the part of the Committee, which includes not only the Chair and Vice Chair of the Residential Structures Board, but also the past Chair of both the Structural Engineering Committee and the Dwelling-Mechanical Committee, is inexcusable – but is merely a symptom of the barriers BCD continues to put in front of public witness and access to how “decisions” are being made in Oregon. In the past these have included withholding pertinent letters written (to BCD) by scientific and engineering authorities from the BCSB, the withholding of Public Hearing Dockets from the public prior to the public hearings, the withholding of Committee Meeting packets from the public. The most egregious violation was the withholding of maps showing / defining designation of Seismic Zone boundaries in the Building Code - that were submitted as public hearing testimony; but were withheld from the BCSB Work Session, when they made their recommendation to the Administrator. Mr. Mark Long, Mr. Ravi Mahajan, Ms. Andrea Simmons, and Mr. Joseph Brewer were all involved participants in this debacle of public trust and public process.

I hope you will give this matter your serious and personal attention, and restore respect for the Oregon Public Meeting Law among both the Building Codes Division, as well as among its various Committees and subcommittees.

Respectfully Submitted,

James Bela

James Bela
President and Founder
Oregon Earthquake Awareness™

cc: Attorney General Hardy Meyers
Senator Roger Beyer
Senator Peter Courtney
Senator Frank Shields

Attachment: Oregon Public Meeting Law

II
PUBLIC MEETINGS

A. Policy of the Public Meetings Law

ORS 192.620 ESTABLISHED Oregon’s policy of open decisionmaking by governing bodies:

The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly.

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B. Bodies Subject to the Law

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1. Governing Bodies of Public Bodies

The Public Meetings Law applies to meetings of the “governing body of a public body.” ORS 192.630(1). A “public body” is the [state](#), any regional council, county, city or district, or any municipal or public corporation. A “Public body” is also a board, department, commission, council, bureau, [committee](#), [subcommittee](#) or [advisory group](#) of any of entities in the previous sentence. ORS 192.610(4). We interpret the definition of a “public body” to require that the body be created by or pursuant to the state constitution, a [statute](#), [administrative rule](#), order, intergovernmental agreement, bylaw or other official act.³ [If two or more members of any public body have “the authority to make decisions for or recommendations to a public body on policy or administration.”](#) They are a “governing body” for purposes of the meetings law. ORS 192.610(3).⁴

For example, a five-member city council and a seven-member licensing board are both governing bodies. But [a three-member committee of a seven-member board is itself a “governing body” if it is authorized to make decisions for or to advise the full board or another public body.](#)

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C. Meetings Subject to the Law

1. Public Meetings

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... governing bodies are cautioned **not to misuse the committee appointment process or decision-making process to subvert the policy of the Public Meetings Law.**

Source: ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETING MANUAL, HARDY MYERS, Attorney General, October 1, 2001, 98-104