



**BUILDING INSPECTION COMMISSION (BIC)  
Department of Building Inspection (DBI)**

**SPECIAL MEETING**

**Wednesday, February 2, 2012 9:00 a.m.**

**City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416**

**Aired Live on SFGTV Channel 78**

**ADOPTED May 16, 2012**

**MINUTES**

The regular meeting of the Building Inspection Commission was called to order at 9:12 a.m. by President Hechanova.

**1. Call to Order and Roll Call - Roll call was taken and a quorum was certified.**

**COMMISSION MEMBERS PRESENT:**

Reuben Hechanova, **President**

Kevin Clinch, **Commissioner**

Criss Romero, **Commissioner, excused**

Debra Walker, **Commissioner**

Sonya Harris, **Commission Secretary**

Warren Mar, **Vice-President**

Mel Murphy, **Commissioner**

Frank Lee, **Commissioner**

**D.B.I. REPRESENTATIVES:**

Vivian Day, **Director**

Pamela Levin, **Deputy Director, Administrative Services**

Edward Sweeney, **Deputy Director, Inspection Services**

Gayle Revels, **Acting Finance Manager**

Sonya Harris, **Secretary**

**CITY ATTORNEY REPRESENTATIVE**

John Malamut, **Deputy City Attorney**

**2. Report, discussion and possible action to approve the Department of Building Inspection's proposed budget for fiscal year 2012/2013 and the proposed draft budget for fiscal year 2013/2014.**

Pamela Levin reported this is the second meeting to discuss the budgets for FY 2012-2013 and 2013-2014. Staff have responded to and addressed issues brought forth by the Commission.

DBI is required to submit their budget to the Mayor's Office on February 21. Any changes to the budget must be submitted prior to the Department's submittal to the Mayor's Office. DBI's budget is presented to the Board of Supervisors on June 1. The time between February and June, staff will be in negotiations with the Mayor's Office and unions, and reviewing changes to work orders. During the budget period, there will be various public meetings to obtain community feedback. Once the budget goes through to the Board of Supervisors, DBI staff will be working

with the Budget Analyst on their recommendations and negotiating the budget. Budgets are approved by the Board of Supervisors in July.

Since the last Commission meeting, DBI staff met with Central Shops and Department of Environment to ensure DBI complies with the City's Climate Plan Ordinance by reducing its fleet. DBI has argued that it cannot comply due to the number of vehicles needed for inspections. The meeting was successful, and they supported DBI's proposal to replace ten vehicles per year. They provided a list of approved vehicles, and DBI's plan is to move forward with purchasing Toyota Prius and Chevrolet Colorados as replacement vehicles.

Regarding long term projects, DBI will be implementing Q-Matic during the week of March 5. In the interim, staff will be providing additional training and conducting public outreach.

Commissioner Walker made an inquiry pertaining to the outreach schedule. If the City is required to act on a mandatory seismic strengthening program, does DBI have the funds to participate? Director Day responded the funds for this program would be coming from the City Administrator's Office not DBI because the permit payees are paying for the services of DBI. Since DBI is an enterprise fund, it cannot loan the monies out from the enterprise fund. The Mayor's Office is looking for additional funding sources from other agencies.

President Hechanova asked if the funding for the Strong Motion Fund specifically to be spent on DBI. Director Day stated the priority of the Strong Motion Fund is spent within the Department. DBI has received \$80K and supplementing its Disaster Coordination Unit with DBI funds.

Commissioner Murphy made an inquiry on the training budget. He asked if the amount budgeted was sufficient. Pamela Levin stated the travel and training budget is \$324K. Finance asked staff to submit all the training they needed for the year. An issue was whether to have trainings on or off site. To the extent that the amount is low, the reality is having to be able to free staff from their regular duties to attend makes it such that the Department has to look carefully at what training people are requesting. Commissioner Murphy asked if DBI has looked into bringing in trainers to conduct trainings in-house. Director Day stated they are in the process of bringing in a trainer for CASP certifications. Additionally, the Department still has funds from the current year's budget to be able to provide training into the next fiscal year. Pamela Levin added for the current year, plumbing and electrical have participated and conducted in-house trainings.

Commissioner Murphy inquired if staff is sufficiently trained on Q-Matic. Pamela Levin replied the Department will re-train staff on the system so that they are ready for implementation on March 5. Commissioner Murphy asked if staff addressed multilingual support for Q-Matic. DBI has bi-lingual staff that can assist customers using the system. Additionally, they will provide information and handouts in the various languages that are required.

Commissioner Murphy asked for clarification on the distribution of the \$1.7 million City grant program funds. Pamela Levin stated there was an RFP at the end of the fiscal year because all contracts were due to expire January 1. In the RFP, DBI equalized the services between all entities. Commissioner Murphy asked for clarification as to who these entities were. Pamela Levin provided the information on the groups involved in the Code Enforcement Outreach Program and SRO Collaborative. These agencies conduct outreach to the various communities

and assist with housing issues. Requirements of the RFP included the ability to:

1. Provide the service
2. Link to the community in a culturally competent way
3. Meet the units of service
4. Live in the community and are knowledgeable in what issues the community faced

Commissioner Lee asked who approves the contracts for the RFP. Pamela Levin stated the requesting agency's signatory, DBI Director and City Attorney signs off on the contracts.

Commissioner Lee asked if the Commission is allowed input as to the administration of these contracts. John Malamut, City Attorney responded that this is an administrative function of the Department whereby the Commission does not have a direct control under the Charter. The Commission has some control during the budget process by conducting hearings and making inquiries to staff; however, this is a day-to-day administrative function of the Department. Pamela Levin stated they worked closely with Rosemary Bosque and her staff to ensure the entities requesting funding met the criteria of the RFP. The Department cannot ask the entities to do work above the scope of work outlined in the contract. If an entity volunteers, DBI cannot provide additional funds or change the scope of service without amending the contract. Housing Inspection Services monitors and audits the work done by the entities. President Hechanova inquired if there was any reporting mechanism provided by the agencies to the Department and if this was a requirement of the RFP. Pamela Levin responded there are quarterly and annual reports, as well as ongoing status update meetings.

Commissioner Murphy asked why DBI does not just cut a check for the full amount to the Controller's Office and have them distribute the funds. Commissioner Walker stated these programs are ones that have been celebrated by the City because it works directly with staff in Code Enforcement who communicate with the tenant and landlord communities to resolve issues. It has been a successful program and Commissioner Walker appreciated that they included additional accountability measures in the current RFP.

Commissioner Lee questioned the six new inspector positions for Inspection Services. Pamela Levin stated that one plumbing and one electrical inspector position will be moved to the 5<sup>th</sup> floor in order for reviews to be done on the 5<sup>th</sup> Floor. More inspector positions will also be added for the field due to increasing construction activity. Commissioner Lee commented on the imbalance in program hiring. Permit Services is only hiring three positions, whereas Inspection Services is getting six positions. Everything starts with Permit Services, and they appear to need more staff as well. Pamela Levin stated by the end of the budget year, DBI would have 34 positions on the 5<sup>th</sup> floor. When management decides where to allocate staff, it is first based on program needs and requests. While it appears they are adding more inspectors, the positions will be allocated to the Permit Services program. Commissioner Lee requested staff to identify where these positions will be assigned. Director Day stated an organizational chart was provided to the Commissioners showing where the positions would be assigned. DBI is filling engineering vacancies this fiscal year. If by the end of this fiscal year, DBI is allowed to fill all the vacancies it has requested to replace, it will balance out. Currently, there are more building inspectors assigned to the 5<sup>th</sup> floor than engineers. Tom Hui, who oversees the 5<sup>th</sup> floor, brings up engineers as needed. Otherwise, the engineers are performing plan check on the 2<sup>nd</sup> floor. Pamela Levin

clarified DBI will be hiring 6.37 new FTEs in Inspection Services and adding 6.5 FTEs for Permit Services. Should the Department wish to make changes to its budget, there is an opportunity to do so later in the fiscal year via a supplemental. DBI would need to provide justification to the Mayor's Office and Board of Supervisors.

Commissioner Murphy stressed the need for additional staff on the 5<sup>th</sup> floor, especially cashiers and clerks. Pamela Levin stated there are requisitions out for these positions. The Mayor's Office understands DBI's insistence that these positions be approved and at the level that they were submitted. The delay is due in part to the approval by DHR and the hold up of the test for 1408 positions. Once these positions are released, DBI will end up having 17 clerks on the 5<sup>th</sup> floor.

Commissioner Murphy asked if management approached staff to discuss staffing needs for each program. Director Day stated she did meet with Executive Management to discuss their wish lists. Ms. Day added the engineering positions to Permit Services, which were not originally requested by the acting deputy director. The issue with the engineering positions is the testing. The previous list has expired, and DBI currently has requisitions out for these positions. DBI hopes to fill the engineering positions this year, as well as adding more next year.

Commissioner Murphy asked about DBI's plan should the volume of work suddenly increase. Director Day stated they have added funds to Temporary Salaries in order to bring in additional temporary help, if needed. DBI is trying to hire back engineering staff that were previously laid off. New clerical positions coming in will be first trained on the 1<sup>st</sup> floor and transfer to the 5<sup>th</sup> floor.

Commissioner Mar commented DBI has many permanent open positions that have been approved, but because of delays in civil service processing, DHR's inadequacy to provide sufficient testing and a list of qualified candidates to pull from. Commissioner Mar asked the Department to be more aggressive with DHR in that if they are unable to allow hiring of permanent positions, that they consider allowing DBI to bring Prop F employees and temporary help. With regard to the budget, the answer is not to add more positions that DBI cannot fill, but to every single open position. Then, if the Department does not have enough, they can ask for more. Right now, there are too many vacancies.

Commissioner Lee asked why DBI could not hire high-level staff first, who are knowledgeable and can be flexible to do clerical work as well as do inspections and plan check. He is not sure why the Department is focusing on more clerical support for the 5<sup>th</sup> floor. Director Day stated that along with the clerks, DBI is trying to fill all the engineering positions. There is concern with the 5241 list because the previous list was not suitable for the acting deputy director. He allowed the list to expire and the requisitions had to be re-entered. The Department now has a new 5241 list and will be filling all available positions. Director Day clarified that the Department must leave 25 vacancies open for attrition per the Controller's Office and Board of Supervisors.

Commissioner Walker concurred with Commissioner Mar's comments regarding open positions. Rather than adding positions that DBI may not need, the Department's focus should be pressuring the other departments to free up the positions and assist DBI in moving forward with hiring. The message given during the budget process should be that DBI is continuing to

experience problems in delivering the service needed to run the department if the positions continue to go unfilled.

Commissioner Murphy also concurred with Commissioner Mar's comments. The Department needs people who are qualified to work at DBI. Commissioner Murphy feels the Department has not done a good job internally as far as taking care of the stakeholders.

Commissioner Lee asked the Department to identify the inspector positions that will be assigned to the 5<sup>th</sup> floor. Pamela Levin referred to pages 16-17 of the budget, there will be:

- (1) Plumbing inspector on the 5<sup>th</sup> floor
- (1) Electrical inspector on the 5<sup>th</sup> floor

There is an error on line 3 for the electrical inspector position. It should have been designated as a 5<sup>th</sup> floor position and not field inspection. Commissioner Mar suggested making the correction for further review by the Commission.

Commissioner Clinch pointed out a change in overtime under Building Inspection. He asked if this was related to the staffing budget or outreach programs. Pamela Levin stated it is related to the subject but more so if staff cannot fulfill plan check times, they are able to have staff work overtime. It is also related to the inspection program as a result of high-rise inspections conducted outside of business hours. Ms. Levin added that there is an increase of 4.6% in salaries due to open contracts with the unions. When current furlough days expire, salaries jump to 4.6 percent.

Commissioner Clinch made an inquiry as to why the Department is retiring cars with 22K and 39K miles. Pamela Levin responded that the vehicles are short distance vehicles used by inspectors within their districts. The problem the Department is having is:

1. The cars are old
2. Central Shops cannot repair many of the vehicles

Management has asked staff which cars are the worst cars in their fleet and to justify why they need to be replaced. The maintenance on these vehicles is difficult.

Commissioner Clinch asked if the Department is dealing with the same outside agency that recommended the current fleet back in 1999-2000. Pamela Levin stated the City publishes a list of approved cars that departments can select from.

Commissioner Murphy credited Director Day for being on the right track with the changes she has planned for the Department.

President Hechanova added DBI as an enterprise department, is lagging if it does not have the personnel or budget in place. Vacancies can be filled with a pool of technical talent but is being impeded by the ability to hire and bring them on. It seems the Department is trying to play catch up when it needs to be ahead of the curve. President Hechanova asked for additional information on the budget due to the concerns brought forth by the commissioners.

Commissioner Walker stated the budget lays out the appropriate level of staffing. The issue is DBI is unable to fill the vacant positions.

Commissioner Lee stated that Q-Matic has yet to be implemented and he has heard concerns that it would make the process lengthier. He does not feel it would lengthen the process. He had hoped Q-Matic would have been in operation for three months by now so that they could have some numbers to see if it is working well or not. His concern in looking at next year's budget is the Department adding staff in the back end, as in inspectors, rather than the front end which is plan checkers. He asked staff to clarify this aspect in the budget documents. Director Day stated it is a clerical error in the budget but the money is the same whether the Department places the staff on the 5<sup>th</sup> floor or inspectors. Why they are saying they are electrical inspectors is because they will be working out of the Electrical Inspection Division, but they will be assigned to the 5<sup>th</sup> floor, along with engineers and clerks. The incoming clerks will be trained on the 1<sup>st</sup> floor and will be available to assist the 5<sup>th</sup> floor. The problem is with the changes in the code, inspectors are currently plan checking on the 3<sup>rd</sup> floor without any revenue. Therefore, they are being assigned to the 5<sup>th</sup> floor so the Department can track it. If DBI finds that Q-Matic does not speed up the process as it is meant to, they will pull the system. Q-Matic has been working well in other jurisdictions and departments. It was also an item that was recommended in the Civil Grand Jury Report of 2005 or 2006. The system was purchased in early 2008 in response to the report and has taken this long to implement due to the process needed for its installation in the building. Additionally, after the system was purchased, the equipment did not come in for two to three years. DBI currently has the latest version of Q-Matic, however, the demands of San Francisco plan checking is different versus other cities, so it may not work here. DBI will monitor customer routing, but it should save time for staff and customers. President Hechanova inquired as to what is a reasonable timeline for evaluation of the system. Director Day responded they would like at least three months to evaluate the system. DBI hopes to implement on March 5 and report to the BIC by the end of the fiscal year.

Commissioner Murphy asked if DBI would solicit public input during the implementation. Director Day responded yes. President Hechanova asked if there was evaluation criteria developed for the system. Director Day stated these could be developed and would involve the Public Advisory Committee (PAC) to generate. The Department has internal criteria that they are looking at and developed as staff was trained on test cases. They will solicit actual production cases to evaluate. President Hechanova requested this item be agendaized for the next PAC meeting.

Commissioner Lee reiterated that he would like the budget document changed to reflect what was presented to the Commission, prior to its submittal to the Mayor's Office or Board of Supervisors for review. Commissioner Walker agreed. Pamela Levin stated the change would be made.

Commissioner Walker commented that she feels this is the second reading of the budget, and the Commission received the clarification and amendments that can be made to provide justification. Commissioner Walker believes the Commission should vote on this item.

Commissioner Mar expressed his concerns about getting into employee classifications and description of work assignments. He feels this is not part of the budget process that the

Commission should get into. Assignments are clearly an administrative task. The important thing is DBI has job openings with clear classifications. These are approved by DHR and regulated by Civil Service. Work assignments are day-to-day functions. Commissioner Murphy agreed and feels the Director and staff needs to take another look at the budget and present it at the next meeting.

***Commissioner Walker made a motion, seconded by Vice-President Mar, to approve the budget.***

Commission Secretary Harris asked for a roll call vote to approve the budget.

President Hechanova	No
Vice President Mar	Yes
Commissioner Clinch	No
Commissioner Lee	No
Commissioner Murphy	No
Commissioner Walker	Yes

***The motion failed on a vote of 4 to 2.***

***Commissioner Lee made a motion, seconded by Commissioner Murphy, to continue this item.***

There was no public comment on this item. Commission Secretary Harris asked for a roll call vote to continue this item.

President Hechanova	Yes
Vice President Mar	Yes
Commissioner Clinch	Yes
Commissioner Lee	Yes
Commissioner Murphy	Yes
Commissioner Walker	Yes

***The motion carried unanimously.***

### **RESOLUTION NO. BIC 007-12**

#### **3. Discussion to amend permit extension procedures.**

Director Day reported the Department held its monthly Public Advisory Committee meeting in which permit extension procedures were discussed. Ms. Day attached a draft outlining proposed changes to the Building Code to address the extension and cancellation of permit applications and issued permits. In the last meeting, members asked for an extension of 720 days (2 years versus 1 year) for projects over \$1M. The PAC will meet again in February to further discuss permit expirations for projects with violations. Director Day has solicited comments on this item from the PAC, which she is still waiting to receive. They would like to also extend this to 720 days, even on smaller projects. This does not include code enforcement cases, only regular permits. The next meeting of the PAC is February 8. Director Day will also work with the City Attorney's Office on this item as it is a code change. Commissioner Murphy also asked this item

be agendized for the March BIC meeting.

President Hechanova inquired what constitutes this item as a code change versus having it changed administratively. Director Day stated that this changes the California Building Code. This item will need to be brought to the Code Advisory Committee as well.

There was no public comment on this item.

Commission Secretary Harris announced the next meeting of the Commission is scheduled for February 15, 2012 at 9:00 a.m. Commissioner Walker stated she would not be attending the next meeting. Ms. Harris reminded commissioners that in order to pass the budget, they would need a full quorum – 5 commissioners to vote. She will be contacting commissioners individually to ensure their attendance; otherwise, they will need to schedule a special meeting.

President Hechanova asked for clarification on Item 3 in which Director Day asked for the Commission's support. He asked if there needed to be a motion. Ms. Harris stated that this was not an action item and did not require a motion.

#### **4. Adjournment.**

*Commissioner Lee made a motion to adjourn, seconded by Commissioner Mar. The motion carried unanimously.*

**The meeting was adjourned at 10:35 a.m.**

#### **RESOLUTION NO. BIC 008-12**

Respectfully submitted,

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**Carolyn Jayin, Executive Secretary to  
The Director**

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**Edited by: Sonya Harris, BIC Secretary**