



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

REGULAR MEETING

Wednesday, September 19, 2012 at 9:30 a.m.

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

Aired Live on SFGTV Channel 78

ADOPTED November 21, 2012

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 10:00 a.m. by President McCarthy.

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

COMMISSION MEMBERS PRESENT:

Angus McCarthy, **President**

Frank Lee, **Commissioner**

James McCray, **Commissioner**

Debra Walker, **Commissioner**

Sonya Harris, **Secretary**

Warren Mar, **Vice-President**

Kevin Clinch, **Commissioner**

Myrna Melgar, **Commissioner, excused**

D.B.I. REPRESENTATIVES:

Tom Hui, **Acting Director**

Edward Sweeney, **Acting Deputy Director, Permit Services**

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

Dan Lowrey, **Acting Deputy Director, Inspection Services**

William Strawn, **Communications Manager**

Tom Fessler, **Building Inspector**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

President McCarthy and the Commission agreed to take item 4 out of order, and move items 2 and 3 to the end of the agenda.

4. Discussion regarding disability access, including training and certification for additional Certified Access Specialist (CASp) Inspectors.

Mr. Tom Fessler introduced himself as a Building Inspector and said that he was recently CASp certified. Mr. Fessler said that he would speak to the Commission about any questions they had about CASp certification and what the Department is doing. Presently there are two CASp certified inspectors at the Department of Building Inspection, and that exceeds the minimum number of one that was required by the state law that created CASp which came into effect in July of this year. In the future, CASp certification of a sufficient number needs to be on staff by 2015,

and there is training going on for accessibility at the CALBO Training that is upcoming in October that staff can take for disabled access for both housing and the 2010 ADA.

Commissioner's & Staff Question & Answer Discussion:

- Vice-President Mar said that there have been some lawsuits for small businesses regarding disability access, so his question is if customers get a CASp inspection and bring plans to DBI is it Mr. Fessler's office that will sign off or look at the plans to see if they are on track? Concern is there is not a government entity that will sign off on their plans, so they feel like they are moving targets for some of the lawsuits.
- Mr. Fessler said when a person comes to the building department for any permit DBI Inspectors would review them, and if it is associated with accessibility it would be processed like any other permit. If there is an unusual situation many times the plan check staff would come to him, the other CASp Inspector, or their supervisor to ask their opinion on whether the permit is approvable or if it met the Code. There is not a special section where customers would go directly to CASp if the permit had accessibility to it, because every commercial permit has that. – They would be overwhelmed if every accessibility issue came to the two of them.
- Commissioner Walker asked if he knew how many inspectors were signed up to be certified at the CALBO training, and what was the required number that was determined? CALBO training happens every year and Building Inspectors have to maintain certifications and earn continuing education credits. Two of the trainings pertain to accessibility issues, but he does not know what percentage of staff is taking those. There is not a required number yet.
- Acting Director Hui said to answer Commissioner Mar's question regarding how to certify permits when customers come in for only disabled access, it is called barrier removal, and a permit only deals with accessibility. Tom Fessler is the Secretary of the Access Appeals Commission. Customers will have to hire a consultant to inspect their site and they will receive a placard stating what needs to be done to avoid a lawsuit, and they can come to DBI for future modifications to their plan and also to see how they are going to achieve those barriers. The CALBO Training is only basic training to deal with upcoming changes, but CASp training is a very expensive, 3-day training and the passing rate is roughly 30% so it takes time for inspectors to pass. DBI's intention is only to serve in an advisory role, and the Department plans to do additional outreach and training for small businesses. DBI recently met with staff from the Los Angeles building department who came to S.F. to see how our department operates: They said that they do not have any CASp inspectors right now, so S.F. is ahead of some other departments in the state.
- President McCarthy attended the meeting also and said he was surprised and thought L.A. would have been ahead of S.F., but he thinks they do not have CASp inspectors at this time because they have accessibility issue problems. He would like to see more education for the public and Commissioner Mar agreed with this also: It is important to do outreach and get the word out to communities. It would be good to have a system for customers who do not regularly come to DBI that shows them how to get to the right inspector.
- Mr. Fessler said he gets questions on a daily basis from small business people and architects about accessibility questions and they are referred to him from staff when they are at Plan Check or Technical Services. He works in the Disabled Access Division and the other CASp inspector works in Technical Services. Mr. Fessler often gets complaints

and answers questions from the public about accessibility issues.

- Commissioner Walker said it may be good to have staff do outreach on accessibility when there are community street fairs.
- Commissioner Lee said perhaps there should be a completely new way of doing outreach and getting information to the public since DBI is spending money and time having inspectors CASp certified.
- Acting Director Hui said he agrees with the Commissioners' comments, and wants to try having a Brown Bag Lunch inviting all the small businesses. Also DBI plans to do more neighborhood outreach and get more handouts to the public.
- Regina Dick-Endrizzi, Director of the Office of Small Business mentioned there was a combined workshop on accessibility issues with Supervisor Carmen Chiu and the S.F. Bar Association which was recorded and is being aired cyclically on sfgov. and channel 26.
- President McCarthy asked how come DBI was not included? Ms. Dick-Endrizzi said it was an oversight. President McCarthy said information is power and the BIC wants to help resolve the small business issue, so it was a mistake to not have DBI staff there.
- Vice-President Mar suggested that Acting Director Hui could offer the Department's services to other commissions and even the supervisors, because there are a lot of different merchant associations in different neighborhoods.
- Ms. Dick-Endrizzi said that Senate Bill 1186 was passed in the state assembly, and is currently on the Governor's desk and he may veto it but if it becomes a law it will require businesses to pay an additional dollar in their business registration fee to go towards help with outreach and education.
- Commissioner Lee asked if there was an avenue to reach out to the property owners of these businesses? Ms. Dick-Endrizzi said yes through the Small Property Owners Association.
- Supervisor David Chiu has legislation that would require the property owner to do a notification about the accessibility of the property.
- The Office of Small Business is working on a handout for property owners to distribute to tenants, and they plan to consult with DBI on this item.

Secretary Harris called for public comment.

Mr. Henry Karnilowicz stated that he was the President of the Small Property Owners in San Francisco, and Supervisor David Chiu is planning to speak at one of their meetings about the ADA issue. Mr. Karnilowicz said a lot of small property owners were not really aware of this, and some do not have any idea until they get a law suit. He is also President of the Council of District of Merchants, and there is legislation going ahead with Diane Feinstein regarding ADA and that should help businesses making less than \$3.5 million a year.

Mr. Carl Schreir said that he was in a coffee shop on 18th Street yesterday, and it was the owner's last day. He said about five years ago he purchased this restaurant and went to the city building inspectors who looked it over: He remodeled a bathroom to make it handicap accessible, but they forgot to mention a two-inch lip so a year ago he was sued. Mr. Schreir mentioned that this is a personal matter for people, and said the owner had to sell his business and the sad part about it is he has two little kids, and is trying to support a family. Mr. Schreir stated anything that the BIC can do to help the small businesses without deterring people that are handicapped, if it is in their power to do so.

Mr. Dan Lowrey, Acting Deputy Director of Inspection Services, said that as far as in-house CASp training the Department has been trying to get this training for nearly eight months. They had to get three vendors, in order to get three comparable bids for the Controller's office because it is very expensive. Mr. Lowrey said that this was recently done so DBI should be getting approval in the near future for the CASp training, and he hopes it will be within two months: The training will be held in the Building department and is going to probably be a four to five-day training class for Inspectors.

5. Discussion and possible action to amend Building Code Table 1A-G Inspections, Surveys, and Reports to establish a Premium Report of Residential Records (3R) fee.

Mr. Bill Strawn of Legislative & Public Affairs stated that this item came about because last March the BIC approved some Code changes involving permit extensions and expirations, as well as some updates on different fees. In the course of working with the City Attorney's office, DBI discovered after the fact that the online publisher failed to have the correct dollar item due to the fee study from three years ago for the 3R reports. The fee for the 3R report is \$160 under the fee legislation that was adopted by the Board, but for some reason the publisher had \$100 so this requires a certain amount of correction. The Department has been working closely with Deputy City Attorney John Malamut, and has some new legislation that the Board will probably introduce next week to deal with all of the corrections. Mr. Strawn stated that DBI thought this would be an opportunity to offer a premium 3R service, which would mean that customers coming in who had an urgency similar to premium plan review could pay a little more and have the report generated in a shorter period of time. Mr. Strawn said that this is tied to staffing realities that DBI is still working on, so this is a work in progress and will not happen overnight.

President McCarthy said that his understanding is that the Department is correcting the language for the 3R report fee from \$100 to \$160.

Mr. Strawn stated that the fee table correction is one of the items being introduced at the Board of Supervisors.

President McCarthy said that the comments are very relevant to the point that this is obviously a service that is tied to the staffing level. He understands the expedited fees but they really do not mean very much if DBI has to "rob Peter to pay Paul", and because one person had more money in the bank to pay for this then they get better service. President McCarthy said he wants to be careful with this, because this is a specialized division and he spent half a day with staff so he saw how well and concentrated that work is and it takes a particular type of person to work there. He understands how it is difficult to staff up in that kind of department: He supports the expedited fee, but does not want to see other work stations within the division suffer so that somebody can get an expedited 3R report.

Deputy Director Levin stated that she appreciates the comments on the staffing and the ability to respond to the increasing numbers of records requests, whether they are 3R or not: She said the division is trying to get to the MBO of 5 days, but are currently at 8 days. Ms. Levin said the Department met with the Board of Realtors and they expressed interest in having an expedited 3R report process, so when asked what that meant in terms of numbers of days they said 5 days –

DBI's MBO is 5 days also. Ms. Levin said after DBI gets staff she assumes they can bring the number of days down and be able to meet the MBO using the regular process, rather than the expedited one. Ms. Levin stated that there are a number of multi-million dollar cash deals so the Department felt the need to respond to this: As was mentioned this depends on the division being able to have staff that can be assigned these duties and not negatively impact the rest of the work that they are doing, and the staff is really working hard.

President McCarthy said the division was at 15 days but now they are at 8 days which in itself is successful with the current staffing levels.

Acting Director Hui stated that right now the Department is doing business as usual, and he understands the concern about the expedited process impacting everybody. Mr. Hui said he plans to limit the number of requests to perhaps 10% of the total requests, and it would require approval by the Director or Deputy Director. In speaking to the realtors they understood that the expedited process is the exception, rather than the rule so everyone will not be able to have their reports expedited.

Commissioner Walker thanked the Department for responding to the public since they have asked to hurry this process, but she is concerned that this may disadvantage people who cannot afford to pay for the premium service. Commissioner Walker said that staff should focus on increasing effective service for everybody.

Commissioner Lee said that he hates to think that multi-million dollar properties would get faster service than the average person that has \$300 - \$400K properties – He thinks this is an imbalance.

Ms. Levin stated that the regular fee is \$160 and DBI is proposing to charge \$160 plus 2 hours of the administrative fee which amounts to \$208. Ms. Levin said this would be done on a first come, first serve basis and DBI would only take 10% each month.

Secretary Harris called for public comment.

Mr. Spencer Gosch stated that he has been a City Building Inspector for 22 years, and said now DBI is going to allow rich people to pay more money to go to the "front of the pack" – Not only rich people but rich people who staff determines are allowed to do so. Mr. Gosch asked if the City Attorney signed off on this, because years ago these sorts of activities were prohibited when rich people got special treatment: He believes that would still be the case unless the laws have changed.

6. Discussion and possible action on a framework for the search and hiring of a permanent Director for the Department.

President McCarthy said that he would like to open up the discussion so that all Commissioners could weigh in on it, and he would like to understand how the process of searching for a Director was handled in the past. He stated that he has been asking questions on the procedure and wanted Commissioners to understand what could be talked about in public and what could be discussed in Closed Session, so he asked Deputy City Attorney John Malamut to explain the process as he recalled it.

Deputy City Attorney Malamut stated that the laws regarding Closed Session set up pretty limited circumstances when the Commission can meet in Closed Session and what is appropriate to discuss during that time: There is something that is referred to as the personnel exception, which is an opportunity to go into Closed Session to discuss certain things regarding personnel, primarily given the Building Inspection Commission's authority that regards the hiring and/or termination of the Director of DBI and the Commission Secretary – Those are the authority that the BIC has been granted under the charter. For the most part the personnel exception gives the BIC the opportunity to meet in Closed Session to discuss certain things regarding the hiring or termination as well as the evaluations of those two different staff. The ability to meet in Closed Session is limited so there are many things that the BIC cannot discuss regarding the Director's position: One of them, for example, are the various qualifications that are appropriate for a Director. There are salary issues and other things that can only be discussed by the Commission in an Open Session, so the President felt that it would be appropriate to put on today's agenda – A discussion of the framework regarding the hiring process for a Director because it is really much more of an open-ended discussion about the process: The search process, how to identify qualifications, how you narrow the field, all these things are not appropriate in a Closed Session. The last time the BIC hired a Director, Commissioner Walker was the President of the Commission and she obtained authority from the BIC – He did not know if it was formal or just the consensus that she would take the helm in the terms of a Director search. She worked with three other department heads within the City: The Director of Public Works, the Chief Administrative Officer, and the General Manager of the Controller's Office. President Walker worked with those three City staff to develop the protocols and the search process. The BIC hired and worked with a search firm, sent out solicitations, received qualifications and applications from candidates. He believes that group narrowed the field down to half a dozen potential candidates, and at that point the BIC met in Closed Session and interviewed each of the candidates from this narrowed field. The interviews were held off-site and were properly noticed in accordance with all the various rules: They were held at different times so the different candidates being interviewed did not know who else was being interviewed. After all the candidates were interviewed, there was at least one or more additional Closed Sessions where the Commission made its decision on a particular candidate. There was an offer process made and an acceptance of that, so that is the way the process was conducted the last time. There is nothing in the BIC rules that has a set process, so the Commission is free to either continue that similar process or craft its own.

President McCarthy said that Mr. Malamut's overview of the process was very helpful and as President he wants the best practices. He opened up the conversation for Commissioners to discuss.

Commissioner's & Staff Discussion:

Commissioner Walker:

- The BIC decided as a group which search firm to use.
- The job description and expectations were crafted by the entire Commission.
- Search firm met with Commissioners individually and asked for their search criteria.
- It was important that other department heads worked with DBI on a regular basis and offered advisement: They also sat in on the interviews though they did not have a vote.
- The process worked well because everybody had equal input, and the process itself was

approved by the entire Commission.

Commissioner Mar:

- His main concern is that there is an open process, and that the BIC works with other departments.
- The BIC should also work with the Department of Human Resources because they have worked with other departments to do executive searches, and the BIC could look at which firms they used recently.
- Important to have all Commissioners weigh in.

Commissioner Lee:

- He was on the Commission with Commissioner Walker and thinking about the Department's situation now versus what it was six years ago, the situation may be a little different.
- He is not opposed to following the previous process, but he recalls it was long and maybe there are ways it can be shortened.

President McCarthy:

- He concurs with the other Commissioners and believes everyone wants the process to be as efficient as possible.
- DBI has had pretty efficient empowerment and plan check is running efficiently.
- One big advantage is a lot of the groundwork has been done with respect to the language.
- The Commissioners need to work on the job description, and give some thought to what they are looking for in a new Director.
- Regarding the search firm, he would like to follow the same model as last time.
- He likes the aspect of working with different departments to make sure everything is done correctly.

President McCarthy asked if there was a list of approved search firms. Deputy Director Levin said yes there is and the Department of Human Resources put out a Request For Qualifications (RFQ) that consists of 10 firms that have been approved to use. Ms. Levin said she did some research and DBI will have to put out a mini Request For Proposal (RFP) to start the project. The BIC needs to make a decision on the scope of work that they want the search firm to have and staff can assist in any way possible.

Commissioner Lee asked what the average cost was of a Director search now, and how does Human Resources fit into all of this? Ms. Levin stated that there is an average cost rate now, it is less than \$50K but it depends on what is put into the scope of work and DHR assists the Department in negotiations with the search firm. DHR does not run the process nor do they determine the Director's qualifications as this is up to the Commission. Commissioner Lee asked who makes the announcement and Ms. Levin said the search firm does.

Commissioner Walker said the benefit of working with someone who is engaged in the industry is that they are aware of people in different locales who they think might fit the BIC's criteria and be interested in the position. It is not even just a matter of announcing it, but they actually recruit people by making calls to folks that they have relationships within the industry and it provides much more response to just a general notice that DBI may post somewhere. During the last search

process the firm talked to each Commissioner and knew what they were looking for, and they ended up interviewing the selected candidates in Closed Session.

Commissioner Walker said the search firm does not have a restriction because they are not Commissioners, so the BIC are the only ones restricted – The firms would be getting information from the Commissioners for their search.

President McCarthy asked if there was money available to pay for the Director Search and Ms. Levin said yes there is.

President McCarthy asked if the BIC had to hold Special meetings for the Director search. Mr. Malamut stated that the BIC could set up Special meetings or possibly create a sub-committee of the Commission that takes the lead and they would meet separately on a regular basis, instead of trying to assemble the whole Commission. The Commission could also give authority like they did last time to the President or another Commissioner to take the lead and then report back and set up meetings with the full Commission as needed.

Commissioner Lee proposed that the BIC duplicate what was done last time and give the President the authority to take the lead. If the Commission needs to hold a special meeting then they could decide everything in the open.

Commissioner Walker said a goal would be to bring back responses from the search firms, and meet with Department heads to get their input.

President McCarthy asked about the issue of the Sunshine Ordinance and where the BIC stands when it comes to the search firm meeting with Commissioners individually or even meet with a couple of them at the same time.

Mr. Malamut stated that perhaps in the smaller RFP to identify the firms, one of the criteria to consider is to request that there be permissible meetings with individual Commissioners so it is set up up-front, and he could work with the Department and the search firm on what would be appropriate in terms of the issues concerning a quorum and public meetings.

Commissioner Lee made a motion, seconded by Commissioner Walker to allow the President to take the lead on the Director Search and to set up meetings with other departments to develop a process or criteria to find a permanent Director.

Secretary Harris called for public comment.

Mr. Spencer Gosch said that he has been a Building Inspector for 22 years, and he sees the search firm as little more than allowing two benefits for the Commission: It delays the process and allows them to hire a good crony. He has some reasons why the BIC should try to speed things up and it relates to what the current Director has been up to. There is a larger problem in the Department other than the racism which he discussed last time, and that is the lack of written and authorized direction to staff: For the last four plus years there have been no such documents produced by management. Mr. Gosch asked Acting Director Hui and Deputy Director Sweeney how many directives they had written.

President McCarthy interjected and said what is in front of the Commission is the item of the search for a Director, and he stated that Mr. Gosch should direct his comments to that item and he asked that he not refer to staff.

Mr. Gosch stated that there are reasons to speed up the search and said there are no directives from staff which is a big problem. The Department needs a Director who will direct. Furthermore, how can the Commission allow a department to exist with no written and authorized policies and procedures? How can the BIC allow these persons whose actual title includes the word Director to not direct? He insists a Director who has not issued any directives is committing administrative malfeasance at the level of official misconduct. The lack of written direction for a lengthy period of time has resulted in complete confusion at the Department from operating by word of mouth only. Has the Department become criminal or are they just operating in a criminal way?

President McCarthy said once again Mr. Gosch was off topic so he stated that he was ending his public comment, and he had every right to do so as Chair.

Mr. Gosch said he thought President McCarthy was trying to muzzle him, and he did not appreciate it.

Mr. John Hinchion stated that as a Building Inspector he would like to disassociate himself from the previous speaker, and hopes the BIC realizes that he speaks on his own behalf. Mr. Hinchion said he doubts that any Inspector in the Department would have anything in common with the comments he has made today and at previous meetings.

Mr. Gosch interjected and said that the speaker was off topic.

President McCarthy asked Mr. Gosch to have a seat or he would have to ask him to leave the room.

Mr. Hinchion said that he had no issue with the process that was used the last time, but he was not happy with the finished product for the simple reason that the final candidate was somebody who had no familiarity with this City. He would encourage the Commissioners to have one of the criteria be that the final candidate has some familiarity and background with San Francisco, as it is very complicated. If someone comes in as a Department Head totally from outside the City, they would be getting into a “mine field”. He hopes that whoever is selected stays for a long time, and not leave the way it happened the last time: Everybody was delighted there was finally a permanent Director and a few months later the job was given to somebody else. Mr. Hinchion stated that she did a fine job, but he hopes this time that the finished product is a decision where somebody takes the job and stays for some time and the Department would have continuity.

Secretary Harris called for a roll call vote on the motion. The motion carried unanimously.

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|---------------------|-----|---------------------|-----|
| President McCarthy | Yes | Vice-President Mar | Yes |
| Commissioner Clinch | Yes | Commissioner Lee | Yes |
| Commissioner McCray | Yes | Commissioner Walker | Yes |

RESOLUTION NO. BIC 046-12

7. Director's Report.

a. Update on DBI's finances.

Deputy Director of Administrative Services, Pamela Levin, gave an update on DBI's finances and addressed the following points:

- DBI is projecting to end up on budget and staff is seeing that revenues for charges for service have increased substantially compared to last year at this time.
- Year to date August 2012 versus year to date 2011, the increase has been almost 45%.
- The number of issued permits has gone up by 9%, but the total valuation has gone up by 48% so DBI is seeing larger projects coming in.
- The Department is issuing permits for larger projects and that is bringing in additional revenues.
- In terms of expenses, the largest category is salaries and fringes: DBI has a staffing/hiring plan that was presented to the budget committee and it consisted of 63 positions.
- Staff is really working on trying to bring people in to respond to the additional demand.
- DBI is working on getting 1406's, entry level clerks but there has been a delay in the process.
- DBI has been successful in terms of getting help from DHR in getting exams done: The Building Inspectors' exams closed on September 14th and are currently being evaluated.
- DBI is working on the Housing Inspector exam now, and are having parties look at the way the specifications are put together so that there would not be any problems in terms of recruitment.
- Commissioner McCray asked what the rule of 10, rule of 7, and rule of 3 meant on the hiring plan sheet? Ms. Levin said once there is a list, the Department can only go down that far if DBI is the first department accessing the list.

b. Update on proposed legislation.

Mr. Bill Strawn of Legislative and Public Affairs gave an update on proposed legislation and discussed the following points:

- Ordinance No. 111047 – Obligations of landlords and small business tenants for disability access improvements. Supervisor Carmen Chu's legislation was modified into a series of notifications to make sure commercial landlords leasing property to small businesses inform them about compliance issues that may exist in that particular building. The Mayor signed this legislation on September 7th, so it will become legal as of October 8th.
- Ordinance No. 120717 – On-site water reuse for commercial, multi-family and mixed-use developments. Supervisor David Chiu's legislation is a voluntary program to try and model on the new headquarter building for the SFPUC to have people conserve more water. This passed unanimously and will take effect in the second week of October.
- Ordinance No. 120191 – Redefine Efficiency Units. Supervisor Wiener's efficiency legislation remains pending, and the Board may take a final second reading and vote on it at the last board meeting in September.
- Ordinance No. 120488 – Bottle-filling stations. This legislation has been at the Code Advisory Committee (CAC) for two sessions, and during the last one Supervisor Chiu's

staff member came and made a detailed presentation to the full CAC and to the sub-committee. His staff person will probably be coming back with some people from the SFPUC to talk about some of the details in those units. If this passes then DBI will be required to keep an inventory of the installations and report to the BOS. Supervisor Chiu is trying to eliminate plastic water bottles from going in the landfill.

- Ordinance No. 120318 – Additional Penalties for Foreclosed Properties. This legislation introduced by Supervisor Cohen goes after foreclosed properties, specifically the owners of 10 or more foreclosed properties which basically means banks and financial institutions would have to pay additional fees.

c. Update on Permit Tracking System.

Ms. Vivian Day, Special Assistant for Technology, gave an update on the Permit Tracking System and addressed the following points:

Current Status:

- Approved the Accela Core System and Configuration stage of the project
- Completed prioritization of Change Orders requested beyond initial Configuration requirements
- Completed Initial Requirements for Accela Citizen Access
- Completed prioritization of DBI Reports and Scripts for Accela Automation
- Reviewed initial historical data conversion requirements with Vendor
- Connected to Vendor server to build Geographic Information/ Address Parcel Owner interfaces
- Participated in Accela User Conference Product and Technical training

Next Steps:

- Build approved Change Orders into the Core System Configuration
- Begin Detailed Requirements for Accela Citizen Access
- Begin Detailed Requirements for DBI Reports and Scripts
- Train MIS team in Accela Reports and Script automation
- Begin Detailed Requirements for historical data conversion
- Continue development of system interfaces

d. Update on other technology projects.

Ms. Day gave an update on other technology projects and discussed the following items:

- Web enhancements/ features – 3R and Records requests over the web.
- Planning and Fire fee schedules update
- Cash Management System
- Inspector field tablet system
- Mission Corridor Server Room Project

Commissioner Walker said that Q-Matic was not on the list of technology projects, and she knows the Department held back on that process, but the goal is to see if it could be amended so she is expecting a report back on that.

Acting Director Hui stated that DBI is looking into another system.

Ms. Day said that Q-Matic is dependent on the hiring of the 1406s, because that is what was lacking the last time and that was one of the big failures since people did not know where to go and there was no one to direct them.

Secretary Harris called for public comment and there was none.

8. Commissioner's Questions and Matters.

- a. Inquiries to Staff. At this time, Commissioners may make inquiries to staff regarding various documents, policies, practices, and procedures, which are of interest to the Commission.**

President McCarthy stated that the Los Angeles Building Inspection heads came to San Francisco, and he and DBI staff met with them and found it very informative. President McCarthy said he was interested in how they handled blight issues in L.A. by boarding up properties and so on. President McCarthy asked if staff could find out what L.A.'s policy was on blight and perhaps the BIC could discuss if it is a fit for San Francisco. President McCarthy said that L.A.'s way of dealing with blight seemed not as expensive as going through the City Attorney's office – The Bureau Chief, Robert Steinbeck, said their program was quite successful.

Commissioner Walker said that she would like to discuss Notices of Violation and the open cases. She would also like a periodic report back, starting at the next meeting.

- b. Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Building Inspection Commission.**

Secretary Harris stated that the next regularly scheduled meeting was October 17, 2012. Secretary Harris called for public comment and there was none.

9. Review and approval of the minutes of the Regular Meeting of July 18, 2012.

Commissioner Walker made a motion, seconded by Commissioner Lee to approve the minutes of July 18, 2012. The motion carried unanimously.

RESOLUTION NO. 047-12

2. President's Announcements.

President McCarthy said that Christopher Victorio of the Central Permit Bureau got a letter of recognition from a customer. The Commission gave their condolences and heart-felt sympathies to Dr. McCray, for the recent loss of his father, Mr. James McCray, Senior. On September 11th President McCarthy joined Acting Director Hui, Deputies Sweeney and Lowrey, and Chief Hinchion as they met with six top staff from the Los Angeles Building Department, who visited

San Francisco to learn about DBI's procedures on code enforcement, inspections, and plan review. Acting Director Hui recommended that a new committee be established to recognize and award outstanding DBI employees on a quarterly or annual basis: An initial organizational session was held and he and Vice-President Mar are pleased to be a part of the new committee, and other members include Emily Morrison, Jeffrey Ma, and Bill Strawn. There will be a Special Joint Meeting of the Disability Access Sub-Committee and the Access Appeals Commission in Room 2001 at 1660 Mission Street: Representatives of national elevator manufacturers and consultants will be presenting prototypes of their equipment for disabled and non-disabled persons. On Saturday, September 22nd, DBI staff volunteers will respond to questions and provide outreach information at the annual Sunset Community Festival from 11 am to 3 pm at the West Sunset Playground, 39th and Ortega and next to the Ortega Branch Library. DBI staffers will also be at this year's Castro Street County Fair on October 7th from 11 am to 6 pm. The Department of Public Works announced that one of the Chronicle's most experienced and respected reporters, Rachel Gordon, has accepted DPW's offer and will become their Director of Communications & Public Affairs, effective September 24th.

Secretary called for public comment, and there was none.

3. General Public Comment: The BIC will take public comment on matters within the Commission's jurisdiction that are not part of this agenda.

President McCarthy stated that members of the public may address the Commission on items not appearing on the agenda for a period of time not to exceed three minutes, and speakers shall address their remarks to the Commission as a whole and not to individual commissioners or department personnel.

Mr. Spencer Gosch said that he has been a Building Inspector for 22 years and a resident 32 years. He would like to request all persons who had a bad experience with this Department to come to the meetings and let the Commissioners know about the problems. Meetings occur the third Wednesday of the month in City Hall, Room 416, assuming the President does not reschedule the public comment for some other less usable time. Mr. Gosch read a prepared statement: "Folks I don't want to be here. My presence is a direct result of the persons who are allowing the mismanagement of the Department of Building Inspection, the Commission. Racism, I was here last month stating the facts. You are now after multiple notifications continuing to foster and condone racism in the department you oversee. This exists in hiring, promotional opportunities, job assignments and exhibits itself in other ways. I would like you to make efforts to stop it immediately. In spite of the City Attorney's foolish and erroneous opinion that you need to do nothing about my complaints, you are responsible. I suggest you seek outside counsel regarding your responsibilities and liabilities. The statistical evidence of the charge of racism is that according to the current organizational chart: Civil structural engineering class of DBI 80% Chinese ethnicity, and the remaining include Vietnamese and Filipino sympathetic to the Chinese leadership. The first white engineer was hired two months ago. Other racial disparities could be found. Should we look? Topic of official misconduct: I would like to address a larger problem. Discussion of racism you refuse to do anything about, the larger problem is the lack of written authorized direction to staff. For the last four plus years there have been no such documents produced by our management. Once again a Director has not issued directives is committing malfeasance at the level of misconduct. The lack of written direction for a lengthy period of time

has resulted in complete confusion in the department from operating by word of mouth only. Has this department become criminal or operating in a criminal manner? Regardless Hui and Sweeney have to go. The complete lack of written policy is a symptom of the real problem at the department. Let's not forget the Mayor – the real problem is the BIC and the Mayor condones this pathetic situation with the willful lack of oversight. You have allowed these people to get away with so much for so long they're starting to believe their own B.S. that they can get away with anything – They are wrong. I'll see you next month. Thanks for listening.”

Mr. Robert Davis said that he lived in the Bayview district and he wanted to get an update on the following items:

- Emergency demolition order signed by Acting Director Hui on August 7, 2012, for property located at the corner of Thornton and 3rd Street in the Bayview. The owner has done nothing and the deadline has passed.
- 4801 – 3rd Street. This property had delinquent fines/fees/penalties in excess of \$8,000.
- As reported, there are over 5,800 open NOV's dating back to 1994. Four months ago Deputy Director Sweeney promised to “bring the numbers down.” Two months ago he reported that he had “reduced the number of complaints” by bringing on more staff. No mention was made about the NOV's.
- As reported, there are over 2,000 open Director's Hearings dating back to 1996.
- As reported, there are over 750 Director's Hearings, dating back to 2000, which have never been sent to the full Commission or Litigation Committee, even though the complaints were upheld.
- What is the status of the \$160K software Q-Matic?
- We need some DBI action at 1881 Oakdale. This dilapidated empty building has been on the DBI radar for more than 10 years.
- Also discussed public lien hearings – Special Assessment of Liens for Assessment of Cost.

Mr. Carl Schreir stated that he has been working on a project at 4388 -17th street for two years, and has been trying to get a permit. This permit has zero issues and they still do not have a permit yet. He sent certified letters to the Department heads and the Commission, but still has not received any response and these were sent out last spring. As a brief history this building has been vacant for 15 years so it is just a shell of a building: They have been trying to rehab it and move into it as their home. They have had zero help from the City and it has been a stumbling block every part of the way, so he would like the BIC's assistance to look into this and somehow get a response so the Department can have some accountability. The property was purchased following a probate sale and the house was so bad they secured it, so they were immediately hit with fines from the previous owner, which was the City. They obtained a permit and now they have two permits that are intertwined and they cannot close out the first permit because it is attached to the other one. There has been an Order of Abatement issued.

Mr. Hinchion said that one of the previous speakers made a reference to 4801 – 3rd street and that address was sent to the Board of Supervisors lien cycle, which is a common practice and procedure if a property owner appears at the Board. The BOS encourages the Department to work with the property owner, and quite often the address is pulled from the calendar: When the address is pulled the fee is not waived and it is still outstanding. If the fee is not paid during the following year, it is on the calendar for lien for the following year.

Mr. Hinchion stated that he wanted to distance himself from the speaker before because he does not like to have any association with people that spoke and said things of a negative nature. He has been with the Department a long time and worked with a lot of different individuals with different backgrounds, races, and so on. The staff is very proud of the Department with the diversity we have and how everyone gets along: Diversity is a strength because in working with each other staff is better equipped to deal with a public that is very diverse also.

10. Adjournment.

Commissioner Walker made a motion to adjourn, seconded by Commissioner Clinch. The motion carried unanimously.

The meeting was adjourned at 11:50 a.m., and was closed with a moment of silence for Mr. James McCray, Senior.

RESOLUTION NO. BIC 048-12

Respectfully submitted,

Sonya Harris
Commission Secretary

| SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS | |
|--|------------|
| Office of Small Business and DBI to jointly work on a handout for property owners to distribute to tenants regarding accessibility issues. – Dick-Endrizzi | Page 3 |
| Update on Q-Matic or an alternative system. – Walker, Hui | Page 11-12 |
| Report on Los Angeles’ blight policy. – McCarthy | Page 12 |
| Update on NOV’s and open cases. – Walker | Page 12 |