



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

REGULAR MEETING

Wednesday, June 20, 2012 at 9:30 a.m.

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

Aired Live on SFGTV Channel 78

ADOPTED August 15, 2012

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 10:51 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**

D.B.I. REPRESENTATIVES:

Vivian Day, **Director**

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

Tom Hui, **Deputy Director, Permit Services**

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

William Strawn, **Communications Manager**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

2. President's Announcements.

President McCarthy had no announcements.

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

Mr. Tom Harvey introduced himself as the Fire Marshal for the City of San Francisco and said that he has been involved in fire prevention and investigation for over 20 years, and in the Fire Department for 30 years. Mr. Harvey stated that he worked as a Supervisor when the Building Department was still on McCallister Street, and he has a long history and great working relationship with a lot of the Directors, Deputy Directors, and staff. Mr. Harvey asked Secretary Harris to distribute the Organization Chart for the Division of Fire Prevention and Investigation, and said if

the Commission ever has any questions or wants to work with staff on anything to please contact them. Mr. Harvey stated that he just wanted to say hello, and he plans to have staff attend BIC meetings in the future if there are any agenda items relating to Building and Fire together.

Mr. Henry Karnilowicz stated that he wanted to speak about the Q-Matic system that went into effect last Monday and he was hoping that it would expedite permits getting issued, but it has had the opposite effect and created gridlock and there is no flexibility in the system. Mr. Karnilowicz said that before a customer could take an hour to two hours to get a permit, and now they are lucky if they get it in one day. For example if a customer went to Planning, they have to go to the information counter and there are 10 people waiting, the customer has to wait until their number is issued. There may not be anybody at the Planning counter so the customer has to wait until they get a ticket and then staff starts calling the numbers: There are alphabetical notations before the numbers, e.g., A-310, C-260, etc., and the customer does not know what this is for. Mr. Karnilowicz said that the customer has no idea where they are in the system – at the back of it or at the front of it—so they are just waiting until the number rolls up. Routing is done internally and a Plan Checker may route a customer to Fire, but when the customer arrives there is already someone else there that was routed incorrectly. If a customer is working for someone like Clear Channel that wants to get their permits issued right away, they can't because they have to wait for the Fire person. Mr. Karnilowicz stated that the system is quite a disaster and it does work in Oakland but there is only one floor: He has had situations where the intake person said he needed to go to Planning and it was right across the way, and if there was a mistake he could just go back to the same person but it does not work the same in San Francisco because the planner could be on a different floor. It is a very complicated system, and there are architects, engineers, contractors, Fire staff, and DBI staff that are not happy with Q-Matic. Mr. Karnilowicz said Wendy Aragon was at the meeting earlier and stated it took almost five hours day one of Q-Matic to get an AB-017 permit for a commercial, interior demo and last week her number was dropped from one station to another.

Ms. Bobbie Sue Hood said that she is an architect and a former Building Inspection Commissioner, and she was present to speak about the Q-Matic system. Ms. Hood stated since doing her masters at Berkeley she was interested in computer systems that save money, time, and make the overall system work better for all involved: If planes were scheduled according to the Q-Matic system, people would be up in the air running out of gas all over the country. Ms. Hood said to take a global perspective if there are seven or eight stations to stop at and each one you have to wait the longest time. Whereas if you know how the various stations work and know there is no one at fire at 8:00 a.m., so you go get in line at structural engineering plan check and there are five people waiting there: You know it will not take long to check with fire so you get that done because there is a fire plan checker sitting there doing nothing, so his time is being wasted while you were in line waiting for the structural plan checker. Ms. Hood stated instead of Q-Matic being a system that maximizes time by making staff time more efficient, it does not work: In the sense of serving permit applicants it does not work either because their time has been extended up to five times as long. Ms. Hood said people who are experienced in going through the previous system as Mr. Karnilowicz is, knows if he goes to DBI at a certain hour that he can get things done so his knowledge makes the plan checker and the Building Department's use of their own time for the same permit fee more efficient. Ms. Hood stated that it would be a win-win for everybody to revise the system since it is on the computer, and it is a software problem so it could be fixed without throwing out the system, and there are plenty of software engineers in this town who would consider it easy work.

Mr. Robert Davis said that last month he heard Pamela Levin talk about cases that have gone to the Litigation Committee, and he has some paperwork about a building around the corner from his house that had a Director's Hearing but nothing else happened to it. Mr. Davis stated that he got a spread sheet from DBI and some information was duplicated, but there were about 2,100 open Director's Hearings. Mr. Davis said he wondered how many Directors' Hearings were never sent to the Litigation Committee, and he found that there was over 750 some dating back to the year 2000: He did a little math and sorted all the data by the zip code and year. Mr. Davis stated the open Director's Hearings go back to 1996 and open Director's Hearings with Orders of Abatement go back to 2000, and nothing else has happened with those and he wonders why. Mr. Davis said he did further calculations by the value of open NOV's, and a couple of months ago there were nearly 5,500: He calculated they were worth about \$1,100 each so he multiplied that by 2,000 open Director's Hearings and came up with \$2,300,000. Mr. Davis stated the number of Director's Hearings that are open and had never gone to the Litigation Committee is a little bit more than \$750,000. Mr. Davis said again he would like to ask that the complaint process, including Notices of Violation and including Director's Hearings become an agenda item at the Building Inspection Commission.

4. Discussion and possible action to approve a Declaration of Financial Hardship form for requesting fee exemptions for appeals heard by the Building Inspection Commission in accordance with Administrative Code Section 77.10.

Deputy City Attorney Jana Clark, said she submitted a proposed form which is basically the form that the Board of Appeals uses, but it does not explicitly provide for a neighborhood organization to get a fee waiver. Ms. Clark stated that she did some background research and discovered that under the Planning Code, to apply for a discretionary review fee waiver they have their own form: On the form specifically contemplated in the Planning Code, they allow for a neighborhood organization to get a fee waiver based on different criteria. For example, if the neighborhood organization has been in existence for 24 months and they are on a list that the Planning Department maintains, so there are different ways this can be handled. Ms. Clark stated that she seeks the Commission's direction and is happy to assist staff with whatever form the BIC decides to use, but those are the options: The form the Board of Appeals uses explicitly applies to individuals and there are different criteria that they can check to indicate that they have a financial hardship. Ms. Clark said the other possibility is that the BIC modifies that form to include an option for a neighborhood organization, by virtue of being a bonafide neighborhood organization, and the Commission can decide what criteria they would like to create to establish that. Ms. Clark reiterated that she could assist staff in modifying this form or the BIC is free to adopt it as is.

Vice-President Mar said since the Declaration of Financial Hardship form is pretty clear for individuals does it preclude the Commission from adopting the current form, and later adopting one for neighborhood organizations? Ms. Clark stated she did not see any reason why the BIC could not do that, and have one form for individuals and one for neighborhood organizations.

Commissioner Walker made a motion, seconded by Commissioner Melgar, to approve the Declaration of Financial Hardship form.

Secretary Harris called for public comment. There was none.

Secretary Harris asked if all Commissioners were in favor or any opposed.

The motion carried unanimously.

RESOLUTION NO. BIC 033-12

5. Discussion and possible action regarding a new Administrative Bulletin AB-098, Post-Earthquake Repair and Retrofit Requirements for Wood-Frame Residential Buildings with Three or More Dwelling Units, proposed by the CAPSS Implementation Team.

Mr. Laurence Kornfield requested that agenda items 5, 6, and 7 all be heard at the same time and the Commission granted his request. Mr. Kornfield said that he is working with the City Administrator's Office on earthquake safety programs and the work he does is an outgrowth of work that was done under the Department of Building Inspection over the last 10 years or so, which looks at overall, city-wide earthquake impacts and then proposes ways/methods to reduce the impact. Mr. Kornfield stated some of them are procedural and some require certain types of upgrades – It is a broad complex of many type of earthquake safety measures and the work that was done has developed into what is called the Earthquake Safety Implementation Plan, run under the City Administrator's Office. Mr. Kornfield said that there is a 30-year work plan because this is such a big and complicated project, and they can only make incremental improvements but over 30 years they might be able to make substantial changes. Mr. Kornfield provided copies of the 30-year plan and the implementation plan, and he said the first two items on the 30-year program implementation schedule are the items that the BIC would be voting on. Mr. Kornfield continued to address the following items:

- 95% of the implementation plan states how they are going to comply with existing Code requirements in the California Building Codes for buildings that get damaged in an earthquake.
- The California Building Code has a provision that actually replicates what used to be in the San Francisco Building Code Amendments, but it is now statewide: It says if a building is substantially structurally damaged beyond a certain point in an earthquake it cannot be fixed back to its previous condition because future earthquakes are expected, so people have to do certain levels of retrofit.
- A big issue as seen in Oakland and other cities is that it is very difficult to have an engineering analysis that shows a building has exceeded the damage percentage or not, and it is subject to interpretation and argument between FEMA, insurance companies, and building companies.
- The three bulletins deal with coming to the conclusion of whether or not a building has or has not exceeded the structural damage states.
- The three bulletins each address different building types: One and two-family buildings, Large wood frame buildings, and Concrete buildings.
- The bulletins were previously before the BIC but some members of the public expressed concerns, and his office attempted to resolve them in the bulletins.
- The City Administrator's Office has made a commitment with the Code Advisory Committee, the Structural Sub-committee, and the Structural Engineers Association of Northern California.
- There are a very small number of buildings they anticipate will meet a disproportionate damage trigger.

- There was a letter submitted by a member of the public that his office will take into consideration as well.

Commissioners & Staff Question & Answer Discussion:

- President McCarthy asked if Mr. Kornfield received the public letter and he said yes and those concerns were addressed.
- Commissioner Lee asked who would first determine whether these criteria are met at these buildings. Mr. Kornfield said the bulletins set the criteria but they do not say how the Department will implement each post-quake inspection protocol procedure or who is doing what: That is part of the Department's policies that they are developing through the earthquake response programs.
- If a professional such as a licensed engineer does an analysis to determine structural deficiencies after an earthquake, they have to submit that to the City.
- Commissioner Lee said if an inspection was done by a government inspector then the owner would want to hire their own engineer.
- Commissioner Lee asked what would happen if there was a dispute, and Mr. Kornfield said they tried to make it clear so there are not a lot of technical disputes.
- In the 1989 earthquake there were rarely disputes about technical issues, but they were more about what it means for somebody to go back in or what does that then require the owner to do. When there were disputes the City hired outside firms to give their opinions.
- Commissioner Walker said when she was President in 2007 the BIC voted for CAPSS, and the primary source of urgency around this ties into FEMA funds because S.F. is at risk of not having Federal support in the case of an earthquake.
- Deputy Director Tom Hui said that he supported the Administrative Bulletins. He was hired one day after the 1989 earthquake, and it was important for engineers to make sure all the damaged buildings were safe before they could be occupied.

President McCarthy called for public comment.

Ms. Kelly Cobine spoke on behalf of the Structural Engineers Association of Northern California (SEAONC), and said their organization has about 1,500 members in Northern California predominantly practicing structural engineering and related fields. Ms. Cobine stated that SEAONC has a very strong interest in these bulletins because it will be their members that will be in the field working with the Building Department and others to implement them after the next earthquake. Ms. Cobine said they also have a very long history of being collaborators with the Building Department in local amendments to the Building Code, particularly ones that are seismic safety oriented – This is a collaboration SEAONC would like to continue and they understand the intent is to adopt the bulletins now and work over the next year on possible refinements. Ms. Cobine stated that in support of this the Structural Engineers Association has taken a position of the court in principle of the entire project and one particular product coming out of the CAPSS project. They are permitting their committees to provide technical review in the short run and over the next 30 years as other pieces are implemented, so they look forward to further collaboration and encourage the BIC to please move forward and pass the Administrative Bulletins.

Commissioner Clinch made a motion, seconded by Commissioner Walker, to approve the three Administrative Bulletins: AB-098, AB-099, and AB-100. The motion carried unanimously.

RESOLUTION NO. BIC 034-12

- 6. Discussion and possible action regarding a new Administrative Bulletin AB-099, Post-Earthquake Repair and Retrofit Requirements for Concrete Buildings, proposed by the CAPSS Implementation Team.**

Discussed above in agenda item 5.

- 7. Discussion and possible action regarding a new Administrative Bulletin AB-100, Post-Earthquake Repair and Retrofit Requirements for One- and Two-Family Dwellings, proposed by the CAPSS Implementation Team.**

Discussed above in agenda item 5.

- 8. 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:

- It is projected that there will be a \$10.8M balance at the end of the year, and a lot of this will go into DBI's deferred credits because it is pre-payment of work that has not been completed.
- The majority of increases in revenue are due to large projects.
- There is a 44% increase in permits of \$1M or more for this year compared to last fiscal year.
- In comparing May 2011 versus May 2012 there was a 116% increase, which shows there is a rebound in the construction industry.
- In terms of expenses, DBI is still under spending on salaries and fringes.
- The Department has hired a significant amount of people this past month including: 6 engineers, 8 clerks (promoted from within DBI), and 1 cashier.
- There are also 14 requisitions for various levels of positions, and some are waiting for the citywide testing to be completed.
- DBI is working with DHR to get the exams done by September, so people can hopefully get hired in October.

Commissioner's & Staff Question & Answer Discussion:

- Commissioner Walker asked how many positions are not filled at this point? Today there are 51 vacancies in the Department and 25 of those cannot be filled, so technically DBI could hire 26 positions.
- There has been close cooperation from the Mayor's Office and they are not holding any of DBI's requisitions.
- Out of the 26 people that the Department can hire, 11 people have already been hired? There will be 26 people available to hire after the 15 that have been hired.
- When a person gets promoted then their position has to be filled, so DBI is trying to stay on top of that.

- Vice-President Mar asked if DHR was still working with DBI to bring back some retirees to help with some of the backlog? The Department has brought everybody back that had been laid off. In terms of reaching out to retired people the managers and Deputy Directors may have people in mind, but some no longer live in the area. Also for Prop F someone has to be identified and the request has to state what that person “brings to the table” that is specific to the needs of the Department.
- Ms. Levin said DBI had its first hearing at the Budget & Finance Committee and staff got a draft of the recommendations, and they were eliminating Inspector positions: Ms. Levin explained that was not acceptable so they recommended increasing DBI’s attrition levels to keep the positions, but that would take away money. The Committee also tried to reduce training, overtime, materials & supplies, and Code Books which totaled \$1.7M: These cuts would have dropped DBI’s budget to a 1% increase in revenue instead of the 4% increase that was originally budgeted.
- At Monday’s meeting, DBI staff explained the Department’s budget and said what has been happening with trying to fill positions and why DBI has such a high salary savings.
- This week DBI staff will work with the Budget Analyst’s office to come to an agreement, and in preparation Ms. Levin came up with a detailed hiring plan and sent it to them.
- If DBI has an attrition rate, the takeaway 2013/2014 the Department will not be in a good position.
- DBI is working with the Mayor’s Office and the Controller’s Office on trying to get them to put in a reserve budget for the salary value and fringe value that they do not think the Department would be able to use.
- President McCarthy said DBI is an enterprise department and has money to take care of this, and at the end of the day the Budget Analyst is cutting staff when they are needed to help serve customers.
- President McCarthy said the Mayor is about getting people back to work and DBI is a big part of that equation.

b. Update on proposed legislation.

Mr. Bill Strawn, Legislative & Public Affairs Manager, gave an update on proposed legislation which included the following items:

- The redefinition of efficiency units that Supervisor Wiener brought to the BIC and they approved last month has been postponed to mid-July, because there was a Board hearing and they would like to have more public input before introducing it to the full Board.
- The Planning Department is holding a hearing tomorrow to try to create a new definition of student housing. DBI has been monitoring this because initially Supervisor Kim had some potential amendments she was considering in terms of using well-established, vacant buildings to see whether or not those might be converted for possible use as student housing or other low-income housing but he believes the Supervisor has withdrawn those amendments pending more investigation. There is concern that such a conversion might trigger a need for a new Certificate of Occupancy which might affect rent control.
- Supervisor Cohen has introduced legislation on additional penalties for foreclosed properties, but that is not going to come before the Board until the middle of July because of other issues on their agenda.

- Supervisor Chiu’s legislation on disability access will be postponed also and he is in the process of trying to help commercial buildings make sure that tenants are renting spaces that meet the ADA requirements for Federal and State.
- As an update, the legislation that Supervisor Chu put forward regarding small business waiver of awning replacement fees DBI ended up with 11 waivers which is about the same as the Department had last year without any incentive program. DBI did not get a strong indication one way or another that by waiving fees it would actually get people to improve their facades.
- Commissioner Walker asked if the Department did outreach and Mr. Strawn said yes there was information on the DBI counters and the BOS posted it in newsletters.
- Commissioner Mar asked about the discussions on Supervisor Wiener’s legislation on efficiency units and if the Board thought the BIC should discuss it again. It seemed as though there were some issues at the CAC about the size and student housing. Mr. Strawn said Supervisor Wiener acknowledged that there had been discussions in both venues.
- Under State Legislation, Senate Bill 1186 which addresses the issue of frivolous lawsuits and how to assist small businesses in dealing with some of the ADA issues. He believes it is being driven by Senator Feinstein being in contact with Senator Steinberg at the State level. This legislation may affect how DBI implements some of its enforcement going forward.
- President McCarthy asked if DBI ever sent a letter to Senator Feinstein supporting this legislation. Mr. Strawn said that he could send a letter stating DBI has had a hearing on this and support the measures they are trying to do at the State level.

c. Update on Permit Tracking System.

Deputy Director Levin gave an update on the Permit Tracking System, and stated that the project was going well and on schedule. Ms. Levin said that DBI has been working with Accela on meetings to have the Department’s documentation configured and see what they have done in terms of configuration, which is an important part for staff to be involved in. Ms. Levin stated that there was a meeting yesterday where staff saw how the Citizen’s Access Portal – the area that citizens can go in and request permits or find out information – to see where their permit is in the process. Ms. Levin said that the vendor showed an example of what other agencies had done in a couple of states to give staff some ideas, and they are trying to identify exactly where interested parties can be involved in the project. Ms. Levin stated that staff has also been working on identifying source data and doing data conversion, and she believes the vendor will still meet the November 2013 deadline.

d. Update on major projects.

Deputy Director of Plan Review Services, Tom Hui, gave an update on major projects. Mr. Hui stated that there were three projects over \$10M, and a job that came from the Planning Department, CPMC, which is \$130M project. President McCarthy asked what the fees on this project were, and Mr. Hui said he thought it was close to \$1M. President McCarthy stated that DBI needs engineers to check these projects, and Mr. Hui said he was going to give the BIC an update that he had help from Director Day and Ms. Levin: Jeff Ma who was retired has come back under Prop F because he is very familiar with the Code. Mr. Hui stated DBI could possibly get

some old-timers to come back, but they are out of the Code cycle and it is a little hard to get used to the new Code. Mr. Hui stated that three engineers have been hired and two will start next Monday and the other one at the beginning of July. Mr. Hui said that Deputy Director Sweeney is working hard to speed up work on the Inspector's test, and DHR will get the 5214 announcement. President McCarthy said Prop F is a great policy, but not too many people come back because as mentioned earlier they have a lot of studying to do to keep up with the new Code changes. President McCarthy asked if Ron Tom was working on the major projects, and Mr. Hui said yes he is very experienced and is helping to do the oversight and make sure they comply with the Code requirements. President McCarthy mentioned that it is good that the younger engineers coming aboard now are shadowing with the seasoned veterans, because it is important that they get a good start in understanding things.

e. Update on Q-Matic and status of activation.

Deputy Director Hui gave an update on Q-Matic and addressed the following points:

- Q-Matic started on June 11th and so far there are a lot of people who do not like the system.
- The first day was chaotic and staff really worked hard, including Chief Building Inspectors Ron Tom and Neil Friedman.
- Some customers pulled several tickets at one time which jammed the system, because it was too hard to catch up. Director Day was there looking at how things were going also.
- Right away staff tried to correct the problem by removing the self serve kiosk the next day.
- In Oakland their department is different than ours in San Francisco, because they have everything operating on one floor while DBI has multiple floors.
- Customers may be confused with the new system and staff has to go by the order. For example: One person is #100 and the other is #110, but #110 may go first because a certain station opens first, and customers may think someone jumped ahead of them.
- There are a lot of issues with the program also, because if a customer is waiting 1 hour and 1 minute then their number is automatically gone.
- Mr. Hui tried to put more staff on the fifth floor, and cashiers also had problems because they had to go through the numbers and they were delayed.
- Suggestion boxes have been placed on the first and fifth floors. Ron Tom, Neil Friedman, Rudy Pada, and David Leung have helped a lot. All staff has been working hard as a team.
- There are delays of about half an hour to 45 minutes minimum and have to be served in order.

Commissioner's & Staff Question & Answer Discussion:

- Commissioner Walker said hearing the public comment earlier it seems like once a customer is in order no matter what station they have to go to, so she asked if there was a way for people to go to the next open station even if it was not in order of how they were supposed to go in order to have a parallel process.
- Mr. Hui said perhaps it is possible but staff cannot pick and choose: A supervisor needs to go around to look at their screens and then try to remove the station.
- Commissioner Walker asked if this was automatic? Mr. Hui said it is not automatic, it is hard. Commissioner Walker said it is too bad that it cannot just be put into the computer that wherever the open station is, the customer could go there. Mr. Hui said one station is on the first floor and the other one could be on the fifth floor.

- President McCarthy stated he was at DBI when Q-Matic launched and he could see there are growing pains and everyone has to work with the system, but at some time a general analysis has to be done to see if the system is really working for the Department.
- President McCarthy asked Mr. Hui to come back to the Commission to give a comprehensive report after further evaluating the system.
- Vice-President Mar said nobody likes to wait for permits or to pay their fees, but as part of the report he wants the issue of fairness addressed. For certain people it is their life to hang out at 1660 Mission Street pulling permits all the time: There was a past complaint without the automated system that these customers were jumping the line which made the public less confident in the way the Department was run.
- Mr. Hui stated before the new system staff looked at the check list then tried to make it uniform with all staff present and the supervisor did quality control. The cashiers had a major problem, because people want to get the permit ready, pay, and leave.
- Mr. Hui said due to the extra work load a lot of people were out sick. Also a problem that came up is during the lunch hour a lot of people come to get permits, but hard to maneuver without all the staff there.
- Commissioner Melgar asked what the plan is because she has heard from several folks as to how chaotic the new system is. One speaker was concise in talking about the issue of time efficiency. People need to get used to Q-Matic and she heard how much better it worked in Oakland due to the issue of several floors vs. one floor but there seems to be a software/program problem also. Suggested maybe an efficiency expert come in to help DBI to see when the system is working and when it is not.
- Mr. Hui said the “frequent flyers” know the system works, so the more patient customers are the homeowners. Sometimes customers are sitting confused as to where they are in the process. Also if there is a violation on the property staff asks them to go to the 6th floor or the 3rd floor to clear it up, but they are not in the Q-Matic system so they have to go back to the first floor to get a ticket.
- Mr. Hui stated there may be some other ways that staff can try to educate customers more on the system, but they have already had a lot of training in this area.

f. Update on other technology projects.

Deputy Director Levin gave a brief update on other technology projects. Ms. Levin stated that DBI has been trying to help with records management and have things available online, so the Department implemented the 3R request so customers can request this on the website. Ms. Levin said staff is also working on scoping and having people be able to have records requests: DBI would like to assist people on using the web more efficiently.

g. Update on new hires.

Discussed above in agenda item 8a.

9. 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.**

Commissioner Walker stated that she would like an agenda item on Housing Authority code enforcement, and said the BIC periodically gets updated as to how both departments are working together on bringing Housing Authority buildings up to Code.

Vice-President Mar said that as the Commission heard from an earlier speaker, there are a lot of outstanding NOVs and code enforcement. Vice-President Mar stated that he previously asked for a breakdown of the “bad actors”, because it is a lot of the same buildings or same landlords who account for a lot of the violations: It would help if staff could prepare a spreadsheet on that by neighborhood so the BIC can see how things are looking.

President McCarthy stated that Deputy Director Sweeney has been working on the NOVs and should have information prepared for the next report.

- 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 said that the date of the next Regular Meeting of the Building Inspection Commission will be on July 18, 2012.

Secretary Harris called for public comment on items 8a and 8b, and there was none.

10. Review and approval of the minutes of the Regular Meeting of February 15, 2012.

President McCarthy made a motion, seconded by Commissioner Walker, to approve the minutes of the Regular Meeting of February 15, 2012. The motion carried unanimously.

RESOLUTION NO. BIC 035-12

11. Review and approval of the minutes of the Regular Meeting of March 21, 2012.

Commissioner Clinch made a motion, seconded by Vice-President Mar, to approve the minutes of the Regular Meeting of March 21, 2012. The motion carried unanimously.

RESOLUTION NO. BIC 036-12

12. Discussion and possible action on (a) the Appointment/Hiring of an Acting/Interim Director of the Department of Building Inspection; and (b) Confirmation of Appointment

by Human Resources Director of Special Assistant for transition purposes pursuant to Section 1.1.D of the Administrative Provisions of the Annual Salary Ordinance.

a. Public Comment on all matters pertaining to the Closed Session.

Secretary Harris called for public comment, and there was none.

b. Possible action to convene a Closed Session.

Vice-President Mar stated that he was wondering if this item could be discussed in open session, and said for the record he was very upset about this topic. Vice-President Mar said that he got up this morning at 6:30 a.m. and read about this in Matier & Ross in the *San Francisco Chronicle*. Commissioner Mar stated that the BIC is supposed to decide on something that seemingly the Mayor and Human Resources knows about, but the Commissioners do not so why does there need to be a closed session if the *Chronicle* and maybe the *Bay Guardian* knows about it. Commissioner Mar said the BIC may as well discuss this item in open session.

Commissioner Walker said that she tends to agree and finding out from other sources that there is an effort to solicit a resignation from the Director that the BIC has not discussed, as the entire Commission, is a slap in the face to the rest of the Commission. Commissioner Walker stated that she thinks this has been a process over the last few years of continued harassment from the Chair, not Commissioner McCarthy, but from the previous President of harassing the Director in public. Commissioner Walker said she hoped that would have stopped so the Commission could try to bring people together and move forward, because the Department under Director Day has gone from being in the “red” to being in the “black”. Commissioner Walker stated that many programs have been initiated and attempted over the last 15 years: DBI is in the middle of I.T. upgrades which the Department has been trying to do for the last 10 years, three times before the RFP has gone forward and failed. DBI is succeeding in upgrading the computer systems, moving forward a CAPSS program that was stalled time after time and has been moved out of DBI into an administrative position in the Mayor’s Office. Commissioner Walker said that she is not clear what happened and the Commission has a right to know what happened, as well as the public.

Commissioner Lee stated that it appears some Commissioners know more than others, because he was not quoted in the paper.

Commissioner Walker said that she was called.

Commissioner Lee said regardless, the Commission should discuss this item in closed session. ***Commissioner Lee made a motion, seconded by President McCarthy, to convene in closed session.***

Secretary Harris called for a roll call vote:

President McCarthy	Yes	Vice-President Mar	No
Commissioner Clinch	Yes	Commissioner Lee	Yes
Commissioner McCray	Yes	Commissioner Melgar	No
Commissioner Walker	No		

The motion carried on a vote of 4 to 3.

RESOLUTION NO. BIC 037-12

Secretary Harris stated that the Commission was now convened in Closed Session. The BIC was in recess at 12:14 p.m.

- c. CLOSED SESSION: Pursuant to Government Code Section 54957(b) and the San Francisco Administrative Code Section 67.10(b).**
- d. Reconvene in Open Session to vote on whether to disclose any or all discussions held in Closed Session (Administrative Code Section 67.10(b)).**

The Commission reconvened at 1:48 p.m.

Commissioner Lee made a motion, seconded by Commissioner Melgar, to reconvene in open session and to disclose the results of the closed session. The motion carried unanimously.

RESOLUTION NO. BIC 038-12

Deputy City Attorney John Malamut stated that President McCarthy asked him to read into the record the decision of the Building Inspection Commission:

A majority of the Building Inspection Commission voted to confirm the appointment by the Human Resources Director of Vivian Day, a Special Assistant for transition purposes pursuant to Section 1.1.D of the Administrative Provisions of the Annual Salary Ordinance. The Commission also acknowledges Director Day's resignation effective at the end of the month of June, as she has previously advised the Department's employees. The Commission also voted unanimously to appoint Tom Hui, subject to his approval, as Acting Director effective July 1, 2012 and this will be subject to a six month evaluation by the Building Inspection Commission and initiation of a job search for a new Director.

President McCarthy thanked Mr. Malamut.

13. Adjournment.

Commissioner Lee made a motion to adjourn, seconded by Vice-President Mar. The motion carried unanimously.

The meeting was adjourned at 1:55 p.m.

RESOLUTION NO. BIC 039-12

Respectfully submitted,

Sonya Harris
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Request to send a letter of support from DBI regarding State Senate Bill 1186. – McCarthy, Strawn	Page 8
Staff to do a comprehensive report after evaluating how Q-Matic system is working. – McCarthy	Page 9
Update on Housing Authority code enforcement. – Walker	Page 11
Report on outstanding NOVs, including a spreadsheet with the breakdown in various neighborhoods. – Mar	Page 11