



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

REGULAR MEETING

Wednesday, October 24, 2012 at 2:30 p.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400

Aired Live on SFGTV Channel 78

ADOPTED January 16, 2013

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 3:30 p.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, excused**

Sonya Harris, **Secretary**

Warren Mar, **Vice-President**

Kevin Clinch, **Commissioner**

Myrna Melgar, **Commissioner**

D.B.I. REPRESENTATIVES:

Tom Hui, **Acting Director**

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

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

William Strawn, **Communications Manager**

Rosemary Bosque, **Chief Housing Inspector**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

2. President's Announcements.

President McCarthy thanked the Commissioners and staff for attending this rescheduled meeting. President McCarthy stated that the meeting was rescheduled as a number of DBI staff was attending training last week. President McCarthy said that DBI had received a thank you letter for great customer service on the part of Fidel Del Rosario from Initial Permit Review and also thanked DBI staff for being helpful to Mr. Chin, a small business owner who relocated his business to Irving Street after a fire on Ocean Avenue. President McCarthy spoke about how quickly that smaller business reopened especially as it was changed from a bakery to the Ming Khee restaurant. President McCarthy stated that unfortunately another four alarm fire took place in the West Portal area and as a consequence the Acting Director issued two emergency orders for demolition of two buildings; one demolition is underway and the other building owner submitted a private engineer's report that documents the building to be repairable and thus may not need

demolition. President McCarthy said that he would keep the Commission informed about that issue. President McCarthy said that, as with the Ocean Avenue fire, the Department was working closely with the property owners, businesses, the Mayor's Office and other City departments to expedite recovery from the West Portal fire and said that he appreciated DBI's hard work.

President McCarthy said that the Acting Director, Deputy Director Ed Sweeney, himself and several others met with Supervisor Jane Kim on Monday to discuss legislation that would amend Supervisor David Chiu's Vacant Building Ordinance. President McCarthy said that it was a productive discussion and that the legislation will eventually come before the BIC after recommendation by the Code Advisory Committee. President McCarthy stated that this is another example of how when everyone gets together problems get solved.

President McCarthy reported that Supervisor Kim worked with DBI Housing Inspection staff on new legislation addressing the additional Department of Public Health action steps to deal more effectively with bed bug infections which has been in the newspapers. President McCarthy said that the Supervisor is most appreciative with DBI staff assistance with the drafting of this ordinance.

President McCarthy announced that DBI Chinese speaking staff volunteers will be at another community outreach event on October 27th from 11:00 a.m. to 2:00 p.m., the Chinese Resource Fair which will be held in Portsmouth Square.

There was no public comment on the President's 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.

President McCarthy stated that any personal comments regarding the staff or the Commissioners will not be tolerated.

Mr. Spencer Gosch stated that he has been a Building Inspector for 22 years. Mr. Gosch said that he would like for people that have problems with the Department to come to the meetings to give public comment. Mr. Gosch said that he did not wish to be at the meeting, but was present because of the BIC's continuous and repeated failures to address problems within the Department. Mr. Gosch said that he would prefer to not work in the toilet of a workplace the BIC's actions and inactions have made. Mr. Gosch stated that he had previously complained about the racist and bullying in hiring and job assignments at DBI and yet the BIC has done nothing; he has previously complained about the confusion created by not having policies and procedures which has cost the Department millions of dollars and has cost the customers even more. Mr. Gosch said that he had complained about the illegal transfer of funds from DBI to politicians so the Department is impacted to the point of being inoperable and yet nothing has been done. Mr. Gosch stated that the Commission is hiding behind the advice of the City Attorney which has been that the BIC does not have to do anything about his complaints, which is in error as the Commission is the governmental body responsible for the Department of Building Inspection. Mr. Gosch said that he has urged the Commissioners to seek outside counsel to correct this erroneous legal advice and to limit their personal exposure. Mr. Gosch said that the Commissioners willful failures on oversight amount to political misconduct and said that he saw the Commissioners as little more than criminals. Mr.

Gosch said that this Commission is the Mayor's puppet show, the dishonest, lying Mayor who has been advised of these problems and does nothing. Mr. Gosch stated that his purpose today is no longer to expect any action on the BIC's part, but to reiterate what some of the problems are and to confirm the BIC's unwillingness to perform their duties to correct the problems. Mr. Gosch said that he was showing his due diligence at this level and will now take further steps to correct the Commission's failings. Mr. Gosch thanked the Commission for listening to him and said that he would be back next month.

Mr. John Hinchion introduced himself as a Building Inspector and said that he would like to congratulate the Acting Director Tom Hui and his management team for their leadership as the Department has the highest morale ever in the Department. Mr. Hinchion said that there is one disgruntled employee out of approximately 250 so that is a pretty good track record. Mr. Hinchion stated that this individual gets up month after month inviting others to join him and no one is showing up; he urged DBI management to keep up the good work.

Mr. Irvin Comminsky said that he was present to request that the BIC take an interest in his property as there is a problem with a retaining wall at 2655 Broadway Street which is above his apartment building at 2701 Green. Mr. Comminsky said that the owners of 2655 filed plans in May that have languished in City Planning for all these months. Mr. Comminsky stated that City Planning told him that they have requested additional information from the owners of 2655 Broadway, but that none have been forthcoming. Mr. Comminsky said that he has challenged the plans because they are inaccurately portraying the existing realities on the ground. Mr. Comminsky stated that he has been working on trying to get this resolved for over four years and said his retaining wall is continuing to rotate. Mr. Comminsky said that the owners of the Broadway property are trying to fix this issue in a piecemeal manner, but said that it needs to be fixed as an entity as there is soil pressure and issues that are affecting his hundred-year-old apartment building. Mr. Comminsky asked that the Commission take an interest in this case and help to resolve these issues.

There was no further public comment.

4. Update on the Departments issuance of and response to Notices of Violation (NOVs).

Deputy Director of Permit Services Edward Sweeney reported that since the last update on the condition of the complaints and Notices of Violations (NOVs) the Department abated approximately 2,000 complaints or NOV's. Mr. Sweeney stated that the items abated were the easy ones and that staff that was going back 10 or 15 years ago and that these were just housekeeping items that had not been cleared up. Mr. Sweeney said that DBI changed its policy of just having one Director's hearing and is now holding one just for the Housing Division and one for the Building Division; Building tripled the amount of Director's hearings going forward and put additional staff into Code Enforcement to go after the first and second NOVs that seemed to be languishing. Mr. Sweeney said that the Department is trying to get additional staff assigned to these issues and are waiting for a civil service exam which is expected to happen in late November for the position of Building Inspector; this process should take 2 to 2 ½ months. Mr. Sweeney said that that when another Building Inspector is hired and assigned to Code Enforcement that person's primary responsibility will be to push these first and second NOVs forward to more Director's

Hearings and more Orders of Abatement. Mr. Sweeney said that he would hand the rest of this item over to Chief Housing Inspector Rosemary Bosque.

Ms. Bosque said that she wanted to compliment Deputy Director Sweeney for his report as he is now Director over another division, but yet is keeping track of this issue and being as helpful as possible. Ms. Bosque said that in March of 2012 the number of open cases in Housing was about 4,891; that number has now been reduced to 3,359. Ms. Bosque stated that this was a reduction of about 1,500 cases and another 1,300 cases that have been added so the Housing Inspector are working steadily to reduce this number despite the fact that there are 5 vacancies in the Division. Ms. Bosque said that DBI is working to fill those positions and said that Housing has been sending a lot more cases to Director's hearings because Housing now has an exclusive half day once a week so there is an increase of 33% of cases going to hearings. Ms. Bosque said that once Housing gets more clerical help the Division will be able to increase that number. Ms. Bosque reported that the assessment of costs and billing for the months of July, August and September were \$126,538 last year and this year it is \$311,000 for an increase of 146%. Ms. Bosque said that on the Blending case the Department were able to get a settlement of \$800,000, were not establishing a backlog and that all of this work was done despite the vacancies. Ms. Bosque said that Housing is still able to maintain the response of one and two days as new cases are coming in; The Department is responding to life safety hazards generally within one business day and non-life/safety hazards within two business days. Ms. Bosque concluded by saying that there is a lot of new legislation that will be coming up in the beginning of the year so the Division is trying to set up procedures for that as well.

President McCarthy said that obviously there is a long road here to go, but said that with these settlements there is the idea that the Department has to spend a lot of money in a lot of the cases, but in the good settlements many times it is not that bad. President McCarthy said that perhaps this is something that needs to be promoted more within the Department, that DBI goes after these cases and if they are the right ones sometimes the Department does not have to spend a lot of money to get a good settlement. Ms. Bosque said that without disclosing anything from Closed Door settlements that the Commissioners involved are asking all of the right questions. Ms. Bosque said that the Litigation Committee is a good mechanism for staff, the Commission and executive management to look at these cases and determine what the best course of action is.

Commissioner Melgar thanked Chief Housing Inspector Rosemary Bosque for her responsiveness and hard work. Vice-President Mar said that he wanted to thank staff as well and asked if the BIC could get some kind of stats regarding regular violators as the NOV's sometimes seem to go out to just a few property owners, so if the Department could focus on those main violators it would be helpful. Ms. Bosque said that she could definitely put something together for the BIC. Commissioner Lee thanked Ms. Bosque for doing all of this and said that he thought that it was very important for the Department to respond quickly to these NOV's so that the recipients of the NOV's won't think that the Department is lazy or relaxed; if that is the case these repeat offenders will become more problematic in the future. Commissioner Lee stated that he would encourage the Department to clear the backlog and stay on top of these cases.

There was no public comment on this item.

5. Discussion on progress of recruitment for executive search firm regarding hiring of a permanent Director for the Department.

President McCarthy said that the Commissioners had received an item in their meeting packet showing that the Department of Building Inspection for the City and County of San Francisco is soliciting an informal proposal for a new Director/Building Official. President McCarthy stated that this was put together with the help of Deputy Director Pam Levin and the Department and was then sent to the Managing Deputy Director, Ted Yamasaki, at the Department of Human Resources. President McCarthy said that Mr. Yamasaki went over that draft and made sure that it fit the correct language and that all points were covered. President McCarthy stated that Ms. Levin did a great job putting this together and it came back with very few comments; President McCarthy said that he then gave Mr. Yamasaki the direction to send it out, which he did. President McCarthy stated that Mr. Yamasaki informed him that the informal proposal drafted by Pamela Levin and finalized by DHR were sent out via email from Brent Lewis, RCFO, to the list of preapproved contractors on October 2, 2012; the deadline for submission is October 29, 2012. President McCarthy reported that the proposals will be sent directly to Brent Lewis and to date Mr. Lewis has received only one proposal. President McCarthy said that he was told that many contractors will wait until the last minute to submit their proposal and said that he was expecting a summary of costs by October 31st. President McCarthy asked for any questions or ideas from the Commissioners.

Commissioner McCray asked what was the difference between an informal proposal versus a formal proposal. Deputy Director Pamela Levin said that because there was already an RFQ, which is a request for qualifications put out to executive search firms, the Department was saying that this already exists and was letting the search firms know that they are already on the prequalified list so the firms will not have to submit as much information as what was submitted for the Permit Tracking System for example. Ms. Levin said that this was done to speed up the process.

Commissioner McCray said that he noted that one of the criteria in the materials was that the search firms be able to address a politically charged environment. Ms. Levin said that the reason that was included was that the Department wanted the search firms to recognize that this is a state-wide search, but that San Francisco is a unique environment. Ms. Levin stated that there are inherent difficulties due to the fact that this is Commission form of government which is definitely unique compared to other cities or counties; the searcher needs to understand that whoever they are recommending has to be someone who has some experience or familiarity that is politically charged.

Commissioner Lee asked how many firms received this notice. Deputy Director Levin said that there were 10 prequalified firms and the notice was sent to all of them. Ms. Levin stated that the firm the DBI used to hire a previous Director was included as well as the firms that have very recent and on-going experience with recruiting for San Francisco in high management positions.

Vice-President Mar thanked Ms. Levin and staff for moving on this in a very quick manner. President McCarthy thanked Ms. Levin for helping him to facilitate and put this together in a very short timeframe.

There was no public comment on this item.

6. Discussion on Employee of the Month Program.

Vice-President Mar said that this idea came up about a month ago as the Commission thought it would be a good thing to become involved with acknowledging all of the hard work that DBI staff does, especially staff who really do exemplary work. Vice-President Mar said that after some thought it would be better to start with quarterly employees of the month and then out of the four candidates one would be selected as employee of the year; this would not include Management employees. Vice-President Mar stated that this should rotate through the whole Department so that it is not limited to any classification or division and said that the other thing that came up was dealing with prizes other than a piece of paper and acknowledgement at a BIC meeting. Vice-President Mar said that perhaps President McCarthy could convince the Mayor into giving up some Giants tickets and said that the Commissioners should ask friends in the City to come up with some prizes as resources of the Department cannot be used. Acting Director Tom Hui said that he wanted to mention that only two Commissioners are on a Committee with DBI regarding this issue.

President McCarthy said that this has worked quite well in other departments and it would be good to recognize people who are doing outstanding work in DBI; hopefully by next month Commissioner Mar will come back with a program so this can happen.

Building Inspector Spencer Gosch said that he thought that this would be a good idea and said that he anxiously looked forward to receiving the award.

There was no further public comment.

7. Discussion on DBI's blight policy.

President McCarthy said that he had asked for this item to be on the agenda, but said that he was working with Mr. Strawn on some documentation that was not ready. President McCarthy asked if this item could be continued. There were no objections so this item was continued until the next meeting.

There was no public comment.

8. Director's Report.

a. Update on DBI's finances.

Ms. Gayle Revels, Acting Finance Manager, said that she would give a quick update and highlighted the following:

- The Department is 25% of the way through the year, but the revenue is actually higher than 25%.
- The revenue for apartment and rental unit revenue has not been received yet, but the Department does expect to get all of it.

- The majority of revenue (81 ½%) comes from charges for services and so far this year DBI is ahead of what was budgeted for the year.
- About 42% of the revenue budgeted has been received.
- There may be a larger increase, but nothing will be changed until after the winter months when things slow down and the revenue will probably even out.
- The Department has received more large projects this year than anticipated so total valuation of permits is high.
- Other revenue is coming in as expected.
- Expenses are coming in a little lower than 25% of the year.
- Due to vacancies employee salaries and fringes are slightly lower.
- Vacancies are being filled so it is expected that salary and fringe amounts will increase.
- Non-personnel, other types of program expenses are increasing.
- A large training expense was incurred last week due to CALBO training.
- ADA training and CASp training is coming up, so the amount budgeted for training will be spent.

Commissioner Lee said that it looked like the number of permits is relatively the same, but the dollar amounts are higher which is due to the large projects. Commissioner Lee asked how the Department was doing on manpower for inspections and plan checking. Acting Deputy Director Tom Hui said that the Department hired five engineers but is still waiting to hire inspectors. Mr. Hui said that the Department will have the exams coming up for the Senior and Chief Building Inspectors and are trying to get the announcement out for the Housing Inspectors. Mr. Hui stated that there is a problem with the 1406 clerks because many people were laid off from the Redevelopment Agency and those people will have to be placed in various departments in the City. Mr. Hui asked Deputy Director Pam Levin to explain further.

Deputy Director Pamela Levin said that there are over 200 people displaced by the Redevelopment Agency layoffs so DBI will have to see what employees from Redevelopment can meet the requirements of the positions open at DBI. Ms. Levin explained that the test for Electrical Inspectors has been posted and a test will occur at the end of November. Ms. Levin reported that DBI is providing the Union with the requirements for the Housing Inspectors and a description is being sent to the Mayor's Office and the Board of Supervisors so that recruitment should be moving along. Ms. Levin stated that this rearrangement due to Redevelopment and requisitions being held up is happening throughout the City and not just with DBI. Ms. Levin reported that this problem should be solved fairly quickly.

President McCarthy said that perhaps it was time to have Human Resources come back to talk to the BIC again and give an update if they are changing policy on DBI. Ms. Levin said that this should have been solved months ago as the Redevelopment Agency was dissolved in February or March and then there was a lot to do with union negotiations regarding those displaced employees. Ms. Levin stated that it might be a good idea in the next couple of months to have an update from Human Resources to coordinate on some of the topics as DBI will be going into the budget season again.

Ms. Levin stated that right now the biggest hurdle is a software system at the Controller's Office that was designed and installed that is extremely difficult to work with. Ms. Levin said that there

is recognition all though the City that it is not reluctance on the part of the entities to approve requisitions, but it is that Human Resources does not see the requisition in the computer even though it is there. Ms. Levin stated that everyone is trying to work through this frustration.

Commissioner Lee said that he is concerned that there a number of large projects coming through the Department and DBI will not have the personnel to handle these projects and will fall behind. Acting Director Hui said that this was his concern six months ago and that is why DBI is trying to push through all of these requisitions with DHR. Ms. Levin said that she has been working with Ted Yamaski on these requisitions and some have been approved by the Mayor's Office so everyone knows how important this issue is. Commissioner Lee suggested leaving it up to the discretion of the President to see when the BIC should ask DHR for an update, maybe sooner rather than later. Commissioner Melgar said that she would second that suggestion. Ms. Levin explained that this was nothing that the Acting Director knew about or that anyone in the Department knew about, but was just something that DBI is informed about one day and there is nothing that anyone can do about it. Commissioner Melgar said that she knew that this was nothing that could be avoided and said that it was on the Department's radar and the Commission's for the past year. Commissioner Melgar said that this was something that DHR knew about and should have informed the various departments. President McCarthy said that it looked like he was on his way back to DHR.

b. Update on proposed legislation.

Mr. Bill Strawn, Legislative and Public Affairs director said that there is only one update about DBI's permit extensions and expirations to report on and said that this legislation is expected at land use in the middle of November. Mr. Strawn stated that this item is moving ahead as DBI wants it to.

Mr. Strawn said that Chief Housing Inspector Rosemary Bosque referred to legislation amending Chapter 41 for the apartment conversion ordinance that has to do with going after commercial entities that may be with master leases subleasing to tourists operations that Supervisor Chiu is particularly anxious to stop. Mr. Straw stated that this legislation passed in second reading yesterday and as expected, the Mayor will sign it before the end of this week so that legal action will take place sometime around Thanksgiving. Mr. Strawn said that Chief Inspector Bosque indicated that internally the Department will be taking the various steps to help enforce the provisions that are in those amendments.

Mr. Strawn said that the only other item he wanted to address was the vacant commercial building issue that Supervisor Jane Kim was looking into and said that it looks like there are 46 buildings that would fall into that category which is much smaller than anticipated, but said that the Department would be working with the supervisors to refashion that legislation accordingly. President McCarthy asked if Mr. Strawn's interpretation was that this was strictly for commercial buildings. Mr. Strawn said that this was his understanding and said that the Supervisor was very keen not to put any undue burden on DBI to make sure that DBI recovers any cost that comes out of this. Mr. Strawn said that he did not have any further legislation to report on.

President McCarthy thanked Mr. Strawn for the information.

c. Update on Permit Tracking System.

Ms. Hema Nekkanti reported that the project is on track and that the core configuration is complete with the Department being in the build phase right now. Ms. Nekkanti stated that the scripts and report have been prioritized and are in development with the interfaces to the core Acela system being done. Ms. Nekkanti said that the Department of Building Inspection and the Planning Department are working closely on the design and configuration of the Acela access; the web portal for the public and project system for the permits and the projects are ready to form a citizen advisory committee. Ms. Nekkanti said that the committee is expected to include somewhere between 15 to 20 members from all phases of the community, the Department and the Commission and will be providing information regarding the user acceptance part of it. Ms. Nekkanti reported that this should be starting in the next couple of weeks.

President McCarthy asked when Ms. Nekkanti would like to know who would be participating from the Commission. Ms. Nekkanti said that she would like to know as soon as possible because letters will be going out to stakeholders in the next couple of weeks to ask for their cooperation. President McCarthy asked how many times per week or month this committee would be meeting. Ms. Nekkanti said that this was being discussed, but said that it would start in January for a span of possibly three months and said that the details would be ready soon. President McCarthy asked that any Commissioner interested in participating to please notify Secretary Harris.

President McCarthy thanked Ms. Nekkanti for her hard work and for her presentation.

d. Update on other technology projects.

Ms. Nekkanti reported that about 40% of 3R requests are coming through the website and that the Cash Management System is scheduled to go live in November. Ms. Nekkanti said that the Department had deployed a few tablets for the field inspectors and that there has been some feedback, but MIS will be presenting a possible better service provider option. President McCarthy thanked Ms. Nekkanti for her reports.

There was no public comment on the Director's reports.

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.**
- 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.**

Commissioner Mar asked if there could be an update or a sum-up of the Q-Matic system and what would be the possibility of reusing that system even partially and even some feedback from the

vendor about the problems. Acting Deputy Director Tom Hui said that he would work on that for the next Commission meeting.

Secretary Harris stated that she would be contacting the Commissioners about the November meeting as it is scheduled the day before the Thanksgiving holiday. Ms. Harris asked that the Commissioners let her know of their availability for the Commission meeting and also for the Litigation Committee meeting which would take place on the 20th.

10. Adjournment.

Vice-President Mar made a motion, seconded by Commissioner Lee that the meeting be adjourned. The motion carried unanimously.

RESOLUTION NO. BIC 049-12

The meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Ann Aherne
Retired Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
List of repeat NOV offenders. - Vice-President Mar	Page 4
Item #7 continued to next meeting. – President McCarthy	Page 6