



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

REGULAR MEETING

Wednesday, March 16, 2011 at 9:00 a.m.

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

Aired Live on SFGTV Channel 78

ADOPTED September 21, 2011

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 9:15 a.m. by President Murphy.

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

COMMISSION MEMBERS PRESENT:

Mel Murphy, **President**

Kevin Clinch, **Commissioner**

Criss Romero, **Commissioner**

Debra Walker, **Commissioner**

Ann Aherne, **Commission Secretary**

Reuben Hechanova, **Vice-President**

Robin Levitt, **Commissioner**

Frank Lee, **Commissioner**

D.B.I. REPRESENTATIVES:

Vivian Day, **Director**

William Strawn, **Communications Manager**

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

Sonya Harris, **Secretary**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

2. President's Announcement.

President Murphy wished everyone a Happy St. Patrick's Day. President Murphy also said that it would be nice if everyone could reflect on what was happening in Japan, because a lot of kids are going to bed hungry and they have no idea what has happened.

3. Director's Report.

a. Update on DBI's finances.

Deputy Director Pamela Levin stated that the Department continues to show a positive balance at the end of the year of \$2.8M. Ms. Levin said that revenues for charges for services are continuing to come in fairly strong and meet DBI's expectations, and when staff built the budget they showed a small increase in revenues. Ms. Levin said that refunds have started to pick up and staff

are scrutinizing and making sure that they are justified before they are paid. Ms. Levin stated that at this time DBI is not showing savings in employee salaries and fringes, but they are optimistic that the Department will be able to continue to fill positions to the extent that staff can get requisitions through the process and bring back more of the people that were laid off, that will meet what is expected with no savings in salaries.

President Murphy asked if the Department was worried that they may run out of money later on with all of these new hires.

Director Day stated that DBI is showing a \$2.8M surplus in its revenues which will be added to the operating fund, which will support any hires over and above the existing budget. Director Day said that from current expectations, talking with developers and contractors, the Department has a glut of permits ready to be issued – submitted for high-rises right after the next fiscal year. Director Day stated that by all indications, the developers are receiving bonds for their projects now and they are trying to break ground for next calendar year so that means they will be submitting their plans right after July. Director Day said that also includes some very large projects for the Redevelopment Agency and what is happening in Sacramento is they are pushing through a lot of their projects right now, which the Department did not account for in the budget. Director Day stated that by the end of the year DBI will show a larger increase than the \$2.8M and will be able to support current staff, ongoing hires, and have money to spare so the Department is doing very good.

President Murphy said that he loved the phrase “a glut of approved permits”, and he asked if the Commissioners had any further questions. President Murphy called for public comment and there was none.

b. Update on proposed legislation.

Director Day stated that there are some ordinances that will be forwarded to the Code Advisory Committee, but most of them are for informational purposes. Director Day said that the first ordinance would require departments to post on-line public notices, and this is the beginning of the city being forced into the electronic age with all the notices and agendas being published on-line electronically. Director Day stated that there would be legislation later on that shows how the city is proposing to develop infill forms which has not been available to the Department before, which kept DBI out of the process. Director Day said that customers could not fill out forms on-line and submit them but the whole city is doing this, and it will start in June so that will help the Department to get more electronic forms available for customers on-line. Director Day stated that she has also included a current copy of the legislation that will be taken to the Mayor for the proposed name change that the City Attorney had rewritten. Director Day said that this legislation was tabled by the former Mayor since he had a lot on his plate at the time, and did not want to bring this to charter in November. Director Day stated that to make the charter deadlines to be on the November ballot, this has to be in by the middle of May so it needs to be introduced by the Mayor and supervisors. Director Day said that there are several supervisors that are willing to support this, along with the Mayor.

President Murphy called for public comment. There was none.

c. Update on Permit Tracking System.

Deputy Director Pamela Levin gave a presentation on the Permit Tracking System and following are points of discussion on this item:

- Permit Tracking System (PTS) was set up in two separate categories: 1) Evaluating the bid. 2) Negotiating the contract.
- Contract negotiation times have ranged from four months for infrastructure refresh projects to six months for IVR projects.
- Contract will be for professional services, and hopefully it will not take the whole 3 months.
- There is a diagram of what the contract negotiation process involves.
- The PTS project involves multiple departments that have multiple projects just as DBI does, so everyone has to devote time to it.
- There have been some contract issues about insurance, indemnity, and other contractual issues related to risk management.
- DBI has started the process of evaluating the proposals that were submitted in preparation of selecting a vendor.

Commissioners/Staff Question & Answer Discussion:

- How is the process of gathering bids, statements of interest, etc. going? Bids were due last Friday and DBI is working on it, and there is an evaluation team approved.
- How many statements of interest have been received? Four.
- What is the estimated time the PTS can be set up and running? Estimate is 24 months after signing the actual contract.
- People are sensing some frustration on the part of the Commission, because this process has taken a long time, and has been discussed as long as some long-time members have been on the BIC.
- Commissioners offered to assist Department to move PTS along? There is a specific prohibition of commissioners and other city employees getting in touch with the vendor.
- Is DBI working toward a two-year goal and is the Department going to keep pace with the latest developments? The companies are trying to make sure that the latest version is available.
- Primarily the reason the PTS project takes a long time is in order to make sure that things are set up in the way that DBI needs them to be.
- Would it be helpful to put out a basic version first and then add on to it later? DBI is working on having similar functionality as it has now, with the flexibility to move onto something later.
- Commissioner expressed 24 months is too long for project. Staff said they understand and hopefully vendor can shorten this time frame.
- Is there an approach where compatibility can be factored in, (Example: Microsoft 2003 vs. 2007). DBI is adding another 4 years into this and that will be another layer of compatibility for the public and continuity could be road blocked by the system? This is a web-based product so any updates to the product or software will be made by the Department, so users of the system will automatically see the update.
- Whenever there is an update to the product it is distributed to DBI (the owner of the

product) and there will be something staff can give to the public to reflect the changes, and this is in the contract.

- There will be constant training and online training available, and DBI will ask for this from the potential vendor also.
- Question about retaining a vendor and signing a contract? There are procedures set up by the City on how to go through the process of selecting and negotiating a contract.
- Commissioner thinks a lot of the steps will happen a lot faster than the 24 months, so he would like to agendaize a monthly progress report.
- Do you anticipate any stumbling blocks? I cannot answer that question at this time because the evaluation is not done and DBI is just starting the bid.
- How long will there be a test period before the system goes live? 60 days – 2 months of production that would run parallel with DBI's old system and new system to compare the figures and make sure everything is duplicated correctly.
- DBI is not just creating its database and moving it over, but are also incorporating data from Dept. of Public Works, Planning, Fire, PUC, and Department of Public Health.
- Is there going to be a connection between the CAPSS program and the seismic safety component that any new building or application relative to its geographic location? There will be something that shows customers which seismic zone in the city and how vulnerable the building is.
- Once something is input into a field staff wants to make everything searchable, and they can create a custom report or not.
- Is the technology committee made up of city employees or private, outside consultants? They are all city employees.
- Commissioner said that maybe someone needs to be brought in from the outside, since "the ball has been dropped" so many times.

President Murphy called for public comment.

Mr. Henry Karnilowicz said that he was not saying that there is a problem with the current system at DBI, because tracking is quite good but it is really about the other departments. Mr. Karnilowicz stated that the Commission should get other departments involved, because DBI should not be running this whole show and not have anyone else in the picture. Mr. Karnilowicz said everyone should get together in order to speed this up, and as far as DBI is concerned he is quite happy with the tracking but it is the other departments getting them tied to the network.

d. Update on other activities affecting administration of the Department.

Director Day stated that she would like to introduce Emily Morrison and said that she came from the Department of Human Resources (DHR), and she is now DBI's manager of personnel and payroll.

Ms. Morrison said that she was quite honored to have this assignment, and that she was excited to take on some of DBI's projects and to actually oversee the Department's personnel issues and to get DBI moving in a positive direction by being as much help as she can.

The following points were discussed regarding other activities affecting administration of the

Department:

- A requisition tracking list was included in the Commissioner’s package for the first time, and it shows the date the requisition was put in and where it is going through the Department.
- In the future staff could do a flow chart on how the requisition process works in the city.
- Several positions are unable to be filled because there are no current lists that exist, so a lot of employees are coming back in temporary or limited duration positions until lists can be created by DHR.
- Several requisitions are being worked on, and one is for a mechanical engineer.
- Are there adequate cashiers on the fifth floor now? Yes there are and two people just moved up there.
- Even though DBI is an enterprise department, it is a city-wide policy for each department to go through the requisition process.
- What does the Department do if they need to hire someone and it is the end of the year, and that position is not in the budget? People have been hired at the end of June, but if it is not budgeted then they cannot be hired.
- If there are savings in personnel it is because the Department had not hired people, so it goes into DBI’s fund balance.
- Commissioner said positions have to be approved by the Mayor’s Office and difficult to get them approved.
- Commissioner expressed concern about bringing back too many people, and having to lay them off so he urged Department to be cautious about hiring.

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

Mr. Spencer Gosch stated that he has lived in the City and County of San Francisco for 30 years, and he has been a Building Inspector for a long time but he is present as a citizen to ask two questions: How many directives has the Director actually issued, initialed, and been responsible for? Mr. Gosch said that he thinks the Director may be neglecting that portion of her duties, and he has a copy of Prop G from 17 or 18 years ago that states, “The Director shall have the power to implement or remove assistant superintendents or Deputy Directors serviceable under the provisions of the Charter.” Mr. Gosch stated that he was confused as to how DBI now has three Deputies, and he would like to suggest that the person occupying the most recent position, the third Deputy position, is occupying that illegally and she should forfeit her salary. Mr. Gosch said that those are his two questions and he has an inquiry about a number of written directives, and he is at a loss as to how to explain how DBI got a Deputy Director. Mr. Gosch stated that his issue is timely, given the proposed legislation for a fourth Deputy Director and he would like to remind the Commission that the citizens voted against these Deputy Directors.

5. Report, discussion and possible action to approve the proposed budget of the Department of Building Inspection for fiscal year 2011/2012. - continued item

Deputy Director Pamela Levin stated that the Department provided additional information on February 24th responding to the questions the Commissioners had on the budget that were submitted to the Commission Secretary. Ms. Levin said if the Commissioners had any questions they could ask her.

President Murphy said that he had plenty of questions and he is not sure that they were all answered.

President Murphy called for public comment. There was none.

Commissioner Walker made a motion, seconded by Commissioner Mar, to approve the 2011/2012 budget.

Secretary Aherne stated that five votes are needed to move the budget forward.

Secretary Aherne called for a roll call vote:

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

The motion carried with a vote of 5 to 2.

RESOLUTION NO. BIC 011-11

6. Election of BIC President and Vice-President - continued item.

President Murphy stated that for the last 15 years it has become increasingly difficult to do business in San Francisco, and many people have moved out of state because of reasons like they cannot get their children into public school and cannot afford private school so it has been difficult. President Murphy said that personally he has been doing business here for 35 years and San Francisco has been very good to him, and he loves the city and has been delighted to give his time to help the Department through what he would call the worst recession since 1978. President Murphy stated that he was honored to serve as President for the last two years, and when he was asked to become a commissioner by the Mayor six years ago he knew the Department was dysfunctional at the time. President Murphy said that one of his objectives and most of the Commission at that time was getting the DBI – he happens to like that name – to get cost to permit plan review inspection services in line, but there are still difficulties in this process. President Murphy stated that the BIC set about finding a new Director and they hired someone, Isam Hasenin, with very ambitious plans. President Murphy said that DBI touches every department in the City, every neighborhood, every homeowner and tenant. President Murphy stated that at that time there were 10,000 inspections per month and at least 600 complaints, so Mr. Hasenin brought in a modern management way of doing business and he made changes that upset a lot of people. President Murphy said that former Director Hasenin saw the writing on the wall that DBI was running out of money so he left for another opportunity. President Murphy stated that Isam bowed out and Director Vivian Day replaced him. President Murphy said that he paved the way and DBI had to reduce its budget and downsize staff considerably and civil service requirements on how to let staff go meant that the Department lost a lot of people, but DBI survived those challenges. President Murphy stated that the over-the-counter process has moved to the fifth floor and it is making a big difference, but there are still some improvements that need to be made but the BIC is determined to have it working as a well oiled machine. President Murphy said that he would like

to mention the names of some of the people that have helped in this process: Hanson Tom, Tom Hui, Neil Friedman, and Commissioner Walker with vacant/abandoned buildings. President Murphy stated that there was an attempt to clean up those buildings in various neighborhoods, but once again the new Permit Tracking System has been disappointingly slow. President Murphy said that there is now a sense of team or working well together at DBI, but not in the case of the Housing division as a deep division exists. President Murphy stated that he would like to say a few words about our friends across the hall, the Planning Department, and he is delighted to see that they appear to be seeing the light with regards to the Planning Code. President Murphy said that recently at a hearing of the Small Business Commission there was a unanimous vote to simplify the Planning Code by neighborhood commercial districts, so this is a move in the right direction. President Murphy said that he would like to remind the Planning Department that the first recommendation by outside auditors in their report from a couple of years ago was to scrap the code and start fresh, and perhaps all Supervisors from each district could update the code for their particular constituency, greatly reducing the document that has completely grown out of control. President Murphy stated that on the issue of the Planning Department, too often he hears unfavorable words such as elitist, long delays, lack of courtesy and respect for the customer, so he hopes that someday the mindset there will change. President Murphy said that he is very proud that DBI has come a long way, as evidenced by a number of people that speak favorably of the staff that work at DBI. President Murphy stated that the construction business has been dying over the last few years and people are barely able to make their payments, and a lot of them have gone bankrupt. President Murphy said that many of the properties from three or four years ago are gone, but DBI has raised permitting fees but he is not sure that customers are getting a fair shake and DBI can help to improve this. President Murphy stated that he would like to thank his wonderful secretary, Ann Aherne, and her able assistant, Sonya. President Murphy said that he also wants to thank Ed Sweeney who has been doing a wonderful job, and he rarely gets any complaints from the field. President Murphy stated that he still gets a few complaints from the Electrical Inspection Division from people waiting 10 days to get an inspection, and he thanked all of the Commissioners.

President Murphy made a motion, seconded by Commissioner Clinch, to nominate Reuben Hechanova for President.

Secretary Aherne called for a roll call vote:

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

The motion carried unanimously.

RESOLUTION NO. BIC 012-11

President Hechanova said that he was privileged and proud to serve the City of San Francisco and to continue the great mission the Department has been challenged to bring about, not only in the challenges of the economy, but on the operational side. President Hechanova stated that he likes

the idea of keeping it going, making it smoother, bringing in and delivering to the public and customers a category of service that will be more elevated, functional, and service oriented, and properly serve the citizens of San Francisco. President Hechanova stated that he was proud to serve with the current Commissioners who he has gotten to know over the years and he looks forward to serving with them and challenging them to bring about a new period of delivering what the Department brings, and he thanked them for the nomination.

President Murphy made a motion, seconded by Commissioner Walker, to nominate Warren Mar for Vice-President.

Secretary Aherne called for a roll call vote:

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

The motion carried unanimously.

Vice-President Mar said that as one of the newest members of the Commission he thanks the Commissioners for their confidence and for bringing him up to speed, and he has gotten to appreciate the staff who are sometimes unappreciated. Vice-President Mar stated that he has stood on the other side of the counter and he does not have a lot of complaints in terms of staff, and sometimes they catch a lot of anger from the public because they do not agree with some of the Code or they did not do things right. Vice-President Mar said that in that sense the Commission is responsible to educate the public and make sure that everybody is treated fairly, because anyone who walks in the door should be treated fairly.

RESOLUTION NO. BIC 013-11

7. Discussion and possible action regarding the 2011 Cost Schedule of Building Valuation.

Director Day stated that staff prepared a memo to the Commission, and said that last year the Commission voted to keep the increase at the level of the 2009 instead of increasing it in 2010, as was called for in the actual report. Director Day said that this year DBI is proposing to increase it by a little over 1%, bringing it up to the current level of construction costs as proposed by Marshall & Swift – that is 1% from 2009.

Commissioner Walker asked if this was factored into the budget recommendations. Director Day stated that yes it has been, but it has not been fully integrated into the budget yet. Commissioner Walker stated that the Department is just beginning to “get our feet under us”, so she does not feel DBI should increase costs again until they see how strong and sustaining the increased activity is in the Department since this is a challenging time for everybody.

President Hechanova called for public comment.

Mr. Henry Karnilowicz said that of course the Department is going to keep up to current valuations and it is important to do so, but he did notice the other day that there was a couple that came in and owned condominiums. Mr. Karnilowicz stated that they were just changing the cabinets out and there was a person on each station for remodeling the bath and kitchen and this young couple had trouble getting up to Code without electrical work and minimal plumbing, so they should not be charged for the full work. Mr. Karnilowicz said that what he saw after that is that they sort of gave up so he thinks DBI should keep that in mind and be reasonable about how much is charged.

Commissioner Lee made a motion, seconded by Commissioner Murphy to continue the item of the 2011 Cost Schedule of Building Valuation. The motion carried unanimously.

RESOLUTION NO. BIC 014-11

8. Report and discussion regarding DBI's process for obtaining a 3R report.

Ms. Tuti Suardana, Supervisor of the 3-R Records Management Division gave a presentation regarding the process for obtaining a 3R report. Ms. Suardana said that she was present to respond to questions on the 3R process.

Commissioners/Staff Question & Answer Discussion:

- Commissioner asked Ms. Suardana to explain the process to the BIC.
- The majority of requests are by mail and 10% are walk-in customers.
- There are forms on the website that customers can fill out, and mail in.
- It takes 6 business days to process a 3R request.
- Sometimes customers do not completely fill out forms correctly so this can cause delays.
- Staff has to research the permit history and S.F. has old histories 1920s – 1930s, so there are a lot of old permits. Research takes time and sometimes the authorized use of a building is not clear.
- One of the resources that staff used are 60 millimeter microfilm roles, and then they moved into a computerized scanning system so there are different resources to work with.
- Staff has to work with Housing division, Building division, etc. and some records are just not clear enough for them so the process is quite extensive before they finally have all of the data.
- What is the soonest a 3R report can be done? Two hours is the best staff can do or if it is just a repeat request, it might take one hour.
- The longest request staff is working on right now has taken three days because that building has more than 200 permits.
- On average one person, one staff member can do eight requests per day, and they only have four staff to do this.
- There are about 500 to 600 requests per month.

- Commissioner mentioned that Ms. Suardana and Noreen Murphy have done a good job.
- 3R reports often requested by realtors and they should know how to fill out forms correctly.
- Staff should be helpful in aiding public to fill out forms correctly so that they are not angry and there will not be additional delays.
- Staff does community outreach to explain and help with the 3R process.
- Are there a lot of problems with bounced checks? Not often.
- Legal use of a building is one of the biggest challenges.

President Hechanova called for public comment.

Mr. Henry Karnilowicz said that right now customers can get plumbing and electrical permits online, but it would be nice if they could 3R reports online also. Mr. Karnilowicz said that customers get the application, pay and then print it online, and right now Records Management is printing off the plans and their staff provides cards to read, but only issue one reel at a time. Mr. Karnilowicz said that this would save customer and staff time.

Ms. Suardana stated that one reason why several microfilm rolls are not given out at a time is just to preserve the film, because if they are put back in the wrong box then things can get lost. Ms. Suardana said that staff also show the customers how to put the rolls in the machines, how to use the cards, and so on.

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 asked for an update on the CAPSS process on a regular basis.

Director Day said that another committee is being formed.

Commissioner Lee said that it would be nice if Mr. Kornfield could give the BIC an update every few months. Commissioner Lee thanked Commissioner Murphy for his past 2 years of serving as BIC President, in addition to bringing forth construction industry issues and involving small businesses. Commissioner Lee said that he is looking forward to working with President Hechanova and Vice-President Mar.

- 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 Aherne stated that the next meeting is on the third Wednesday in April. President Hechanova asked about the schedules of the Nomination committee. Secretary Aherne said that there are not any appointments due until 2013, but on the Board of Examiners Ken Cleaveland was appointed to another committee for the Mayor and Jane Martin decided not to serve as she did not want to go through the waiver process. Secretary Aherne said that perhaps the Commissioners could recruit for those two seats. Secretary Aherne stated that the Litigation Committee met yesterday.

10. Adjournment.

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

The meeting was adjourned at 11:00 a.m.

RESOLUTION NO. BIC 015-11

Respectfully submitted,

Sonya Harris
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Update on Permit Tracking System as part of each monthly agenda. – Mar	Page 4
Report on how the requisition process works in the city, including a flow chart. – Levin	Page 5
Update on CAPSS program. – Walker, Lee	Page 10