

***BIC Special
Meeting of
March 20, 2024***

Agenda Item 5

BIC Rules

RULES OF THE BUILDING INSPECTION COMMISSION

(Adopted 11/17/95)

(Revised 10/20/21)

RULE 1: GENERAL

Section 1.01 DEFINITION

The term **Rule** shall mean a regulation, code or set of codes governing actions, resolutions, policies, and procedures of the Building Inspection Commission.

Section 1.02 ADOPTION AND AMENDMENTS OF RULES OF THE BUILDING INSPECTION COMMISSION

In carrying out its authority, functions, powers and duties, the Building Inspections Commission, from time to time, may enact and adopt **Rules** which are not in conflict with existing Sections of the City's Charter, and Municipal Code.

A **Rule** shall be adopted or amended by a motion, duly seconded, and passed by a majority vote of the Building Inspection Commission.

Consistent with and in fulfillment of the provisions of Charter Section D3.750-5, the Building Inspection Commission adopts and promulgates these Rules relative to its mandated responsibilities and the conduct of its public business. These Rules were first adopted on November 17, 1995, by Resolution No.296.95.

Section 1.03 NOTICE OF PROPOSED RULES

Pursuant to Section 4.104 of the **City Charter**, the Building Inspection Commission shall hold public hearings prior to the adoption of any proposed **Rule**. Said hearing shall be conducted only after the proposed **Rule** has been calendared and noticed pursuant to the procedures described in Section 4.104 of the Charter and Section 3.06 herein.

Section 1.03 SEVERABILITY

If any rule, section, paragraph, sentence, clause or phrase of these **Rules, Resolutions, Policies and Procedures** is declared unconstitutional or void for any reason, such declaration shall not affect the validity of the remaining portions of these Rules, Resolutions, Policies and Procedures. The Commission hereby declares that the Commission would have prescribed and adopted these Rules, Resolutions, Policies and Procedures, and each rule, section, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more rules, sections, paragraphs, sentences, clauses or

phrases be declared unconstitutional or void.

The titles assigned to Rules, Resolutions, Policies, and Procedures and sections thereof are for reference purposes only, and shall not be considered a substantive part of these Rules, Resolutions, Policies and Procedures. If there is any conflict between the provision of these Rules, Resolutions, Policies and Procedures and the Charter or the Administrative Code of the City & County of San Francisco, the language of the Charter and **Municipal** Code shall govern.

RULE 2: ADMINISTRATION

Section 2.01 COMMISSION AUTHORITY

The Building Inspection Commission shall exercise its authority, functions, powers and duties in accordance with City Charter, Sections 4.121 and Appendix D3.750, and with applicable provisions of the **Municipal** Code of the City & County of San Francisco.

The Building Inspection Commission shall be a policy-making and supervisory body with all of the powers provided for in Section 4.102 of the City Charter.

The Building Inspection Commission shall organize, reorganize and manage the Department of Building Inspection which shall have responsibility for the enforcement, administration and interpretation of the City's Building, Housing, Mechanical, Electrical and Plumbing Codes, except where the City Charter specifically grants that power to another department.

The Building Inspection Commission shall constitute the **Abatement Appeals Board** and shall assume all powers granted to this entity under the City Charter and the San Francisco Building Code.

The Building Inspection Commission shall have the power to hold hearings and hear appeals on all decisions made by the Department of Public Works regarding permits under one or more of the codes enumerated in City Charter Section D3.750-1 through -8, and on sidewalk or encroachment permits. The Commission may reverse, affirm or modify determinations made by the Department of Public Works, the Water Department or the Department of Building Inspection on all permits required for a certificate of final completion. Departmental decisions on permits subject to commission review shall be made within the time mandates of the state Permit Streamlining Act. Appeals of decisions must be filed with the Commission within fifteen days of the challenged determination. The Commission shall act on the appeal within a reasonable time. The Commission's action shall be final.

The Building Inspection Commission's jurisdiction shall not extend to permits appealable to the Planning Commission or to the Board of Permit Appeals.

Section 2.02 COMMISSION COMPOSITION

The Building Inspection Commission, in accordance with **Charter** Section 4.121 shall consist of seven (7) members appointed as follows by: the **Mayor** -- a licensed structural engineer, a licensed architect, a residential builder, a representative of a community-based non-profit housing development corporation; the **President of the Board of Supervisors** -- a residential tenant, a residential landlord, a member of the general public. Members of the commission shall serve without compensation.

The term of office of four mayoral appointments shall be for two years; provided that the respective terms of office of those first appointed shall be as follows: two for one year, and two for two years from the effective date of Section 4.121 of the City Charter.

The three members appointed by the President of the Board of Supervisors shall be for a terms of two years; provided that the respective terms of office of those first appointed shall be as follows: three for one year from the effective date of Section 4.121 of the City Charter.

Vacancies occurring in the offices of appointive members, either during or at the expiration of term, shall be filled by the electoral office that made the appointment.

Section 2.03 ELECTION OF PRESIDENT AND VICE-PRESIDENT

The Commission, at its first Regular Meeting in February of each year, shall include election of officers as an agenda item and the Commission shall elect one of its members **President** and one of its members **Vice-President**, and each shall hold office for a term ending in December or until a successor has been elected. (Amended on February 4, 1998). Interim officers may be elected at the last Regular Meeting in December of each year, with interim officers serving until the first Regular Meeting in February of the next succeeding year. The election of President and Vice-President may be delayed until the next regular meeting if approved by a majority of members present at the Commission's first Regular Meeting in February.

Election of the President and Vice-President shall begin with the presiding officer taking public comment on the agenda item. Then the presiding officer shall request nominations for the office from the members, no second shall be required for nominations. After all nominations are offered, the presiding officer shall close the nomination and the Commission votes on the nominations in the order they were received. The first candidate to receive a majority of the votes is elected to the office.

Section 2.04 DUTIES OF PRESIDENT AND VICE-PRESIDENT

The **President** shall preside at all Meetings of the Commission and shall act as spokesperson for the Commission. The President shall, in consultation with the Commission Secretary and pursuant to Procedure 2 of these Rules, prepare the Agenda for each Meeting. The President shall approve, in advance, any other Commissioner's contact of the City Attorney except on a personal matter. The President or the Commission may establish such standing or special committees as the Commission's business or circumstance may require.

The **Vice-President** shall assume the duties of the President when the President is absent or when the President shall designate the Vice-President to act.

In the event of the death, resignation, removal or permanent disability of the President, the Vice-President shall act for the President until the Board shall elect a President to serve until the normal expiration of the term of the succeeded President.

When acting for the President, the Vice-President shall have all of the powers of the President and shall assume all of the duties of the President.

Section 2.05 APPOINTMENTS

The Commission is authorized to make the following appointments:

- (a) **DIRECTOR OF BUILDING INSPECTION** [Charter Section Appendix D3.750-2], who shall hold office at the Commission's pleasure.

The Director shall have all of the powers provided for department heads as set forth in Section 4.126 of the Charter and, serving as the City's **Building Official**, shall assume all attendant powers and duties with respect to the administration and enforcement of the City's Building, Housing, Mechanical, Electrical and Plumbing and other relevant codes.

The Director shall also serve as the **Appointing Officer** of the Department of Building Inspection and shall exercise those powers extended by the City Charter to appoint and remove employees up to one deputy director and no more than two assistant directors, all of whom shall be exempt from the Civil Service provisions of the City Charter.

- (b) **BUILDING INSPECTION COMMISSION SECRETARY** [Charter Section Appendix D3.750-3], who shall hold office at the Commission's pleasure and shall be exempt from the Civil Service provisions of the City Charter.

The Commission Secretary shall monitor and oversee the operations of the Commission, subject to oversight by the President of the Building Inspection Commission, and shall work closely with the Director of Building Inspection to carry out the Commission's oversight of

the Department of Building Inspection's policies and procedures.

As part of the Commission Secretary's monthly report to the Commission, s/he shall certify that the Agenda and the Minutes of Meetings and Committee Meetings have been duly filed in accordance with these Rules, Resolutions, Policies and Procedures and the Municipal Code of the City & County of San Francisco. The Commission Secretary shall also provide an update at each Regular Meeting on status of proposed items for future meetings.

The Commission Secretary shall coordinate and codify the Commission's policies as set out in these Rules, Resolutions, Policies and Procedures.

- (c) **CONSULTANTS** [Charter Appendix D3.750-3]: From time to time, and subject to the provisions of City Charter Appendix D3.750-3, the Commission may contract with engineers and other consultants for such services as it may require.
- (d) **APPOINTMENT AND REMOVAL OF SUBORDINATE BODIES** [Charter Appendix D3.750-4] The Commission shall appoint and may remove at its pleasure members of the **BOARD OF EXAMINERS, BOARD OF EXAMINERS HIGH RISE SPRINKLERS, ACCESS APPEALS COMMISSION, BUILDING CODE ADVISORY COMMITTEE,** and such other committees and task forces as may be created by Ordinance or rule.

Section 2.06 ACTING DIRECTOR OF BUILDING INSPECTION

In the temporary absence of the Director of Building Inspection, responsibility for the administration of the Department of Building Inspection as **Acting Director of Building Inspection** shall be delegated to a senior departmental staff member so deputized by the Director of Building Inspection.

RULE 3: MEETINGS OF THE COMMISSION

All meetings, agendas and minutes' requirements shall comply with the City's Sunshine Ordinance, Administrative Code – Chapter 67, Amended Version. In the case of any conflict between these Rules and Prop G, Prop G shall control.

Section 3.01 REGULAR MEETINGS

Regular Meetings of the Building Inspection Commission shall be held on the third Wednesday of each month at **10:00 a.m.** in Room 416, City Hall, 1 Dr. Carlton Goodlett Place or at such other date, time or place as the Commission may designate at a prior Regular Meeting. When Abatement Appeals Board meetings are held the same day, that meeting will begin at 9:00 a.m.

When a Regular Meeting falls on a public holiday, the Commission will decide whether to hold or cancel the Regular Meeting. If held at other than the regularly scheduled time, the Meeting will be noticed as a Special Meeting.

Section 3.02 SPECIAL MEETINGS

A **Special Meeting** may be scheduled by the President or by a majority of the members of the Commission. A **Notice** and **Agenda** shall be sent by the Commission Secretary to all concerned parties who may have matters on the Special Meeting Agenda. Such Notice must be delivered personally, by FAX, by Email or by the U.S. postal service to arrive at least seventy-two hours prior to the date and time of such Special Meeting as specified in the Notice. With the same delivery mandate, a copy of the Notice and Agenda of the Special Meeting shall be deposited with the Government Documents Section at the Main Branch of the San Francisco Public Library and shall be posted, as well, at the main entrance of the San Francisco Permit Center at 49 South Van Ness Avenue.

The Notice and Agenda of the Special Meeting of the Commission shall contain the date, time and place of the Meeting and the business to be transacted thereat. No other business shall be transacted except that for which the Meeting is scheduled.

Section 3.03 ADJOURNED REGULAR MEETINGS

The Commission may adjourn any Regular Meeting to a date, time and place specified. The **Adjourned Meeting** shall be part of the Regular Meeting. The Notice and Agenda for the Regular

Meeting shall serve as the Notice and Agenda for the Adjourned Meeting and a separate Notice and/or Agenda is not required.

Section 3.04 COMMISSION MEETING - PUBLIC

All Meetings of the Building Inspection Commission and of its Committees shall be open to the public -- except as provided in Section 3.05 of these Rules, Resolutions, Policies and Procedures below, or as otherwise provided by law.

Section 3.05 CLOSED SESSION

A **Closed Session** -- excluding the general public may be held during any Regular or Special Meeting of the Commission pursuant to Charter Section 4.104.

Section 3.06 AGENDA

The **Notice** and **Agenda** of the Meetings of the Commission and its Committees shall contain the date, time and place of the Meeting and the business to be transacted. These documents shall also include an informative synopsis of items to be discussed by the Commission -- as well as detailed information on accessibility.

No later than seventy-two (72) hours prior to the scheduled commencement of a Meeting of the Commission or a committee thereof, the Commission Secretary shall file with the City Librarian a copy of a Notice of and an Agenda for such Meeting(s) via email.

Section 3.061 AGENDA CONTENTS

Agendas for Meetings of the Commission may include but not necessarily be limited to: **Call to Order** (by President); **Roll Call** (by Commission Secretary); **President's Report**; **Director's Report**; **Commission Secretary's Report**, if any; **Items of Business**; **Committee Reports**, if any; **Discussion of Agenda Items for the next Meeting**; **Approval of the Minutes of Meeting from the past Meeting(s)**; and **Adjournment**. The Agenda for each Meeting of the Commission shall contain a statement ensuring opportunities for members of the public to directly address the Commission on items of interest that are within the Commission's subject matter jurisdiction. Each Agenda shall also include the Commission's **Accessible Meeting Policy** (Section 3.08 below) and

the Commission's **Public Comment Policy** (Section 4.13 below).

Section 3.062 CONSENT CALENDAR

The Agenda for each Regular Meeting of the Commission may contain a **Consent Calendar**. The Consent Calendar shall include items considered by the Commission to be routine and will be acted upon by a single vote of the Commission. There will be no separate discussion of these items unless a member of the Commission so requests -- in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

Section 3.07 RECORDS AND MINUTES

The Commission Secretary shall record by using a digital recorder or video recording the entire proceedings of all Meetings. The Commission Secretary shall take and prepare for public distribution the **Minutes of Meetings** which shall state: the date, time and place of each Meeting; the names of Commission members present and absent; all official acts (successful motions -- including Consent Calendar items [cf. Section 3.062 above]) of the Commission and the votes of the Commissioners thereon; the commencement and conclusion times of any Executive or Closed Session; the names of members of the public who spoke on matters before the Commission and whether such speakers supported or opposed these matters; any items requested to be calendared by a member of the Commission that falls within the subject matter jurisdiction of the Commission; and the time the Commission adjourned. The Commission Secretary shall codify successful motions as formal resolutions.

Minutes of the Meeting shall be promulgated within ten (10) days of the date of a Meeting of the Commission and shall typically be presented by the Commission Secretary for review and approval at the next Regular or Special Meeting of the Commission. In certain instances, the meeting minutes may be posted later than the 10-day requirement.

Similarly, the Commission Secretary shall file with the City Librarian a copy of the adopted Minutes of Meeting as approved by the Commission of action(s) taken at such Meeting(s) of the Commission or a committee thereof via email.

Section 3.08 ACCESSIBLE MEETING POLICY

In conformance with San Francisco Administrative Code, Section 67.15, the Building Inspection Commission shall not conduct any Meetings, conferences or other functions in any facility that excludes persons on the basis of actual or presumed class identity or characteristics or which is inaccessible to persons with physical disabilities.

The Commission shall provide sign language interpreters or note-takers at each Regular Meeting, providing that a request for such services is communicated to the Commission Secretary at least 72 hours before the Meeting. Further, the Commission shall ensure that accessible seating for persons with disabilities, including those in wheelchairs, is made available for each Regular, Special or Committee Meeting.

The Commission shall ensure that Agendas and Minutes of Meeting for each Regular and Special Meeting are made available to hearing-impaired persons through telecommunications devices, to speech-impaired persons through telecommunications relay services or equivalent systems, and to sight-impaired persons through Braille or enlarged type -- providing that a request for such services is communicated to the Commission Secretary at least 72 hours before the Meeting.

The Commission shall include on the Agenda for each Regular and Special Meeting the following statement: "In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public Meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals."

Section 3.09 COMMISSIONERS' ATTENDANCE AT MEETINGS

(Adopted on December 3, 1997)

All members of the Commission are required to make a good faith effort to attend all Regular and Special Meetings of the Commission. All Commissioners who are members of BIC Committees are required to make a good faith effort to attend all Committee Meetings. Commissioners should inform the Commission Secretary of a proposed absence before the Agenda for the BIC Regular, Special or Committee Meeting is released or at least two (2) days before the scheduled Regular, Special or Committee Meeting. The Commission Secretary shall inform the President if the number of Commissioners tendering notices of proposed absence will result in the lack of a quorum for a calendared meeting. The President of the Commission may direct the Commission Secretary to send out notices of cancellation and/or schedule a Special Meeting. In the event that a Commissioner notifies the Commission Secretary of a proposed absence prior to a scheduled Meeting, such absence shall be considered an **excused absence**. Excused and unexcused absences shall be reflected on the Minutes of the Meetings of the Building Inspection Commission and any other records that include information on a Commissioner's attendance of Commission and Committee meetings.

RULE 4: GENERAL MEETING PROCEDURES

Section 4.01 RULES OF ORDER

Except as otherwise provided in these Rules, Resolutions, Policies and Procedures of the San Francisco Building Inspection Commission, **Robert's Rules of Order** (in its latest revision) shall govern the Commission's proceedings. All Commission actions shall be in accord with the **Ralph M. Brown Act of the California Government Code** (Section 54950 et. Seq.) and the **San Francisco Sunshine Ordinance**. (Chapter 67 of the Administrative Code)

Section 4.02 COMMUNICATIONS

Communications requiring Commission action shall be filed in writing with the Commission Secretary. Communications not requiring action by the Commission under these Rules, Resolutions, Policies and Procedures or other authorizing law shall be processed by the Commission Secretary.

Section 4.03 QUORUM

A simple majority of the members of the Building Inspection Commission or its Committees shall constitute a quorum.

Section 4.04 MOTIONS AND SECONDS

A **motion** by any Commission member shall require a **second** by another Commission member. The positive concurrences of a majority of the total members of the Commission or its Committees shall validate (pass) the proposed and seconded motion.

An action proposed, seconded and passed by a Committee of the Commission shall be reported at the next Regular Meeting of the Commission requiring such report and shall be considered a **Formal Recommendation** to the full Commission.

A motion proposed, seconded, and passed by the Commission shall be considered an **Approved Resolution** of the Commission that shall be formally codified by the Commission Secretary. Such resolution may require immediate policy adjustment and administrative action by the Department of Building Inspection.

Section 4.05 ROLL CALL VOTE

A **Roll Call Vote** may be requested by any member of the Commission present on any matter before the Building Inspection Commission. Otherwise, the President, as a matter of general procedures, shall call for a simple voice vote of the "ayes" and "nays."

The records shall indicate how each member voted on each question (Charter Section 4.104).

Section 4.06 TIE VOTES

A **Tie Vote** shall render any motion as failed or lost.

Section 4.07 MOOT QUESTIONS

Requests for rulings on **moot** or hypothetical questions shall not be permitted by the Commission.

Section 4.08 ITEMS HEARD OUT OF ORDER

A request that a calendared item be **heard out of order** shall be presented to the President at the start of or during any Meeting of the Commission -- giving the reason(s) for the request. The President shall have discretion in deciding whether the request shall be granted.

The President of the Building Inspection Commission shall retain authority to take up for consideration items on any Agenda of the Commission out of order at her/his discretion whether or not requested by another party.

Section 4.09 CALENDARED MATTERS TO BE POSTPONED

Any calendared matter before the Commission may be postponed by the President or by a majority vote of the Commission at the start of a Meeting. Any member of the Commission or any interested party may request postponement of action on a matter during the course of a Meeting.

Section 4.10 CALENDARED MATTERS TO BE TABLED

Any calendared matter before the Commission may be tabled by a majority vote of the Commission. Agenda items that are tabled may be re-calendared at the discretion of the President or by majority vote of the Commission.

Section 4.11 MATTERS TO BE HEARD BY THE COMMISSION

Only items that have been calendared will be heard by the Commission at any Meeting -- except that the Commission may consider emergency or extraordinary items or requests that have been filed in writing with the Commission Secretary and that have been approved for hearing by the President.

Section 4.12 REQUIREMENT TO VOTE

Each member of the Building Inspection Commission present at a given Meeting must vote for or

against any particular mention put forward unless he/she is excused from voting by a formal motion adopted by a majority of the Commission members present at the Meeting. (Charter Section 4.104)

Section 4.13 PUBLIC COMMENT POLICY

The Commission shall take public testimony prior to any formal action the Commission may take on such matters.

In general, a member of the general public shall be allowed by the Building Inspection Commission to address it once for up to three minutes on each Agenda item of interest. (Section 67.17 of the **Administrative Code**) This time may be adjusted to 1 or 2 minutes on each Agenda item if the meeting is held remotely or if there is a large number of people speaking on the item.

At each Meeting of the Commission, the presiding officer -- after the taking of testimony from department staff, other City officials and such consultants as may have been engaged by the Commission, and after discussion of a matter among the Commission members present, shall take public comment.

Section 4.14 PUBLIC INFORMATION

At each Meeting of the Building Inspection Commission or Committee thereof, there shall be present an officer, employee, or other such representative of the Department of Building Inspection who shall be sufficiently knowledgeable on each matter on the Commission's calendar such that they may provide public information and answer any inquiry put forward. The Director of Building Inspection shall ensure the presence of these informed individuals.

RULE 5: COMMISSION RESOLUTIONS

Section 5.01 DEFINITION

The term **Resolution** shall mean an action, decision or an expression of opinion by the Building Inspection Commission.

Section 5.02 AUTHORITY TO ADOPT RESOLUTIONS

In carrying out its authority, functions, powers and duties, the Building Inspection Commission, from time to time, may enact and adopt resolutions which are not specifically provided for herein, and which are not in conflict with existing Sections of the **City's Charter**, and **Municipal Code**.

In many, but not all, instances, such resolutions shall be transmitted to the Director of Building Inspection for promulgation in written form as appropriate (e.g., Code Rulings, Departmental Bulletins, Office Policies, Departmental Instructional Brochure, etc.)

Section 5.03 MAINTENANCE OF RESOLUTIONS

The Commission Secretary shall codify in orderly sequence such resolutions adopted by the Building Inspection Commission for the purposes of distribution, transmittal or maintenance of public record and shall retain them for public access.

Further, the Commission Secretary shall notify the Building Inspection Commission of any legislative or Court action that would require the rescission, amendment or modification of resolutions adopted by the Commission.

RULE 6: COMMISSION POLICIES

Section 6.01 DEFINITION

The term **Policy** shall mean a principle or chosen course of action to guide the decision making function of the Building Inspection Commission.

Section 6.02 AUTHORITY TO ADOPT POLICIES

In carrying out its authority, functions, powers and duties, the Building Inspection Commission, from time to time, may enact and adopt **Policies** which are not specifically provided for herein, and which are not in conflict with existing Sections of the **City's Charter, Administrative Code and Municipal Codes**.

Section 6.04 NOTICE OF PROPOSED POLICIES

Pursuant to Section 4.104 of the City Charter, the Building Inspection Commission shall hold public hearings prior to the adoption of any proposed **Policy**. Said hearing shall be conducted only after the proposed policy has been calendared and noticed pursuant to the procedures described in Section 4.104 of the Charter and Section 3.06 herein.

Section 6.05 MAINTENANCE OF POLICIES

The Commission Secretary shall codify in orderly sequence such resolutions adopted by the Building Inspection Commission for the purposes of distribution, transmittal or maintenance of public record and shall retain them for public access.

Further, the Commission Secretary shall notify the Building Inspection Commission of any legislative or Court action that would require the rescission, amendment or modification of resolutions adopted by the Commission.

RULE 7: APPEALS
(Adopted on January 19, 1996)

Section 7.01 AGENDA ITEMS FOR APPEALS

When appeals are scheduled to be heard by the Building Inspection Commission, they shall appear in a separately designated section of the Agenda. Descriptions of matters calendared for appeals shall state the department from which the appeal is taken, the appellant's name, the property address, if applicable, the subject matter of the appeal and the date the challenged decision was rendered.

Section 7.02 APPLICATION: TIME FOR REVIEW, SCHEDULING HEARING:

- (a) All applications for appeal to the Building Inspection Commission shall be made in writing in the form determined by the Secretary of the Building Inspection Commission ("Commission Secretary") within fifteen (15) days of the challenged action (Charter Appendix D3.750-4). Ten (10) copies of the application and of all supporting documentary evidence, including the writing evidencing the decision appealed from, shall be submitted to the Commission Secretary. The application for appeal shall also include a list of the Assessor's Parcel Number, the address, the name of the property owner(s) and the address of the property owner(s) of all properties contiguous to the property which is the subject of the appeal. The Commission Secretary shall send one copy, together with a copy of the agenda and a written staff report, to each Commissioner before the hearing.
- (b) The Commission Secretary shall determine that the application is complete within seven (7) days of the date of submittal of the application. If the Secretary determines that the application is not complete, the appellant shall be notified in writing within a reasonable time of such determination. The Secretary shall notify all interested parties of the receipt of a complete application and the date when the hearing for the appeal will be held.
- (c) The hearing shall be scheduled by the second Regular Meeting, excluding Regular Meetings that have been or will be cancelled, from the date the Commission Secretary has determined that the application is complete.

Section 7.03 NOTICE TO PERSONS DIRECTLY AFFECTED BY THE APPEAL

When the filing of an appeal will directly affect the property interest of one other than the appellant, the Commission Secretary shall send written notice to that person(s) at the address as it appears or is shown on the last equalized assessment roll of the County or at the address to which the most recent property tax bill was mailed by the Tax Collector. For purposes of this rule, such notice shall be mailed to owners of all properties adjacent to the subject property and any other persons who have requested to be notified of such appeal. For purposes of notifying tenants, the Notice of the Appeal shall be posted on the premises of the subject property in a place visible from adjacent properties or from the public right of way.

Section 7.04 APPEARANCES; TESTIMONY; ADDITIONAL DOCUMENTARY EVIDENCE; EX PARTE COMMUNICATION WITH THE COMMISSION OR ITS MEMBERS PROHIBITED

- (a) The appellant must appear at the hearing in person or by representative. Failure to appear will be deemed an abandonment of the appeal. The appellant may, but need not, be represented by counsel, and may present witnesses. Acceptance of additional documentary evidence at the hearing is at the discretion of the Chair. The Commission may request additional documentation if it so desires.
- (b) All communications with the Commission by parties to an appeal shall be through the Commission Secretary. All submissions of documents supporting an appeal and other written materials shall be made through the Commission Secretary.
- (c) Public comment will be taken by the Commission on each appeal. However, nothing said as public comment will be considered by the Commission in its deliberations or decision on the appeal.

Section 7.05 ORDER OF PRESENTATION

The representative from the department from which the appeal is taken will make the first presentation followed by the appellant. Each party to the appeal may speak for up to seven minutes. Any interested person, not affiliated with the principals, who wishes to speak on the item may be heard once for up to three minutes. (Gov. Code Section 54954.3(a); S. F. Administrative Code Section 67.17(c).). The departmental representative and the appellant then each have three minutes for rebuttal. Additional time may be granted at the discretion of the Chair (President or the Chairperson). The Chair may also vary the order of presentation during the proceedings.

Section 7.06 RULES OF EVIDENCE

Technical rules of evidence will not be enforced during the Commission appeal hearings. Any relevant evidence will be admitted if it is the kind of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, whether or not it would be admissible were it offered for proof in a civil trial.

Section 7.08 DEPARTMENT RECOMMENDATIONS

The departmental representative may make recommendations to the Building Inspection Commission on each appeal.

Section 7.09 METHOD OF VOTING

All voting on consideration of appeals shall be by roll call vote and an affirmative vote of four (4) members is sufficient to take any action. If a member is absent from any portion of the proceedings, s/he shall state on the record at the time a vote on the matter is taken that s/he reviewed the video/audio recordings and any written materials submitted during her/his absence.

Section 7.10 CONTINUANCES

At the request of any party, the Building Inspection Commission may grant continuances for good cause shown at the time of the hearing. Upon written request in advance of the hearing date, continuances may be granted by the Commission Secretary with the approval of the President of the Building Inspection Commission with the concurrence of all parties to the appeal and the head of the department which rendered the challenged decision or her/his designated representative. A request for continuance that is opposed by one of the parties to an appeal or by the head of the department which rendered the challenged decision, may be granted only with the approval of a majority of the members of the Commission present at the public hearing on the matter.

It is the general practice of the Commission to grant a request for continuance made at the time of hearing if there are fewer than four member of the Commission present.

Section 7.11 SITE INSPECTION

The Commission may conduct a site visit to any site for which an appeal has been tendered. The date and time for official site inspection by a quorum of the Commission shall be by

motion and the vote of a majority of the Commission. Such site visit shall be in accordance with the Special Meeting requirements of Section 67.6(f) of the Sunshine Ordinance.

Section 7.12 DECISION

The Commission shall act upon each appeal without unreasonable or unnecessary delay. Every decision and recommendation of the Commission shall be by written resolution and shall contain findings supporting the decision. The Commission Secretary shall mail a copy of the decision to the appellant and all other parties who spoke at the hearing for the appeal within ten (10) days of the decision by the Commission. A copy shall also be filed within the same time period with the department which rendered the challenged decision.

Section 7.13 APPEAL OF COMMISSION DECISION

Each decision rendered by the Commission shall include the following language: “A party aggrieved by any decision of the Commission must seek judicial review within 90 days of the date the decision was mailed.”

POLICY 1: ACCESSIBLE MEETING POLICY

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that that other attendees may be sensitive to various chemical based products such as hair spray, perfumes, etc. Please help the City to accommodate these individuals.

The meeting will be held at City Hall, located at 1 Dr. Carlton B. Goodlett Place, 4th Floor, Room 416. The closest accessible BART station is the Civic Center Station at 8th (at the United Nations Plaza) and Market Streets.

Accessible MUNI/Metro lines servicing this location are the J-Church, K-Ingleside, L-Taraval, M-Ocean View, and N-Judah at Van Ness and Civic Center Stations; 9-San Bruno, 71-Haight-and 42-Downtown bus lines. For information about MUNI accessible services call (415) 923-6142.

The Commission meeting room is wheelchair accessible. Accessible curb side parking spaces have been designated on the Van Ness Avenue and McAllister Street perimeters of City hall for mobility impaired persons. There is accessible parking available within the Civic Center Underground Parking Garage at the corner of McAllister and Polk Streets, and within the Performing Arts Parking Garage at Grove and Franklin Streets.

Assistive Listening devices will be available at the meeting.

A sign language interpreter will be available upon request. Please contact: **Commission Secretary at (628) 652-3510** at least 72 hours in advance of the meeting.

Minutes of the meeting are available in large print/DVD and/or readers upon request. If you require use of a reader, please contact the **Commission Secretary at (628) 652-3510** at least 72 hours in advance of the meeting to request this service.

POLICY 2: PUBLIC COMMENT POLICY

Section 67.16 of San Francisco Administrative Code

Public Testimony at Regular and Certain Meetings.

- (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body on items of interest to the public that are within the policy body's subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 67.7(e) of this article. However, in the case of a meeting of the Board of Supervisors, the agenda need not provide an opportunity for members of the public to address the Board on any item that has already been considered by a committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the Board.
- (b) Every agenda for special meetings at which action is proposed to be taken on an item shall provide an opportunity for each member of the public to directly address the body concerning that item prior to action thereupon.
- (c) A policy body may adopt reasonable regulations to ensure that the intent of Subdivisions (a) and (b) are carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to three minutes.
- (d) A policy body shall not abridge or prohibit public criticism of the policy, procedures, programs or services of the City, or any other aspect of its proposals or activities, or of the act or omissions of the body, on the basis that the performance of one or more public employees is implicated, or on the basis other than reasonable time constraints adopted in regulations pursuant to Subdivisions (c) of this section. (Added by Ord. 265-93, Adopted 8/18/93)

**POLICY 3: POLICIES AND PROCEDURES REGARDING
APPOINTMENTS AND REMOVALS OF
MEMBERS OF SUBORDINATE BODIES**

(Adopted On July 7, 1995, Amended on November 3, 1995)

Appointment or removal of members of boards and commissions subordinate to the Building Inspection Commission (BIC) shall be governed by the following procedures and policies, in addition to any policies and procedures required by state and local law, including, but not limited to the San Francisco Building Code and Charter.

1. When possible, the BIC will review the current composition of the subordinate body to which appointments are being considered. In considering appointments or removals, the BIC may but need not consider whether actions taken by individual members further the mission of the body as articulated in its enabling legislation and/or whether the actions further the goals and objectives of the BIC. These include: San Francisco residency, broad representation of San Francisco, as well as any additional criteria the BIC may apply.
2. In reviewing the propriety of appointments or removals, the BIC shall consider the extent to which the membership of a subordinate body reflects the diversity of San Francisco as well as the overall diversity of all its subordinate boards and commissions. The BIC will use its best efforts to appoint subordinate bodies which reflect the diverse and often under represented communities within San Francisco. These communities include, but are not limited to, communities of color, ethnic communities, women, the lesbian, gay, bisexual, and transgender community, the disabled community, and the low income community. Candidates and members of subordinate bodies must be able to demonstrate an ability to render fair and equitable decisions on behalf of under-represented communities in general and San Francisco as a whole.
3. In considering appointments to subordinate bodies, interested candidates shall submit: a resume, a letter of interest regarding serving in the position sought. Each nominee shall verify with the City Attorney's Office, that no conflict of interest exists and submit a letter stating that after consultation with the City Attorney's Office, her/his appointment will not pose a conflict of interest.
4. Any governmental official or employee responsible for reviewing proposed projects or existing properties for compliance with codes or accessibility laws under the BIC's jurisdiction, or writing such codes and accessibility laws, shall not serve on any of the BIC's subordinate bodies.
5. In considering nominations for purposes of appointments to subordinate bodies, the BIC

may, but is not required to, convene an Appointments Committee comprised of no more than three of its members. Should the BIC elect to have the Appointments Committee play a role in the selection of members to subordinate bodies, the Appointments Committee shall review all materials otherwise required for consideration by the BIC of an applicant's qualification, skills and expertise. The Appointments Committee shall insure that all such materials are provided to the full BIC so it may render a fully informed decision.

6. Potential candidates for nomination to subordinate bodies may be provided by – but are not limited to – organizations representing persons skilled and qualified in the general area of jurisdiction of the subordinate body, unless the legislation creating the body establishes specific criteria for membership. Nominations are not otherwise limited.
7. When considering appointments and removals from subordinate bodies, the BIC will seek to complete the process in as timely a manner as is possible under the circumstances. All such decisions will not be final until the BIC has held a duly notices public hearing on the matter.

POLICY 4: BIC POLICY ON THE ROLE OF THE CODE ADVISORY COMMITTEE

(Adopted on January 7, 1998)

The Building Inspection Commission hereby adopts a policy and directs staff of the Department of Building Inspection to refer, forward and provide to the Code Advisory Committee all proposed ordinances, and when time and circumstances permit, all administrative bulletins and code rulings that are intended for general application and are required to go to the Commission for review and action. The Code Advisory Committee shall forward a recommendation to the Building Inspection Commission on proposed ordinances, administrative bulletins and code rulings in a timely manner.

PROCEDURE 1: ADOPTION AND AMENDMENT OF PROCEDURES

(Adopted on November 17, 1995)

Section 1.01 DEFINITION

A **Procedure** is defined, for purposes of the Rules, Resolutions, Policies and Procedures binder, as an established series of steps to getting something done.

Section 1.02 AUTHORITY TO ADOPT PROCEDURES

In carrying its authority, functions, powers and duties, the Building Inspection Commission, the President, the Department of Building Inspection and the Commission Secretary may, from time to time, adopt **Procedures** which are not in conflict with the City's Charter, Administrative and Municipal Codes.

Section 1.03 NOTICE OF PROPOSED PROCEDURES

There is no requirement for notice of procedures and there is no requirement for public hearings on procedures proposed for adoption.

Section 1.04 MAINTENANCE OF PROCEDURES

The Commission Secretary shall maintain in orderly sequence such procedures adopted or in use by the Building Inspection Commission, the President, the Department of Building Inspection and the Commission Secretary in the Rules, Resolutions, Policies and Procedures Binder. Some procedures shall be prepared as stand-alone documents for the purposes of distribution, transmittal or maintenance of public record. Overall, written procedures shall be prepared as a guide to the efficient and effective means of carrying out the business of the Building Inspection Commission.

PROCEDURE 2: AGENDA PREPARATION PROCEDURES

(Adopted March 21, 1995, Amended on November 17, 1995 and February 16, 1996)

- * The Commission Secretary shall prepare a Draft Agenda on Wednesday after the BIC Regular Meeting (**Draft 1**).
- * The President, Director, Deputy City Attorney and the Commission Secretary shall confer on Draft 1 by the close of business on Thursday to review and revise Draft 1. Any needed after-the-meeting follow-up comments or information from the President, Director and Deputy City Attorney shall be conveyed/transmitted to the Commission Secretary by noon on Friday.
- * By Friday close of business, the Commission Secretary shall prepare a revised Draft Agenda based on comments from the President, Director and Deputy City Attorney (**Draft 2**). Draft 2 shall be emailed to all BIC members and the Deputy City Attorney.

Copies shall be provided to the Director and the Deputy Directors.

- * BIC members, the Director, the Deputy Directors and the Deputy City Attorney shall provide any comments, corrections, revisions and requested additions *by email* or phone call/message to the Commission Secretary by Monday, 4:00 p.m.
- * The Commission Secretary shall prepare a revised draft, incorporating the responses of the BIC members, the Director, the Deputy Directors and the Deputy City Attorney **(Draft 4)**. The President, Director and Commission Secretary shall confer by noon on Tuesday to review and finalize the Draft Agenda **(Draft 5)**.
- * The Director and Commission Secretary shall follow up on Agenda Items that are still unresolved. The Commission Secretary shall finalize the Agenda for posting, emailing, and mailing, typically on Wednesday, one week before the scheduled BIC Regular Meeting.
- * In all cases, the Agenda shall be finalized, posted, emailed, and mailed out to all interested parties on the Friday before the Wednesday regular Meeting of the Commission, pursuant to (Sunshine Ordinance).

PROCEDURE

PROCEDURE 3: SELECTING AND HIRING A COMMISSION SECRETARY

(Adopted April 18, 1995)

1. Send out invitations for letters of interest and resumes to other City departments and advertise in newspapers.
 - a. Notify professional organizations about the potential position.
 - b. Advertise to former administrative aides of supervisors.
2. Appoint Screening Committee to review all letters of interest and resumes on behalf of the Commission, and reduce to no more than 5 applicants for a short list to be interviewed by the full Commission.
3. Collect letters of interest and resumes from all interested applicants. Submit to Screening Committee to narrow down to a Short List (see preceding item) for review of qualifications and interview by full Commission.

4. Have the Screening Committee affirm that the candidate understands and agrees to work according to the position description in the classification as approved by the City Attorney, Director of Building Inspection, and Commission. Have Screening Committee or full Commission call references.
5. Offer the position to the top candidate.
6. Train the newly appointed Secretary on what the Commission expects. Have her/him prepare a weekly procedures list for review and approval by the Commission. At the suggestion of the department, require the Secretary to keep a time log of hours worked on what activities.
7. Arrange for a special workshop in the Brown Act and the San Francisco Sunshine Ordinance to be conducted by the City Attorney's Office either in person or online.
8. Hire the new Secretary on a provisional basis, with performance reviews at one month, three months, and six months. During the provisional period of six months, the employee may resign at any time with one week's notice. The Commission may terminate the Provisional Secretary at any time with one week's notice without cause.
9. The Commission President and one additional Commissioner will conduct the performance reviews as described in Item 8 and give a general report to the Commission.

**PROCEDURE 4: EVALUATING AND INTERVIEWING POTENTIAL
APPOINTEES TO SUBORDINATE BODIES OF THE BIC**

The Building Inspection Commission shall be guided by its Policy and Procedures Regarding BIC Appointments and Removals in appointing members to BIC subordinate bodies (Policy 1.03 of Rules, Resolutions, Policies and Procedures of the Building Inspection Commission). The Building Inspection Commission, at its Regular Meeting of November 17, 1995 clarified the procedure in which the BIC evaluates and interviews potential appointees. These procedures are described herein. The Commission may undertake one or more of the following alternatives:

- * The Building Inspection Commission may interview a potential appointee at a Regular Meeting or Special Meeting of the full Commission. This interview shall be included in the Agenda and Notice of said Regular or Special Meeting.
- * The President of the Building Inspection Commission may direct the BIC Appointments Committee or form a separate committee to evaluate and interview potential

appointments to a BIC subordinate body. The BIC Appointments Committee or any sub-committee, constituted for the purposes of evaluating or interviewing potential appointees to BIC subordinate bodies, shall be subject to the Ralph M. Brown Act and the San Francisco Sunshine Ordinance. Said committee(s) shall report the evaluation and interview results to the full Building Inspection Commission at its next Regular or Special Meeting.

- * Any member of the Building Inspection Commission may contact a potential appointee to a BIC subordinate body to discuss the potential appointee's goals and commitment as these relate to the subject matter jurisdiction and business of the subordinate body that the potential appointee is being considered for.

PROCEDURE 5: ORIENTATION PROGRAM FOR NEW APPOINTEES TO SUBORDINATE BODIES OF THE BIC

- * **Appointment at a BIC Meeting** – After a vote to appoint a new member to a subordinate body of the Building Inspection Commission, the Commission may, through the Chair, provide an overview of the Commission's policy guidelines and direction to new appointee(s). The Commission may wish to develop a standard text, previously approved by the whole Commission, addressing the role of the relevant subordinate bodies.
- * **A Meeting shall be scheduled with the new appointee and:**
 - The City Attorney** – The BIC Commission Secretary shall provide copies of relevant materials (Brown Act, Sunshine Ordinance Conflict of Interest Ordinance and Form, February 24, 1996 Orientation Meeting Document, etc.) to the appointee(s). Thereafter, the BIC Commission Secretary shall arrange a meeting for the appointee(s) with the City Attorney to provide an overview of the laws and rules for members of City boards and commissions.
 - * **The Director of the Department of Building Inspection** – The new member of a subordinate body shall meet with the Director of the Department of Building Inspection to discuss the overall organization and the programs of the Department.
 - * **The Chair and the Secretary of the Subordinate Body** – the new member of a subordinate body shall meet with the Chair and Secretary of the subordinate body to discuss that body's policies and procedures, schedule of meetings, and other matters that would give an overview of the functions of the subordinate body.

- * **The BIC Commission Secretary** – The new member of a subordinate body shall meet with the BIC Commission Secretary to discuss the BIC programs and procedures. The Commission Secretary shall provide copies of the BIC’s Rules, Resolutions, Policies and Procedures, sample Agendas, sample Minutes, the yearly Agenda Calendar and other materials that would give an overview of the Building Inspection Commission.